

LCQ1: Allocation mechanism of ward offices in Housing Authority's public housing estates

Following is a question by the Hon Steven Ho and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (April 28):

Question :

At present, Legislative Council (LegCo) Members and District Council (DC) members may apply for leasing flats in housing estates and courts under the Housing Department (HD) for use as members' offices (ward offices). Under the current mechanism, the HD allocates ward offices according to the following four categories of priority: DC member returned by the DC constituency in which the flat is located, other DC members of the DC district in which the flat is located, LegCo Members returned by the LegCo geographical constituency in which the flat is located (directly elected Members), and LegCo Members returned by LegCo functional constituencies (Members returned by FCs). DC members may lease one ward office with a maximum area of 35 square metres, and LegCo Members may lease multiple ward offices with an aggregate area not exceeding 140 square metres. In December 2019, the Office of The Ombudsman (the Office) released a direct investigation report entitled Allocation Mechanism of Ward Offices under Housing Department (the Report), which pointed out the deficiencies of the allocation mechanism. For example, when a vacant ward office is available for application, a directly elected Member who has successfully leased another ward office in the district still enjoys priority over a Member returned by FC who has not been allocated any ward office. Regarding the allocation mechanism of ward offices, will the Government inform this Council:

(1) as the Report showed that the leasing rate of ward offices exceeded 96 per cent as at May 31, 2019, of (i) the number of ward offices leased to the Member who had leased the most ward offices then, and (ii) whether all ward offices were then leased out without competition;

(2) as it was stated in the Report that the HD had sought views separately from Members of different political parties on the proposal of priority allocation of ward offices to those Members who had not been allocated any ward office, but quite a number of Members have relayed to me that the HD staff have never sought their views, of the details of the views collection exercise (including the dates on which views were sought, the number of Members of each priority category from whom views were sought, and the information provided to these Members);

(3) given that the HD assigns the lowest allocation priority to Members returned by FCs on grounds that there is no restriction on constituencies for such Members when they apply for leasing ward offices, and that they have the

most choices and may lease multiple offices, but there have been views that there is a need for some Members returned by FCs to maintain close contact with members of the public in certain districts, and yet the HD may not have ward offices available for lease in such districts that meet the requirements, whether the HD will review the allocation priority of such Members;

(4) although the Report stated that upon commencement of the last term of DCs and the current term of LegCo, the success rate of Members returned by FCs (who belong to the fourth priority category) being allocated ward offices was higher than those of the second and third priority categories, there have been views that such situation was only due to the lower proportion of Members returned by FCs applying for allocation of ward offices (i.e. 12 Members out of 35), whether the Government has gained an understanding as to whether the relatively small number of Members of that priority category applying for allocation of ward offices was due to their being accorded the lowest allocation priority and the poor quality of the remaining ward offices available for them to choose; and

(5) given that in the light of the recommendations of the Office, the HD has revised the arrangements for leasing ward offices to Members under joint tenancies by categorising joint tenants of ward offices into primary and secondary tenants, and stipulated that if the primary tenant is not re-elected or terminates the tenancy before it expires, the secondary tenant may retain the ward office until the end of his/her term provided that the aggregate area of the ward offices leased to him/her does not exceed his/her maximum entitlement, whether the Government has studied if such practice will reduce the chance of Members returned by FCs to apply for a ward office successfully?

Reply:

President,

My consolidated reply to the question raised by the Hon Steven Ho is as follows:

The Hong Kong Housing Authority (HA) has all along been leasing, as far as practicable, suitable non-domestic premises in its public housing estates (PHEs) to District Councilors (DCs) and Legislative Councilors (LCs) as ward offices for them to serve and keep in touch with the residents during their term of office. Under the current allocation mechanism, the HA allocates ward offices in accordance with the following order of priority:

Priority	Nature of Office
First	The elected DC of the constituency concerned
Second	Other DCs of the district
Third	LCs returned from the geographical constituency concerned
Fourth	LCs returned from functional constituencies

Furthermore, a DC can only lease one ward office up to the size of 35 sq m in HA's PHEs. A LC may lease more than one ward office in HA's PHEs provided that the total size does not exceed 140 sq m. Councilors may also lease ward offices under joint tenancies.

As at March 31, 2021, the HA had let about 320 ward offices in 196 PHEs/subsidised sale flat courts. As at May 31, 2019, councilors who had leased most ward offices had leased six ward offices in HA's PHEs at the same time, including those held under sole tenancies and joint tenancies.

According to the established procedures, when ward offices in PHEs are available for letting, the HA will invite applications from DCs and LCs through their respective secretariats. If more than one application is received, the HA will allocate the ward office according to the order of priority. If there is more than one applicant with the same priority, allocation will be determined by ballot. Such arrangement can ensure the rational utilisation and equitable allocation of resources. The HA does not keep statistics on the number of applications received in each invitation.

In response to the recommendations of the Office of The Ombudsman (OMB), the HA revised the arrangements of letting ward offices under joint tenancies in 2018 with a view to preventing councilors from leasing the ward offices indefinitely by continuously adding/deleting joint tenants or deciding on his/her own the successor of the ward office. Under the revised arrangement, tenants leasing ward offices under joint tenancies are classified as primary tenant and secondary tenant. If the primary tenant is not re-elected or terminates the tenancy before its expiry for any reason, the secondary tenant is allowed to retain the ward office concerned for occupation under licence until expiry of his/her current term of office provided that the space allocation standard is not exceeded. The ward office will have to be returned to the HA upon expiry of his/her current term of office.

In 2018, the OMB also advised the HA that they had received comments that some councilors who had already succeeded in leasing offices could still lease vacant ward offices again by virtue of their higher priority over other councilors who had not been allocated any offices, thereby resulting in difficulty for councilors with lower priority (such as LCs returned from functional constituencies) to be allocated ward offices. The OMB indicated that there were also suggestions that higher priority should be accorded to councilors who had not been allocated any ward office in HA premises when allocating vacant ward offices. In this connection, when the HA separately contacted councilors of different political parties through meetings or telephone discussions in June and July 2018 to brief them on the above revised letting arrangements, the HA took the opportunity to seek their views on the suggestion of according higher priority in allocating offices to councilors who had not been allocated any office. As the suggestion was not supported by the councilors, the HA did not implement such measure.

As a matter of fact, there is no limit on the geographical areas in which LCs returned from functional constituencies could be allocated a ward office. Since they have more choices, they are accorded with a lower priority than LCs returned from the geographical constituencies. There are individual

LCs returned from functional constituencies who have leased multiple offices in HA's PHEs at the same time (including those under sole tenancies and joint tenancies), which reflects that the prevailing allocation mechanism has not hindered them from being allocated one or even multiple ward offices.

Due to keen demand for HA's non-domestic premises to provide various types of services and limited non-domestic space in PHEs, the HA has to accord priority in providing facilities, such as retail and welfare facilities, to meet the daily needs of residents. Therefore, the HA is not able to satisfy the demands of all DCs and LCs for leasing ward offices in PHEs. In fact, there may not be HA's PHEs in each and every constituency. The HA is only offering an option and councilors may decide whether to lease the premises.

The OMB also acknowledged in the direct investigation report published in December 2019 that the prevailing mechanism for the allocation of ward offices (including the above revised letting arrangements) had already taken into account the needs of councilors of different categories and constraints, and the allocation arrangement was generally appropriate. The HA will continue to keep in view the arrangements concerned and will endeavor to provide more ward offices in PHEs where practicable.