

香港申訴專員公署  
Office of The Ombudsman, Hong Kong



主動調查報告  
Direct Investigation Report

房屋署轄下議員辦事處的編配機制  
Allocation Mechanism of Ward Offices  
under Housing Department

報告完成日期：2019年12月10日  
Completion Date: 10 December 2019

報告公布日期：2019年12月12日  
Announcement Date: 12 December 2019



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# **Executive Summary Direct Investigation Report**

## **Allocation Mechanism of Ward Offices under Housing Department**

### **Introduction**

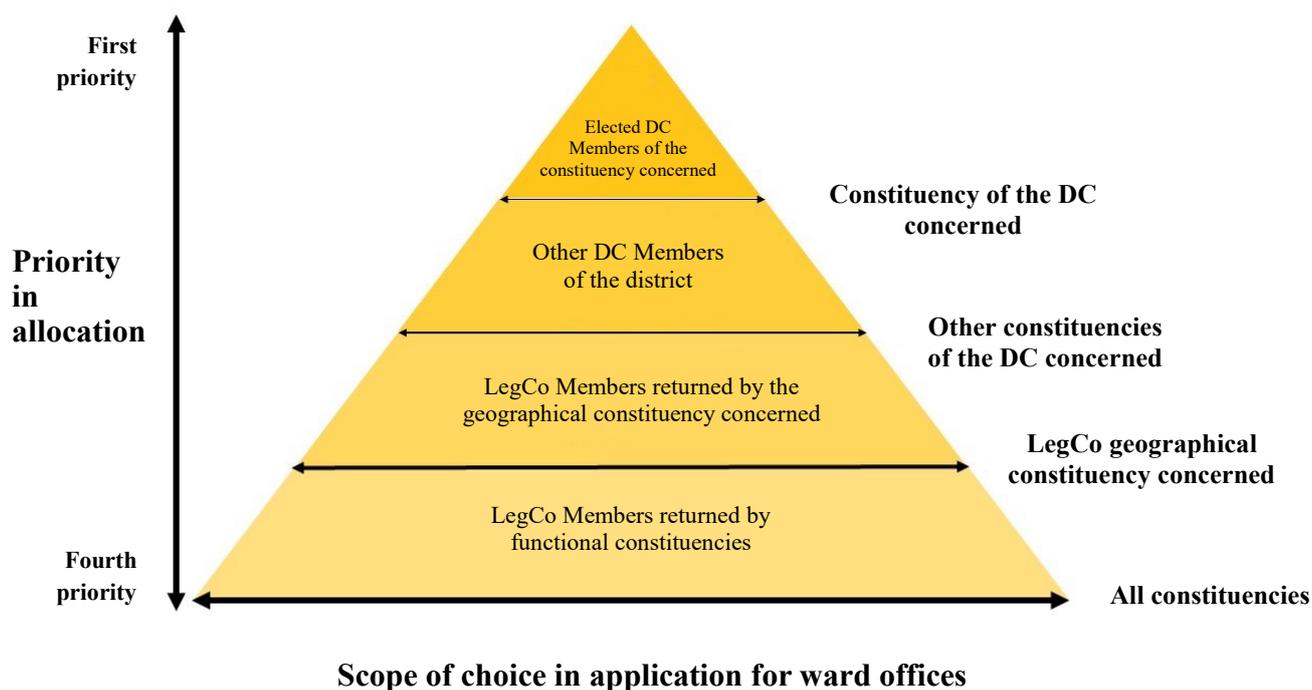
The Housing Department (“HD”) has provided suitable premises in its public residential housing (“PRH”)/residential estates to District Council (“DC”) and Legislative Council (“LegCo”) Members for lease as offices (“ward offices”). HD has established an order of priority and put in place an allocation mechanism for the fair allocation of ward offices in those PRH/residential estates to Council Members of different priority categories.

2. This Office has received comments from individual Council Members, criticising HD’s current allocation mechanism as being unfair. While some Council Members have not been allocated any ward office, some other Council Members who are already sitting tenants can still lease an additional ward office by virtue of their higher priority status. As a result, Council Members of lower priority categories could hardly be allocated a ward office.

### **Our Findings**

#### ***Leasing and Allocation Mechanism***

3. HD allocates ward offices to eligible DC or LegCo Members according to the following order of priority and scope of choice:



4. HD indicated that each DC Member may only lease one ward office with a maximum area of 35 square metres. For LegCo Members, in view of their relatively bigger constituencies and wider scope of service, they are allowed to lease multiple ward offices, but the aggregate area should not exceed 140 square metres. HD also allows Council Members to share one ward office as joint tenants.

***Leasing and Allocation Status***

5. Figures provided by HD show that as at 31 December 2018, there were 334 ward offices in 189 PRH/residential estates under the Department. During the four years between 2015 and 2018, the number of ward offices had increased by 21 (about 6.7%). As at 31 May 2019, the leasing rate of ward offices exceeded 96%, and there were still 13 vacant ward offices available for lease by Council Members.

6. Upon commencement of the current terms of DCs/LegCo,<sup>1</sup> the number of Council Members of different priority categories who applied for leasing ward offices, and the number of Council Members who were allocated ward offices are tabulated as follows:

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<sup>1</sup> The current terms of DCs and LegCo commenced on 1 January and 1 October 2016 respectively.

	<b>First priority</b>	<b>Second priority</b>	<b>Third priority</b>	<b>Fourth priority</b>
No. of applicants	193	71	29	12
<b>No. of Council Members who were allocated ward offices</b>				
New allocation	53	33	13*	4^
Renewal upon re-election	140	24	12	7
<b>Total</b>	193 (100%)	57 (80%)	25 (86%)	11 (92%)

The figures above include all sole and joint applications. Figures in brackets represent the percentages of successful allocation.

\* Four LegCo Members were simultaneously applying for new allocation and renewal of tenancy upon re-election, and were thus excluded from the number of renewals upon re-election.

^ One LegCo Member was simultaneously applying for new allocation and renewal of tenancy upon re-election, and was thus excluded from the number of renewals upon re-election.

7. The table above shows that DC Members of the first priority category would certainly be allocated a ward office because of their highest priority status. For Council Members of other priority categories, the successful allocation rates were as high as 80% or above. Furthermore, the successful allocation rate of the fourth priority category was higher than those of the second and third priority categories.

8. HD stated that in the current term of LegCo, there were three ward offices which had attracted applications for lease only from LegCo Members of the third and fourth priority categories at the same time. All those three ward offices were eventually allocated to LegCo Members of the third priority category, with only one of them being a sitting tenant of a ward office in a PRH estate elsewhere. Moreover, the unsuccessful applicant of the fourth priority category in those three cases was the same LegCo Member returned by functional constituency, who was in fact a sitting tenant of another HD's ward office. Hence, there was no such case as a LegCo Member of the third priority category being allocated an additional ward office and taking priority over those of the fourth priority category who have not leased any ward office under HD.

9. Furthermore, HD had sought views separately from LegCo/DC Members of different political parties on the proposal of according higher priority to those Council Members who have not been allocated any ward office. Nevertheless, the views collected were unanimously against such a proposal. This shows a lack of consensus among Council Members on the proposal.

### ***Joint Tenancy and Problem of “Inheritance of Tenancy”***

10. On the other hand, we had received complaints from Council Members about the joint tenancy of ward offices. In short, if Council Member A added Council Member B as a joint tenant before terminating the tenancy upon expiry of his/her term of office or for whatever reasons, Council Member B might continue leasing the ward office, provided that the area of the premises did not exceed the space allocation limits. That would indeed allow the sitting tenant to choose a Council Member to inherit the tenancy of his/her ward office, thereby circumventing HD’s allocation mechanism.

11. We are pleased to learn that HD, in response to our recommendations, has revised the arrangements for leasing ward offices to Council Members under joint tenancies, by categorising the joint tenants of a ward office into primary and secondary tenants. It is stipulated that if the primary tenant is not re-elected upon expiry of his/her term of office or moves out before the tenancy ends, the secondary tenant can only retain the ward office until the end of his/her term of office, provided that the area of the premises does not exceed the space allocation limits. HD will subsequently resume the ward office and start the open application procedures. This can prevent the problem of “inheritance of tenancy” from recurring.

### **Our Comments**

12. Overall, we agree that it is necessary for HD to set an order of priority and establish an allocation mechanism so as to allocate ward offices to Council Members in a fair and just manner. After scrutinising the information provided by HD, we consider that its existing allocation mechanism has taken into account the needs and limitations of Council Members of different priority categories, and the allocation arrangements are, by and large, appropriate. Nonetheless, HD should continue to review in a timely manner the arrangements for allocating ward offices and make revisions where necessary.

13. We also understand that Council Members of different priority categories hope to set up one or even multiple ward offices in PRH/residential estates under HD to serve the public. However, HD only added a small number of new ward offices in its PRH/residential estates in the past few years. In the long run, HD should continue to study ways to increase the supply of ward offices as far as practicable so that more Council Members can set up service points in HD's PRH/residential estates.

14. Apart from increasing the supply of ward offices, HD should also continue to review regularly the situation of vacant ward offices, and actively study the feasibility of putting those ward offices found to have been vacant for a long period to other uses for better utilisation of resources.

**Office of The Ombudsman  
December 2019**

# *1*

## *INTRODUCTION*

### **BACKGROUND**

**1.1** In keeping with the Government’s constitutional development as well as policies and measures on district administration, the Hong Kong Housing Authority<sup>1</sup> (“HKHA”) has provided suitable premises in its public rental housing (“PRH”)/residential estates to District Council (“DC”) and Legislative Council (“LegCo”) Members as offices (“ward offices”) during their terms to serve the residents. Given the limited number of non-domestic premises in PRH/residential estates of HKHA, the Housing Department (“HD”) (**Note 1**) has established an order of priority and put in place an allocation mechanism for the fair allocation of ward offices in various PRH/residential estates to Council Members of different priority categories.

**1.2** This Office has in the past received comments from individual Council Members, criticising HD’s current allocation mechanism as being unfair. Some Council Members who are already sitting tenants of ward offices under HD could still lease an additional ward office by virtue of their higher priority status. As a result, Council Members of lower priority categories could hardly be allocated a ward office.

**1.3** Against this background, The Ombudsman initiated a direct investigation against HD on 7 September 2018, pursuant to section 7(1)(a)(ii) of The Ombudsman Ordinance, to examine whether HD’s allocation mechanism of ward offices is adequate and identify any room for improvement.

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<sup>1</sup> HKHA is the owner of public housing estates. HD is the executive arm of HKHA.

## **SCOPE OF INVESTIGATION**

**1.4** This direct investigation covers:

- the adequacies or otherwise of HD's allocation mechanism of ward offices; and
- any room for improvement.

## **PROCESS OF INVESTIGATION**

**1.5** In the course of this direct investigation, this Office has:

- examined HD's mechanism and procedures for allocating ward offices;
- scrutinised the current allocation of ward offices and related information; and
- studied the relevant complaint cases we have received.

**1.6** On 18 April 2019, we issued the draft investigation report to HD for comments, which we then received on 10 July 2019. This final report, incorporating the Department's comments, was completed on 10 December 2019.

# 2

## ***MECHANISM OF LEASING AND ALLOCATION OF WARD OFFICES UNDER HD***

### **SETTING UP OF WARD OFFICES UNDER HD AND LEASING ARRANGEMENTS**

**2.1** In the 1980s, HKHA began providing DC Members and LegCo Members with suitable premises in its PRH/residential estates which they could lease and use as ward offices during their terms to serve the public.

**2.2** At present, most ward offices are located on the ground floor of domestic blocks in PRH/residential estates and leased to Council Members at market rent. HD's Estate Management Division Instructions ("the Instructions") states that the tenancy of a ward office normally expires on the end-date of the tenant Council Member's term of office. In case the tenant Council Member is both a DC Member and LegCo Member, the tenancy of the ward office should expire on the end-date of one of his/her political offices, whichever is later. Unless a tenant Council Member decides not to renew the tenancy, the tenancy of the ward office would renew upon his/her re-election and continue until the end-date of his/her next term.

**2.3** In addition, the Instructions stipulates that each DC Member may only lease one ward office with a maximum area of 35 square metres. Even if his/her current ward office is undersized, a DC Member cannot apply for leasing another office to make up for the unfulfilled space entitlement. For LegCo Members, in view of their relatively bigger constituencies and wider scope of service, they are allowed to lease multiple ward offices, but the aggregate area should not exceed 140 square metres.

2.4 HD indicated that it would notify the DC Secretariat concerned and the LegCo Secretariat of any new, vacated or vacant ward offices in PRH/residential estates and invite eligible Council Members to submit applications for leasing those ward offices.

**ALLOCATION MECHANISM OF WARD OFFICES UNDER HD**

2.5 Given the limited number of premises suitable for setting up ward offices, HKHA cannot satisfy fully the demand for ward offices of all Council Members. An order of priority, therefore, has to be set for allocating ward offices.

2.6 Under the Instructions, HD will allocate ward offices to eligible DC Members and LegCo Members according to the following order of priority:

Priority	Nature of office
First	Elected DC Member of the constituency concerned
Second	Other DC Members of the district (including elected and ex-officio DC Members)
Third	LegCo Members returned by the geographical constituency concerned
Fourth	LegCo Members returned by functional constituencies

2.7 HD explained that the major duty of DC Members is to serve the electors in their respective constituencies and they focus on district affairs. DC Members are, therefore, given the first priority in leasing ward offices in their own constituencies.

2.8 As for other DC Members of the same District Council, cross-constituency applications for leasing ward offices were not allowed before 2007. Nonetheless, after several re-demarcations of the DC constituencies over the years due to changes in population, some ward offices are now located in a constituency different from the one they once belonged. As a result, some DC Members could not find a suitable ward office in their current constituency. In response to comments from the District Offices under the Home Affairs Department, HKHA reviewed the leasing arrangements of ward

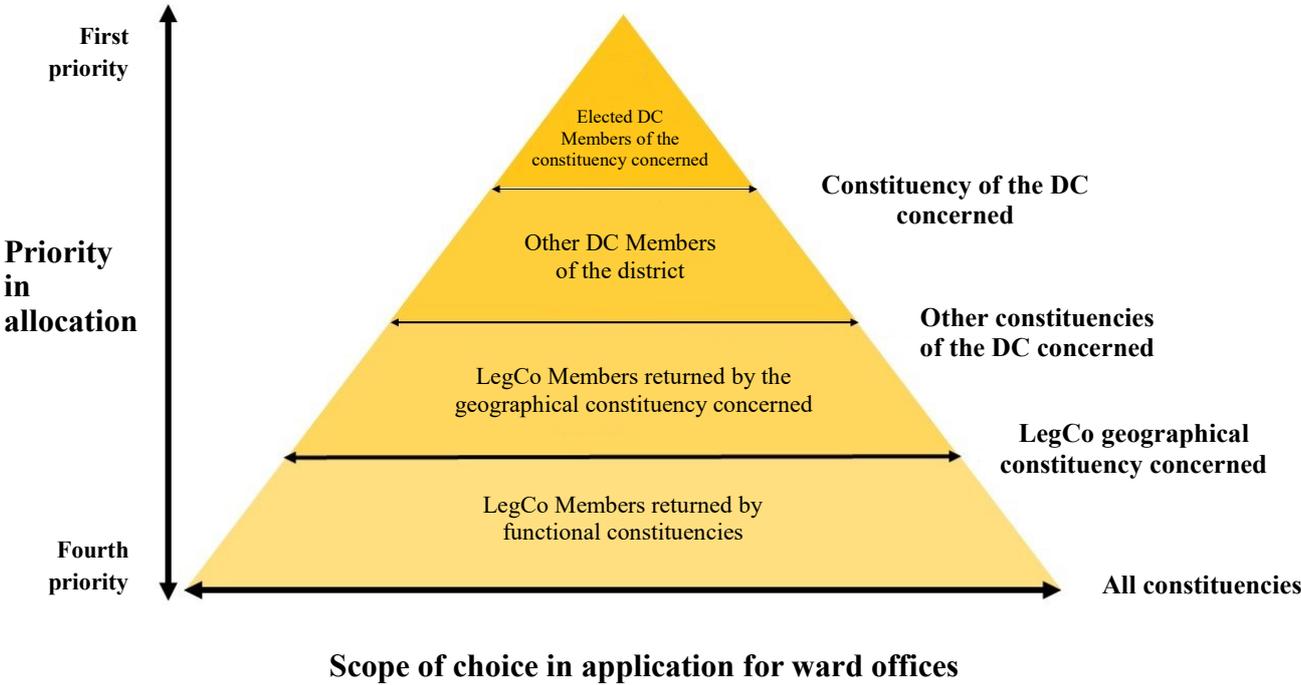
offices in 2007 and agreed to allow cross-constituency applications for ward offices by DC Members to facilitate their services to the public. In such circumstances, however, they can only enjoy second priority in leasing ward offices.

**2.9** For LegCo Members returned by geographical constituencies, since the size of their constituencies is bigger than those of DC Members, they have more choices in leasing ward offices. Besides, they can lease multiple offices. Hence, they are accorded third priority in leasing ward offices.

**2.10** Lastly, there is no restriction on constituencies for LegCo Members returned by functional constituencies when they apply for leasing ward offices. They have the most choices and can also lease multiple offices, so their priority status is the lowest.

**2.11** Overall, the order of priority and scope of choice for Council Members in leasing ward offices are given in **Figure 1**:

**Figure 1: Order of priority and scope of choice for Council Members of different categories in application for leasing ward offices**



**2.12** HD explained that if more than one application from Council Members of the same priority category is received, allocation of ward offices will be determined by drawing lots. If by the time the open application procedures are completed and there

are still ward offices available for lease, they will be allocated on a first-come-first-served basis to the eligible DC Members or LegCo Members. HD may also re-start the open application procedures, depending on circumstances. If a DC Member of the constituency concerned terminates the tenancy of his/her ward office after a DC election (e.g. because he/she is not re-elected), HD would contact the newly elected DC Member of the constituency concerned (of the first priority category) and ask if he/she would like to lease the ward office in question before the open application procedures begin.

## **JOINT TENANCY OF WARD OFFICES UNDER HD AND PROBLEM OF “INHERITANCE OF TENANCY”**

**2.13** For better utilisation of resources, apart from leasing a ward office in sole capacity, a Council Member can also share an office with other Council Members as joint tenants. In such circumstances, the application will be considered based on whichever is the highest priority status of the applicants involved.

**2.14** Where a ward office is leased by two Council Members and one of them resigns from office or seeks to terminate the tenancy, the remaining tenant may continue leasing the ward office until the expiry of his/her term of office, provided that the area of the premises does not exceed the space allocation limits (see **paragraph 2.3**). In case the area exceeds the maximum entitlement of the remaining tenant, and there are practical difficulties for him/her to surrender the extra space, HD may consider exercising its discretion to grant approval to the remaining tenant to lease the entire office, or he/she may share the tenancy with another Council Member, regardless of the latter's priority category.

**2.15** Nevertheless, we had received complaints from Council Members about the aforesaid arrangements. After investigation, we considered that there were indeed loopholes in these arrangements. In short, if Council Member A adds Council Member B as a joint tenant before terminating the tenancy upon expiry of his/her term of office or for whatever reasons, the right to lease the ward office may then be transferred to Council Member B. That would indeed allow the outgoing tenant to circumvent HD's allocation mechanism and wilfully choose a person to inherit the tenancy of the ward office, thus resulting in *de facto* “inheritance of tenancy”, which can easily create an impression of unfairness.

**2.16** In response to our recommendations, HD agreed to review and amend the arrangements for leasing ward offices to Council Members under joint tenancies. Under the revised arrangements, joint tenants of ward offices are categorised into primary and secondary tenants. Only primary tenants can apply for adding other Council Members as secondary tenants. The tenancy period will match the primary tenant's term of office. If the primary tenant is not re-elected, or terminates the tenancy before it expires, the secondary tenant can retain the ward office until the end of his/her term, provided that the area of the ward office does not exceed his/her maximum entitlement. HD will subsequently resume the ward office for open application. The status of the primary and secondary tenants, once assigned, is not changeable under any circumstances. The priority for allocation regarding joint applications will be determined according to the priority category of the primary tenant.

**2.17** According to HD, the aforesaid amendments were approved by the Commercial Properties Committee under HKHA in August 2018. The revised leasing arrangements would be implemented gradually and orderly, and applicable to new applications for leasing ward offices and applications for adding or deleting a joint tenant or for other changes to an existing tenancy submitted on or after 1 April 2019. Existing tenancies are not subject to these new arrangements unless they are replaced by new tenancy agreements signed on or after the aforesaid date.

## **REGULATING THE USE OF WARD OFFICES UNDER HD**

**2.18** When leasing a ward office, Council Members are required to sign a tenancy agreement with HKHA and comply with the terms and conditions. Under the tenancy agreement, the tenant Council Members are not allowed to use or let people use any part of the premises for any trade, profession or business, other than that of ward office. However, there is no specific term in the tenancy agreement regulating the operation of ward offices.

**2.19** HD explained that the operation of ward offices is different from general retail shops. Council Members' duties involve outdoor work, visits, attending various meetings, organising and participating in activities, and meeting members of the public at their ward offices. Besides, Council Members usually do not have a regular work schedule and the opening hours of ward offices have to be flexible to ensure convenience in serving the public. Therefore, HD had not set out in the tenancy any specific regulation regarding the operation of ward offices.

**2.20** Nevertheless, if estate management staff find any irregularity in a ward office during their routine inspection, they will demand rectification by the tenant Council Member concerned. Otherwise, control action will be taken in accordance with the terms and conditions of the tenancy agreement and the relevant housing legislation. HD noted that between January 2018 and the end of April 2019, the Department received a complaint alleging that the tenant Council Member had violated the terms and conditions of the tenancy agreement by displaying a name other than the tenant Council Member's at the entrance of the ward office. Subsequent to the advice and warning letter issued by the estate management office, the irregularity was rectified.

# 3

## *STATUS OF LEASING AND ALLOCATION OF WARD OFFICES UNDER HD*

### **LEASING OF WARD OFFICES UNDER HD**

**3.1** According to HD, when HKHA is planning for new PRH estates, it will take into account the relevant policies and planning requirements in order to provide appropriate housing estate facilities for education, social welfare, recreation and leisure, retailing and parking, etc. Where practicable, HKHA will reserve premises for leasing by Council Members to set up ward offices.

**3.2** Figures provided by HD show that as at 31 December 2018, there were 334 ward offices in 189 PRH/residential estates. The distribution of ward offices in the 18 districts is shown in **Annex I**.

**3.3** Given the limited spaces in PRH/residential estates, HD must balance the residents' needs for various non-domestic facilities, which include retailing, welfare, education and parking space. In the past four years, the number of ward offices has increased by 21 (about 6.7%). Details are given in **Table 1** below:

**Table 1: Number of ward offices**

<b>Year</b>	<b>Number of PRH/residential estates with ward offices</b>	<b>Number of ward offices</b>
2015	182	313
2016	182	323
2017	186	326
2018	189	334

**3.4** As at 31 May 2019, the leasing rate of HD's ward offices exceeds 96%. According to HD, there were still 13 vacant ward offices available for lease by Council Members. Details are given in **Annex II**. Previously, HD had put those vacant ward offices for lease and allocated five of them to Council Members who submitted a lease application. Nevertheless, those Council Members subsequently withdrew their applications. HD will continue to review the situation of those vacant ward offices, and study the feasibility of converting them into other uses.

**3.5** HD further explained that not all PRH/residential estates have ward offices, and Council Members can choose to set up ward offices in private properties apart from the non-domestic premises under HD. The Government will grant accountable allowance for Council Members to pay the rent for their ward offices. In fact, figures from the LegCo Secretariat show that as at June 2017, about 40% of LegCo Members' ward offices were in private properties. Moreover, there are offices available within the LegCo Complex for use by LegCo Members. In other words, non-domestic premises under HD are not the only choice for setting up a ward office.

## **ALLOCATION OF WARD OFFICES UNDER HD**

**3.6** There are altogether 528 seats in the current terms of DCs and LegCo, which include 458 seats in DCs and 70 seats in LegCo, representing a decrease of 49 seats<sup>2</sup> compared with the previous terms. **Table 2** shows the number of Council Members of different priority categories who applied for leasing HD's ward offices<sup>3</sup> upon

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<sup>2</sup> In the fifth DC election, the number of elected members increased by 19, and the system of appointing members to the DCs was abolished, resulting in the deduction of 68 appointed DC members.

<sup>3</sup> Including applications for new allocation, renewing the tenancy and adding/deleting joint tenants.

commencement of the current terms of DCs/LegCo<sup>4</sup>:

**Table 2: Number of Council Members of different priority categories applied for leasing ward offices**

First priority	Second priority	Third priority	Fourth priority
193	71	29	12

The figures above include all sole and joint applications.

**3.7** We received comments from individual Council Members noting that HD’s existing allocation mechanism favours those LegCo Members of the higher priority category who could lease multiple ward offices. Due to their higher priority status, some Council Members who are sitting tenants of HD’s ward offices can lease additional premises, taking priority over those of the lower priority categories but have not been allocated any ward offices. This has resulted in unfair allocation. Some remarked that HD should consider allocating vacant premises first to those Council Members who have not leased any ward office from HD. Moreover, some held that those LegCo Members returned by the DC (second) functional constituency should not be accorded a lower priority than those returned by geographical constituencies, because there are more electors in that functional constituency than in the geographical constituencies. In this light, we sought further information from HD about the allocation of ward offices to DC Members and LegCo Members of the current terms.

**3.8** HD has provided the following information on the number of Council Members of different priority categories who have been allocated ward offices:

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<sup>4</sup> The current terms of DCs and LegCo commenced on 1 January and 1 October 2016 respectively.

**Table 3: Number of Council Members of different priority categories who have been allocated ward offices**

	<b>First priority</b>	<b>Second priority</b>	<b>Third priority</b>	<b>Fourth priority</b>
New allocation	53 (100%)	33 (70%)	13* (76%)	4^ (80%)
Renewal upon re-election	140	24	12	7
<b>Total</b>	193 (100%)	57 (80%)	25 (86%)	11 (92%)

The figures above include all sole and joint applications. Figures in brackets represent the percentages of successful allocation. The percentages of new allocation are calculated based on the number of applicants (Table 2) after deducting those renewing the tenancy upon re-election.

\* Four LegCo Members were simultaneously applying for new allocation and renewal of tenancy upon re-election, and were thus excluded from the number of renewals upon re-election.

^ One LegCo Member was simultaneously applying for new allocation and renewal of tenancy upon re-election, and was thus excluded from the number of renewals upon re-election.

**3.9** The figures in **Table 3** show that DC Members of the first priority category were basically certain to be allocated a ward office because of their highest priority status. For Council Members of other priority categories, the successful allocation rates were as high as 80% or above. Furthermore, only 12 LegCo Members of the fourth priority category had applied for leasing ward offices (see **Table 2**), representing around 34% of the total number of LegCo Members of that category. Also, the successful allocation rate of the fourth priority category was higher than those of the second and third priority categories.

**3.10** HD also pointed out that in the current term of LegCo, there were three ward offices which had attracted applications for lease only from LegCo Members of the third and fourth priority categories at the same time. All those three ward offices were eventually allocated to LegCo Members of the third priority category, with only one of them being a sitting tenant of a ward office in a PRH estate elsewhere. However, the

unsuccessful applicant of the fourth priority category in those three cases was the same LegCo Member returned by functional constituency, who was in fact a sitting tenant of another HD's ward office. Hence, there was no such case as a LegCo Member of the third priority category being allocated an additional ward office and taking priority over those of the fourth priority category who have not leased any ward office under HD.

**3.11** Moreover, as at the end of December 2017, there were 13 LegCo Members of functional constituencies solely or jointly leasing a total of 32 ward offices provided by HD (some LegCo Members of functional constituencies applied for additional ward offices with other Council Members who were sitting tenants under joint tenancies after the completion of HD's open allocation procedures). Fourteen of them were leased by five LegCo Members returned by the DC (second) functional constituency.

**3.12** HD indicated that some LegCo Members (including those returned by the DC (second) functional constituency) are also DC Members. Hence, they can actually apply for leasing a ward office with their higher priority status as DC Members. In fact, there is one LegCo Member of functional constituency who concurrently leased six ward offices (whether as sole or joint tenant). This reflects that the current allocation mechanism has not kept LegCo Members of functional constituencies from leasing one or even multiple ward offices, despite their lowest priority status.

## **VIEWS FROM COUNCIL MEMBERS ON ARRANGEMENTS FOR ALLOCATING WARD OFFICES**

**3.13** During our investigation, HD had collected views separately from LegCo/DC Members of different political parties on the proposal of giving higher priority to those Council Members who have not been allocated any ward office. Nevertheless, the views collected were unanimously against such a proposal. Those views are summarised as follows:

- LegCo Members returned by geographical constituencies through direct elections should be accorded higher priority status, because they have fewer choices than LegCo Members of functional constituencies in leasing ward offices;
- LegCo Members returned by geographical constituencies still cannot set up enough ward offices in PRH estates to serve the public; and

- The electors of functional constituencies are generally professionals in their respective sectors. LegCo Members of functional constituencies may not need to set up a ward office in a certain district before they can serve their electors.

**3.14** Overall, the views collected generally considered the current allocation mechanism to be in proper order, and it was not advisable to lower the priority of some Council Members simply because they have already been allocated a ward office.

# 4

## *OVERALL COMMENTS*

### OVERALL COMMENTS

**4.1** When planning for various facilities in PRH/residential estates, HKHA has to balance the interests of different stakeholders to meet both the daily needs of residents and community development. Given the limited number of premises suitable for setting up ward offices, HKHA cannot fully satisfy the demand from all Council Members. Therefore, we agree that it is necessary for HD to set an order of priority and establish a mechanism to allocate ward offices to Council Members of different priority categories in a fair and just manner.

**4.2** HD has explained its justifications for establishing the existing allocation mechanism and order of priority (see **paragraphs 2.7 to 2.10**) and conducted reviews in a timely manner. In our view, HD's existing allocation mechanism has already taken into account the needs and limitations of Council Members of different priority categories, and the allocation arrangements are, by and large, appropriate. As regards the problem of "inheritance of tenancy" arising from joint tenancies (see **paragraphs 2.14 to 2.15**), we are pleased to note that HD had readily accepted our recommendations and amended the relevant tenancy arrangements to avoid recurrence of similar problems (see **paragraph 2.16**).

**4.3** There are views that the existing allocation mechanism is more favourable to LegCo Members returned by geographical constituencies, who are of a higher priority category, for leasing multiple ward offices. After examining the current allocation, we do not see any obvious tendency supporting the claim. In fact, in the current term of LegCo, there are only three cases involving merely Council Members of the third and fourth priority categories applying for the same ward office. While all the three ward offices in question were eventually allocated to LegCo Members of the third priority category, two of these LegCo Members had not leased any ward offices before. Moreover, some LegCo Members returned by functional constituencies (of the fourth

priority category) were also allocated multiple ward offices (see **paragraph 3.11**), and the allocation rate of this category was higher than those of the second and third priority categories (see **paragraph 3.8**). In this light, we consider there to be insufficient evidence that the existing mechanism has resulted in any unfair allocation.

**4.4** That said, in response to the aspirations of Council Members and our investigation, HD already sought separately the views of LegCo Members and DC Members of different political parties. The views collected unanimously objected to according higher priority to Council Members who have not leased a ward office (see **paragraphs 3.13 to 3.14**). This shows a lack of consensus among Council Members on the proposal. In any event, HD should continue to review in a timely manner the arrangements for allocating ward offices and make revisions where necessary.

**4.5** We understand that there are Council Members of different priority categories who want to set up one or more ward offices in PRH/residential estates under HD to serve the public. Currently, the majority of ward offices have already been leased by Council Members. HD, however, could only add a small number of new ward offices in the past few years (see **paragraph 3.3**). We consider that in the long run, HD should continue to study ways to increase the supply of ward offices as far as practicable so that more Council Members can set up service points in PRH estates.

**4.6** In October 2018, this Office announced a direct investigation report on “Housing Department’s Arrangement for Using Idle Spaces in Public Housing Estates”, in which we recommended that HD review the feasibility of putting to other uses those vacant storerooms which cannot be converted into domestic use. We considered that some storerooms or idle spaces at suitable locations can be converted into ward offices as a way to ease Council Members’ demand for offices. We will continue to follow up on HD’s progress in implementing the recommendations we made in that direct investigation.

**4.7** On the other hand, we notice that while there are Council Members who could not be allocated a ward office, some ward offices have remained vacant despite repeated invitations for applications (see **Annex II**). We are of the view that apart from increasing the supply of ward offices, HD should also continue to review regularly the situation of existing ward offices, and actively study the feasibility of putting those long-vacant ward offices to other uses for better utilisation of resources.

## **ACKNOWLEDGEMENTS**

**4.8** The Ombudsman thanks HD for its full cooperation during the course of this investigation.

**Office of The Ombudsman**

**Ref: OMB/DI/427**

**December 2019**

# **Annex**

## Distribution of ward offices in the 18 District Council districts

District Council district	As at 31 Dec 2018		As at 31 Dec 2017		As at 31 Dec 2016		As at 31 Dec 2015	
	No. of estates/courts	No. of ward offices	No. of estates/courts	No. of ward offices	No. of estates/courts	No. of ward offices	No. of estates/courts	No. of ward offices
Central & Western	1	1	1	1	1	1	1	1
Wan Chai	There is no public rental housing/residential estates in this district.							
Eastern	13	21	12	19	11	19	11	18
Southern	8	13	8	13	8	13	8	13
Sham Shui Po	12	23	12	23	11	23	11	20
Kowloon City	6	17	6	17	6	17	6	16
Yau Tsim Mong	1	1	1	1	1	1	1	1
Wong Tai Sin	17	28	17	27	17	27	18	29
Kwun Tong	24	38	23	35	23	34	23	34
Tsuen Wan	5	11	5	11	5	11	5	11
Tuen Mun	13	20	13	20	13	21	13	21
Yuen Long	16	29	16	29	15	29	15	25
North	9	14	9	14	9	14	9	14
Tai Po	8	15	8	15	8	15	7	13
Sai Kung	9	17	9	17	9	16	9	16
Sha Tin	21	38	21	38	20	35	20	35
Kwai Tsing	20	39	20	38	20	39	20	39
Islands	6	9	5	8	5	8	5	7
<b>Total</b>	<b>189</b>	<b>334</b>	<b>186</b>	<b>326</b>	<b>182</b>	<b>323</b>	<b>182</b>	<b>313</b>

**Vacant ward offices available for lease in public rental housing/residential estates of the Hong Kong Housing Authority  
(As at 31 May 2019)**

	<b>Estate</b>	<b>Address of vacant ward office</b>
1.	Yau Tong Estate	Unit LC1, Kwai Tong House
2.	Lei Cheng Uk Estate	Unit 202B, Tao Tak House
3.	Mei Tin Estate	Unit 3, Mei King House
4.	Mei Lam Estate	Unit 105, Mei Wai House
5.	Choi Wan (II) Estate	Unit 110, Yok Yu House
6.	Cheung Shan Estate	Unit 305, Lok Shan House
7.	Choi Hung Estate	Unit 162, Kam Hon House
8.	Un Chau Estate	Unit 3, Un Hei House
9.	Sun Chui Estate	Unit 30, Sun Ming House
10.	Lei Tung Estate	Unit 114, Tung Hing House
11.	Model Housing Estate	Unit 1, Man Hong House
12.	Yat Tung (I) Estate	Unit GF2, Sin Yat House
13.	Kwai Chung Estate	Unit 5, Chau Kwai House