

立法會
Legislative Council

LC Paper No. CB(1) 2892/10-11
(These minutes have been seen
by the Administration)

Ref : CB1/PL/HG/1

Panel on Housing

Minutes of meeting
held on Thursday, 9 June 2011, at 8:30 am
in Conference Room A of the Legislative Council Building

Members present : Hon LEE Wing-tat (Chairman)
Hon WONG Kwok-hing, MH (Deputy Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon Fred LI Wah-ming, SBS, JP
Hon James TO Kun-sun
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon LEUNG Yiu-chung
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Vincent FANG Kang, SBS, JP
Dr Hon Joseph LEE Kok-long, SBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon CHAN Hak-kan
Hon WONG Kwok-kin, BBS
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung

Member absent : Hon Abraham SHEK Lai-him, SBS, JP

Public officers : **For item IV**
attending

Mr D W PESCOD, JP
Permanent Secretary for Transport and Housing
(Housing)

Mr Albert LEE, JP
Deputy Director (Estate Management)
Housing Department

Mr LEUNG Sai-chi
Assistant Director (Estate Management)1
Housing Department

For item V

Mr D W PESCOD, JP
Permanent Secretary for Transport and Housing
(Housing)

Mr Albert LEE, JP
Deputy Director (Estate Management)
Housing Department

Mr Tony LIU
Assistant Director (Estate Management)3
Housing Department

For item VI

Mr D W PESCOD, JP
Permanent Secretary for Transport and Housing
(Housing)

Mr Albert LEE, JP
Deputy Director (Estate Management)
Housing Department

Mr Tony LIU
Assistant Director (Estate Management)3
Housing Department

Clerk in attendance : Miss Becky YU
Chief Council Secretary (1)1

Staff in attendance : Mrs Mary TANG
Senior Council Secretary (1)1

Miss Mandy POON
Legislative Assistant (1)1

I. Confirmation of minutes

(LC Paper No. CB(1) 2397/10-11 — Minutes of the meeting held on 7 March 2011)

The minutes of the meeting held on 7 March 2011 were confirmed.

II. Information paper issued since last meeting

2. Members noted that the following information papers had been issued since last meeting –

LC Paper No. CB(1) 2317/10-11(01) — Letter from Tai Po District Council regarding the leasing of estate car parking spaces managed by the Link Management Limited; and

LC Paper No. CB(1) 2391/10-11(01) — Administration's paper on Land Registry Statistics in May 2011.

III. Items for discussion at the next meeting

(LC Paper No. CB(1) 2398/10-11(01) — List of follow-up actions

LC Paper No. CB(1) 2398/10-11(02) — List of outstanding items for discussion)

3. Members agreed to discuss the following items at the next regular meeting on Monday, 4 July 2011, from 2:30 pm to 5:30 pm -

(a) Public rental housing for single persons;

(b) My Home Purchase Plan; and

(c) Issues related to the agreement between the Estate Agents Authority and the China Institute of Real Estate Appraisers and Agents.

IV. Restoration of public rental housing units to original form by tenants upon moving out

(LC Paper No. CB(1) 2398/10-11(03) — Administration's paper on restoration of public rental housing units to original form by tenants upon moving out)

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4. The Permanent Secretary for Transport and Housing (Housing) (PSTH(H)) briefed members on the principles and current practice adopted by the Housing Department (HD) towards the restoration of public rental housing (PRH) units to their original form by tenants upon moving out. The Assistant Director of Housing (Estate Management)¹ (ADH(EM)¹) gave a power-point presentation on the subject.

(Post-meeting note: A set of power-point presentation materials was circulated to members vide LC Paper No. CB(1) 2426/10-11(01)) on 10 June 2011.)

5. Professor Patrick LAU enquired about the obligations of tenants in restoring the PRH units to their original form upon moving out. He also enquired about the time frame for refurbishment of flats as this would affect the turnover of flats. DDH(EM) said that PRH tenants were required to pay a deposit equivalent to one-month rent which was about \$1,000 on average to the estate management upon moving in. Estate staff would arrange for refund of deposits as appropriate after tenants had reinstated all the original fixtures and fittings, and removed items added by them at their own expenses before moving out. The Subsidised Housing Committee of the Housing Authority had pledged to complete refurbishment works and arrange for re-letting within 44 days on average after recovery of flats. However, there might be a time lag in the allocation of flats.

6. Mr WONG Kwok-hing enquired about the number of outgoing tenants who did not need to restore their flats upon moving out. He recalled that in response to his question raised at the Council meeting on 14 July 2010, the Administration advised that the Housing Department (HD) did not keep any record on the fixtures and fittings left by outgoing tenants and subsequently taken up by incoming tenants. As the record would help monitor the situation of retained fixtures and fittings, consideration should be given for HD to set up such record. While agreeing that record on retained fixtures and fittings might be useful, PSTH(H) said that there was a need to decide on how the record should be kept, for example, by volume or by units. The Deputy Director of Housing (Estate Management) (DDH(EM)) added that about 50% of recovered flats did not require any restoration, and could be re-let after refurbishment. Of the over 15 000 cases of termination of tenancy and transfer, about 30% had additional fixtures and fittings installed in the flats and about 10% to 20% of these fixtures and fittings could be retained for use by incoming tenants.

7. Mr Frederick FUNG noted that in the past, outgoing tenants were allowed to seek payment from incoming tenants for the retained fixtures and fittings. He enquired if such arrangement was still valid, and whether incoming tenants could request for the removal of the retained fixtures and fittings. DDH(EM) said that

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there were cases where outgoing tenants sought payment from incoming tenants for the retained fixtures and fittings, but these were rare. These cases would only happen if the incoming tenants had a chance to meet with the outgoing tenants when the latter were still occupying the flats. In general, as incoming tenants might not be available at the time of moving out of outgoing tenants, HD would have to take an informed view on whether the additional fixtures and fittings would likely be accepted by the incoming tenants. Metal gates installed by outgoing tenants were one of the items which most incoming tenants would request for retention. While incoming tenants could request for the removal of retained fixtures and fittings, such request was rare because the retained fixtures and fittings were usually of a satisfactory condition.

Guidelines on restoration of flats

8. Mr CHAN Kam-lam said that there were complaints that the requirement for tenants to reinstate all the original fixtures and fittings, and remove items added by them at their own expenses led to wastage of re-usable fixtures and fittings. While acknowledging that HD had developed detailed guidelines for use by estate staff to judge whether fixtures left by outgoing tenants could be retained, he considered that a more direct way was for HD to provide a checklist on the existing fixtures and fittings for the incoming tenants to choose the fixtures and fittings to be retained. As incoming tenants were mostly low-income families, they would most likely wish to retain some of the re-usable fixture and fittings provided that these were safe for use. DDH(EM) said that the new guidelines on the restoration of PRH units would provide estate staff with standardized criteria to judge whether fixtures left by outgoing tenants could be retained. He agreed that the proposed checklist would be the most desirable way to determine the retention of fixtures and fittings. However, as incoming tenants might not be able to view the flats at the time of moving out of the outgoing tenants, they might not be able to choose the fixtures and fittings to be retained for their use. In most cases, HD would have to take an informed view on whether the fixtures and fittings would likely be accepted by the incoming tenants.

9. Professor Patrick LAU noted that many tenants had replaced their kitchen doors with folding doors which did not meet the fire safety requirements. He considered it necessary for HD to improve the design of kitchen doors. PSTH(H) said that kitchen doors were designed according to the specifications of the Fire Services Department (FSD) to ensure fire-retardation and prevention of leakage of smoke. A higher standard for fire prevention was adopted, taking into account the type of cooking in Hong Kong and the use of gas for cooking by most households. If the kitchen doors were replaced with non-compliant ones, the tenants would be required to have these doors replaced. DDH(EM) added that the percentage of tenants having their kitchen doors replaced was not high. Besides, the layout of kitchens and toilets in new PRH units had been improved to

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increase the space efficiency.

10. Mr CHAN Kam-lam and Mr Frederick FUNG enquired whether aluminum windows installed at the balconies of most PRH units met the building safety requirements and if not, whether these aluminum windows would be regarded as unauthorized building works (UBWs). They also enquired if there were different standards for building safety, enforcement and exemptions between private flats and PRH units. ADH(EM)1 said that the Independent Checking Unit (ICU) of HD would ascertain whether the aluminum windows installed by tenants met the building requirements. PSTH(H) added that PRH units adopted the same building standards and guidelines as private flats. In fact, ICU acted on behalf of the Buildings Department (BD) in ensuring that building regulations were complied with. The approach and methodology to be adopted in ensuring building safety were formulated by BD. Estate staff would closely monitor the facilities installed by tenants if these were perceived to be potentially in breach of building regulations. These cases would be referred to ICU for follow-up actions where necessary. Mr CHAN opined that consideration should be given for ICU to develop detailed guidelines to facilitate tenants' understanding on the types of fixtures and fittings to be allowed. This would avoid unnecessary wastage arising from the removal of UBWs.

Estate management

11. Mrs Sophie LEUNG held the view that efforts should be made to involve PRH tenants in estate management, as in the case of the United Kingdom where public housing tenants were responsible for managing their own estates in terms of cleaning, greening and waste collection. Without the need to adhere to the rigid tendering policies laid down by HD, tenants could have the autonomy to adopt more environment-friendly practices. PSTH(H) said that outsourcing of management services had to be administered by HD to ensure that these were value-for-money as public funds were involved. Given the complex nature of estate management, it was no easy task to manage some 700 000 PRH units. The establishment of Estate Management Advisory Committees (EMACs) was meant to encourage the involvement of tenants in the day-to-day management of estates. Feedback from EMACs would be taken into consideration in assessing outsourcing contracts, such as cleaning contracts. The enhanced partnering arrangements among EMACs and non-government organizations (NGOs) also helped promote neighbourliness in PRH estates. Mrs LEUNG opined that each PRH estate should be treated as a single entity, and tenants should be allowed to set up their own estate management team, similar to owners' corporations (OCs) of private residential estates. In this way, tenants would be totally involved in the management of their estates. She hoped that HD could give due consideration to this policy change. PSTH(H) said that OCs had been set up in Tenants Purchase Scheme (TPS) estates.

Action V. **Review of enhanced partnering arrangements among Estate Management Advisory Committees and non-government organizations in public rental housing estates**

(LC Paper No. CB(1) 2398/10-11(04) — Administration's paper on review of enhanced partnering arrangements among Estate Management Advisory Committees and non-government organizations in public rental housing estates

LC Paper No. CB(1) 2398/10-11(05) — Paper on enhanced partnering arrangements among Estate Management Advisory Committees and non-governmental organizations to promote neighborliness in public rental housing estates prepared by the Legislative Council Secretariat (background brief))

12. PSTH(H) briefed members on the review findings on the implementation of the enhanced partnering arrangements among EMACs and NGOs in PRH estates. ADH(EM)3 gave a power-point presentation on the subject.

(Post-meeting note: A set of power-point presentation materials was circulated to members vide LC Paper No. CB(1) 2426/10-11(02)) on 10 June 2011.)

13. Noting that most community building activities held under the enhanced partnering arrangements were of an one-off basis, Mr Frederick FUNG asked if consideration could be given to organizing activities on a longer term basis, such as greening activities within estate areas, which were very common in overseas countries. ADH(EM)3 said that separate recurrent funding would be provided for long-term activities, including greening, to ensure sustainability. EMAC funds would be provided as necessary to promote public awareness on the need for greening efforts.

14. The Chairman enquired if EMAC funds could be used for undertaking minor works projects within PRH estates lest this would reduce the funding for community building activities. DDH(EM) said that the Hong Kong Housing Authority (HA) was responsible for minor works projects within estates, including covered walkways and lifts/escalators, etc. He assured members that

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EMAC funds would be devoted for holding community building activities.

VI. Review on the effectiveness of the Tenants Purchase Scheme Advisory Team

(LC Paper No. CB(1) 2398/10-11(06) — Administration's paper on review on the effectiveness of the Tenants Purchase Scheme Advisory Team

LC Paper No. CB(1) 2398/10-11(07) — Paper on setting up of the Tenants Purchase Scheme Advisory Team prepared by the Legislative Council Secretariat (background brief))

15. PSTH(H) briefed members on the work progress of the Tenants Purchase Scheme Advisory Team (TPSAT) set up by HA to provide advisory and educational services for owners of TPS estates. ADH(EM)3 gave a power-point presentation on the subject.

(Post-meeting note: A set of power-point presentation materials was circulated to members vide LC Paper No. CB(1) 2426/10-11(03)) on 10 June 2011.)

16. While acknowledging that TPSAT had paid goodwill visits to all 39 TPS estates and met with OCs and property management agents (PMAs), Mr CHAN Kam-lam was concerned if the knowledge gained by existing OCs in managing TPS estates could be passed on to new OCs upon change of membership every two years. He suggested that HA should maintain a small team to provide advice to newly formed OCs on estate management and maintenance, rather than relying on the assistance from the Home Affairs Department. DDH(EM) said that TPSAT indeed was a small team comprising three experienced professionals. Apart from goodwill visits and territory-wide experience sharing forum, TPSAT had also published a comprehensive manual, namely Guidelines for Property Management and Maintenance, specifically for TPS estates which provided recommendations that could help TPS owners to achieve good property management and maintenance. It was expected that OCs were better equipped with necessary knowledge on estate management and maintenance. In line with the original work plan, TPSAT would be disbanded in June 2011. Meanwhile, HA would continue to support OCs through the HA representatives who attended Management Committee (MC) meetings and owners' general meetings. Refresher courses and forums would be organized to assist newly formed OCs as and when necessary. Mr CHAN suggested that the HA representatives should provide briefings to newly formed OCs to equip them

Action with better knowledge in estate management and maintenance. The Administration undertook to relay Mr CHAN's suggestion to HA for consideration.

17. Mr LEUNG Yiu-chung agreed that TPSAT was useful in improving the management and maintenance of TPS estates. Noting that the HA representative attending MC meetings seldom offered advice and took part in voting, he was concerned how management and maintenance issues could be resolved following the disbandment of TPSAT. As HA still owned some 20% to 30% of units in TPS estates, its vote would have a deciding factor at MC meetings. He considered that the HA representative should be more proactive at MC meetings, and should provide professional advice with a view to resolving any conflict that might arise. In response, PSTH(H) stressed the need to respect the rights of ownership of TPS owners. Since HA had the same rights of ownership as other TPS owners, it would not be appropriate for HA to dictate on issues which should be decided by all owners. Besides, there was a limit to which HA could influence MC as it only had one vote. HA would encourage TPS owners to take responsibility for managing and maintaining their own estates and this was the reason for setting up TPSAT. DDH(EM) said that the HA representatives would indeed provide professional advice for reference by MCs. However, they would have to exercise care in casting their votes at MC meetings since management and maintenance issues should be decided by owners themselves.

18. Mr LEUNG Kwok-hung said that he was opposed to TPS which was set off to be problematic with a mixed tenure of both tenants and owners. By way illustration, cases involving water seepage from sold units could not be resolved if owners refused to accept the responsibility for repair. There was also the question of liability in the case of injuries caused by falling concretes. The problem would be further aggravated with the depletion of Maintenance Fund. He considered it necessary for HA to undertake a comprehensive review of TPS to resolve the problems associated with mixed tenure. Consideration could be given to assisting tenants of TPS estates to buy their own flats through concessionary mortgage arrangements provided by the Hong Kong Mortgage Corporation. Alternatively, HA could consider buying back TPS units from owners. He stressed that the best way to meet the housing needs of low-income families was to provide more PRH. However, the sale of PRH flats to sitting tenants under TPS would affect the turnover of PRH units.

19. In response, PSTH(H) said that TPS had already been shelved albeit some residual units were still available for sale under the existing TPS estates. HA would be happy to sell the remaining TPS units to tenants if they were willing to buy them to achieve complete ownership of TPS estates. He agreed that there were management problems in TPS estates, and that owners should be held responsible for managing their estates. This was the rationale behind the setting up of TPSAT to equip OCs with necessary knowledge on estate management and

Action maintenance. To ensure sufficient funding was available for major maintenance works, HA had set up a Maintenance Fund for each TPS estate. So far, none of the TPS estates had exhausted their Funds. As regards the problem of water seepage, PSTH(H) said that if the leakage was from a rental unit, HD would take up the responsibility of repair. If the leakage was from a sold unit, the owner would be required to take necessary remedial actions. A number of measures had been put in place to assist owners in resolving water seepage problems, including assistance from OCs, PMAs, and the Food and Environmental Hygiene Department. Where necessary, the matter could also be brought before the courts.

20. The Chairman said that he supported the re-launching of TPS. He was aware that most TPS owners at Tsing Yi Estate and Cheung On Estate were pleased with their decision to buy their own flats some 10 years ago, particularly when they had already completed their mortgage payments. Noting that 60% of the 180 000 units in 39 TPS estates were sold, he enquired if consideration could be given to providing incentives for tenants to move to units in other PRH estates, thereby vacating their TPS units for sale to eligible buyers. This would provide a chance for those low-income families to achieve home ownership in the absence of Home Ownership Scheme flats. DDH(EM) said that tenants of TPS estates were allowed to buy their own units. However, few tenants chose to do so possibly because the remaining unsold units were mostly smaller units situated at the lower floors with a poor facing. PSTH(H) added that as a matter of principle, all PRH units should be allocated to Waiting List (WL) applicants according to their priority. The Chairman suggested that a WL applicant should be given a choice between renting a PRH unit and buying a TPS unit. It was worth noting that with the increased percentage of ownership in TPS estates, the problems arising from mixed tenure could be relieved. The sale of recovered rental units in TPS estates would also help meet the aspiration of WL applicants for home ownership. PSTH(H) said that flat allocation to WL applicants should be on a level-playing field. The introduction of an option to buy a TPS unit would represent a major change in the existing policy.

VII. Any other business

21. There being no other business, the meeting ended at 10:40 am.