

立法會
Legislative Council

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**Establishment Subcommittee of the Finance Committee
of the Legislative Council**

**Minutes of the 11th meeting
held at the Legislative Council Chamber
on Wednesday, 31 May 2000, at 10:45 am**

Members present:

Hon NG Leung-sing (Deputy Chairman)
Hon Michael HO Mun-ka
Hon MA Fung-kwok
Hon Bernard CHAN
Hon CHAN Wing-chan
Dr Hon LEONG Che-hung, JP
Hon Andrew WONG Wang-fat, JP
Hon Jasper TSANG Yok-sing, JP
Hon Howard YOUNG, JP
Hon YEUNG Yiu-chung
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon SZETO Wah

Members absent:

Dr Hon Philip WONG Yu-hong (Chairman)
Ir Dr Hon Raymond HO Chung-tai, JP
Dr Hon David LI Kwok-po, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-yee, JP
Hon CHEUNG Man-kwong
Hon CHAN Kwok-keung

Public officers attending:

Mrs Carrie LAM, JP	Deputy Secretary for the Treasury
Mr D W PESCOD, JP	Deputy Secretary for the Civil Service
Mr Wilfred TSUI	Judiciary Administrator
Mrs Betty CHU	Judiciary Secretary
Miss Emma LAU	Deputy Judiciary Administrator
Mrs Lily YAM, JP	Secretary for the Environment and Food
Mr Kim SALKELD, JP	Deputy Secretary for the Environment and Food

Clerk in attendance:

Ms Anita SIT	Senior Assistant Secretary (1)8
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Staff in attendance:

Ms Pauline NG	Assistant Secretary General 1
Mrs Eleanor LAM	Senior Assistant Secretary (1)2

As Dr Philip WONG, Chairman of the Subcommittee, was unable to attend the meeting, Mr NG Leung-sing, Deputy Chairman, chaired the meeting.

EC(2000-01)8 Proposed deletion of three permanent posts of one Member, Lands Tribunal (JSPS 12) and two Magistrates (JSPS 7 - 10) in Judiciary following a review and redistribution of its caseload and manpower requirements

2. Miss Emily LAU sought clarification on the reasons for the proposed deletion of one permanent post of Member, Lands Tribunal and two permanent posts of Magistrate, which had been vacant since September 1999 and May 1998 respectively. She considered that if the posts were no longer required due to reduction in caseload, the proposed deletion of the posts should not be regarded as an initiative under the Enhanced Productivity Programme as purported in the discussion paper.

3. In reply, the Judiciary Administrator (JA) advised that the Judiciary made different initiatives to achieve enhanced productivity. Apart from conducting regular reviews of workload demand against the staffing level, the Judiciary also made conscious efforts to streamline working procedures and to review staffing

deployment with a view to reducing staffing level while maintaining existing services without sacrificing quality. He confirmed that the deletion of the post in the Lands Tribunal was attributed not only to the reduction in caseload, but also to conscious efforts to redeploy staffing resources to meet changing service demands. As for the two Magistrate posts, it was after very careful planning that the Judiciary was able to transfer the cases originated at the South Kowloon Magistracy to the North Kowloon Magistracy and the San Po Kong Magistracy. Hence, the two posts were identified for deletion.

4. The item was voted on and endorsed.

EC(2000-01)9 Proposed creation of two new ranks of Registrar, District Court (JSPS 11) and Deputy Registrar, District Court (JSPS 10) and creation of three permanent posts of one Registrar, District Court (JSPS 11) and two Deputy Registrar, District Court (JSPS 10) in Judiciary to strengthen the establishment of the District Court Registry to take on the judicial functions

5. Miss Emily LAU sought elaboration on the justifications for the proposed three permanent posts in the District Court. She specifically asked for quantitative information in support of the proposal. In reply, JA advised that it was estimated that the increase in the financial jurisdictional limits for the District Court upon commencement of the District Court (Amendment) Ordinance (Amendment Ordinance) on 1 September 2000 would bring about a significant increase in the caseload of the District Court as a result of the diversion of cases from the High Court. Members noted that estimates on the caseloads of the High Court, the District Court and the Small Claims Tribunal under the new jurisdictional limits were set out in Enclosure I to the discussion paper. JA however stressed that the increase in the caseload of the District Court would largely be absorbed by redeployment of staffing resources within the Judiciary. The main purpose of the proposed Registrar and Deputy Registrar posts in the District Court was to set up a Master system in the District Court for the proper administration of justice under a more formalized procedural framework of the District Court to meet the statutory requirements under the Amendment Ordinance. The three proposed posts would be involved in hearing and determining interlocutory applications and transacting all the business under the Master system. The posts would be filled by legally qualified officers and be required to take up the new judicial tasks under the new District Court Master System.

6. Miss Emily LAU said that whilst she appreciated that there were functional needs to provide additional judicial staff to perform the new judicial tasks of the District Court, she was concerned whether the Judiciary's resources, in particular judicial time, were effectively utilized. She therefore enquired about the performance targets of the District Court and how the proposed new posts would

improve/enhance the services of the District Court. In reply, JA advised that the current key performance measure for various levels of courts was the average court waiting time. For the District Court, the target court waiting time was 120 days and 100 days for civil and criminal cases respectively, while the actual court waiting time was about 50 to 60 days for both types of cases at present.

7. Noting that the actual waiting time was only half of the target waiting time for both civil and criminal cases, Miss Emily LAU queried whether the targets were too lenient or there was at present excessive provision of resources for the District Court. She pointed out that as acknowledged by the Chief Justice on a public occasion, efficient and effective utilization of the Judiciary's resources was an important issue and the matter was being examined by the Public Accounts Committee (PAC). In this regard, she enquired whether the Judiciary had any plan to introduce more performance measures to reflect more comprehensively the utilization of its resources.

8. In reply, JA advised that the performance targets of court waiting time were drawn up after consulting the Law Society of Hong Kong and the Hong Kong Bar Association. Although the actual court waiting time was shorter than the target waiting time for the District Court at present, the Judiciary did not plan to adjust the target waiting time in view of the imminent commencement of the Amendment Ordinance, which would bring about increased caseload and the implementation of a new procedural framework in the District Court. He however assured members that the Judiciary would review the performance targets in the light of the experience gained after the Amendment Ordinance had operated for some time. JA further said that with the provision of the proposed three posts, the Judiciary was confident that the District Court could continue to attain the pledged targets following the operation of the Amendment Ordinance.

9. As regards additional quantitative performance measures for the Judiciary, JA said that as undertaken at the PAC, he would examine the viability of introducing more quantitative measures to objectively reflect the utilization of the Judiciary's resources having regard to overseas experience and the circumstances of the local Judiciary. He however pointed out that under the present legal system, many aspects of court proceedings were beyond the control of the Judiciary but hinged on the schedules of the legal representatives concerned. It might therefore be very difficult to come up with objective performance indicators which on their own could accurately reflect the efficiency and effectiveness in the utilization of the Judiciary's resources. While he could not provide a definite timetable for the introduction of additional performance measures at this stage, he would be prepared to follow up the matter with the Panel on Administration of Justice and Legal Services. In this connection, JA also informed members that the Judiciary had set up a working group to review the procedures in civil litigation in Hong Kong, as a result of which court procedures and waiting time etc might have to be adjusted.

10. In reply to Miss Emily LAU's enquiry about complaints against the services of the Judiciary, JA advised that the Judiciary only received very few complaints from the public, and where such complaints were received, they would be investigated and where appropriate improvement measures would be introduced. In addition, there were Court Users' Committees, which were standing committees chaired by a judge and comprised representatives from the legal professions and lay members. The committees also provided advice on court procedures and aspects relating to the administration of the Judiciary.

11. The item was voted on and endorsed.

EC(2000-01)11 Proposed creation of one supernumerary post of Administrative Officer Staff Grade B (D3) in the Environment and Food Bureau of Government Secretariat for three years to head a new Division to handle air quality and cross boundary issues

12. Dr LEONG Che-hung queried whether the proposed Deputy Secretary (C) (DS(C)) post in the Environment and Food Bureau (EFB) was essentially a move responding to increasing complaints from the community against poor air quality, and if so, he was concerned that further new posts would be required to deal with other environmental issues when these issues escalated into topical issues as in the case of air pollution.

13. Mr Michael HO expressed doubt on whether the proposed provision of an additional DS post in EFB without corresponding staffing increase in the Environmental Protection Department (EPD) would be sufficient to enable the Administration to tackle the air pollution problem successfully. He pointed out that the former Planning, Environment and Lands Bureau (PELB) was provided with the same level of staffing support, but had not been successful in tackling the problem. He therefore queried the grounds on which the Administration was confident that the provision of an additional DS in EFB would change the present unsatisfactory situation.

14. In response, the Secretary for Environment and Food (SEF) advised that there was a consensus in the community that the air quality issue required urgent and priority attention. The experience of EFB over the past five months revealed that implementation of the initiatives and measures for improving air quality involved a lot of co-ordination, liaison and consultation work. For instance, the Task Force to Improve Air Quality recently set up under her chairmanship to take forward the air quality improvement programme comprised representatives from five policy bureaux and four departments. Other five departments would also be enlisted to provide advice and operational support in the course of implementing improvement measures. At the same time, EFB needed to maintain liaison and carry out consultations with various organisations outside the Government such as

the transport trades and operators, power companies etc. Hence, there was a genuine need to set up a new division, Division C, headed by the proposed DS(C) within EFB to oversee and co-ordinate the implementation of various measures and initiatives to improve air quality.

15. SEF reiterated that the former PELB had spared no efforts in bringing improvement to the air quality in Hong Kong. She however acknowledged that due to the complexity of this work area, the results of past efforts had not been obvious to the public. Since the establishment of the EFB, it had played the leading role in taking forward a package of measures to improve air quality, with EPD providing expertise and technical support. The Air Division of EPD, in particular, had been working hard to meet the demands arising from the implementation of air quality initiatives. Regarding the need for additional staffing arising from other environmental issues, SEF advised that with the creation of the proposed DS(C) post and the establishment of Division C to take up air quality and cross-boundary environmental issues, EFB should be able to handle air quality as well as other environmental issues more effectively.

16. SEF assured members that the developments over the past month had made her even more confident in tackling the air pollution problem. It was not only because the Administration had formulated a comprehensive and viable package of initiatives, but more importantly, there was a growing consensus within the community on the need to make conscious and concerted efforts to improve air quality. Legislative Council (LegCo) Members had also made an important move by forming the All Parties Clean Air Alliance, which had put up a series of recommendations on how to improve air quality. These were encouraging developments which she considered critical to the successful implementation of the air quality improvement programme.

17. As to why the DS(C) post was required for a period of three years but not otherwise, SEF explained that the Administration planned to complete the delivery of the initiatives on improving air quality within three years. The various measures being implemented and to be implemented shortly mainly sought to combat pollutants emitted from vehicles. In the meantime, the Administration was also considering other programmes such as measures to control emissions from non-vehicular sources, and an expanded pedestrianization scheme as called for by some LegCo Members and District Council (DC) members. The plan was to complete the planning of these further initiatives within the next three years. On another front, the work on tackling regional air pollution issues in co-operation with the Guangdong authorities would require at least two to three years to get on track any joint action plan to be worked out by both sides. Having regard to these work schedules, the Administration considered that the DS(C) post would be required for at least three years and its long term need should be reviewed in due course.

18. Mr Howard YOUNG expressed support for the proposal as he concurred that EFB needed to strengthen its directorate support to tackle the air pollution problem. Addressing his concern on possible duplication of responsibilities between Division B and the new Division C in EFB, the Administration confirmed that the new Division C would take over the responsibilities on co-ordinating the implementation of the measures to improve air quality and liaising with the Guangdong Authorities in tackling cross-boundary pollution issues, which were currently under the purview of Division B.

19. Dr LEONG Che-hung queried whether the proposal was consistent with the Government's commitment to reduce the civil service establishment by 10 000 posts in three years and whether one of the strategies to achieve this target was to create posts at senior ranks while cutting posts at junior ranks. In response, the Deputy Secretary for the Civil Service advised that while the Administration was committed to the policy of reducing the civil service establishment, creation of necessary new posts at both directorate and non-directorate levels would be brought forward where there were strong functional justifications. On the other hand, the Administration would take prudent steps to reduce the civil service establishment and, indeed, had recently announced the Civil Service Voluntary Retirement Scheme, a major initiative to facilitate the reduction in the size of the civil service.

20. Noting from SEF that upon the delivery of the various initiatives to improve air quality, the level of particulates and nitrogen oxides would be reduced by 70% and 15% respectively by 2003 and there would be obvious improvement in the air quality at road sides, Miss Emily LAU enquired about the overall air quality objectives (AQO) for the territory and how the aforesaid projected improvement compared to these objectives. She also asked whether the Administration had set a timeframe for Hong Kong to become a city featured with "clean air".

21. In reply, SEF confirmed that most of the measures set out in paragraphs 4 to 9 in the discussion paper would have been implemented for some time by 2003, though a few measures such as expansion of the pedestrianization scheme, tackling regional air pollution issues with the Guangdong Authorities, and phasing out light diesel goods vehicles might only be at the inception stage in 2003. She explained that she had highlighted the reduction in particulates and nitrogen oxides in depicting the expected improvement by 2003 because the two pollutants were closely associated with health problems. The improvement would be more discernible at road sides because most of the air quality measures under implementation targeted at combating vehicle emissions.

22. The Deputy Secretary for the Environment and Food (B) (DS(EF)B) supplemented that the current annual average level of respirable particulates (RP) in Hong Kong was about 59 µg/m³ which was above the AQO for RP of 55 µg/m³. Advice from the medical community was that the level of RP should get as low as

possible; it was not sufficient to just meet the AQO. Vehicle emissions were the major source of RP in Hong Kong. With the implementation of the planned measures for improving air quality, vehicles emissions would be reduced by 70% by 2003 and 80% by 2005, and this would bring the level of RP way below the AQO. As regards nitrogen oxides, the current level in Hong Kong was within the relevant AQO but the level of nitrogen oxides had been going upward over the past decade as against a downward trend for RP. To address the problem of nitrogen oxides, a package of measures, including legislative proposals, were being formulated to encourage the scrapping of pre-Euro vehicles and replacement by cleaner new alternatives.

23. In reply to Miss Emily LAU's enquiry on how the expected improvement in air quality could be translated into savings in health costs for the community, SEF said that as the reduction in particulates and nitrogen oxides would ease the threat of these pollutants to public health, the costs associated with the health problems caused by these pollutants would be correspondingly reduced. DS(EF)B supplemented that since the introduction of measures to cut down sulphur dioxide in 1990, a number of extensive surveys had been carried out to evaluate the benefits of air quality improvement measures to public health and thus the Administration had been able to come up with an estimated cost in medical expenses and loss of productivity of \$3.8 billion per annum in 1998. He clarified that the figure only covered acute admissions to hospitals and did not represent the overall health cost associated with air pollutants. He further advised that the Administration would continue documenting changes in public health to evaluate the benefits of the measures taken and to identify new measures for improvement.

24. On the concern of when Hong Kong would have a generally "clean air" environment, SEF said that as the term "clean air" was subject to different interpretations, the Administration adopted objective quantitative measures instead in formulating measures to achieve various air quality objectives. In this connection, she remarked that since the announcement of further initiatives to improve air quality in May 2000, the overall feedback from the community and LegCo Members to these initiatives had been favourable. The Administration was also conscious that if the community got complacent with a certain extent of improvement in three to five years' time and slackened in striving for a quality environment, environmental problems that had been addressed would definitely re-emerge. She therefore appealed to Members and the public to continuously raise their expectation and make sustained efforts to improve the environment in the long term.

25. Mr CHAN Wing-chan enquired about the current status of the work on tackling regional air-pollution issues in co-operation with the Guangdong Authorities, and the expected results of the work in the coming few years with the support of the proposed DS(C). In reply, SEF advised that Hong Kong was conducting a joint study with Guangdong on the extent and nature of air pollution

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of the Pearl River Delta area. The findings of the study would form the basis for both sides to work out joint action plans to improve regional air quality. On another front, the Joint Working Group on Sustainable Development and Environmental Protection would hold the first meeting very shortly and two of the six major tasks of the joint working group were on air quality. In reply to Mr CHAN's further query, SEF confirmed that the joint working group would examine the feasibility of adopting common standards for vehicle diesel fuels in Guangdong and Hong Kong.

26. Miss Emily LAU enquired about the progress of the deliberation on the adoption of temporary abatement measures in more polluted areas on days with very high Air Pollution Index (API). In reply, SEF said that the Administration needed to examine the viability, costs and benefits of these measures in greater detail. At a recent discussion on this subject, DC chairmen had expressed the view that implementation of these measures would involve many practical difficulties and they generally had reservation over the adoption of these measures. At this stage, the Administration would not pursue these measures in haste having regard to the practical difficulties and the extensive effect on the public's normal activities when implementing these measures.

27. In response to Miss Emily LAU's query on whether the Administration planned to discard the adoption of temporary abatement measures, SEF said that the Administration would not preclude the adoption of these measures at some stage and thus would further examine their viability and cost-effectiveness in consultation with relevant parties, including individual DCs, and would report to Members on the subject in due course.

28. In this connection, the Deputy Chairman enquired whether the Administration had considered using mid-air water sprinkling methods in addition to street washing to clean up the air in polluted areas on days with very high API. In reply, SEF said that after consultation with the Fire Services Department, it was found that mid-air water sprinkling on rooftops was not a feasible measure given the lack of suitable equipment and other practical problems. However, EFB was working out with the Food and Environmental Hygiene Department an intensified street washing plan for high API days.

29. The Deputy Chairman suggested that the issue of the adoption of temporary abatement measures should be further discussed at the relevant Panel(s) if members so wished.

30. At Mr Michael HO's request, the Administration agreed to provide information on the implementation timetables for the air quality improvement measures set out in paragraph 4 of the discussion paper. SEF also advised that she had undertaken to provide an overall action plan on the various measures to combat vehicle emissions for the joint meeting of the Environmental Affairs Panel and the Transport Panel on 12 June 2000. Moreover, EFB planned to

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provide regular reports for the relevant Panels on the progress of the measures and maintain close liaison with LegCo Members in the next legislative session.

31. The item was voted on and endorsed.
32. The Subcommittee was adjourned at 12:10 pm.

Legislative Council Secretariat
22 June 2000