

立法會
Legislative Council

LC Paper No. CB(1) 400/05-06
(These minutes have been seen
by the Administration)

Ref : CB1/PL/HG/1

Panel on Housing

Minutes of meeting
held on Monday, 7 November 2005, at 2:30 pm
in the Chamber of the Legislative Council Building

- Members present** : Hon CHAN Kam-lam, SBS, JP (Chairman)
Hon LEE Wing-tat (Deputy Chairman)
Hon Albert HO Chun-yan
Hon CHAN Yuen-han, JP
Hon LEUNG Yiu-chung
Dr Hon YEUNG Sum
Hon Abraham SHEK Lai-him, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Frederick FUNG Kin-kee, JP
Hon WONG Kwok-hing, MH
Dr Hon Joseph LEE Kok-long
Hon Alan LEONG Kah-kit, SC
Hon Albert Jinghan CHENG
- Members absent** : Hon Fred LI Wah-ming, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon James TO Kun-sun
Hon Albert CHAN Wai-yip
Hon LEUNG Kwok-hung
Hon CHEUNG Hok-ming, SBS, JP
Hon Patrick LAU Sau-shing, SBS, JP
- Public officers attending** : **Agenda items IV and V**
Mr K H LAU, JP
Deputy Director (Estate Management)
Housing Department

Mr WONG Bay
Assistant Director (Estate Management)
Housing Department

Mr Stuart CHEN
Chief Manager (Management)
Housing Department

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

Staff in attendance : Mr WONG Siu-yee
Senior Council Secretary (1)7

Miss Mandy POON
Legislative Assistant (1)4

Action

I Confirmation of minutes
(LC Paper No. CB(1) 126/05-06 -- Minutes of meeting on
13 October 2005)

The minutes of the meeting held on 13 October 2005 were confirmed.

II Information papers issued since the last meeting

2. Members noted that the following information paper had been issued since the last meeting -

LC Paper No. CB(1) 67/05-06(01) -- Referral from Duty Roster Members regarding provisions under the Landlord and Tenant (Consolidation) Ordinance (Cap. 7)

III Items for discussion at the next meeting

(LC Paper No. CB(1) 212/05-06(01) -- List of outstanding items for discussion

LC Paper No. CB(1) 212/05-06(02) -- List of follow-up actions)

3. Members agreed to discuss the following items at the next meeting scheduled for Monday, 5 December 2005, at 2:30 pm -

- (a) Marking Scheme for tenancy enforcement in public housing estates; and
- (b) Review of transfer arrangements for public housing tenants.

4. Mr WONG Kwok-hing proposed to discuss the issue of allocation of public rental housing (PRH) flats for the elderly to other PRH applicants. The Chairman advised that the subject had already been included in the list of outstanding items for discussion.

5. Noting that the Housing Department (HD) was conducting comprehensive structural investigation on old PRH estates aged around 40 years and above, Miss CHAN Yuen-han expressed concern that it would deliberately include estates located at prime sites in the survey with a view to demolishing them for other uses. She therefore considered it necessary for the Panel to follow up the issue. The Chairman said that according to his understanding, the purpose of the survey was to ascertain the building safety of PRH estates of over 40 years of age. An interim report on the surveyed estates would be published by the end of 2005 or early 2006, after which the Panel could decide on the way forward.

IV Total Maintenance Scheme for public rental housing estates

(LC Paper No. CB(1) 212/05-06(03) -- Information paper provided by the Administration)

6. The Deputy Director (Estate Management) (DD(EM)) gave a power-point presentation on the Total Maintenance Scheme (TMS) for PRH estates.

(Post-meeting note: The presentation materials tabled at the meeting were subsequently issued to members vide LC Paper No. CB(1) 239/05-06 on 8 November 2005.)

7. Miss CHAN Yuen-han questioned the need for TMS, which in her view was similar to other existing maintenance schemes, such as the Condition, Appraisal, Repair and Examination (CARE) Programme as well as the HomeCARE Programme. Noting that the implementation of TMS would cost about \$6.3 billion in total in the next five years, she opined that it would be a waste of money if HD failed to monitor the performance of its outsourced contractors, which was indeed the inherent problem with the existing maintenance schemes.

8. In reply, DD(EM) explained that unlike other existing maintenance schemes which targeted at the common and external areas in PRH estates, TMS was aimed at providing comprehensive, customer-oriented maintenance services featuring proactive in-flat inspection and enhanced prompt services upon tenants' requests for repairs. Early detection and rectification of defects would help prevent dilapidation, eliminate

health and safety hazards, minimize malfunctioning of facilities and avoid unnecessary expenses on major corrective maintenance. He also recognized that the performance of Property Service Agents (PSAs) and maintenance contractors was crucial for delivering quality services to tenants. In order to enhance the management and monitoring of PSAs and maintenance contractors, the Housing Authority (HA) would review the tendering arrangements and streamline the quality auditing and performance verification process. HA would also tighten its list management, including more stringent and timely regulatory actions against poorly-performing PSAs and maintenance contractors, cultivation of a partnering relationship among tenants, PSAs and maintenance contractors for quality property management and maintenance services for the existing housing estates and review of the contract renewal strategy to ensure the continuity of quality service.

9. Dr YEUNG Sum however expressed concern that the practice of awarding management and maintenance contracts to the lowest bid would compromise the quality of service as contractors might tend to use sub-standard materials to save costs. The Assistant Director (Estate Management) (AD(EM)) clarified that tender price was only one of the factors to be considered in assessing tenders submitted by contractors. He reiterated that HD attached great importance to the technical capability and past performance of bidders. In fact, HD had rejected many tenders from PSAs and maintenance contractors whose tender prices were unreasonably low.

10. Mr LEE Wing-tat opined that there were three major problems with contractors. These included the lack of performance pledges on when maintenance requests would be dealt with, the absence of satisfaction survey and internal review to monitor the performance of contractors. He added that the Office of the Ombudsman had rightly pointed out that outsourcing of work did not mean outsourcing of responsibility. While HD could outsource its management and maintenance functions to contractors, it still had the ultimate responsibility for ensuring the quality of service delivered by its contractors. He could not accept that HD should use the difficulty in identifying suitable sizeable contractors as the excuse to tolerate those poorly-performing contractors. Expressing similar concerns, Mr Frederick FUNG enquired about the measures which HD would take in enhancing its monitoring role.

11. In reply, DD(EM) reiterated that HD attached great importance to the service quality of contractors and had put in place a Quality Maintenance Contractors (QMC) system to monitor their performance. In this connection, contractors were encouraged to provide training to their workers with a view to meeting the service standards of HD. All workers of contractors were also required to pass the relevant trade tests before they were allowed to carry out repair works. Apart from satisfaction surveys after completion of maintenance works, HD also conducted an annual survey to gauge Estate Management and Advisory Committees (EMACs) and tenants' views on the performance of contractors. AD(EM) supplemented that HD was committed to performing its role in monitoring the performance of contractors and would continue to improve the effectiveness of the monitoring mechanism. Under the QMC system,

objective evaluations and feedback from estate managers and tenants would be solicited in assessing the performance of contractors, and the QMC status of poorly-performing contractors attracting adverse reports would be terminated and they would be suspended from further tendering. In fact, the QMC status of one contractor had been terminated this year.

Scope of TMS

12. Mr Albert HO enquired about the criteria in determining the priority for PRH estates to be inspected under TMS. He also asked whether Tenants Purchase Scheme (TPS) Phase 6B estates were included in TMS before these were put up for sale. DD(EM) replied that priority for inspection would be mainly determined by the age of PRH estates. It was expected that in-flat inspection would be carried out for 30 estates each year so that all PRH estates would be inspected in the coming five years. He also confirmed that inspection for TPS Phase 6B estates had already been completed.

13. Mr WONG Kwok-hing opined that it would be unfair to tenants if they were required to bear the repair costs for structural defects, such as ceiling seepage and spalling. DD(EM) clarified that costs of repair for structural defects and those arising from normal wear and tear would be borne by HD. However, tenants would be responsible for rectifying defects caused by themselves, such as broken glasses, tiles and toilets. In the event that tenants failed to carry out the necessary repair works, HD would undertake the rectification works first and reimburse the costs from tenants concerned later. Mr WONG asked if there were any measures to assist tenants, particularly those who were not recipients of Comprehensive Social Security Assistance but had difficulty in repaying the repair costs. DD(EM) said that needy tenants could seek financial assistance from voluntary agencies, such as St James Settlement, in this regard.

14. As it might be difficult to distinguish defects caused by normal wear and tear or by tenants themselves, Mr Albert HO considered it necessary for HD to clearly set out the circumstances under which tenants were required to bear the repair costs with a view to removing any possible ambiguity. Mr LEUNG Yiu-chung asked if TMS represented a change in policy since tenants were not required to pay for any repair works in the past. In response, DD(EM) clarified that this was not the case. He said that tenants had all along been required to pay for repair of defects caused by themselves. This was clearly specified in the tenancy. Meanwhile, HD would bear the costs of large-scale rectification works and repairs for defects due to normal wear and tear.

15. Mr LEUNG Yiu-chung said that he had received complaints from tenants about the way in which rectification works were carried out. For instance, HD would only replace the damaged part of a broken toilet door but the colour of the replaced portion did not match with the rest of the door. He asked if there was any mechanism under TMS through which tenants could lodge their complaints. Expressing similar concern, Mr Albert HO enquired about the criteria which HD adopted in determining

whether part or whole of the facilities should be replaced. AD(EM) recognized that the question of whether a toilet door or iron gate should be wholly or partly replaced in case of damage was often a subject of contention. He explained that from a resource management point of view, efforts should be made to repair damaged facilities as far as possible before replacement should be considered. He nevertheless agreed that these facilities should be repaired up to the standard as shown in the mock flat which was open to tenants for inspection. Pamphlets and education paths were also made available to enhance tenants' understanding in this regard. As regards complaints about the workmanship of repair works, AD(EM) said that tenants could lodge their complaints with the Chief Managers of their respective regions.

Estate Improvement Programme

16. Dr YEUNG Sum noted that demolition would be considered if certain blocks or estates were found to be structurally unsafe or beyond economic repairs. He enquired about the criteria which HD would adopt in deciding whether a block or estate should be demolished and whether in-situ rehousing was available since tenants of aged estates, such as Wah Fu Estates, were reluctant to move to other districts. AD(EM) explained that currently comprehensive structural investigation would be conducted on aged public housing estates to ensure these were structurally safe. As structural investigation was very complicated, it would take about two-and-a-half years to complete investigation of nine estates. Large amount of data would have to be obtained for analysis on the need for demolition or repair. For blocks or estates which were structurally safe but required repair works, HD would undertake the necessary works if these were considered cost-effective. Opportunity would also be taken to review the improvement needs of these older housing estates. Provisions for access, landscaping, facilities for the elderly, recreational and sports facilities etc would be examined with reference to the demographic profile of the estate and in consultation with EMAC.

17. Mr Frederick FUNG questioned the criteria for assessing the cost-effectiveness of the repair works. By way of illustration, So Uk Estate with age over 40 years was subject to constant repair regardless of its dilapidated condition and deteriorated living condition. He enquired when the structural investigation report would be completed. He added that the assessment criteria together with the investigation report should be released to facilitate tenants' understanding on the process of decision making. His view was shared by Mr Albert HO. DD(EM) replied that structural repair works were considered cost-effective if these could extend the service life of the blocks or estates concerned by at least 15 years. If not, demolition would be considered taking into account factors such as economic consideration, living conditions of tenants, resource implications etc. He assured members that HD would disclose the assessment criteria after completion of the investigation reports. The report for So Uk Estate was expected to be completed by the end of 2005.

18. In addition to structural investigation, Mr LEUNG Yiu-chung opined that consideration should also be given to reviewing the internal layout of the flats in aged

estates with a view to improving the living condition of tenants. Mr WONG Kwok-hing added that apart from aged estates, HD should also take a proactive role in reviewing the improvement needs of other estates. By way of illustration, the uncovered long stairway in Kwai Chung Estate, which was the only access to public transportation, shops and markets at Kwai Chung Road, had caused much inconvenience to tenants, particularly elderly tenants. Miss CHAN Yuen-han echoed that installation of lifts or escalators should be considered for estates located in hillside areas to facilitate easy access. In response, DD(EM) explained that repair and enhancement projects for estates with age below 40 years, such as Kwai Chung Estate, would be included under TMS.

V Additional support and care services for visually impaired residents in public rental housing estates

(LC Paper No. CB(1) 212/05-06(04) -- Information paper provided by the Administration)

19. AD(EM) gave a power-point presentation on the additional support and care services for visually impaired residents in PRH estates.

(Post-meeting note: The presentation materials tabled at the meeting were subsequently issued to members vide LC Paper No. CB(1) 239/05-06 on 8 November 2005.)

20. While welcoming the efforts made by HD in supporting visually impaired PRH residents, Mr WONG Kwok-hing opined that these should be extended to cover other needy residents, including disabled persons and elders. To provide barrier free access for these residents, particularly those living in PRH estates located in hillside areas, consideration should be given to installing lifts/escalators in these estates. Referring to an allegation that the offer of half-fare to persons with selected disability by public transport operators might constitute a breach of the Disability Discrimination Ordinance (DDO) (Cap. 487), Mr LEUNG Yiu-chung queried if the provision of additional support and care services to only visually impaired residents also constituted a breach of DDO. He agreed with Mr WONG that the supporting services should be extended to other needy PRH residents.

21. AD(EM) explained that provisions for disabled persons were stipulated in the "Design Manual: Barrier Free Access 1997" (the Design Guide), which had been applied to all of the HA's building contracts tendered since April 1998. As such, all estates built after 1998 complied with Design Guide. To facilitate barrier-free access within PRH estates, facilities such as ramps, handrails, dropped kerbs and tactile strips were provided in all existing PRH estates. Up to now, 91 estates had been equipped with these provisions while installation works in 69 estates were in progress. The entire programme was expected to be completed within six to nine months. DD(EM) supplemented that HD had consulted the Equal Opportunities Commission which confirmed that the

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provision of additional support and care services for visually impaired PRH residents complied with DDO. He nevertheless agreed to the need to care for other types of disabled persons. In this connection, HD had allowed disabled persons living in private and self-owned properties without lifts to move in PRH estates upon recommendation by the Social Welfare Department (SWD). At members' request, the Administration undertook to provide the names of the 69 estates and the target completion dates.

22. On installation of lifts/escalators, AD(EM) said that this had to be considered on a case-by-case basis taking into account factors, such as technical feasibility, structural condition of the blocks, space constraints and cost-effectiveness etc. In the case that the lifts/escalators had to be installed outdoor, investigations on geological conditions and impact assessments on underground utility facilities as well as other regulatory issues had to be conducted. As an interim measure, disabled persons and elders with mobility problems could be transferred to flats at lower levels or flats with lift access. Consideration would also be given to securing home help service for them.

23. Miss CHAN Yuen-han was not convinced that the Administration should use technical feasibility as an excuse to refuse the installation of lifts/escalators for older PRH estates such as Kwai Chung Estate, Lei Muk Shue Estate and Kwai Shing (East) Estate. She urged the Administration to take a proactive approach in this respect. For instance, HD should make use the opportunity of the construction of the Sha Tin to Central Link to install lifts/escalators for Wong Tai Sin Estate. If resources were not available, consideration should be given to soliciting assistance from district organization as in the case of Tsz Ching Estate. The Chairman also pointed out that the need for lifts/escalators in some estates might become more imminent as a result of developmental changes in the proximity such that paths not frequented in the past might have become the main access. As such, a policy on the provision of lifts/escalators might need to be worked out to resolve the access problems. Mr LEUNG Yiu-chung said that the provision of ramps and dropped kerbs could only solve the problem of access to upper floors. Besides, the provision of lifts/escalators would not only benefit disabled persons and elders, but also other residents of the estates. In the event that installation of lifts/escalators was not technically feasible in aged estates, consideration should be given to demolishing them.

24. Mr Albert HO enquired if HD was also responsible for installing lifts/escalators for footbridges next to PRH estates. AD(EM) explained that the Highways Department (HyD) was responsible for ensuring barrier-free access to footbridges. Nevertheless, HD would liaise with the relevant departments, including HyD, on the need to enhance access to facilities in the proximity of PRH estates. DD(EM) supplemented that it was hoped that the provision of additional support and care services for visually impaired PRH residents by HD would set a good example for other Government departments and the private sector to follow suit. The Chairman noted that new footbridges were provided with lifts or ramps. In case where enhancement works were identified, the requests could be directed to the relevant Government departments.

25. In view of the ageing population, Miss CHAN Yuen-han reiterated that there was an imminent need to resolve the access problems faced by elderly PRH tenants. DD(EM) advised that it was the Government's policy to encourage the elderly to stay and integrate into the community. In this connection, HD had adopted a universal design in building PRH flats so that the elders could age in place. All PRH estates completed since 2005 adopted such a design and were provided with lifts for easy access by elders and disabled persons. For residents who had difficulty in staying at the existing estates due to insufficient access facilities, HD had put in place a transfer scheme under which transfer to another suitable flat could be arranged within one month. It was hoped that through the provision of additional facilities, disabled persons and elders could integrate into the community.

26. The Chairman asked if consideration could be given to transferring visually impaired residents to the same estates, particularly those in the proximity of relevant voluntary agencies, thereby saving the required resources for installation of additional facilities. This would also minimize the possible objection from owners' corporations (OCs) of TPS estates, which would be required to bear the maintenance costs for the additional facilities. Arrangement should also be made to allocate flats at the lower floors to visually impaired residents to facilitate easy access, particularly in the event of emergency such as a fire.

27. DD(EM) said that the transfer arrangement could only solve the problems of disabled residents. One of the objectives of the provision of additional support and care services was to facilitate accessibility of disabled visitors to PRH estates. Tactile guide paths leading to major locations, such as terminus and shopping arcades had been installed. Consideration would be given to extending these to service centres for visually impaired persons nearby. As regards provision of additional support and care services in TPS estates, DD(EM) said that HD would be responsible for the capital cost of these services while OCs would bear the maintenance cost which was expected on the low side. HD would liaise with OCs in this respect.

28. While supporting the initiatives taken by HD, particularly the allocation of PRH flats to disabled persons living in private and self-owned properties without lifts, Mr Abraham SHEK enquired about the application procedures for such an arrangement. AD(EM) said that applications could be made through medical social workers in the Hospital Authority and SWD, after which HD would make the follow-up arrangements. The Chief Manager (Management) added that HD would modify the internal layout of PRH flats, such as toilets, to suit their needs.

VI Any other business

29. There being no other business, the meeting ended at 4:20 pm.

Council Business Division 1
Legislative Council Secretariat
2 December 2005