

立法會
Legislative Council

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seen by the Administration)

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Finance Committee of the Legislative Council

Minutes of the 10th meeting
held at Conference Room 1 of the Legislative Council Complex
on Friday, 1 December 2017, at 3:30 pm

Members present:

Hon CHAN Kin-por, GBS, JP (Chairman)
Hon Michael TIEN Puk-sun, BBS, JP (Deputy Chairman)
Hon LEUNG Yiu-chung
Hon Abraham SHEK Lai-him, GBS, JP
Hon Tommy CHEUNG Yu-yan, GBS, JP
Prof Hon Joseph LEE Kok-long, SBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, GBS, JP
Hon Starry LEE Wai-king, SBS, JP
Hon CHAN Hak-kan, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Claudia MO
Hon Steven HO Chun-yin, BBS
Hon Frankie YICK Chi-ming, SBS, JP
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Hon Kenneth LEUNG

Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP
Hon Dennis KWOK Wing-hang
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Dr Hon Elizabeth QUAT, BBS, JP
Hon Martin LIAO Cheung-kong, SBS, JP
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Hon Jimmy NG Wing-ka, JP
Dr Hon Junius HO Kwan-yiu, JP
Hon HO Kai-ming
Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai
Hon SHIU Ka-chun
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan
Dr Hon Pierre CHAN
Hon CHAN Chun-ying
Hon HUI Chi-fung
Hon LUK Chung-hung
Hon LAU Kwok-fan, MH
Hon Kenneth LAU Ip-keung, BBS, MH, JP
Dr Hon CHENG Chung-tai
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho

Members absent:

Hon James TO Kun-sun
Hon IP Kin-yuen
Hon Tanya CHAN
Hon CHEUNG Kwok-kwan, JP

Public officers attending:

Ms Alice LAU Yim, JP	Permanent Secretary for Financial Services and the Treasury (Treasury)
Ms Carol YUEN, JP	Deputy Secretary for Financial Services and the Treasury (Treasury) 1
Mr Mike CHENG Wai-man	Principal Executive Officer (General), Financial Services and the Treasury Bureau (The Treasury Branch)
Mr Sonny AU Chi-kwong, PDSM, PMSM, JP	Under Secretary for Security
Mr Andrew TSANG Yue-tung	Principal Assistant Secretary (Security)
Mr Patrick Douglas Gerard HODSON	Regional Commander of Police (Marine)
Ir Dr Jolly WONG Chun-kau	Chief Telecom Engineer of Police (Communications Branch) (Information Systems Wing)
Mr WONG Yu-hang	Chief Inspector of Police (Projects) (Marine Regional Headquarters)
Ir Tommy TANG Chi-wah	Telecom Engineer 4 of Police (Telecom and Electronics Division) (Information Systems Wing)
Ms Cammy LAI Hoi-fung	Senior Management Service Officer A of Police (Corporate Services Division) (Information System Wing)
Ms Brenda AU Kit-ying	Head of Energizing Kowloon East Office, Development Bureau
Mr Frank WONG Tak-choi	Deputy Head of Energizing Kowloon East Office, Development Bureau
Mrs Doris FOK LEE Sheung-ling	Assistant Director of Leisure and Cultural Services (Leisure Services) 1
Mrs Sylvia LAM YU Ka-wai, JP	Deputy Director of Architectural Services
Mr Edward TSE Cheong-wo	Project Director 3, Architectural Services Department
Mr Vic YAU Cheuk-hang, JP	Deputy Secretary for Security 2
Mr Alex CHAN Yuen-tak	Principal Assistant Secretary for Security B
Mr Joseph LEUNG Wai-hung, FSDSM	Deputy Director of Fire Services
Ms Edna CHAN Pui-han	Chief Executive Officer (Administration), Fire Services Department

Miss Emma LAU, JP
Mrs Erika HUI, JP

Judiciary Administrator, Judiciary
Deputy Judiciary Administrator
(Operations), Judiciary

Clerk in attendance:

Ms Anita SIT

Assistant Secretary General 1

Staff in attendance:

Mr Derek LO

Chief Council Secretary(1)5

Ms Ada LAU

Senior Council Secretary (1)7

Mr Raymond SZETO

Council Secretary (1)5

Miss Queenie LAM

Senior Legislative Assistant (1)2

Mr Frankie WOO

Senior Legislative Assistant (1)3

Miss Yannes HO

Legislative Assistant (1)6

Action

**Item 1 — FCR(2017-18)35
CAPITAL WORKS RESERVE FUND**

**HEAD 708 — CAPITAL SUBVENTIONS AND MAJOR
SYSTEMS AND EQUIPMENT**

Hong Kong Police Force

**New Subhead — "Implementation of Marine Situational Awareness
System"**

The Finance Committee ("FC") continued with the deliberation on item FCR(2017-18)35, which sought FC's approval for a new commitment of \$186,335,000 for the implementation of the Marine Situational Awareness System.

Uses of Marine Situational Awareness System

2. Dr Fernando CHEUNG, Ms Claudia MO, Dr KWOK Ka-ki and Mr Charles Peter MOK expressed support in principle for this item. Dr CHEUNG and Mr LEUNG Yiu-chung asked how the proposed system could assist the Police's work in intercepting illegal immigrants ("IIs") from the Mainland who were smuggled into Hong Kong on higher-speed "Tai Fei" speedboats (which normally referred to smuggling speedboats with four or more engines). Mr LEUNG considered that the Police might need

to deploy vessels capable of even higher speeds for the interception operations.

3. Noting that the proposed system would be used to combat "acts of terrorism at sea", Mr CHU Hoi-dick enquired about the definition of the term.

4. Dr KWOK Ka-ki expressed concern about the compatibility of the proposed system. He was worried that Mainland vessels or vessels from other local enforcement agencies not installed with the Automatic Identification System ("AIS") would fail to get connected with the proposed system. Dr KWOK and Ms Claudia MO considered that the Police should take the initiative to invite other departments in joining the development and use of the proposed system, so that a consolidated funding application could be made to FC to achieve economy of scale.

5. Under Secretary for Security ("US for S") and Regional Commander of Police (Marine) ("RC(M)/HKPF") responded that:

- (a) the proposed system would allow the Marine Police real-time observation of the situation at sea as well as the position of police vessels, so that various police vessels could be deployed more effectively to increase the success rate of police operations for intercepting suspicious vessels. When a vessel suspected of smuggling IIs was found to have entered into the waters of Hong Kong, the proposed system could be used to label the said vessel and issue early warnings in the first instance, so that all marine vessels could be informed of the tracks and speed of the target vessel for its speedy interception. The proposed system aside, the Police had already planned to replace 60% of the marine craft in the coming 10 years as part of the Versatile Maritime Policing Response programme;
- (b) terrorist activities commonly referred to activities associated with terrorism, such as robbery against ships, taking of hostages, mass-casualty attacks, using of weapons of mass destruction, etc., while "acts of terrorism at sea" referred to terrorist activities which happened at sea. On responding to terrorist activities at sea, the proposed system could provide frontline command and control units in charge of deployment with real-time information on the position of all operational units as well as other relevant intelligence, so that more effective interception or rescue operations could

be conducted. Frontline command officers could also gain a better understanding of the on-site situation by controlling the cameras installed under the proposed system. Moreover, police vessels outside the operation area could also gain access to the relevant information in synchronization;

- (c) AIS was a system of the Marine Department. Under the relevant subsidiary legislation (i.e. Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548G)), from 1 March 2018 onwards, certain Class I vessels and certain Class II vessels must be fitted with AIS. Separately, the proposed system was equipped with other functions to complement the information provided by AIS, so as to assist the Police in identifying and tracking Mainland vessels in Hong Kong; and
- (d) briefings on the proposed system had been arranged by the Police for other government departments. Those departments would be welcomed to take part in using the proposed system. The Police's understanding was that other departments would like to see the proposed system used by the Police first, and they would consider joining in the use of the system when its operation became more mature.

6. Mr CHU Hoi-dick requested the Administration to provide supplementary information to explain how the proposed system would be used to handle different incidents or crimes that happened within the waters of Hong Kong under different scenarios.

[Post-meeting note: Supplementary information provided by the Administration was issued to members vide LC Paper No. FC88/17-18(01) on 20 December 2017.]

Operation and tendering arrangements of the proposed system

7. Dr Fernando CHEUNG asked whether the existing communications system was in need of replacement because unlike mobile communications equipment in the market nowadays, it did not support the transmission of complicated text and visual messages as well as global positioning data.

8. Dr KWOK Ka-ki pointed out that while 5G communications technology was becoming more prevalent, the less advanced 4G

communications technology would be employed in the proposed system. Dr KWOK expressed worry about spending a huge sum of public money on the development of an outdated system. He enquired about the amount of expenditure involved should it become necessary for the proposed system to be upgraded to 5G communications technology after its implementation. Similar concerns were expressed by Ms Claudia MO.

9. Mr Charles Peter MOK asked whether the project would be contracted out by way of one single tender. He criticized that the Administration could not select the best contractor for the project if the tender was awarded on the principle of "the lowest bidder wins".

10. Mr YIU Si-wing expressed support for the item. Mr YIU asked whether the proposed system, with its overly complicated structure, would have a shorter service life and higher depreciation. Separately, Mr YIU was concerned that the maintenance cost was on the high side. He noted that the annual recurrent expenditure for the proposed system would be as high as some \$8 million in 2020-2021 during its initial operation and would further increase to some \$17 million in future financial years. He expressed worry that given its monopoly, the single contractor would charge excessively high maintenance fees for the proposed system. Expressing similar concerns, Mr Steven HO pointed out that over the years, the Public Accounts Committee of the Legislative Council ("LegCo") discovered many cases involving sloppy monitoring by government departments over the contractors concerned, resulting in improper system maintenance. Mr HO considered that if the operator awarded with the contract could not meet the relevant maintenance requirements, the Government should find a replacement operator for the proposed system.

11. Ms Claudia MO enquired about the terms and conditions to be stipulated by the Administration for supervising the proper conduct of maintenance works by the contractor.

12. Mr LEUNG Yiu-chung asked whether the proposed system was currently used by other countries.

13. US for S and Chief Telecom Engineer of Police (Communications Branch) (Information Systems Wing) ("CTE(CB)/HKPF") responded that:

- (a) the existing communications system was a system for transmission of voice messages developed more than 10 years ago to meet the operational needs of the Hong Kong Police Force ("HKPF"). Unlike mobile communications equipment in general, communications systems of the Police

must be able to operate under the one-to-many broadcasting mode, while the relevant data security requirements would be higher than mobile communications equipment in the market. Hence, the design of the proposed system must be tailor-made;

- (b) 4G communications technology was first launched in 2011 and became mature since 2014. It was only after the success of trials conducted in 2015 and 2016 that the decision was made by the Police to adopt the relevant technology. The Administration's understanding was that 5G communications technology would only become standardized by the end of 2019. The pace of developing the proposed system might be affected if the decision was taken now to adopt 5G communications technology. When inviting tenders, the Government would specify in the tender document that the proposed system should allow for the upgrade to 5G communications technology when necessary. In this regard, the relevant cost was not expected to be high;
- (c) the operator would be selected by the Government by way of a single contract arrangement. The advantages of developing the proposed system by way of one single contract included the enhancement of compatibility through centralized development, as well as the provision of efficient maintenance services through economy of scale. If the one single contract approach was not adopted, the Government would need to coordinate with operators under different contracts for the operation and maintenance of the proposed system, which might give rise to mistakes easily;
- (d) when evaluating the tenders, the prerequisite was for the bidders to meet all requirements under the contract before consideration would be given by the Government to tender prices. Given the innovative concepts adopted in the design of the proposed system, the Police must ensure its technical feasibility by taking the project forward under a prudent and human-oriented approach. First of all, the Police had conducted a "proof of concept" to determine whether appropriate technology was available in the market to support the proposed system. Thereafter, two rounds of trials were conducted to ensure that the proposed system could meet the operational needs of the Marine Police when discharging its duties within the waters of Hong Kong. The

opportunity was also taken to collect a vast amount of data to facilitate police officers in the proper use of the system, as well as preparing the contents of the tender document. It was understood that currently, there were at least three companies in the market capable of providing suitable options for the proposed system;

- (e) the operator must make available sufficient resources and provide a professional team to maintain the operation of the proposed system, provide training to the Police and carry out maintenance works in a timely manner. To ensure the proper maintenance of the proposed system, the Government would specify the maintenance requirements (such as the maintainability of the proposed system, the inclusion of resilience features and adequate fallback facilities in the design of the system, etc.) when inviting tenders. The Government would also require the operator to perform preventive checks periodically. Moreover, the tender document would include safeguard provisions in case the operator failed to perform the maintenance requirements, including deducting service fees payable by the Government. If the operator failed to provide the relevant services, technical staff of the Government were capable of recovering the system and responding to any emergencies;
- (f) the annual recurrent expenditure for the proposed system covered hardware and software maintenance, day-to-day support services, use of communications networks, consumables, etc. Given the provision of infrastructure (i.e. network establishment and software development) under the project, the recurrent expenditure for the system would be higher during its initial operation stage. The Government would include the operating cost of the system for a period of 10 years as one of the tender requirements, so as to prevent bidders from winning the tender by submitting a lower initial development cost with increasingly high operational costs in later years;
- (g) the proposed system was a critical major communications system, and its service life would depend on the service life of its hardware and software. If the software could be upgraded continuously to extend its service life, the service life of the proposed system would also be extended; and

- (h) according to the Administration's understanding, similar systems were being used in Australia and Canada, although the environments and conditions of their use were not entirely the same as the waters of Hong Kong.

Security of the proposed system

14. Mr CHAN Chi-chuen was concerned about the security of the proposed system. He asked how the Administration would assess the technical level of the tenders and what weighting would be given to network security.

15. In response, US for S and CTE(CB)/HKPF pointed out that the proposed system would be operated in strict accordance with the security standards prescribed by the Government, including the provision of "point-to-point" encryption services, as well as the installation of professional-grade encryption devices at network terminals. The relevant work would be overseen by the Communications Branch of HKPF.

Voting on item FCR(2017-18)35

16. At 4:23 pm, there being no further request to speak from members, the Chairman put the item to vote. The Chairman declared that the majority of the members present and voting were in favour of the item, and the item was approved.

Item 2 — FCR(2017-18)36

**RECOMMENDATION OF THE PUBLIC WORKS
SUBCOMMITTEE MADE ON 18 OCTOBER 2017**

PWSC(2017-18)17

HEAD 703 — BUILDINGS

Support — Others

**185GK — Reprovisioning of Transport Department's vehicle
examination centres at Tsing Yi**

17. The Chairman advised that the item sought FC's approval of one of the recommendations of the Public Works Subcommittee ("PWSC") made at its meeting held on 18 October 2017 to upgrade 185GK to Category A at an estimated cost of \$2,862.7 million in money-of-the-day ("MOD") prices for the reprovisioning of vehicle examination centres ("VECs") of the Transport Department ("TD") at Tsing Yi. The Chairman advised that no

member had requested the recommendation be put to vote separately at the meeting.

18. The Chairman declared that he was an independent non-executive director of The Bank of East Asia.

19. Mr CHU Hoi-dick said that as public officers responsible for this item were present at the meeting (the relevant public officers attended the meeting originally for item 3 of the agenda), he requested to raise questions on the item. The Chairman directed that he might speak once for not more than three minutes.

20. Mr CHU Hoi-dick said that the purpose of reprovisioning TD's VECs at Tsing Yi was to make space available for the Energizing Kowloon East ("EKE") initiative, while the Administration's intention was to convert the vacated site into commercial use. Expressing disagreement with the Administration's planning intention, he said that FC's approval for this item should not be taken as LegCo endorsing the direction of development proposed by the Government.

21. In response, Head of Energizing Kowloon East Office, Development Bureau ("Head/EKEO/DEVB") stated that the site was located within the Kowloon Bay Action Area. The Energizing Kowloon East Office ("EKEO") was now studying the planning of the Kowloon Bay Action Area, and the Administration's current thinking was that the site was suitable for commercial use.

22. At 4:27 pm, there being no request to speak from other members, the Chairman put the item to vote. The Chairman declared that the majority of the members present and voting were in favour of the item, and the item was approved.

**Item 3 — FCR(2017-18)37
RECOMMENDATION OF THE PUBLIC WORKS
SUBCOMMITTEE MADE ON 18 OCTOBER 2017**

**PWSC(2017-18)17
HEAD 703 — BUILDINGS**

**Recreation, Culture and Amenities — Sports facilities
281RS — Reprovisioning of Tsun Yip Street Playground facilities
to Hong Ning Road Park and Ngau Tau Kok Fresh
Water Service Reservoir**

23. The Chairman advised that the item sought FC's approval of another recommendation of PWSC made at its meeting held on 18 October 2017 to upgrade 281RS to Category A at an estimated cost of \$382.2 million in MOD prices for the reprovisioning of Tsun Yip Street Playground facilities to Hong Ning Road Park ("the Park") and Ngau Tau Kok Fresh Water Service Reservoir ("the Reservoir").

24. The Chairman declared that he was an independent non-executive director of The Bank of East Asia.

25. Expressing support for the item, Mr Wilson OR sought the Administration's undertaking that the construction works would be completed in or before the second quarter of 2021.

26. Head/EKEO/DEVB said that the Government would strive to complete the project on schedule. Upon securing funding approval, tendering procedures lasting for six months would commence forthwith. Construction works under the project would be implemented in phases, with a view to minimizing the downtime of the leisure facilities and hence impact on the public.

Playground facilities

27. Mr Wilson OR considered that the Administration's public consultation on the playground facilities could be enhanced.

28. Mr Jeremy TAM gladly noted that at Members' request, the Administration would strive to develop the rooftop of Ngau Tau Kok Fresh Water Service Reservoir into a lawn. Mr TAM was concerned whether additional expenditure would be incurred by the proposed provision of the lawn. Dr KWOK Ka-ki and Mr CHU Hoi-dick requested the Administration to increase the area of lawn to be provided under the project.

29. Dr KWOK Ka-ki and Mr CHU Hoi-dick queried that as too much emphasis had been put by the Leisure and Cultural Services Department ("LCSD") on safety when designing the provision of playground facilities, certain facilities used to be quite popular, such as merry-go-round and climbing frames, were no longer provided. Dr KWOK, Mr CHU and Mr Jeremy TAM sought information about the mode of and the responsible staff for conducting local consultation on the playground facilities. Mr TAM called on the Administration to organize consultation workshops, so as to collect views from local residents in a proactive manner.

30. Mr CHU Hoi-dick asked whether cricket facilities could also be provided in the two areas.

31. Head/EKEO/DEVB, Assistant Director of Leisure and Cultural Services (Leisure Services) 1 and Deputy Director of Architectural Services responded that:

- (a) no additional funding provisions was required to be sought for increasing the area of lawn to be provided;
- (b) the area of lawn to be provided at the rooftop of the Reservoir was subject to loading constraint, as well as the location of exhaust outlets. Hence, it might not be technically feasible to increase the area of lawn further. Separately, there were also views calling for the provision of leisure facilities (such as a jogging track), other than a lawn, at the rooftop of the Reservoir. The current proposal thus represented the best compromise among various demands;
- (c) it was the Government's hope to provide diversified children's playground facilities with equal emphasis on being fun, educational and safe, while taking care of the needs of children of all ages. The Government would gladly listen to views from all parties concerned on the provision of children's leisure facilities, and no particular facilities would be precluded. Regarding the facilities to be provided under the proposed project, EKEO would undertake consultation jointly with LCSD to collect views from local residents before deciding the playground facilities to be installed. With about six months' time before commencement of works, the Administration would invite views from residents in the neighbourhood by posting notices in the site area of playground facilities and through questionnaires. The Government had reservation about the proposal to organize workshops because it was not envisaged that members of the public would attend workshops specifically for the provision of facilities in one children's playground; and
- (d) the Government would need to study the feasibility of providing cricket facilities under the proposed project separately.

Pet garden

32. Mr CHAN Chi-chuen asked whether pets would be allowed to enter the Park and the Reservoir after completion of the proposed works; if not, whether consideration would be given by the Administration to designate pet corners inside the Park and the Reservoir or allow entry of pets at specific times.

33. Head/EKEO/DEVB responded that when consulting the local District Council ("DC") on the project, different views had been received by the Government. On the one hand, some DC members supported the provision of a pet garden in the Park, but on the other hand, some DC members expressed reservation about the suggestion. Hence the Bureau considered that the way forward could be decided at a later stage upon completion of the reprovisioning. As a matter of fact, given the need to reprovision a greater number of facilities at the Park, it might be difficult to make space available for providing a pet garden there. On the other hand, given the need to ensure water safety, it would not be appropriate to provide a pet garden in the Reservoir. The Administration would consult the DC again on Mr CHAN Chi-chuen's suggestion in due course.

34. The Chairman and Mr CHU Hoi-dick requested the Administration to provide supplementary information on the following:

- (a) the standards adopted by LCSD all along in the provision of children's play facilities, and the reasons that in recent years certain types of facilities (such as merry-go-round and climbing frames) were not provided in the playgrounds under LCSD's management;
- (b) details of the Administration's stated policy in providing "diversified" children's play facilities; and
- (c) details of the children's play facilities provided in Tuen Mun Park.

35. Mr Wilson OR requested the Administration to provide supplementary information on the following:

- (a) mechanism for the Administration to monitor the progress of the proposed works, so as to ensure timely completion of the project; and

- (b) mechanism for the Administration to communicate with the stakeholders including the DC and the owners' corporations during construction.

[*Post-meeting note:* Supplementary information provided by the Administration was issued to members vide LC Paper No. FC104/17-18(01) on 11 January 2018.]

A motion proposed by a member under paragraph 37A of the Finance Committee Procedure

36. At 5:06 pm, FC started to deal with a motion proposed by a member under paragraph 37A of the Finance Committee Procedure. The Chairman proposed and put to vote the question that the motion proposed by Mr CHAN Chi-chuen numbered [0001](#) be proceeded with forthwith. At the request of members, the Chairman ordered a division, and the division bell was rung for five minutes. The Chairman declared that the question was negatived.

Voting on item FCR(2017-18)37

37. At 5:12 pm, there being no further request to speak from members, the Chairman put the item to vote. The Chairman declared that the majority of the members present and voting were in favour of the item, and the item was approved.

**Item 4 — FCR(2017-18)38
RECOMMENDATION OF THE ESTABLISHMENT
SUBCOMMITTEE MADE ON 3 JULY 2017**

**EC(2017-18)5
HEAD 45 — FIRE SERVICES DEPARTMENT
Subhead 000 — Operational expenses**

38. The Chairman advised that the item sought FC's approval of one of the recommendations of the Establishment Subcommittee ("ESC") made at its meeting held on 3 July 2017 to upgrade the Departmental Secretary ("DS") post ranked at Principal Executive Officer ("PEO") (D1) to Senior Principal Executive Officer ("SPEO") (D2) in the Fire Services Department ("FSD") with immediate effect upon FC's approval, in order to cope with the increased complexity of work of the post holder and strengthen the support for the senior management of FSD.

Staffing arrangements of Fire Services Department

39. Dr Elizabeth QUAT stated that the item was supported by the Democratic Alliance for the Betterment and Progress of Hong Kong. She said that as the Ambulanceman Grade staff union had relayed to her, additional manpower was required because ambulancemen must also take up duties relating to compliance inspections of equipment and materials of the department. She asked whether the proposed post would study and review the relevant recruitment need.

40. Mr Jeremy TAM expressed support for the item. He asked whether the upgrading of the DS post to the rank of SPEO would result in any changes in the establishment under the post or affect the promotion prospect of Executive Officer ("EO") grade officers in FSD.

41. Deputy Secretary for Security 2 ("DS for S2") and Deputy Director of Fire Services ("DDFS") responded that:

- (a) manpower of the Administration Division of FSD, as led by DS, had been strengthened gradually in recent years. EO grade officers, being general grade staff, would be deployed to work in different government departments with the same prospects of promotion to higher ranks. Hence, the proposal would have no direct impact on the promotion of EOs working in FSD. After upgrading the DS post in FSD to the rank of SPEO, the post might be filled by a suitable candidate deployed from other departments;
- (b) DS was a member of the senior management of FSD. The senior management of FSD would review the department's overall service demands and development needs, and DS would assist the senior management in seeking additional provisions for the necessary increase in manpower through the Government's internal resource allocation bid in a timely manner. For instance, more than 300 posts had been created in FSD in recent years; and
- (c) at present, ambulancemen on duty at ambulance depots were required to perform duties relating to compliance inspections and management of the medical equipment and materials. Discussions on the matter had been held between the senior management of FSD and the staff side representatives. Should there be a need to outsource the services, DS would be responsible for handling the relevant work.

Supply of disciplined services quarters

42. Mrs Regina IP stated that the item was supported by the New People's Party. She called on the Administration to review the problem concerning the inadequate supply of disciplined services quarters ("DSQs") for FSD and other disciplined services departments. In this regard, she was concerned about the long-standing shortfall of DSQs for junior staff, while DSQs for senior staff were left vacant due to the existing policy that officers who reached a certain salary point must vacate their DSQs. Mrs IP hoped that the allocation of DSQ units could be improved effectively after the ranking of the DS post had been upgraded.

43. DS for S2 replied that the Government attached great importance to increasing the supply of DSQs and would strive to do so. Take for example the construction of DSQs for FSD at Pak Shing Kok. The project, under which several hundred H-grade departmental quarters units for rank and file officers would be built, was awaiting consideration and endorsement by PWSC and FC. Separately, it was the Government's intention to consider the construction of topside quarters when planning for the provision of fire stations and ambulance depots in future. Meanwhile, Mrs IP's concern about the allocation of quarters was related to the overall policy on the management of government properties. All along, the Bureau had engaged the Government Property Agency in discussion on how to improve the allocation of DSQs, with a view to increasing the turnover of quarters units.

Other concerns

44. Mr CHAN Chi-chuen noted that in paragraph 5(b) of the discussion paper, the pronoun "she" was used to refer to the proposed post. He asked whether it meant the post would be filled by a female officer. Mr CHAN noted that unless under gender-specific circumstances, the pronoun "he" was generally used in discussion papers submitted by the Government.

45. DS for S2 responded that as the DS post in FSD was filled by a female officer at the time when the discussion paper was prepared, the pronoun "she" was used to describe the major duties she performed as the incumbent post holder. He confirmed that the post could be filled by either a male or female officer.

Voting on item FCR(2017-18)38

46. At 5:27 pm, there being no further request to speak from members, the Chairman put the item to vote. The Chairman declared that the majority of the members present and voting were in favour of the item, and the item was approved. The Chairman then declared that the meeting be suspended.

47. The meeting resumed at 5:40 pm.

**Item 5 — FCR(2017-18)39
RECOMMENDATION OF THE ESTABLISHMENT
SUBCOMMITTEE MADE ON 3 JULY 2017**

**EC(2017-18)4
HEAD 80 — JUDICIARY
Subhead 000 — Operational expenses**

48. The Chairman advised that the item sought FC's approval of the recommendation of ESC made at its meeting held on 3 July 2017 to create a number of permanent posts in the Judiciary, including four posts of Judge of the District Court ("DJ"), five posts of Deputy Registrar, District Court, four posts of Adjudicator, Small Claims Tribunal ("SCT") and one post of Magistrate, and to create one supernumerary post of PEO.

Establishment of Judges and Judicial Officers

49. Mr Jeremy TAM opined that the remuneration packages of Judges and Judicial Officers ("JJOs") might not be attractive enough for private practitioners to join the Bench. Mr TAM enquired about the recruitment situation of Magistrates in recent years and asked whether there were plans to further increase the establishment of JJOs in the future. Mr TAM also sought information about the retirement ages of JJOs.

50. Dr CHIANG Lai-wan considered that as many JJOs had been working in the Judiciary for a long time, they might be losing touch with society and reality. Hence, the Judiciary should strive to attract young lawyers in private practice to join the Bench.

51. Mr CHU Hoi-dick asked the Judiciary to elaborate on the difficulties currently faced by the Court of First Instance ("CFI") of the High Court ("HC"), and how the proposed posts could provide relief to the work pressures at different levels of courts (including SCT and the Lands

Tribunal ("LT")). He was also concerned whether the Judiciary might further delegate cases originally under the jurisdiction of HC to the District Court in the future.

52. Mr CHU Hoi-dick considered that with the additional manpower, the Judiciary should be able to introduce performance pledges, such as setting a target time limit for handling SCT cases.

53. Dr CHIANG Lai-wan was concerned that deputy JJOs were engaged from time to time for the sake of addressing the manpower shortage. She expressed concern about the ratio of deputy JJOs.

54. In response, Judiciary Administrator ("JA") said that:

- (a) the Judiciary had been keeping its judicial establishment under constant review, and open recruitment exercises for CFI Judges, DJs and Permanent Magistrates were launched periodically for filling JJO vacancies at various levels of courts. It was clear from previous recruitment exercises for CFI Judges that there were persistent recruitment difficulties at this level of court. To address the shortage of judicial manpower, the Judiciary would, pending the substantive filling of judicial vacancies through open recruitment and in line with the established practice, engage temporary judicial resources to help maintain the level of judicial manpower required. Apart from meeting the courts' operational needs, the deputy arrangements also served the purpose of providing opportunity for private practitioners to gain some judicial experience for their consideration of a judicial career in the future;
- (b) the Standing Committee on Judicial Salaries and Conditions of Service had an established mechanism for conducting annual reviews on the remuneration of JJOs. Moreover, to address the persistent recruitment difficulties at the CFI level as well as the long-term needs of the whole of the Judiciary, the Judiciary had completed the review on the conditions of service for JJOs. With the support of the Government, enhancements to the conditions of service for JJOs had been implemented with effect from 1 April 2017. The Judiciary hoped that such enhancements would have a positive impact on the new rounds of recruitment exercises;

- (c) at present, the retirement ages for CFI Judges and DJs were 65, while that for Magistrates was 60. A study was being conducted by the Judiciary for reviewing the statutory retirement ages for JJOs, so as to attract quality candidates and experienced private practitioners to join the Bench at the later stage of their career life (in particular at the CFI level) and facilitate the retention of judicial manpower;
- (d) the current caseload of CFI was very heavy. Given the different complexities of CFI cases, it would be difficult to fully quantify such workload. The proposal to increase the civil jurisdictional limits of the District Court and SCT could relieve the pressures of CFI, and both The Law Society of Hong Kong and the Hong Kong Bar Association had expressed support for the proposal upon consultation by the Judiciary. Considering that some specific cases must still be handled by HC, the Judiciary did not have any plans to delegate other trials at this juncture;
- (e) major justifications advanced by the Judiciary for increasing the provision of judicial manpower were as follows:
 - (i) to implement the proposed increases in the civil jurisdictional limits of the District Court and SCT;
 - (ii) to cope with the increasing workload of the Masters' Office of the District Court and SCT; and
 - (iii) to prepare for the expansion following the re-provisioning of the West Kowloon Law Courts Building (including the improvement of the processes of SCT);
- (f) the Judiciary would conduct a new round of open recruitment exercises with a view to filling existing and newly-created JJO vacancies at various levels of courts. Meanwhile, the Judiciary would continue to engage temporary judicial resources to help meet the operational needs of various levels of courts. At present, there were 56 substantive and 22 deputy Judicial Officers ("JOs") sitting at the Magistrates' Courts and various Tribunals. In the long run, the Judiciary hoped that the ratio of substantive JOs could be increased; and

- (g) the Judiciary was of the view that the current progress of LT's work was satisfactory. As the processing time of LT cases was on target, the Judiciary had not proposed to increase the number of Judges at LT under the present item.

Procedures and candidates for appointment of Judges

55. Dr CHIANG Lai-wan sought details about the procedures for the recruitment of Judges. She was worried that the selection boards responsible for the recruitment of Judges would only select the same number of candidates as the number of vacancies, such that the Judicial Officers Recommendation Commission ("JORC") was left with no choice but to agree with the candidates chosen by the selection boards. Dr CHIANG also expressed the wish to have a better understanding about the Judiciary's mechanism for promoting Magistrates to DJs.

56. Mr CHAN Chi-chuen was concerned whether the political affiliations of candidates would be taken into consideration by the Judiciary when appointing JJOs. He asked whether all the 14 proposed posts in the Judiciary would have to be appointed with recommendation by JORC. Mr CHAN also called on JORC to make public the justifications for recommending the appointment of JOs and the relevant minutes of meetings or to consider appointing former Members of LegCo representing the legal profession to JORC, so as to enhance credibility.

57. JA responded that:

- (a) according to the Basic Law, JJOs of the Hong Kong Special Administrative Region shall be chosen on the basis of their judicial and professional qualities, and they must meet the professional qualifications and practising experience requirements stipulated in the relevant legislation. For the appointment of CFI Judges, DJs and Permanent Magistrates, open recruitment exercises would be conducted, and all eligible persons including serving JJOs and private practitioners could apply;
- (b) for each open recruitment exercise, a selection board comprising Judges would be appointed by the Chief Justice of the Court of Final Appeal to consider the applications, and the selection board would then submit a report to JORC for consideration. JORC's recommendations would in turn be submitted to the Chief Executive. For posts at the level of Justice of Appeal of the Court of Appeal of HC or above, the

vacancies would be filled substantively through internal promotion as the post holders were required to have the relevant judicial experience; and

- (c) JORC, being an independent statutory commission, must be composed in accordance with the relevant legal requirements. One of the functions of JORC was to advise or make recommendations to the Chief Executive regarding the filling of JJO vacancies at various levels of courts, and the contents of its deliberation process must be kept confidential.

58. At 6:13 pm, no further questions were raised by members on the item. Since there was a lack of quorum, the Chairman ordered that a headcount be conducted and the quorum bell be rung.

59. At 6:15 pm, a quorum was present for the meeting, and the Chairman put the item to vote. The Chairman declared that the majority of the members present and voting were in favour of the item, and the item was approved.

60. At 6:15 pm, the Chairman declared the meeting closed.

Legislative Council Secretariat

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