

立法會
Legislative Council

LC Paper No. CB(2)853/10-11

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Paper for the House Committee meeting on 21 January 2011

**Proposal for activation of two subcommittees appointed by
the Panel on Welfare Services**

Purpose

This paper invites the House Committee to consider the proposal of the Panel on Welfare Services ("the Panel") to activate two subcommittees which it has appointed. These are: the Subcommittee on retirement protection and the Subcommittee on improving barrier free access and facilities for persons with disabilities.

Background

2. Rule 26 of the House Rules provides that the maximum number of subcommittees appointed by the House Committee and Panels to study policy issues that may be in operation at any one time is eight. If the number of such subcommittees has reached eight and new subcommittees have been appointed, a waiting list will be formed.

3. At the meeting on 10 January 2011 when the Panel decided to appoint the two subcommittees, the Panel noted that eleven subcommittees on policy issues were already in operation and the two Subcommittees would be placed on a waiting list. Given that the Panel has already appointed a Subcommittee on Residential and Community Care Services for Persons with Disabilities and the Elderly, members had examined the implication on the workload of Panel members if the two Subcommittees were activated. After discussion, members agreed to seek the approval of the House Committee to activate the Subcommittees in the following order of priority: (a) Subcommittee on

retirement protection; and (b) Subcommittee on improving barrier free access and facilities for persons with disabilities.

Subcommittee on retirement protection

4. The provision of retirement protection for the needy elderly has all along been high on the Panel's agenda. According to the Administration, Hong Kong has been adopting a three-pillar model for retirement protection: the non-contributory social security system, the Mandatory Provident Fund ("MPF") system and voluntary private savings. Members are of the view that the model is inadequate for protecting the retirement life of all people, especially the low-income earners and the non-economically active labour force. Firstly, some needy elderly have not applied for the Comprehensive Social Security Assistance for various reasons such as the requirement for applications to be made on a household basis. Secondly, the MPF Scheme cannot benefit the current cohort of older persons, and does not cover people not participating in the workforce, such as housewives. For those with low income, the benefits of MPF are limited even in the longer term having regard to the fluctuation of the financial market and high MPF management fees. Moreover, the MPF Scheme is not entirely satisfactory since employers are allowed to offset the long service payments or severance payments as required under the Employment Ordinance by the employers' contributions under the MPF Scheme. Thirdly, the low-income earners could hardly accumulate adequate savings for their twilight years when they were young. In the light of the ageing population, members have strongly urged the Administration to implement without delay a universal retirement protection for all people in Hong Kong with contributions from the Government. A motion urging the Administration to establish an inter-departmental task force and the appointment of a subcommittee by the Panel to follow up the subject of implementing universal retirement protection for all people in Hong Kong was passed unanimously by the Panel at the meeting on 18 December 2010.

5. At the meeting on 10 January 2011, members have been advised that the Central Policy Unit is refining its study on the sustainability of the three-pillar model of retirement protection in Hong Kong having regard to the latest developments. As the study is ongoing and the relevant bureaux will be consulted in due course, the Administration sees no need to formally establish an inter-departmental task force on the subject at this juncture. In the circumstances, to enable more

focused discussion on the Government's effort in following up the subject of implementing universal retirement protection, the Panel decided at the meeting to appoint a subcommittee to study issues relating to retirement protection. Information relating to the Subcommittee as regards its terms of reference, work plan and time frame is in **Appendix I**.

Subcommittee on improving barrier free access and facilities for persons with disabilities

6. The Equal Opportunities Commission ("EOC") commenced a Formal Investigation in 2007 to examine the progress made on the realisation of a barrier free environment for persons with disabilities, in particular on accessibility to 60 publicly accessible premises. In its report released on 7 June 2010, EOC made 23 recommendations on the improvement of accessibility, connectivity and interface with surrounding environment and user-friendly management practices for publicly accessible premises.

7. The Panel was briefed on the Government's response to and follow-up action on the 23 recommendations in the EOC Report at its meeting on 13 December 2010. The Administration advised that it has, having regard to operational requirements, technical feasibility and time required for the retrofitting works, worked out a consolidated retrofitting programme for the premises and facilities concerned as follows –

- (a) 3 306 Government premises/facilities (85.1%) will be retrofitted before 30 June 2012;
- (b) 386 Government premises/facilities (9.9%) will have retrofitting works completed by 30 June 2014 having regard to such factors as patronage, extent of improvement works involved, plan for major renovations, operational requirements, technical constraints, etc.; and
- (c) 193 Government premises/facilities (5%) will not be retrofitted because of imminent plan of decommissioning or disposal.

8. While the Panel welcomes the proposed follow-up action put forward by the Administration, members have expressed concern about the implementation timetable of the retrofitting programme with a view

to realising a barrier free environment for persons with disabilities ("PWDs"). In view of the public concern about the provision of barrier free access for PWDs and the scope of the retrofitting programme involved, the Panel decided at its meeting on 10 January 2011 to appoint a subcommittee to monitor the Government's follow-up actions on the 23 recommendations in the EOC Report and to study issues relating to the provision of barrier free access and facilities for PWDs. Information relating to the Subcommittee as regards its terms of reference, work plan and time frame is in **Appendix II**.

Considerations for activation of subcommittees

9. In accordance with Rule 26 of the House Rules, if the number of Bills Committees in operation is less than 16, the House Committee may activate subcommittees on the waiting list after having considered the following –

- (a) the number of vacant slots for Bills Committees;
- (b) the number of bills likely to be introduced in the Council in the next three months;
- (c) the number of subcommittees on subsidiary legislation already or likely to be appointed by the House Committee and by Bills Committees; and
- (d) the availability of resources in the Secretariat.

10. The current establishment of Council Business Divisions 1 and 2 is to provide support services to 48 committees at the same time. These 48 committees include the House Committee, Finance Committee and its two subcommittees, 18 Panels, 16 Bills Committees, two subcommittees on subsidiary legislation and eight subcommittees on policy issues. As at 15 January 2011, the two Divisions are servicing a total of 48 committees with the remaining two slots for Bills Committees to be taken up shortly by two of the seven Bills to be introduced in the next three months. As no ceiling is set for the formation of subcommittees to study subsidiary legislation, it is expected that at least 12 subcommittees will be formed in the next three months. Details of the legislative proposals to be introduced in the next three months are given in **Appendix III**. Separately, the House Committee has also agreed to set up a subcommittee to study Legislative

Council's power to amend subsidiary legislation.

11. In anticipation of the heavy workload between now and the end of the term, additional staffing resources are being sought from The Legislative Council Commission for the creation of two temporary teams so that the two Divisions can provide service to 56 committees at the same time. Subject to the approval of the Commission, the Secretariat would be able to provide service to the Subcommittee on retirement protection in about three months' time, allowing time for recruiting the temporary staff; and also to the Subcommittee on improving barrier free access and facilities for persons with disabilities when the other subcommittee of the Panel (i.e. the Subcommittee on Residential and Community Care Services for Persons with Disabilities and the Elderly) has completed its work.

Advice sought

12. The House Committee is invited to consider the Panel's proposal on the activation of the two Subcommittees in paragraph 3 and the Secretariat's position report in paragraph 11.

Council Business Division 2
Legislative Council Secretariat
20 January 2011

Panel on Welfare Services

Subcommittee on retirement protection

Terms of reference, work plan and time frame

Terms of reference

To study issues relating to the protection of retirement life of all people, and to follow up on the proposal of setting up and implementation of universal retirement protection for all people in Hong Kong.

Work plan

The Subcommittee will focus its work on the following major issues –

- (a) review of the existing three-pillar retirement protection model;
- (b) the feasibility of setting up and implementation of universal retirement protection for all people in Hong Kong; and
- (c) way forward on retirement protection in the light of an ageing population in Hong Kong.

Time frame

The Subcommittee will, in accordance with Rule 26(c) of the House Rules, complete its work within 12 months of its commencement and report to the Panel on Welfare Services.

Panel on Welfare Services

**Subcommittee on improving barrier free access and facilities
for persons with disabilities**

Terms of reference, work plan and time frame

Terms of reference

To monitor the Government's follow-up action on the 23 recommendations in the Equal Opportunities Commission's Formal Investigation Report on Accessibility in Publicly Accessible Premises, as well as to study issues relating to the provision of a barrier free environment and facilities for persons with disabilities, and make recommendations when necessary.

Work plan

The Subcommittee will focus its work on the following major issues –

- (a) monitoring of the progress of the Government in following up the 23 recommendations made in the Equal Opportunities Commission's Formal Investigation Report on Accessibility in Publicly Accessible Premises; and
- (b) the provision of barrier free access and facilities for persons with disabilities in all Government and non-Government premises.

Time frame

The Subcommittee will, in accordance with Rule 26(c) of the House Rules, complete its work within 12 months of its commencement and report to the Panel on Welfare Services.

Existing and anticipated number of Bills Committees and subcommittees
(position as at 20 January 2011)

<i>Estimated number of Bills Committees ("BCs") within the next three months</i> <i>(a)+(b) = (14 + 8), i.e. 22</i> <i>(The maximum number of BCs in operation is limited to 16; BCs formed exceeding this number will be put on a waiting list)</i>		<i>Estimated number of subcommittees ("SCs") on subsidiary legislation within the next three months</i> <i>(c)+(d) = (1 + 12), i.e. 13</i>		<i>Estimated number of SCs on policy issues / other SCs under House Committee ("HC") within the next three months</i> <i>(e)+(f) = (11 + 3), i.e. 14</i>	
BCs <i>(Maximum number in operation: 16)</i>		SCs on subsidiary legislation <i>(Notional maximum number : 2)</i>		SCs on policy issues/other SCs under HC <i>(Maximum number of SCs on policy issues : 8)</i>	
(a) BCs in action	(b) BCs expected to be formed in the next three months	(c) SCs on subsidiary legislation in action	(d) Subsidiary legislation expected to be gazetted in the next three months and on which SCs are expected to be formed	(e) SCs on policy issues/other SC under HC in action	(f) SCs on the waiting list / expected to be formed
Total : 14	8	Total : 1	12	Total : 11	3
Please refer to List A of the Position Report on Bills Committees and subcommittees (the Position Report) (LC Paper No. CB(2)851/10-11) for details of the BCs.	(i) Bills on the 2010-2011 Legislative Programme	SC on Minimum Wage (Criteria for Approved Assessors) Notice and Minimum Wage (Assessment Methods) Notice	<ol style="list-style-type: none"> Subsidiary legislation to introduce amendments to the Building (Construction) Regulations to update the design requirements for imposed loads of buildings Subsidiary legislation to amend Schedule 5 to the Securities and Futures Ordinance for regulation of credit rating agencies Subsidiary legislation to implement the recommendations arising from the five-yearly review of the criteria for assessing the financial eligibility of legal aid applicants Subsidiary legislation to amend Building (Standards of Sanitary Fittings, Plumbing, Drainage Works and Latrines) Regulations Revised Code of Practice on Employment under the Disability Discrimination Ordinance Subsidiary legislation to amend schedules to the Dangerous Drugs Ordinance and Control of Chemicals Ordinance 	(i) SCs on policy issues under HC	<ol style="list-style-type: none"> SC on retirement protection under the Panel on Welfare Services SC on improving barrier free access and facilities for persons with disabilities under the Panel on Welfare Services SC to study LegCo's power to amend subsidiary legislation under HC
	Of the 16 bills in the Administration's 2010-2011 Legislative Programme which have not yet been introduced into the Legislative Council, seven BCs are expected to be formed in the next three months on the following Bills :			Please refer to List D of the Position Report for details of the SCs.	
	<ol style="list-style-type: none"> Companies Bill Pyramid Selling Prohibition (Amendment) Bill Inland Revenue (Amendment) Bill A bill to improve the regulatory regime for the financial market Mandatory Provident Fund Schemes (Amendment) Bill Inland Revenue (Amendment) Bill Road Traffic (Amendment) Bill <p align="right">Sub-total : 7</p>			Sub-total : 2	
	(ii) Members' Bill			(ii) SCs on policy issues under Panels	
The Hong Kong Polytechnic University (Amendment) Bill 2011	Please refer to List F of the Position Report for details of the SCs.	Sub-total : 8	(iii) Other SC under HC		
Sub-total : 1	SC to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions	Sub-total : 1			

			<p>7. Subsidiary legislation relating to the Chief Executive Election in 2012</p> <p>8. Subsidiary legislation relating to the Legislative Council Election in 2012</p> <p>9. Subsidiary legislation to introduce amendments to the Fisheries Protection Regulations to ban trawling activities in Hong Kong waters</p> <p>10. Subsidiary legislation to give effect to adjustment in the fares for the hiring of urban, New Territories and Lantau taxis</p> <p>11. Subsidiary legislation to give effect to fare increases for trams</p> <p>12. Subsidiary legislation to commence certain sections of the Factories and Industrial Undertakings (Loadshifting Machinery) Regulation</p>		
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