

立法會
Legislative Council

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LC Paper No. CB(2)1819/18-19
(These minutes have been seen
by the Administration)

Panel on Home Affairs

Minutes of meeting
held on Monday, 28 January 2019, at 8:30 am
in Conference Room 2 of the Legislative Council Complex

Members present : Hon KWOK Wai-keung, JP (Chairman)
Hon AU Nok-hin (Deputy Chairman)
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon Claudia MO
Hon Steven HO Chun-yin, BBS
Hon YIU Si-wing, BBS
Hon MA Fung-kwok, SBS, JP
Hon CHAN Chi-chuen
Hon LEUNG Che-cheung, SBS, MH, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon IP Kin-yuen
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Dr Hon Junius HO Kwan-yiu, JP
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai
Hon SHIU Ka-chun
Hon Wilson OR Chong-shing, MH
Dr Hon Pierre CHAN
Hon Tanya CHAN
Hon HUI Chi-fung
Hon LUK Chung-hung, JP
Hon LAU Kwok-fan, MH
Hon Kenneth LAU Ip-keung, BBS, MH, JP
Hon KWONG Chun-yu
Hon Vincent CHENG Wing-shun, MH
Hon Tony TSE Wai-chuen, BBS

Members attending : Hon WU Chi-wai, MH
Dr Hon Elizabeth QUAT, BBS, JP
Hon LAM Cheuk-ting

Members absent : Hon Jimmy NG Wing-ka, JP
Hon YUNG Hoi-yan

Public Officers attending : Item III

Dr LAW Chi-kwong, GBS, JP
Chairperson of the Community Care Fund Task Force
under the Commission on Poverty
Secretary for Labour and Welfare

Mr Patrick LI Pak-chuen, JP
Deputy Secretary for Home Affairs (1)

Ms Carmen KONG Ka-man
Principal Assistant Secretary for Home Affairs (Civic
Affairs) 2

Ms May CHAN Wing-shiu, JP
Deputy Secretary for Education (6)

Mr CHAN Nap-ming
Project Director 1
Transport and Housing Bureau

Mr Norris YEUNG King-lok
Senior Project Manager 1
Transport and Housing Bureau

Ms PANG Kit-ling
Assistant Director (Family and Child Welfare)
Social Welfare Department

Dr Tony KO Pat-sing
Director (Cluster Services)
Hospital Authority

Item IV

Mr LAU Kong-wah, JP
Secretary for Home Affairs

Miss Janice TSE Siu-wa, JP
Director of Home Affairs

Mr Howard YAM, JP
Assistant Director of Home Affairs (3)

Clerk in attendance : Ms Joanne MAK
Chief Council Secretary (2) 3

Staff in attendance : Miss Connie AU
Senior Council Secretary (2) 6

Mrs Fanny TSANG
Legislative Assistant (2) 3

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I. Information papers issued since the last meeting

[LC Paper Nos. CB(2)532/18-19(01) and CB(2)608/18-19(01)]

Members noted that the following papers had been issued after the last meeting:

- (a) Administrative Guidelines on Best Practices on Building Management provided by the Administration; and
- (b) letter dated 11 January 2019 from Hon IP Kin-yuen.

II. Items for discussion at the next meeting

[LC Paper Nos. CB(2)678/18-19(01) and (02)]

2. The Panel agreed to discuss the following items proposed by the Administration at the next regular meeting on 25 February 2019 at 8:30 am:

- (a) Hoi Sham Park Extension, To Kwa Wan; and
- (b) promotional activities for the 10th anniversary of inscription of Cantonese opera onto Representative List of the Intangible Cultural Heritage of Humanity.

3. Ms Tanya CHAN considered that the Administration should report to the Panel the outcome of the public consultation on the policy review of Private Recreational Leases ("PRL"). She further proposed that the subject be discussed at the next regular meeting as she expected that the discussion of the two aforementioned items proposed by the Administration would not

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Admin be long. The Deputy Chairman expressed support for the proposal. The Chairman said that the proposal would be relayed to the Administration for consideration.

(Post-meeting note: members were informed vide LC paper No. CB(2)846/18-19 issued on 20 February 2019 that the agenda item on "Promotional activities for the 10th anniversary of inscription of Cantonese opera onto Representative List of the Intangible Cultural Heritage of Humanity" had been replaced by "Report on outcome of public consultation on review of policy on PRL".)

III. The Community Care Fund

[LC Paper Nos. CB(2)678/18-19(03) and (04)]

4. The Chairperson of the Community Care Fund Task Force ("C of CCF Task Force") briefed members on the salient points of the Administration's paper [LC Paper No. CB(2)678/18-19(03)].

Discussion

CCF Medical Assistance Programmes

5. Mr SHIU Ka-fai expressed concern about the CCF Medical Assistance Programmes. Referring to the motion on "enacting legislation to protect the rights and interests of rare disease patients" passed recently by the Legislative Council ("LegCo"), Mr SHIU enquired about the actions to be taken by CCF in response to the motion and whether the subsidies for the drug costs borne by rare disease patients would be enhanced.

6. C of CCF Task Force and the Director (Cluster Services) of the Hospital Authority ("D(CS)/HA") said that CCF had implemented the Medical Assistance Programmes, namely the Subsidy for Eligible Patients to Purchase Ultra-expensive Drugs (including those for treating uncommon disorders) Programme, to help needy patients of HA. Suitable drugs would be recommended to be covered by this Programme having regard to the safety and efficacy of the relevant drugs and taken into account relevant considerations. Around \$70 million had been reserved to cover the treatment costs of around 24 patients with spinal muscular atrophy. If any additional funding was required to cover the costs of ultra-expensive drugs to treat uncommon disorders of needy patients, HA would submit proposals to the CCF Task Force for consideration. Mr SHIU Ka-fai requested the

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Administration/HA to estimate the total funding required to subsidize drug costs for treating uncommon disorders.

7. Mr YIU Si-wing expressed concern that the CCF Medical Assistance Programmes were only implemented on a pilot basis and might be discontinued in the future. C of CCF Task Force reassured members that the Medical Assistance Programmes would only be discontinued when the relevant drugs or medical devices were brought into the Samaritan Fund safety net or covered by the Government's regular assistance programmes. As such, the patients concerned would not be affected. In reply to Mr YIU's further enquiry, C of CCF Task Force said that new/alternative drugs might be recommended to be covered by CCF's drug subsidy programmes based on medical expert advice of HA and clinical experience.

8. In response to Dr Elizabeth QUAT's request for HA to further shorten the lead time for introducing new drugs to the safety net coverage under CCF, D(CS)/HA said that from 2018 onwards, the frequency of reviewing the drugs supported by the CCF Medical Assistance Programmes had been increased from once to twice a year. HA would look into ways to further shorten the relevant lead time.

9. Mr Holden CHOW enquired about the details of the Subsidy for Eligible Patients of HA to Purchase Specified Implantable Medical Devices for Interventional Procedures Programme. D(CS)/HA responded that the programme would cover specified implantable medical devices which had not yet been incorporated as part of HA's standard services due to the need for accumulating local experience. For instance, the medical device (Impella) for treating coronary artery disease would be introduced under the programme.

10. In response to Mr Holden CHOW's suggestion that CCF should consider subsidizing the costs borne by needy patients for undergoing kidney dialysis, C of CCF Task Force said that he would discuss the issue with HA and the Food and Health Bureau ("FHB"). D(CS)/HA supplemented that HA currently offered peritoneal dialysis to treat suitable patients with renal failure. Besides, haemodialysis was also provided either by HA or qualified community haemodialysis centres under HA's Haemodialysis Public-Private Partnership Programme.

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11. Mr WU Chi-wai suggested that CCF should consider subsidizing patients for treating age-related macular degeneration ("AMD") and the costs of the related screening. D(CS)/HA pointed out that the common drugs used to treat wet AMD had already been provided by HA through a special drug programme and more local evidence on the optional treatment regime of the drugs was being accumulated. Under exceptional circumstances, self-financed drugs might be prescribed to AMD patients with specific indications. He undertook to provide supplementary information after the meeting on whether or not the drugs for treating AMD were included in HA's Drug Formulary and covered by the standard fees and charges in public hospitals and clinics. In reply to Mr WU's further enquiry, D(CS)/HA agreed that ophthalmologists were in short supply in Hong Kong. He said that in some places outside Hong Kong, drugs for treating AMD could be administered by specifically trained nurses.

(Post-meeting note: The Administration's written response was issued to members vide LC Paper No. CB(2)1446/18-19(01) on 15 May 2019.)

Elderly Dental Assistance Programme

12. Mr MA Fung-kwok enquired about the latest progress of the review conducted by FHB on the Elderly Dental Assistance ("EDA") Programme and the estimated demand for dentures among elderly persons in Hong Kong. He and the Chairman considered that the EDA Programme had a long-term service demand and should be regularized.

13. C of CCF Task Force said that the Administration would keep in view the effectiveness and service demand of the EDA Programme which would be extended for another three years from February 2019. Given the fact that removable dentures and the related dental services were relatively expensive, some needy elders would not obtain these services in the private sector without EDA. Therefore, it was difficult for CCF/the Administration to assess the demand for removable dentures among elders. C of CCF Task Force added that the EDA Programme mainly aimed to subsidize the eligible elders who received the Old Age Living Allowance ("OALA") for removable dentures and other related necessary dental services. Grants for dental services were also available for elderly recipients of the Comprehensive Social Security Assistance ("CSSA").

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14. Noting that the EDA Programme would be expanded to cover elderly persons aged 65 or above and receiving OALA, Mr KWONG Chun-yu enquired whether CCF anticipated a surge in demand for dental services under the programme. He also called on CCF to step up promotion of the EDA Programme. Mr WU Chi-wai enquired whether there were any plans to increase the supply of dentists in Hong Kong. He took the view that if adequate dental service was provided in the community, the demand for dentures among the elderly might drop.

15. C of CCF Task Force said that it was expected that an addition of 150 000 elders would become eligible for applying for the EDA Programme. However, not all of the eligible elders had a need for dentures. C of CCF Task Force added that the Faculty of Dentistry of The University of Hong Kong would increase its student intake in 2019 with a view to addressing the shortage of dentists in Hong Kong.

16. Mr LUK Chung-hung raised concern that persons aged between 60 and 65 were subject to more stringent eligibility criteria under the EDA Programme. He urged CCF to review it and ensure that recipients of OALA aged between 60 and 65 could also benefit from the EDA Programme.

17. C of CCF Task Force responded that the eligibility criteria for the EDA Programme included non-CSSA recipients aged 60 or above who were users of the "Integrated Home Care Services", the "Enhanced Home and Community Care Services" or the "Home Help Service" and were paying level 1 or level 2 fee charges of the said services. That said, the main bulk of needy elders eligible for EDA were those receiving OALA, and the age requirement would be lowered to 65 or above from February 2019 onwards. C of CCF Task Force reiterated that the target beneficiaries had been expanded to other age groups progressively having regard to factors such as the supply of dental services in Hong Kong.

Pilot Scheme on Living Allowance for Carers of Elderly Persons from Low-income Families

18. Mr LUK Chung-hung expressed concern that the eligibility criteria for the carers of the elderly persons under Phase III of the above Pilot Scheme were overly strict. He enquired whether the requirement that the monthly household income of the carers could not exceed 75% of the relevant Median Monthly Domestic Household Income could be relaxed. C of CCF

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Task Force responded that the relevant criteria would be reviewed during evaluation of the Pilot Scheme.

Cervical Cancer Vaccination Pilot Scheme

19. Mr CHAN Chi-chuen expressed concern that as at 31 December 2018, only \$41.93 million of the total funding provision (\$98.75 million) had been disbursed since the commencement of the Cervical Cancer Vaccination Pilot Scheme in October 2016. He asked whether those who missed the cut-off date for accepting new cases and for receiving the first dose of vaccine under the Pilot Scheme at the end of September 2019 would still have the chance to receive the vaccine for free in the future. Dr Elizabeth QUAT expressed similar concern.

20. C of CCF Task Force called on all eligible teenage girls to receive the vaccine under the Pilot Scheme before the cut-off date. He reckoned that the relatively small number of beneficiaries under the Pilot Scheme might be due to the mixed perceptions of the cervical cancer vaccine among the public. C of CCF Task Force said that the Chief Executive announced in her 2018 Policy Address that in the 2019-2020 school year, free cervical cancer vaccination would be introduced for school girls in Primary Five and Six. This was why the above Pilot Scheme would conclude after extension for six months. Regarding Dr QUAT's suggestion that the free cervical cancer vaccination should cover all girls up to the age of 18, C of CCF Task Force said that he would further discuss it with FHB.

Subsidy for CSSA Recipients Living in Rented Private Housing

21. Mr SHIU Ka-chun expressed concern about the financial difficulty encountered by the recipients of the Subsidy for CSSA Recipients Living in Rented Private Housing ('RPH') and Paying a Rent Exceeding the Maximum Rent Allowance ('MRA') under the CSSA Scheme. He reckoned that some 60% of the CSSA recipients living in RPH currently paid rents exceeding the applicable MRA, and raised concern as to whether the amount of subsidy was able to fully cover the excess rent paid by eligible recipients. Mr SHIU also asked how many eligible recipients of the above subsidy were aged between 60 and 64.

22. C of CCF Task Force responded that the monthly subsidy amount was set at either 50% of the portion of the rental amount exceeding the applicable MRA or 15% of the applicable MRA, whichever was the less. Therefore, the excess amount of rent paid by the recipients would not be fully covered. The co-payment arrangement was introduced in the re-launch of the

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programme in 2017 to replace the fixed-amount arrangement so as to ensure fairness among recipients. Nevertheless, this arrangement would be reviewed upon completion of the programme.

Incentive Scheme to Further Encourage CSSA Recipients of the Integrated Employment Assistance Programme for Self-reliance to Secure Employment

23. Noting that as at 31 December 2018, 2 050 persons had participated in the Incentive Scheme to Further Encourage CSSA Recipients of the Integrated Employment Assistance Programme for Self-reliance to Secure Employment, Mr SHIU Ka-chun enquired about the current position of the participants other than the 100 ones mentioned in Footnote 8 of the Administration's paper. He also enquired about the progress of the evaluation study of the scheme and whether it would be regularized.

24. C of CCF Task Force said that the relevant evaluation study was near completion. The preliminary results of the evaluation study showed that the Scheme had limited effect in encouraging participants to secure employment. The Administration/CCF was studying the findings of the evaluation study, so as to conclude the effectiveness of the Scheme and its way forward.

Subsidy for Persons with Severe Disabilities

25. Dr Fernando CHEUNG expressed grave concern that the Special Care Subsidy for the Severely Disabled Programme did not cover persons with severe disabilities who were aged 60 or above. C of CCF Task Force explained that persons with severe disabilities aged 60 or above might receive support from the existing subvented community support services for the elderly provided by the Government. Meanwhile, such services for those aged below 60 were gradually improving and therefore the Special Care Subsidy was provided in the form of cash assistance. Dr CHEUNG criticized that the existing community support services for the elderly were far from adequate. He requested CCF to provide justifications in writing on the age cap for the Special Care Subsidy.

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(Post-meeting note: The Administration's written response was issued to members vide LC Paper No. CB(2)1446/18-19(01) on 15 May 2019.)

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Subsidy for Purchasing and Constructing Modular Housing

26. Mr Vincent CHENG considered that more information on the Pilot Scheme on Subsidy for Purchasing and Constructing Modular Housing should be provided by the Government/CCF, particularly on how to initiate modular housing projects. The Deputy Chairman enquired whether there was an established mechanism for monitoring the implementation of similar projects (e.g. mechanism for handling cost overruns).

27. C of CCF Task Force said that the Transport and Housing Bureau ("THB") was working with the Hong Kong Council of Social Service ("HKCSS") to implement the Pilot Scheme at the Nam Cheong Street site. The relevant tendering process was underway and THB would further publicize the Pilot Scheme. The Government/CCF welcomed any proposals for new social housing projects and interested parties with concrete proposals could approach THB. C of CCF Task Force advised that the Administration might formulate the implementation strategy of modular housing projects in the light of experience gained from the Pilot Scheme at the Nam Cheong Street site. In response to the Deputy Chairman's enquiry about HKCSS' proposed project to develop modular housing on Yen Chow Street, C of CCF Task Force said that THB was formulating a longer-term policy on developing modular social housing and CCF's funding would be sought where appropriate.

Promotion of CCF assistance programmes

28. The Chairman raised concern that under certain CCF assistance programmes (e.g. the Subsidy for Persons Holding Non-local Qualifications to Conduct Qualifications Assessment and the Pilot Scheme on Subsidized Cervical Cancer Screening and Preventive Education for Eligible Low-income Women), only a small portion of the funding provision had been disbursed to the beneficiaries. He questioned whether these assistance programmes had been adequately promoted to their target beneficiaries.

29. C of CCF Task Force concurred that efforts could be stepped up to further promote the relevant CCF assistance programmes, including to enhance the awareness of cervical cancer among low-income women. He explained that it was difficult to estimate the demand for the assessment service among those holding non-local qualifications. The Chairman suggested attaching promotional materials on the Cervical Cancer Vaccination Pilot Scheme to the routine correspondences between the Government and recipients of CSSA and those of the School Textbook Assistance. C of CCF Task Force agreed to explore the Chairman's suggestion.

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Financial position of CCF

30. Pointing out that the balance of CCF had stood at around \$20 billion over the past few years, Mr YIU Si-wing enquired whether the funding requirements of CCF assistance programmes were mainly met by the investment returns and interest income generated by CCF. C of CCF Task Force explained that as at the end of December 2018, CCF had disbursed around \$6.629 billion to implement its assistance programmes, which had exceeded the total investment return generated by CCF (\$4.568 billion). This meant that some of the seed capital of CCF had been used. C of CCF Task Force stressed that in deciding whether a new assistance programme should be implemented, consideration would be given to the merits of the relevant proposal, rather than the financial implications.

31. In response to Mr SHIU Ka-fai's enquiry, C of CCF Task Force said that the total investment return of CCF consisted of the investment returns of the \$15 billion placed with the Hong Kong Monetary Authority and interest income from funds placed with banks as Hong Kong dollar time deposit.

IV. Review of the remuneration package for District Council members

[LC Paper Nos. CB(2)647/18-19(01) and CB(2)678/18-19(05)]

32. At the invitation of the Chairman, the Secretary for Home Affairs ("SHA") briefed members on the proposed enhancements to the remuneration package for District Council ("DC") members with effect from 1 January 2020 (i.e. commencement of the 2020-2023 DC term) as set out in the Administration's paper [LC Paper No. CB(2)647/18-19(01)].

(At 9:53 am, the Chairman directed that the meeting be extended by 15 minutes beyond the appointed ending time.)

Discussion

Non-accountable honorarium for DC members

33. Mr SHIU Ka-fai declared that he was a member of the Eastern DC. Mr SHIU and Mr Christopher CHEUNG shared the view that DC members with concurrent membership in the Executive Council ("ExCo") and/or LegCo had to discharge the full duties of the respective roles. They supported abolishing the one-third reduction in the honorarium for DC members with concurrent membership. Mr CHEUNG added that with the ever-increasing public expectations, the workload of DC members with

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concurrent membership was very heavy and the payment of full honorarium was a fair recognition of their efforts and contributions.

34. The Deputy Chairman declared that he was a member of the Southern DC. He said that the Administration should conduct a comprehensive review on the honorarium for DC members. In his view, reference should be made to the level of honorarium for members of the district administration bodies in other places (e.g. the city councils in the United States and Japan) and the size of population in a constituency should be taken into account when formulating the level of honorarium for DC members. SHA responded that the honorarium for DC members was reviewed by taking into account a host of factors relevant to local circumstances. SHA also said that the Administration had taken DC members' requests and suggestions into account, such as introducing a travelling allowance under Miscellaneous Expenses Allowance and allowing DC members to roll over the unspent amount from Medical Allowance entitlement until the end of a DC term.

Accountable Operating Expenses Reimbursement ("OER")

35. Mr LAU Kwok-fan declared that he was a member of the North DC and a LegCo Member returned from the DC (First) Functional Constituency ("FC"). While welcoming the proposed enhancements to the remuneration package for DC members in general, Mr LAU was concerned that given the exorbitant rent of private premises, DC members who had to rent such premises as ward offices bore a heavy financial burden. He suggested that the Administration should consider providing rental subsidies to those DC members to enable them to cope with the rental expenses for setting up ward offices in private premises. The Deputy Chairman suggested that a dedicated funding provision should be created for reimbursement of the rental expenses for ward offices.

36. The Chairman declared that he was a member of the Eastern DC. He considered that the proposed increase in OER could not effectively address the difficulties of DC members who had to rent private premises as ward offices. He suggested that the Administration should consider providing office spaces in Government premises for use by DC members who were unable to find public premises for setting up ward offices in their constituencies.

37. Mr KWONG Chun-yu declared that he was a member of the Yuen Long DC and a LegCo Member returned from the DC (Second) FC. He said that some DC members had to meet the shortfall in OER with their own resources. Instead of abolishing the one-third reduction in the honorarium for DC members with concurrent membership as ExCo members and/or

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LegCo Members, Mr KWONG suggested that the Administration should consider providing a larger increment to OER to enable DC members to meet all operation-related expenses, including the employment of sufficient assistants to provide services to the public. Mr KWONG and Mr SHIU Ka-fai opined that the Administration should provide more financial resources to DC members for attracting and retaining assistants with suitable experience and caliber. Dr Elizabeth QUAT said that in most cases, the OER provision could only cater for the employment of one staff member after deducting other operation-related expenses. Dr QUAT and Mr SHIU held the view that a DC member would basically need two assistants to cope with the ever-increasing service demand from the public. Dr QUAT suggested that the provision of OER should enable a DC member to employ two assistants.

38. SHA said that OER was a lump sum provision for DC members to cover expenses arising from discharging DC functions and duties, and DC members might deploy their OER flexibly according to their operational needs. DC members would set up their ward offices in different locations and in different modes taking into consideration the needs of their own constituency. According to the claim for reimbursement of expenses submitted by 181 DC members who had rented private premises as ward offices in the current DC term, the rental expense for a ward office was about \$10,000 per month on average. SHA further said that the rate of OER had been substantially increased by 15% and 34% in 2011 and 2014 respectively. It was now proposed to be further increased by 8.5%, taking into consideration factors including the market trend and relevant market indicators for rent and wages. It was believed that the OER provision was enough to meet the operation-related expenses of most DC members.

39. With regard to the suggestion of creating a dedicated funding provision for reimbursement of rental expenses, SHA said that it might affect the flexibility of DC members in their deployment of resources. Nevertheless, the Administration would consider the suggestion in the next review as appropriate. SHA stressed that the Administration had to strike a balance between the needs of DC members and the prudent use of public funds.

40. Referring to paragraph 2(c) of the Administration's paper, the Deputy Chairman considered it inappropriate to use the employment earnings of full-time employees who were clerical support workers as reference for review of the salaries of DC members' assistants as the duties of the latter were more than clerical work. In response, SHA said that the Administration had taken into consideration the scope of work of DC members' assistants during the review.

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41. In response to the Chairman's enquiry, the Director of Home Affairs ("DHA") said that if an operation-related expense (e.g. rent for ward office) was incurred jointly by a DC member with another party (including the member's capacity as a LegCo Member), the relevant expenses would be shared proportionally for the purpose of calculating the amount of reimbursement for the DC member concerned. However, such apportionment would not affect the DC member's OER entitlement. DHA also clarified that re-elected DC members who had claimed the Setting-up Expenses Reimbursement ("SER") in the previous term but had changed the location of their ward offices in the current term would still be entitled to 100% of the SER provision.

Long service payment ("LSP") and severance payment ("SP") for staff employed by DC members

42. While expressing support for the Administration's proposal to introduce a separate component with no pre-set ceiling under the accountable Winding-up Expenses Reimbursement ("WER") to cover actual statutory SP, Mr LAU Kwok-fan asked if the proposed enhancement could be introduced in the current DC term. In his view, it was not reasonable to require DC members to finance any portion of expenditures in SP not fully met by the members' accountable expenses reimbursements.

43. Mr LUK Chung-hung declared that he was a member of the Yuen Long DC. He enquired if the Administration would further enhance the proposed reimbursement arrangement of the separate component by abolishing the "offsetting" arrangement under the Mandatory Provident Fund ("MPF") System against the employees' SP/LSP entitlement. Mr LUK said that in the absence of a competitive salary offer, better post-employment benefits would be conducive to staff retention. Mr LAM Cheuk-ting declared that he was a member of the North DC. He considered that for the purpose of determining the reckonable years of service in the calculation of SP or LSP, staff employed by a DC member with concurrent membership as a LegCo Member should be regarded as having worked for the same employer no matter the staff concerned was contractually employed by the member in his/her capacity as a DC member or a LegCo Member. DHA responded that currently the reckonable years of service of a staff for the calculation of SP or LSP reimbursed by WER or OER referred to the years of employment by the member in his/her capacity as a DC member.

44. DHA also responded that the Administration had proposed to provide a separate component with no pre-set ceiling under WER, payable on the basis of the actual SP paid in accordance with the provisions of the Employment Ordinance (Cap. 57) to staff employed by DC members. The Assistant Director of Home Affairs (3) ("ADHA(3)") explained that LSP

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expenses were not covered in the proposed separate component but DC members could claim statutory payments for LSP under OER. ADHA(3) said that the Administration noted that legislation might be enacted in future to abolish the MPF offsetting arrangement. The Administration would pay close attention to the development and implication of the MPF offsetting arrangement and would consider necessary follow-up actions in future reviews. As to the suggestion of implementing the separate component under WER to cover actual statutory SP in the current DC term, SHA said that as the Administration had conducted the review of the remuneration package for DC members in totality for implementation in the next DC term, it was not possible to advance the implementation of a single component of the proposed remuneration package.

45. After discussion, the Chairman concluded that members raised no objection to the submission of the above funding proposal to the Finance Committee for consideration.

V. Any other business

46. There being no other business, the meeting ended at 10:37 am.

Council Business Division 2
Legislative Council Secretariat
19 July 2019