

立法會
Legislative Council

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seen by the Administration)

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Establishment Subcommittee of the Finance Committee

Minutes of the 18th meeting
held in Conference Room 1 of Legislative Council Complex
on Monday, 3 July 2017, at 9:00 am

Members present:

Hon Mrs Regina IP LAU Suk-ye, GBS, JP (Chairman)
Hon Alvin YEUNG (Deputy Chairman)
Hon James TO Kun-sun
Hon WONG Ting-kwong, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Paul TSE Wai-chun, JP
Hon LEUNG Kwok-hung
Hon Steven HO Chun-yin, BBS
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Hon Martin LIAO Cheung-kong, SBS, JP
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon CHU Hoi-dick
Hon Jimmy NG Wing-ka, JP
Hon HO Kai-ming
Hon LAM Cheuk-ting

Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai
Hon SHIU Ka-chun
Hon YUNG Hoi-yan
Hon CHAN Chun-ying
Hon Tanya CHAN
Hon LUK Chung-hung
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho
Hon Nathan LAW Kwun-chung
Dr Hon YIU Chung-yim

Members absent:

Hon Abraham SHEK Lai-him, GBS, JP
Hon CHUNG Kwok-pan
Hon Wilson OR Chong-shing, MH
Hon LAU Kwok-fan, MH

[According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.]

Public Officers attending:

Ms Carol YUEN Siu-wai, JP	Deputy Secretary for Financial Services and the Treasury (Treasury) 1
Ms Amy WONG Pui-man	Acting Deputy Secretary for the Civil Service 1
Miss Emma LAU, JP	Judiciary Administrator
Ms Wendy CHEUNG	Acting Deputy Judiciary Administrator (Operations)
Mrs Connie NGAN	Assistant Judiciary Administrator (Corporate Services)
Mr Vic YAU	Deputy Secretary for Security 2
Mr Alex CHAN	Principal Assistant Secretary for Security B
Mr Joseph LEUNG	Deputy Director of Fire Services
Ms Carey YEUNG	Departmental Secretary Fire Services Department

Mr Daniel CHENG, JP	Deputy Secretary for Food and Health (Food) 1
Miss Diane WONG	Principal Assistant Secretary for Food and Health (Food) 2
Mr David WONG	Deputy Director of Food and Environmental Hygiene (Administration and Development)
Mr LAM Wing-hong	Assistant Director of Food and Environmental Hygiene (Operations) 2

Clerk in attendance:

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

Mr Keith WONG	Council Secretary (1)4
Ms Alice CHEUNG	Senior Legislative Assistant (1)1
Miss Yannes HO	Legislative Assistant (1)6
Ms Haley CHEUNG	Legislative Assistant (1)9

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The Chairman drew members' attention to the information paper ECI(2017-18)4, which set out the latest changes in the directorate establishment approved since 2002 and the changes to the directorate establishment in relation to the five items on the agenda. She then reminded members that in accordance with Rule 83A of the Rules of Procedure ("RoP"), they should disclose the nature of any direct or indirect pecuniary interest relating to the funding proposal under discussion at the meeting before they spoke on the item. She also drew members' attention to RoP 84 on voting in case of direct pecuniary interest.

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EC(2017-18)4

Proposed creation of 14 permanent judicial posts comprising four posts of Judge of the District Court (JSPS 13), five posts of Deputy Registrar, District Court (JSPS 10), four posts of Adjudicator, Small Claims Tribunal (JSPS 10) and one post of Magistrate (JSPS 7-10) in the Judiciary to strengthen the judicial establishment of the respective courts/tribunal with immediate effect upon approval of the Finance Committee; and one supernumerary civil service post of Principal Executive Officer (D1) in the Corporate Services Division of the Judiciary to provide dedicated staff support at the directorate level for around three years up to 31 March 2020

2. The Chairman remarked that the staffing proposal was to create 14 permanent judicial posts comprising four posts of Judge of the District Court (JSPS 13), five posts of Deputy Registrar, District Court (JSPS 10), four posts of Adjudicator, Small Claims Tribunal (JSPS 10) and one post of Magistrate (JSPS 7-10) in the Judiciary to strengthen the judicial establishment of the respective courts and tribunal with immediate effect upon approval of the Finance Committee ("FC"); and one supernumerary civil service post of Principal Executive Officer ("PEO") (D1) in the Corporate Services Division of the Judiciary to provide dedicated staff support at the directorate level for around three years up to 31 March 2020.

3. The Chairman pointed out that the Administration had consulted the Panel on Administration of Justice and Legal Services on the staffing proposal on 24 April 2017. Members of the Panel in principle supported the creation of the posts to cope with the increased workload of the West Kowloon Magistrates' Courts ("WKM") and the Small Claims Tribunal ("SCT") following the reprovisioning at the West Kowloon Law Courts Building, the increasing workload of the Masters' Office of the District Court ("DC Masters' Office"), and the projected increases in workload arising from the implementation of the proposed increases in the civil jurisdictional limits for the District Court ("DC") and SCT.

Filling of vacancies of judges and judicial officers

4. Mr Alvin YEUNG and Mr WU Chi-wai advised that they did not oppose the staffing proposal. They were concerned about the large number of vacancies at various levels of court at present, and enquired how the Judiciary would solve the problem.

5. Judiciary Administrator ("JA") advised that apart from the Court of Final Appeal ("CFA"), there were currently vacancies of judges and judicial officers ("JJOs") at various levels of court. In particular, there

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were seven vacancies of judges at the Court of First Instance of the High Court ("HC"), given the difficulty of recruiting judges at that level. She added that the Judiciary would conduct open recruitment exercises for JJOs at Magistrates' Courts and DC every two to three years. The open recruitment process for judges at the DC level had been completed this year, while the recruitment of judicial officers at Magistrates' Courts was also under way. It was estimated that the number of JJO vacancies at various levels of court could reduce upon completion of all recruitment processes. To tackle the problem of JJO vacancies, the Judiciary had adopted a number of measures to retain and attract talents, which included the recommendations implemented in April 2017 in respect of the review on JJO remuneration package, a review on the statutory retirement ages of JJOs to be completed, with a view to attracting lawyers in private practice to join the Judiciary.

6. Mr CHAN Chi-chuen enquired whether open recruitment would be conducted by the Judiciary for the 14 proposed judicial officer posts, and enquired about the background of JJOs appointed in recent years, including the number of those who came from private practice and the Department of Justice respectively. In addition, he also enquired about the reasons why it was difficult to recruit JJOs for HC.

7. JA advised that open recruitment exercises would be conducted for the 14 proposed JJO posts. As for the recruitment of judges for filling the vacancies at HC, she explained that practitioners who became judges at the DC level or above had to undertake that they would not return to private practice after leaving the office; therefore, private practitioners would give more careful and long-term consideration when it came to joining the judicial service. The Judiciary had engaged deputy JJOs to ease the manpower shortage. As at 1 June 2017, the Judiciary had engaged 35 deputy JJOs from outside. She undertook to provide the Subcommittee with the background information of the JJOs appointed in recent years.

[*Post-meeting note*: The supplementary information provided by the Administration was circulated to members on 19 July 2017 vide LC Paper No. ESC152/16-17(01).]

Additional judicial posts for the implementation of the proposed increases in the civil jurisdictional limits for the District Court and the Small Claims Tribunal

8. Mr Holden CHOW expressed support for the staffing proposal. He noted that the proposed additional posts included two adjudicator posts for SCT to cope with the projected increases in workload after the civil jurisdictional limits for SCT were raised from the current financial limits of claims of \$50,000 to \$75,000. He enquired how the Judiciary assessed the additional workload, and whether it would consider further raising the

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financial limits of claims to \$100,000.

9. JA replied that the Judiciary projected the possible increases in the number of cases and workload arising from the raise in the financial limits of claims based on the contents and number of cases handled by SCT in the past and made the staffing proposal accordingly. The Judiciary would closely monitor the number of cases and workload after the implementation of the new financial limits of claims at SCT so as to review the manpower needs and arrangements for the next step. Besides, since the cases tried at SCT were cases where both parties were litigants in persons, the cases might become increasingly complex if the financial limits of claims were further increased. After the implementation of the new financial limits of claims for SCT, the Judiciary would review whether it was suitable to further increase the financial limits of claims.

10. Ms YUNG Hoi-yan expressed support for the staffing proposal. She and Mr WU Chi-wai enquired how the workload of DC would be affected after the civil jurisdictional limits for DC were raised from \$1 million to \$3 million, and whether the Judiciary would increase its manpower accordingly to enhance the legal advice service for the public and help them deal with procedural matters for cases.

11. JA replied that cases involving an amount of \$1 million to \$3 million were currently tried at HC, and would be handled by DC upon the exercise of the new jurisdiction. In this connection, the Judiciary had reviewed the number of similar cases handled by HC in the past so as to assess the impact on DC's workload following the changes made to the jurisdictional limits. The Judiciary would review the impact on the overall workload of DC after the implementation of the new limits. She supplemented that the Judiciary attached importance to providing quality services for the public. Nevertheless, members of the Judiciary would not offer legal advice to the public owing to the principle of neutrality as upheld by the Judiciary.

Work of the Judiciary

12. Mr YIU Si-wing pointed out that the overall crime rate of Hong Kong had dropped in recent years, and the number of criminal cases tried at the court had also decreased accordingly. He enquired whether the Judiciary had analysed the trend in the number of criminal cases handled by the court, and how corresponding arrangements in respect of manpower of judicial officers would be made.

13. JA replied that the number of criminal cases handled at various levels of court over the past few years was stable, but there was an upward trend in the number of summons cases at Magistrates' Courts. In addition,

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the number of civil cases also increased slightly. She stressed that apart from the number of cases, judicial officers' workload was also affected by the complexity of cases. In this connection, the Judiciary would appropriately redeploy judicial officers at different levels to handle cases in the light of the workload at various courts. If the existing manpower was not sufficient to cope with the workload, the Judiciary would consider creating new posts.

14. Dr Helena WONG said that the Democratic Party supported the staffing proposal. She pointed out that the current court waiting time at the Lands Tribunal ("LT") was quite long, and enquired whether trial of cases at LT would accelerate after the creation of the proposed judicial posts. She requested the Judiciary to provide information on the court waiting time targets and actual waiting times of all levels of courts and tribunals.

15. JA said that the staffing proposal did not include the creation of additional judicial posts at LT, and the court waiting time at LT was within targets. She added that the Judiciary would review the workload at various levels of court and deploy suitable manpower if there was excessive backlog of cases at LT. She undertook to provide the Subcommittee with the information requested by Dr Helena WONG.

[Post-meeting note: The supplementary information provided by the Judiciary was circulated to members on 19 July 2017 vide LC Paper No. ESC152/16-17(01).]

16. Noting from the Government's paper that there was currently heavy backlog of cases at DC, Magistrates' Courts and SCT due to shortage of judges or magistrates, Dr KWOK Ka-ki enquired why the Judiciary had not included more posts of judges under the staffing proposal but would only seek to create a number of additional Deputy Registrar ("DR") posts instead. Mr CHAN Chi-chuen was also concerned about the reasons for the increased workload of the Registrar posts.

17. JA replied that among the cases tried at DC in recent years, there was a rise in the number of cases where all parties were litigants in persons. It took Registrars more time to explain the interlocutory procedure to unrepresented respondents. In addition, relevant work prior to the trial of some cases also had to be handled by DR instead of judges. In this connection, the Judiciary had added two additional posts of temporary DR at DC Masters' Office since 2015 to cope with operational needs, and the staffing proposal had included the conversion of these two DR posts into permanent posts.

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18. Noting from paragraph 13 of the paper that the Judiciary had no statistics on the number of cases involving paper applications and that involving unrepresented litigants, Mr CHAN Chi-chuen enquired why the Judiciary had not compiled statistics and conducted analysis on the work in relation to DR posts. Ms YUNG Hoi-yan also enquired whether the Judiciary would upgrade its computer system to facilitate the work of registrars and judges.

19. JA said that to properly manage resources, the Judiciary would only make use of its computer system to compile statistics on important case workflows, while other information would only be recorded manually as needed, so it had neither compiled statistics nor conducted analysis on the work in relation to DR posts. She supplemented that the Judiciary was conducting a six-year computer system enhancement to improve the existing integrated case management system. It was believed that the new system could enhance court efficiency in handling cases and also facilitate court users.

Creation of a supernumerary Principal Executive Officer post

20. Mr Martin LIAO expressed support for the staffing proposal. He noted that the proposed supernumerary PEO post would be tasked to deal with the shortfall in facilities at HC and DC. He enquired about the progress of discussion between the Judiciary and relevant government departments on identifying sites for providing additional court facilities. Mr Holden CHOW enquired whether the Judiciary would formulate a blueprint for the HC and DC reprovisioning plans before the term of the proposed supernumerary PEO post expired in 2020. Mr CHAN Chi-chuen also enquired about the work objectives of the proposed PEO.

21. JA replied that when it came to reprovisioning the High Court Building as well as reprovisioning and co-locating DC, the Family Court and LT, apart from taking site location into account, the Judiciary would also consider whether there was sufficient space at the site to cope with the development needs of various courts in the coming decades. The Judiciary was discussing the site selection with relevant government departments and had not yet reached a final decision. She added that the work objectives of the proposed PEO included drawing up a fundamental blueprint for the court reprovisioning plans, as well as planning for the reprovisioning and tender invitation for the advance works, etc. Upon the expiry of the term of the supernumerary post in 2020, the Judiciary would consider whether there was a need to extend the duration of the post.

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22. Ms YUNG Hoi-yan pointed out that there were only 6 Family Courts in the Judiciary at present, and they needed to handle nearly 2 000 cases in total each year. She enquired how the proposed supernumerary PEO post would improve the facilities at the Family Courts so as to expedite the progress of case handling.

23. JA said that the facilities at Family Courts were tight all along. To improve the situation, the proposed supernumerary PEO post would be tasked to put forward the short-term modification of the DC facilities located in the Wanchai Tower by converting the space on the fourth and fifth floors to be vacated by SCT into court facilities and judicial officers' chambers for use by users of Family Courts and judicial officers. In the long run, the Judiciary would enhance the workspace and efficiency of Family Courts by reprovisioning DC, Family Courts and LT together.

24. Dr YIU Chung-yim enquired whether the holder of the proposed supernumerary PEO post was required to possess relevant engineering professional qualifications.

25. JA replied that the proposed post would be required to coordinate with the professionals from other government departments in respect of the new court building construction, including cooperation with the Government Architect seconded from the Architectural Services Department to the Judiciary, and also possess rich experience in such areas as human resources and financial management. Therefore, it was a suitable arrangement for PEO to take up the post.

26. Noting from paragraph 29 of the Government's paper that in February 2016, the proposed supernumerary PEO post was created by the Judiciary under delegated authority by holding against a vacant post at the Principal Magistrate ("PM") rank on a temporary basis, Dr YIU Chung-yim and Dr KWOK Ka-ki enquired about the details of and justifications for the arrangement and requested the Judiciary to provide a supplementary paper for detailed explanation.

27. Mr LEUNG Kwok-hung was of the view that if there was a shortage of judicial officers for handling cases at various levels of court, the Judiciary should immediately de-freeze the frozen PM post to address the manpower needs.

28. JA explained that there was one PM post for each Magistrates' Court. Apart from trial of cases, a PM was also required to handle such work as listing of hearings and distribution of caseload at a Magistrates'

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Court. Since several Magistrates' Courts had been closed over the past 10 years, the Judiciary had frozen two PM posts. Having regard to the need to timely create a PEO post to take forward the court reprovisioning, the Judiciary de-froze one of the frozen PM posts in February 2016 for the creation of a supernumerary PEO post. She added that if the staffing proposal was passed by the Legislative Council ("LegCo"), the PM vacancy would be frozen again to cope with the new operational needs in the future when necessary, including considering the creation of an additional PM post at WKM, which had an increasing workload. She undertook to provide the Subcommittee with a supplementary paper to explain the relevant arrangement in detail.

[Post-meeting note: The supplementary information provided by the Judiciary was circulated to members on 19 July 2017 vide LC Paper No. ESC152/16-17(01).]

Other issues

29. Dr CHIANG Lai-wan opined that when trying cases, judges at all levels should take the legislative intents of relevant legislation into account, including making reference to the content of discussion of relevant LegCo Bills Committees during the scrutiny of bills. She supported the Judiciary's creation of more judicial posts to assist judges in collecting information on relevant LegCo discussion and other information in relation to the cases.

30. Mr Alvin YEUNG viewed that when a case was tried by the court, the lawyers representing the two parties to the proceedings would submit all the information in relation to the case to the judge for consideration when necessary. The judge would make an independent judgment thereon and it was not necessary to make reference to the legislative intent of relevant legislation for each and every case. Furthermore, if any party considered the court's judgement wrong, he/she could make an appeal to the higher court under the appeal system.

31. JA said that generally speaking, JJOs would consider the justifications put forward by both parties to the proceedings when making a judgment, and a sound appeal system was in place in Hong Kong's judicial system. Owing to the principle of judicial independence, she would not comment on how JJOs should try cases. She supplemented that at CFA and HC, there were currently posts of Judicial Assistants taken up by the legally qualified to provide judges with professional support in respect of collecting information and conducting research.

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32. The Chairman reminded members that in accordance with Rule 41(8) of RoP, as regards the contents of members' speeches, the conduct of judges or other persons performing judicial functions should not be raised. She opined that members should discontinue the discussion on the subject of how a judge should rule on a case.

Voting on the item

33. The Chairman put the item to vote. She was of the view that the majority of the members voting were in favour of the item. She declared that members of the Subcommittee agreed to recommend the item to FC for approval. Mr LEUNG Kwok-hung requested that the item be voted on separately at the relevant FC meeting.

EC(2017-18)5 Proposed upgrading of the Departmental Secretary post ranked at Principal Executive Officer (D1) to Senior Principal Executive Officer (D2) in the Fire Services Department with immediate effect upon approval of the Finance Committee to cope with the increased complexity of work of the post holder and to strengthen the support for the senior management of the Department

34. The Chairman remarked that the staffing proposal was to upgrade the Departmental Secretary ("DS") post ranked at Principal Executive Officer ("PEO") (D1) to Senior Principal Executive Officer ("SPEO") (D2) in the Fire Services Department ("FSD") with immediate effect upon approval of FC to cope with the increased complexity of work of the post holder and to strengthen the support for the senior management of FSD.

35. The Chairman pointed out that the Administration had consulted the Panel on Security on the staffing proposal on 11 April 2017. Panel members generally supported the proposal. Some members were concerned whether the rank of a DS post was determined according to the establishment of the government department concerned, and how the upgraded post would be filled. The Administration responded that the rank of DS was determined having regard to the volume and complexity of its duties, and the Civil Service Bureau ("CSB") would arrange to fill the upgraded DS post with a suitable officer according to established posting policy. In addition, some members requested the Administration to give

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an account of the difference between the SPEO and PEO ranks in terms of annual staff cost. The Administration advised that relevant information would be set out in the paper to be provided to the Establishment Subcommittee (relevant information had been set out in the Note to paragraph 14 of the Government's paper).

Rationale for upgrading the rank of the Departmental Secretary

36. Dr KWOK Ka-ki, Mr Nathan LAW, Dr YIU Chung-yim, Mr WU Chi-wai and Mr LEUNG Kwok-hung were of the view that if DS of FSD encountered the problems of escalating workload and increasingly complex nature of work, the Administration should consider manpower enhancement in support of the administrative work at FSD, and upgrading DS to SPEO would not help solve the problems. They requested the Administration's explanation on the rationale for upgrading the rank of DS and enquired if the current holder of the DS post would be promoted to the new post.

37. Mr YIU Si-wing expressed support for the staffing proposal. He enquired whether the arrangement of SPEO assuming leadership of departmental administration was consistent with other government departments of comparable establishment, given the sizable establishment of FSD.

38. Deputy Secretary for Security 2 ("DS for S") advised that FSD was currently the third largest government department in terms of establishment, and its work relating to day-to-day administrative support, financial resources management as well as staff recruitment, etc. had become increasingly complex in recent years. Having regard to the fact that officers at SPEO rank generally had profound leadership experience in the administration of government departments, having an SPEO as leader of FSD administration and re-titling the post as Assistant Director (Administration) would help enhance departmental management at FSD. The proposed arrangement was also similar to that of other comparable government departments. He added that FSD had added more than 300 non-directorate staff in 2017. Over the past decade, the establishment of the Administration Division had also grown by more than 30 to 130 or so in total. CSB would deploy an SPEO to fill the Assistant Director (Administration) post of FSD in accordance with its long-standing deployment policy for the Executive Officer grade staff.

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Remuneration package for the Fire Services Department staff

39. Mr LEUNG Kwok-hung and Mr KWONG Chun-yu noted from Enclosure 1 to the Government's paper that the responsibilities of the proposed post included overseeing the administration of employment terms and benefits for FSD staff. They pointed out that the work of firemen was highly dangerous but they were paid less than police officers, and such arrangement was unreasonable. They called for immediate review of the existing pay and benefits for firemen following the creation of the proposed post at FSD.

40. DS for S advised that to his understanding, FSD staff representatives had expressed their views on pay levels to the management. As civil service pay level fell under the purview of CSB, their views had been referred to CSB for handling and consideration. The Security Bureau would offer its views on the pay levels of firemen where necessary.

41. Mr CHAN Chi-chuen expressed concern about the asymmetry between ambulancemen and firemen in respect of remuneration package. He called for review of the pay and benefits for ambulancemen following the creation of the proposed post at FSD.

42. Deputy Director of Fire Services ("DDFS") advised that staff representatives for ambulancemen had made their views and aspirations on work situation known to FSD management through a regular communication mechanism. In this connection, FSD had improved the work arrangements for ambulancemen, including the provision of a 2.5-hour designated lunch break period for them; if ambulancemen could not have meals due to their high rates in attending service calls, they would be arranged to receive no call for at least half of hour as their meal breaks. He added that FSB would continue to review the work situation of ambulancemen with a view to providing emergency services while attending to staff benefits.

Other work of FSD

43. Ir Dr LO Wai-kwok expressed support for the staffing proposal. He pointed out that the Fire Services (Amendment) Bill 2016 had earlier been passed by LegCo to introduce the Registered Fire Engineer ("RFE") Scheme, under which RFEs would conduct fire risk assessment and formulate fire safety requirements, etc. He enquired about the progress of implementing the new scheme by FSD, and whether the proposed post would be involved in the management of the new scheme.

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44. DS for S replied that the Government was drafting the relevant subsidiary legislation, which would be tabled before LegCo for consideration later on. He pointed out that following the implementation of the new scheme, despite the fact that some of the work relating to fire safety and licensing currently under the charge of FSD staff could be carried out by REFs, FSD would still need to vet and conduct sampling checks on the work of REFs in the initial stage of implementing the scheme. The Government would review FSD's manpower arrangements after the implementation of the new scheme. DDFS supplemented that management of the new scheme would mainly be under the charge of the Licensing and Certification Command of FSD.

45. Dr KWOK Ka-ki criticized that the comfort level of fire protective clothing was all along subject to criticism by frontline firemen, but FSD management had been neglecting their views. He urged FSD to lend an ear to frontline firemen when handling departmental management issues following the creation of the proposed post.

46. DDFS replied that FSD selected protective clothing for firemen in accordance with international standards and would also allow longer time for test by frontline firemen prior to the purchase. The protective clothing currently used by FSD was of the type offering the best protection in fire in buildings nowadays. FSD noted the comment of some firemen that the protective clothing currently used was uncomfortable, and would keep in view the development of fire protective clothing in different places with a view to improving its comfort level while ensuring its protective functions.

47. Mr Nathan LAW said that there had been numerous instances of impropriety on the part of FSD management in the past, including the problems involving the procurement of the Third Generation Mobilizing System, which had been subject to the Audit Commission's criticism and affected the quality of fire services. He looked forward to improvement in the quality of departmental management following the creation of the proposed post at FSD. In addition, he noted a lot of problems involving inter-departmental management nowadays, including the work on building safety as well as licensing for food business, etc, were passed to FSD. He enquired how the Administration would make improvement regarding the problems.

48. DS for S advised that FSD had taken a series of follow-up work in the light of the recommendations made in the Audit Report. Given that the serviceable life of the Third Generation Mobilizing System was

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drawing to an end, FSD was granted funding by LegCo to purchase the Fourth Generation Mobilizing System. As regards coordination of inter-departmental efforts, DS for S pointed out that collaboration of different departments was needed for completing the Government's initiatives, and he believed that different departments, including FSD, would tap their own expertise in getting the Government's work done.

Voting on the item

49. The Chairman put the item to vote. She was of the view that the majority of the members voting were in favour of the item. She declared that members of the Subcommittee agreed to recommend the item to FC for approval. Mr LEUNG Kwok-hung requested that the item be voted on separately at the relevant FC meeting.

(At 11:57 am, the Chairman announced that the meeting be suspended for five minutes. The meeting resumed at 12:02 pm)

EC(2017-18)6 Proposed creation of one supernumerary post of Administrative Officer Staff Grade C (D2) to lead a new Market Division in the Food and Environmental Hygiene Department for five years with immediate effect upon approval of the Finance Committee to take forward a fundamental review to revitalize and modernize the hardware, operation and management of these markets

50. The Chairman remarked that the staffing proposal was to create one supernumerary post of Administrative Officer Staff Grade C (D2) to lead a new Market Division in the Food and Environmental Hygiene Department ("FEHD") for five years with immediate effect upon approval of FC to take forward a fundamental review of the facilities and management of public markets to revitalize and modernize the hardware, operation and management of these markets.

51. The Chairman pointed out that the Administration had consulted the Panel on Food Safety and Environmental Hygiene on the staffing proposal on 11 April 2017. Some members supported the proposal while individual members found it difficult to support the proposal if the proposed post did not seek to proactively improve the management of markets. Members also requested the Administration's explanation on the

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specific responsibilities and work objectives of the proposed post as well as the reasons for creating the post for five years. The Administration briefed members on the responsibilities of the proposed post (details of which were set out at Enclosure 2 to the Government's paper), and explained that as it took time to implement relevant work, the Administration proposed a five-year duration for the post. In addition, members were concerned about the demand for public markets arising from various districts, and passed two motions in the meeting urging the Government to identify sites for the construction of public markets and conduct a public consultation exercise on how to revitalize markets respectively.

Improving public market management

52. Mr CHU Hoi-dick noted from paragraph 12 of the Government's paper that the proposed post would be responsible for several reform initiatives on market management. He pointed out that the Government was not determined to deal with the issue of public market management over the years. For example, it was unable to take forward the retrofitting of air-conditioning systems for individual markets and develop a long-term strategy on public markets. He was worried whether the Government could handle and resolve these market management-related issues within five years.

53. Deputy Secretary for Food and Health (Food) 1 ("DSFH(F)1") advised that improving the management of markets had been included as one of the work objectives of the Government, which had shown the Government's determination to review and improve the operation and management of public markets. The Government's proposal was to create the proposed post to lead the new Market Division to take forward a fundamental review of the facilities and management of public markets, formulate overall strategy and action plans, and oversee the implementation of the enhancement measures. The Government aimed to lay a good foundation for the said series of work within the five-year term of the proposed post. FEHD would continue to take relevant initiatives forward even if the work could not be finished within five years.

54. Mr WU Chi-wai commented that improving the environment of public markets and boosting the people flow had to be achieved through trial of different market management options in order to identify the operational models most suitable for individual markets. He expressed worry that if the Administration relied solely on the outcomes of consultancy studies or the Government's internal studies and managed different markets in a standardized manner, it might not achieve

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optimization.

55. DSFH(F)1 remarked that the work of the new Market Division would focus on hands-on experience for the planning of the new modes of management and operation for markets. In addition, the Market Division would also lend an ear to the views of members of the public and district representatives in its review on and planning for the way forward in respect of management of markets.

56. Mr LUK Chung-hung commented that given the monopoly of markets by large-scale chain stores in various districts, the Government should build more public markets as an alternative to members of the public in order to balance the business ecology of markets. Furthermore, he opined that the Administration should hire a person with business experience to fill the proposed post so as to inject to public markets a mentality modelled on business management. He enquired whether the Administration would consider identifying a person with relevant experience through open recruitment as the holder of the proposed post.

57. DSFH(F)1 replied that the proposed post would promote the development of new public markets, including the planning of advance works as well as the design and setup for internal operations in latter stages. Given the complexity of reforming the management of public markets, cooperation with different government departments was needed throughout the process. As such, the Government's plan was to arrange an Administrative Officer grade officer familiar with the Government's internal operations to fill the proposed post. Furthermore, the new Market Division would take various views into account in its review of the management of public markets, including the injection of commercial elements into the management of public markets.

58. Mr LEUNG Kwok-hung pointed out that the consultant commissioned by the Food and Health Bureau had only selected six markets for detailed study, but markets in New Territories East were not included. This had shown that the needs of New Territories East had been ignored. In addition, he pointed out that the stall size of some public markets was so small that operators were very often forced to place their goods in the corridor, thus facing the risk of their stalls being recovered by FEHD on the ground of non-compliance. He urged the Administration to exercise discretion and look into how improvement would be made in respect of the small stall size in its review of public market management.

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59. DSFH(F)1 remarked that despite the selection of six public markets as pilot markets, the review on market management to be conducted by the new Market Division would cover a total of 101 public markets across the territory, and the needs of various districts would not go overlooked. As regards the problem of small stall size in some markets, he explained that because of historical reasons, some of the market stalls were designed for the relocation of itinerant hawkers who would operate in markets, so the stall size was small. The new Market Division would look into possible improvement in this area.

60. Ir Dr LO Wai-kwok expressed support for the staffing proposal. He pointed out that members of the public acknowledged the need for the Administration to improve the management of public markets. He suggested that the Government consider making permanent the proposed post, with a view to taking forward the reform on market management in the long run.

61. The Chairman pointed out that this was the last meeting of the Subcommittee for the 2016-2017 session. As there were still members who requested to raise questions, discussion on the item would be carried over to the next session.

62. The meeting ended at 12:30 pm.

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Legislative Council Secretariat
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