

立法會 *Legislative Council*

LC Paper No. CB(1) 935/02-03(02)

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Background brief on Housing (Amendment) Bill 2002

Purpose

This paper gives a summary of discussion by the Panel on Housing (the Panel) when being briefed on the proposals in the Housing (Amendment) Bill 2002 at its meeting on 4 November 2002.

Major proposals in the Bill

2. The main purpose of the Bill is to implement one of the recommendations made in “The Report of the Committee on the Review of the Institutional Framework for Public Housing” (RIFPH) issued in June 2002. Under the Housing Ordinance (Cap. 283) (the Ordinance), only non-official members of the Hong Kong Housing Authority (HA) are eligible for appointment by the Chief Executive (CE) as Chairman of HA (CHA). RIFPH envisages that HA will eventually become an advisory body and recommends that the relevant Principal Official (i.e. the Secretary for Housing, Planning and Lands (SHPL)) be appointed CHA ex officio.

3. However, should SHPL be appointed CHA, his power to appoint appeal panel to review tenancy decisions of HA, of which he is the Chairman, may give rise to a challenge that such an appeal process is not an independent one. The Bill therefore seeks to amend the Ordinance to -

- (a) enable CE to appoint a public officer to become CHA; and
- (b) transfer to CE the power of SHPL to appoint a panel for hearing appeals.

Members' views

4. The Panel generally supports the Bill, except for one member who holds the view that instead of only making SHPL eligible for appointment as CHA, consideration should be given to directly appointing SHPL as CHA ex officio under the accountability system so that he can have full authority over the formulation and implementation of housing policy.

5. The relevant extracts from the minutes of the Panel meeting on 4 November 2002 is at the **Appendix**.

**Extracts from the minutes of the meeting
of the Housing Panel held on 4 November 2002**

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(LC Paper No. CB(1) 149/02-03(07) — Paper provided by the Administration)

18. At the invitation of the Chairman, the Deputy Secretary (Housing)¹ briefed members on the proposed legislative amendments to enable SHPL to be eligible for appointment as CHA, and to transfer the power of appointment of appeal panel from SHPL to the Chief Executive.

19. While supporting the Bill in principle, Mr Andrew WONG queried the rationale for only making SHPL eligible for appointment as CHA. He held the view that under the accountability system, SHPL should be directly appointed as CHA ex officio so that he could have full authority over the formulation and implementation of housing policy. SHPL advised that it was a common practice in law drafting to allow greater flexibility in the appointment of CHA. Members could discuss the proposed legislative amendments in detail when the relevant Bill was introduced to the Legislature. Mr WONG remarked that he would move a Committee Stage amendment if direct appointment of SHPL as CHA ex officio was not included in the Bill.

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