

立法會
Legislative Council

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Establishment Subcommittee of the Finance Committee

**Minutes of the 6th meeting
held in Conference Room 1 of Legislative Council Complex
on Wednesday, 15 February 2012, 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
Dr Hon David LI Kwok-po, GBM, GBS, 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
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)
Mr Kenneth CHEN, JP	Under Secretary for Education
Ms Mable CHAN, JP	Deputy Secretary for Education (2)
Mrs Michelle WONG	Deputy Secretary for Education (4)

Ms Esther LEUNG, JP	Deputy Secretary for Education (6)
Mr WAI Chi-sing, JP	Permanent Secretary for Development (Works)
Mr LING Kar-kan, JP	Head of Pre-Kowloon East Development Office, Planning Department
Mr Victor NG	Principal Assistant Secretary for Development (Planning and Lands)6
Mr HUI Siu-wai	Deputy Director of Buildings

Clerk in attendance:

Ms Connie SZETO	Chief Council Secretary (1)4
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Staff in attendance:

Mrs Constance LI	Assistant Secretary General 1
Mr Simon CHEUNG	Senior Council Secretary (1)9
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 (ECI(2011-12)11) provided by the Administration setting out the latest changes in respect of the Administration's directorate establishment approved since 2002.

EC(2011-12)19 Proposed creation of one supernumerary post of Principal Education Officer (D1) in the School Administration and Support Branch of the Education Bureau for three years from 1 May 2012 to 30 April 2015 to review and oversee the implementation of enhanced services for students with special educational needs and non-Chinese speaking students in local mainstream schools

2. The Chairman advised that the Administration's paper sought to create a supernumerary post of Principal Education Officer for three years from 1 May 2012 to 30 April 2015 to review and oversee the implementation

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of enhanced services for students with special educational needs and non-Chinese speaking students in mainstream schools. The staffing proposal was discussed by the Panel on Education (the Education Panel) at the meeting on 9 January 2012. Panel members supported the proposal in general as there was a genuine need to enhance support for students with special educational needs and non-Chinese speaking students in Hong Kong. At the request of Panel members, the Administration had provided supplementary information to the Panel on the expected deliverables of the post during the proposed three-year period.

3. Ms LI Fung-ying said that she supported the proposal as there was a pressing need to step up support services for non-Chinese students and students with special educational needs. To monitor the Administration's work in this respect, she requested the Administration to provide progress reports to the Education Panel on a regular basis. Under Secretary for Education said that the Education Bureau had been making regular reports to the Panel on Education in this regard, and such practice would continue.

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

EC(2011-12)20 Proposed creation of two supernumerary posts of one Principal Government Town Planner (D3) and one Government Architect (D2) in the Works Branch of the Development Bureau for one year with effect from 1 July 2012 for the establishment of a Kowloon East Development Office

5. The Chairman advised that the Administration's paper sought to seek members' support for creating two one-year supernumerary posts, i.e. one Principal Government Town Planner (D3) post and one Government Architect (D2) post, in the proposed Kowloon East Development Office (KEDO).

6. Prof Patrick LAU, Chairman of the Panel on Development (the Panel), reported that the Administration had consulted the Panel on the proposal on 16 January 2012. Panel members expressed support for the proposal in general whereas one member opposed the proposal. Panel members were of the view that the officer filling the post of Head of KEDO should possess eminent leadership and strong capabilities in coordinating the efforts of different policy bureaux/departments to transform Kowloon East into a vibrant central business district (CBD) in Hong Kong. Panel members also stressed the need for KEDO to actively engage the relevant stakeholders and local community, including Kwun Tong District Council (DC) and

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Kowloon City DC, in ensuring that the development of Kowloon East could meet social and economic needs of the region. Given the complexity of various tasks involved, such as handling multiple land ownership and complicated town planning procedures, and the longer lead-time required for KEDO to deliver the desired results, some Panel members had suggested that the Administration should consider setting up KEDO for an initial period of at least two years, and that it could report the work progress to the Panel and consult members on the long-term set-up and work plans of the Office in the light of operational experience after a year.

Duration and work of the initial Kowloon East Development Office

7. Ir Dr Raymond HO expressed support for the staffing proposal. In view of the voluminous and highly complicated tasks to be undertaken in transforming Kowloon East, he expressed concern that the two supernumerary posts were to last for only one year. He asked about the reasons for the proposed duration of posts. Mr WONG Ting-kwong expressed similar views. He said that Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong returned by the Kowloon East Constituency were concerned as to how KEDO could deliver the desired results within a short period of one year.

8. Permanent Secretary for Development (Works) (PS(W)) advised that KEDO would need to undertake highly challenging tasks in transforming Kowloon East into an alternative CBD in Hong Kong. Instead of implementing the development project on new land as in the case of new town development in the past, the work involved in transforming Kowloon East would be far more difficult and complicated, since the region comprised highly-developed districts of Kwun Tong and Kowloon Bay where most of the land was held by multiple private owners. Indeed, there was no precedent development overseas similar to that of Kowloon East. As regards the work of KEDO in the initial year of operation, PS(W) said that the major tasks included mapping out the long-term development for the region, and working out the long-term need and institutional set-up of the Office accordingly. While the Administration appreciated members' support for a longer duration of the two supernumerary posts, PS(W) said that the two posts had already been created under delegated authority to undertake preparatory tasks since February 2012, and with formal creation of the two posts in mid-year after obtaining FC's approval, there would be some 16 months for KEDO to carry out its initial work. The Administration was confident that KEDO would have adequate time to complete the necessary tasks with a view to mapping out the best institutional set-up for taking forward the Energizing Kowloon East initiative. The Administration would report to the Panel before the expiry of the two posts the work progress and results achieved by KEDO, and

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to consult members on the longer term staffing arrangements.

9. Ir Dr Raymond HO said that while he agreed to the Administration's proposed approach, he urged the Administration to exercise due care in developing Kowloon East in order not to repeat the same mistake made in the development of Tin Shui Wai.

Work of Kowloon East Development Office

10. Prof Patrick LAU enquired about the geographical coverage of the development in Kowloon East, the working relationship between KEDO and Kai Tak Office (KTO), and the role of relevant DC(s) in KEDO's work. In his opinion, the relevant DCs could contribute to the planning of the development on Kowloon East, and engagement of DCs would help promote cooperation and support from the local community for the various development projects.

11. PS(W) advised that Kowloon East comprised the new Kai Tak Development area (KTD) and the highly-developed districts in Kwun Tong and Kowloon Bay. As KTD was undergoing the engineering implementation phase under the KTD Outline Zoning Plan, KTO would continue to implement infrastructural projects in KTD. KEDO would focus on wider strategic issues in transforming Kowloon East into a premier business district. Efforts would be made to improve inter- and intra-connectivity of Kowloon East with other districts. As regards the development of other old districts outside Kowloon East, the Administration would strive to revitalize these districts in line with the new Urban Renewal Strategy promulgated in 2011 through consultation with the District Urban Renewal Forum and relevant DCs.

12. In response to the Chairman, PS(W) elaborated that the major roles of KEDO in the initial 12-month period included advocating the conceptual master plan for Energising Kowloon East with focus on the business districts of Kwun Tong and Kowloon Bay and continuously developing the plan to reflect the development needs of Kowloon East; engaging major stakeholders and the public to promote the region and attract local and overseas developers and users; providing one-stop advisory and coordinating support to land development proposals that were conducive to private sector development; undertaking planning and engineering studies and implementing small-scale projects such as road/traffic improvement works, improvement to pedestrian connections, streetscape, greening and promenade, waterfront enhancement, local open space, in Kwun Tong and Kowloon Bay.

13. Dr PAN Pey-chyou expressed concern that urban renewal took place in recent years had often resulted in soaring property prices and rentals, and

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hence displacement of community facilities, such as small shops selling inexpensive goods and small food premises, which were affordable by the grass root people. Noting that Kwun Tong was an old district, he was concerned that transformation of Kowloon East would affect the livelihood of existing residents in the area and enquired how the Administration would assist these people during the re-development process, particularly preservation of existing small and medium enterprises (SMEs), traditional trades and industries operating in the districts.

14. Echoing Dr PAN's views, the Chairman remarked that the proposed transformation of Kowloon East was tantamount to a "gentrification" of the region and stressed the need for the Administration to render support to existing traditional trades and industries operating in the region during the transformation process. She urged that KEDO should look into related issues and conduct relevant studies.

15. Head of Pre-Kowloon East Development Office advised that the focus of Energising Kowloon East would be in the business districts of Kwun Tong and Kowloon Bay where were once Hong Kong's key areas for manufacturing industry. During the past ten years, the Administration had undertaken land use reviews and successfully rezoned most of the building lots from "industrial" to "business" uses. According to a research study commissioned by the Administration in 2010, most companies established in the two districts were SMEs engaged in business services. To meet their operational need, one of the work focuses of KEDO was to improve the connectivity, particularly pedestrian connections within the districts and with the three Mass Transit Railway stations in Kowloon East. Such improvement effort would benefit all operators in the area. PS(W) supplemented that KEDO would engage stakeholders actively on the new conceptual master plan for Kwun Tong and Kowloon Bay under which the impact of transformation of Kowloon East on SMEs, people working in the districts and local residents would be examined. He assured members that the Administration would aim to promote "diversity" in transforming Kowloon East. For instance, consideration would be given to facilitating continued operation of SMEs on government land in the new development areas.

Chinese post title of Head of Kowloon East Development Office

16. The Chairman questioned why the Chinese title of "專員" was used for the posts of "Head" of Pre-Kowloon East Development Office and "Head" of Kowloon East Development Office, as she noticed that this Chinese title was usually used for the post of "Commissioner". She enquired about the policy and practice for post titles, and opined that there should be consistency

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in the use of such titles.

17. PS(W) advised that the Administration had not yet finalized the name of KEDO. Regarding the Chinese post title of "專員", Deputy Secretary for the Civil Service (1) advised that while some Chinese post titles, such as "首席助理秘書長" and "助理秘書長" were consistently used for posts of "Principal Assistant Secretary" and "Assistant Secretary" respectively across bureaux, there was no uniform standard for using the Chinese post title of "專員" in bureaux or departments. For instance, the Chinese post title of "專員" was used in a number of posts, such as District Officers ("民政事務專員") under the Home Affairs Department, the Commissioner for Heritage ("文物保育專員") under the Development Bureau, etc. She took note of the Chairman's views and said that the Administration would consider reviewing the Chinese post title of "專員".

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

EC(2011-12)21 Proposed creation of one supernumerary bi-disciplinary post of Chief Building Surveyor/Chief Structural Engineer (D1) in the Buildings Department from the date of approval to 31 March 2022 for co-ordinating the implementation of the Administration's enhanced enforcement strategy against unauthorized building works in New Territories Exempted Houses

19. The Chairman advised that the Administration's proposal sought to create one supernumerary bi-disciplinary post of Chief Building Surveyor (CBS)/Chief Structural Engineer (CSE) for ten years to coordinate the Administration's enhanced enforcement strategy against unauthorized building works (UBWs) in New Territories Exempted Houses (NT village houses).

20. Prof Patrick LAU, Chairman of the Development Panel, reported that the Subcommittee on Building Safety and Related Issues under the Panel on Development (the Panel) had discussed the proposal on 8 December 2011. Subcommittee members in general supported the proposal to create the post to head the new Village Houses Section (VH Section) in the Buildings Department (BD). Subcommittee members noted that although the Survey Officer Working Group and the Technical Officer Working Group in BD supported the proposed posts in principle, the two working groups had

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expressed concerns about the setting up of the VH section and the staff deployment. They considered that BD should improve manpower support at the frontline level instead of contracting out its work to outside consultants. Subcommittee members also noted that BD's Local Building Surveyors' Association supported the proposal but the Association considered it more appropriate for the post to be filled by a CBS. At the request of Subcommittee members, the Administration had conducted further consultation with the concerned staff associations in BD and reported the outcome to the Panel and the Subcommittee.

Manpower in the Village Houses Section and duration of the supernumerary post

21. Mrs Regina IP said that she supported the proposal in principle. Given the extensive UBW problem in NT village houses, she was concerned that the CBS/CSE together with the 40 non-directorate staff in the new VH Section would not be adequate to cope with the workload. She enquired about the factors considered by the Administration in determining the establishment of VH Section, in particular, whether the Administration had set a target number of UBWs to be tackled.

22. Deputy Director of Buildings (DD/B) advised that the new VH Section would be headed by a CBS/CSE and supported by 40 non-directorate staff including professional, technical and other supporting staff. BD would engage outside consultants to assist with the work of VH Section. He added that in view of the rampant UBW problem in NT village houses, the Administration set out a new strategy in June 2011 to strengthen control by adopting a pragmatic approach through categorization of UBWs and prioritization of enforcement actions in a progressive manner. Based on the existing enforcement policy, BD would take immediate enforcement action against existing UBWs in NT village houses that constituted imminent danger and UBWs under construction or were newly built. For all other existing UBWs, with the help of consultants, VH Section would undertake investigation to identify "first round targets", i.e. UBWs not posing imminent danger but constituting serious contravention of the law and imposing higher potential risks to building and public safety, in nine selected NT villages initially, and the investigation would subsequently cover all districts in NT. The Administration would also introduce a reporting scheme with effect from 1 April 2012 for six months up to 30 September 2012 for UBWs which constituted relatively less serious contravention of the law and posed lower potential risks. As regards the number of first round targets to be tackled, DD/B said that BD was preparing the tender for commissioning consultants to survey and identify these targets, and an estimated number would be available after completion of the consultants' survey. On the number of UBWs to be

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registered under the reporting scheme, the Administration would have a clearer picture after the six-month period.

23. Given the extensive UBW problem in NT village houses and complicated issues involved, Mr WONG Sing-chi expressed concern whether the proposed ten-year duration for the bi-disciplinary CBS/CSE post would be sufficient to solve the UBW problem in NT village houses. Echoing Mr WONG's concern, Ms LI Fung-ying pointed out that monitoring the situation of UBWs in NT village houses was a long-term task. She asked why the Administration had proposed to establish the bi-disciplinary post and VH Section on a supernumerary basis for ten years instead of on a permanent basis. She commented that as Government's major infrastructure projects were being implemented in full swing and there were other works projects in progress, it would be difficult for the Administration to fill the posts in VH Section if they were to be established on a supernumerary and time-limited basis. She enquired whether the Administration would consider creating the bi-disciplinary CSB/CSE post for a shorter period, say three or five years, and assess the need for converting the post to a permanent basis. Noting that BD had deleted some hundreds of Non-Civil Service Contract (NCSC) posts with completion of large scale UBW clearance programme in the territory, Mrs Regina IP asked whether consideration would be given to recruit NCSC staff to support VH Section.

24. Principal Assistant Secretary for Development (Planning and Lands) 6 (PAS(PL)) stressed that the Administration was committed and determined to address the UBW problem in NT village houses. He advised that the Administration had devised the new strategy to strengthen control of the problem and proposed establishing VH Section and the supernumerary CSB/CSE post for ten years taking into account the distribution of village houses in different districts in NT, the types of UBWs found in village houses and extent of the problem, as well as the experience in taking enforcement actions against UBWs found in the urban area. As control against UBWs in NT village houses would not be a permanent job for BD, it was appropriate for the CSB/CSE post to be created on a supernumerary basis and the proposed ten-year duration was considered reasonable. Having regard to BD's operational experience in tackling UBWs in the urban area in the past ten years, a three-year or five-year duration would be considered too short. He emphasized that the Administration would closely monitor the work progress of VH Section and review the need for the CSB/CSE post and VH Section in early 2022 or earlier as appropriate.

25. DD/B advised that there was no plan to recruit NCSC staff in VH Section. Deputy Secretary for the Civil Service (1) added that for these time-limited basis posts in VH Section which were of a duration of ten years,

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they would be filled by civil servants and this was in line with Government's current policy in filling supernumerary posts created on time-limited basis. Before expiry of the supernumerary posts, the concerned bureaux/departments would assess the continued need for these posts and the overall staffing position in general taking into account various factors such as staff wastage situation in the near future. The staff could be deployed to other posts if the supernumerary posts were to be deleted. She stressed that no civil servants would lose their jobs upon expiry of the supernumerary posts.

26. Mr WONG Sing-chi enquired about the work of VH Section and its cooperation with other sections in BD. Ms LI Fung-ying asked about the criteria for selecting the nine villages for taking enforcement actions against the first round UBW targets.

27. In response, PAS(PL) re-iterated that to tackle the vast number of UBWs in NT village houses, the Administration had adopted a pragmatic approach through systematic categorization of UBWs and prioritization of enforcement actions with reference to the severity of their breach of law and the risks to building and public safety. BD would continue with the prevailing enforcement policy to take immediate action against UBWs in village houses which were found in imminent danger, under construction, or newly-built. In this regard, the date of 28 June 2011 would be adopted as the cut-off date for "existing" and "new" UBWs. All UBWs completed after that date would be regarded new UBWs and subject to BD's enforcement action. For all "existing" UBWs, those not posing imminent danger but constituted serious contravention of the law and impose higher potential risks to building and public safety would be classified as first round targets. On the selection of the nine villages, PAS(PL) explained that BD would launch a pilot scheme and select the nine villages from each district in NT. VH Section would conduct large-scale operation focusing on the first round targets in the nine villages, including investigation and identification of the target UBWs, serving removal orders on the owners concerned, and taking prosecution against non-compliant owners, etc. As regards deployment of manpower in BD for tackling the UBW problem, PAS(PL) and DD/B advised that with the re-organization of BD in July 2011, BD had adopted a building coordinator approach under which UBW problems and its enforcement actions would be handled by the six respective district sections. While the dedicated VH Section would be responsible for implementing the enhanced strategy in controlling UBWs in NT village houses, the respective district sections would continue to deal with UBW-related issues within their own districts.

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Creation of a bi-disciplinary post

28. Ir Dr Raymond HO referred to the submission from BD Structural Engineers' Association (BDSEA) (LC Paper No. ESC33/11-12(01)) expressing support for creating the bi-disciplinary post, and the view that the head of VH Section should be filled by a CSE. Concurring with BDSEA's views, he re-iterated his concern about creating bi-disciplinary CBS/CES posts in BD, which would result in conflict and cooperation problems between staff of the two professions. He considered that the Ombudsman's Report on the UBW problem in NT village houses in 2011 and the Ma Tau Wai Road building collapse incident occurred in 2010 had highlighted the close relationship between building safety problems and structural safety of buildings. He urged the Administration to consider BDSEA's view that the post should be filled by a suitable officer with proven leadership and ability. He also called on BD to take concrete actions in fostering a harmonious working relationship between staff of the building surveyor and structural engineer professions.

29. PAS(PL) and DD/B said that the Administration was aware of the views and concerns expressed by staff associations of the structural engineering and building surveying disciplines. The Administration took note of Dr HO's views and BD management would strive to maintain effective communication with the staff side and build up a harmonious working environment for different grades working in the Department.

Possible resistance from owners of village houses

30. Prof Patrick LAU said that he supported the Administration's proposal. In anticipation that enhanced enforcement actions against UBWs in NT village houses might lead to strong resistance from some village house owners, he asked about the measures taken to protect staff in performing their duties, and whether the Administration would solicit the support of Heung Yee Kuk (HYK) to prevent confrontation and violence when enforcement actions were taken.

31. PAS(PL) said that the Administration recognized the concerns of village house owners and noted that there might be opposition from them towards enhanced enforcement actions. Nonetheless, there was also support from owners and residents of village houses for the Administration to strengthen control against the UBW problem in NT village houses and to uphold fairness in enforcement actions in order to ensure building safety. PAS(PL) stressed that in parallel with strengthening enforcement against UBWs, the Administration would continue to organize large-scale publicity and public education programmes to enhance awareness and understanding of

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owners and residents of village houses on building safety issues, UBW problems and illegal structures, so as to ensure smooth implementation of the enforcement strategy. In this regard, he advised that the Administration had launched the first phase of publicity and education activities in November 2011 and would commence another round of publicity from March 2012 onwards. Moreover, the Administration would continue to maintain close liaison with HYK in undertaking enforcement actions so as to reduce possible resistance from owners or residents. Where necessary, BD would seek assistance from other Government departments in tackling violent situations that it might encounter in the course of enforcement actions.

Provision of progress reports

32. The Chairman asked whether the Administration would report the work progress of VH Section to members. PAS(PL) said that it would take some time for BD to roll out the new strategy and assess its effectiveness and the need for further manpower support for VH Section. He added that the Administration had undertaken to provide progress reports on the implementation of the enhanced strategy to the Panel on a regular basis.

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

34. There being no other business, the meeting ended at 9:42 am.

Council Business Division 1
Legislative Council Secretariat
29 March 2012