

立法會
Legislative Council

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Establishment Subcommittee of the Finance Committee

Minutes of the 13th meeting
held in Conference Room 1 of Legislative Council Complex
on Wednesday, 3 April 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 James TO Kun-sun
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 CHUNG Kwok-pan
Hon Alvin YEUNG
Hon CHU Hoi-dick
Hon HO Kai-ming
Hon SHIU Ka-fai
Hon SHIU Ka-chun
Hon YUNG Hoi-yan

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 attending:

Hon Frankie YICK Chi-ming, SBS, JP
Dr Hon Junius HO Kwan-yiu, JP

Public Officers attending:

Ms Kinnie WONG Kit-yee	Deputy Secretary for Financial Services and the Treasury (Treasury) 1 (Acting)
Ms Vivien LI Chim-wing	Deputy Secretary for the Civil Service 1 (Acting)
Ms Doris HO Pui-ling	Deputy Secretary for Development (Planning and Lands)1
Mr David LAM Chi-man	Principal Assistant Secretary for Development (Planning and Lands)5
Mr Raistlin LAU Chun	Deputy Secretary for Financial Services and the Treasury (Treasury)3
Mr Albert LEE Wai-bun	Deputy Director of Civil Engineering and Development
Mr LAW Man-tim	Deputy Project Manager (North) Civil Engineering and Development Department
Mr Tony CHEUNG Ka-leung	Deputy Project Manager (West) Civil Engineering and Development Department
Mr Tony MOYUNG Hon	Deputy Director (Specialist) Lands Department
Ms Lily CHIU Lee-lee	Chief Estate Surveyor (Acquisition Section), Lands Department
Miss Fiona LUNG Siu-yuk	Assistant Director of Planning (Board)
Mr Vincent LIU Ming-kwong	Government Property Administrator
Mr LAM Chik-man	Chief Property Manager (Acquisition, Allocation and Disposal) Government Property Agency

Ms Angela LEE Chung-yan	Deputy Secretary for Transport and Housing (Transport)5
Ms Maisie CHENG Mei-sze	Director of Marine
Mr WONG Sai-fat	Deputy Director of Marine
Mr Freely CHENG-kei	Deputy Director of Marine (Special Duties)

Clerks 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
Ms Haley CHEUNG	Legislative Assistant (1)10

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The Chairman drew members' attention to the information paper ECI(2018-19)17, 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)30 Proposed making permanent of four supernumerary posts of three Chief Engineer (D1) in the Civil Engineering and Development Department and one Chief Town Planner (D1) in the Planning Department; creation of two supernumerary posts of one Chief Estate Surveyor (D1) in the Lands Department up to 31 March 2029 and one Administrative Officer Staff Grade C (D2) in the Government Property Agency (GPA) up to 31 March 2024; and creation of one permanent post of Chief Estate

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Surveyor/Principal Valuation Surveyor (D1) in the GPA with immediate effect upon approval of the Finance Committee to take forward policy initiatives to increase land supply in the short, medium and long term

2. The Chairman remarked that the staffing proposal was to make permanent of four supernumerary posts of three Chief Engineer ("CE") (D1) in the Civil Engineering and Development Department ("CEDD") and one Chief Town Planner ("CTP") (D1) in the Planning Department ("PlanD"); creation of two supernumerary posts of one Chief Estate Surveyor ("CES") (D1) in the Lands Department ("LD") up to 31 March 2029 and one Administrative Officer Staff Grade C ("AOSGC") (D2) in the Government Property Agency ("GPA") up to 31 March 2024; and the creation of one permanent post of CES/Principal Valuation Surveyor ("PVS") (D1) in GPA with immediate effect upon approval of the Finance Committee ("FC") to take forward policy initiatives to increase land supply in the short, medium and long term. She pointed out that discussion of the item was carried over from the meeting on 29 March, 2019.

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3. The Chairman expressed that the Subcommittee had received a letter from Mr AU Nok-hin requesting the Administration to provide information on this staffing proposal. She had instructed the Secretariat to request the Administration to give a written response to Mr AU's question.

Implementation of the "single site, multiple use" initiative

4. The Chairman remarked that the cultural and entertainment facilities in a number of districts were inadequate, and the cost for providing such facilities was high. She urged the Administration to take into account the opinions of local residents while implementing the "single site, multiple use" initiative and to refrain from rashly demolishing the cultural and entertainment facilities (e.g. the Tsuen Wan Town Hall) in the districts.

5. Deputy Secretary for Development (Planning and Lands)1 ("DS(PL)1") replied that several pieces of government land within Tsuen Wan Town Centre were included in the development projects under the first phase of the "single site, multiple use" initiative. The Development Bureau ("DEVB") noted the mixed views of local residents on the development of the Tsuen Wan Town Hall site, and that the Tsuen Wan District Council would discuss the development of the sites of Tsuen Wan Town Hall and the Tsuen Wan Magistrates' Courts after the completion of a relevant study. She remarked that the authorities would first conduct a land planning exercise and take into account the opinions of Tsuen Wan

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residents before making a final decision on the use of the aforesaid sites.

6. Dr Fernando CHEUNG and Mr AU Nok-hin queried whether creating the proposed posts of Deputy Government Property Administrator (2) ("DGPA(2)") and Chief Property Manager (Project) ("C(P)") could contribute to the effective implementation of the "single site, multiple use" initiative. Dr CHEUNG pointed out that holders of the two posts did not have enough understanding of the demands for public service facilities from residents of various districts. Furthermore, when carrying out local consultations on land use, the Administration tended to be partial to the views of the developers but not those of the residents. This being the case, it was difficult that suitable public service facilities could be provided. He cited Shatin Shui Chuen O Estate as an example, where public service facilities such as elderly care and youth centres were lacking. Mr AU remarked that similar cases could also be found in individual "Government, Institution or Community" ("GIC") sites on Hong Kong Island (e.g. the site of Aldrich Garden). The Chairman pointed out that the Government had failed to work out a detailed community planning and to provide ancillary transport facilities for Shui Chuen O Estate.

7. DS(PL)1 advised that the Administration had been implementing the "single site, multiple use" initiative through individual bureaux/departments ("B/Ds"). However, it was difficult for B/Ds, individually, to come up with any comprehensive planning and coordinate the implementation of the initiative effectively. As such, DEVB suggested that GPA should perform centralized coordination work and enhance internal coordination within the Government in order to take forward the "single site, multiple use" initiative in a more effective manner. She noted Members' views on the planning for public service facilities and remarked that GPA would, through relevant District Councils and District Officers, listen to and incorporate the views of residents regarding the "single site, multiple use" initiative. GPA would also be willing to collect opinions from resident and district organizations, such as owners' corporations.

8. Mr CHU Hoi-dick and Mr WU Chi-wai expressed their views on the implementation of the "single site, multiple use" initiative. Mr CHU opined that the Administration should first have a good understanding on the prospective demands of Hong Kong for public service and social welfare facilities (e.g. residential care homes for the elderly) and formulate relevant planning standards before taking forward the "single site, multiple use" projects. Mr WU was of the view that, instead of relying on internal coordination by GPA to take forward the "single site, multiple use" initiative, consideration should be given to the provision of recurrent funding to B/Ds for developing public service or social welfare facilities.

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9. DS(PL)1 advised that public service facilities provided under the "single site, multiple use" initiative were not limited to those developed under the population-based planning standard in the Hong Kong Planning Standards and Guidelines ("HKPSG"). She said, for example, despite the absence of any population-based planning standard for public markets under the existing HKPSG, the Administration would, prior to developing GIC sites, consult the Food and Health Bureau ("FHB") and the Food and Environmental Hygiene Department ("FEHD") on the provision of recurrent resources to public markets on relevant sites. Apart from provision of recurrent resources to B/Ds, internal coordination was also important when planning for provision of public service facilities. In this regard, DEVB had set up an internal committee chaired by the Secretary for Development to mediate on any divergent views among B/Ds in relation to the implementation of the "single site, multiple use" initiative. If relevant issues could not be resolved by this committee, another committee led by the Financial Secretary would assist in the mediation.

10. Mr WU Chi-wai enquired, whether in taking forward the multi-storey development projects under the "single site, multiple use" initiative, the Administration would reserve space for public service facilities as needed by the community to be included in the prospective development.

11. DS(PL)1 said that the Administration would take into account the community's long-term needs for public service facilities when implementing the "single site, multiple use" initiative, utilizing the plot ratios effectively for multi-storey development projects. Although some space was still pending allocation under certain situations at the planning stage, the Administration had decided having considered the future growth in community's demand for public service facilities, to include the floor area of such space in the project's scope to address future needs.

Justification for creation of the posts in Civil Engineering and Development Department and Lands Department

12. Mr Tony TSE remarked that the three CEs in CEDD were tasked to take forward the Kwu Tung North ("KTN")/Fanling North ("FLN") New Development Area ("NDA") project, Hung Shui Kiu ("HSK") NDA project, as well as other major projects in the North New Territories ("NNT") and to supervise the work subsequent to the completion of these projects, all of which were time-limited tasks. He reiterated that making permanent of the three posts was not fully justified. In addition, planning, land administration and follow-up work relating to NDA and other major projects had to be carried out by staff of different professional grades.

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However, over the past three years, there were significant discrepancies in the number of additional manpower among CEDD, LD and PlanD. Mr TSE requested the Administration to set out in a discussion paper the establishment changes in the directorate and non-directorate posts in CEDD, LD and PlanD in the past 10 years in table form, including the number of additional posts and deleted posts; the number of staff members of professional and non-professional grades in relevant establishment changes; and details of the non-directorate posts created in the three departments for the provision of support starting from 2019-2020.

13. Mr WU Chi-wai did not oppose the proposal of retaining the three supernumerary CE posts in CEDD, but had reservations over making the three posts permanent. He and Mr SHIU Ka-chun asked why consideration had not been given to resolving the manpower shortage problem of CEDD's North Development Office through internal deployment. Mr WU requested the Administration to provide supplementary information in table form on the projects currently being carried out and those to be taken forward in the next few years by the four Development Offices under CEDD, as well as the anticipated date of completion of each project, in order to better illustrate the work and manpower distribution of each Development Office.

14. Mr CHAN Chi-chuen pointed out that while CE/W4 was responsible for taking forward the HSK NDA project, funding had not yet been given by FC for the proposed permanent post. He queried the urgency to make permanent the three supernumerary CE posts in CEDD at this stage.

15. Mr Alvin YEUNG remarked that there would be changes in duties if holders of the three CE posts in CEDD were tasked to undertake work relating to other projects upon completion of the NDA projects and the relevant supervision work. He asked whether the Administration had to submit again any proposal for ESC's discussion and FC's approval. He also asked whether consideration had been given to extending the terms of these three supernumerary posts.

16. In a consolidated response, DS(PL)1 remarked that staffing proposals put forward by B/Ds had to go through a critical internal review procedure, including a review by the Civil Service Bureau and the Financial Services and the Treasury Bureau. The proposal to make permanent the three supernumerary CE posts in CEDD had been made by DEVB in light of long-term operational needs. At present, the only permanent post in the North Development Office under CEDD was the CE/N3 post, which was mainly responsible for the development projects and works in the New Territories North District ("NTN"). Given that the

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KTN/FLN NDA project, the NTN NDA project and other major projects (e.g. rezoned construction sites of residential buildings and brownfield development) would be implemented in NTN, DEVB considered it necessary to create two permanent CE posts, i.e. CE/N1 and CE/N2 in the North Development Office to cope with the long-term development in NTN, and to plan and enhance the infrastructure of NTN, in particular transportation and roads, from a macro perspective. Based on similar considerations, DEVB had also found it necessary to make permanent of the CE/W4 post to take forward the HSK NDA project and relevant development projects. As the terms of the three supernumerary CE posts in CEDD would expire on 1 April 2019, there was an imminent need to put forward this staffing proposal.

17. Regarding Mr Tony TSE's enquiry about the reasons for creating the CES post in LD on a supernumerary basis instead of on a permanent basis, DS(PL)1 remarked that although DEVB anticipated that matters relating to land administration (including permanent and temporary land disposal in NDA) arising from the implementation of the KTN/FLN NDA project and the NTN NDA project would increase LD's workload in the coming 10 years, such matters could be handled by the District Lands Offices responsible for relevant development areas as part of their daily work. Hence, a supernumerary CES post in LD was now proposed to be created to cope with the increased workload in the coming 10 years.

Land planning and development

18. Mr SHIU Ka-chun, Mr CHU Hoi-dick and Mr AU Nok-hin enquired about PlanD's efforts and progress in reviewing the Town Planning Ordinance (Cap. 131) ("the Ordinance"). Mr SHIU and Mr CHU asked, in reviewing the Ordinance, whether the holder of the proposed CTP post created in PlanD would formulate specific measures to combat illegal fly-tipping and landfill in South Lantau and other rural areas not covered under the Development Permission Area ("DPA") Plans. Mr CHU pointed out that efforts in the combat against illegal fly-tipping had been affected as PlanD officers did not have any authority under the Ordinance to take enforcement actions in rural areas not covered under DPA Plans.

19. DS(PL)1 replied that the Administration was aware of the illegal landfill and fly-tipping problems in certain areas in South Lantau which were not covered under the DPA Plans such as Tong Fuk, Shui Hau and Pui O. PlanD would review the Ordinance and consider strengthening the authority of the Director of Planning for carrying out enforcement actions in rural areas. The legislative amendments would target at rural areas subject to pressure of being developed but currently not covered under the

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DPA Plans. The Administration planned to introduce a preliminary legislative proposal within this year.

20. Mr CHU Hoi-dick noted that holder of the proposed CTP post would be required to follow up on an earlier judicial review ("JR") case in which the court ordered the Town Planning Board ("TPB") to revisit the decision to implement "Village Type Development" in some Outline Zoning Plans ("OZPs"). He enquired when examining "Village Type Development" applications in the future, whether TPB would take into account the potential environmental impact on the relevant areas, apart from verifying the adequacy of the applicant's justifications.

21. DS(PL)1 responded that in the aforesaid JR case, the court had returned a total of three OZPs for TPB to re-examine its decision on the "Village Type Development" zones adjacent to country parks. The Government was studying the impact of and the necessary follow-up actions in relation to the judgment. Consideration would be given to adjusting the area of "Village Type Development" zones in OZPs if the scope of "Village Type Development" was found to be unable to reflect the actual demand for small houses in the relevant villages.

22. In response to the enquiry of Mr AU Nok-hin on how CTP could help streamline the vetting process of development, DS(PL)1 advised that as individual projects in a development application had to be vetted by various departments, DEVB had set up a Steering Group to explore ways to streamline the process of development approval for departments (including PlanD) under its purview. The focus was on avoidance of multiple vetting for the purpose of streamlining, and the efforts would not involve any alternations to development restrictions. CTP would be tasked to collate the inputs and information submitted by PlanD to the Steering Group and initiate follow-up actions.

Voting on the item

23. The Chairman put the item to vote. At the request of Mr WU Chi-wai, the Chairman ordered that the item be voted on in three separate parts. The first part covered making permanent the supernumerary posts of three CE in CEDD. At the request of members, the Chairman ordered a division and the division bell rang for five minutes. Seventeen members voted for this part of the item and 10 against it. One member abstained. The Chairman declared that the Subcommittee agreed to recommend this part of the item to FC for approval. The votes of individual members were as follows:

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For

Mr WONG Ting-kwong	Mr WONG Kwok-kin
Mr Steven HO	Mr YIU Si-wing
Mr KWOK Wai-keung	Mr Christopher CHEUNG
Dr Elizabeth QUAT	Mr POON Siu-ping
Dr CHIANG Lai-wan	Ir Dr LO Wai-kwok
Mr CHUNG Kwok-pan	Mr HO Kai-ming
Mr Holden CHOW	Mr SHIU Ka-fai
Ms YUNG Hoi-yan	Mr CHAN Chun-ying
Mr Vincent CHENG	
(17 members)	

Against

Mr James TO	Mr WU Chi-wai
Mr CHAN Chi-chuen	Dr KWOK Ka-ki
Dr Fernando CHEUNG	Mr IP Kin-yuen
Mr Alvin YEUNG	Mr CHU Hoi-dick
Mr AU Nok-hin	Mr Tony TSE
(10 members)	

Abstain

Dr Pierre CHAN
(1 member)

24. Mr Steven HO moved that the duration of the division bell be shortened to one minute in the subsequent voting in relation to the remaining parts of the item. No members raised any objection.

25. The Chairman then put to vote the second part of the item, namely the creation of supernumerary posts of one CES in LD and making permanent of a supernumerary post of one CTP in the Planning Department. The Chairman ordered a division and the division bell rang for one minute. Twenty-one members voted for this part of the item and five against it. Two members abstained. The Chairman declared that the Subcommittee agreed to recommend this part of the item to FC for approval. The votes of individual members were as follows:

For

Mr James TO	Mr WONG Ting-kwong
Mr WONG Kwok-kin	Mr Steven HO
Mr WU Chi-wai	Mr YIU Si-wing
Mr KWOK Wai-keung	Mr Christopher CHEUNG
Dr Elizabeth QUAT	Mr POON Siu-ping
Dr CHIANG Lai-wan	Ir Dr LO Wai-kwok
Mr CHUNG Kwok-pan	Mr HO Kai-ming

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Mr Holden CHOW
Ms YUNG Hoi-yan
Mr CHAN Chun-ying
Mr Tony TSE
(21 members)

Mr SHIU Ka-fai
Dr Pierre CHAN
Mr Vincent CHENG

Against

Mr CHAN Chi-chuen
Dr Fernando CHEUNG
Mr Alvin YEUNG
(5 members)

Dr KWOK Ka-ki
Mr IP Kin-yuen

Abstain

Mr CHU Hoi-dick
(2 members)

Mr AU Nok-hin

26. The Chairman put to vote the third part of the item, namely the creation of one supernumerary post of one AOSGC and one permanent post of CES/PVS in GPA. The Chairman ordered a division and the division bell rang for one minute. Eighteen members voted for this part of the item and nine against it. One member abstained. The Chairman declared that the Subcommittee agreed to recommend this part of the item to FC for approval. The votes of individual members were as follows:

For

Mr WONG Ting-kwong
Mr Steven HO
Mr KWOK Wai-keung
Dr Elizabeth QUAT
Dr CHIANG Lai-wan
Mr CHUNG Kwok-pan
Mr Holden CHOW
Ms YUNG Hoi-yan
Mr Vincent CHENG
(18 members)

Mr WONG Kwok-kin
Mr YIU Si-wing
Mr Christopher CHEUNG
Mr POON Siu-ping
Ir Dr LO Wai-kwok
Mr HO Kai-ming
Mr SHIU Ka-fai
Mr CHAN Chun-ying
Mr Tony TSE

Against

Mr James TO
Mr CHAN Chi-chuen
Dr Fernando CHEUNG
Mr Alvin YEUNG
Mr AU Nok-hin
(9 members)

Mr WU Chi-wai
Dr KWOK Ka-ki
Mr IP Kin-yuen
Mr CHU Hoi-dick

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Abstain

Dr Pierre CHAN
(1 member)

27. Mr WU Chi-wai requested that the item be voted on separately at the relevant FC meeting. He requested that three separate papers should be provided for FC's discussion in relation to the proposed posts to be created for CEDD, LD, PlanD and GPA.

EC(2018-19)31 Proposed creation of two permanent posts of one Administrative Officer Staff Grade B (D3) and one Assistant Director of Marine (D2) in the Marine Department (MD) with effect from 1 June 2019 or upon approval of the Finance Committee, whichever is later to enhance marine safety and to lead a new division in the department to strengthen the regulatory regime of local vessels upon the disbandment of the Task Force on Reform in MD

28. The Chairman remarked that the staffing proposal was to create two permanent posts of one Administrative Officer Staff Grade B ("AOSGB") (D3) (designated as Deputy Director of Marine (2) ("DD2")) and one Assistant Director of Marine ("AD of M") (D2) (designated as Assistant Director/Local Vessels ("AD/LV")) in the Marine Department ("MD") with effect from 1 June 2019 or upon approval of FC, whichever was later to enhance marine safety and to lead a new division (the Local Vessels Division) in the Department to strengthen the regulatory regime of local vessels upon the disbandment of the Task Force on Reform in MD ("Task Force").

29. The Chairman pointed out that the Administration had consulted the Panel on Economic Development ("EDEV Panel") on this staffing proposal on 19 December 2018. Members of the Panel generally supported the relevant proposal to strengthen the overall management of MD to enhance marine safety. At the Panel's meeting, some members opined that the Administration should publish the "Report of the Transport and Housing Bureau's Investigation into Staff Conduct in the Marine Department in relation to the Vessel Collision Incident near Lamma Island on 1 October 2012" ("the Report") so that the public could better understand the internal issues of MD as pointed out in the Report. The information provided by the Administration after the meeting was circulated to members vide LC Paper No. CB(4)422/18-19(01).

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Enhancing marine safety

30. Dr KWOK Ka-ki remarked that while he supported this staffing proposal, he was concerned about the occurrence of a number of marine accidents involving local and Mainland vessels near the maritime boundary between Hong Kong and the Mainland in recent years which had resulted in casualties of Hong Kong residents. He enquired how creation of the two permanent posts, namely DD2 and AD/LV, could enhance marine safety; and how MD would hold officers manning foreign (including Mainland) ships liable for accidents happening in Hong Kong waters.

31. Dr LO Wai-kwok and Mr Frankie YICK agreed that MD should take forward the recommendations of the Steering Committee on the Systemic Reform of the Marine Department ("Steering Committee"), including legislative amendments for enhancing provision of lifejackets on local vessels and to legislate on drink and drug boating, etc. Dr LO also indicated that the Business and Professionals Alliance for Hong Kong which he was affiliated to supported this staffing proposal.

32. Deputy Secretary for Transport and Housing (Transport) 5 ("DSTH5") responded that since its establishment in 2013, the Task Force had enhanced the safety standards in relation to regulation of local vessels through various measures, including introducing legislative amendments and new legislative proposals. The current proposal for creation of the DD2 post aimed to sustain the efforts for implementing various reform measures on local vessels and oversee the reform of the work culture of MD with a view to enhancing marine safety. MD would set up a new division led by AD/LV, namely the Local Vessels Division, for dedicated regulation on local vessel safety and handling issues relating to marine industrial safety, local vessel checking and certification.

33. In a consolidated response, D of M and DD of M remarked that MD would ensure vessels entering Hong Kong waters (including Mainland vessels) comply with the requirements of the International Maritime Organization. MD had the authority to carry out enforcement actions regarding marine incidents taking place in Hong Kong waters. MD's Harbour Patrol Section ("HPS") was responsible for patrolling in Hong Kong waters and would take enforcement actions onboard vessels where necessary. If a marine accident took place near the maritime boundary between Hong Kong and the Mainland or if it involved Mainland ship operators, MD would liaise with relevant Mainland authorities and follow up on investigation.

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Planning and management of vessel berthing spaces

34. The Chairman pointed out that at present, there were only two typhoon shelters, namely Aberdeen West Typhoon Shelter and Aberdeen South Typhoon Shelter, in the Southern District of the Hong Kong Island, which would be packed particularly at times of inclement weather. She enquired whether the duties of the proposed posts of DD2 and AD/LV included planning for typhoon shelters, such as expanding the existing typhoon shelters, provision of additional typhoon shelters and enhancing the safety facilities of typhoon shelters. Mr Frankie YICK and Mr Steven HO raised similar concerns.

35. Mr AU Nok-hin expressed concern that given the growing number of pleasure vessels, the lack of corresponding increase in the number of berthing spaces and the poor management of MD, vessel berthing spaces had been unduly occupied and let out for profiteering. He asked how the creation of the two proposed directorate posts could improve management of vessel berthing spaces.

36. In a consolidated response, Deputy Secretary for Transport and Housing (Transport) 5 ("DS(T)5") and D of M remarked that the Planning and Services Division under MD was responsible for matters relating to the planning of typhoon shelters and vessel berthing spaces to ensure there were sufficient berthing spaces at typhoon shelters for local vessels in the event of inclement weather and hoisting of tropical cyclone signals. The Planning and Services Division would be taken over by DD2, who would leverage on his/her administration experience as an AOSGB and step up the planning for vessel berthing space policy. According to the review on vessel berthing spaces conducted by the Administration, the number of berthing spaces in Hong Kong waters could meet the demands from now till 2029 (even in severe weather conditions). CEDD had reviewed the safety facilities of typhoon shelters subsequent to the onslaught of super typhoon Mangkhut, and it would take appropriate follow-up actions in light of the results of the review.

Reform on local pleasure vessels

37. In response to the enquiry of Mr AU Nok-hin, D of M remarked that the newly-established Local Vessels Division would be tasked to implement the reform on local pleasure vessels to enhance the regulatory regime, including regulation on the safety of pleasure vessels. EDEV Panel had been consulted on the proposed reform and members of the Panel supported the proposal. MD would take forward the relevant legislative amendments and keep communicating with the sector.

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38. In response to the enquiry of Mr Martin LIAO, DS(T)5 reiterated that MD had consulted the EDEV Panel in April 2018 on the proposed reform on the regulatory regime of local pleasure vessels. At the request of the Panel, the Administration had examined the details of the proposed reform, further consulted the industry and fine-tuned the reform proposal, including revising the definition of large pleasure vessels, specifying the regulatory regime to be introduced under the reform, and preparation of relevant guidelines. The Administration had consulted the EDEV Panel on the adjusted proposed reform in January 2019 and obtained the Panel's support and the sector accepted the adjusted proposed reform.

39. The Chairman pointed out that there had been cases where pleasure vessels had been converted to dwelling vessels for self-use or for hire. However, no enforcement action had been taken by MD until recently. She urged MD to strengthen patrol and proscribe pleasure vessels that had been illegally converted to dwelling vessels to ensure vessels safety. Mr Steven HO raised similar concerns.

40. D of M pointed out that under the current legislation, vessels could not be used for dwelling on permanent purpose, unless permission had been given by D of M. At present, there were four such dwelling vessels in Hong Kong for which permission of D of M had been given. HPS had been performing patrol in such areas as typhoon shelters and pleasure vessels berthing spaces to combat against dwelling vessels with illegal modifications. However, enforcement actions had proven to be difficult due to the need to avoid privacy infringement. Furthermore, it was difficult to collect evidence to prove that the vessels had been used for dwelling purposes on a permanent basis. MD had strengthened patrol in some coastal locations, such as Discovery Bay and disseminated leaflets to remind citizens that it was illegal to convert vessels for dwelling purposes on a permanent basis.

Reform of seafarers' training and examination system

41. Mr Steven HO agreed that reform should be implemented expeditiously to enhance local vessels safety. However, he opined that efforts should be made to reduce the impact of the new measures on local vessels-related businesses. For example, in refining the seafarers' training and examination system, MD's intention was to enhance the safety of local vessels. However, given that certain vessel navigation licences were premised on having similar licences (but with age limit) granted by the Mainland authorities, some Hong Kong seafarers not meeting the requirements for issuance of the relevant Mainland licences had been unable to obtain the relevant licences from MD. Mr HO urged the Administration to strike a balance between regulatory measures and the

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impact on commercial activities. The Chairman asked whether MD would introduce reform on the navigation assessments for pleasure vessel operators.

42. In a consolidated response, D of M and DD of M pointed out that MD would review the examination system of vessel operators from time to time, including refining the examination and level of the questions, having regard to the ability of the candidates. MD was seeking to have the vessel operators examination included in the Hong Kong Qualifications Framework in order to enhance the professional competence of vessel operators.

Reform of the organization of the Marine Department

43. Mr Martin LIAO opined that while the Task Force had been supporting the Steering Committee and following up on its recommendations since its establishment in 2013, the progress was unsatisfactory. He asked how creation of the two proposed posts could step up follow-up actions for taking forward the recommendations of the Steering Committee.

44. Noting that the Task Force had been supported by supernumerary personnel, Mr James TO enquired the reasons for MD to propose creation of two permanent directorate posts upon the disbandment of the Task Force to take forward the reform proposed by the Steering Committee. He requested the Administration to make public the full report on the vessels collision incident near Lamma Island in order to comprehensively review whether the reform measures introduced by MD could address the problems revealed by the incident.

45. D of M pointed out three areas where, under the advice of the Steering Committee, reform should be introduced by the Task Force as a matter of priority, were namely: regulatory and operational issues, manpower strategy and training for professional grades in MD, and organizational review on the business processes and work procedures of MD. It would take time for such reforms to be taken forward because they involved changes in the long-standing operational practices and culture of MD. The term of the three supernumerary directorate posts and 13 time-limited non-directorate posts that made up the Task Force would expire on 31 May 2019. For the reform under the recommendation of the Steering Committee to be taken forward on a long-term basis, MD proposed to create two permanent directorate posts. Through creating the DD2 post to take over some of the divisions currently under the supervision of the Deputy Director (Special Duties), the existing DD of M would be able to focus on the delivery of core functions on the professional

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endeavour. She stressed that several enhancement measures recommended by the Steering Committee had been taken forward since the establishment of the Task Force, including legislative amendments to the Ordinance to enhance marine safety, reform of the management of MD (including the workflow and computer system), review on the grade structure as well as recruiting and training of young personnel. In addition, an additional 10-odd non-directorate permanent posts would be in place to provide support for DD2 and AD/LV, including one Senior Administrative Officer to take lead in such work as legislative amendment exercise etc.

46. Mr HO Kai-ming enquired about the reasons for creating the DD2 post to focus on internal coordination within MD, and whether MD had put in place any performance indicators for this task in order to assess the efficacy and effectiveness of the post.

47. D of M advised that holder of the proposed DD2 post would lead a dedicated team to ensure full implementation of the reform as recommended by the Steering Committee to resolve the long-standing operational issues MD had been facing for many years. Given the scope of the reform measures, which ranged from addressing the high staff turnover and vacancy rates (up to 30%) to enhancing the Department's workflow, MD was of the view that it was necessary to create the DD2 post to handle the coordination work.

48. Mr Jeremy TAM expressed support for this staffing proposal. He requested the Administration to consider spinning off MD's Marine Accident Investigation and Shipping Security Policy Branch ("MAISSPB"), or, instead of having MAISSPB reporting to AD of M as in the current structure, having MAISSPB reporting to D of M directly, to ensure that investigations carried out by MAISSPB would be independent and impartial.

49. D of M advised that international conventions relating to marine accident investigations did not require departments or agencies responsible for investigation of marine accidents to be independent from the government. At present, MAISSPB was responsible for initiatives relating to amendments of international maritime laws and it was not involved in the management or operation of MD. This arrangement could ensure the independence in conducting marine accident investigations. She emphasized that the relevant organizational structure had been reviewed by the International Maritime Organization and the Independent Commission Against Corruption.

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(At 10:20 am, the Chairman indicated that the meeting would be extended by 15 minutes. No Members raised objection.)

50. At 10:44 am, the Chairman remarked that as some members were still waiting for their turn to ask questions and the Subcommittee would continue the discussion on this item at the meeting to be held on 30 April 2019.

51. The meeting ended at 10:44 am.

Council Business Division 1
Legislative Council Secretariat
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