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Establishment Subcommittee of the Finance Committee

Minutes of the 4th meeting
held in Conference Room 1 of Legislative Council Complex
on Friday, 4 January 2013, at 8:30 am

Members present:

Hon WONG Ting-kwong, SBS, JP (Chairman)
Hon Kenneth LEUNG (Deputy Chairman)
Hon Emily LAU Wai-hing, JP
Hon WONG Kwok-kin, BBS
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Steven HO Chun-yin
Hon YIU Si-wing
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
Hon IP Kin-yuen
Hon Martin LIAO Cheung-kwong, JP
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu

Members absent:

Hon Starry LEE Wai-king, JP
Dr Hon Helena WONG Pik-wan
Hon CHUNG Kwok-pan

Public Officers attending:

Ms Esther LEUNG, JP	Deputy Secretary for Financial Services and the Treasury (Treasury) 1
Mr Eddie MAK Tak-wai, JP	Deputy Secretary for the Civil Service (1)
Mr Ivanhoe CHANG	Principal Assistant Secretary for Commerce and Economic Development (Communications and Technology) B
Ms Manda CHAN	Principal Assistant Secretary for Commerce and Economic Development (Commerce and Industry) Special Duties
Miss Eliza LEE, JP	Director-General of Communications, Office of the Communications Authority
Mr Sanda CHEUK	Acting Assistant Director (Market and Competition), Office of the Communications Authority
Mr Jerry LIU	Head of Create Hong Kong, Commerce and Economic Development Bureau
Mr Wellington FUNG	Secretary-General of Film Development Council, Create Hong Kong, Commerce and Economic Development Bureau
Mr Kevin YEUNG, JP	Under Secretary for Education
Ms Jessie WONG	Deputy Secretary for Education
Ms Wendy CHUNG	Principal Assistant Secretary for Education (Infrastructure and Research Support)

Clerk in attendance:

Ms Connie SZETO	Chief Council Secretary (1)4

Staff in attendance:

Mr Andy LAU	Assistant Secretary General 1
Mr Hugo CHIU	Council Secretary (1)4
Ms Alice CHEUNG	Senior Legislative Assistant (1)1
Ms Clara LO	Legislative Assistant (1)9

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The Chairman drew members' attention to the information paper (ECI(2012-13)10) provided by the Administration setting out the latest changes in respect of the Administration's directorate establishment approved since 2002.

EC(2012-13)13 **Proposed upgrading one permanent post from Principal Regulatory Affairs Manager (MPS Point 45 - 49) to Chief Regulatory Affairs Manager (D1) in the Office of the Communications Authority with immediate effect for overseeing the implementation, administration and enforcement of the new consumer protection regime under the Trade Descriptions (Unfair Trade Practices) (Amendment) Ordinance 2012 in respect of unfair trade practices relating to the provision of broadcasting and telecommunications services by licensees under the Broadcasting Ordinance (Cap. 562) and the Telecommunications Ordinance (Cap. 106)**

2. The Chairman said that the Administration's proposal was to upgrade one permanent post from Principal Regulatory Affairs Manager (PRAM) to Chief Regulatory Affairs Manager (CRAM) (D1) in the Office of the Communications Authority (OFCA) with immediate effect for overseeing the implementation, administration and enforcement of the new consumer protection regime under the Trade Descriptions (Unfair Trade Practices) (Amendment) Ordinance 2012 (TDO(A)) in respect of unfair trade practices relating to the provision of broadcasting and telecommunications services by licensees under the Broadcasting Ordinance (Cap. 562) (BO) and the Telecommunications Ordinance (Cap. 106) (TO).

3. The Chairman advised that the Panel on Information Technology and Broadcasting (ITB Panel) was consulted on the proposal at its meeting on 12 November 2012. Panel members in general supported the proposal to facilitate the handling of unfair trade practices relating to the provision of broadcasting and telecommunications services by licensees under BO and TO by OFCA in relation to TDO(A) which would commence operation in 2013-14.

Cooling-off period arrangement

4. Mr TANG Ka-piu expressed support for the proposal. Referring to duties in relation to the development and overseeing of schemes to facilitate resolution of disputes among consumers and operators as well as the review of policy and legislation pertinent to the regulation of service providers from the

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perspective of consumer protection (i.e. items 6 and 10 of Enclosure 2 to EC(2012-13)13), Mr TANG enquired how the upgrading of the permanent post from PRAM to CRAM would help enhance protection of consumers' interests in the telecommunications and broadcasting sectors. Noting that the former Office of the Telecommunications Authority (OFTA) had reached an agreement with local telecommunications operators in 2010 on the provision of a "seven-day cooling-off period" for contracts on a voluntary basis, Mr TANG asked whether the Administration would consider introducing legislative amendments to the relevant ordinances to provide for statutory "cooling-off period".

5. Principal Assistant Secretary for Commerce and Economic Development (Commerce and Industry) Special Duties (PAS(CI)SD) said that provision of a "cooling-off period arrangement" in respect of goods/service contracts with a duration of not less than six months and consumer transactions concluded during unsolicited visits to consumers' homes and places of work was included among the initial legislative proposals for TDO(A) in early 2011. Taking into account concerns about the arrangement, such as the practical arrangements for consumers to cancel contracts, the refund arrangements as well as possible transfer of the relevant costs to consumers, expressed by traders , the "cooling-off period arrangement" which would have far-reaching impact on both traders and consumers had not been incorporated in TDO(A). Nonetheless, PAS(CI)SD pointed out that TDO(A) criminalized a number of commonly seen unfair trade practices including, false trade descriptions of services, misleading omissions and aggressive commercial practices, with suitable sanctions imposed. The Administration was aware of public expectation for provision of a "cooling-off period" and would continue to listen to views of the community and the business sector on related issues. The current priority was to implement the enhanced consumer protection regime under TDO(A).

6. Mr TANG Ka-piu re-iterated the need for the Administration to extend the provision of a "cooling-off period" arrangement to various service sectors. The Chairman said that the issues involved policy issues under the purview of the Panel on Commerce and Industry (CI Panel). He would reflect Mr TANG's views to CI Panel for necessary follow-up.

Cooperation between the Office of the Communications Authority and the Customs and Excise Department in the enforcement of the new consumer protection regime

7. Ms Emily LAU conveyed support for the proposal. She remarked that the Administration should step up efforts in promoting awareness of the public and the business sector on the new consumer protection regime under

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TDO(A) and explain to the business sector on compliance issues. She enquired about the enforcement of the new provision on the use of aggressive commercial practices in consumer transactions, details of the preparation for the commencement of TDO(A), and coordination between OFCA and the Customs and Excise Department (C&ED) in carrying out their respective duties under the amendment ordinance in order to ensure smooth cooperation between the two agencies.

8. Director-General of Communications, Office of the Communications Authority (DG Com/OFCA) advised that C&ED was responsible for the enforcement of the Trade Descriptions Ordinance (TDO) (Cap. 362). While C&ED would be tasked to enforce the new provisions under TDO(A), concurrent jurisdiction would be conferred on the Communications Authority (CA) in respect of unfair trade practices relating to the provision of broadcasting and telecommunications services by licensees under BO and TO. OFCA, as the executive arm of CA, had cooperated closely with C&ED in preparing and drafting of the legislative proposals under TDO(A), and the two agencies had been working in collaboration in the development of the relevant guidelines and enforcement policies, which were currently under public consultation. OFCA would also draw up with C&ED a Memorandum of Understanding between CA and the Commissioner of Customs and Excise pertinent to the enforcement of the new fair trading sections under TDO(A) before its commencement. OFCA and C&ED would establish a mechanism on the management and transferral of cases between the two agencies and step up training for relevant staff. DG Com/OFCA stressed that OFCA would continue to cooperate with C&ED in enforcement after commencement of TDO(A).

9. In response to Ms Emily LAU's further enquiry about views expressed during consultation on the relevant guidelines and enforcement policies, PAS(CI)SD advised that the consultation exercise was being conducted and should end in mid January 2013. She said that during the consultation sessions conducted for traders and business associations, clarifications were mainly sought on the coverage of the unfair trade practices prohibited under TDO(A). Questions raised during the consultation sessions were answered on-spot. The Administration would continue to liaise with traders and industry bodies to address their concerns relating to enforcement of TDO(A) and would refine the enforcement guidelines if necessary.

Staffing and publicity of the Office of the Communications Authority

10. Mr YIU Si-wing said that he had no objection to the proposal. Noting from paragraph 23 of EC(2012-13)13 that the establishment of OFCA had increased by 26 during 1 April 2012 to 1 December 2012, he enquired

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about reasons for the increase and whether OFCA had plans to increase its establishment further in the near future.

11. DG Com/OFCA explained that the increase in establishment of OFCA (the former OFTA) was associated with the establishment of CA as the unified regulator of the telecommunications and broadcasting sectors, and the setting up of OFCA (through merger of OFTA and divisions of the former Television and Entertainment Licensing Authority (TELA)) as the executive arm of CA on 1 April 2012, and the creation of Regulatory Affairs Manager grade approved by the Finance Committee (FC) in November 2011 involving 30 non-directorate posts and one directorate post. OFCA was conducting open recruitment to fill these posts. DG Com/OFCA supplemented that OFCA consisted of five branches each of which had different duties. The current staffing proposal was related to the work of the Market and Competition Branch (MCB). Apart from upgrading the PRAM post to CRAM post under the current proposal, OFCA planned to create 11 non-directorate posts by phases in MCB to cope with the increase in workload relating to enforcement and investigation work arising from the implementation of TDO(A). Furthermore, under the new cross-sector Competition Ordinance which was passed by the Legislative Council (LegCo) in June 2012, CA would have concurrent jurisdiction in respect of competition issues in the telecommunications and broadcasting sectors. This would bring about additional workload and increase the complexity in enforcement work relating to anti-competitive conduct in the two sectors and might necessitate strengthening of manpower. The Administration would review the manpower situation and consider strengthening the staffing position of OFCA if necessary.

12. Mr YIU Si-wing considered that the Administration should adopt a holistic approach in staff planning and avoid submitting staffing proposals in a piecemeal manner. The Chairman agreed with Mr YIU. DG Com/OFCA responded that only changes in directorate establishment would be submitted to the Establishment Subcommittee (ESC) for consideration and FC for approval. She said that the Administration would provide detailed justifications for consideration by ESC if there was a need to create new directorate posts in OFCA in undertaking enforcement work in relation to the new Competition Ordinance.

13. While expressing no objection to the proposal, Dr KWOK Ka-ki noted that despite increase in the establishment of the former OFTA from 216 as at 1 April 2010 to 357 in the present OFCA as at 1 December 2012, the average number of complaints handled by the former OFTA and OFCA in relation to section 7M of the TO, and referrals made by the former TELA and OFCA to broadcasters for follow-up in relation to unfair trade practices in the

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broadcasting sector were only about 42 and 77 per year respectively. Dr KWOK queried whether the low figures were due to unawareness of the public about the relevant complaint channels or low efficiency of the staff concerned. He stressed that OFCA should adopt a proactive approach in protecting the interests of consumers and enquired how the Administration would step up publicity on the work of OFCA and the consumer protection regime under TO, BO and TDO(A).

14. Regarding the average annual caseload of complaints (i.e. 42) set out in paragraph 6 of EC(2012-13)13, DG Com/OFCA explained that they were complaints requiring extensive inquiries and investigations under section 7M of TO and only constituted a small proportion of the substantial amount of complaints received by OFCA and the former OFTA. These complaint figures were not included in the paper as they were not directly related to the present staffing proposal. DG Com/OFCA further advised that while aggressive commercial practices were currently not covered by section 7M of TO, they would be criminal offences under TDO(A). She added that unfair commercial practices in the pay television sector, which were currently not covered by section 7M of TO, would be covered by the new consumer protection regime under TDO(A).

15. On the publicity on TDO(A), PAS(CI)SD advised that the Commerce and Economic Development Bureau had been collaborating with OFCA, C&ED and the Consumer Council in arranging to launch various publicity and public education initiatives, including distribution of pamphlets, broadcasting of Announcements of Public Interest and liaison with industry bodies to explain the details of TDO(A) and compliance issues. DG Com/OFCA supplemented that OFCA would cooperate with C&ED on public education initiatives.

16. The Chairman shared with Dr KWOK Ka-ki's view that publicity on the work of OFCA and the complaint channels for the public should be strengthened. He opined that the Administration should provide such information in staffing proposals of OFCA to be submitted in future.

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

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EC(2012-13)14 **Proposed creation of one permanent post of Secretary-General of the Film Development Council (D2) in a new grade and rank in the Communications and Technology Branch of Commerce and Economic Development Bureau of Government Secretariat designated as Assistant Head (2) of Create Hong Kong to oversee the Film Services Office upon the lapse of the non-civil service position on 16 November 2013**

18. The Chairman advised that the Administration's proposal was to create one permanent post of Secretary-General of the Film Development Council (SG(FDC)) (D2) in a new grade and rank in the Communications and Technology Branch of the Commerce and Economic Development Bureau of Government Secretariat designated as Assistant Head (2) of Create Hong Kong (CreateHK) to oversee the Film Services Office (FSO) upon the lapse of the non-civil service position on 16 November 2013.

19. The Chairman said that ITB Panel was consulted on the proposal at its meeting on 12 November 2012. Panel members supported the proposal in general to facilitate CreateHK in formulating policies and related strategies in support of the local film industry.

Support to the local film industry

20. Ms Emily LAU said that she supported the proposal to help the development of the local film industry. She expressed concern that as compared with the "golden age" of the local film industry in the past, the number of Hong Kong film productions had declined substantially in recent years and enquired how the establishment of the post of SG(FDC) could improve the situation. Sharing that the new post would play an important role in leading FSO to promote the development of the local film industry, Mr YIU Si-wing considered that the Administration should set clear objectives in formulating the related strategies and devise appropriate measures to revitalize the Hong Kong film industry.

21. Head of Create Hong Kong, Commerce and Economic Development Bureau (H of CreateHK) explained that the surge in the number of local film productions during the past "golden age" of the early 1990s had witnessed over 200 local film productions annually, which was the result of overheated investment by local and regional market-players in the face of growing demand for Hong Kong films during that period. The resultant significant decline in the quality as well as quantity of Hong Kong film productions had reflected shrinkage in the regional market, or the bursting of

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the film production bubble. H of CreateHK said that film production in Hong Kong relied heavily on private investment. It was not envisaged that the level of private investment supporting local film productions would increase greatly in the short and medium term to an extent enabling local film productions to return to the past "golden age". Nonetheless, in comparison with the trough in 2003-2004, the declining trend of local film productions had ceased and a gradual growth in slow pace was seen. H of CreateHK remarked that the number of local film productions hinged on investments from the private sector local and overseas, as well as demand from overseas and Mainland markets. The role of Government in financing local file productions was limited.

22. Mr KWOK Wai-keung remarked that the development of Hong Kong film industry was conducive to local employment and urged the Administration to step up efforts in combating piracy in order to safeguard the interests of the film sector. He enquired whether the duties of SG(FDC) included tackling the piracy problem.

23. H of CreateHK explained that C&ED was responsible for combating film-related piracy activities. Secretary-General of Film Development Council, Create Hong Kong, Commerce and Economic Development Bureau (SG/FDC) supplemented that copyright infringement of films in the internet had become more serious than video compact disc piracy. To tackle this problem, the Film Development Fund (FDF) had subsidized the Hong Kong Motion Picture Industry Association Ltd (MPIA) in establishing a website setting out the copyright information of local films to facilitate enforcement work against piracy. FDF had also subsidized MPIA to create a platform, which was scheduled to launch in mid 2013, for tracing online piracy activities. Copyright owners of local films would be informed of the relevant online piracy activities for them to subsequently pursue with C&ED.

24. Mr KWOK Wai-keung enquired about the application for FDF in recent years. SG/FDC advised that FDF had received application for funding support from some 65 film projects in the past five years. 28 film projects had been approved and three projects were being processed. Some 20 projects had later solicited funding on their own.

25. Mr TANG Ka-piu suggested that the Administration should consider opening local filming locations of famous local films to tourists which could help the development of the film industry and also boost tourism. He also asked whether FSO would make regular reports to LegCo on its work and developments in the film industry, such as the employment situation in the industry, and achievements/awards gained by the local film productions. SG/FDC took note of Mr TANG's suggestion. H of CreateHK said that

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CreateHK had recently approved funding for setting up a database to record the box office receipts and related information of local films, including different income sources from Hong Kong, overseas and Mainland markets. Such information would be accessible to the general public upon completion of the database.

26. Mr Martin LIAO noted that the Film Guarantee Fund (FGF) had only received two applications in the past five years vis-à-vis the much larger number received by FDF. He enquired about the reasons for the situation and whether the Administration would consider ceasing FGF given its low interest of the film industry. H of CreateHK said that filmmakers preferred direct financing support to loan guarantees provided by the Government. The Administration was aware of the relatively low usage of FGF and would embark on a comprehensive review on the operation and long-term need of FDF and FGF in the second half of 2013. It was anticipated that funds in FDF would exhaust by mid 2015.

Pay and conditions of work for new entrants in the local film industry

27. Ms Emily LAU expressed concern that the pay for the young entrants in the local film industry was low and their working conditions were unsatisfactory, including extremely long working hours and heavy workload. These would have adverse impacts on the development of the local film industry. The Chairman remarked that the issues involved policy matters and could be further discussed by ITB Panel.

28. SG/FDC advised that local film productions, the majority of which were small-to-medium budget films, usually had low budgets, and therefore limited resources were available for the new entrants. He remarked that the new entrants were often willing to receive a relatively lower pay in return for training opportunities in the film industry. H of CreateHK added that staff in the production crews like those in the lighting crew and set crew often did not only work for filming activities but also in other productions, including large-scale entertainment events and functions which would provide extra sources of income. In 2010-2011, FDF provided subsidizes for the Federation of Hong Kong Filmmakers to organize a 10-month training programme for the back-stage crew members and the employment prospects of the graduates were satisfactory. H of CreateHK added that as reported by the media, staff unions in the lighting crew were currently discussing with employers on a proposal to increase crew members' daily wages.

29. Dr KWOK Ka-ki expressed support for the proposal. He enquired whether SG(FDC) would be involved in the management of FDF, how the new post could help improve the remuneration package for the new talents in the

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film industry, and whether the Administration had made reference to successful overseas experiences, such as those of South Korea, in developing the local film industry.

30. H of CreateHK responded that the new post would serve as Assistant Head (2) of CreateHK. The main duties of the post included providing support to FDC, managing film-related funding schemes and conduct preliminary vetting of applications to FDF and FGF. He pointed out that the film production financing scheme (FPFS) of FDF had operated for over five years and provided financial support for 28 small-to-medium budget films, which involved 16 new Hong Kong directors and ten new film producers directing or producing commercial films for the first time. Under FPFS, the Government would provide funding support, normally at 35% and in exceptional circumstances up to a maximum of 40% of the production budget of a film project while the remaining had to be met by private funding. There would be no restrictions on the size and scale of the film companies making application, nor the source of private funding. H of CreateHK added that FPFS had been enhanced recently by raising the Government's contributions from 35% to a maximum of 40% of the production budget of a film project if the production budget was below $10 million and if the film was directed by a first-time director and assisted in production by a veteran producer. Moreover, new assessment criteria, including creativity and local production elements of a film project, had been introduced. The Administration would continue to liaise with the industry in making further enhancements if necessary. He also remarked that reference had been made to neighboring regions like South Korea, Taiwan and Japan, which also paid attention to the nurturing and training of new talents in their local film industry.

Tapping of markets for local film productions

31. Mr KWOK Wai-keung and Mr TANG Ka-piu enquired how the Administration would tap markets for the local film productions. The Chairman concurred that tapping of markets was important to the development of Hong Kong film industry.

32. H of CreateHK responded that in tapping overseas markets, the Administration would cooperate with overseas Hong Kong Economic and Trade Offices (ETOs) to promote local films. SG(FDC) would liaise with ETOs in organizing relevant overseas activities to promote Hong Kong films, provide relevant information on local films for other countries' film festivals and assist local films in participating in overseas film festivals. SG/FDC added that a number of initiatives like the Hong Kong Film New Action, which aimed to promote the new generation film directors and producers of

Hong Kong, had been launched to help promote local films. Relevant promotional activities were also conducted in neighboring regions, such as the Hong Kong Contemporary Film Showcase 2012 recently held in Taiwan, to tap markets outside Hong Kong.

Hong Kong-Mainland co-productions

33. Noting the growth in number of Hong Kong-Mainland co-productions (co-productions) in recent years, Dr KWOK Ka-ki was concerned that local film productions might be gradually replaced by co-productions which were subject to Mainland's censorship system. Dr KWOK enquired about assistance for local filmmakers to maintain the development of the local film productions. Mr YIU Si-wing suggested that the Administration should consider specifying a minimum number of Hong Kong artists and production crew members in a co-production to protect the interest of those working in the Hong Kong film industry. The Chairman said that Mr YIU's suggestion involved policy issues and should be pursued by the relevant Panels.

34. SG/FDC advised that Hong Kong would liaise with relevant authorities of Guangdong Province on classifying local film productions as imported films, which would have more flexibility than co-productions in producing a version to be distributed in the Mainland. Moreover, FDF would provide a subsidy of $250,000 per approved film for assisting publicity in the promotion and distribution of such films in Guangdong Province. H of CreateHK supplemented that while the surge in the number of co-productions had reflected the increase in the investments from the Mainland, the number of Hong Kong crew in co-productions was not necessarily low. He pointed out that owing to rising production costs of the Mainland and the fact that Mainland film companies had grasped the technical expertise of Hong Kong film productions, the number of co-productions had decreased in 2012. There was a trend that the production of action films with contemporary settings had returned to being filmed in Hong Kong. The number of local film productions in 2012 also increased.

Promotion prospect of the post of Secretary-General of the Film Development Council

35. Pointing out that the new grade of SF(FDC) had only one rank, Ms Emily LAU expressed concern about the promotion prospect of the post-holder and how such a grade structure could attract capable talents. She was of the view that promotion opportunities should be provided for the new post. H of CreateHK responded that owing to the unique requirements of the new post, it only had a single grade and rank and it would be difficult to

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provide promotion opportunities for the post-holder in other grades. He recognized that the lack of promotion prospect for the post might, to some extent, affect its attractiveness to potential candidates. However, the creation of a permanent civil service post vis-à-vis the time-limited non-civil service position had reflected the Government's commitment to driving the development of the film industry on a long-term basis, and would provide continuity for the post-holder, and thus would be more attractive to candidates than an increase in the remuneration package or a good promotion prospect. The Chairman remarked that the related policy issues could be further discussed by the relevant Panels.

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

EC(2012-13)15 Proposed creation of one permanent post of Chief Maintenance Surveyor (D1) in the Education Bureau of Government Secretariat with effect from 1 April 2013 to oversee the School Premises Maintenance Section in carrying out school maintenance and renovation projects

37. The Chairman advised that the Administration's proposal was to create one permanent post of Chief Maintenance Surveyor (CMS) (D1) in the Education Bureau (EDB) of Government Secretariat with effect from 1 April 2013 to oversee the School Premises Maintenance Section (SPM Section) in carrying out school maintenance and renovation projects costing $2 million or below for the non-estate aided schools.

38. The Chairman said that the Panel on Education (ED Panel) was consulted on the proposal at its meeting on 12 November 2012. Panel members supported the proposal to facilitate the carrying out of school maintenance and renovation projects which had surged in number and were increasingly complex, and to strengthen the supervision of works consultants and contractors in response to recommendations of a relevant study conducted by the Independent Commission Against Corruption (the ICAC study).

39. Ms Emily LAU, Mr IP Kin-yuen and Dr KWOK Ka-ki expressed support for the proposal.

Environment of old schools

40. Ms Emily LAU and Mr IP Kin-yuen expressed concern that the premises of some aged schools was old and shabby, and enquired how the

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creation of the post of CMS could help improve the situation. Ms LAU remarked that the Administration should be more proactive in carrying out improvement works for schools in old premises.

41. Under Secretary for Education (US for E) advised that currently, about 200 school premises were over 40 years and the Administration would tackle the issue through reprovisioning or in-situ redevelopment of the schools, or carrying out large scale renovation. However, some schools might have their own considerations and preferred to remain at their existing premises and location while others might encounter difficulties in undertaking renovation or redevelopment projects due to site constraints. The Administration would continue discussion with schools to address their individual needs and specific concerns in pursuing reprovisioning or redevelopment projects. US for E clarified that the main duties of CMS included overseeing SPM Section in carrying out regular maintenance works covering major repairs and emergency repairs works. The post-holder would not be involved in school reprovisioning or redevelopment projects.

42. In response to enquiries made by Ms Emily LAU and Mr IP Kin-yuen, US for E advised that the Architectural Services Department (ArchSD) was currently responsible for administering maintenance projects for non-estate aided schools costing over $2 million and that the new post would be filled by secondment of professional staff from ArchSD.

Installation of lifts at schools

43. Ms Emily LAU enquired about the progress of installing lifts at aided schools to provide Barrier Free Access facilities for the implementation of inclusive education as referred to in footnote 4 to EC(2012-13)15 (the lift installation programme). US for E responded that around 30 lift installation applications from schools were received each year. EDB had processed an average of five applications in 2010-11 and 2011-12 and expected to process eight applications in 2012-13. If lift installation projects of the government schools were taken into account, over ten lift installation projects would be processed in 2012-13. Principal Assistant Secretary for Education (Infrastructure and Research Support) supplemented that all 223 schools built after 1997 were provided with lifts. So far, some 640 schools built before 1997 had been installed with lifts under the lift installation programme, and some 100 schools built before 1997 were without lifts at present. Among these some 100 schools, six were housed in single storey premises and did not require lifts, six had plans for reprovisioning or redevelopment and hence no lift installation projects would be pursued, some 30 schools were considered unsuitable for installing lifts due to various site constraints, lift installations works for nine schools had been arranged for 2013 to 2015, and over ten lift

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installation projects would be processed in 2012-13. The Administration would expedite the pace on lift installation at these schools subject to availability of resources. Ms LAU urged the Administration to step up its effort in this area.

Study by the Independent Commission Against Corruption

44. Ms Emily LAU considered that the findings of the ICAC study had revealed that some of the current practices of EDB in discharging school maintenance responsibilities were undesirable, such as reliance on the resident site staff (RSS) employed by the architectural term consultants to supervise the work of the consultants. She enquired whether ICAC's recommendations were triggered by corruption complaints or cases involving RSS or consultants. Dr KWOK Ka-ki enquired whether the creation of the post of CMS could address the problems identified in the ICAC study.

45. US for E clarified that RSS and EDB would supervise the two external maintenance term contractors and the two external architectural term consultants respectively. Owing to manpower shortage, EDB might at times solicit the help of RSS in seeking information relating to the repair works from the architectural term consultants. But he stressed that all verifications on works and quality assurance checking would be conducted by the professional/technical staff in EDB. EDB agreed with the recommendations of the ICAC study and would make improvements in manpower deployment as necessary, including assigning RSS employed by one architectural term consultant to manage the projects and tasks of another term consultant instead of their own employer. On the ICAC study, Deputy Secretary for Education (DS for E) said that it was conducted by ICAC on its own initiative rather than upon receipt of any complaints. It was an on-going practice of ICAC to undertake studies on the internal work procedures of Government departments and public bodies with a view to making recommendations to them in minimizing the opportunity for corruption in the discharge of their responsibilities. She added that the proposed new post and the associated non-directorate posts to be created would strengthen project management and supervision and help reduce the opportunity for corruption in the discharge of school maintenance responsibilities by EDB.

Maintenance works for schools

46. Mr IP Kin-yuen conveyed concern of the education sector about deterioration in the quality of school maintenance works in recent years. He enquired how the creation of the new post could help address this concern and whether EDB would consider setting performance pledges in this regard. Mr IP remarked that he understood that the Housing Department (HD), which

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was currently responsible for maintenance works of estate aided schools, might withdraw from such responsibilities. He enquired about the arrangement for the maintenance works of estate aided schools in future. The Chairman suggested that issues relating to maintenance works of estate aided schools should be pursued by ED Panel.

47. US for E said that HD had suggested transferring the maintenance responsibilities for estate aided schools to EDB, and the two sides were holding discussions on the subject. EDB would review its manpower position if it had to take up the new responsibilities. Regarding the expected improvements to maintenance works at non-estate aided schools, US for E advised that with the creation of the post of CMS and the associated non-directorate posts, it was anticipated that major repairs works completed on schedule would be increased from the current rate of 90% to around 95% while the time for completion of emergency repairs works would be reduced from 14-15 days to 12-13 days.

48. Dr KWOK Ka-ki enquired when the maintenance works for all non-estate aided schools would be completed. US for E advised that the maintenance works of schools (i.e. major repair works and emergency repair works) were on-going tasks and there was no definite timeframe for completion of such works. In response to Dr KWOK's enquiry about whether cycles of large-scale maintenance works of schools had been identified, DS for E advised that no cycles were identified as the need of maintenance works was affected by a host of factors such as the age and needs of individual schools.

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

50. The Chairman enquired whether it was necessary for the three proposals considered at this meeting to be voted on separately at the FC meeting to be held on 8 February 2013. No members requested for the arrangement.

51. There being no other business, the meeting ended at 10:25 am.

Council Business Division 1
Legislative Council Secretariat
7 February 2013