

立法會
Legislative Council

LC Paper No. CB(1)395/17-18
(These minutes have been
seen by the Administration)

Ref : CB1/PL/HG/1

Panel on Housing

Minutes of meeting
held on Tuesday, 9 May 2017, at 4:30 pm
in Conference Room 3 of the Legislative Council Complex

Members present : Hon Alice MAK Mei-kuen, BBS, JP (Chairman)
Hon Andrew WAN Siu-kin (Deputy Chairman)
Hon LEUNG Yiu-chung
Hon Abraham SHEK Lai-him, GBS, JP
Hon Tommy CHEUNG Yu-yan, GBS, JP
Prof Hon Joseph LEE Kok-long, SBS, JP
Hon Starry LEE Wai-king, SBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon Paul TSE Wai-chun, JP
Hon LEUNG Kwok-hung
Hon WU Chi-wai, MH
Hon CHAN Chi-chuen
Hon LEUNG Che-cheung, BBS, MH, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon POON Siu-ping, BBS, MH
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon CHU Hoi-dick
Hon Jimmy NG Wing-ka, JP
Dr Hon Junius HO Kwan-yiu, JP
Hon SHIU Ka-fai
Hon SHIU Ka-chun

Hon YUNG Hoi-yan
Hon CHEUNG Kwok-kwan, JP
Hon LUK Chung-hung
Hon LAU Kwok-fan, MH
Dr Hon CHENG Chung-tai
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho
Hon Nathan LAW Kwun-chung
Dr Hon YIU Chung-yim
Dr Hon LAU Siu-lai

Members absent : Hon CHAN Han-pan, JP
Hon HO Kai-ming
Hon Wilson OR Chong-shing, MH
Hon Kenneth LAU Ip-keung, MH, JP

[According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.]

Public Officers attending : Agenda Item IV

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

Mr Kenneth LEUNG
Acting Chief Civil Engineer (Public Works Programme)
Housing Department

Ms Vera CHOI
Chief Architect (7)
Housing Department

Mr HO Hin-leung
Chief Civil Engineer (1)
Housing Department

Mr Gabriel WOO
Deputy Head (Project & Environmental Management)
Civil Engineering and Development Department

Mr Stephen WAT
Senior Engineer 1/Special Duties (Works)
Civil Engineering and Development Department

Mrs Doris FOK
Assistant Director (Leisure Services)1
Leisure and Cultural Services Department

Agenda Item V

Mr Albert LEE
Deputy Director (Estate Management)
Housing Department

Miss Rosaline WONG
Assistant Director (Estate Management) 2
Housing Department

Mr Stephen WONG
Chief Manager/Management (Tuen Mun & Yuen Long)
Housing Department

Ms Josephine SHU
Chief Estate Surveyor (Commercial Properties)
Housing Department

Miss Diane WONG
Principal Assistant Secretary for Food and Health (Food) 2

Agenda Item VI

Mr Albert LEE
Deputy Director (Estate Management)
Housing Department

Mr Martin TSOI
Assistant Director (Estate Management)1
Housing Department

Mr NG Shu-chung
Chief Manager/Management(Support Services 2)
Housing Department

Clerk in attendance : Mr Derek LO
Chief Council Secretary (1)5

Staff in attendance : Mr Fred PANG
Senior Council Secretary (1)5

Ms Michelle NIEN
Legislative Assistant (1)5

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I. Confirmation of minutes

(LC Paper No. CB(1)900/16-17 — Minutes of meeting held on
6 March 2017)

The minutes of the meeting held on 6 March 2017 were confirmed.

II. Information papers issued since last meeting

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

LC Paper No. CB(1)906/16-17(01) — Land Registry Statistics for
April 2017 provided by the
Administration (press
release)

LC Paper No. CB(1)902/16-17(01) — Letter dated 4 May 2017
from Hon Jeremy TAM Man-
ho on failure of fireproof
electrical wires installed in
public housing estates to pass
tests (Chinese version only)

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LC Paper No. CB(1)874/16-17(01) — Letter dated 21 April 2017 from Hon LEUNG Che-cheung on issues relating to delays in delivery of the residential development of Yuccie Square (Chinese version only)

LC Paper No. CB(1)870/16-17(01) — Referral memorandum from the Public Complaints Office of the Legislative Council Secretariat on policy issues relating to the waiting time for allocation of public rental housing units and tenancy control (Chinese version only) (Restricted to members)

LC Paper No. CB(1)821/16-17(01) — Letter dated 11 April 2017 from Hon SHIU Ka-chun on short and medium-term measures to alleviate the housing difficulties of residents of sub-divided units (Chinese version only)

3. Members considered the referral from the Public Complaints Office of the Legislative Council Secretariat on 13 April 2017 (LC Paper No. CB(1)870/16-17(01)) regarding a deputation's concerns on the policy issues relating to the waiting time for allocation of public rental housing units and tenancy control, and the suggestion from the Duty Roster Members who handled the case. Members agreed that the Panel would commission the Research Office of the Secretariat to study the merits and demerits of tenancy control. The Chairman instructed the Clerk to follow up with the Research Office on the matter.

(Post-meeting note: The English and Chinese version of the information note on "Tenancy control in selected places" prepared by the Research Office (IN16/16-17) was issued to members on 7 July and 14 July 2017 respectively.)

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III. Items for discussion at the next meeting

(LC Paper No. CB(1)899/16-17(01) — List of follow-up actions

LC Paper No. CB(1)899/16-17(02) — List of outstanding items for discussion)

4. Members agreed to discuss the following items at the next regular meeting scheduled for Monday, 5 June 2017, at 2:30 pm –

- (a) Head 711 project no. B202SC - Community hall cum social welfare facilities at Queen's Hill, Fanling; and
- (b) Letting of markets under the Hong Kong Housing Authority.

5. The Chairman said that members had agreed at the respective meetings on 9 January and 11 April 2017 that the Panel would receive public views on "Letting of markets under the Hong Kong Housing Authority" and "Development of bazaars in public housing estates". She suggested and members agreed that as the two items involved common issues of concern, the Panel would receive public views on them at the meeting on 5 June 2017 under one agenda item. The Chairman advised that the meeting on 5 June 2017 might need to be extended depending on the number of attending deputations at the meeting.

(Post-meeting note: The notice of meeting and agenda were issued to members vide LC Paper No. CB(1)926/16-17 on 11 May 2017.)

6. The Chairman suggested and members agreed that the Panel would discuss item no. 3 of the Panel's list of outstanding items for discussion (LC Paper No. CB(1)899/16-17(02)), namely "Rent adjustment mechanism for rental units and rent relief measures of the Hong Kong Housing Society", at the meeting on 3 July 2017.

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IV. Head 711 projects no. B286RS and B779CL – Re-provisioning of recreational facilities and site formation works for public housing development at Hiu Ming Street, Kwun Tong

(LC Paper No. CB(1)899/16-17(03) — Administration's paper on Public Works Programme Items No. B286RS and B779CL – Reprovisioning of recreational facilities and site formation works for public housing development at Hiu Ming Street, Kwun Tong)

7. With the aid of PowerPoint, Deputy Director of Housing (Development and Construction) ("DDH(D&C)") briefed members on the Administration's proposal to upgrade two Public Works Programme ("PWP") items no. B286RS and B779CL to Category A to support the public housing development at Hiu Ming Street, Kwun Tong, details of which were set out in the Administration's paper (LC Paper No. CB(1)889/16-17(03)).

(Post-meeting note: Presentation materials (LC Paper No. CB(1)925/16-17(01)) for the item were issued to members on 10 May 2017 in electronic form.)

8. The Chairman reminded members that in accordance with Rule 83A of the Rules of Procedure ("RoP") of LegCo, they should disclose the nature of any direct or indirect pecuniary interests relating to the subjects under discussion at the meeting before they spoke on the subjects. She further drew members' attention to Rule 84 of the RoP on voting in case of direct pecuniary interest.

Hiu Ming Street public housing development

9. Mr Andrew WAN enquired whether the site used for providing Hiu Ming Street public housing development was "spade-ready". Noting that the public housing development was expected to be completed in 2025-2026, he enquired whether the Hong Kong Housing Authority ("HA") could compress the construction period. DDH(D&C) replied that the public housing site at Hiu Ming Street was not "spade-ready", and the site formation works would be carried out under PWP item no. B779CL. The public housing construction was expected to commence in 2022 after the completion of the site formation works.

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Provision of open space

10. Mr POON Siu-ping and Mr LEUNG Kwok-hung were concerned about the change in the total area of open space after the completion of the proposed projects. Mr POON opined that the Administration should provide more open space to cater for the future increase in population brought about by the completion of the new public housing development. DDH(D&C) replied that as local open space would be provided as part of the public housing development at Hiu Ming Street, the open space to be provided for enjoyment of the public would be enhanced, wherever feasible, upon completion of the relevant projects. In response to Mr LEUNG Kwok-hung, DDH(D&C) advised that the total area of open space in the local area, i.e., within the public housing development together with the reprovisioned public open space, would slightly increase following the completion of the proposed projects. Assistant Director (Leisure Services)1, Leisure and Cultural Services Department advised that the open space provision in the Kwun Tong (South) planning area after the completion of this project would be about 2.7 square metres per person, which was higher than the provision standard of open space under the Hong Kong Planning Standards and Guidelines (i.e. 2 square metres per person). The Chairman suggested and DDH(D&C) undertook that the Administration would provide more information regarding the open space when discussing in the Public Works Subcommittee ("PWSC").

Pedestrian linkage

11. Mr Andrew WAN and Mr WU Chi-wai asked about the Administration's progress in dealing with the Incorporated Owners ("IO") of Tsui Ping North Estate's objection to the proposal of building an escalator within the boundary of the estate under another project. Mr WU said that the escalator would help improve the pedestrian linkage from Hiu Ming Street to Kwun Tong MTR Station. The Administration should work out solutions to address the concerns of Tsui Ping North Estate's residents over the impacts of increasing pedestrian flow generated upon the commissioning of the escalator on the estate such as insurance liability, increased management/maintenance costs. Mr Andrew WAN said that the Administration might give consideration to providing suitable incentives in exchange for the cooperation of the residents. Deputy Head (Project & Environmental Management), Civil Engineering and Development Department ("DH(P&EM), CEDD") replied that the Administration would consider members' views and suggestions. He advised that the Civil Engineering and Development Department ("CEDD"), which was the proponent of the concerned escalator, would continue to liaise with the IO of Tsui Ping North Estate.

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12. Mr WU Chi-wai said that the Administration had proposed under a separate project another pedestrian link between Hiu Yuk Path and Hiu Ming Street near the Hong Kong Institute of Vocational Education (Kwun Tong) ("IVE(Kwun Tong)"), and suggested that the Administration should take into account that IVE might in future relocate the facilities in Kwun Tong campus to Cha Kwo Ling, and reconsider the alignment planning of pedestrian link with a view to enhancing the pedestrian connections between Hiu Ming Street and Kwun Tong MTR Station. DH(P&EM), CEDD advised that he would convey Mr WU's suggestion to the relevant project office for exploration.

13. In response to the Chairman, DDH(D&C) advised that the representatives from relevant government departments would attend the meeting for discussion on the relevant project under the development of Anderson Road Quarry site to respond to PWSC members' questions on the pedestrian connectivity issues as highlighted by Mr WU.

Concluding remarks

14. Concluding the discussion, the Chairman said that members supported the submission of the proposal to PWSC for consideration.

V. Development of bazaars in public housing estates

(LC Paper No. CB(1)899/16-17(04) — Administration's paper on development of bazaars in public housing estates

LC Paper No. CB(1)899/16-17(05) — Paper on development of bazaars in public housing estates prepared by the Legislative Council Secretariat (background brief))

15. Deputy Director (Estate Management), Housing Department ("DD(EM), HD") briefed members on the progress of developing bazaars in public rental housing ("PRH") estates. Assistant Director (Estate Management)2, Housing Department ("AD(EM)2, HD") gave a Powerpoint presentation on the subject.

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(*Post-meeting note:* Presentation materials (LC Paper No. CB(1)925/16-17(02)) for the item were issued to members on 10 May 2017 in electronic form.)

Development of bazaars in public housing estates

16. The Panel noted that the Housing Department ("HD") was processing a proposal from a charitable organization for setting up a holiday bazaar at the amphitheatre of Tin Yiu Estate in Tin Shui Wai. Mr CHAN Chi-chuen said that apart from Tin Yiu Estate, HD should also facilitate the development of bazaars in other PRH estates. He enquired whether the Administration would provide a list of estates under the ownership of HA and a list of estates involving other owners such as the Link Real Estate Investment Trust ("Link REIT") for members' and public reference. DD(EM), HD replied that the Administration would provide supplementary information in light of Mr CHAN's enquiry.

(*Post-meeting note:* The Administration's supplementary information was issued to members vide LC Paper No. CB(1)1296/16-17(01) on 11 July 2017.)

17. Mr Andrew WAN enquired whether HD could make available for public inspection a list of estates where spaces could be used by community organizations for setting up bazaars. DD(EM), HD replied that as PRH estates were densely populated in general, and open spaces on the ground level were often public passage, sitting out areas or common spaces for residents' use, HA had to consider proposals to set up bazaars in PRH estates on a case-by-case basis in complement with the Government's policy. It was not practicable for HD to produce the list as mentioned by Mr WAN.

18. Mr Tommy CHEUNG opined that HD should allow charitable organizations and other organizers including those profit-making in nature to organize bazaars in more PRH estates, thereby creating more opportunities for small business operators. Mr LAU Kwok-fan opined that the Administration should formulate a policy to facilitate the use of unused spaces in PRH estates for meeting the residents' needs, such as development of bazaars. In reply, AD(EM)2, HD said that HA had from time to time been utilizing available spaces in PRH estates, subject to technical feasibility, to provide additional retail, welfare and other facilities where there was demand. HA would continue to do so to cater for the residents' needs.

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Fees charged for the provision of venue for organizing bazaars

19. Mr SHIU Ka-chun enquired about the level of fees charged for the venue for operating bazaars. AD(EM)2, HD replied that HA would charge a concessionary fee of \$600 daily for providing the amphitheatre of Tin Yiu Estate for the charitable organization concerned to organize the holiday bazaar.

20. Mr LEUNG Yiu-chung opined that HA should provide venues free of charge for charitable or non-government organizations to organize activities. AD(EM)2, HD replied that according to the prevailing mechanism in handling applications for organizing activities in PRH estates, HA would provide venues free of charge to charitable or non-profit making organizations to organize community activities which were non-profit making in nature and not involving commercial elements or cash transactions. For commercial activities, HA would charge venue fees at market level. In response to Dr LAU Siu-lai and Mr SHIU Ka-chun, AD(EM)2, HD advised that the arrangement of providing venues free of charge would not be applicable to bazaar operations, which would involve cash transactions. However, if the proposed bazaar operations and the organizers were non-profit making in nature, HA would charge the fees for the venues on a concessionary basis. The same principle applied to the organization of activities in all PRH estates.

21. Mr LEUNG Kwok-hung requested the Administration to provide information on whether HA would give special considerations or provide concessionary arrangements if the proponents of bazaar proposals/operators of bazaars were non-profit making organizations and/or their proposed bazaar operation was non-profit-making in nature.

(Post-meeting note: The Administration's supplementary information was issued to members vide LC Paper No. CB(1)1296/16-17(01) on 11 July 2017.)

Mechanism/procedures for consultation

22. Mr CHU Hoi-dick, Mr LEUNG Che-cheung and Dr LAU Siu-lai queried the need for HA to consult the relevant District Council ("DC") on proposals to set up bazaars in PRH estates. Mr LEUNG Che-cheung cited the proposed bazaar in Tin Yiu Estate as an example, and opined that it might take time for HA to consult DCs on bazaar applications. Mr LEUNG Yiu-chung was of the view that it was not necessary for the Administration or

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bazaar proponents to seek the support of the relevant DC on proposals to set up bazaars in PRH estates, and enquired whether DCs had previously requested the Administration to consult them.

23. Principal Assistant Secretary for Food and Health (Food) 2 ("PAS(Food)2") referred to the point about "obtaining support from the local communities and the DC concerned" being a consideration, and said that the DC concerned knew the needs of their local communities best and could advise on the concerns of the relevant stakeholders (e.g. nuisances caused to the neighbourhood in terms of traffic, noise, hygiene etc. or non-level playing fields from the perspective of nearby shops). The DC concerned was best placed to strike a fine balance and offer their advice. The site area and the number of stalls of the proposed bazaar, types of goods and services to be provided by the stalls, the number of patrons attracted etc. were matters of concern to DC members, and the Administration considered that DCs would provide constructive comments on bazaar proposals. As regards the proposed bazaar in Tin Yiu Estate, since the proposed venue formed part of the Estate Common Areas ("ECA") which was jointly owned by HA and other owners including Link REIT, and having regard to the provisions in the land lease and the Deed of Mutual Covenant ("DMC"), it had taken time for parties concerned to follow up the formalities.

24. Dr CHENG Chung-tai considered that apart from Estate Management Advisory Committees ("EMACs"), HA should consult DCs on bazaar proposals. In response to Dr LAU Siu-lai, AD(EM)2, HD advised that the Administration would consider that if the DC concerned raised no objection, a bazaar proposal had gathered support.

25. Mr Tommy CHEUNG opined that HD should in collaboration with the Food and Health Bureau ("FHB") consider setting up a team specializing in handling applications for setting up bazaars in PRH estates and exploring ways to expedite the processing of such applications. Mr CHAN Chi-chuen said that the Administration should set up an inter-departmental team to facilitate development of bazaars in PRH estates, and consider providing one-stop on-line service to facilitate the public to understand the eligibility requirements for setting up bazaars and to submit the applications. DD(EM), HD replied that there were established mechanisms, which might involve the exercise of statutory functions by various government departments for holding bazaars and/or for handling applications for bazaar-related activities. An inter-departmental team might not be able to add value or enhance the efficiency of the established mechanism.

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26. Mr LEUNG Kwok-hung opined that it took time for HD to process an application for setting up bazaar in PRH estates because the department needed to assist the bazaar proponent to seek support from many government departments and stakeholders. He requested the Administration to provide information on details of the views of the relevant DC, Area Committee ("AC") and EMAC on the proposal for setting up the proposed bazaar in Tin Yiu Estate.

(Post-meeting note: The Administration's supplementary information was issued to members vide LC Paper No. CB(1)1296/16-17(01) on 11 July 2017.)

27. Mr LAU Kwok-fan queried the need for HD to consult Link REIT, given that the purpose of developing bazaars in PRH estates was to provide residents with choices other than the markets and shopping arcades under Link REIT. He enquired whether Link REIT had previously opposed any proposals to set up bazaars in estates, and how the Administration would take into account its opposing views. AD(EM)2, HD replied that if the proposed venue for setting up bazaar formed part of the ECA jointly owned by HA and other owners, including Link REIT, HD would assist the bazaar proponent to consult other owners. If the proposal on bazaar was opposed by owner(s) concerned or other stakeholders of the estate, HD would coordinate with relevant parties and reconcile the different points of view as far as possible. As far as the proposed bazaar in Tin Yiu Estate was concerned, HD had consulted Link REIT and the latter had no objection to the proposal.

28. Mr LEUNG Kwok-hung requested the Administration to provide information on (a) whether and how, in assessing a bazaar proposal, HA/HD would take into account the following factors: (i) the views of DCs, ACs, EMACs and Link REIT on the proposal, including opposition, if any, raised by one or more of these four parties to the proposal; and (ii) nature of the proposed bazaar operation; and (b) whether HA/HD adopted a marking scheme for the assessment and/or accorded weightings to these factors. The Chairman requested the Administration to provide information on measures/actions that would be taken by HA/HD to cater for a situation where a bazaar proposal was opposed by Link REIT as an owner of the proposed bazaar venue.

(Post-meeting note: The Administration's supplementary information was issued to members vide LC Paper No. CB(1)1296/16-17(01) on 11 July 2017.)

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29. Mr CHU Hoi-dick and Mr CHAN Chi-chuen asked about the principles adopted by Link REIT in determining its position regarding proposals to set up bazaars in PRH estates. DD(EM), HD said HD believed that Link REIT would consider such proposals on a case-by-case basis. In response to Mr CHU's enquiry, Chief Manager/Management (Tuen Mun & Yuen Long) advised that Link REIT had indicated no objection in principle to the proposed bazaar in Tin Yiu Estate. He further said that it was proposed by the proponent that the bazaar in Tin Yiu Estate would operate for nine weeks only. Mr LEUNG Kwok-hung requested the Administration to provide a copy of Link REIT's written consent to the proposal, and an explanation if the Administration could not provide the document.

(Post-meeting note: The Administration's supplementary information was issued to members vide LC Paper No. CB(1)1296/16-17(01) on 11 July 2017.)

Principles and considerations in handling of applications for bazaars

30. Mr Andrew WAN and Mr CHU Hoi-dick asked about the considerations that the Lands Department ("LandsD") had taken into account in examining the proposal for setting up the bazaar in Tin Yin Estate. Mr CHU enquired whether the maximum commercial Gross Floor Area ("GFA") in the area concerned was not one of the considerations if the proposed bazaar was non-profit-making in nature. AD(EM)2, HD replied that as the amphitheatre of Tin Yiu Estate was subject to land lease, which set out the restrictions on floor area and land use, approval from LandsD might be required for the implementation of the proposal. HD had therefore assisted the proponent in consulting LandsD. Taking into consideration that the proposed bazaar was temporary in nature with no GFA implication under the land lease, LandsD had no comment on the Tin Yiu proposal.

31. Dr YIU Chung-yim opined that as bazaars which were temporary in nature would not breach the requirement of maximum commercial GFA under relevant land leases, LandsD should have no objection to the setting up of such bazaars in HA's PRH estates not involving other owners. As regards the PRH estates owned by HA and Link REIT, the Administration should request Link REIT to provide information about the considerations that Link REIT would take into account when assessing bazaar proposals. He said that instead of considering whether a bazaar should be allowed in a PRH estate on a case-by-case basis, HA should be able to provide a list of PRH estates where bazaars could be set up. Mr SHIU Ka-chun asked whether HA would put in place common criteria applicable to all proponents for setting up bazaars in PRH estates. He further enquired whether apart from the

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proponent of the proposed bazaar at the amphitheatre in Tin Yiu Estate, HA would also accept applications from other organizations for setting up temporary bazaars in the amphitheatre in future.

32. AD(EM)2, HD replied that in handling bazaar applications, HA would assist the proponents to consult the other owners and LandsD if the estates concerned involved other owners and were subject to land lease and DMC. Furthermore, regardless of whether other owners were involved in the estates concerned, HA had to duly consider the views of the residents and other stakeholders, as well as the impact of such proposals on the relevant estates, including whether environmental hygiene would be compromised, public passages would be obstructed, nuisances would be caused to the residents, etc. The proponent would also need to obtain the support of the local community and DC concerned in accordance with the Government's policy on bazaars. She advised that HA would continue to adopt a consistent approach in handling applications from different organizations for setting up bazaars in Tin Yiu Estate or other PRH estates and consider specific proposals on a case-by-case basis in complement with the Government's policy.

33. Mr LEUNG Yiu-chung enquired how HA would deal with the situation where more than one proponent submitted proposals for organizing a bazaar during the same period of time at the same venue. DD(EM), HD advised that HA would, depending on the actual circumstances, coordinate the applications, with a view to facilitating the implementation of the proposal by each organization/institution concerned. According to the established mechanism for organizing activities in PRH estates, balloting might be carried out in the witness of all proponents if there were more than one proposed activity during the same period of time at the same venue. In the case of bazaar proposals, HA would consult FHB, if necessary, during the process. The Chairman requested the Administration to provide information in light of Mr LEUNG's enquiry.

(Post-meeting note: The Administration's supplementary information was issued to members vide LC Paper No. CB(1)1296/16-17(01) on 11 July 2017.)

34. Dr YIU Chung-yim enquired whether the proponent of the proposed bazaar in Tin Yiu Estate was required to submit an application for the Temporary Places of Public Entertainment ("TPPE") licence. PAS(Food)2 replied in the negative, and explained that the proposed bazaar in Tin Yiu Estate did not involve activities which required a TPPE licence.

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35. Dr CHENG Chung-tai opined that to clear public suspicions on transfer of benefits, the Administration and HA should put in place an established mechanism for submission and approval of bazaar applications. Dr KWOK Ka-ki opined that HA should develop a transparent mechanism setting out procedures and requirements in handling bazaar applications for HD's frontline staff to follow. The Administration should also establish cooperation platform for relevant departments and non-governmental organizations to look into ways to facilitate bazaar development in estates, and HD should organize activities to promote mutual understanding between EMACs and bazaar proponents.

36. AD(EM)2, HD replied that estate management staff of HD had been briefed on the considerations and principles in handling applications for the holding of bazaars in HA's PRH estates. To assist bazaar proponents to seek support from EMACs, HD would invite the proponents to attend relevant EMACs' meetings to brief EMAC members on their proposals. Dr KWOK Ka-ki and Mr LEUNG Kwok-hung requested the Administration to provide a copy of/information about the internal guidelines provided to HD's frontline staff.

(Post-meeting note: The Administration's supplementary information was issued to members vide LC Paper No. CB(1)1296/16-17(01) on 11 July 2017.)

37. The Chairman requested the Administration to provide information on the way forward to handle bazaar proposals in future; the mechanism for submission and approval of bazaar proposals to/by HA/HD; whether HA/HD would put in place common criteria applicable to all proponents/applicants for setting up bazaars in public housing estates; and whether HA/HD would establish platform to assist community groups in organizing bazaars in public housing estates. Mr LEUNG Kwok-hung requested the Administration to provide information on the principles adopted by HA/HD for considering/vetting proposals of setting up bazaars in public housing estates; and whether DCs, ACs and EMACs considered/gave views on bazaar proposals according to the principles.

(Post-meeting note: The Administration's supplementary information was issued to members vide LC Paper No. CB(1)1296/16-17(01) on 11 July 2017.)

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

(LC Paper No. CB(1)768/16-17(01) — Administration's paper on Marking Scheme for Estate Management Enforcement in Public Housing Estates

LC Paper No. CB(1)899/16-17(06) — Paper on Marking Scheme for Estate Management Enforcement in Public Housing Estates prepared by the Legislative Council Secretariat (updated background brief))

38. Deputy Director (Estate Management), Housing Department ("DD(EM), HD") briefed members on the latest position of the implementation of the Marking Scheme for Estate Management Enforcement in Public Housing Estates ("the Marking Scheme"). Assistant Director (Estate Management)1, Housing Department ("AD(EM)1, HD") gave a PowerPoint presentation on the subject.

(*Post-meeting note:* Presentation materials (LC Paper No. CB(1)925/16-17(03)) for the item were issued to members on 10 May 2017 in electronic form.)

Implementation of the Marking Scheme

39. Dr Junius HO noted that after the implementation of the Marking Scheme, a total of 29 722 point-allotment cases had been recorded. He enquired how the number compared to the total number of PRH residents. DD(EM), HD replied that there were currently 740 000 PRH units and 2.5 million PRH residents.

Keeping guide dogs at public rental housing units

40. Dr CHENG Chung-tai opined that HD should adopt a more relaxed approach in handling requests from PRH tenants with needs for the companion of a dog for mental support. He suggested that the Administration's/HA's policies should allow guide dog puppies undergoing training to be kept at PRH units by tenants who were guide dog trainers, given that training in the environment of PRH estates was essential to the guide dogs' service in the future.

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41. DD(EM), HD replied that in considering Dr CHENG's suggestion, HD had to strike a balance between tenants with diverse needs. According to a survey conducted by HD on an annual basis, in 2016, 70% of the respondents to the survey were of the view that HD should not further relax the relevant restrictions on the prevailing dog keeping policy. AD(EM)1, HD advised that at present, HD would give permission for keeping service dogs for visually impaired tenants or those with strong special needs such as need of the companion of a dog for mental support. Also, if a tenant with visual impairment wished to keep a guide dog puppy undergoing road-leading training to help the puppy adapt to PRH environment, HA would consider the case on individual merits. The Chairman requested the Administration to provide information on whether it would take forward the suggestion as mentioned by Dr CHENG.

(Post-meeting note: The Administration's supplementary information was issued to members vide paragraph 28 of LC Paper No. CB(1)1452/16-17(01) on 6 October 2017.)

Liability of entire household

42. Mr LEUNG Yiu-chung opined that HA should address the concern that under the Marking Scheme, all members in a PRH household would be liable for the actions of an individual member. DD(EM), HD responded 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 to change the behavior of tenants who committed the misdeeds, and family pressure would be a more effective way to deal with the issue. Mr LEUNG Yiu-chung said that it was difficult for other members of a PRH household to change the behavior of a family member who committed misdeeds. In response to Mr LEUNG's enquiry about whether HA would assist PRH households in this regard, DD(EM), HD advised that upon the tenants' request, HD could make referrals to relevant government departments for follow up.

Action

43. Mr LEUNG Yiu-chung enquired whether a household would be required to return the PRH unit to HA if an individual household member had been convicted of criminal offences. Chief Manager/Management(Support Services 2) ("CM/M(SS)2") replied that HA might require the household to return the unit if the crime concerned was committed inside the unit. In response to Dr LAU Siu-lai's enquiry on how HA would determine whether a criminal act committed by a tenant in his/her PRH unit would be regarded as using the unit for illegal purpose, CM/M(SS)2 advised that HA would make reference to the environmental evidence of Court's judgement when considering the matter.

44. Dr LAU Siu-lai opined that a PRH household would be subject to double penalty in circumstances when the household member who was convicted of criminal offence was punished by the Court and the household was allotted marks under the Marking Scheme. CM/M(SS)2 replied that the application of Marking Scheme on these households should not be considered as double penalty. On one hand, all Hong Kong citizens had the obligation to observe the laws of Hong Kong and should be subject to penalty for any statutory offences they had committed. On the other hand, the Marking Scheme had been introduced by making reference to the contractual relationship between the landlord and tenant which provided a clear and effective management tool to initiate tenancy enforcement actions against those tenants who broke the contract. Thus, there was no contradiction between the enforcement of the laws of Hong Kong and the implementation of the Marking Scheme. In response to Dr Junius HO's enquiry on HA's tenancy enforcement against illegal use of PRH units, DD(EM), HD confirmed that the use of PRH units for illegal purpose constituted a serious breach of leasing conditions which would trigger termination of tenancy under the clauses of Tenancy Agreement.

VII. Any other business

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