

立法會
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Establishment Subcommittee of the Finance Committee

Minutes of the 8th meeting
held in Conference Room 1 of Legislative Council Complex
on Friday, 15 February 2019, at 8:30 am

Members present:

Hon Mrs Regina IP LAU Suk-ye, GBS, JP (Chairman)
Hon Holden CHOW Ho-ding (Deputy Chairman)
Hon WONG Ting-kwong, GBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Steven HO Chun-yin, BBS
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon CHAN Chi-chuen
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, BBS, JP
Hon Martin LIAO Cheung-kong, SBS, JP
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, SBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Alvin YEUNG
Hon CHU Hoi-dick
Hon HO Kai-ming
Hon SHIU Ka-fai
Hon SHIU Ka-chun
Dr Hon Pierre CHAN
Hon CHAN Chun-ying, JP
Hon Jeremy TAM Man-ho

Hon AU Nok-hin
Hon Vincent CHENG Wing-shun, MH
Hon Tony TSE Wai-chuen, BBS

Members absent:

Hon James TO Kun-sun
Hon CHUNG Kwok-pan
Hon YUNG Hoi-yan

Public Officers attending:

Ms Carol YUEN Siu-wai, JP	Deputy Secretary for Financial Services and the Treasury (Treasury) 1
Mr Brian LO Sai-hung, JP	Deputy Secretary for the Civil Service 1
Dr Bernard CHAN Pak-li, JP	Under Secretary for Commerce and Economic Development
Mr Aaron LIU Kong-cheung, JP	Deputy Commissioner for Tourism Commerce and Economic Development Bureau
Mr Nicky NG Tsz-chung	Acting Assistant Commissioner for Tourism (1) Commerce and Economic Development Bureau
Dr CHUI Tak-yi, JP, JP	Under Secretary for Food and Health
Mr Gilford LAW Sun-on	Principal Assistant Secretary for Food and Health (Food)2
Mrs Avia LAI WONG Shuk-han, JP	Head, Private Columbaria Affairs Office Food and Environmental Hygiene Department

Clerk in attendance:

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

Miss Judy YEE	Council Secretary (1)4
Ms Alice CHEUNG	Senior Legislative Assistant (1)1
Miss Yannes HO	Legislative Assistant (1)7

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The Chairman drew members' attention to the information paper ECI(2018-19)14, which set out the latest changes in the directorate establishment approved since 2002 and the changes to the directorate establishment in relation to the eight 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 item under discussion at the meeting before they spoke on the item. She also drew members' attention to RoP 84 on voting in case of direct pecuniary interest.

EC(2018-19)19 Proposed creation of one supernumerary post of Senior Principal Executive Officer (D2) in the Commerce, Industry and Tourism Branch of the Commerce and Economic Development Bureau for a period of 24 months with immediate effect upon approval of the Finance Committee to lead a Preparatory Team with a view to planning and implementing the preparatory work for the establishment of the Travel Industry Authority and a new regulatory regime of the travel industry

2. The Chairman remarked that the staffing proposal was to create one supernumerary post of Senior Principal Executive Officer ("SPEO") (D2) (designated as Assistant Commissioner for Tourism (Preparatory Team)) in the Commerce, Industry and Tourism Branch of the Commerce and Economic Development Bureau ("CEDB") for a period of 24 months with immediate effect upon approval of the Finance Committee ("FC") to lead a Preparatory Team with a view to planning and implementing the preparatory work for the establishment of the Travel Industry Authority ("TIA") and a new regulatory regime of the travel industry.

3. The Chairman pointed out that the Administration had consulted the Panel on Economic Development on this proposal on 17 July 2018. Panel members were generally supportive of the proposal. At the Panel meeting, some members opined that the post should be created expeditiously to handle the preparatory work for TIA. The prospective candidate should possess profound administrative experience as well as knowledge of the tourism industry and experience in handling licensing matters. Members requested the Administration to provide a timetable of

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the preparatory work for TIA. The information was circulated to members vide LC Paper No. CB(4)1519/17-18(01)(the Administration's supplementary paper).

Preparatory work for the establishment of the Travel Industry Authority and the new regulatory regime of the travel industry

4. Mr YIU Si-wing expressed support for this staffing proposal. He was concerned whether the Administration was overly optimistic in anticipating that the preparatory work for the establishment of TIA could be completed within two years, and whether any contingency arrangements were in place in the event of any delay. To ensure a smooth establishment of TIA and smooth transition to the new regulatory regime, he suggested that consideration should be given to extending the post of Assistant Commissioner for Tourism (Preparatory Team) to three years. Dr KWOK Ka-ki raised similar concerns.

5. Under Secretary for Commerce and Economic Development ("USCED") said that despite the complexity of the preparatory work for the establishment of TIA, the Administration believed that relevant tasks could be completed in about two years. In working out the duration of the proposed post, reference had been made to the practice of creation of similar posts in the regulators for other sectors. Deputy Commissioner for Tourism, CEDB supplemented that, where necessary, approval of LegCo on the extension of the proposed post would be sought in accordance with the established procedures prior to the expiry of the post.

6. Mr SHIU Ka-fai indicated support for the staffing proposal and urged the Administration to create the post expeditiously. He asked whether preparatory work for the establishment of TIA was already underway prior to the creation of the proposed post. Mr YIU Si-wing raised a similar question.

7. Mr Alvin YEUNG expressed support for the establishment of TIA and the staffing proposal. He was concerned that the staffing proposal might be approved by FC in the second quarter of this year at the earliest, and asked whether adjustment would have to be made to the preliminary timetable for the preparatory work for TIA as set out in the Administration's supplementary paper. Mr YEUNG urged the Administration to submit this proposal to FC expeditiously.

8. Deputy Commissioner for Tourism, CEDB advised that the Preparatory Team led by the Assistant Commissioner for Tourism

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(Preparatory Team) comprised eight non-directorate officers, and the officers were assuming duties to commence the preparation work, including the conduct of studies and collection of information. USCED remarked that the preparatory work for the establishment of TIA was underway on schedule as set out in the preliminary timetable. The Government would submit the staffing proposal to FC in the first quarter of the year.

9. Mr WU Chi-wai asked when the Chief Executive Officer ("CEO") of TIA assumed duty whether the Assistant Commissioner for Tourism (Preparatory Team) would have any capacity to deal with other business of CEDB.

10. Deputy Commissioner for Tourism, CEDB said that given the complexity of the preparatory work for establishing TIA, it was expected that the relevant work would take about two years to complete. The Administration, drawing from the experience of the establishment of other sectoral regulators, was of the opinion that, when the CEO of TIA assumed duty, the Assistant Commissioner for Tourism (Preparatory Team) would still need to assist TIA and its secretariat in the preparatory work, and would not be able to take up other business of CEDB.

11. At the request of Mr WU Chi-wai, Deputy Commissioner for Tourism, CEDB undertook to provide supplementary information on the specific duties of the Preparatory Team and the relevant timetables after the creation of the proposed post, including the handover arrangements between the post holder and the prospective CEO of TIA.

(Post-meeting note: The supplementary information provided by the Administration was circulated to members vide LC Paper No. ESC66/18-19(01) on 25 February 2019.)

12. Dr KWOK Ka-ki asked how TIA would handle potential conflict of interests among TIA members. USCED responded that the majority of TIA members were lay members, and stressed that TIA, which had inspection and investigation powers, would operate independently.

13. Mr AU Nok-hin enquired about the functions and manpower arrangement of the Travel Agents Registry ("TAR") subsequent to the establishment of TIA. Deputy Commissioner for Tourism, CEDB advised that TIA would replace TAR, and the civil servants at TAR would be transferred to other Government departments in line with the established mechanism.

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Measures to facilitate Hong Kong's tourism development

14. Mr YIU Si-wing believed that the establishment of TIA would help combat unlicensed travel agents, tourist guides and tour escorts. He was concerned that the current regulatory regime might not be effective in regulating travel agents operating in new modes (e.g. online mode).

15. Mr SHIU Ka-fai pointed out that while the number of tourists visiting Hong Kong was breaking record high recently, which was conducive to the economic development of and employment in Hong Kong, the livelihood of local citizens had been adversely affected by certain tour groups. He opined that the Administration and TIA should handle relevant issues.

16. Dr KWOK Ka-ki said that most of the tourists visiting Hong Kong were non-overnight visitors from the Mainland. He enquired whether TIA and the Assistant Commissioner for Tourism (Preparatory Team) would explore how to attract overseas high-end tourists to Hong Kong.

17. USCED responded that the Tourism Commission and the Hong Kong Tourism Board were committed to developing a diversified portfolio of incoming visitor source markets and organizing promotional activities in various overseas countries. In addition, TIA would combat unlicensed travel agents, tourist guides and tour escorts as well as the cooperation between local travel agents and unauthorized travel agents in the Mainland with a view to reducing the impact of illegitimate tour groups on local citizens. It would also conduct inspections and investigations on non-compliant shops receiving tour groups. USCED pointed out that the Travel Industry Council of Hong Kong ("TIC") had implemented different measures prior to the establishment of TIA to, among others, encourage the industry to divert inbound tour groups to different locations and consider requiring shops serving inbound tour groups to submit suggestions on crowd management.

18. Mr Holden CHOW urged the Administration to improve the operation of the Kai Tak Cruise Terminal and take forward Phase II in the development of the Hong Kong Disneyland to optimize the use of earmarked sites. Dr LO Wai-kwok said that Members belonging to the Business and Professionals Alliance for Hong Kong supported the staffing proposal and suggested that reference be made to the experience of the Ocean Terminal in Tsim Sha Tsui when considering measures for improving the operation of the Kai Tak Cruise Terminal.

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19. Deputy Commissioner for Tourism, CEDB clarified that the Assistant Commissioner for Tourism (Preparatory Team) would be responsible for the planning and implementation for the establishment of TIA. Work related to facilitating the development of the tourism industry was the responsibility of other Assistant Commissioners for Tourism. The Chairman suggested that members could follow up on their concerns with the relevant Panels.

Transition between the Trade Industry Authority and the Trade Industry Council of Hong Kong and the work of the Trade Industry Authority

20. Mr YIU Si-wing enquired how the Administration would ensure that TIA staff possessed relevant working experience. He reminded the Administration of the need to handle the transition between TIA and TIC with prudence and to help TIC staff in transiting to TIA as much as possible in order to maintain the morale of TIC staff. Mr HO Kai-ming opined that similar to employment of civil servants, where priority would be given to the existing non-civil service contract employees, priority should be given to employing TIC staff by TIA. Mr AU Nok-hin agreed that, given the work experience of TIC staff, the Assistant Commissioner for Tourism (Preparatory Team) should facilitate their successful transfer to TIA.

21. Deputy Commissioner for Tourism, CEDB responded that TIA would discuss with TIC on issues relating to the transition of the regulatory regime, including the handover arrangement. He and USCED said that open recruitment exercises would be conducted for the posts in TIA. As TIC staff possessed relevant experience, they should have advantages when applying for such posts. TIA could also consider organizing briefing sessions for their recruitment exercises.

22. Mr Alvin YEUNG noted that the tasks of the Preparatory Team and TIA included conducting trade consultation. He enquired about the details and whether the Assistant Commissioner for Tourism (Preparatory Team) would take part in such tasks. USCED advised that upon the establishment of TIA, relevant committees would be set up for regulating the tourism industry. Such committees would conduct trade consultation and maintain communication with TIC, and the Preparatory Team would provide assistance.

23. Mr AU Nok-hin noted that TIA would take over the Travel Industry Compensation Fund ("TICF") and be responsible for the management and utilization of the Fund. He asked whether TIA would

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review the TICF levy arrangement, including the requirement for travel agents to pay the relevant levy. Mr AU also enquired whether the public education work of TIA included promotion of TICF.

24. USCED responded that travel agents were required by law to pay the levy, whereas public education work of TIA included promotion of TICF.

25. In response to Mr AU Nok-hin's enquiry on the operation costs of TIA, USCED said that the Administration would provide a seed money of \$350 million to TIA. Through investment of the seed money and raising the level of the Mainland inbound tour group registration fee, it was expected that TIA could have stable sources of income to meet its operational needs.

Arrangements for provision of work insurance for self-employed front-line tourism practitioners

26. Mr HO Kai-ming pointed out that during the scrutiny of the Travel Industry Bill ("the Bill") by LegCo, the Administration had undertaken that TIA would, through administrative measures, require that self-employed front-line practitioners providing service to travel agents must have work insurance policies that met TIA's prescribed basic requirements, and the relevant premium for the work insurance would be borne by the travel agents ("administrative measures for work insurance"). He asked whether the Assistant Commissioner for Tourism (Preparatory Team) would be responsible for handling relevant issues, and the planning and timetable for putting in place such administrative measures by TIA. Mr YIU Si-wing remarked that specific arrangements for putting in place the work insurance were dependent on the consensus among various stakeholders. Both Mr HO and Mr YIU urged the Administration to handle the matter expeditiously.

27. The Chairman asked why consensus had not been reached on the work insurance arrangements for self-employed practitioners, and what undertaking had been made by the Administration in this regard.

28. Mr AU Nok-hin remarked that the Administration should draw up a timetable for putting in place administrative measures for work insurance. He asked whether such administrative measures would take the form of subsidiary legislation. He also asked whether the Administration would consider putting forth new proposals to help reaching a consensus among different stakeholders expeditiously.

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29. USCED and Deputy Commissioner for Tourism, CEDB explained that if front-line practitioners were employed by travel agents, such travel agents were required to take out work insurance policies for the employees. If the practitioners were self-employed, they should take out work insurance policies on their own. To ensure self-employed practitioners providing service to travel agents were offered appropriate protection during their service period, the Administration had, during the scrutiny of the Bill, remarked that it would suggest TIA to put in place administrative measures (instead of subsidiary legislation) relating to work insurance. Under the measures, self-employed practitioners providing tourist guide or tour escort service for a travel agent must have a work insurance policy which could offer necessary protection throughout their service period, and that the travel agent must ensure the tourist guide or tour escort concerned had taken out the aforementioned work insurance before entering into collaboration with them. The Administration, together with TIC and the Legislative Council ("LegCo") Members from the tourism sector, had been maintaining communication with a view to forging a consensus with various stakeholders including relevant committees of TIC and staff unions. While various stakeholders principally agreed with the proposed work insurance arrangements, some staff unions had reservations on the related provisions, and a consensus had not been reached. The Government supported TIC to keep discussing with all stakeholders on issues relating to work insurance proactively in accordance with the established directions with a view to forging a consensus expeditiously.

Voting on the item

30. As members raised no further questions on the item, the Chairman put the item to vote. She was of the view that the majority of the members voting were in favour of the item. She declared that members of the Subcommittee agreed to recommend the item to FC for approval.

31. No members requested that the item be voted on separately at the FC meeting.

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EC(2018-19)22 Proposed creation of one supernumerary Senior Principal Executive Officer (SPEO)(D2) post in the Food and Environmental Hygiene Department, with immediate effect upon the approval of the Finance Committee up to 29 June 2022, to implement the regulatory regime on private columbaria.

32. The Chairman remarked that this staffing proposal was to create one supernumerary Senior Principal Executive Officer ("SPEO")(D2) post in the Food and Environmental Hygiene Department ("FEHD")(designated as Assistant Director (Private Columbaria)("AD(PC)")) with immediate effect upon the approval of FC up to 29 June 2022, to strengthen the staffing support at the directorate level in the Private Columbaria Affairs Office ("PCAO") to implement the regulatory regime on private columbaria ("PC").

33. Dr KWOK Ka-ki, Chairman of the Panel on Food Safety and Environmental Hygiene, reported that the Panel had discussed this staffing proposal at its meeting held on 13 February 2018. At the meeting, many members expressed support for the creation of the proposed post. Some members were concerned about the division of work between the AD(PC) post and the Head of the Private Columbaria Affairs Office ("H/PCAO"). The Administration remarked that H/PCAO would be responsible for the overall strategic direction for PCAO and overseeing various aspects of its work, whereas the holder of the proposed AD(PC) post would provide important directorate support to H/PCAO in implementing numerous systems and operation manuals covering a wide spectrum of aspects including licensing of PC, enforcement, ash disposal, administrative work, financial, personnel, complaint handling, information databases and processing systems, public education and publicity as well as staff training. Furthermore, given that one of the job duties of AD(PC) was to support H/PCAO in overseeing the implementation of public education and publicity programmes, some members opined that the post holder of AD(PC) should attend forums/briefing sessions organized by district offices of LegCo Members and non-governmental organizations ("NGOs") on matters relating to the implementation of the Private Columbaria Ordinance (Cap. 630) ("the Ordinance") more frequently. The Administration remarked that PCAO had already launched a series of publicity and public education initiatives to promote the awareness of the public and the private columbarium operators about the major legal requirements under the Ordinance. Subject to availability of manpower and resources, PCAO would, where feasible, participate in publicity

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programmes organized by/for different stakeholders.

Processing applications for specified instruments of private columbaria

34. Mr CHAN Chun-ying asked why applications for specified instruments ("SIs") of PC, viz. applications for license, exemption or temporary suspension of liability ("TSOL") under the Ordinance were not accepted by the Private Columbaria Licensing Board ("PCLB") until six months after (i.e. December 2017) the Ordinance had come into effect in June 2017.

35. In response, H/PCAO, FEHD said that according to the Ordinance, PCLB should begin accepting SIs applications six months after the commencement of the Ordinance, with a view to enabling relevant authorities to prepare for the establishment of the licencing scheme for columbaria within such period, including setting up a licensing board and formulating the necessary mechanisms, procedures and relevant guidelines. She explained that the licensing scheme for columbaria was a new regime, and columbaria applying for a license must meet requirements involving a wide range of areas relating to planning, land, building and fire safety, rights to use the premises, environmental protection, electricity and lift/escalator safety, management, etc. PCLB was established on 8 September 2017 and was required to stipulate relevant regulatory regimes, procedures and guidelines within a tight timeframe. PCLB had started accepting SIs applications from PC starting from end of December 2017.

36. Mr CHAN Chun-ying and Dr KWOK Ka-ki expressed concerns over the sluggish progress of PCLB in examining SIs applications. Mr CHAN pointed out that as at October 2018, PCLB had accumulated over 340 pending SIs applications from 140 PC. Given the number of pending SI applications, Mr CHAN, Dr KWOK and Mr Alvin YEUNG were concerned whether the Administration could finish examining all the applications prior to the expiry of the term of the AD(PC) post (i.e. before June 2022). They and Mr Holden CHOW asked respectively whether consideration would be given for extending the proposed post or recruiting additional personnel.

37. H/PCAO remarked that the Ordinance provided that PC must obtain a license, exemption or TSOL for continued operation after the Ordinance came into effect. Only PC with licenses could sell or newly let out niches. On the other hand, the Ordinance allowed pre-cut-off columbaria (i.e. columbaria that were in operation, and in which ashes were interred in niches, immediately before 8:00am on 18 June 2014) where

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prescribed requirements under the Ordinance were met, to apply for exemption under the licensing scheme. After the Ordinance was gazetted, PC operating before 30 June 2017 could, within the nine-month grace period from the gazette date to 29 March 2018, continue operation but could not sell or newly let out niches. Besides, such PC were required to apply for SIs before the nine-month grace period expired. As at the expiry date of the grace period in end of March 2018, PCLB had received some 340 SIs applications from a total of 140 PC. Three of such applications were withdrawn by the applicants, another returned to the applicant by PCLB. After 29 March 2018, PCLB received a new application for SIs. H/PCAO stressed that PCLB would vet the SIs applications expeditiously. However, most of the applications were submitted without all the required supporting documents. PCAO had to follow up on such applications with the persons in charge of PC applying for SIs. Furthermore, PCAO had to send the supporting documents for SIs applications to relevant Government departments for examination of whether the PC met all the regulation requirements concerned. It took time to process each of those procedures.

38. As to whether all SIs applications could be duly completed before 2022, H/PCAO said that PCLB and PCAO would do their best to handle all applications expeditiously and would proactively follow up with PC on matters relating to submission of relevant supporting documents. Under Secretary for Food and Health ("USFH") supplemented that with the experience of the settled cases, PCLB would be able to handle cases in a more expeditious manner in the future. He believed that the creation of the proposed post could help expedite the processing of the backlog of SIs applications.

39. Mr CHAN Chi-chuen supported the staffing proposal. He enquired about the number of SIs applications from PC that the Administration expected to handle this year. H/PCAO pointed out that PCLB had held two open meetings in January 2019 to examine two SIs applications from PC, and had approved one application. Meanwhile, another application was pending approval, subject to compliance with the land requirements by the PC concerned. Arrangement had been made for examination of a third application in March 2019.

40. Mr CHAN Chi-chuen said that persons in charge of PC had the responsibility to submit all supporting documents related to their SIs applications. However, he opined that for SIs applications to be processed smoothly and handled more effectively, PCAO should consider putting in place administrative measures such as setting deadlines for submission of relevant supporting documents for SIs applications or simplifying the SIs

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application procedures. Dr Fernando CHEUNG raised similar concerns and suggestions.

41. Mr CHU Hoi-dick pointed out that most of the PC had not yet submitted all documents required for their SIs applications (in particular TSOL). For example, 79 SIs applications were pending submission of application forms and contents, another 60 pending further submission of contents. He was concerned that not setting deadlines for submitting relevant supporting documents for SIs applications in the Ordinance might create a loophole to the effect that some PC would try to beat the regulation under the licensing system by means of late submission of relevant documents deliberately.

42. Mr Tony TSE expressed support for this staffing proposal. He was also concerned about the potential loophole arising from the absence of deadlines for submission of SIs applications in the Ordinance. He asked how the Administration would handle such PC after the three-year grace period of TSOL had expired.

43. H/PCAO replied that the Ordinance introduced a mechanism that enabled pre-cut-off PC to apply for TSOL, so that time would be given to those who had yet to meet various licence and TSOL application requirements to take corresponding actions. As it would take a certain period of time for the PC to meet the licence and TSOL application requirements, the Ordinance provided that both the maximum validity and renewal periods of a TSOL were three years. For a TSOL application, the applicant was required to submit different types of documents to prove compliance with various requirements, including documentary proof that the columbarium concerned had been certified by a qualified professional as not posing any obvious or imminent danger in terms of building safety and fire safety, documents showing that PC qualified as a pre-cut-off columbarium, documentary proof of compliance with the requirements relating to fire safety and electrical and mechanical safety, site plan and layout plan of PC etc.. As SIs covered an extensive scope, PCLB, at the current stage, inclined to give applicants time to submit the required supporting documents. The Ordinance provided that without a licence, a columbarium would not be allowed to sell or let out new niches. This being the case, PC could not generate any income until a licence was obtained, giving them a disincentive to delay their licence applications. She noted members' suggestion regarding setting deadlines for submission of supporting documents for SIs applications, and added that if applicants kept delaying submission of the required supporting documents, PCLB would be expected to take follow-up actions according to the Ordinance,

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including a possible refusal to an application. PCLB had been following up with the 79 PC that had submitted SIs applications on their cases.

44. Regarding the follow-up actions to be taken upon the expiry of the three-year grace period of TSOL, H/PCAO responded that if relevant PC, by that time, still failed to meet the stipulated licencing requirements, the applicants concerned could apply to PCLB for extending the TSOL once. PCLB would examine whether reasonably prompt actions had been taken by the applicant over the past three years in order to comply with the licensing or TSOL requirements; and only if PCLB was satisfied that the applicants concerned had taken relevant actions would approval be given to extend the TSOL for one time, to the effect that the applicant would be granted a grace period for another three years.

Follow-up actions subsequent to closure of private columbaria

45. Mr CHAN Chi-chuen noted that a PC had the responsibility to remove the ashes stored in its niches (commonly known as "ashes removal") if it was required to close down because of failure in meeting the requirements specified in the Ordinance. PCLB had returned one SIs application to the applicant earlier on, while three SIs applications were withdrawn by the applicants. Regarding this, he enquired whether such PC had to conduct ashes removal and cease operation immediately.

46. In response to the enquiry by Mr CHAN Chi-chuen regarding the four SIs applications, H/PCAO advised that as one of the PC had failed to provide any substantial information, the application had been returned. As the PC concerned had not yet commenced operation, there was no need for ashes removal. For the three withdrawn SIs applications, ashes removal had been completed or was being carried out by the relevant PC. The SIs applications from the aforesaid four PC and the progress of ashes removal had been made available on the Regulation of Private Columbaria website of FEHD for public information.

47. Dr KWOK Ka-ki asked about closure of PC and the conduct of ashes removal due to failure in meeting the licensing requirements upon the commencement of the Ordinance. Dr KWOK, Mr CHAN Chi-chuen, Mr AU Nok-hin and Mr Holden CHOW were concerned about the measures in place to help citizens who had rented or purchased niches in PC where ashes removal had to be carried out.

48. H/PCAO replied that upon commencement of the Ordinance, over 30 PC had ceased operation and were required to conduct ashes

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removal as they were unlicensed and had not submitted SIs applications. Among them, 22 PC had returned the ashes to family of the deceased in a smooth manner. In addition to information on PC with ash disposal procedures, the Regulation of Private Columbaria website also contained information on other methods for disposal of ashes, including FEHD's temporary storage service. She added that as rental or purchase of PC niches involved private contracts entered between members of the public and the relevant PC operators, it would be more appropriate for members of the public and the operators concerned to handle the matter under relevant civil proceedings.

Consulting residents in the vicinity of private columbaria

49. Dr Fernando CHEUNG opined that there were rooms for improvement on local consultation on operation of PC in a specific land lots. He pointed out that PCLB had recently examined two applications for columbarium licence, and one of the columbarium was in the district of Tuen Mun. However, according to residents living in the vicinity of the land lot and the Tuen Mun District Council, they were unaware of any consultation on the application for the PC licence. Meanwhile, information pertaining to the application indicated that no residents had expressed any views during the consultation period. Dr CHEUNG opined that the aforesaid situation reflected that traditional way of consultation such as posting consultation notices and uploading consultation notices on relevant websites had limited effect. He urged the Administration to improve the methods of consultation and to consult residents living near PC and members of the relevant District Councils directly.

50. H/PCAO said that the majority of the SIs applications received by PCLB were submitted by pre-cut-off PC which were in operation before 18 June 2014 with ashes stored in their niches. The two SIs applications for which approval had been given came from pre-cut-off PC. Both applications had passed through the vetting procedures of the Town Planning Board ("TPB"). By virtue of the established mechanism for public consultation in place at TPB, relevant consultation had been completed for the two PC. PC applying for licences were required to comply with the planning requirements, and the ash interment capacity for which approval to be given by PCLB should not exceed the capacity approved by TPB. Furthermore, notices were posted on PCLB's website and outside the PC to inform and advise the public of the relevant SIs applications.

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51. Mr AU Nok-hin noted that the AD(PC) would be mainly responsible for coordinating matters at a senior level that cut across bureaux and departments ("B/Ds") to assist H/PCAO in the implementation of the Ordinance. He asked whether the duties included preparatory work for regulating the establishment/operation of PC for which application had been submitted.

52. H/PCAO responded that the coordination work set out in the paper referred to communication and contact with relevant B/Ds to discuss and resolve issues relating to SIs applications submitted by PC, which was unrelated to submission of application to TPB for establishing/operating PC. She added that having obtained approval from TPB did not necessarily mean that a licence would be granted. Other requirements had to be met for approval to be given by PCLB.

Arrangement for consideration of the staffing proposal

53. Mr Alvin YEUNG remarked that the AD(PC) post was not a controversial staffing proposal, and the item had already been discussed by the Panel on Food Safety and Environmental Hygiene at its meeting held in February 2018. He asked why it took one year for the Administration to submit the staffing proposal to ESC for consideration. He requested that non-controversial items should be submitted to LegCo (including ESC and FC) for consideration as soon as possible in the future. The Chairman raised similar concerns.

54. USFH remarked that subsequent to the discussion by the Panel, the staffing proposal had been submitted to ESC for consideration according to the established procedures. Deputy Secretary for Financial Services and the Treasury (Treasury) 1 responded that the Administration would consider items submitted by different B/Ds in a holistic manner and discussion with the relevant B/Ds would be held for arrangement of an opportune time for ESC to discuss the items.

55. Mr Tony TSE opined that the proposal for the creation of the proposed post had not been submitted to LegCo expeditiously probably because the Administration had underestimated the complexity of and the manpower needed for implementing the licensing scheme for PC. Regarding the non-directorate staff providing support for the proposed post, he asked whether they came from additional manpower or staff from the existing establishment. Furthermore, he asked whether there was corresponding increase in the manpower resources of other B/Ds involved in handling SIs applications from PC.

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56. In response, H/PCAO said that PCAO was set up to implement the Ordinance and approximately 60 non-directorate staff had been created to support the work of PCAO. In addition, when resources were sought for PCAO under FEHD, the Food and Health Bureau had consulted other B/Ds whether additional resources would be needed for implementation of the Ordinance.

57. The Chairman remarked that as some members were still waiting for their turn to ask questions, the Subcommittee would continue the discussion on this item at the meeting to be held on 22 February 2019.

58. The meeting ended at 10:30 am.

Council Business Division 1
Legislative Council Secretariat
11 March 2019