

LC: CS presents Government Minute in response to Report of Public Accounts Committee No. 69A and No. 70

Following is the speech (translated from Chinese) by the Chief Secretary for Administration, Mr Matthew Cheung Kin-chung, in presenting the Government Minute in response to the Report of the Public Accounts Committee No. 69A and No. 70 in the Legislative Council today (October 31):

President,

Laid on the table today is the Government Minutes (GM) responding to Reports No. 69A and 70 of the Public Accounts Committee (PAC).

When presenting Reports No. 69A and 70 on May 2 and July 11 to the Legislative Council (LegCo), the Chairman and Deputy Chairman of PAC offered comments and suggestion on two chapters in the two Director of Audit's Reports, namely, "Administration of lump sum grants by the Social Welfare Department" and "Integrated education".

I welcome the Reports of PAC and am grateful for the time and effort that the Chairman and Members of PAC devoted to investigating these subjects. The Government accepts PAC's various recommendations and sets out in detail the specific responses of the relevant bureaux/departments in the GM. Today, I would like to highlight the key measures that the Government has taken in the two important policy areas and the progress.

Administration of lump sum grants by the Social Welfare Department

Monitoring of non-governmental organisations with persistent underperformance

Regarding "Administration of lump sum grants", under the Lump Sum Grant Subvention System (LSGSS), the Social Welfare Department (SWD) has all along been monitoring subvented services of non-governmental organisations (NGOs) through the Service Performance Monitoring System (SPMS). Under the SPMS, SWD and NGOs jointly draw up Funding and Service Agreements (FSAs) on the subvented services to formulate service standards and assess service performance. NGOs are required to properly manage their service units to ensure compliance with the FSA requirements. Apart from requesting NGOs to submit quarterly statistical reports and annual self-assessment reports on a regular basis, SWD will also conduct service performance visits to subvented NGOs in every monitoring cycle (one cycle every three years), including review visits or surprise visits, so as to assess and monitor their service performance. If non-compliance is identified during the visit, SWD will require the NGOs concerned to submit an action plan for improvement and monitor their implementation of improvement measures.

To enhance efforts in following up with service units with persistent underperformance, SWD set up in July 2017 a Service Performance Monitoring Committee to closely monitor the services with persistent underperformance and discuss appropriate measures with a view to taking timely follow-up actions.

Ensuring uninterrupted provision of quality services by NGOs with Lump Sum Grant deficit

There are various reasons for NGOs to incur persistent operating deficits, such as staff wastage lower than the anticipated level, recruiting or retaining of staff by higher salaries with reference to the market situation, etc. Some NGOs have strategically used Lump Sum Grant (LSG) Reserves or its overall reserves to meet the needs of subvented services and maintain service quality.

SWD will continue to review the Annual Financial Reports and annual audited financial statements submitted by NGOs to ascertain the soundness of their financial position. If NGOs incur persistent and huge deficits or utilise large sums of their reserves in service operation, SWD will also ascertain with them the underlying reasons, and give appropriate advice and conduct reviews, so that the NGOs concerned could maintain a healthy financial position and ensure sustainability and stability in the provision of the required subvented services.

Disclosure of remuneration packages for staff in the top three tiers

The Government recognises that there is room for improvement in monitoring the remuneration of senior staff of subvented NGOs. On August 27, 2018, the Administration Wing issued an updated set of guidelines on the control and monitoring of remuneration practices in respect of senior executives in subvented bodies, under which policy bureaux are required to request subvented bodies that are not exempted from the requirements to submit their review reports on remuneration packages and disclose them to the public. SWD is currently discussing with NGOs on revising the requirements concerning the monitoring of remuneration of senior staff of subvented NGOs in the Lump Sum Grant Manual, and will inform NGOs within 2018 the specific arrangements and details for the submission of Review Reports on Remuneration Packages for Staff in the Top Three Tiers in accordance with those guidelines.

Handling of cost apportionment issues

SWD has been addressing NGOs' enquiries and offering advice and support to NGOs in relation to cost apportionment and separation of activities through designated liaison officers of the Subventions Branch, specified contact persons of the Finance Branch and the helpline. SWD will clarify the principles of cost apportionment and discuss suitable apportionment options with every enquiring NGO based on its individual circumstances. SWD will continue to consult the sector on cost apportionment issues with a view to providing further guidelines.

Problem of staff turnover

Human resource management, including recruitment and staff turnover, is in the realm of corporate governance of NGOs. SWD is very concerned about the manpower requirements in the sector. Staff turnover is subject to many factors, including remuneration packages, other employment opportunities, personal development, etc. Issues relating to the pay structure, staff turnover rate and vacancies in the sector will be examined in detail in the ongoing Review on Enhancement of LSGSS.

Review of the Lump Sum Grant Subvention System

The Government set up the Task Force for Review on Enhancement of Lump Sum Grant Subvention System in November 2017 and the scope of the review covering eight areas was formally established in June 2018, including reviewing the use of LSG/Provident Fund reserves and financial planning, staffing establishment and subvention benchmarks, and enhancing NGOs' public accountability and transparency, etc. The Task Force also conducts a number of sector consultation sessions and focus groups to listen to and collect the views of the stakeholders. The entire review is expected to be completed by mid-2020.

Integrated education

Regarding "Integrated education", the Government will allocate additional recurrent resources from the 2019/20 school year onwards to enhance the support to students with special educational needs (SEN). Specifically, the Education Bureau (EDB) will re-structure the Learning Support Grant, Intensive Remedial Teaching Programme and Integrated Education Programme. Under the restructured Learning Support Grant, the grant rate will be enhanced. Additional permanent teaching post(s) will also be provided to schools with a larger number of students with SEN. The EDB will also upgrade the special educational needs coordinator (SENC0) in these schools to a promotion rank to lead the additional teacher(s) to provide support for students with SEN more effectively. In addition, the EDB will continuously review and update the "Operation Guide on the Whole School Approach to Integrated Education" by stages to provide more specific guidelines to help school personnel and relevant professionals to determine the tier of support required by students with SEN and record their progress.

To enhance early identification and support for students with SEN, EDB, Department of Health, Hospital Authority and SWD have established a cross-bureau/department collaboration mechanism. Under this mechanism, public sector primary schools and Direct Subsidy Scheme primary schools will obtain assessment information and progress reports of pre-school children with special needs promoted to Primary 1 (P1). This will facilitate schools in providing those students with appropriate support. The EDB will also continue to enhance the "Early Identification and Intervention Programme for Primary 1 Students with Learning Difficulties" so that timely support could be provided to P1 students in need.

The School-based Educational Psychology Service (SBEPS) covers all public sector primary and secondary schools. For schools with a great number of students with SEN, the EDB has been gradually improving the ratio of educational psychologist (EP) to school to 1:4 under the Enhanced SBEPS. In the 2018/19 school year, the EDB extended the Enhanced SBEPS to about 120 primary and secondary schools. The target is to enhance the ratio of EP to school to 1:4 for about 60 per cent of public sector ordinary primary and secondary schools, and 1:6 for the remaining 40 per cent of schools by the 2023/24 school year. The EDB is liaising with the local tertiary institutions on feasible plans to increase the number of EP training places in order to meet the long-term manpower needs.

President, I would like to thank the Chairman and all Members of PAC again for their efforts and guidance. EDB, SWD and relevant departments will strictly follow their responses in the GM and implement the improvement measures as soon as possible to ensure the proper use of public funds.

Thank you, President.

LCQ1: Handling confrontations on campuses of tertiary institutions

Following is a question by the Hon Tony Tse and a reply by the Secretary for Education, Mr Kevin Yeung, in the Legislative Council today (October 31):

Question:

In recent years, there were several incidents in which demonstrations staged on campus by students of tertiary institutions developed into confrontations. In those incidents, some students broke into and occupied offices or conference rooms of the institutions concerned, swearing at and jostling teaching staff, barring them from leaving, and even obstructing ambulance personnel from sending the injured to the hospital for treatment. There are comments that the failure of the institutions concerned to report such incidents to the Police in a timely manner caused the confrontations to escalate, thereby increasing the odds of teaching staff being subject to insults and injuries as well as emboldening trouble-makers in future to make bolder moves. In this connection, will the Government inform this Council:

(1) whether it knows the number of incidents in the past five years in which demonstrations on campuses of tertiary institutions developed into confrontations, as well as the number of teaching staff, security staff and other persons who sustained injuries in those confrontations;

(2) of the number of confrontations referred to in (1) which were handled by police officers; among such cases, the respective numbers of those which were reported to the Police by the institutions concerned and by other persons, and those in which the Police took the initiative to intervene; whether police officers are authorised to enter the campuses without prior consent of the institutions concerned to take law enforcement actions; if so, of the circumstances under which they will do so; and

(3) whether the Education Bureau and the Police will step up communication with and provide additional support to tertiary institutions, including assisting the institutions in reviewing the adequacy of their security measures and manpower on campus, as well as issuing guidelines on the circumstances under which the institutions and their teaching staff should report to the Police for assistance as well as those under which the Police should take the initiative to enter campuses to take law enforcement actions?

Reply:

President,

The Education Bureau (EDB) noted a number of incidents of confrontation in post-secondary institutions in recent years, some of which involved students expressing their views in an irrational manner. The EDB expressed regret over such incidents and reiterated that any physical or verbal violence is unacceptable.

Hong Kong is a free and open society. Anyone who wishes to voice his opinions should express them in a lawful and peaceful manner. While freedom of speech is protected by the Basic Law, the exercise of such freedom is not completely without restrictions. We need to respect the rights of others and abide by the law when exercising our freedom of speech. Freedom of speech, academic freedom and institutional autonomy should not be used as the disguise or excuses for advocating improper expressions or behaviour. The community, in particular, holds high expectations of tertiary students.

All University Grants Committee (UGC)-funded universities are autonomous bodies established pursuant to their own Ordinances. The UGC's Notes on Procedures state that UGC-funded universities enjoy autonomy in the development of curricula and academic standards, selection of staff and students, initiation and conduct of research, internal allocation of resources, etc., and they are accountable for their decisions in these matters. The handling of incidents of protests and confrontations on campuses is also an internal affair of institutions. In view of the significant funding each university receives from the Government and members of the community, as well as the importance of higher education to the development of society as a whole, it is incumbent upon the Government and the community at large to have a legitimate interest in the operation of the universities. Therefore, while the Government and the UGC attach great importance to safeguarding institutional autonomy, universities are also expected to remain committed to transparency and accountability in their operation to ensure that universities' activities and operation serve the best interests of students and the community.

In face of the isolated incidents of protests and confrontations on campuses, the EDB believes that the institutions, which are equipped with good governance, are able to deal with the opinions of various stakeholders appropriately and ensure that the decisions made are in the best interests of students and the society. The institutions have the responsibility as well as the ability to deal with incidents that occur on their campuses properly, including isolated incidents of protests and confrontations. The EDB encourages the institutions to maintain close communication with students who should express their views in a rational manner through proper channels.

My reply to the question raised by Hon Tony Tse is as follows:

(1) The EDB does not maintain data on incidents of protests which have developed into confrontations on the campuses of post-secondary institutions. In response to Members' requests, we have made enquiries with various post-secondary institutions. According to the information provided by the institutions, over the past five years (i.e. from January 1, 2014 to October 15, 2018), there were 11 incidents of protests and confrontations on the campuses of local post-secondary institutions, in which a total of 14 teaching staff and two other persons were wounded.

(2) The Police do not maintain relevant statistical figures on post-secondary institutions. To these institutions' best knowledge, assistance was rendered by police officers in four of the above 11 incidents, in which one case was reported to the Police by the institution, two were reported by the teaching staff and one was reported by other people.

Post-secondary institutions are responsible for their own security matters, which are executed by their staff or security guards hired by them. With regard to the demonstrations on campuses, generally speaking, the Police will not intervene. It is only upon receipt of requests for assistance in handling incidents relating to public safety and public order, shall the Police, after liaising with the institutions, enter campuses to render assistance.

(3) Generally speaking, each institution has its own internal mechanism, rules and procedures to deal with emergency incidents that occur on its campus, including seeking assistance from law enforcement agencies as appropriate. Moreover, the Government also maintains contact with post-secondary institutions over various matters and offers them support and advice as and when necessary. In fact, the institutions have gained considerable experience over the years in handling incidents of confrontations with appropriate responses, demonstrating professionalism in ensuring that students can study in a safe and orderly environment, are taught professionally and are offered counselling as needed.

The Police will continue to maintain close liaison with post-secondary institutions through district commanders or Police community relations officers. Where necessary and upon receipt of requests for assistance, the Police will, after liaising with the institutions, enter campuses to render appropriate assistance so as to ensure public safety and public order.

LCQ21: Advisory and statutory bodies

â€‹Following is a question by Hon Jimmy Ng and a written reply by the Secretary for Home Affairs, Mr Lau Kong-wah, in the Legislative Council today (October 31):

Question:

The Chief Executive stated in her Policy Address delivered in October 2017 that she had "called upon all policy bureaux to uphold the principle of meritocracy and cast their net wide in scouting for talents. Anyone with ability and the commitment to serve the community will stand a chance to join various statutory and advisory bodies and tender advice to the Government". Regarding the statutory and advisory bodies (SABs) in Hong Kong, will the Government inform this Council:

(1) whether the Government compiled statistics in the past three years on the political affiliations of members of various SABs; if so, of the details; if not, the reasons for that;

(2) as there are comments that as the society of Hong Kong has become increasingly diversified, the Government needs to listen to the views of various stakeholders in the process of policy formulation, whether the Government reviewed in the past three years the roles of SABs in policy formulation; if so, of the details; if not, the reasons for that; and

(3) given that the Government has launched, one after another since last year, the Pilot Member Self-recommendation Scheme for Youth and the Member Self-recommendation Scheme for Youth, but only 15 advisory committees are covered by such schemes, representing 3 per cent of the approximately 490 SABs in Hong Kong, whether the Government will review the effectiveness of such schemes and introduce improvements, e.g. relaxing the age restriction as well as gradually opening up all SABs for self-recommendation by young people; if so, of the details; if not, the reasons for that?

Reply:

President,

My reply to Hon Jimmy Ng's question is as follows.

(1) The Home Affairs Bureau (HAB) maintains the personal particulars of most members serving on advisory and statutory bodies (ASBs). Some of them have declared their political affiliation. But as such information is provided by individual members on a voluntary basis, we do not have comprehensive statistics on the political affiliation of all ASB members.

(2) As a key component in public administration, ASBs play an important role of assisting the Government in the consultation with stakeholders, formulation of policy objectives and performance of statutory functions. At present, there are about 490 ASBs in Hong Kong. The system of ASBs is multi-faceted, including various advisory boards and committees, public bodies, appeal boards and regulatory bodies. Through these bodies, various sectors of the community and relevant organisations may express their views at various stages in the making of policies and planning of public services by the Government.

The appointments of individuals by the Government as non-official members to ASBs are based on merits. When appointing a member to serve on an ASB, the relevant bureau or department (B/D) takes into account the candidate's ability, expertise, experience, integrity and commitment to public service, with due regard to the functions and nature of business of the ASB as well as the statutory requirements for the membership of the statutory body concerned.

To gauge a wide range of public views, when appointing members to serve on these bodies, the Government will, apart from taking into account the needs of the ASB concerned, consider people of various background and experience, such as professionals, academics, businessmen as well as representatives from districts and related sectors. Apart from those appointed directly by the Government, some ASB members are identified through nomination, recommendation, appointment or election by the relevant institutions and professional organisations.

The Government has been keeping a close watch over the arrangements on appointment of ASB members to make sure that such arrangements meet the needs of the community today. To enable ASBs to fully cater for the increasingly diversified society, the HAB, while upholding the principle of appointment by merits, has established guidelines for B/Ds on the appointment of members to ASBs to make sure that individuals from various sectors have the opportunity to serve the community through working in ASBs. According to the guidelines, B/Ds, as a general rule, shall not recommend appointment of a non-official member to serve on more than six ASBs at the same time or to serve on the same body for more than six years in the same capacity. This is to ensure a reasonable distribution of workload and a healthy turnover of members. Moreover, the Government has set a gender benchmark target of 35 per cent to enhance the participation of women in ASBs. To provide more opportunities for young people to participate in policy discussion and debate, the Government has set a target of increasing, within the current-term Government, the overall ratio of appointed youth members aged between 18 and 35 to 15 per cent.

(3) The Government creates, through various initiatives, a favourable environment for young people to join different ASBs for participating in public affairs. Such initiatives include the regularisation of the Pilot Member Self-recommendation Scheme for Youth (Pilot Scheme) launched last year to recruit regularly young people, who are aged between 18 and 35 and passionate about serving the community, to join more ASBs. Under the regularised Member Self-recommendation Scheme for Youth (MSSY), the

Government will roll out two rounds of recruitment every year. The number of participating committees covering various policy areas will increase and exceed 15. The Pilot Scheme and the first phase of the regularised MSSY have received about 1 100 and 1 500 applications respectively. In addition to the seats open for recruitment under the Pilot Scheme and MSSY, the Government has invited those applicants attending the interviews to authorise the HAB to include their personal particulars in the Central Personality Index (CPI) database so that relevant B/Ds may retrieve the information for reference during their selection of candidates for appointment as members of ASBs. The number of young people in the CPI database was only about 940 before the launch of the Pilot Scheme (i.e. October last year), and the number has increased significantly to about 2 770 at present. The proportion of appointed youth members has also increased from 7.8 per cent as at the end of last year to the current level of 9 per cent and the progress is satisfactory.

LCQ16: Visual fire alarm systems for persons with hearing impairment

Following is a question by Hon Leung Yiu-chung and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (October 31):

Question:

It is learnt that there are currently more than 150 000 deaf/hard-of-hearing persons in Hong Kong, many of whom are residing in public housing estates. As all public housing estates in Hong Kong are currently not installed with visual fire alarm systems, there is a lack of protection for the safety of such persons. It has been reported that the Housing Department (HD) launched a trial scheme in August last year to install fire alarm flashing lights in units of public housing estates, but HD has so far not given an account of the progress. In this connection, will the Government inform this Council:

(1) of the details and progress of the trial scheme as well as the manpower involved; whether HD has consulted the deaf/hard-of-hearing persons and concern groups in respect of the implementation of the trial scheme; if so, of the details; if not, the reasons for that;

(2) whether the deaf/hard-of-hearing public housing tenants may currently apply for fire alarm flashing lights to be installed by HD in their units; if so,

(i) of the respective numbers of applications received, approved and rejected by HD since last year;

(ii) if there were rejected applications, of the reasons for the rejection; whether the tenants concerned may lodge an appeal; if so, of the mechanism involved;

(iii) of the number of cases to-date in which the works for installation of fire alarm flashing lights have been completed;

(iv) whether HD has provided training and guidelines for the frontline staff on handling such applications, and distributed application forms to the tenants concerned; if so, of the details; if not, whether HD will do so as soon as possible; and

(3) whether it will consider making amendments to the Buildings Ordinance (Cap. 123) and the Fire Services Ordinance (Cap. 95) to require that (i) all newly constructed public and private residential buildings must be installed with a visual fire alarm system, and that (ii) existing residential buildings must be retrofitted with such a system within a specified period of time; if so, of the details and the timetable; if not, the reasons for that?

Reply:

President,

Having consulted the Development Bureau and the Security Bureau, I set out the consolidated reply to various parts of the question raised by the Hon Leung Yiu-chung as follows:

The Building (Planning) Regulations (B(P)R) prescribes design requirements on barrier-free access and facilities to ensure that suitable barrier-free access and facilities are provided in private buildings to meet the needs of persons with disabilities. At the same time, although the related provisions do not apply to buildings built before the commencement date of the B(P)R (viz. August 1985), any alterations or additions to such buildings are required to comply with the relevant regulations.

In order to facilitate registered building professionals to comply with the aforesaid requirements, the Buildings Department (BD) has issued the Design Manual: Barrier Free Access (the Design Manual) which has set out the mandatory statutory design requirements as well as recommendations for best practice design. Upon receipt of general building plans submitted by registered building professionals, BD shall vet the provision of barrier free facilities and access in the buildings for persons with disabilities in accordance with the details set out in the Design Manual. The Fire Services Department (FSD) will also ensure that all fire service installations and equipment comply with the requirements set out in the "Code of Practice for Minimum Fire Service Installation and Equipment" issued by FSD, having regard to the intended use of the buildings prescribed under the Buildings Ordinance.

The Design Manual has also specified the scope of application of visual fire alarm system (VFA). Comprising of various sectors, including rehabilitation, building and academia, the Technical Committee on the Design

Manual had discussion on the scope of application of VFA. There were no views expressed then to mandate each private residential unit to be installed with such alarm system. However, in the light of the recommendations made by the Technical Committee, BD revised the Design Manual in April 2017 to recommend that apart from mandating the installation of VFA at some of the areas at the various uses of buildings listed in the Design Manual, registered building professionals should adopt new best practice design during the general building plans submission by providing VFA in situations where person with hearing impairment has to work alone (except for areas designed for domestic use).

Though the Design Manual does not mandate the installation of VFA in a residential unit, the Government welcomes the installation of such alarm system according to the actual needs of the owner.

At the same time, the Hong Kong Housing Authority (HA) has all along been providing appropriate assistance to tenants with hearing impairment according to actual circumstances. For instance, relevant households may opt for special notification service provided by HA and authorise estate office staff to notify the designated contact person(s) in case of suspension of fresh water supply/electricity supply/lift service or in emergency (e.g. fire incident); and to transfer their relevant information to other government departments, such as the Police, FSD, etc. for communication purposes. In case of emergency, such as fire incident, estate office staff may, under safe situation, notify persons with hearing impairment to leave their public rental housing (PRH) units, before the Police or FSD personnel arrives at the scene. Relevant households may also apply to HA for free installations of flashing-light doorbells to facilitate their answering of door calls.

HA has also been strictly complying with the regulations and requirements of the relevant legislations in installing fire protection systems in its PRH estates. Under the prevailing legislation, individual units in residential buildings (including PRH units) are not required to be equipped with VFA. Installing VFA in residential units would require proper handling of certain statutory and technical issues. For example, the system must be connected to the communal fire service installations so as to enable the simultaneous actuation of fire alarm bells in the event of a fire. In fact, as we understand, it is not common for VFA to be installed in individual units in residential buildings.

At present, HA does not have a policy on installing VFA in PRH units. Nevertheless, with a view to further assisting households with hearing impaired persons, HA commenced a feasibility study for the installation of VFA in August 2017. FSD's consent to the relevant proposal was obtained in November 2017. Thereafter, HA submitted the preliminary design drawings and detailed fire service installation drawings to FSD in December 2017 and April 2018 respectively, in the pursuit of carrying out trial installation of VFA in a PRH unit with hearing impaired tenant. FSD's consent to the installation works was obtained in July 2018. HA installed the VFA on August 20, 2018 and, on the same date, held a meeting with the deaf/hearing-impaired concern group assisting the household; as well as several other households with hearing impaired members residing in other PRH estates, to gauge their

opinions. In addition, HA held a meeting with another deaf/hearing-impaired concern group on September 3, 2018 to gather their views and explain to them about the VFA and the progress of the trial.

HA will closely monitor the performance of the VFA and observe if changes in environment conditions, such as temperature and humidity, will affect its operation. HA will also maintain communication with the relevant household to understand and assess the effectiveness of the installation. The review over the trial installation is expected to be completed by mid-2019.

Up to now, HA has received enquiries from six households with hearing impaired members requesting for the installation of VFA. As the system is still under trial, its performance and effectiveness are to be monitored and reviewed. HA will determine the way forward upon the completion of the review.

Special traffic arrangements for race meeting in Sha Tin

Police advise motorists that special traffic arrangements will be implemented in Sha Tin to facilitate the race meeting today (October 31).

The arrangements will come into effect two hours before the start of the first race and will last until the crowds have dispersed after the race meeting.

Appropriate traffic signs will be put up and police will be on hand to guide motorists.

The Police also appeal to people going to Sha Tin Racecourse for the race meeting and to Happy Valley Racecourse for cross betting to make maximum use of public transport.

Parking spaces at the two racecourses are available only to holders of appropriate permits issued by Hong Kong Jockey Club and any vehicles illegally parked will be towed away.