

立法會

Legislative Council

LC Paper No. CB(2) 1125/10-11

Ref: CB2/T/16

Paper for the House Committee meeting on 25 February 2011

Continuation of work of subcommittees on policy issues

Purpose

This paper invites Members to give endorsement for two subcommittees on policy issues appointed under Panels which commenced work in March 2010 to work beyond 12 months.

Background

2. Under rule 26(c) of the House Rules, a subcommittee on policy issues should complete work within 12 months of its commencement and report to the House Committee or relevant Panel(s) as appropriate. Should such a subcommittee consider it necessary to work beyond 12 months, it should, after obtaining the endorsement of the relevant Panel(s), report to the House Committee and give justifications for an extension of the 12-month period.

Proposed continuation of work

3. The two subcommittees seeking the endorsement of the House Committee for continuation of work are:

- (a) the Subcommittee on Residential and Community Care Services for Persons with Disabilities and the Elderly appointed on 10 January 2010 under the Panel on Welfare Services ("WS Panel"); and
- (b) the Subcommittee on Building Safety and Related Issues appointed on 23 February 2010 under the Panel on Development.

4. These two subcommittees commenced work in March 2010 and would have worked for 12 months by March 2011. They have recently reviewed the progress of their work and decided that they should continue their work. The progress of work of these two subcommittees and their proposed timeframe for continuation of work are detailed in **Appendices I and II** respectively.

Considerations for the continuation of work of subcommittees on policy issues

5. Rule 26(a) of the House Rules specifies that the maximum number of subcommittees on policy issues that may be in operation at any one time is eight, but rule 26(b) also provides that the House Committee may allow more than eight such subcommittees to be in operation or continue to operate after having considered the following :

- (a) the number of vacant slots for Bills Committees;
- (b) the number of bills likely to be introduced to the Council in the next three months;
- (c) the number of subcommittees already or likely to be appointed for studying subsidiary legislation or other instruments; and
- (d) the availability of resources in the Secretariat.

6. At present, apart from the two subcommittees mentioned above, eight other subcommittees on policy issues, including two under the House Committee and six under Panels, are currently in operation. These eight subcommittees had obtained approval to continue their work either in the 2010-2011 session or up to the end of the current term. In addition, the WS Panel has also decided to set up two other subcommittees, namely the Subcommittee on retirement protection and the Subcommittee on improving barrier free access and facilities for persons with disabilities.

7. Noting that two temporary servicing teams had been created in the Secretariat to strengthen its support to committees, the House Committee had given approval at its meeting on 21 January 2011 for the Subcommittee on retirement protection to start its work in about three months' time and the other subcommittee to wait till the Subcommittee on Residential and Community Care Services for Persons with Disabilities and the Elderly had completed its work. The position of all the subcommittees on policy issues is in **Appendix III**.

8. As at 23 February 2011, there are 13 Bills Committees in operation. The three remaining slots for Bills Committees are expected to be taken up in the coming three months. The Secretariat would try to absorb the servicing of these committees, as well as the two subcommittees on policy issues seeking endorsement for continuation of work and the Subcommittee on retirement protection. A position report on the existing and anticipated number of Bills Committees and subcommittees is in **Appendix IV**.

Advice sought

9. In accordance with rule 26(c) of HR, Members are invited to note the latest progress of work of the two subcommittees and endorse their proposals for continuation of work in the 2010-2011 session.

Council Business Division 2
Legislative Council Secretariat
23 February 2011

立法會
Legislative Council

LC Paper No. CB(2)1123/10-11

Ref : CB2/PL/WS

Paper for the House Committee meeting on 25 February 2011

**Continuation of work of the Subcommittee on Residential and
Community Care Services for Persons with Disabilities and
the Elderly in the 2010-2011 session**

Purpose

This paper invites members to endorse the proposal of the Subcommittee on Residential and Community Care Services for Persons with Disabilities and the Elderly ("the Subcommittee") formed under the Panel on Welfare Services ("the Panel") to continue its work in the 2010-2011 session.

Background

2. The Subcommittee was appointed by the Panel on 11 January 2010 to study policies and measures relating to the provision of residential care places and community care services for persons with disabilities ("PWDs") and the elderly, and make recommendations where necessary. The membership list of the Subcommittee is in the **Annex**. In accordance with its terms of reference, the Subcommittee has focused its work on the following areas –

- (a) the implementation progress of the provision of residential care places and community care services for PWDs and the elderly;
- (b) following up the recommendations of the Subcommittee in respect of the provision of residential care places and community care services for PWDs and the elderly; and
- (c) receiving views from the concern groups and non-governmental organisations with a view to improving

the existing residential care places and community care services for PWDs and the elderly.

3. The approval of the House Committee was obtained on 5 February 2010 for the Subcommittee to commence work.

Progress of work of the Subcommittee

4. Under the chairmanship of Hon CHEUNG Kwok-che, the Subcommittee has since March 2010 held nine meetings with the Administration and received views of deputations at six of these meetings. The Subcommittee has studied the following major issues –

- (a) long-term strategy for increasing the provision of subsidised residential care places for PWDs and the elderly, including –
 - (i) new initiatives to increase the provision of subsidised residential care places; and
 - (ii) additional subsidised residential care homes for PWDs ("RCHDs") and residential care homes for the elderly ("RCHEs") under planning;
- (b) the assessment tools for admission to and the regulation of RCHEs;
- (c) new initiatives in community care and support services for persons with intellectual disability/physical disability and persons with mental health problems;
- (d) new initiatives to support elders ageing in the community; and
- (e) support services for demented elders.

Residential care services

5. The inadequacy of subsidised RCHD and RCHE places and the waitlisting situation have been high on the agenda of the Panel. The Subcommittee has examined the new initiatives to increase the provision of subsidised residential care places for PWDs and the elderly in the next few years. Members generally are of the view that it is Government's responsibility to provide adequate residential care places for those elders

and PWDs who have long-term care needs. In this regard, the Subcommittee has repeatedly urged the Administration to draw up a specific timetable and long-term plan to increase the number of and shorten the waiting time for subsidised residential care places. Specifically, the Administration should make a pledge for the allocation of subsidised residential care places.

6. The Administration has stressed that it fully recognises the huge demand for subsidised residential care services. While it will continue to bid for additional resources to increase the supply of such places, it is difficult to set targets for admission to subsidised residential care places as the provision of such places is affected by various factors such as the availability of suitable sites/premises. Nevertheless, those who are staying at home while waiting for subsidised residential care places are also receiving subsidised home-based community care services or day care services.

7. To alleviate the waitlisting situation for subsidised residential care places, members have called on the Administration to take the initiatives in identifying potential suitable sites at the development stage, and earmark sites/premises in all new public housing estate development projects for the construction of new contract residential care homes. The Administration is also requested to consider adopting the concept of "money following users" or the co-payment method such that residents of RCHEs or RCHDs can make their own choices of quality homes.

Community care services

8. According to the Administration, elders with long-term care needs do not necessarily age in RCHEs. It is in parallel providing a range of subsidised community care and support services to facilitate elders to age in the community. Further development of community care services would encourage elders to age in place and thus avoid premature and unnecessary institutionalisation.

9. Members note that a number of new initiatives are coming on stream to enhance support for the frail elders and persons with severe disabilities to live in the community. Notably, a three-year pilot scheme will be launched to provide a new package of intensive and tailor-made home care services for frail elders residing in the region (covering Wong Tai Sin, Sai Kung, Kwun Tong, Yau Tsim Mong, Kowloon City and Sham Shui Po districts) who are on the waiting list for subsidised nursing home places, so as to better serve their special needs and help relieve the pressure of their carers. The pilot scheme will commence service in

early 2011. Similarly, a three-year pilot scheme on home care services for persons with severe disabilities will be launched in the fourth quarter of 2010-2011 to try out a new package of home-based support services in Tuen Mun and Kwun Tong districts with the largest number of persons with severe disabilities waiting for subvented residential care services at Hostel for Severely Mentally Handicapped Persons, Hostel for Severely Physically Handicapped Persons and Care and Attention Home for Severely Disabled Persons. The Subcommittee has yet to deliberate on the preparatory actions for the implementation of these pilot schemes.

10. As regards the support services for persons with mental problems, members note that the Administration will expand the service mode of Integrated Community Centre for Mental Wellness ("ICCMW"), which provides one-stop and integrated community health support services to discharged mental patients, persons with suspected mental health problem, their families and carers and residents living in the district, to all the 18 districts in 2010-2011. The Administration will revert to the Subcommittee on the progress in securing permanent accommodation for providing ICCMW services across the territory.

Need for continuation of work in the 2010-2011 session

11. It is envisaged that the Subcommittee will need to hold further meetings to pursue the above issues with the Administration. As such, the Panel agreed at its meeting on 14 February 2011 that the Subcommittee should continue its work in the 2010-2011 session according to its existing terms of reference.

Advice sought

12. Pursuant to Rule 26(c) of the House Rules, members are invited to note the progress of work of the Subcommittee and endorse the proposal for the Subcommittee to continue its work in the 2010-2011 session.

Panel on Welfare Services

**Subcommittee on Residential and Community Care Services
for Persons with Disabilities and the Elderly**

Membership List

Chairman	Hon CHEUNG Kwok-che
Members	Hon LEE Cheuk-yan
	Hon LEUNG Yiu-chung
	Hon TAM Yiu-chung, GBS, JP
	Hon Ronny TONG Ka-wah, SC
	Hon WONG Sing-chi
	Hon IP Wai-ming, MH
	Dr Hon PAN Pey-chyou
	Hon Alan LEONG Kah-kit, SC
	Hon LEUNG Kwok-hung
	(Total : 10 Members)
Clerk	Miss Betty MA
Legal adviser	Mr YICK Wing-kin
Date	12 November 2010

立法會
Legislative Council

LC Paper No. CB(1)1382/10-11

Ref : CB1/PS/2/09

Paper for the House Committee

Meeting on 25 February 2011

**Continuation of work of the
Subcommittee on Building Safety and Related Issues**

Purpose

This paper invites Members to note the progress of work of the Subcommittee on Building Safety and Related Issues ("the Subcommittee") appointed by the Panel on Development ("the Panel") and to endorse the Subcommittee to continue with its work up to the end of the 2010-2011 legislative session.

Background

2. Prompted by the incident of the collapse of a building at 45J Ma Tau Wai Road, To Kwa Wan, Kowloon on 29 January 2010, the Subcommittee was set up under the Panel in February 2010 to monitor the Administration's work in enhancing building safety in Hong Kong. The Subcommittee has commenced its work since 25 March 2010. The membership list of the Subcommittee is at the **Annex**. Apart from addressing the Ma Tau Wai building collapse incident, the Subcommittee has also been tasked to tackle the following issues --

- (a) measures taken by the Administration to enhance building safety;
- (b) enforcement against unauthorized building works ("UBWs");
- (c) enforcement to require owners to carry out repair works;
- (d) supervision of building maintenance works;

- (e) upgrading of the construction industry workforce;
- (f) providing support and assistance to owners in carrying out maintenance works;
- (g) promoting the importance of proper and prompt building maintenance works among owners; and
- (h) promoting a building safety culture among building owners, occupants, contractors, workers and the general public.

Work of the Subcommittee

3. Under the chairmanship of Prof Hon Patrick LAU Sau-shing, the Subcommittee has held four meetings on 25 March 2010, 27 April 2010, 27 July 2010 and 13 January 2011 to study the following major issues --

- (a) collapse of the building at 45J Ma Tau Wai Road, To Kwa Wan, Kowloon;
- (b) inspection of buildings aged 50 or above;
- (c) assistance for the implementation of the Fire Safety (Buildings) Ordinance (Cap. 572);
- (d) enforcement against unauthorized alteration works inside private premises; and
- (e) the Administration's proposed multi-pronged measures to enhance building safety¹.

4. The Subcommittee had discussed in length the building collapse incident at 45J Ma Tau Wai Road. Members expressed grave concern about the actual cause of the collapse and queried the Administration's failure to arrive at a solid conclusion, despite a three-month investigation, on the nature of the external forces causing the collapse of the building. There were calls from members that the Administration should provide copy of the statutory repair order issued on 13 January 2010 and enquiries as to why no enforcement actions were taken against non-compliance of previous statutory orders in

¹ The Administration briefed the Subcommittee on 13 January 2011 on a multi-pronged package of measures to enhance building safety. Details of the proposed measures are available in the Administration's paper, i.e. CB(1)681/10-11(01).

respect of 45J Ma Tau Wai Road dating back to 2005. Members urged the Administration to review its inspection and enforcement procedures, step up inspection of old buildings and heighten awareness of owners towards the importance of building safety. Members also suggested that the Administration provide information about assistance available for owners to comply with the latest fire safety requirements, and that the Subcommittee should look at issues pertaining to unlawful alterations within individual residential units in private buildings and priority of enforcement against UBWs in future meetings.

5. At the Subcommittee meeting on 13 January 2011, the Administration briefed the Subcommittee on the conditions of building in Hong Kong. The Subcommittee noted that private residential buildings in the territory were ageing rapidly. The Administration's inspection after the Ma Tau Wai Road incident had revealed that although buildings aged 50 years or above were structurally safe in general, 25.7% of them were having obvious defects in terms of maintenance and repair. The building conditions survey carried out by the Urban Renewal Authority of 7 000 buildings aged 30 years or above also showed that 20% of these buildings were in dilapidated conditions of various degrees.

6. At the same meeting, the Administration also briefed the Subcommittee on a multi-pronged plan to enhance building safety as follows --

- (a) on legislation aspect, apart from Minor Works Control System ("MWCS") as well as Mandatory Building Inspection Scheme and Mandatory Window Inspection Scheme, the Administration intended to introduce control on signboards, surcharge for defaulted works and penalty for owners refusing to share cost of works and warrants for inspection of building interiors. It was also a plan to place works for subdivision of residential units under MWCS to achieve better control;
- (b) on enforcement aspect, the Administration planned to initiate vigorous enforcement actions against UBWs in that Buildings Department ("BD") would deal with "actionable" UBWs immediately without subjecting them to further screening for structural hazards. In parallel, BD would conduct a territory-wide stock-taking exercise on all UBWs so that it could closely monitor the problem;
- (c) on support and assistance to owners, the Administration undertook to provide comprehensive "one-stop" assistance by devising afresh

a unified and comprehensive scheme of both technical and financial assistance. The Administration was committed to formulating long-term strategies to cope with water seepage problem; and

- (d) as regards publicity and public education, the Administration said that it was contemplating to launch a "community monitoring" scheme to mobilize members of the community to play a part in reporting building safety problems.

7. The Subcommittee found the comprehensive plan put forth by the Administration in arresting urban decay encouraging. While members supported the Administration's proposal to refer measures relating to the control of signboards to the Bills Committee on Buildings (Amendment) Bill 2010 for consideration, they shared the view that the Subcommittee would have a key role to play in monitoring the Administration's work in implementing its multi-pronged package of measures in enhancing building safety.

Need for continuation of work in the 2010-2011 legislative session

8. Against the above background, at the meeting on 13 January 2011, the Subcommittee agreed that it should continue its work up to the end of the 2010-2011 legislative session. Members anticipated that the Subcommittee would be heavily engaged in examining the following issues in the coming months --

- (a) full investigation report on the Ma Tau Wai building collapse incident;
- (b) enforcement against UBWs;
- (c) effects of Operation Building Bright;
- (d) long-term solution of the water seepage problem;
- (e) enforcement to require owners to carry out repair works;
- (f) supervision of building maintenance works;
- (g) upgrading of the construction industry workforce;
- (h) providing support and assistance to owners in carrying out

maintenance works;

- (i) promoting the importance of proper and prompt building maintenance works among owners; and
- (j) promoting a building safety culture among building owners, occupants, contractors, workers and the general public.

9. At the Panel meeting on 25 January 2011, it endorsed the Subcommittee to continue with its work up to the end of the 2010-2011 legislative session.

Advice sought

10. Pursuant to rule 26(c) of the House Rules, Members are invited to note the latest progress of work of the Subcommittee and endorse the proposal for the Subcommittee to continue with its work in the 2010-2011 legislative session.

Council Business Division 1
Legislative Council Secretariat
23 February 2011

Panel on Development

Subcommittee on Building Safety and Related Issues

Membership list

Chairman Prof Hon Patrick LAU Sau-shing, SBS, JP

Deputy Chairman Hon KAM Nai-wai, MH

Members Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon James TO Kun-sun
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon LEE Wing-tat
Hon CHEUNG Hok-ming, GBS, JP
Hon Starry LEE Wai-king, JP
Dr Hon Priscilla LEUNG Mei-fun
Hon IP Kwok-him, GBS, JP
Hon Alan LEONG Kah-kit, SC

(Total: 12 members)

Clerk Ms Connie SZETO

Legal Adviser Miss Winnie LO

**Position of subcommittees on policy issues
(position as at 23 February 2011)**

A. Approval given by the House Committee for continuation of work	
1. Subcommittee to Study Issues Arising from Lehman Brothers-related Minibonds and Structured Financial Products under the House Committee	Up to the end of the current term in 2012
2. Subcommittee to Study Issues Relating to Mainland-HKSAR Families under the House Committee	2010-2011 session
3. Subcommittee on Matters Relating to Railways under the Panel on Transport	Up to the end of the current term in 2012
4. Subcommittee on Improving Air Quality under the Panel on Environmental Affairs	2010-2011 session
5. Subcommittee on Harbourfront Planning under the Panel on Development	2010-2011 session
6. Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project under the Panel on Home Affairs and the Panel on Development	2010-2011 session
7. Joint Subcommittee on Amendments to Land Titles Ordinance under the Panel on Development and the Panel on Administration of Justice and Legal Services	2010-2011 session
8. Subcommittee on Combating Fly-tipping under the Panel on Environmental Affairs	2010-2011 session

B. Approval of the House Committee being sought for continuation of work	
9. Subcommittee on Residential and Community Care Services for Persons with Disabilities and the Elderly under the Panel on Welfare Services	
10. Subcommittee on Building Safety and Related Issues under the Panel on Development	

C. Subcommittees on policy issues on waiting list	
11. Subcommittee on Retirement Protection under the Panel on Welfare Services	The House Committee agreed at its meeting on 21 January 2011 that the Subcommittee could be activated in three months' time.
12. Subcommittee on Improving Barrier Free Access and Facilities for Persons with Disabilities under the Panel on Welfare Services	The House Committee agreed at its meeting on 21 January 2011 that the Subcommittee could be activated after the Subcommittee on Residential and Community Care Services for Persons with Disabilities and the Elderly under the Panel on Welfare Services had completed its work.

Existing and anticipated number of Bills Committees and subcommittees
(position as at 23 February 2011)

<i>Estimated number of Bills Committees ("BCs") within the next three months</i> <i>(a)+(b) = (13 + 6), i.e. 19</i> <i>(The maximum number of BCs in operation is limited to 16; BCs formed exceeding this number will be put on a waiting list)</i>		<i>Estimated number of subcommittees ("SCs") on subsidiary legislation within the next three months</i> <i>(c)+(d) = (2 + 5), i.e. 7</i>		<i>Estimated number of SCs on policy issues / other SCs under House Committee ("HC") within the next three months</i> <i>(e)+(f) = (12 + 1), i.e. 13</i>	
BCs <i>(Maximum number in operation: 16)</i>		SCs on subsidiary legislation <i>(Notional maximum number : 2)</i>		SCs on policy issues/other SCs under HC <i>(Maximum number of SCs on policy issues : 8)</i>	
(a) BCs in action	(b) BCs expected to be formed in the next three months	(c) SCs on subsidiary legislation in action	(d) Subsidiary legislation expected to be gazetted in the next three months and on which SCs are expected to be formed	(e) SCs on policy issues/other SCs under HC in action	(f) SCs on the waiting list
Total : 13	6	Total : 2	5	Total : 12	2
Please refer to List A of the Position Report on Bills Committees and subcommittees (the Position Report) (LC Paper No. CB(2)1126/10-11) for details of the BCs.	(i) Bills on the 2010-2011 Legislative Programme	1. SC on Buildings Energy Efficiency (Fees) Regulation and Buildings Energy Efficiency (Registered Energy Assessors) Regulation 2. SC on Antiquities and Monuments (Declaration of Proposed Monuments) (Ho Tung Gardens) Notice	1. Subsidiary legislation to amend Schedule 5 to the Securities and Futures Ordinance for regulation of credit rating agencies 2. Subsidiary legislation to implement the recommendations arising from the five-yearly review of the criteria for assessing the financial eligibility of legal aid applicants 3. Subsidiary legislation relating to the Chief Executive Election and the Legislative Council Election in 2012 4. Subsidiary legislation to give effect to adjustment in the fares for the hiring of urban, New Territories and Lantau taxis 5. Subsidiary legislation to introduce amendments to the Fisheries Protection Regulations to ban trawling activities in Hong Kong waters	(i) SCs on policy issues under HC	1. SC on Retirement Protection under the Panel on Welfare Services (HC agreed at its meeting on 21 January 2011 that the SC be activated in three months' time.) 2. SC on Improving Barrier Free Access and Facilities for Persons with Disabilities under the Panel on Welfare Services (HC agreed at its meeting on 21 January 2011 that the SC be activated after the SC on Residential and Community Care Services for Persons with Disabilities and the Elderly under the Panel on Welfare Services has completed its work.)
	Of the 14 bills in the Administration's 2010-2011 Legislative Programme which have not yet been introduced into the Legislative Council, five BCs are expected to be formed in the next three months on the following Bills :			(ii) SCs on policy issues under Panels	
	1. Mandatory Provident Fund Schemes (Amendment) Bill 2011 (to be introduced at the Council meeting of 2 March 2011) 2. Inland Revenue (Amendment) (No.2) Bill 2011 (to be introduced at the Council meeting of 9 March 2011) 3. Pyramid Selling Prohibition (Amendment) Bill 4. A bill to improve the regulatory regime for the financial market 5. Road Traffic (Amendment) Bill Sub-total : 5			Please refer to List G of the Position Report for details of the SCs. Sub-total : 2 Please refer to List I of the Position Report for details of the SCs. Sub-total : 8	
	(ii) Members' Bill			(iii) Others SCs under HC	
	The Hong Kong Polytechnic University (Amendment) Bill 2011 Sub-total : 1			1. SC to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions 2. SC to study LegCo's power to amend subsidiary legislation Sub-total : 2	