

立法會
Legislative Council

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Establishment Subcommittee of the Finance Committee

Minutes of the 20th meeting
held in Conference Room 1 of the Legislative Council Complex
on Monday, 27 June 2016, at 8:30 am

Members present:

Hon Mrs Regina IP LAU Suk-yee, GBS, JP (Chairman)
Hon Albert HO Chun-yan
Hon James TO Kun-sun
Hon CHAN Kam-lam, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon TAM Yiu-chung, GBS, JP
Hon WONG Kwok-hing, BBS, MH
Hon WONG Ting-kwong, SBS, JP
Hon Starry LEE Wai-king, JP
Hon IP Kwok-him, GBS, JP
Hon LEUNG Kwok-hung
Hon NG Leung-sing, SBS, JP
Hon Steven HO Chun-yin, BBS
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
Dr Hon Kenneth CHAN Ka-lok
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Kenneth LEUNG
Hon Christopher CHEUNG Wah-fung, SBS, JP

Hon SIN Chung-kai, SBS, JP
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, JP
Hon Martin LIAO Cheung-kong, SBS, JP
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu, JP
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

Members absent:

Hon WONG Kwok-kin, SBS (Deputy Chairman)
Hon LEUNG Yiu-chung
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN
Hon CHAN Hak-kan, JP
Hon Alan LEONG Kah-kit, SC
Hon Albert CHAN Wai-yip
Hon Alice MAK Mei-kuen, BBS, JP
Hon KWOK Wai-keung
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon CHUNG Kwok-pan
Hon Alvin YEUNG Ngok-kiu

Public Officers attending:

Ms Esther LEUNG, JP	Deputy Secretary for Financial Services and the Treasury (Treasury)1
Ms Amy WONG Pui-man	Acting Deputy Secretary for the Civil Service 1
Ms Mimi LEE, JP	Deputy Secretary for Security 1
Ms Iris LEE	Principal Assistant Secretary for Security A
Ms Trinky CHAN	Assistant Secretary for Security A1
Captain Michael CHAN, MBS MBB, GMSM, AE	Controller, Government Flying Service
Mr Karl CHAN	Senior Pilot (Helicopter Project), Government Flying Service
Mr Stanley YING, JP	Permanent Secretary for Transport and Housing (Housing)
Mr Albert LEE, JP	Deputy Director of Housing (Estate Management)

Mrs Rosa HO	Assistant Director of Housing (Housing Subsidies)
Mr WONG Mung-wan	Assistant Director of Housing (Project)1
Mr HSU Kam-lung	Assistant Director of Housing (Estate Management)1
Mr Harry CHAN	Deputy Head of Civil Engineering Office (Project and Environmental Management), Civil Engineering and Development Department
Miss Cheryl CHOW	Principal Assistant Secretary for Development (Planning and Lands)2
Mr Raymond LEE, JP	Deputy Director of Planning (District)

Clerk in attendance:

Ms Connie SZETO	Chief Council Secretary (1)4
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Staff in attendance:

Mr Jason KONG	Council Secretary (1)4
Ms Alice CHEUNG	Senior Legislative Assistant (1)1
Ms Haley CHEUNG	Legislative Assistant (1)9
Miss Yannes HO	Legislative Assistant (1)6

Action

The Chairman drew members' attention to the information paper ECI(2016-17)5, which set out the latest changes in the directorate establishment approved since 2002 and the changes to the directorate establishment in relation to the six items on the agenda. She then reminded members that in accordance with Rule 83A of the Rules of Procedure ("RoP"), they should disclose the nature of any direct or indirect pecuniary interest relating to the funding proposals under discussion at the meeting before they spoke on the items. She also drew members' attention to RoP 84 on voting in case of direct pecuniary interest.

2. The Chairman remarked that the Administration had requested the Subcommittee to hold additional meetings. She would consider holding an additional meeting if the Subcommittee could not complete consideration of all items on the agenda at this meeting.

EC(2016-17)13 Proposed creation of one permanent post of Chief Pilot (GDS(C)1) in the Government Flying Service with immediate effect upon approval of the Finance Committee for enhancing flight safety management and strengthening the overall management of the department

3. The Chairman remarked that the Administration's proposal was to create a permanent post of Chief Pilot in the Government Flying Service ("GFS") for enhancing flight safety management and strengthening the overall management of the Department.

4. Mr IP Kwok-him, Chairman of the Panel on Security, reported that the Panel had discussed this proposal on 5 January 2016. Some members expressed concern about how the Administration would identify candidates for the proposed post. Members supported the Administration submitting the proposal to the Establishment Subcommittee for consideration.

Flight safety and duties of the proposed post

5. Mr CHAN Chi-chuen expressed support for the establishment proposal. He noted that the proposed post would supervise the new Safety Section in implementing the Fatigue Risk Management System ("FRMS"). He enquired about the current arrangements regarding fatigue risk management for aircrew and details of the proposed measures.

6. Mr WONG Kwok-hing expressed support for the Administration's proposal. He asked how GFS would improve its management system for coping with increasing service demand. The Chairman asked about the duties of the proposed post and whether the duties included flight safety management for fixed-wing aircraft and helicopters.

7. Deputy Secretary for Security 1 ("DS for S1") advised that in view of the significant increase in overall flying hours, the Government proposed the creation of the Safety Section in GFS to replace the existing Quality and Flight Safety ("Q&FS") Section with a view to refining existing safety initiatives and implementing new safety initiatives, including the integrated Safety Management System ("SMS") (covering occupational health, information technology security, flight safety regulations and guidelines, etc.), Flight Data Monitoring System ("FDMS"), FRMS, etc. The proposed post would lead the new Safety Section in planning, devising, implementing, monitoring and reviewing all aviation safety matters comprehensively and continuously. His/her scope of work included management of flight safety for all aircraft (including fixed-wing aircraft and helicopters). She added that flight safety had always been GFS's top priority, and it was an international

trend in the aviation industry to have a dedicated flight safety department in aviation organizations or institutions focusing on research and development in respect of flight safety. The setting up of the Safety Section in GFS would help ensure that the safety management level of the Department would be aligned with the highest international standards.

8. Mr LEUNG Kwok-hung queried whether the creation of the Chief Pilot post would be adequate to cope with the work relating to the implementation of the new initiatives. He asked whether consideration would be given to creating a Chief Engineer directorate post in GFS and other non-directorate posts in the Safety Section to closely monitor the developments in aviation equipment and technology and enhance flight safety management.

9. DS for S1 responded that the existing Q&FS Section had consolidated safety management guidelines which met basic requirements. However, the overall safety system of the Department had not integrated the safety regulations of other aspects (such as information technology security and occupational health). The existing Q&FS Section had an establishment of 21 staff members, including 14 professionals and 7 civilian staff, most of whom had to take up duties from other sections concurrently to a certain extent. GFS was planning to create 56 new posts, including 54 professional posts in the Pilot, Air Crewman Officer, Aircraft Engineer and Aircraft Technician grades. Upon filling of the new posts, there would be improvement in the overall manpower of the Department and the proportion of staff dedicated to flight safety management within the proposed Safety Section. Moreover, GFS was replacing in phases the existing aircraft. Since the new aircraft would be fitted with state-of-the-art systems and equipment, and work relating to airworthiness and safety management would be more complicated, the Government considered it necessary to create the proposed post to enhance flight safety management. As the holder of the new post was required to have flying and operation experience, and that pilots possessed basic knowledge in aircraft structure and maintenance; it was an appropriate arrangement to have the proposed Chief Pilot post to steer the work of the Safety Section.

10. Mr YIU Si-wing expressed support for the Administration's proposal and concurred that the proposed directorate post should be taken up by a pilot with professional knowledge. He asked how the post holder would keep abreast of the latest information on aviation technology and equipment to provide GFS with professional advice, and whether he/she would be responsible for updating staff training materials.

11. DS for S1 remarked that the proposed post would supervise and manage matters relating to flight safety. The post holder would be

responsible for assessing and monitoring the airworthiness and safety management mechanism of various aircraft models, such as reviewing operation and maintenance manuals, analysing flight data, as well as keeping close liaison with aircraft manufacturers on safety matters. She stressed that flight safety was the primary and essential subject in any pilot training programme. The holder of the proposed post would discuss with the Training and Standards Section of GFS how to improve staff training arrangements with reference to his/her analyses and observations.

Work and fleet of the Government Flying Service

12. Mr WONG Kwok-hing asked about the increase in demand for GFS's services in recent years. DS for S1 pointed out that from 2010 to 2014, the overall flying services provided by GFS had increased by 18%. Paragraph 5 of the Government's paper had set out a detailed breakdown of the rate of increase by type of services, such as an increase of 65% for firefighting, 26% for air ambulance, 20% for search and rescue and 19% for law enforcement.

13. Mr YIU Si-wing pointed out that given the vast expanse of Hong Kong's airspace and waters and an overlapping airspace with neighbouring airports, GFS had to maintain close communications with relevant Mainland and overseas authorities. He asked about the role of the proposed post in this regard. The Chairman sought details on the airspace and waters covered by GFS and asked whether the existing fleet, types of aircraft and manpower of GFS were sufficient to provide services in the areas covered.

14. Controller, Government Flying Service ("C/GFS") remarked that GFS had maintained close cooperation and communication with neighbouring regions through the Hong Kong Maritime Rescue Coordination Centre ("MRCC") and Rescue Coordination Centre of the Civil Aviation Department ("CAD"). The airspace under the responsibility of GFS, i.e. the Hong Kong Flight Information Region, covered an area of about 500 km to the south of Hong Kong. The waters under the responsibility of GFS was the same as that of MRCC, spanning as far as 1 300 km to the south of Hong Kong. The existing fleet of GFS was sufficient in supporting its work within the areas covered.

15. Mr WU Chi-wai said that the Democratic Party supported the establishment proposal. He asked whether consideration would be given to increasing the number of aircraft to strengthen GFS's services, and whether GFS had assisted other law enforcement agencies in patrolling over the waters.

16. DS for S1 and C/GFS responded that two new fixed-wing aircraft of GFS had been commissioned, whereas the seven existing helicopters

(including three large helicopters and four small helicopters) would be replaced by medium-sized helicopters by 2018. The new helicopters would be of the same model and fitted with identical equipment to facilitate flexible deployment and enhance work efficiency. The Government considered the size of the fleet sufficient for GFS to cope with its work. GFS would keep in view its workload and resources and, where necessary, submit requests for additional resources to the Legislative Council. GFS had been supporting the operations of the Police and other law enforcement agencies, including the recent operations in combating illegal immigration.

17. Mr WU Chi-wai requested the Administration to provide supplementary information on how to strengthen air patrol over the Hong Kong waters with a view to enhancing safety before submitting the proposal to the Finance Committee ("FC").

[Post-meeting note: The supplementary information submitted by the Administration was issued to members on 5 July 2016, vide LC Paper No. ESC136/15-16(01).]

18. Mr MA Fung-kwok expressed support for the Administration's proposal. He suggested that reference should be made to the practices of the Mainland and overseas governments in exploring the use of unmanned aircraft systems ("UASs") for carrying out duties in order to enhance efficiency. He also considered that GFS should give impetus to the review of relevant legislation.

19. C/GFS explained that the existing legislation stipulated that UASs should weigh less than 7 kg and the flying height should be under 300 ft above ground level. As such, UASs were unsuitable for GFS's operations. GFS would keep in view the development in UAS technology and related legislation, and, where appropriate, consider using UASs in carrying out its duties. DS for S1 added that CAD was examining a regulatory regime for UASs. Various disciplinary services and law enforcement agencies, such as GFS, Fire Services Department and Hong Kong Police Force, would also look into the feasibility of using UASs for carrying out duties as appropriate on the premise that relevant legislation and operational needs were complied with. The Government would take into account members' views when devising a long-term development strategy for GFS.

20. In reply to a question raised by Mr MA Fung-kwok, DS for S1 said that the overall planning for the development of GFS was the responsibility of C/GFS.

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Establishment of the Government Flying Service and recruitment issues

21. Mr CHAN Chi-chuen, the Chairman, Mr LEUNG Kwok-hung, Mr Steven HO and Mr Kenneth LEUNG expressed concern about the manpower shortage and brain drain problems of GFS. Mr CHAN, the Chairman, Mr LEUNG Kwok-hung and Mr Kenneth LEUNG asked how GFS retained its pilots and whether the Administration had conducted any analysis regarding the recent slowdown in staff wastage of GFS. Mr LEUNG Kwok-hung and Mr Kenneth LEUNG opined that consideration should be given to raising the salary and benefits of pilots. Mr CHAN enquired about the number of outgoing staff over the past few years. He and Mr LEUNG Kwok-hung urged GFS to increase the number of non-directorate posts to relieve the problem of tight manpower and work pressure of existing staff. Mr Kenneth LEUNG suggested that GFS should conduct a comprehensive review on its manpower need.

22. Mr Steven HO was particularly concerned about whether there was adequate manpower in GFS's Engineering Section. He requested information on the number of posts (including directorate posts) in different grades in GFS, and the rationale for filling the proposed directorate post by a pilot. He relayed the thanks of the fishing industry to GFS for the latter's assistance given to fishermen who had encountered problems in Hong Kong's neighbouring waters.

23. Mr IP Kwok-him said that the Democratic Alliance for the Betterment and Progress of Hong Kong supported the establishment proposal. He asked about the main recruitment channels of GFS and whether GFS would consider hiring pilots from airlines. Mr Kenneth LEUNG also asked about the strategy of GFS in the recruitment of cadet pilots.

24. DS for S1 responded that the current proposal for strengthening GFS's directorate establishment was the first time such a request was made in GFS's 23 years of operation. Q&FS Section lacked dedicated leadership at the directorate level since its establishment in 2009. Given the increasing workload and complexity in flight safety-related work, the Government proposed creating the Chief Pilot post concerned to steer the proposed Safety Section. With regard to strengthening manpower, she pointed out that the Government had plans to create a number of non-directorate posts in the financial years of 2016-2017 and 2017-2018 to cope with increasingly heavy workload. The numbers of existing posts of the professional grades in GFS and additional posts proposed were as follows: (a) 44 existing staff members in the Pilot grade (including two directorate posts), and 20 proposed additional posts (including the proposed Chief Pilot post); (b) 33 existing staff members in the Air Crewman Officer grade, and 21 proposed additional posts; (c) 25

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existing staff members in the Aircraft Engineer grade (including one directorate post), and three proposed additional posts; and (d) 71 existing staff members in the Aircraft Technician grade, and 10 proposed additional posts. In 2015-2016, the total number of staff in GFS was 230. It was expected that GFS's establishment would be expanded to 286 staff members in 2017-2018, which would represent a significant increase in manpower. The Government would review the manpower need of GFS from time to time and address the problem of manpower shortage through various measures, such as conducting recruitment exercises more frequently, reviewing the manning levels and duty roster of pilots, and recruiting additional pilots on contract terms.

25. As regards pilot wastage, recruitment and retention, DS for S1 remarked that a total of nine pilots had resigned over the past eight years, compared to just one over the past three years, showing an improvement in the staff wastage problem. The slowdown in staff wastage was attributable to a number of reasons, including changes in the economic condition and business environment of Hong Kong. She pointed out that given the unique nature of its work, GFS did not face many problems in recruiting cadet pilots. GFS was undoubtedly competing with civil aviation companies for talents, and it took a massive amount of resources and eight to 10 years to train up a full-grown pilot. In view of the above, GFS endeavoured to retain its staff through various measures, such as recruiting additional staff to ensure that staff workload was maintained at a reasonable level, and strengthening training to broaden staff's perspective. Where appropriate, adjustment of the remuneration package for pilots would be explored, but careful examination and discussions with other relevant bureaux would be necessary in this regard. Furthermore, the Government had entrusted the Efficiency Unit ("EU") to conduct a management study for GFS to identify room for improvement in its staffing deployment, workflow, automation, administrative support, scope of services, etc. The study would be completed shortly and the Government would follow up the recommendations.

26. C/GFS added that GFS recruited cadet pilots mainly through recruitment advertisements published in newspapers. From past experience, each round of recruitment exercise would attract 2 000 to 3 000 applicants, most of whom were graduates from tertiary institutions or persons with a few years of work experience. GFS would recruit among these applicants about four to six cadet pilots. As Cadet Pilot was of a lower rank compared to Pilot, applications from serving pilots of aviation companies were unlikely. GFS noted that their long-serving staff members were in general passionate in serving the community. Therefore, in recruiting staff in recent years, special regard was given to applicants with professional commitment.

27. Mr Steven HO further enquired about the comparison between Pilots and Aircraft Engineers in respect of their working hours and workload,

Action and whether consideration would be given to further increasing the number of Aircraft Technician posts in the future. C/GFS replied that the conditioned working hours for Pilots and Aircraft Engineers were both 44 hours. In terms of job nature, the two posts were markedly different. A Pilot was mainly responsible for flying an aircraft and standing by or handling administrative work when not in flight duty, while an Aircraft Engineer was mainly responsible for repairing aircraft. DS for S1 reiterated that EU had been entrusted to conduct a management study, and it would submit a report and recommendations in a few months, whereupon the Government would further review the staffing arrangements of GFS.

28. Mr Kenneth LEUNG asked whether GFS would make reference to the practice of overseas governments and provide scholarships to university students to study aviation-related programmes, on the condition that the students concerned must undertake to work for the Government for a certain number of years after graduation. C/GFS said that each cadet pilot would be sent overseas for training after completing a three-month induction training in order to obtain a professional pilot licence. The overseas training would last approximately 14 months and cost approximately \$1.2 million to \$1.5 million. All cadet pilots under training were required to give an undertaking that they would work for the Government for a minimum of 10 years.

29. The Chairman put the item to vote. Members agreed that the Subcommittee should recommend the item to FC for approval. Mr LEUNG Kwok-hung requested separate voting for the item at the relevant FC meeting.

[Post-meeting note: On 5 July 2016, Mr LEUNG Kwok-hung informed the Legislative Council ("LegCo") Secretariat to withdraw his request raised at the meeting for separate voting for the item.]

Action

EC(2016-17)14 Proposed creation of one supernumerary post of Chief Engineer (D1) in Civil Engineering and Development Department up to 31 March 2021 for implementing infrastructure projects supporting public housing developments; and creation of two permanent posts of one Chief Housing Manager (D1) and one Chief Estate Surveyor (D1) in Housing Department for coping with the additional workload arising from the growing property portfolio, enhanced measures on property and tenancy management, resumption of the sale of new Home Ownership Scheme flats and sale exercises of other subsidized sale flats of the Hong Kong Housing Authority with effect from the date of approval by the Finance Committee

30. The Chairman remarked that the establishment proposal was to create one supernumerary post of Chief Engineer (D1) in the Civil Engineering and Development Department for implementing infrastructure projects supporting public housing developments; and to create two permanent posts of one Chief Housing Manager ("CHM") (D1) and one Chief Estate Surveyor ("CES") (D1) in the Housing Department ("HD") for coping with the additional workload arising from the growing property portfolio, enhanced measures on property and tenancy management, resumption of the sale of new Home Ownership Scheme ("HOS") flats and sale exercises of other subsidized sale flats ("SSF") of the Hong Kong Housing Authority ("HA").

31. At the invitation of the Chairman, Mr Christopher CHUNG, Chairman of the Panel on Housing, reported that the Administration had consulted the Panel on the proposal on 12 April 2016, and Panel members supported submission of the proposal to the Subcommittee for consideration. Regarding the creation of one permanent CHM post in HD, some members were concerned about whether, apart from growing property portfolio, there were other justifications to support the creation of the proposed post. As regards the creation of one permanent CES post in HD, some members queried the justification for creating the proposed post and requested the Administration to consider creating a supernumerary post instead. The Administration explained that the proposed post would be responsible for the overall coordination of the preparatory work related to each sale exercise of SSF of HA, working out sales arrangements and pricing strategy for each round of sale exercise. The duties concerned were continuous and recurrent. Hence, it was necessary to create the post on a permanent basis. Members requested the Administration to provide supplementary information on the proposal. The relevant information was circulated to all LegCo Members on

7 June 2016 vide LC Paper No. CB(1)1014/15-16(01).

Action

Work and resources of the Housing Department

32. Mr LEUNG Kwok-hung observed that, among the housing construction projects entrusted to HA by the Administration in recent years, some were not directly related to housing construction, such as the provision of a sports centre, a 5-a-side soccer pitch and public library facilities at the public housing development at West Kowloon Reclamation Site 6 (i.e., item FCR(2016-17)46). He enquired whether such arrangements would increase the workload of HD significantly, and whether the Administration would consider entrusting those projects to other relevant Government departments to allow HD to focus on housing construction.

33. The Permanent Secretary for Transport and Housing (Housing) ("PSTH(H)") responded that for public rental housing ("PRH") and HOS construction projects, the Administration would be responsible for formation of the required land and then deliver the land to HA for housing construction. Generally speaking, the Administration would be responsible for non-residential projects, but it would consider whether it should entrust such projects to HA under certain circumstances (e.g., when the entrustment could enhance the works interface between residential projects and non-residential projects). He added that it was uncommon for the Administration to entrust non-residential projects to HA.

34. Ir Dr LO Wai-kwok declared that he was a member of HA. He supported the establishment proposal which could facilitate the implementation of the flat production target of the Long Term Housing Strategy ("LTHS"). He pointed out that the housing construction projects undertaken by HA in recent years was technically more challenging than those in the past (including smaller site areas and more complicated geological conditions), and that specific incidents could increase the workload of the departments concerned (for example, the lead in drinking water incident had greatly increased the workload in improving building services). He was concerned whether HA and relevant Government departments had sufficient manpower to handle the relevant tasks. Ir Dr LO also said that the duties of different professional grades (including engineers, surveyors and architects) had to complement each other, and that the Administration should balance the needs of different professional grades.

35. Dr Kenneth CHAN noted that starting from the 2015-2016 financial year, the Government had been implementing a 3-year "0-1-1" envelope savings programme to control the growth in public expenditure with the objective to save Government operating expenditure by two percent within three years. He was concerned whether the resources allocated to the

Action departments involved in the implementation of LTHS would register any real growth.

36. PSTH(H) agreed that the workload of the Government departments involving in the implementation of the flat production target of LTHS would keep on increasing. The Government would review whether the resources of the departments concerned should be adjusted in the annual Resource Allocation Exercise ("RAE"). Should the Government decide to increase the directorate posts of the departments concerned in RAE this year, it would submit relevant establishment proposals to LegCo in the next legislative session. PSTH(H) also advised that the Administration would monitor its resources constantly and, where necessary, deploy internal resources to cope with the extra workload arising from unforeseeable incidents.

37. On the impact of the "0-1-1" envelope savings programme, Deputy Secretary for Financial Services and the Treasury (Treasury) 1 advised that, while the programme was being taken forward, the Government would deploy internal resources to increase the resources for individual policy bureaux/departments in implementing various public services; and there would be real growth in the Government's recurrent expenditure in the 2016-2017 financial year. While preparation of the 2017-2018 Budget had not yet commenced, the Government would examine the overall financial position before decisions were made on arrangements for deployment of internal resources.

Provision and management of non-residential facilities by HA

38. The Chairman recognized the need for increasing the manpower for Government departments concerned in implementing the flat production target of LTHS. She enquired whether the management of commercial units in the new public housing estates and HOS courts would be outsourced or taken up by HD, and whether HA would plan to sell those commercial units. She was also concerned whether the contracts entered into between HA and Link Asset Management Limited ("Link") in the past would accord priority to Link for managing the commercial units in the new public housing estates and HOS courts.

39. PSTH(H) responded that when HA sold its retail and car-parking facilities to Link (which was then known as The Link Real Estate Investment Trust) in 2005, the contracts entered into with Link did not include public housing estates and HOS courts constructed by HA thereafter. HA also had no intention to sell its non-residential properties at the moment. Regarding the management of HA's residential and non-residential properties, PSTH(H) advised that some of the tasks had been taken up by HD, and some had been outsourced to contractors. Both HD and the contractors were subject to the

Action supervision of HA. Deputy Director of Housing (Estate Management) added that in general, tasks like security and maintenance would be outsourced where necessary, while HD would be responsible for tenancy management and complaints handling. Furthermore, HD had the ultimate responsibility for the management work that had been outsourced.

40. Mr Christopher CHUNG was concerned that owing to the high rentals charged by Link on commercial units in public housing estates, many small shops and even Chinese restaurants had gone out of business, which caused a great deal of inconvenience to the estate residents. He enquired if the Administration would consider identifying spaces/vacant shops in such estates for small shops to carry out business, and suggested including this task among the major responsibilities of the proposed post. Mr LEUNG Kwok-hung shared Mr CHUNG's concern. He opined that consideration should be given to creating a new post to address the problem that many small shops and Chinese restaurants in estate shopping centres managed by Link were going out of business, with a view to improving the livelihood of the estate residents.

41. PSTH(H) responded that in addition to housing construction, HA would also endeavour to provide related non-residential facilities (including markets, Chinese restaurants and car parks) in public housing estates and HOS courts. Nevertheless, provision of such facilities was subject to physical constraints, including the availability of land and space in estates. In addition, the Government and HA would study the feasibility of setting up bazaars in some estates/courts (including the estates/courts located in Yuen Long and Islands Districts). He also advised that the major responsibilities of the proposed new post had been clearly set out in the paper on the establishment proposal, and that estate management would be the responsibility of the proposed CHM post. The Government would consider members' views regarding the provision of non-residential facilities in public housing estates.

Voting on EC(2016-17)14

42. The Chairman put the item to vote. The Chairman declared that the Subcommittee agreed to recommend the item to FC for approval. The Chairman consulted members on whether the item would require separate voting at the relevant FC meeting. No member made such a request.

Action

EC(2016-17)15 Proposed creation of one supernumerary post of Chief Town Planner (D1) post in the Planning Department with effect from the date of approval by the Finance Committee up to 31 March 2019 to lead an additional team under its Board Division for strengthening secretariat support to the Town Planning Board (TPB) and handling statutory planning matters, including judicial reviews associated with TPB

43. The Chairman remarked that the Administration's proposal was to create a supernumerary post of Chief Town Planner in the Planning Department up to 31 March 2019 to lead an additional team under its Board Division for strengthening secretariat support to the Town Planning Board ("TPB") and handling statutory planning matters, including judicial reviews associated with TPB.

44. The Chairman remarked that the Panel on Development had discussed the proposal on 23 February 2016. Panel members agreed that the proposal be submitted to the Establishment Subcommittee for consideration. Members expressed concern at the meeting on whether the proposed supernumerary post and the manpower of the additional team under the Board Division of the Planning Department (including three non-directorate staff redeployed from other existing teams) would be adequate for coping with the increasing workload of TPB. The Administration had responded to the above at the Panel meeting.

Reasons for increased number of judicial reviews associated with the Town Planning Board

45. Mr CHAN Chi-chuen and Mr LEUNG Kwok-hung noted that additional workload to the TPB Secretariat arising from a substantial increase in the number of applications for judicial reviews concerning TPB's decisions in recent years was one of the reasons for the Administration to submit this proposal. In this regard, they asked about (a) the major types of such judicial reviews; (b) whether the Administration had identified the reasons for the increased number of judicial reviews, such as whether there were any loopholes in the existing procedures for handling statutory planning matters; (c) whether the TPB Secretariat had any internal guidelines to ensure that proper procedures were followed by their staff when handling statutory planning matters; (d) whether the Administration would anticipate a continued increase in the number of judicial reviews; and (e) the percentage of applications for which leave for judicial reviews had been granted by the court, and among those cases, the percentage of cases in which the court had ruled in

favour of the Government.

Action

46. Deputy Director of Planning (District) responded that the judicial reviews concerning TPB in recent years were mainly lodged on accounts of (a) opposing views from property developers regarding the development parameters in Outline Zoning Plans ("OZPs") (such as restrictions on building height); (b) challenges from the applicants on the procedural propriety of TPB in handling representations and comments; and (c) dissatisfaction of the applicants on TPB's decisions on planning applications. TPB had all along been observing established procedures in handling statutory planning matters. Nevertheless, a judgement handed down by the court in respect of a judicial review case had pointed out the inadequacy of the procedures of TPB. The proposed supernumerary post of Chief Town Planner would be responsible for handling judicial reviews and related follow-up initiatives, as well as reviewing the procedures and administrative arrangements of TPB, with a view to facilitating more efficient handling of statutory planning matters and ensuring the propriety and reasonableness of its procedures. He added that it would be difficult for the Government to forecast the number of judicial review cases in the future.

47. The Chairman remarked that an additional meeting would be held on 4 July 2016 at 2:30 pm to continue discussion on this item and handle the outstanding items on the agenda.

48. The meeting ended at 10:26 am.

Council Business Division 1
Legislative Council Secretariat
7 July 2016