

立法會
Legislative Council

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Establishment Subcommittee of the Finance Committee

Minutes of the 8th meeting
held in Conference Room A of Legislative Council Building
on Wednesday, 8 June 2011, at 8:30 am

Members present:

Dr Hon Margaret NG (Chairman)
Dr Hon PAN Pey-chyou (Deputy Chairman,)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon CHEUNG Man-kwong
Hon WONG Yung-kan, SBS, JP
Hon LAU Kong-wah, JP
Hon LI Fung-ying, SBS, JP
Hon WONG Ting-kwong, BBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon WONG Sing-chi
Hon IP Wai-ming, MH

Member attending:

Hon LEE Wing-tat

Members absent:

Dr Hon David LI Kwok-po, GBM, GBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP

Public Officers attending:

Ms Alice LAU, JP	Deputy Secretary for Financial Services and the Treasury (Treasury)1
Mrs Ingrid YEUNG, JP	Deputy Secretary for the Civil Service (1)
Prof Gabriel M LEUNG, JP	Under Secretary for Food and Health
Ms Estrella CHEUNG	Principal Assistant Secretary for Food and Health (Health)1
Dr Gloria TAM Lai-fan, JP	Deputy Director of Health
Ms Ida LEE	Acting Deputy Secretary for Commerce and Economic Development (Communications and Technology)
Mr Jerry LIU	Head of Create Hong Kong, Commerce and Economic Development Bureau
Mr Wellington FUNG	Secretary-General, Film Development Council, Commerce and Economic Development Bureau
Mr Tommy YUEN Man-chung, JP	Deputy Secretary for Development (Planning and Lands)2
Mr LAM Siu-tong	Deputy Director of Buildings
Mr LAI Tung-kwok, SBS, IDSM, JP	Under Secretary for Security
Mrs Millie NG KIANG Mei-nei	Principal Assistant Secretary for Security
Mr Ricky CHU Man-kin	Secretary-General, Independent Police Complaints Council
Mr Eddie WONG Ping-hang	Acting Deputy Secretary-General, Independent Police Complaints Council

Clerk in attendance:

Ms Annette LAM	Chief Council Secretary (1)7
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Staff in attendance:

Mrs Constance LI	Assistant Secretary General 1
Miss Lilian MOK	Council Secretary (1)7
Ms Alice CHEUNG	Senior Legislative Assistant (1)1
Ms Clara LO	Legislative Assistant (1)10

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The Chairman drew members' attention to the information paper provided by the Administration, i.e. ECI(2011-12)2, which set out the latest

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changes in respect of the Administration's directorate establishment approved since 2002.

EC(2011-12)2 Proposed creation of two permanent posts of one Assistant Director of Health (D2) and one Chief Pharmacist (D1) in the Department of Health to provide dedicated directorate support for the establishment of the Office on Drugs to strengthen its organisation and capacity in the regulation of drugs to ensure drug safety, quality and efficacy

2. The Chairman advised members that the Administration's proposal was to create two permanent directorate posts, namely one Assistant Director of Health (D2) and one Chief Pharmacist (C Pharm) (D1), in the Department of Health to provide support at directorate level for the establishment of the Office on Drugs (DO) to strengthen its organization and capacity in drug regulation to ensure drug safety, quality and efficacy. The Panel on Health Services had been consulted on the staffing proposal on 11 April 2011. Panel members generally supported the proposal although there were concerns about the roles and the delineation of duties between the proposed and the existing posts of C Pharm. Panel members also requested the Administration to report to the Panel on a quarterly or bi-annual basis the progress in taking forward the recommendations of the Review Committee on the Regulation of Pharmaceutical Products in Hong Kong (the Review Committee) after the establishment of DO.

Drug inspections

3. Ms LI Fung-ying supported in principle the staffing proposal. She enquired whether or not the pharmacists and dispensers of DO would carry out drug inspection duties. The Under Secretary for Food and Health (USFH) advised that as drug inspections required in-depth knowledge and experience in pharmacy, pharmaco-vigilance work and public health, the officers of the Pharmacist and Dispenser grades in DO would be directly involved in the inspection of drug manufacturers, wholesalers, retailers, importers and exporters in Hong Kong.

Proposed civil service staffing for DO

4. Ms LI Fung-ying referred to Enclosure 7 to EC(2011-12)2 on the proposed civil service staffing for DO, and noted that while 38 posts would be created in 2011-2012, some posts (2 senior pharmacists and 23 pharmacists) would be created only in 2012-2013. She enquired about the reasons for increasing staff in phases. USFH explained that the proposed creation of

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posts in phases was mainly to tie in with the phase-by-phase implementation of the recommendations of the Review Committee set up in 2009 under the chairmanship of the Permanent Secretary for Food and Health (Health). He added that of the 75 recommendations put forth by the Review Committee, 20 had been implemented so far, 13 were going through the necessary legislative process, and 42 would be taken forward in the medium and long term. The actual staffing requirements would depend on the progress of the legislative process and the implementation schedule of various initiatives such as the upgrading of Hong Kong's current Good Manufacturing Practice (GMP) licensing standard to the Pharmaceutical Inspection Co-operation Scheme (PIC/S) standard over a period of four years, and upgrading the current GMP inspection team to attain PIC/S membership.

5. The item was voted on. Members agreed that the Subcommittee should recommend the item to the Finance Committee (FC) for approval.

EC(2011-12)4 Proposed retention of a non-civil service position of Secretary-General of the Film Development Council at the equivalent rank of D2 in the Communications and Technology Branch of Government Secretariat: Commerce and Economic Development Bureau for a period of two years from November 2011 to support the work of the Hong Kong Film Development Council to oversee the administration of the film-related funding schemes and promotion of the local film industry

6. The Chairman advised members that the Administration's proposal was to retain a non-civil service position of Secretary-General of the Hong Kong Film Development Council (SG/FDC) at the equivalent rank of D2 for a period of two years from November 2011, for supporting the work of FDC and overseeing the administration of the film-related funding schemes and promotion of the local film industry. The Panel on Information Technology and Broadcasting had been consulted on 9 May 2011 and generally supported the staffing proposal.

Opening up film market in the Mainland

7. Mr WONG Ting-kwong enquired what benefits would the post bring to the local film industry, especially in its expansion in the vibrant Mainland market which currently ranked fifth globally in terms of box office receipts amounting to US\$1.49 billion a year.

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8. The Acting Deputy Secretary for Commerce and Economic Development (Communications and Technology) (DS(CT)) said that SG/FDC played a key role in helping the local film industry capitalize on the business opportunities offered by the fast-expanding Mainland market and the liberalization measures under the Mainland and Hong Kong Closer Economic Partnership Agreement (CEPA). Under CEPA, films co-produced by Hong Kong and the Mainland (Hong Kong-Mainland co-productions) were offered the same treatment as Mainland films in accessing the Mainland market. Most of these Hong Kong-Mainland co-productions had enjoyed tremendous box office success in the Mainland. Under the leadership of SG/FDC, the Film Services Office (FSO) of Create Hong Kong (CreateHK) and the FDC had been maintaining close ties with relevant Mainland authorities to help Hong Kong film practitioners to tap the huge fast-growing Mainland market. Under the leadership of SG/FDC, the Film Services Office (FSO) of Create Hong Kong (CreateHK) and the FDC had been maintaining close ties with relevant Mainland authorities to help Hong Kong film practitioners to tap the huge fast-growing Mainland market. Given the predominantly Cantonese-speaking audience in Guangdong Province, FSO would seek to facilitate the release of Hong Kong films in synchrony with Guangdong Province, with a view to expanding the market for Hong Kong films to cover the entire Cantonese-speaking population in southern China which promised a potential market for Hong Kong's small-to-medium budget films produced in Cantonese dialect. In addition, FSO and FDC had been organizing a series of promotional activities in the Mainland, such as film festivals, business forums and business matching events to introduce local film practitioners to Mainland investors and producers for business co-operation.

9. Noting that Hong Kong-Mainland co-productions to be released in the Mainland were required to comply with the prevailing regulations and guidelines promulgated by relevant Mainland authorities, Mr CHEUNG Man-kyong expressed concern that the value-laden film censorship regime in the Mainland might stifle the creativity and innovation of Hong Kong filmmakers. He also asked whether it was permissible for Hong Kong-Mainland co-productions to have two different versions for screening in the Mainland and Hong Kong.

10. DS(CT) responded that Hong Kong-Mainland co-productions enjoyed treatment as Mainland films under CEPA. They were subject to the Mainland's film regulatory framework which would equally apply to Mainland films and had to meet the prevailing guidelines for film distribution in the Mainland. SG/FDC added that there was presently no film classification system in the Mainland, and films intended for public exhibition were required to be suitable for persons of all ages. Although the relevant Mainland authorities were presently studying the establishment of a film classification

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system, it would be difficult for Hong Kong film industry to seek any change to the current regulatory framework at this stage. He further said that since the release of the film "Lust Caution", Hong Kong-Mainland co-productions were not allowed to have different versions for screening in the Mainland and Hong Kong. Nonetheless, the Administration was seeking the relevant Mainland authorities' approval for the release of Cantonese-speaking version of Hong Kong films in Guangdong Province subject to editing as required by the Mainland authorities.

11. Mr CHEUNG Man-kwong remained concerned about the restrictions for the release of Hong Kong-Mainland co-productions in the Mainland. He opined that to foster creativity, safeguard the freedom of creation, and uphold the interests of the Hong Kong film sector, efforts should be made to secure Mainland authorities' agreement for Hong Kong-Mainland co-productions to provide a different version for release in Hong Kong and overseas to suit the needs of different audience. DS(CT) reiterated that it would be difficult for Hong Kong-Mainland co-productions, which were granted preferential treatment as Mainland films under CEPA, to be exempted from the film regulatory regime in the Mainland. She remarked that Hong Kong film producers would make adjustments as necessary to meet audience needs in different markets.

Location shooting in Hong Kong

12. Citing Vancouver as an example, Prof Patrick LAU said that Hong Kong with its unique local colour was a great location for film shooting. He remarked that the post-holder of SG/FDC should be committed to providing a favourable environment for filming. He asked whether SG/FDC would be tasked to encourage location shooting in Hong Kong which would boost tourism and promote the image of Hong Kong abroad.

13. DS(CT) advised that SG/FDC had a significant role to play in leading the FSO to attract overseas film makers to do filming in Hong Kong and to facilitate film production including location shooting in Hong Kong. SG/FDC added that many overseas production houses did come to Hong Kong for location shooting for their movies, television programmes, documentaries and commercials. Citing the filming of the latest Batman sequel, "The Dark Knight", in the city in 2009 as an example, SG/FDC said that FSO had been providing film shooting facilitation services to overseas and local film producers, such as liaising with various Government departments and streamlining application procedures for leasing/borrowing Government premises and land for filming. He highlighted that 12 out of the 16 small-to-medium budget film productions financed by the Film Development Fund (FDF) were productions by new generation directors of Hong Kong, and

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were/would be filmed in Hong Kong with strong local flavours.

Support for local film productions

14. Mr IP Wai-ming shared the views of Prof Patrick LAU that films carrying rich local flavours would attract overseas audience and considered the film industry the flagship of the creative industries in Hong Kong. He enquired about the support provided by the FDC in nurturing young local talents and in promoting local film productions, in particular animation production in Hong Kong.

15. DS(CT) advised that FSO of CreateHK and FDC had been promoting the development of the local film industry through various initiatives. Funding support under FDF for small-to-medium budget film productions of not more than \$15 million each had provided new generation directors of Hong Kong the opportunities of engaging in film production and distribution. Grooming of local talents at various levels and aspects of film production to promote the sustainable development of the local film industry was also one of the main areas of work of FSO and FDC. Initiatives included organising training programmes to help nurture talent and address manpower problems for the industry, and funding support for local film practitioners to attend overseas film festivals. Mega promotional events were also organized to promote Hong Kong films in the Mainland and overseas including Taiwan and Southeast Asia to assist Hong Kong new generation directors and film makers in strengthening their contacts with potential investors and major film distributors in these markets.

16. On the production of motion pictures and animation, DS(CT) said that CreateHK had been making considerable efforts to facilitate the overall development of the digital entertainment industry in Hong Kong. An animation film "McDull Kungfu Ding Ding Dong" funded by FDF had been a successful box office hit in the Mainland and Hong Kong. Under the other film-related projects financed by the FDF, an animation teaching kit had been produced for use in secondary schools to excite and interest young talents in the field of animation and film shooting. Over 150 secondary schools would use the teaching kit starting this academic year.

17. The item was voted on. Members agreed that the Subcommittee should recommend the item to FC for approval.

EC(2011-12)5 Proposed creation of one supernumerary bi-disciplinary post of Government Building Surveyor/Government Structural Engineer (D2) in the Buildings Department from 1 July 2011 up to 31 March 2014 to head the new Mandatory Building Inspection Division; conversion of one permanent post of Government Building Surveyor (D2) from single-disciplinary to bi-disciplinary to head the new Corporate Services Division, and revision and realignment of duties and responsibilities among some other directorate posts in the Department with effect from 1 July 2011; and conversion of one permanent post of Chief Structural Engineer (D1) from single-disciplinary to bi-disciplinary to head the new Minor Works and Signboard Control Section with effect from 6 December 2011

18. The Chairman advised that in relation to this establishment proposal, the Buildings Department Structural Engineers' Association (BDSEA) had made a submission on 1 June 2011, while the Buildings Department Local Building Surveyors' Association (BDLBSA) had written to the Buildings Department (BD) and the Development Bureau on 6 April and 16 May 2011. These documents had been circulated to members for information.

19. Prof Patrick LAU, Chairman of the Subcommittee on Building Safety and Related Issues, reported that the Subcommittee had been consulted on 11 May 2011 on BD's proposed re-organization and generally supported the staffing proposal. Some members of the Subcommittee reflected BDSEA's views opposing the proposed creation of one permanent Chief Building Surveyor (CBS)/Chief Structural Engineer (CSE) post to be offset by the deletion of a permanent CSE post. While the Subcommittee in general supported adopting the "Building Co-ordinators" approach to deal with building safety issues, members suggested that building co-ordinators should assist in the establishment of a database of sub-division of flat units. The Administration was urged to step up the regulation of unauthorized signboards and unauthorized building works (UBWs) in the New Territories after the re-organization of BD. There were also views that the post of Assistant Director/Mandatory Building Inspection should be made permanent upon the implementation of the Mandatory Building Inspection Scheme, and that the manpower for BD's Legal Services Section should be increased to deal with the increase in litigations arising from the implementation of various building safety measures.

Re-organization of Buildings Department and related staffing proposal

20. Ir Dr Raymond HO said that while he did not object in principle to the staffing proposal, he shared the views of BDSEA that structural engineers had the expertise and experience in building structure related safety issues and were professionally competent to undertake inspections and enforcement actions against irregularities of building works in subdivided flat units. Referring to the BDSEA submission, he highlighted BDSEA's grievances that as both the Director and Deputy Director of Buildings came from the building surveyor profession, structural engineers in BD had not been treated fairly. He noted that BDSEA took exception to the Director of Buildings' view that the problems with sub-divided flat units were mainly fire safety and fire escape issues that were unrelated to building structure. He also highlighted BDSEA's strong objection to turning a permanent CSE post from a structural engineering discipline to a bi-disciplinary post, thereby opening up the post to building surveyors.

21. The Deputy Secretary for Development (Planning and Lands) (DS(PL)) explained that the CSE post was created in 1994 to support the Port and Airport Development Strategy. Upon completion of the work, the CSE post was frozen and the section concerned was disbanded and the 16 non-directorate posts in that section were deleted. Following a review of the long-term work requirements in BD, it was recommended that the frozen CSE post be re-deployed to building safety enforcement work, by converting it into a bi-disciplinary CBS/CSE post. He highlighted that the bi-disciplinary arrangement was not unprecedented in BD. The Deputy Director of Buildings (DD of B) added that a bi-disciplinary post would be filled on the basis of the "right professional for the task". BD would take into account the nature of the work, operational needs as well as professional expertise and experience required in determining the grading of the posts and deployment of staff.

22. Ir Dr HO remarked that the grievances and conflicts between the two disciplines would greatly affect the work of BD, in particular the launch of the different operations to enforce safety standards for private buildings. He urged BD to consult the relevant staff associations and suitably reviewed the job requirements for various posts, instead of imposing management decisions in a top-down manner. Ms LI Fung-ying commented that, as a member returned by the labour functional constituency, she was gravely concerned about staff side grievances. She remarked that top-down consultation without genuine respect for the views of staff associations would undermine staff morale.

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23. DD of B said that BD had consulted all its staff and the four departmental staff associations on the re-organization and staffing proposal, and provided the relevant documents to the staff members for comments. Based on previous experience, it was considered more appropriate for building surveyors to carry out the inspections and enforcement work for sub-divided units. The Administration would continue communicating with the staff concerned and fine-tune the modus operandi in the light of operational experience.

24. Referring to the organization charts of BD, Ir Dr Raymond HO pointed out that four of the five Assistant Directorate posts were either of building surveying discipline or bi-disciplinary. He questioned the propriety for building surveyors to head most sections in BD, for example, the Slope Safety Section which should be within the specialized areas of Geotechnical/Structural engineering. DD of B explained that the CBS post of the Slope Safety Section had been established for more than 20 years and there was no plan to review the post at this stage. Ir Dr HO expressed disappointment that BD did not see the need to review its work and the expertise required for effectively performing its various important tasks.

25. Dr PAN Pey-chyou expressed reservations about the creation of bi-disciplinary posts in BD. Since both disciplines were wary about their career prospects and each had its own professional competence, Dr PAN enquired about the mechanism and criteria for filling the bi-discipline promotion posts, in order to prevent conflicts and facilitate co-operation between the two disciplines. DD of B said that both building surveyors and structural engineers were competent in carrying out general building inspections. For complex cases requiring cross-disciplinary expertise, there was already a cross-discipline consultation mechanism which had been in operation for ten years and had proven to be effective.

26. On the selection for promotion, DS(PL) advised that in accordance with established practice, selection for promotion was merit-based taking into consideration the performance, experience, suitability and potential of the prospective candidates. The selection boards were made up of management side members of both disciplines and representatives from the Development Bureau as well as Civil Service Bureau to ensure that the entire selection process would be objective and impartial.

27. The Chairman remarked that the crux of the matter was whether a fair mechanism was in place to deal with staff recruitment/promotion and grievances, so that all staff members regardless of their professional disciplines would be treated fairly.

New measures to enhance building safety

28. Ms LI Fung-ying questioned whether the new building safety initiatives and the "Building Co-ordinators" approach could effectively address the long-standing building safety problems associated with UBWs and subdivision of flats in private buildings.

29. DS(PL) advised that as announced by the Chief Executive in his 2010-2011 Policy Address, the Government would adopt a new multi-pronged approach covering legislation, enforcement, support and assistance to building owners as well as publicity and public education to enhance building safety. The Government would closely monitor the situation and assess the effectiveness of the new package of measures to enhance building safety. DD of B supplemented that to streamline and rationalize enforcement against building dilapidation and different types of UBWs, building co-ordinators would be tasked to handle all general building safety problems for the same building, including handling complaints and taking general enforcement actions. Where specialized expertise was required, building co-ordinators would consult the relevant specialist section as necessary. It was expected that the approach would improve BD's day-to-day operational efficiency and provide greater convenience to building owners as there would be only one single contact point on building safety issues. The building co-ordinators would also be vested with statutory powers to facilitate enforcement actions.

UBWs removal programme

30. While appreciating that over 400 000 UBWs were already demolished under the previous ten-year UBWs removal programme, Mr LEE Wing-tat enquired about the estimated number of UBWs in the New Territories. He expressed disappointment about the absence of a comprehensive database of UBWs in Hong Kong.

31. DD of B advised that consultants had been engaged to conduct a stocktaking exercise of UBWs in urban area as to build up a comprehensive database to facilitate enforcement action. The stocktaking exercise was expected to be completed towards the end of 2011 or early 2012. As regards UBWs in the New Territories, the Lands Department had carried out a general counting exercise about two or three years ago. However, the figures thus compiled could not be taken as very accurate and could serve only as a rough indication. DD of B added that under the BD's new modus operandi for enforcement that took effect from 1 April 2011, the coverage of actionable UBWs would be extended to include all new and existing UBWs on rooftops, flat roofs, yards, and lanes of buildings irrespective of their level of risks to

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public safety. As for those illegal structures on village houses and buildings in the New Territories, the issues would be further discussed at the Legislative Council Panel on Development.

32. The Chairman asked whether BD had any discretionary power in enforcement against UBWs. DS(PL) and DD of B responded that while UBW was clearly defined in the Building Ordinance, the Building Authority had to exercise discretion in terms of setting out the priorities of enforcement actions against irregularities of building works and UBWs.

Manpower resources

33. Mr LEE Wing-tat said that he was given to understand that the employment contracts of non-civil service contract (NCSC) staff engaged by BD in the past ten years would not be renewed upon expiry. He expressed concern whether there would be sufficient frontline staff to support the implementation of the extended scope for the removal of UBWs and various new building safety enhancement initiatives. Ms LI fung-ying and Prof Patrick LAU expressed a similar concern. Prof Patrick LAU said that some BD staff had conveyed to him their concern about manpower shortage.

34. DS(PL) advised that as of 31 May 2011, BD had a total of 425 NCSC staff of whom 140 were responsible for building safety works. In addition, 176 civil service posts would be created to support the implementation of the building safety enhancement initiatives. DD of B supplemented that recruitment exercise for these civil service posts had commenced in February 2011 and serving NCSC staff, if eligible, were welcome to apply. He said BD currently had no plans to cease employing the existing NCSC staff.

35. The Chairman asked whether BD had made any estimates for the additional manpower requirements arising from the heavy work related to various large scale operations and UBWs removal programmes and in addressing the rehousing needs of affected occupants of UBWs structures.

36. DS(PL) replied that BD would adopt a pragmatic approach by prioritizing its work in dealing with the removal of UBWs. He assured members that the clearance operation and removal programme would be carried out in a systematic and orderly manner in the light of the manpower situation. In collaboration with the Transport and Housing Bureau and other relevant Government departments, assistance would be provided to those affected by the demolition of UBWs structures.

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37. The Chairman requested the Administration to provide relevant information on the estimated manpower, the expected workload and the timetable for taking forward the various building safety enhancement programmes, before the staffing proposal was submitted to FC for consideration. Prof Patrick LAU added that such information should also be provided to the Panel on Development for its special meeting scheduled for 20 June 2011.

38. The item was voted on. Ir Dr Raymond HO abstained from voting. Members agreed to recommend the item to FC for approval. Mr LEE Wing-tat and Ir Dr Raymond HO requested that the item be voted on separately at the FC meeting scheduled for 24 June 2011.

EC(2011-12)6 Proposed deletion of one permanent post of Administrative Officer Staff Grade C (D2) in the Independent Police Complaints Council with immediate effect

39. The Chairman advised members that the Panel on Security was informed of the proposal vide an information paper issued on 30 March 2011 and supported the deletion of the post.

40. The item was voted on. Members agreed that the Subcommittee should recommend the item to FC for approval.

41. There being no other business, the meeting ended at 10:22 am.

Council Business Division 1
Legislative Council Secretariat
23 June 2011