

Sha Tin District Council
Minutes of the 2nd Meeting of
the Education and Welfare Committee in 2018

Date : 6 March 2018 (Tuesday)
Time : 2:30 pm
Venue : Sha Tin District Council Conference Room
 4/F, Sha Tin Government Offices

<u>Present</u>	<u>Title</u>	<u>Time of joining the meeting</u>	<u>Time of leaving the meeting</u>
Ms LAM Chung-yan (Chairman)	DC Member	2:30 pm	3:33 pm
Mr WONG Fu-sang, Tiger (Vice-Chairman)	"	2:30 pm	3:33 pm
Mr HO Hau-cheung, SBS, MH	DC Chairman	2:30 pm	3:33 pm
Mr CHAN Billy Shiu-yeung	DC Member	2:30 pm	3:33 pm
Mr CHAN Kwok-keung, James	"	2:30 pm	3:24 pm
Ms CHAN Man-kuen	"	2:30 pm	3:25 pm
Mr CHAN Nok-hang	"	2:36 pm	3:33 pm
Mr CHING Cheung-ying, MH	"	2:35 pm	3:33 pm
Mr CHIU Chu-pong, Sunny	"	2:30 pm	3:33 pm
Mr CHIU Man-leong	"	2:30 pm	3:22 pm
Mr HUI Yui-yu, Rick	"	2:30 pm	2:46 pm
Mr LAI Tsz-yan	"	2:48 pm	3:33 pm
Mr LEUNG Ka-fai, Victor	"	2:30 pm	3:33 pm
Mr LI Sai-hung	"	2:30 pm	3:22 pm
Mr LI Sai-wing	"	2:30 pm	3:33 pm
Mr LI Wing-shing, Wilson	"	2:30 pm	3:33 pm
Mr MAK Yun-pui	"	2:33 pm	3:33 pm
Mr MOK Kam-kwai, BBS	"	2:36 pm	3:24 pm
Mr NG Kam-hung	"	2:39 pm	3:33 pm
Ms PONG Scarlett Oi-lan, BBS, JP	"	2:47 pm	3:25 pm
Mr PUN Kwok-shan, MH	"	2:38 pm	3:33 pm
Mr TONG Hok-leung	"	2:47 pm	3:33 pm
Mr TING Tsz-yuen	"	2:30 pm	3:33 pm
Ms TUNG Kin-lei	"	2:30 pm	3:33 pm
Mr WAI Hing-cheung	"	2:30 pm	3:33 pm
Mr WONG Hok-lai	"	2:51 pm	3:22 pm
Mr WONG Ka-wing, MH	"	2:30 pm	3:33 pm
Ms WONG Ping-fan, Iris	"	2:30 pm	3:15 pm
Mr WONG Yue-hon	"	2:30 pm	3:33 pm
Mr YAU Man-chun	"	2:30 pm	3:33 pm
Mr YIP Wing	"	2:30 pm	3:33 pm
Mr YIU Ka-chun	"	2:35 pm	3:33 pm
Ms YUE Shin-man	"	2:30 pm	3:33 pm
Mr YUNG Ming-chau, Michael	"	2:30 pm	3:33 pm
Mr MOK Man-lok, Mannix (Secretary)	Executive Officer (District Council) 1 / Sha Tin District Office		

In Attendance

Mr CHAN Ping-ching, Roy	<u>Title</u> Assistant District Social Welfare Officer (Shatin) 1 / Social Welfare Department
Ms TSANG Wing-chi	Senior School Development Officer (Sha Tin) 5 / Education Bureau
Ms LAU Yuk-yee, Lydia	Housing Manager (Tai Po, North and Sha Tin 1) / Housing Department
Ms CHENG Yuk-kam, Brenda	Senior Liaison Officer (East) / Sha Tin District Office
Mr YUEN Chun-kit, Derek	Senior Executive Officer (District Council) / Sha Tin District Office

In Attendance by Invitation

Dr Ferrick CHU	<u>Title</u> Director of Policy, Research and Training / Equal Opportunities Commission
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Absent

Mr PANG Cheung-wai, Thomas, SBS, JP	<u>Title</u> DC Vice-Chairman (Application for leave of absence received)
Mr LEE Chi-wing, Alvin	DC Member (")
Mr SIU Hin-hong	" (")
Ms TSANG So-lai	" (")

Action

The Chairman welcomed members and representatives of government departments to the second meeting of the Education and Welfare Committee (EWC) of this year.

Application for Leave of Absence

2. The Chairman said that the Secretariat had received applications for leave of absence in writing from the following members:

Mr Thomas PANG	Attendance at an activity of an organisation under the Chinese Government
Mr Alvin LEE	Official commitment
Mr SIU Hin-hong	"
Ms TSANG So-lei	"

3. Members unanimously endorsed the applications for leave of absence submitted by the members above.

Confirmation of the Minutes of the Meeting Held on 2 January 2018
(EWC Minutes 1/2018)

4. Members unanimously confirmed the above minutes.

Discussion Item

Proposed Estimates under Expenditure Head 5 of 2018/2019
(Paper No. EW 4/2018)

5. Members unanimously endorsed the above paper.

Question

Question to be Raised by Mr YUNG Ming-chau, Michael on the Allocation and Maintenance of Vacant School Premises and the Planning of Subsidised Primary and Secondary School Places
(Paper No. EW 5/2018)

6. The views of Mr Michael YUNG were summarised below:

- (a) he enquired whether the Education Bureau (EDB) or the receiver would be held responsible for the facilities found damaged before the handover of the vacant school premises of Hong Kong and Kowloon Chiu Chow Public Association Ma Chung Sum Secondary School (Ma Chung Sum School);
- (b) it was responded in the fourth paragraph of the EDB's paper that upon receipt of the notice of vacancy of the school premises, the EDB had to cut off the supply of electricity, water, gas, etc. It would also arrange the service provider to provide basic property management services, mainly including security patrol and inspection. He asked what facilities the service provider would inspect, and whether the lift would be inspected. He was aware that water had infiltrated into the lift shaft and some parts were oxidised, while the maintenance service provider stated that the relevant parts were not produced anymore. He asked if the EDB had known the situation earlier, whether it would have handled the case immediately;
- (c) he pointed out that the approach taken by the EDB this time seemed to be different from the case of former Shatin Tsung Tsin Secondary School (Tsung Tsin School) in Sun Chui Estate. His alma mater had borrowed the school premises for two years, and the EDB had carried out repair works for the school premises at that time. The premises of Free Methodist Mei Lam Primary School (Mei Lam School) had been lent to the Tung Wah Group of Hospitals and were well-equipped. He asked why the approaches were different. If it was because the school of English Schools Foundation (ESF) was a private one, then why the ESF renewal project was required to lodge a funding application with the Legislative Council (LegCo);
- (d) the second point of the Equal Opportunities Commission's response (EOC) stated that unless providing barrier-free facilities or access would bring unconscionable difficulties, otherwise the facility provider or the manager of the concerned school premises might violate the Disability Discrimination Ordinance (DDO). He was aware that the facility provider of the school premises was the EDB, while the manager of the school premises was ESF.

He asked how complaints should be made and who should be the complainants;

- (e) paragraph 122 of the Budget stated that \$2 billion would be reserved to speed up the installation of lifts in public schools which had such needs to build barrier-free school campuses. He asked whether the reserved funds could be used to deal with the damaged lift of the said school;
- (f) according to the EDB's response, there was an agreement between the EDB and the ESF. He said according to the LegCo paper, namely "8012EE – Redevelopment of Island School at 20 Borrett Road, Mid-Levels", it was stated clearly in the second paragraph (k) that ancillary facilities including one tuck shop, janitor quarters, lift, washrooms and facilities for people with disabilities would be provided in the new school premises. The ninth paragraph stated that the ESF would bear the cost of refurbishment of the temporary school premises and other related costs. The term "related cost" was a bit ambiguous. He opined that the EDB should have checked the school premises thoroughly before handing it over to the ESF. The EOC also stated that the EDB might have to bear the liabilities. He asked how the EDB would handle the case now; and
- (g) the EDB could not answer why there was not any problem with the lift of Tsung Tsin School, but the operation of the lift of Ma Chung Sum School was suspended. He asked whether the permit of suspension of lift operation issued by the Electrical and Mechanical Services Department (EMSD) had been obtained. He hoped that the Secretariat would help enquire of the EMSD whether it had issued such a permit in respect of the lift of Ma Chung Sum School.

7. The views of Mr MAK Yun-pui were summarised below:

- (a) he said he had asked in various occasions whether the existing vacant school premises could serve educational purpose only. Many social welfare organisations in Hong Kong needed offices to provide community services. The present situation was, space reserved in public housing estates was taken up by large non-profit-making organisations soon. It was very difficult for organisations of smaller scale to find their offices, and most of them had to be accommodated in large organisations' offices. As existing facilities were available, they should be offered assistance; and
- (b) he had reflected to the EDB and the Labour and Welfare Bureau and asked whether the concerned school premises could be changed to other social welfare uses. However, he had not received any positive response. There was a large population in Sha Tin, but social welfare services were insufficient. Residents could not have reasonable social services. He hoped that various government departments would face up to the needs and open the vacant school premises for local service groups' application.

8. The views of Ms TUNG Kin-lei were summarised below:

- (a) regarding the issue of vacant school premises, the old school premises of Mei Lam School were to be returned to the Planning Department (PlanD) originally, but PlanD did not have any planning for that. So the premises were now returned to the EDB and to be allocated to sponsoring body for the use as school premises for Shui Chuen O Estate. The school premises had no other uses in these five years and did not do any help to the community;
- (b) she said she had been striving for the change of use since school closure, for example, the school premises could be allocated to social welfare groups without an office. Many social welfare groups had no offices and needed to be accommodated in other places. Took the Wellness Centre (Sha Tin) of New Life Psychiatric Rehabilitation Association as an example, it needed to be accommodated in a room of 80 square feet in Sun Chui Estate. The centre had dozens of employees and served 200 000 people in Sha Tin. The staff had to find another place when they met with members of the public. She hoped the PlanD would, from now on, seriously consider making a long-term plan as soon as possible to make optimal use of vacant school premises; and
- (c) took Mei Lam School as an example, she and the current Secretary for Home Affairs, Mr LAU Kong-wah had sent a letter to the EDB in 2010 to request for altering the school premises. At that time, the EDB replied that the school premises would no longer be considered for educational use. However, the school premises turned out to be used for educational purpose. She had expressed her discontent over this issue to Mr Kevin YEUNG Yun-hung, the current Secretary for Education. Therefore, she hoped the EDB would make planning as early as possible.

9. The Chairman hoped the EDB would consider members' opinions when it reviewed the use of vacant school premises.

10. Dr Ferrick CHU, Director of Policy, Research and Training of the EOC gave a consolidated response as follows:

- (a) from a legal point of view, if the accessibility of a building could not meet the needs of people with disabilities, it would be a breach of the DDO in principle. In terms of liability, since it would be a civil case, an aggrieved person might report the case to the concerned department and make claims if accessibility could not meet the needs of the disabled. The DDO stated clearly that the provider of the facilities and the manager of the premises were both liable. So the aggrieved student could recover his/her loss from the EDB or the school, and it was subject to his/her wish;
- (b) the EOC always advised the owners or managers of buildings to consider the access for people with disabilities, unless there was unconscionable difficulties. But there was no specific legal definition of "unconscionable difficulty". If precedent cases were taken for reference, it could be financial or technical difficulty, including financial impact to the aggrieved person, or the owner and

manager; and

- (c) as regards the \$2 billion reserved for improving lifts in schools as mentioned in the Budget, he was not sure whether the fund could be used in this case.

11. Ms TSANG Wing-chi, Senior School Development Officer (Sha Tin) 5 of the EDB gave a consolidated response as follows:

- (a) the EDB had not finished the related reply until the previous day and she apologised for that. The EDB always aimed to make good use of resources when it dealt with vacant school premises. When there were vacant or potential vacant school premises, the EDB would, subject to the factors including area, location and structural condition of the vacant school premises, as well as educational needs and related policies and measures, evaluate the suitability of the vacant school premises for educational use. If it was confirmed that the vacant school premises needed not to be allocated by the EDB for school use, the Bureau would follow the Central Clearing House Mechanism and inform the PlanD and other related departments, like the Lands Department and the Housing Department, so that they could consider other appropriate long-term uses;
- (b) when there were vacant school premises for aided or Direct Subsidy Scheme schools, the EDB would arrange engineering consultants and contractors to carry out suitable renovation works, so as to ensure that the school premises would meet general hygiene and safety standards. For the disposal of furniture and equipment, as proposed by the school and upon approval by the Permanent Secretary for Education, useful or saleable items would be given to other aided schools which had actual needs, or charitable institutions which were exempted from tax under section 88 of the Inland Revenue Ordinance, when there were no suitable schools to receive the items. For those items that were deemed useless/unsaleable, they could be condemned upon approval by the Permanent Secretary for Education. Schools should dispose relevant items in accordance with established procedures, and concerned information should be sent to the EDB for record purpose. In general, when the EDB knew that the premises were going to be vacated, it would request the concerned school to remove all furniture and equipment, and cut off the supply of electricity, water, gas, etc. The EDB would arrange service provider to provide basic property management after taking over the premises. The management duties included security patrol and inspection, pest control, garbage disposal, cleaning and weeding;
- (c) as to the handling of lift of the school premises, the Island School would use the two vacant school premises in Sha Tin temporarily when the school premises at Borrett Road underwent redevelopment. The ESF would bear the cost of renovation and other expenses of the temporary school premises. The EDB had enquired of the ESF about the maintenance of the lift of Ma Chung Sum School. The ESF said there was no urgent need for the use of the lift. Moreover, as it did not have the budget for lift maintenance, it did not have any plan to repair the lift at the moment;

- (d) the EDB was concerned about members' views on the planning of vacant school premises. For the use of the Mei Lam School premises, the EDB had started the Third School Allocation Exercise 2017 in August 2017 to allocate the proposed new school premises in Shui Chuen O, Sha Tin for operating a new aided primary school. Pending completion of the new school premises, the school was required to start its operation at the Mei Lam School premises from the 2018/19 School Year in order to meet the projected increase in demand for public sector primary school places in Sha Tin. The EDB would follow up the arrangement of the use of vacant school premises in accordance with the established mechanism when appropriate. The Bureau would also fully consider the suggestions and views of the District Council and different stakeholders during the process, so as to optimise the use of valuable land resources; and
- (e) \$2 billion had been reserved under the Budget for further implementation of barrier-free facilities in school premises. The EDB would contact schools that had submitted lift installation applications but yet to be approved, and those schools that had no lifts but had never submitted any installation applications before. The EDB had also planned to arrange engineering consultants to carry out preliminary technical feasibility assessments and reviews for those schools starting from the first quarter of 2019. Related work were expected to be finished within a year. The Bureau would implement the installation works as soon as possible according to the technical feasibility assessment and actual circumstances of each individual school.

12. Members unanimously agreed to proceed with the provisional motion put forward by Ms TUNG Kin-lei.

13. Ms TUNG Kin-lei pointed out that the EDB had just mentioned that the Mei Lam School premises were used for educational purposes because of the population growth. She said it was not because of the growth of population in Tai Wai, but because the EDB needed school premises to accommodate the students of Shui Chuen O Estate. She hoped the EDB would clarify the reasons behind. She put forward the following provisional motion:

“The Education and Welfare Committee of the Sha Tin District Council strongly requests the Government to plan as soon as possible a long-term plan for the use of vacant school premises in the Sha Tin District, and requests for consultation with various stakeholders in the district so as to address the community needs.”

Mr TONG Hok-leung seconded the motion.

14. The views of Mr WONG Yue-hon were summarised below:

- (a) he was aware that the EDB planned to build a primary school in Fo Tan, but there seemed to be no further updates. He was worried that by then the Mei Lam School premises would be on loan again. He enquired of the EDB about the plan. Otherwise, members would not know whether the EDB's arrangement would suit the population needs; and

- (b) the EDB stated in its reply that the ground floor to the second floor of the school premises in Wo Che would be lent to a special school, while the third to the sixth floors would be allocated for other uses. So there would be two holders of the school premises. He asked how the management and maintenance would be handled under such circumstances.

15. The Chairman asked Mr WONG Yue-hon to focus on the content of the motion when raising questions.

16. Mr WONG Yue-hon replied that the motion focused on the planning for the use of vacant school premises in Sha Tin, and his question was about Wo Che school premises, which complied with the content of the motion. He could not decide whether he should support the motion if he did not know the arrangement of the EDB.

17. The Chairman said the EDB had just given its response on the management and maintenance of vacant school premises. If Mr WONG Yue-hon wanted to know more about the issues related to the Wo Che school premises, he could raise the issue in the form of questions later. She asked whether the EDB had any information to give a brief response at the moment.

18. Ms TSANG Wing-chi said regarding the Wo Che school premises, the EDB had finished the review in accordance with the mechanism on handling vacant school premises, and confirmed that the vacant floors (that is, from the third floor to the sixth floor) were not required to be allocated for school use by the EDB. The PlanD and other relevant departments had been informed of such an arrangement according to the Central Clearing House Mechanism in September 2017 so that the PlanD could consider other appropriate long-term uses.

19. Mr HO Hau-cheung suggested changing the word “plan” into “the Government to carry out comprehensively as soon as possible”.

20. The Chairman proposed the change: “the Government to draw up as soon as possible a long-term plan for the use of vacant school premises in the Sha Tin District”.

21. Ms TUNG Kin-lei revised her provisional motion as follows:

“The Education and Welfare Committee of the Sha Tin District Council strongly requests the Government to draw up as soon as possible a long-term plan for the use of vacant school premises in the Sha Tin District, and requests for consultation with various stakeholders in the district so as to address the community needs.”

Mr TONG Hok-leung seconded the motion.

22. Members unanimously endorsed the provisional motion in paragraph 21.

23. The Chairman said the item ended here. She asked the EDB to take follow-up action if members asked the Bureau for supplementary information after the meeting.

Information Paper

Number of Newly Arrived Mainland Children Admitted to Public Sector Primary and Secondary Schools in Sha Tin District Provided by the Education Bureau
(Paper No. EW 6/2018)

24. The views of Mr YAU Man-chun were summarised below:

- (a) Tung Wah Group of Hospitals Shui Chuen O Primary School (Shui Chuen O Primary School) would be included in the school net in this school year. However, the school had not yet published the information of school places of Primary Two to Primary Six. He asked when the relevant information would be published. Some parents were worried that if the supply of school places in the district was rather tight, their children would have to attend schools in Ma On Shan. Therefore, he wanted to know what arrangements Shui Chuen O Primary School would make;
- (b) if Shui Chuen O Primary School would only admit Primary One students, some students living in Shui Chuen O Estate would have to attend schools in other districts. He understood that it was difficult for the EDB to access the figures of this kind of students. However, he had received quite a number of enquiries from parents of students of such case. He asked the EDB whether it could provide the number of transfer students of the school nets of Sha Tin. If yes, then members could inform parents so that they needed not “knock the door” of the schools one by one, as parents did not want their children to attend schools in other districts. He hoped the EDB could provide the figures after the meeting; and
- (c) the EDB referred new arrival children to a school. He enquired whether this school could refuse to admit these children, and if yes, how the EDB would handle the case.

25. The views of Mr Michael YUNG were summarised below:

- (a) he opined that the title of the paper “Number of Newly Arrived Mainland Children Admitted to Public Sector Primary and Secondary Schools in Sha Tin District Provided by the Education Bureau” could not reflect the situation of new arrival children in the Sha Tin District as a whole. He asked whether the figures of transfer students or students from other districts could be provided at the next meeting;
- (b) the EDB sent the approval letters of class structures and staff establishment in March and April. Parents were now concerned whether they could enrol their children in Shui Chuen O School Primary School, because if their children needed to enrol in schools in the middle of the school year, they had to do so via School Nets 88, 89 and 91 in the district. As a new school in School Net 91 had come into operation, he asked whether this school could admit transfer students. If not, then parents had to find other schools for their children;

- (c) there was a population of 30 000 in Shui Chuen O Estate, but the education facilities were not properly prepared. The intake of the second phase of Shek Mun Estate and the public rental housing (PRH) estate in Fo Tan took place in 2018 and 2019 respectively, while the intake of the five residential blocks in Ma On Shan would take place in 2020. But the EDB did not build any new school premises in the Sha Tin District. He asked where the residents could send their children to schools; and
- (d) the EDB had not given any positive response. There would be some developments in the district in future, and the EDB had sent their representatives to the meetings of the District Management Committee. Therefore, the EDB was aware of the future development of the district. The students of Shui Chuen O Estate had to attend schools in other districts. He asked why the EDB had to repeat the same problem in newly-built estates. There were four residential blocks in Shek Mun, and five in Tai Wai, and the student population was large. Apart from the Year of the Dragon effect, the Sha Tin District was also facing the peak of intake of PRH estates. But it seemed that the EDB did not face up to the problem.

26. The views of the Chairman were summarised below:

- (a) the paper only provided the figure of new arrival children, but members wanted to know the situation of school places for the whole district. She hoped the EDB would provide more information in this paper in future, including the number of transfer students who had moved to the Sha Tin District recently, how many of them were new arrival children, and the overall number of school places, etc. so that members could know more about the relevant situation and express their views; and
- (b) she asked how the EDB would handle the situation if Shui Chuen O Primary School was not ready to admit students. As quite a number of new residential estates would be completed in the Sha Tin District in future, there would be some demand for school places for transfer students. She hoped the EDB would handle the issue properly and report to the EWC when it had come up with a plan.

27. Ms TSANG Wing-chi gave a consolidated response as follows:

- (a) the paper showed the number of new arrival children admitted to public sector primary and secondary schools in the Sha Tin District. If members wanted to know the number of transfer students who had recently moved to the Sha Tin District, the EDB would consider including the relevant information in the paper in future;
- (b) in order to meet the projected demand for public sector primary school places brought by the student population growth in the Sha Tin District, Shui Chuen O Primary School would commence operation in vacant school premises in the district starting from the 2018/19 School Year before the completion of the new school premises. The EDB would inform the school of the class structures for

the coming school year at the end of March to early April. It was expected that the school would operate Primary One classes only, and tentatively there would be five Primary One classes. However, the number of classes and grades would be adjusted subject to the actual demand for school places. As for the issue of transfer students of Primary Two to Primary Six of Shui Chuen O Primary School, it was shown in the existing data that not many students who had recently moved to the Sha Tin District or new arrival children had approached the EDB for the Sha Tin District school places. As remaining school places in the district were available to address the public demand, no additional classes of Primary Two to Primary Six would be operated for the time being. However, the possibility of having discussions with the school sponsoring bodies on operating additional classes when necessary would not be ruled out. Such an arrangement would be subject to the actual circumstances;

- (c) schools might not be willing to disclose the number of remaining school places, but the EDB could provide information on whether there were any remaining school places in the district. Generally speaking, when parents considered transferring their children to other schools, apart from the distance between the schools and their residence, they would also take the vision and quality of the schools into account. So, some parents might not consider transferring their children to other schools; and
- (d) the EDB would refer a student only when vacancy was confirmed in the relevant school. The school would suggest the grade suitable for the student subject to his/her level. For example, although parents hoped that their children would study in Primary Four, the school might suggest that the student study in Primary Three according to his/her level. If parents encountered any difficulties when finding school places, the EDB would take appropriate follow-up actions.

28. Members noted the above paper.

Date of Next Meeting

29. Since 1 May would be a public holiday, the next meeting was scheduled to be held at 2:30 pm on 2 May 2018 (Wednesday).

30. The meeting was adjourned at 3:33 pm.

Sha Tin District Council Secretariat
STDC 13/15/35

April 2018