

立法會
Legislative Council

LC Paper No. CB(1)709/07-08
(These minutes have been seen
by the Administration)

Ref : CB1/PL/HG/1

Panel on Housing

Minutes of meeting
held on Monday, 5 November 2007, at 2:30 pm
in the Chamber of the Legislative Council Building

Members present : Hon LEE Wing-tat (Chairman)
Hon WONG Kwok-hing, MH (Deputy Chairman)
Hon Fred LI Wah-ming, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHAN Yuen-han, SBS, JP
Hon CHAN Kam-lam, SBS, JP
Dr Hon YEUNG Sum, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon LI Kwok-ying, MH, JP
Dr Hon Joseph LEE Kok-long, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Prof Hon Patrick LAU Sau-shing, SBS, JP

Members absent : Hon James TO Kun-sun
Hon LEUNG Yiu-chung

Public officers attending : Agenda Items IV & V
Mr LAU Kai-hung, JP
Deputy Director (Estate Management)
Housing Department

Mr Tony LIU King-leung
Chief Manager/Management (Support Services 2)
Housing Department

Agenda Item VI

Mr Kenneth WONG Hung-keung
Chief Civil Engineer
Housing Department

Mr IP Shing-tim
Senior Civil Engineer
Housing Department

Mrs Connie LAI FAN Siu-wah
Chief Planning Officer
Housing Department

Mr CHAN Chi-ming
Chief Engineer/Special Duties (Works)
Civil Engineering Office
Civil Engineering and Development Department

Mr YUNG Chung-bun
Senior Engineer/Special Duties (Works) Division
Civil Engineering Office
Civil Engineering and Development Department

Mr KONG Kwok-ching
Chief Engineer/Consultants Management
Water Supplies Department

Mr Lawrence POON Pak-wah
Senior Engineer/Consultants Management 1
Water Supplies Department

Clerk in attendance : Ms Connie SZETO
Chief Council Secretary (1)6

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

Ms Michelle NIEN
Legislative Assistant (1)9

I Confirmation of minutes

(LC Paper No. CB(1)92/07-08 -- Minutes of meeting on 11 October 2007)

The minutes of the meeting held on 11 October 2007 were confirmed.

II Information papers issued since the meeting held on 17 July 2007

(LC Paper No. CB(1)2160/06-07(01) -- Administration's paper on Operation of Quota and Points System for Non-elderly One-person Applicants of Public Rental Housing

LC Paper No. CB(1)2237/06-07(01) -- Administration's paper on Land Registry statistics in July 2007 (press release)

LC Paper No. CB(1)2321/06-07(01) -- Administration's paper on General Housing Policies (Booklet)

LC Paper No. CB(1)2326/06-07(01) -- Administration's paper on Land Registry statistics in August 2007 (press release)

LC Paper No. CB(1)2355/06-07(01) -- Extract of minutes regarding referral from Legislative Council Members' meeting-cum-luncheon with Northern District Council on public housing allocation policy (Restricted to Members only)

LC Paper No. CB(1)2449/06-07(01) -- Administration's paper on Land Registry statistics in September 2007 (press release))

2. Members noted that the above information papers had been issued since the last regular meeting held on 17 July 2007.

III Items for discussion at the next meeting

(LC Paper No. CB(1)143/07-08(01) -- List of outstanding items for discussion

LC Paper No. CB(1)143/07-08(02) -- List of follow-up actions)

3. Members agreed to discuss the following items at the next regular meeting to be held on Monday, 3 December 2007, at 2:30 pm:

- (a) Environmentally friendly designs of and green measures implemented in public rental housing (PRH) estates; and
- (b) Improvements in facilities and living space in aged PRH estates.

IV Rent collection for public housing estates

(LC Paper No. CB(1)143/07-08(03) -- Administration's paper on rent collection in public rental housing estates

LC Paper No. CB(1)200/07-08(01) -- Administration's paper on the list of estate shroff offices where rent collection services would cease with effect from 1 January 2008)
(tabled at the meeting and subsequently issued via email on 6 November 2007)

4. Members noted the list of 23 estate shroff offices where rent collection services would cease with effect from 1 January 2008, which was tabled at the meeting (the tabled list).

Briefing by the Administration

5. With the aid of a video, the Deputy Director of Housing (Estate Management) (DD(EM)) briefed members on the Administration's paper on the enhanced rent collection services (the enhanced services) provided by the Hong Kong Housing Authority (HA) for PRH tenants. Members noted that starting from December 2005, tenants had been issued e-Payment Cards to replace the paper Rent Cards that needed to be replaced every two years. With the e-Payment Cards, tenants could at present pay rents at some 800 7-Eleven Convenience Stores and 50 MTR Customer Service Centres (MTRCSCs) located across the territory, apart from the shroff offices located in the estate management offices. The new arrangement had facilitated tenants in paying rents outside office hours, and significantly increased the number of conveniently located rent collection points. In addition, rent allowances granted to some 130 000 PRH households receiving the Comprehensive Social Security Assistance had been directly credited to the Housing Department (HD) by the Social Welfare Department with effect from 1 June 2007. According to DD(EM), the enhanced services had not only enhanced HD's operational effectiveness allowing redeployment of resources to strengthen and improve other areas of work and services, but also reduced rent arrears from 6.35% in October 2005 to 3.4% in July 2007.

(Post-meeting note: Soft copy of the video was circulated to members vide LC Paper No. CB(1)218/07-08 by e-mail on 7 November 2007.)

Discussion

The planned closure of estate shroff offices

6. Dr YEUNG Sum opined that the reduction in rent arrears as reported by the Administration might be the result of an improved economy rather than the implementation of the enhanced services. He then enquired about the future use of the estate shroff offices on the tabled list. He was keen to ensure that the premises would be redeployed for provision of community services by non-profit making organizations after closure. In reply, DD(EM) advised that most of the shroff offices were indeed counters providing rent collection service inside estate management offices. As such, these counters would be used for provision of other estate management services. He added that after consultation with the relevant Estate Management Advisory Committees (EMACs), the shroff offices concerned had already started to operate on a half-day basis since 1 October 2007.

7. While welcoming the enhanced services, Mr LI Kwok-ying pointed out that some estates did not have 7-Eleven Convenience Stores, and sought to ensure that only those shroff offices in estates where there were convenient rent collection points in the estates concerned or in the vicinity would be closed. In response, DD(EM) confirmed that this would be the basic arrangement as far as practicable. He further confirmed that all estates on the tabled list had convenient rent collection points in the estates or in the vicinity. Where necessary, HD could also provide door-to-door rent collection service to elderly or disabled tenants who might find it inconvenient to go to convenience stores or MTRCSCs. He believed that with the some 800 7-Eleven Convenience Stores and 50 MTRCSCs located across the territory, tenants should have no difficulty in finding conveniently located rent collection points in their estates or in the vicinity. Moreover, since each PRH household had been issued with two e-Payment Cards, tenants and their family members could use the e-Payment Card to pay rent either at the MTRCSCs/7-Eleven Convenience Stores in or near the estates where they lived, or at such rent collection points located on their way to work.

8. Notwithstanding the door-to-door rent collection service, Miss CHAN Yuen-han was still concerned that elderly or disabled tenants would be affected. In particular, she cast doubt on whether the door-to-door rent collection service would be capable of meeting the increasing demand with the closure of shroff offices, and whether such service would be provided in PRH estates where management services had been contracted out. In reply, DD(EM) pointed out that the enhanced services had already been smoothly implemented in full swing for nearly six months. Some estate shroff offices had already started to operate on a half-day basis since 1 October 2007. He assured members that HD would monitor the impact of the closure of shroff offices on tenants and would carefully review the situation some time after the full implementation to work out the way forward. If required, the door-to-door rent collection service could also be provided in estates where the management services had been contracted out.

9. Miss CHAN Yuen-han was keen to ensure that the enhanced services would not affect tenants at all, and urged the Administration to closely monitor the situation, and where necessary introduce measures to mitigate any adverse impact it might have. In response, DD(EM) assured members that the Administration would endeavour to follow this direction. It would also continue to introduce appropriate measures to help tenants adapt to the enhanced services, and provide assistance to tenants with special needs.

10. The Chairman pointed out that there were no 7-Eleven Convenience Stores or bank facilities in High Prosperity Terrace on the tabled list, and tenants there might have to walk uphill for 15 minutes to Kwai Shing West Estate to pay rents after the closure of the shroff office in the estate. He therefore called upon the Administration to review the tabled list, and ensure that the closure of shroff offices would not create difficulties for elderly tenants in making rent payment. In reply, DD(EM) pointed out that HD had consulted the EMAC of High Prosperity Terrace before including the estate in the tabled list. Residents had no objection to closure of the shroff office concerned as there was a shroff office at Kwai Shing West Estate nearby and they visited the Estate frequently for public transport.

Improvements to the enhanced services

11. The Chairman indicated support for the enhanced services. In this regard, he enquired if the rent amount to be paid by a PRH household would be shown on the e-Payment Card to prevent elderly tenants from paying the wrong amount. DD(EM) replied that for the convenience of tenants, HA had introduced the 24-hour "Rent Enquiry Hotline" since March 2007 for PRH tenants to check the monthly rent payable and the latest rent payment status. The Administration had also been examining the feasibility of providing such information in the e-Payment Card by sticking a label on the card. In consideration of the rent adjustments necessitated by the rates concessions in the coming months, tenants were encouraged to use the hotline or visit the estate shroff offices in person to check the rent payment details. In parallel, the Administration would also examine the feasibility of installing electronic rent enquiry machines in estate offices for tenants to check rent information or print out information on rent payment by e-Payment Cards.

12. In view that many elderly tenants would have difficulty in remembering the amount of monthly rent payable, the Chairman suggested that in the meantime, the Administration should consider issuing a paper card to all PRH households listing the monthly rental in the following year. In response, DD(EM) said that PRH tenants would be informed in writing at least one month before any revision in rents came into effect.

Other concerns

13. Prof Patrick LAU declared interests as a member of HA. He enquired about the fees charged by the bank which arranged for provision of the enhanced

services, and whether cheque payment was accepted under the enhanced services. In reply, DD(EM) advised that the fees charged were at a level similar to that charged for arranging rent payment by autopay through banks. As to payment by cheques, the Administration had made an agreement with the MTR Corporation Limited for accepting cheque payment at MTRCSCs with effect from April 2008. Meanwhile, tenants could continue to pay rent by cheque at estate management offices.

14. Dr Joseph LEE expressed support for the enhanced services. While welcoming the provision of door-to-door rent collection service for elderly or disabled tenants after the closure of shroff offices in estates, he enquired about existing assistance to these tenants in paying rent. In response, DD(EM) confirmed that the door-to-door rent collection service was no new service although it might need to be expanded in keeping with the planned closure of shroff offices to cater for special needs of elderly or disabled tenants. Estate staff would continue to assist the elderly tenants to make use of autopay or other electronic means to pay rent.

15. In summing up, the Chairman concluded that while members had no objection to the enhanced services in principle, the Administration should implement improvement where appropriate as suggested by members in the above discussion and help tenants adapt to the enhanced services. The Administration was urged to review the tabled list to avoid causing inconvenience to PRH tenants, particularly elderly or disabled tenants.

V Review of the Marking Scheme for Estate Management Enforcement in public housing estates

(LC Paper No. CB(1)184/07-08(01) -- Administration's paper on Marking Scheme for Estate Management Enforcement in public housing estates

LC Paper No. CB(1)201/07-08 -- Administration's paper on Marking Scheme for Estate Management Enforcement in public housing estates (power-point presentation materials)
(tabled at the meeting and subsequently issued via email on 5 November 2007)

Presentation by the Administration

16. With the aid of powerpoint, the Chief Manager/Management (Support Services 2), Housing Department, gave a presentation on the background and progress of the implementation of the Marking Scheme for Estate Management Enforcement in Public Housing Estates (the Marking Scheme) and the improvement measures which would take effect on 1 January 2008. He provided

statistics on the point allotment cases and households involved and on the most commonly committed misdeeds; and updated members on the enforcement of recent revisions to the Marking Scheme, particularly on the implementation of the extension of the scope of smoking restriction (Misdeed B10) from public lifts to all common areas within domestic buildings since January 2007, and further to all estate common areas since April 2007. He highlighted the following salient points:

- (a) At present, the Marking Scheme covered 25 hygiene or estate management-related misdeeds which were categorized into Category A (three points), B (five points), C (seven points) and D (15 points);
- (b) The implementation of the Marking Scheme had helped improve the environmental hygiene of public housing estates (PHEs). According to the findings of the "Public Housing Recurrent Surveys", tenants' satisfaction over estate cleanliness had significantly increased from 52.1% in 2003 to 71.0% in 2007. According to the latest figures, 81.8% indicated that the Marking Scheme could improve estate cleanliness whilst 70.0% considered the penalty reasonable;
- (c) The Subsidised Housing Committee of HA approved the inclusion of the following two new misdeeds (the two new misdeeds) on 16 October 2007 for implementation on 1 January 2008 –

- (i) *Illegal gambling in public places*

- To step up measures to combat illegal gambling in public places in PHEs, HA had decided to include a new misdeed item, "Illegal gambling in public places", under the Marking Scheme. Upon conviction under the Gambling Ordinance (GO) (Cap. 148), the tenant concerned would be allotted five points; and

- (ii) *Using leased premises for illegal purpose*

- HA had revised the Marking Scheme to include "Using leased premises for illegal purpose" as a new misdeed item. Seven points would be allotted without warning if an authorized occupant had been convicted of using the leased premises for illegal purposes but HA could not issue a Notice-to-Quit (NTQ) to terminate the tenancy due to legal considerations; and

- (d) HA would continue to publicize the Marking Scheme and the two new misdeeds through radio publicity, the Housing TV Channel, departmental hotline, estate newsletters, leaflets and posters.

Discussion

The need of and justifications for the two new misdeeds

17. Mr Fred LI queried the appropriateness of including "Illegal gambling in public places" under the Marking Scheme, pointing out that the Marking Scheme should only target at hygiene or estate management-related misdeeds and not illegal gambling, which was a criminal offence and enforcement could already be taken under the GO. He expressed concern about harshness in allotting penalty points on elderly tenants who were gathering together to play cards or mahjong as a pastime. In his view, only organized gambling activities controlled by triad societies should be targeted. Moreover, it was unfair that only gamblers living in the PHE concerned would be allotted penalty points while those living in other PHEs could be spared from the penalty.

18. In reply, DD(EM) pointed out that the recently introduced misdeeds and the two new misdeeds had been proposed in response to tenants' request for HD to strengthen effort in combating such misdeeds 'to minimize the adverse impact on the living environment and public order. In the case of illegal gambling in PHEs, all along, such an unlawful act had been tackled through education and Police raiding operations. Inclusion of the new misdeed to sustain the effect of Police actions was necessary. As observed in a PHE in East Kowloon, announcement of the introduction of the new misdeeds had already resulted in an improvement in the situation in the estate. He further assured members that tenants would not be allotted points for engaging in social gambling activities highlighted by Mr Fred LI above as the Police would not take actions against social gambling, and only upon conviction under the GO would the tenant concerned be allotted points.

19. Mr LEUNG Kwok-hung considered it too stringent to allot points to a tenant for engaging in illegal gambling unless the tenant concerned used his flat for organizing such activities. He therefore saw a need to consult PHE residents for including the new misdeed under the Marking Scheme. In response, DD(EM) referred members to Annex E to the Administration's paper, which showed that there were 71 convicted cases of illegal use of leased premises from 2004-2005 to 2006-2007. Among these cases, two cases involved illegal gambling in 2004-2005, while the numbers for 2005-2006 and 2006-2007 were three and six respectively. He explained that according to the existing policy, HD could terminate the tenancy without prior warning if the tenant or any authorized occupant was convicted of using the leased premises for illegal purpose and HA had established that the tenant had knowledge of such illegal use. However, if HA could not prove that the tenant had knowledge of such illegal use, it might be difficult to terminate the tenancy and HA might only be able to issue a warning letter to the tenant concerned. Given the difficulty in establishing proof and limited effect of the warning letters, HA considered it necessary to revise the Marking Scheme to include "Using leased premises for illegal purpose" as a new misdeed in order to enhance alertness of tenants against using leased premises for illegal purpose. Mr LEUNG was however unconvinced as he considered it unfair

to further penalize the tenant for acts which were already subject to fines and even criminal liability under the relevant laws. In response, DD(EM) emphasized that as the property owner, HA had the responsibility to ensure proper use of its premises. It should therefore take action if it was aware of any use of its premises for illegal purposes.

20. Miss CHAN Yuen-han echoed Mr LEUNG Kwok-hung's concern about imposing further penalties on PRH tenants who had been convicted under the relevant laws, which would result in double penalty for the tenants concerned and have implication on the entire household. Moreover, prohibiting social gambling in public places in PHEs might deprive elderly tenants of their rights in participating in social activities.

21. In response, DD(EM) pointed out that all convicted cases of illegal use of leased premises in the past three years were of a serious nature involving illicit cigarettes, dangerous drugs, ammunitions, immoral use and illegal gambling. He pointed out that penalty points would only be allotted to tenants convicted under the relevant legislation. He further re-iterated that the new misdeed on illegal gambling had been proposed in response to PHE residents' requests in recognition of the need to sustain the effect of Police actions and to enable HD staff to better perform their estate management duties.

22. Mr CHAN Kam-lam expressed full support for the Marking Scheme in recognition of its effect in ensuring good estate management. He also found the two new misdeeds reasonable because only tenants convicted under the relevant legislation would be allotted points. Where the misdeed on illegal gambling was concerned, penalty points would be allotted only if the act was conducted in public places. As to the concern about double penalty, Mr CHAN opined that the two new misdeeds were necessary for the sake of ensuring good estate management. Indeed, the inclusion of illegal gambling under the Marking Scheme had already produced good deterrent effect. Improvement was seen in Choi Ha Estate, Choi Wan Estate, Choi Hung Estate and Ping Shek Estate, where illegal gambling was rampant in the past.

23. While supporting the implementation of the Marking Scheme for misdeeds on hygiene- and cleanliness-related areas in PHEs, Mr Frederick FUNG expressed similar concern about imposing double penalty on tenants. He was also wary of uncontrolled expansion of the Marking Scheme, and that HD might assume roles outside its purview. He therefore saw a need to conduct public debate on the new misdeeds, particularly on the misdeed of illegal gambling. In this connection, Mr FUNG questioned the legal basis of the Marking Scheme and stressed the need to examine if allotment of points for illegal gambling was within HD's purview according to the laws of Hong Kong in general, or the Housing Ordinance (HO) (Cap. 283). In his view, the conduct or behaviour of a tenant in the common areas of PHEs should not be subject to conditions in the tenancy agreements. He therefore called upon HA to undertake a comprehensive review of the Marking Scheme to ensure all misdeeds covered were enforceable according to the relevant

tenancy agreements.

24. In response, DD(EM) re-iterated that both the revisions introduced in the first quarter of 2007 and the two new misdeeds which would take effect since January 2008 were proposed in response to residents' requests. He further emphasized that points would only be allotted to convicted tenants under the relevant legislation. Moreover, the only difference to be brought about by including the two new misdeeds was that in the past only warning letters were issued for breach of tenancy conditions, while points would be allotted under the Marking Scheme in the future. While both served to warn tenants against repeating misdeeds, the latter would be more effective. He further assured members that efforts would be made to publicize the two new misdeeds to enhance residents' awareness.

25. Regarding the legal basis of the Marking Scheme, DD(EM) advised that according to the HO, HA could formulate relevant PRH policies for implementation. Under section 4(2)(e) of the HO, HA also had to manage the common parts of PHEs having regard to the interests, welfare and comfort of the tenants thereof. He emphasized that the Marking Scheme had all along been implemented on the basis of the tenancy agreements between HA and tenants. Its purpose was to improve environmental hygiene and order in PHEs. By allotting points under the Marking Scheme instead of issuing warning letters for breach of tenancy conditions, tenants could be better warned against repeating misdeeds. A sound appeal mechanism was also available under the Marking Scheme with successful cases of appeal in the past.

26. Mr Tommy CHEUNG cautioned about the danger of including misdeeds under the Marking Scheme on the basis of residents' views only as in the case of the setting up of designated smoking areas in PHEs. In his view, support by the majority might not be fair and reasonable and might result in tyranny of the majority. He stressed the need to exercise due care to strike a proper balance among interests of residents. As such, while supporting the introduction of the Marking Scheme in the wake of the Severe Acute Respiratory Syndrome incident to enhance environmental hygiene and cleanliness, he echoed members' view on the need to conduct thorough debate before introducing the two new misdeeds. In this regard, he also reaffirmed his disagreement to extending the scope of smoking restriction under the Marking Scheme (Misdeed B10) as some tenants might need to smoke in public areas to obviate conflicts with family members who did not smoke.

27. In response, DD(EM) advised that 435 specific smoking areas had already been designated in 149 estates and only four estates had no smoking areas. Among these smoking areas, 278 were open and 157 were provided with covers. Mr Tommy CHEUNG, however, pointed out that the designated smoking areas, being very small in size, could serve little purpose.

28. The Chairman urged the Administration to ensure that estate management staff would not stop social gambling activities in PHEs, and that points would be allotted only upon conviction under the GO. He admitted that the two new misdeeds were controversial. He also saw a need for HA to step up publicity to alert tenants in order to avoid conflicts that might arise from the implementation of the revisions under the Marking Scheme.

29. Miss CHAN Yuen-han and Mr LEUNG Kwok-hung reaffirmed their opposition to the two new misdeeds. In particular, Mr LEUNG opined that by heading towards over-regulation as demonstrated by the introduction of the new misdeeds, Hong Kong was unwisely following the Singaporean model. Expressing concern about possible conflicts between HD and tenants, he stressed the need for HD to exercise great care in implementing the Marking Scheme. In response, DD(EM) re-iterated that points would only be allotted upon conviction under the relevant legislation. Moreover, in the past such cases were already handled by issuing warning letters to the tenants. The new misdeeds only aimed at enhancing the deterrent effect.

30. While agreeing that it might not be inappropriate to allot points to tenants convicted under the GO, Mr Alan LEONG pointed out that tenants playing cards or mahjong in public places might be attributed to the cramped living environment and lack of community facilities in PHEs. He therefore called upon the Administration to provide suitable recreational and leisure facilities in PHEs for elderly tenants. Mr CHAN Kam-lam and the Chairman agreed that it was necessary to improve the provision of recreational and leisure facilities for elderly tenants in PHEs. In this connection, Mr WONG Kwok-hing urged the Administration to consider providing facilities for playing billiard, table tennis, Chinese billiard, and for fitness training, so as to encourage tenants to engage in healthy activities instead of gambling.

31. In response, DD(EM) advised that there were over 140 elderly service centres in PHEs providing a wide variety of activities and services for the elderly. In some large estates, there were even two or three such centres. HA and EMACs would also closely liaise with these centres to ensure the provision of suitable activities and services for elderly tenants. Such efforts would continue. Moreover, HA had already been making efforts to improve PHE facilities. A paper on "Improvements to facilities in aged PRH estates" would be submitted to the Panel for discussion at the regular meeting in December.

32. Mr LEUNG Kwok-hung questioned the adequacy of only 140 elderly centres in PHEs. He also expressed concern about difficulty for NGOs in securing premises for provision of activities and services to elderly tenants after the divestment of retail and carparking facilities in many PHEs to The Link Management Limited. In response, DD(EM) clarified that the 140 elderly centres mentioned above were all operating in premises managed by HA. The Administration would encourage these centres to step up efforts in organizing suitable activities and services for elderly residents.

Concerns about holding the entire household liable for misdeeds committed by individual household members and double penalty on households

33. Mr WONG Kwok-hing enquired whether the entire household issued with a NTQ had to move out from the PRH unit, and if so whether family members would be rehoused in Interim Housing and allowed to apply for PRH again. In reply, DD(EM) explained that the tenancy agreements signed between HA and tenants had already clearly stipulated that a principal tenant and the entire household should be held responsible for all acts of or any breaches of tenancy conditions committed by his or her family members. When PRH tenants entered into tenancy agreements with HA, their attention was also drawn to the relevant terms and conditions therein and they were aware that their family members were likewise bound by the agreements. However, tenancy agreement would only be terminated in the event of repeated offences. Moreover, tenants so evicted who had a genuine need for housing would be offered Interim Housing to ensure that they would not be rendered homeless. Should they wish to apply for PRH again, they would also be allowed to do so with a minimum waiting time of two years, as tenants were not allowed to apply for PRH within two years after the termination of tenancy.

34. In reply to Mr WONG Kwok-hing on the number of households evicted under the Marking Scheme, DD(EM) said that as at 2 October 2007, 16 or more points had been allotted to 12 households. Among these households, two tenants had returned their flats. HD had issued NTQs to the remaining 10 and had recovered six flats as a result. As to Mr WONG's enquiry about the impact on the family members concerned, DD(EM) said that the members of the households with flats recovered all had knowledge of the misdeeds committed by their family members. As to the public, they generally regarded the decisions on termination of tenancy for these cases reasonable and appropriate, especially for the two cases involving the accumulation of large quantity of waste in the flat, and throwing of objects from a height. The family members of these two households also found HD's handling of the two cases reasonable, and had been rehoused in Interim Housing.

35. Mr LEUNG Kwok-hung considered it unfair to hold the entire family liable for the misdeeds committed by individual family members. The provision of welfare services such as subsidized housing should not be denied as a means to penalizing misdeeds committed by PRH tenants. Moreover, family members so affected might not have knowledge of the misdeeds, nor could they prevent the family members concerned from committing the misdeeds. Miss CHAN Yuen-han shared the views. Notwithstanding residents' support, Mr Frederick FUNG stressed the need for careful examination before implementing the two new misdeeds. This was because not only would the tenant convicted under the relevant legislation be doubly penalized but his/her family members would also be adversely affected.

36. In response, DD(EM) pointed out that as revealed by the relevant statistics, only a very small number of PRH households were evicted due to the Marking Scheme. He re-iterated the strong support from PRH residents for the Marking Scheme, and their call for enhancing its enforcement.

The appeal mechanism

37. Mr LEUNG Kwok-hung emphasized the need to put in place an impartial appeal mechanism for tenants issued with NTQs. In response, DD(EM) pointed out that of the 12 households allotted 16 or more points as at 2 October 2007, two households had successfully appealed and had the NTQs cancelled, which demonstrated that the Appeal Panel (Housing) was acting impartially. Mr LEUNG was still unassured and opined that the operation of the Appeal Panel (Housing) lacked transparency.

38. Miss CHAN Yuen-han was concerned that appeals might not necessarily help having regard that the Appeal Panel (Housing) was under HA. In response, DD(EM) clarified that the Appeal Panel (Housing) was independent of HA. With its members directly appointed by the Chief Executive, the Panel had been acting independently as evidenced by its impartial handling of previous cases. He further assured members that there had been successful cases of appeal where sound defense was available.

The need for additional measures against misdeeds

39. Pointing out that tenants had raised concern about nuisance caused by hooligans in some PHEs, Mr Fred LI asked whether consideration would be given to including the misdeed under the Marking Scheme. In response, DD(EM) acknowledged the problem in some estates and undertook to address it by taking appropriate measures. "Causing noise nuisance" had already been made a misdeed under the Marking Scheme with effect from January 2007, and there were two cases of point allotment up to 2 October 2007. Measures would be strengthened against noise nuisance in public areas where necessary to address residents' concerns.

40. Mr LI Kwok-ying was concerned that despite the introduction of the misdeed "Causing noise nuisance", there was little effect in addressing residents' concern. For instance, under a case he was handling, noise nuisance from a household playing mahjong continued from 10 am to 8 pm every day. Despite the nuisance caused to the neighbouring household, it appeared that nothing could be done as both the time and noise levels were within the legal limits, and there was no proof of illegal gambling activities.

41. In response, DD(EM) advised that "A reasonable man approach" was adopted in ascertaining whether there was noise nuisance. Enforcement efforts would focus on noise nuisances that occurred between 11 pm to 7 am, and at least one other household in the neighbourhood would be called upon to substantiate the

complaint before a written warning was given to the offending tenant. However, apart from the Marking Scheme, there were other ways to handle cases such as the one highlighted. For example, HD staff would persuade the household under complaint to urge for improvement. Where justified, transfer could also be arranged for the affected household in recognition of its special needs.

42. Mr CHAN Kam-lam pointed out that there were other environmental hygiene- or public order-related nuisances in PRH estates, and urged the Administration to work out appropriate measures to tackle them. As problems like keeping animals, littering, spitting and throwing objects from a height were still rampant according to the Administration's paper, the Marking Scheme alone could not effectively deter such misdeeds. He further opined that to ensure good estate management, there might also be a need to address the nuisance caused by hooligans as highlighted by Mr Fred LI by way of the Marking Scheme or other measures.

43. In response, DD(EM) re-iterated that according to the latest figures, some 96.4% of the tenants were aware of the Marking Scheme. 81.8% had indicated that the Scheme could improve estate cleanliness whilst 70.0% considered the penalty reasonable. As at 2 October 2007, there had been 225 point-allotment cases for keeping animal with 163 cases still being valid. He assured members that the Administration would endeavour to strengthen efforts against hooligans and other misdeeds mentioned above.

44. The Chairman called upon the Administration to gear up publicity of the Marking Scheme with special emphasis on those commonly committed misdeeds, such as "Utilizing laundry pole-holders for drying floor mop", "Putting dripping flower pots or dripping laundry at balconies", "Littering", etc. The Administration noted his views.

Other views and concerns

45. Mr Alan LEONG expressed concern about unfair treatment to households with points allotted under the Marking Scheme in applying for transfers. In response, DD(EM) said that transfer applications from households carrying points accumulated under the Marking Scheme would not be processed as the households concerned had breached tenancy conditions. However, the allotted points were only valid for two years. Moreover, where circumstances warranted, special consideration would be given if these households had specific social or medical needs. Mr LEONG and the Chairman considered it unfair that households carrying allotted points should be deprived of the right to seek transfer. Mr LEONG added that the penalty points could instead be carried forward to the post-transfer tenancy.

46. Summing up the discussion, the Chairman urged the Administration to note members' concerns about excessive expansion of HA's power, and stressed the need to exercise care in implementing the two new misdeeds.

- VI Development at Anderson Road and the associated mainlaying works**
(LC Paper No. CB(1)143/07-08(04) -- Administration's paper on PWP Item Nos. 566CL & 126WC — Development at Anderson Road and the Associated Mainlaying Works)

Introduction by the Administration

47. At the invitation of the Chairman, the Chief Civil Engineer, Housing Department (CCE/HD) highlighted the salient points of the Administration's paper. In gist, the paper proposed to upgrade the **PWP Item No. 566CL** and part of **PWP Item No. 126WC** to Category A. The scope of the former project included the site formation and associated infrastructure works for the future development of public housing and other facilities at Anderson Road while the latter was to carry out the proposed mainlaying works within the project boundary of **566CL**. The capital costs of **566CL** and the part upgraded under **126WC** were \$3,467.2 million and \$103.8 million respectively in money-of-the-day prices and the two items would be tendered under a single contract. The Administration had consulted Kwun Tong District Council (DC), Sai Kung District Council and other concerned DCs on the proposal. The Administration planned to seek funding approval from the Public Works Subcommittee (PWSC) in late November 2007.

Discussion

Traffic impact

48. Pointing out that there was already traffic congestion problem, in particular during the peak hours, in the vicinity of Anderson Road, especially near Choi Hung, Clear Water Bay Road and New Clear Water Bay Road, Mr CHAN Kam-lam expressed concern about the traffic impact of the proposed housing development on the neighbouring areas. With about 16 100 public housing flats for a population of about 48 000, he was concerned that the proposed development would aggravate the traffic congestion problem and enquired whether the Administration had conducted traffic impact assessment study on the proposed housing development and what mitigation measures would be implemented to address the expected increase in traffic volume arising from the proposed housing development.

49. The Chief Engineer/Special Duties (Works), Civil Engineering Office, Civil Engineering and Development Department (CE/SD(W), CEDD) said that the Administration had already completed a traffic impact assessment study (the Study) on the proposed housing development. The Transport Department (TD) had carefully examined the findings of the Study, which indicated that with improvement works to several road junctions, the capacity of the road network, including New Clear Water Bay and Clear Water Bay, could cope with the growth in traffic volume to be generated by the proposed housing development up to 2021. The Administration was mindful of the need to monitor the impact of population

growth on the traffic in the vicinity and would keep the situation under review in parallel with the phased intake of population in 2015 and 2016. If necessary, the Administration would consider further traffic improvement measures.

50. In response to Mr CHAN Kam-lam's enquiry about whether the report of the Study had been provided to the concerned DCs, CE/SD(W), CEDD said that the Study, which was technical in nature, was an internal document of the relevant departments. Nonetheless, the Administration had consulted the concerned DCs on the proposed traffic improvement measures for tackling possible traffic congestion problem in the area.

51. Reiterating the concern about the existing traffic congestion problem in the area, Mr CHAN Kam-lam did not subscribe to the Administration's explanation and urged the Administration to implement traffic improvement measures in time to relieve the problem. At the request of Mr CHAN and the Chairman, the Administration was requested to provide a summary of the findings of the Study and details of the recommended mitigation measures.

(Post-meeting note: The information provided by the Administration was circulated to members via LC Paper No. CB(1)255/07-08 on 14 November 2007.)

Environmental Impact

52. Referring to the residents' previous complaints about flying debris caused by the blasting works in the public housing development near Jordan Valley, Mr Fred LI expressed concern that the blasting works under **566CL** would affect nearby residents, such as those living in Choi Wan Estate and Sau Mau Ping Estate as the project involved the formation works of about 20 hectares of land platforms. He urged the Administration to learn from past experience and implement all necessary measures to mitigate the nuisances arising from the blasting works and avoid accidents.

53. CE/SD(W), CEDD confirmed that **566CL** would involve rock blasting for the formation of land platforms. While the Administration would strive to minimize the construction waste through reuse on site, it was estimated that 10 million tones of construction waste would need to be transported out of the site for disposal. As about 40% of such waste would be rock, to facilitate their haulage from the site, they would need to be broken up before transportation. He assured members that reference had been made to the blasting works undertaken in Jordan Valley and additional safety and environmental mitigation measures would be put in place to ensure the safety of the works. For instance, certain areas in the site where the works might have an impact on the residents would be designated as "non-blasting zones" where rock breaking would be undertaken by other means instead. Temporary barriers and plastic mats would be installed to minimize noise nuisance and dust emission. These measures had been tried out in the project of Jordan Valley and had been found effective. The Administration had briefed the

concerned DCs on the details of the various mitigation measures.

54. Pointing out that **566CL** would generate in total about 11.4 million tonnes of construction waste, Mr Fred LI was concerned that the trucks transporting the surplus excavated materials would cause traffic congestion in the nearby areas. He asked whether the concerned DCs had been consulted on the transport arrangements for the construction waste.

55. CE/SD(W), CEDD advised that it was predicted that there would be around 600 to 700 dump truck trips per day on average during the construction works for the two projects. The dump trucks would be diverted to use either Tseung Kwan O Road or Clear Water Bay Road in transporting the surplus excavated materials to the transfer station. The contractor would only be allowed to transport the construction waste from the site during non-peak hours. The Administration had consulted the relevant DCs and local organizations, such as area committees and schools, to map out the most suitable routes for transporting the waste to the transfer station.

56. In response to Mr Fred LI's enquiry on the mechanism for monitoring the traffic and environmental impacts of the projects on nearby residents, CE/SD(W), CEDD advised that a liaison group comprising representatives of resident associations, contractors, consultant engineers and the relevant government departments would be set up to monitor the progress of the projects. The consultant would also monitor the situation and ensure contractors' compliance with the relevant statutory requirements. The Administration would implement measures to address any complaints in relating to dust or noise nuisances.

57. Miss CHAN Yuen-han shared the concerns about possible dust and noise nuisances caused by the blasting works and generated from the dump trucks transporting the surplus excavated materials. Notwithstanding the public consultation with residents and relevant DCs, she was concerned about the effectiveness of the various mitigation measures in minimizing the nuisances.

58. Mr LEUNG Kwok-hung queried the efficacy of the Administration's measures to reduce dust nuisance on the residents and sought confirmation from the Administration whether the dump trucks transporting the surplus excavated materials would be installed with suitable covers or the load would be just covered with impervious sheeting. He also enquired how the Administration could ensure the dump trucks would use the two designated routes in transporting the construction waste.

59. In reply, CE/SD(W), CEDD reiterated that the Administration would implement additional measures, including the use of plastic mats for blasting works to mitigate the dust impact on residents. He confirmed that the dump trucks would be equipped with mechanical cover to comply with the prevailing requirements in transporting construction waste. Vehicles and wheel-washing facilities and water spraying system would be installed at the site to reduce dust

generated from daily operation and blasting works. Given the size of the site, the contractor would be required to undertake greening works for the part of the site after completion of site formation works to reduce dust pollution. Regarding the two designated routes for the transportation of excavated materials, CE/SD(W), CEDD said that the Administration had chosen the shortest possible travelling routes to the transfer station with a view to minimizing the impact on the nearby residents. If the contractor proposed any alternative routes for the transfer arrangement, the routes would need to be approved by the relevant departments in consultation with the liaison group. To ensure that the dump trucks would use the two designated routes, the details of the trucks would be recorded when they left the site and when they arrived at the transfer station. Given the short distance between the site and the waste transfer station, it was believed that the dump trucks would adhere to the designated routes.

60. Miss CHAN Yuen-han expressed concern that the liaison group could not properly monitor the projects as local resident representatives might not possess the technical knowledge, and sought ways to assist the liaison group in fulfilling its monitoring work. Sharing the concern, Mr LEUNG Kwok-hung suggested that information on the environmental implications of the two projects and the recommended mitigation measures should be made available to the public, in particular the green groups, to facilitate their monitoring of the projects to ensure measures implemented by the contractors were in compliance with the established environmental standards.

61. In response, CE/SD(W), CEDD said that the Administration was aware that the mitigation measures and the environmental monitoring data were technical in nature and might not be understood by the local resident representatives in the liaison group. The relevant departments and the consultant engineers would endeavour to explain to the liaison group in simple terms details of the mitigation measures and ways to assess their effectiveness. The liaison group was expected to be convened in early 2008 to tie in with the commencement of the projects. The Administration would then consider the appropriate channels for releasing the relevant information to the public. In response to the Chairman's further enquiry, CE/SD(W), CEDD confirmed that relevant information on the projects, including the environmental monitoring data would be uploaded onto the CEDD's website.

Relocation of temples

62. As regards the proposed clearance of four temples within the project site of **566CL**, viz Shing Wong Temple, Kwun Yam Temple, Tai Shing Temple and Hoi Kwok Tin Hau Leung Leung Temple, which had a long history and strong local support for their services, Mr Fred LI enquired whether the Administration had made re-provisioning arrangements with the operators of the temples.

63. CCE/HD said that although these temples were tolerated structures which had no legal right for their re-provisioning upon clearance, the Administration had assisted the operators to relocate the temples to a nearby site at Po Lam Road.

Under the Town Planning Ordinance (Cap. 131), the Metro Planning Committee of the Town Planning Board at its meeting on 2 November 2007 discussed and agreed the rezoning application to use the Government Land near the junction of Po Lam Road and Sau Mau Ping Road for the purpose of re-provisioning the four temples. The amended draft Outline Zoning Plan would be gazetted in accordance with the relevant statutory provisions and the entire process was expected to be completed in 2008. Subject to the completion of all necessary procedures, the Administration would then commence the site formation works for the temple relocation site. The operators of four temples had been consulted and were satisfied with the re-provisioning arrangements.

64. Miss CHAN Yuen-han sought details about the interim arrangements for the four temples before the completion of the re-provisioning works and whether the concerned operators had agreed to the arrangements. In response, CCE/HD said that the four temples had to be cleared by early 2008 to make way for the commencement of the site formation works under **566CL**. Before the completion of the re-provisioning works for the new temples, operation would need to be suspended for about two years. In the meantime, the temples' operators planned to use another site at Po Lam Road as a temporary storage site. The operators of the four temples had agreed to this interim arrangement and had made application to the Lands Department to use the site for the purpose.

Housing Development under 566CL

65. Noting that the project site for **566CL** was divided into seven sub-zones and was to be developed in phases, Mr Fred LI urged the Administration and HA to consider converting some zones for the development of Home Ownership Scheme (HOS) flats as there had been calls from members and the public for re-launching HOS. Besides, he opined that using the entire site for development of public rental housing (PRH) flats would draw criticism for a lack of flat mix. In response, CCE/HD advised that about 10.6 hectares of the formed land platform would be used to develop public housing and the remainder would be used for other facilities, including schools, ancillary facilities and open space etc. It was the Administration's view that the site should be used for PRH development to maintain the average waiting time for PRH at around three years.

Conclusion

66. Given the large scale of the projects and the huge quantity of construction waste to be generated, the Chairman called on the Administration to enhance measures to reduce the production of, reuse and recycle the construction waste. Moreover, he urged the Administration to reduce the number of trees to be removed in the projects in light of increased public aspirations for sustainable development, provision of more open space and enhancement in the quality of life. The Administration should take heed of the public demand for a better environment in the planning for public housing projects in future. While noting the need to meet the demand for PRH and maintain the average waiting time for PRH at around

three years, he expressed concern about problems arising from over-concentration of PRH in one area or district as evidenced in the planning of residential developments in Tseung Kwan O. He asked the Administration to take note of members' views expressed at the meeting. Summing up, the Chairman said that the Panel had no objection for the Administration to submit the proposal to PWSC.

VII Any other business

67. There being no other business, the meeting ended at 4:45 pm.

Council Business Division 1
Legislative Council Secretariat
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