

立法會
Legislative Council

LC Paper No. CB(1)883/14-15
(These minutes have been seen
by the Administration)

Ref : CB1/PL/HG/1

Panel on Housing

Minutes of meeting
held on Tuesday, 14 April 2015, at 4:30 pm
in Conference Room 3 of the Legislative Council Complex

- Members present** : Hon Alice MAK Mei-kuen, JP (Chairman)
Hon LEE Cheuk-yan
Hon LEUNG Yiu-chung
Hon Abraham SHEK Lai-him, GBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon WONG Kwok-hing, BBS, MH
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN
Hon CHAN Hak-kan, JP
Hon IP Kwok-him, GBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon Albert CHAN Wai-yip
Hon WONG Yuk-man
Hon WU Chi-wai, MH
Hon KWOK Wai-keung
Dr Hon Fernando CHEUNG Chiu-hung
Ir Dr Hon LO Wai-kwok, BBS, MH, JP
Hon Tony TSE Wai-chuen, BBS
- Members absent** : Hon Christopher CHUNG Shu-kun, BBS, MH, JP (Deputy Chairman)
Hon James TO Kun-sun
Hon LEUNG Che-cheung, BBS, MH, JP

Public Officers : **For item IV**
attending

Miss Agnes WONG, JP
Deputy Secretary for Transport and Housing (Housing)

Mr John HUNG
Assistant Director (Strategic Planning)
Housing Department

Mr Virgil HSU
Chief Manager/Management (Support Services 2)
Housing Department

For item V

Ms Ada FUNG, JP
Deputy Director (Development & Construction)
Housing Department

Mr NG Tat-kwan
Chief Building Services Engineer/2
Housing Department

For item VI

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

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

Mr Virgil HSU
Chief Manager/Management (Support Services 2)
Housing Department

Clerk in attendance : Ms Shirley CHAN
Chief Council Secretary (1)1

Staff in attendance : Mr Ken WOO
Senior Council Secretary (1)5

Ms Mandy LI
Council Secretary (1)1

Miss Mandy POON
Legislative Assistant (1)1

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I. Confirmation of minutes

(LC Paper No. CB(1)693/14-15 — Minutes of the meeting held on 2 February 2015)

The minutes of the meeting held on 2 February 2015 were confirmed.

II. Information papers issued since last meeting

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

(LC Paper Nos. CB(1)613/14-15(01) — Land Registry Statistics for February and March 2015 and CB(1)716/14-15(01) provided by the Administration (press release)

LC Paper No. CB(1)719/14-15(01) — Submission from 公屋被迫遷戶關注組 regarding the Hong Kong Housing Authority's under-occupation policy in public rental housing estates (Chinese version only)

LC Paper No. CB(1)733/14-15(01) — Referral arising from the meeting between Legislative Council members and Sai Kung District Council members on 26 March 2015 regarding the congestion

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problem at the escalator in Kin Ming Estate, Tseung Kwan O (Chinese version only) (Restricted to Members))

III. Items for discussion at the next meeting

- (LC Paper No. CB(1)702/14-15(01) — List of follow-up actions
- LC Paper No. CB(1)702/14-15(02) — List of outstanding items for discussion
- LC Paper No. CB(1)737/14-15(01) — Submission from 觀龍樓居民租金關注組 regarding the mechanism for adjusting domestic rents by the Hong Kong Housing Society and providing needy tenants with rental assistance (Chinese version only))

3. Members agreed to discuss the following items at the next regular meeting scheduled for Monday, 4 May 2015, at 2:30 pm –

- (a) The Work of the Sales of First-hand Residential Properties Authority; and
- (b) Progress Report on Addition of Lifts to Existing Public Rental Housing Estates.

4. The Chairman drew members' attention to the submission from 觀龍樓居民租金關注組 which requested the Panel to discuss the mechanism for adjusting domestic rents by the Hong Kong Housing Society ("HS") and for providing its needy tenants with rental assistance. The Chairman suggested and members agreed that the item on "Role and positioning of the Hong Kong Housing Society in the Government's housing policy", which was on the Panel's list of outstanding items for discussion, be discussed at the Panel's meeting to be held on 4 May 2015.

5. Mr LEE Cheuk-yan suggested that the Panel should discuss the Administration's rehousing arrangements for tenants of subdivided units ("SDUs") who were affected by the enforcement actions taken to eradicate SDUs in industrial buildings. Members agreed that the issue be included in the Panel's list of outstanding items for discussion.

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IV. Rent payment for public housing tenants

(LC Paper No. CB(1)702/14-15(03) — Administration's paper on "Rent payment for public housing tenants")

6. The Deputy Secretary for Transport and Housing (Housing) ("DSTH(H)") explained the Administration's proposal to pay one month's rent for lower income tenants living in the public rental units of the Hong Kong Housing Authority ("HA") and HS by highlighting the salient points of the discussion paper.

The proposal

7. Noting the differences between the current and the past Budgets on the number of months of rent payment for tenants of public rental units and the types of tenants eligible, Mr LEE Cheuk-yan sought explanation on the factors considered by the Administration in formulating the rent payment proposals. Mr WU Chi-wai said that the inconsistencies in granting rent waivers to tenants of public rental units over the years had created confusions to the public.

8. DSTH(H) responded that in considering the one-off relief measure to pay rent for tenants of public rental units, the Financial Secretary ("FS") had considered various factors including the views collected from extensive public consultations on the Budget and the economic situation.

9. Mr LEE Cheuk-yan queried why the proposal to waive rates would apply to all rateable properties regardless of the number of properties held by an owner, while tenants paying additional rent to HA and those living in non-Elderly Persons' Flats of HS Group B estates who were also low-income families were singled out for exclusion from the rent concession. He held the view that the proposal should apply to all tenants of public rental units for the sake of fairness. Stressing on the fairness principle, Mr WU Chi-wai requested that the rent payment proposal be applied to all tenants of public rental units. For tenants who were paying additional rent, the Administration should pay on their behalf the net rent for one month. Noting that the Administration had paid on behalf of those living in non-Elderly Persons' Flats of HS Group B estates two-thirds of their net rent for one month in the last Budget, the Chairman opined that these tenants should again be covered under the current proposal.

10. DSTH(H) pointed out that the income and asset limits as well as the rent level of HS Group A and Group B estates were broadly equivalent to and higher than that of HA's public rental housing ("PRH") estates respectively. With the objective of relieving the rental burden of lower income tenants, the proposal would only apply to tenants of HA paying normal rent, tenants of the HS Group

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A estates and tenants of Elderly Persons' Flats in the HS Group B estates. DSTH(H) emphasized that FS had taken into account views collected during the Budget consultation in formulating the proposal. While there were views suggesting the Government to continue to pay rent for tenants of public rental units, there were also views suggesting that "well-off" tenants of PRH should be excluded from such measure to ensure prudent use of public monies.

11. Dr Fernando CHEUNG noted with concern that as at the end of 2014, over 8 000 Comprehensive Social Security Assistance ("CSSA") recipients who lived in PRH were receiving a rent allowance with actual rent exceeding the maximum rent allowance ("MRA") under the CSSA scheme, representing 5.9% of all CSSA recipients living in PRH. He asked what the Administration would do to help these CSSA recipients who could not benefit fully from the proposal. DSTH(H) clarified that for CSSA recipients living in PRH, as the Government had been paying for their rent through the CSSA's rent allowance, they would not receive extra benefit from the current proposal. However, for those CSSA recipients whose actual rent exceeded MRA, the proposal would cover the difference. In other words, these CSSA recipients would not need to pay the difference in rent for the month when the rent payment initiative is implemented. Dr CHEUNG noted but still considered it undesirable that MRA did not fully cover the actual rent. He called on the Administration to align the actual rent and MRA.

12. Mr Frederick FUNG said that as the Hong Kong Settlers Housing Corporation Limited ("HKSHCL") was similar to HS as a provider of rental housing subsidized by the Government, he had all along requested the Administration to extend the rent payment measure to also tenants of Tai Hang Sai Estate.

13. DSTH(H) explained that as the income and asset limits as well as the rent level of HS's estates were comparable to that of HA, the rent payment proposal would also apply to HS's estates. Given that the proposal was targeted at tenants of public rental units, it could not be applied to tenants of Tai Hang Sai Estate, which was a private housing estate. Mr Frederick FUNG was unconvinced. He pointed out that as HKSHCL was a non-profit-making organization providing rental flats for low-income families, tenants of Tai Hang Sai Estate should equally be eligible for the proposal.

Preparatory work for the proposal

14. Noting that some Members had indicated their intention to filibuster upon resumption of the second reading debate on the 2015 Appropriation Bill ("the Bill"), Mr WONG Kwok-hing was concerned on the possible delay in implementing the proposal. Mr IP Kwok-him expressed a similar concern. Mr Albert CHAN expressed the view that the delay in approving funding

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proposals in the past was due to the long time taken to scrutinize proposals of high controversy.

15. DSTH(H) advised that after consulting the Panel on Housing, the Administration would expeditiously seek funding approval from the Legislative Council Finance Committee ("FC") on the proposal upon passage of the Bill. Taking into account past experience on the time needed for preparatory work including computer system adjustment, verification of tenancy records and adjustment of auto payment with banks, it would take about one and a half months after FC's approval to implement the initiative.

16. Mr WONG Kwok-hing asked whether the preparatory work could be conducted before approval of funding so that the rent payment proposal could be implemented as soon as possible. Mr IP Kwok-him asked whether the lead time could be shortened if the preparatory work was to take forward early. Mr WONG Yuk-man opined that the preparatory work should be conducted early in order to lessen the impact of some Members' filibuster on the Budget.

17. DSTH(H) responded that while computer system adjustment could be made prior to the passage of the Bill, verification of tenancy records could only be conducted after the Bill was passed in view of the day-to-day tenancy changes. Nevertheless, the Administration would endeavour to take forward the rent payment initiative as soon as practicable.

Relief measures for public rental housing applicants and those ineligible for public rental housing

18. Pointing out that PRH applicants awaiting for flat allocation were most in need of financial assistance to pay for the expensive rentals in the private residential market, Mr WONG Kwok-hing enquired the measures to be put in place to relieve their rental burden. Mr IP Kwok-him expressed similar concerns. Noting the substantial fiscal reserve accumulated, Mr WONG Yuk-man criticized the Administration for the lack of relief measures for PRH applicants and those who were ineligible for PRH and not able to afford accommodation in the private market.

19. DSTH(H) pointed out that to help the grassroots cope with short-term financial pressure, the 2015-2016 Budget proposed an extra allowance to CSSA recipients as well as recipients of Old Age Allowance, Old Age Living Allowance and Disability Allowance. An assistance programme under the Community Care Fund was being relaunched to provide a one-off living subsidy for low-income households not living in PRH and not receiving CSSA to relieve their financial pressure.

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20. The Chairman said that the Commission on Poverty had expressed that it would consider continuing the one-off living subsidy for low-income households not living in PRH and not receiving CSSA to complement the Administration's future rent payment initiatives. She called on the Administration to continue the rent payment initiative so that the low-income households not living in PRH and not receiving CSSA could continue to benefit from the assistance programme.

Concluding remarks

21. The Chairman concluded that members supported the submission of the proposal to FC.

V. Energy saving initiatives in new public housing developments

(LC Paper No. CB(1)702/14-15(04) — Administration's paper on "Energy saving initiatives in new public housing developments"

LC Paper No. CB(1)702/14-15(05) — Updated background brief on "Energy saving initiatives in New Public Housing Developments" prepared by the Legislative Council Secretariat)

22. With the aid of power-point presentation, the Deputy Director of Housing (Development & Construction) ("DDH(D&C)") briefed members on the updates on the energy saving initiatives implemented in new public housing developments ("PHD") by HA.

(Post-meeting note: A set of the power-point presentation materials was circulated to members vide LC Paper No. CB(1)748/14-15(01) on 15 April 2015.)

Energy saving initiatives in new public housing developments

23. Mr Tony TSE was pleased with the design of new PHD which made the best use of natural lighting and ventilation, thereby reducing the use of energy for artificial lighting, mechanical ventilation and air conditioning. He sought information on the energy saved under the various initiatives.

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24. DDH(D&C) responded that with design enhancements made for new PHD based on micro-climate studies, the annual electricity consumption in communal areas of a typical public housing domestic block had been reduced to 678 kWh per flat in 2013-2014 for existing PRH estates and to 536 kWh in 2014-2015 for new PHD, in stark contrast to those of private domestic blocks which ranged from 3 000 to 6 000 kWh. In addition, retail facilities in new PHD were commonly provided on the streets instead of indoor shopping malls in order to maximize the use of daylight and natural ventilation and reduce the need for air-conditioning.

25. Mr IP Kwok-him expressed support for the energy saving initiatives implemented by HA. He enquired about HA's plan on achieving further energy saving on the operation of lifts.

26. DDH(D&C) replied that HA had adopted the gearless lift drive and lift regenerative power technologies in new PHD to further reduce energy consumption. It would continue to keep an eye on the latest technologies in order to achieve further energy saving.

27. Mr LEUNG Kwok-hung asked whether the some 100 new PHD completed between December 2012 and December 2014 had all been awarded Building Energy Certificates by the Electrical and Mechanical Services Department ("EMSD").

28. DDH(D&C) responded that upon HA's submission, EMSD would check the information on energy use in new PHD. Subject to the satisfaction of the relevant requirements, Building Energy Certificates would be issued to new PHD. As a matter of fact, all new PHD, including domestic blocks and retail facilities, had been awarded Building Energy Certificates in recognition of their good energy performance on lighting, lift, electrical and air-conditioning systems.

29. Mr Tony TSE opined that if the cost recovery of the energy saving initiatives was unsatisfactory, HA should step up its efforts in promoting tenants' awareness of the need for energy saving. Mr IP Kwok-him sought elaboration on the cost recovery of the energy saving initiatives currently in place.

30. DDH(D&C) advised that HA had conducted detailed analyses on the cost recovery on each of the energy saving systems. It was found that upon the implementation of the various energy saving initiatives, the overall saving in annual electricity cost could cover the amortized additional capital and maintenance costs of the initiatives over the service life of the systems or equipment, while the electricity cost saving due to the implementation of

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photovoltaic ("PV") system alone could cover its recurrent operation and maintenance cost.

Energy saving initiatives in older public rental housing estates

31. Mr WONG Kwok-hing asked if HA had any plan to promote the use of solar energy in older PRH estates to achieve further energy saving. Mr Tony TSE enquired whether the energy saving initiatives implemented in new PHD would be extended to older PRH estates and retail facilities.

32. DDH(D&C) replied that PRH developments had all along been designed in such a way to minimize energy use. Since PV panels could only be installed at the rooftop of building blocks where sunlight was not obstructed and where the PV panels would not cause nuisance of glare to the residents nearby, such provision was not extended to older PRH estates at present. Notwithstanding this, HA was trying out different types of commercially available PV panels in new PHD with a view to fully utilizing the improved and emerging technologies.

33. Pointing out that the flow controllers distributed earlier by the Water Supplies Department ("WSD") could not be used in older PRH estates due to incompatibility with water pressure and design of water taps, Mr WONG Kwok-hing urged HA to work with WSD to facilitate the use of flow controllers in all PRH estates.

34. DDH(D&C) advised that WSD's flow controllers were compatible with the water supply design of new PHD. HA would continue to work with WSD to promote water conservation.

35. Ir Dr LO Wai-kwok declared that he was a member of HA and the Chairman of the Hong Kong Quality Assurance Agency. He remarked that HA, being a major public sector developer of residential buildings in Hong Kong, played a key role in reducing energy use and carbon intensity. Pointing out that HA had already obtained ISO 50001 certificate on residential building design, he asked if the relevant Energy Management System ("EnMS"), which was developed based on the ISO 50001 energy management best practice framework, could be implemented in older PRH estates. He also urged HA to consider replacing existing lighting in older PRH estates with LED bulkheads to achieve costs and energy saving.

36. DDH(D&C) responded that HA had implemented EnMS and successfully gone through ISO 50001 certification audit for all its PRH estates before April 2015 in phases. To maximize energy cost saving in lighting, HA was studying the implementation of two-level lighting control system at older PRH estates using LED lighting integrated with motion sensor.

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VI. Marking Scheme for Estate Management Enforcement in Public Housing Estate

(LC Paper No. CB(1)702/14-15(06) — Administration's paper on "Marking Scheme for Estate Management Enforcement in Public Housing Estate"

LC Paper No. CB(1)702/14-15(07) — Updated background brief on "Marking Scheme for Estate Management Enforcement in Public Housing Estates" prepared by the Legislative Council Secretariat)

37. The Deputy Director of Housing (Estate Management) ("DDH(EM)") briefed members on the latest progress and effectiveness in implementing the Marking Scheme for Estate Management Enforcement in Public Housing Estates ("the Marking Scheme") by highlighting the salient points of the paper. 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 the power-point presentation materials was circulated to members vide LC Paper No. CB(1)748/14-15(02) on 15 April 2015.)

Tackling smoking

38. In response to Mr IP Kwok-kim's enquiry on the enforcement actions against smoking offences in PRH estates, DDH(EM) explained that under the Fixed Penalty (Smoking Offences) Ordinance, any persons who smoked in statutory no-smoking areas ("SNSAs") would be issued a Fixed Penalty Notice ("FPN"). Tenants who were found to be smoking in SNSAs in the estates in which they resided would be allotted penalty points and issued a FPN. For those who were found smoking in estate open areas which were not designated as SNSAs, they would be allotted penalty points only.

Enforcing termination of tenancy under the Marking Scheme

Termination of tenancy and appeal mechanism

39. Referring to the Administration's response to his questions on the 51 Notices-to-quit ("NTQs") issued up to December 2013 as detailed in LC Paper No. CB(1)1915/13-14(02), Mr WONG Yuk-man requested the Administration to provide a written response on (a) the "social grounds" for

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considering the re-grant of tenancies, and the measures to prevent those whose tenancies had been re-granted from committing misdeeds again; (b) the reasons for cancelling NTQs for each of the 16 tenants concerned; (c) the timing allowed for tenants to make appeals from the date of issuance of NTQs; and (d) the time taken to recover each of the 28 flats concerned from the date of issuance of NTQs.

40. Mr IP Kwok-him sought explanation on the cases for which issuance of NTQs had been withheld and the appeal mechanism in place. ADH(EM)1 responded that under the Marking Scheme, offenders could lodge an appeal to the Appeal Panel (Housing) where their cases would be heard accordingly. Upon considering the appeal cases on an individual basis, the Appeal Panel might cancel NTQs issued on special grounds, such as old age, mental status, or in some cases the appellants were required to undertake they would not commit any misdeeds again etc.

Holding the entire household liable for the misdeeds committed by individual family member

41. Mr WONG Yuk-man considered it unfair to hold the entire household liable for the misdeeds committed by an individual family member. He was of the view that the individual who committed the misdeeds should be held liable and be punished accordingly but this should not affect the rights of other family members to continue to live in the PRH unit.

42. DDH(EM) explained that the allocation of PRH units was on a household basis and not an individual basis. According to HA's terms of tenancy, tenants were required to take responsibility for their own actions and those of their household members. The purpose of the Marking Scheme was not to terminate tenancies but to change the behavior of the tenants who committed the misdeeds, and family pressure and education would be more effective ways to deal with the issue. A copy of the notifications for point allotment would be provided to every adult member of the households concerned.

43. Pointing out that eviction of the family member who committed the misdeeds would effectively prevent that family member from committing the misdeeds again, Mr LEUNG Kwok-hung said that he did not see the justifications for the Marking Scheme to evict the entire household concerned. He was also concerned about the absence of safeguards under the Marking Scheme for innocent family members who were victimized by their family members who deliberately committed misdeeds. He further criticized that the Marking Scheme only applied to tenants and authorized persons of the estates where they resided but not tenants of other PRH estates visiting who might similarly commit acts of misconduct.

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44. Mr Frederick FUNG considered the Marking Scheme unfair to innocent family members who might not be aware of the misdeeds or even the crimes committed by their family members. He sought justifications on the policy inconsistency between the Marking Scheme, under which the entire household was considered in totality, and other housing policies, such as the household splitting and the grant of new tenancy, under which the status of individual family member was considered individually. DDH(EM) responded that it was not appropriate to make direct comparison between different housing policies as each policy had its own objectives.

45. Mr Frederick FUNG asked whether other housing policies, such as the overcrowding relief, would be suspended if households had been allotted points under the Marking Scheme.

46. DDH(EM) advised that under the Marking Scheme, an accumulation of 16 points within two years would trigger termination of tenancy. Point allotment cases at an accumulation of less than 16 points might not affect a household's entitlement to and priority in other housing policies.

47. Mr LEUNG Yiu-chung shared the concern about the unfairness associated with holding the entire household liable for the misdeeds committed by an individual family member. Both Mr LEUNG and the Chairman requested the Administration to critically review the Marking Scheme having regard to members' views, and to consider giving special consideration for cases in which the households concerned were willing to cooperate with HA to avoid recurrence of the misdeeds.

48. DDH(EM) replied that as revealed in the 2014 Public Housing Recurrent Survey, 65% of PRH tenants considered the penalties under the Marking Scheme reasonable. As the Marking Scheme had covered the common misdeeds committed by PRH tenants, HA currently had no plan to add in new points-allotting misdeeds in the Marking Scheme. HA would continue to strike a balance between the interests of PRH tenants and ensuring the deterrence effect of the Marking Scheme, and would keep the Marking Scheme under periodic review with due regard to the views of the public.

VII. Any other business

49. There being no other business, the meeting ended at 6:30 pm.