

立法會
Legislative Council

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Legislative Council
Panel on Planning, Lands and Works

Minutes of meeting
held on Monday, 8 January 2001 at 10:45 am
in the Chamber of the Legislative Council Building

Members present : Dr Hon TANG Siu-tong, JP (Chairman)
Hon LAU Ping-cheung (Deputy Chairman)
Ir Dr Hon Raymond HO Chung-tai, JP
Hon James TO Kun-sun
Hon WONG Yung-kan
Hon LAU Wong-fat, GBS, JP
Hon Timothy FOK Tsun-ting, SBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon Albert CHAN Wai-yip
Hon IP Kwok-him, JP

Members attending : Hon CHAN Kam-lam
Hon LAU Kong-wah
Hon Frederick FUNG Kin-kee

Public officers attending : **Agenda Item IV**

Mr CHAN Wing-sang, JP
Deputy Secretary (Works Policy)
Works Bureau

Mr LEUNG Mang-chiu
Assistant Director (New Works)
Water Supplies Department

Mr NG Mang-tung, Bobby
Chief Engineer (Project Management)
Water Supplies Department

Mr PANG Wai-shing
Chief Assistant Secretary (Technical Services) (Acting)
Works Bureau

Agenda Item V

Mr Daniel CHENG
Principal Assistant Secretary (Planning)
Planning and Lands Bureau

Mr TSAO Tak-kiang
Project Manager (New Territories North)
Territory Development Department

Mr LIU Chun-san
Acting Chief Engineer (Tin Shui Wai & Pak Shek Kok)
Territory Development Department

Agenda Item VI

Mrs Helen C P Lai YU, JP
Head of Task Force on Building Safety and
Preventive Maintenance
Planning and Lands Bureau

Mr Kevin CHOI
Member of Task Force on Building Safety and
Preventive Maintenance
Planning and Lands Bureau

Mr C M LEUNG, JP
Director of Buildings

Mr Johnny CHAN
Assistant Secretary for Planning and Lands
(Buildings)

Mr LEE Kang-sum
Chief Housing Manager (Operations)
Housing Department

Clerk in attendance : Miss Salumi CHAN
Chief Assistant Secretary (1)5

Staff in attendance : Miss Bernice WONG
Assistant Legal Adviser 1

Mrs Queenie YU
Senior Assistant Secretary (1)6

Action

I. Confirmation of minutes of meeting
(LC Paper No. CB(1)352/00-01)

The minutes of the meeting held on 6 November 2000 were confirmed.

II. Information papers issued since last meeting

2. Members noted the following information papers issued since the last meeting-

(a) Extracts from minutes of Public Works Subcommittee meeting on 25 October 2000 regarding the replacement and rehabilitation of watermains stage 1 phase 1 (LC Paper No. CB(1) 263/00-01); and

(b) Capital Works Reserve Fund Block allocations for 2001-02 (LC Paper No. CB(1) 414/00-01).

3. The Chairman drew members' attention that the Administration would submit the paper on the Capital Works Reserve Fund to the Public Works Subcommittee (PWSC) for consideration at its meeting on 10 January 2001.

III. Date of next meeting and items for discussion

(LC Paper No. CB(1)367/00-01(01) — List of outstanding items for discussion

LC Paper No. CB(1)367/00-01(02) — List of follow-up actions)

Regular meeting on 5 February 2001

4. Members agreed that the following items be discussed at the next Panel meeting scheduled for 5 February 2001-

- (a) Study on South East New Territories Development Strategy Review Stage 3 Public Consultation;
- (b) Shenzhen River Project Stage III ; and
- (c) Implementation of the proposed Customer Care and Billing System for Water Supplies Department.

Joint meeting on 9 February 2001

5. Members also agreed that a joint meeting with the Panel on Environmental Affairs be held on 9 February 2001 at 9:00 am for the Administration to brief members on the Study on Sustainable Development for the 21st Century.

Other proposed item for discussion

6. Mr Albert CHAN Wai-yip expressed concern about land resumption and compensation arrangements arising from railway development projects. He said that the concern had been raised at the recent meeting of the Panel on Transport's Subcommittee on matters relating to the implementation of railway development projects. He proposed that a joint meeting with the Panel on Transport be held to discuss the issue. The Chairman directed the Clerk to follow up the proposal.

Clerk

(Post-meeting note: With the agreement of the Chairman and Mr Albert CHAN, the subject was placed on the Panel's list of outstanding items for discussion. The Panel would consider the need for a joint meeting with the Panel on Transport after the Subcommittee had finalized its terms of reference.)

IV. Replacement and rehabilitation of water mains Stage 1 Phase 2 (investigation consultancy)
(LC Paper No. CB(1)367/00-01(03))

7. The Assistant Director (New Works) of Water Supplies Department (AD/WSD) briefly took members' through the Administration's paper which set out the background, justification, financial status, as well as the scope and programme of the proposed works for the replacement and rehabilitation of aged water mains. He also advised that the Administration intended to seek the approval of PWSC in February 2001 for upgrading part of the proposed works to Category A, entitled "Replacement and rehabilitation of water mains, stage 1 phase 2 — investigation", for engaging engineering consultants to carry out investigations and impact assessments for the proposed works.

Loss of fresh water due to pipe failures

8. Ir Dr Raymond HO Chung-tai, Mr IP Kwok-him and Mr WONG Yung-kan supported the implementation of the replacement and rehabilitation programme. However, they noted from the Administration's paper that upon completion of the proposed 20-year programme, the annual loss of fresh water due to pipe failures would be reduced to 180 million cubic metres, and considered the figure still substantial. Responding to Mr IP and Mr WONG, Deputy Secretary (Works Policy) of Works Bureau (DSW) pointed out that the proposed 20-year programme covered the replacement and rehabilitation works for 3 000 kilometres of the existing 5 700 kilometres of water mains. It was estimated that pipe failures of the remaining 2 700 kilometres aged water mains and the new mains completed in the initial phase of the programme would contribute mainly to the annual loss of 180 million cubic metres of fresh water.

9. In response to Ir Dr Raymond HO's enquiries, AD/WSD advised that the current annual loss of fresh water was 220 million cubic metres, representing about 25% of the water consumption level (910 million cubic metres) in 2000. On the assumption that the annual water consumption level would increase by 20% in 20 years' time, the annual loss of fresh water upon completion of the proposed programme would be about 15% of the annual water consumption level. This percentage compared favorably with those in major overseas cities. As regards the financial implication of the loss of fresh water, AD/WSD said that the cost for purchasing Dongjiang water from the mainland was \$3 per cubic metre, and that the cost for the annual loss of fresh water was about \$660 million at the present time and would be about \$540 million upon completion of the 20-year programme.

10. In view of the substantial financial and social implications, Ir Dr Raymond HO urged the Administration to expedite the programme. In response, DSW pointed out that according to the Underground Asset Management

Study (UAMS) completed in 1997, about 45% of the water mains had been laid 30 years or more before and approaching the end of their service life. Taking into account the financial and social implications, the UAMS had concluded that it would be most cost-effective to carry out the replacement and rehabilitation of some 3 000 kilometres of aged water mains over 20 years.

Type of pipe material

11. Mr Albert CHAN expressed concern about the type of pipe material used for the proposed works. He said that to his knowledge, high-density polyethylene pipes used in some other countries were more robust and more resistant to traffic pressure than the asbestos cement pipes used in Hong Kong. In response, AD/WSD and the Chief Engineer (Project Management) of Water Supplies Department (CE/WSD) advised that having regard to the problems of galvanised iron pipes and asbestos cement pipes widely used since the 50's and 60's, the Administration had invited the consultants under stage 1 phase 1 of the project to study and recommend the best suitable type of pipe material for the purpose of reducing the problems of leakage and burst of water mains. On the basis of the research of the consultants, the Administration would use medium-density polyethylene pipes which were leakage-proof and corrosion-resistant, as well as ductile iron and mild steel pipes with protective lining, for the proposed works. Responding to the Chairman, CE/WSD advised that it would be more cost-effective to use medium-density polyethylene pipes than high-density polyethylene pipes.

12. Mr LAU Ping-cheung asked whether polyethylene pipes would be used for both fresh and salt water mains and if so, whether the Administration had conducted any study on the impact of the use of polyethylene pipes on health. AD/WSD confirmed that polyethylene pipes were suitable for both fresh and salt water. He said that polyethylene pipes had been used in some overseas countries for a long time and in Hong Kong gradually since 1995, and that no problem had been encountered so far.

Implications of proposed works on public

13. Referring to paragraph 10 of the Administration's paper, Mr LAU Kong-wah pointed out that the proposed consultancy mainly focused on assessments of the technical aspects. He stressed the importance of minimizing the inconvenience caused to the public by the proposed works and therefore considered that the proposed consultancy should also cover a study of the measures to ensure that:

- (a) adequate advance notice would be given to the affected residents;
- (b) the duration of suspension of water supply would be shortened as far as practicable;
- (c) work schedules and completion dates would be adhered to;

- (d) coordination with other works departments and utility undertakers in conducting road-opening works would be effective; and
- (e) compensation arrangements and contingency plans for leakage and burst of water mains arising from the proposed works would be put in place.

Mr IP Kwok-him shared Mr LAU Kong-wah's concern and considered that a mechanism should be established for the purpose.

14. DSW assured members that the relevant district councils would be consulted on the proposed works and that advance notice would be given to the affected residents. The consultants would be required to explore an effective and efficient method to carry out the replacement and rehabilitation works with an aim to minimize the inconvenience caused to the public. Normally, water supply suspended for connecting the replaced water mains to the supply network would be resumed within eight hours. In the event of bursts of water mains, Water Supplies Department (WSD) would arrange vehicles containing fresh water to be sent to the affected area. Contractors were aware of their responsibility for insurance coverage for compensation for damages due to flooding caused by the works for the affected residents and commercial operators. DSW also pointed out that contractors were required to observe the completion dates specified in the contracts and that they would be fined for the delay of the works. In this connection, the Administration had consulted the Panel on Planning, Lands and Works on 6 November 2000 on the proposed charging and penalty system for road-opening works. Under the proposed system, an applicant for an Excavation Permit (EP) would be required to pay for the issue and extension of the EP. The processing of EP applications from government departments or utility companies was conducted through a computerized Utility Management System of the Highways Department.

15. Mr LAU Kong-wah considered the existing arrangements mentioned by DSW inadequate. In view of the large scale and the long time span involved in the proposed replacement and rehabilitation works, Mr LAU reiterated his view that the proposed consultancy should cover a study of the measures in the five aspects mentioned in paragraph 13 above. DSW assured members that the consultants would be required to look into these aspects and that the Administration would assume the overall responsibility to ensure the effective coordination and supervision of the proposed works.

16. Mr James TO Kun-sun was of the view that the Administration's paper should have included the traffic impact assessments. AD/WSD advised that the assessments would be included in the proposed consultancy.

Manpower requirements for proposed works

17. Whilst supporting the proposed works, Mr TAM Yiu-chung asked whether WSD had estimated the manpower requirements for conducting the proposed consultancy by its own staff. AD/WSD replied that in view of the scale and the complexity of the works, the proposed consultancy required considerable manpower resources over a relatively short period of time. WSD did not have adequate in-house resources to carry out all the works in addition to the other planned projects. He advised that the 8-million consultants' fee for investigations and impact assessments was calculated on the basis of the requirement of 40 man-month of professional staff and 40 man-month of technical staff. He said that the Administration would provide detailed breakdown of the cost in its submission to PWSC.

V. Yuen Long - Tuen Mun Corridor: engineering works for commercial/residential areas at Hung Shui Kiu
(LC Paper No. CB(1)367/00-01(04) — Paper provided by the Administration)

18. With visual aid equipment, the Principal Assistant Secretary (Planning) of Planning and Lands Bureau (PAS/PLB) briefed members on Stage II of the proposed road improvement and related works for the commercial and residential areas at Hung Shui Kiu.

Pace of proposed roadworks

19. The Chairman, Mr LAU Ping-cheung and Mr TAM Yiu-chung expressed support for the proposed roadworks. Mr Albert CHAN noted that the roadworks under Phase 2 were scheduled to commence in November 2001 for completion in May 2003, and that those under Phase 3 to commence in early 2004 for completion in mid-2006. In response to Mr CHAN's suggestion of advancing the timetable for Phase 3, PAS/PLB advised that the timetable for the whole project had been worked out having regard to a number of factors such as the traffic condition. At the Chairman's request, PAS/PLB agreed to consider Mr CHAN's suggestion.

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Land resumption arising from proposed roadworks

20. Mr TAM Yiu-chung and Mr Albert CHAN asked whether Stage II of the project involved resumption of private land and if so, whether the parties concerned had raised any objection. PAS/PLB said that with an aim of not affecting the nearby residents as far as practicable, the Administration had designed the roadworks in such a way that the involvement of private land was kept to the minimum. As a result, only a small-scale resumption of private land in Tin Ha Road and Tin Sam Road was required for Phase 1 works. So far, the residents/shop-owners of about 60 cases of the total 80 cases involved had already accepted the arrangements offered by the Administration. The Lands Department would continue to liaise with the remaining parties concerned. Responding to Mr Albert CHAN, PAS/PLB advised that

information about land resumption would be provided by the Administration in its submission to PWSC.

Hung Shui Kiu New Town Development

21. Responding to Mr Albert CHAN, PAS/PLB advised that the proposed roadworks were not related to the project of Hung Shui Kiu New Town Development. In fact, the Administration had no firm option on the latter project. Nevertheless, the areas involved in the proposed roadworks were not at the centre of the proposed Hung Shui Kiu New Town.

Traffic congestion and other problems caused by container vehicles

22. Regarding members' concern about traffic congestion caused by container vehicles travelling from Ping Ha Road to Tin Ha Road, PAS/PLB advised that the problem could be alleviated by the completion of a road bridge between Ping Ha Road and Hung Tin Road by the Territory Development Department in mid-2001.

23. In response to Mr James TO's enquiry, PAS/PLB advised that the Administration was planning to make better arrangements in respect of the lands used for containers in the north-west of Ha Tsuen. The Administration would study the issue together with the development of the Hung Shui Kiu New Town.

24. Mr LAU Ping-cheung and Mr Albert CHAN expressed concern about the close distance between the roads and residential areas, and the impact on the residents concerned. Mr LAU suggested the Administration to take appropriate measures to reduce vibration caused by container vehicles. PAS/PLB agreed to refer the suggestion to the relevant departments for consideration. However, he pointed out that as part of the proposed road improvement works, the surface of the roads would be made thicker while pavements would be added to enlarge the distance between roads and residential areas.

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VI. Building safety and timely maintenance - to tackle unauthorized building works

(LC Paper No. CB(1)367/00-01(05) — Paper provided by the Administration)

LC Paper No. CB(1)367/00-01(06) — Booklet provided by the Administration)

25. The Head of Task Force of Planning and Lands Bureau (HTF/PLB) advised that one of the three major tasks of the Task Force was to study ways to tackle unauthorized building works (UBWs). Having reviewed the law and the enforcement policy and practice, the Task Force had drawn up a number of package for the purpose. Apart from Members, the District Councils and relevant bodies would also be consulted on the proposals. HTF/PLB reassured Members that the Government was determined and sincere, and would make concerted efforts in tackling UBWs. With

the support of Members and the public, the Government was confident that the Task Force's proposals would be effective in addressing the problem.

26. With the use of a computer power point, the Member of Task Force of Planning and Lands Bureau (MTF/PLB) briefed Members on the main points of the proposed measures to tackle UBWs as detailed in the information paper and booklet.

Government's determination

27. Members were pleased to note the Government's determination in tackling UBWs. Responding to Members, HTF/PLB and the Director of Buildings (D of B) confirmed that the Government was fully committed to tackle the problem and would seek funding support from the Legislative Council. To step up the enforcement actions, the Buildings Department (BD) would study the cost-effectiveness of outsourcing some of the clearance works to the private sector. Nevertheless, the effectiveness of the enforcement actions depended much on the co-operation of the owners concerned. Mr Frederick FUNG Kin-kee stressed the importance of public education in this aspect. HTF/PLB advised that a multi-media public education programme was proposed and would target clear messages for different groups, to be repeated and refreshed from time to time.

Upgrading of advisory letters to statutory warning notices

28. Regarding the proposed upgrading of advisory letters to statutory warning notices, Mr TAM Yiu-chung sought clarification on the difference between "statutory warning notices" and "statutory removal orders". HTF/PLB advised that at present, BD would first issue advisory letters to the owners concerned advising them to remove the UBWs. On "high-priority" items, BD would follow up by the issue of a statutory removal order specifying a time limit within which the UBWs must be removed. However, experience revealed that owners of UBWs were normally not serious about advisory letters, having regard to the fact that they had no legal effect and that it would take time for the Administration to take enforcement action against "low-priority" items. In the circumstances, advisory letters had served no meaningful purpose. As "low-priority" UBWs might become dangerous, the safety risks associated with them should not be underestimated. The Task Force therefore proposed the upgrading of advisory letters to statutory warning notices registrable against property titles, so as to give fair warning to potential buyers and deter anyone concerned with conveyancing of such properties.

29. Responding to Mr TAM Yiu-chung, HTF/PLB advised that before the issue of statutory warning notices, BD would first liaise with the owners concerned through its Building Co-ordinators and the pilot Co-ordinated Maintenance of Buildings Scheme, advising them to remove the UBWs and provide assistance to them in this aspect.

30. Mr James TO expressed concern about the proposal that statutory warning notices would be registrable against property titles. He considered that further thoughts should be given to the proposal, having regard to its implications on conveyancing of the properties and the complicated issues involved, for example, whether registration should be made against the titles of a unit for the UBWs erected on its external wall if the external wall was not part of the unit, and whether registration would be made against the titles of all the units in a building for the UBWs erected in the public areas of the building. HTF/PLB clarified that registration against property titles would be confined to the individual unit concerned, and that despite the registration, conveyancing of the unit would not be prohibited. Mr CHAN Kam-lam and Mr Frederick FUNG were of the view that registration against property titles might not serve any purpose, in particular for those cases where the owners concerned had no intention to sell the properties.

Ban on conveyancing and letting of illegal rooftop structures

31. On the Task Force's proposal that serious consideration be given to prohibiting the conveyancing and letting of rooftop structures, Mr James TO queried why there was a difference in treatment for illegal rooftop structures and other types of UBWs. In response, HTF/PLB and D of B pointed out that illegal rooftop structures were a long-standing social problem which needed to be addressed. Some of these structures erected on the rooftop of single-staircase buildings blocked the main refuge in case of fire. Moreover, most of these structures were used for residential purpose. In view of the potential risk to life and limb, the ethics of continuing to permit the transaction of these structures were questionable. Mr James TO was not convinced and pointed out that some other types of UBWs, such as illegal balconies, were also used for residential purpose and therefore had the potential risk to life and limb. He urged the Administration to consider carefully whether it was justified to apply different treatments to illegal rooftop structures and other types of UBWs.

Certification of "no unauthorized building works" upon transfer of title

32. Mr Albert CHAN and Mr James TO were against the proposal that owners be required, before transfer of title, to appoint building professionals to certify that their properties carried "no unauthorized building works on external walls". They considered it unfair to put the onus of proof on the owners. Ir Dr Raymond HO however supported the proposal. Mr Frederick FUNG supported the proposal but considered that the owners should not be required to bear the cost involved. HTF/PLB appreciated Members' concern and pointed out that as stated in the Administration's paper, Members' advice on this particular proposal would be most welcome. To address Mr FUNG's concern, HTF/PLB said that the Administration could consider modifying the proposal to save the financial cost to the owners, for example, by requiring the owners to make a declaration, instead of appointing building professionals to make a certification.

33. Mr Albert CHAN considered that most of the proposals were targeted at owners of old housing blocks. He queried whether the Administration would also step up enforcement actions against the UBWs in luxurious properties, in particular those occupied by senior public officials. HTF/PLB clarified that the proposals were not targeted at any particular group. She assured Members that appropriate enforcement actions would be taken against all UBWs, irrespective of who the owners were.

Building Classification Scheme

34. On the proposed Building Classification Scheme (the Scheme), Mr LAU Ping-cheung pointed out that the ratings awarded to individual buildings might be frequently referred to by estate agents and insurance companies and therefore, the Administration had the responsibility to ensure that the ratings were updated regularly. In response, HTF/PLB envisaged that the Scheme would be operated on a voluntary basis. The owners concerned would be encouraged to come forward for independent rating of their buildings by appropriate professional bodies after repairs and maintenance had been effected. It was expected that the owners who joined the Scheme would have due incentive to keep their buildings in good condition.

Rehousing arrangements for occupants of illegal rooftop structures upon clearance

35. Whilst appreciating the need to remove illegal rooftop structures, Members were of the view that the Administration should make appropriate rehousing arrangements for the affected occupants upon clearance so that they would not become homeless. HTF/PLB advised that the Housing Department would provide all eligible occupants of illegal rooftop structures on single-staircase buildings with appropriate Interim Housing or Public Rental Housing Units. They had given an undertaking to tie in with BD's programme upon clearance. She assured Members that the Administration would not render any of the affected occupants homeless. It was also government policy to encourage rooftop occupants to register early on the waiting list for public housing. Mr Frederick FUNG pointed out that Interim Housing Units were available only in rural areas such as Tin Shui Wai. He suggested that such units be increased in urban areas such as Shatin or Tsuen Wan. He also considered that occupants of illegal rooftop structures should be allowed to join the waiting list of Public Rental Housing so as to tie in with the waiting time for the removal of the illegal structures.

36. The Chief Housing Manager (Operations) of Housing Department (CHM(O)/HD) responded that the role of the Housing Department was to assist BD in liaising with the affected occupants upon clearance of illegal rooftop structures and provide rehousing arrangements for them. Under the current policy, the affected occupants who met the eligibility criteria would be offered rehousing arrangements, such as Interim Housing or Public Rental Housing units. The eligibility criteria included, inter alia, that they should have resided in Hong Kong for a

continuous period of seven years and that they were not in possession of any properties in the previous two years. The affected occupants might also apply for purchase of flats under the Home Ownership Scheme, Home Purchase Loan Scheme or Buy-Or-Rent Option as appropriate.

37. Mr Albert CHAN and Mr Frederick FUNG were not satisfied with the Administration's reply and stressed that rehousing arrangements should be properly planned to tie in with the clearance operations. They urged the Administration to consider the need to revise the rehousing policy so that appropriate arrangements could be made for the affected occupants. Mr IP Kwok-him also saw the need to examine the existing eligibility criteria under which the affected occupants who were also owners of illegal rooftop structures, being property owners, would not be eligible for rehousing. CHM(O)/HD pointed out that the current rehousing policy applied to all affected occupants arising from various forms of clearance operations and that it was inappropriate to formulate a separate set of rehousing policy for those affected by the clearance of illegal rooftop structures.

38. Mr Albert CHAN expressed his disappointment with the Administration's response and suggested that a joint meeting with the Panel on Housing be held to discuss the issue. Other members supported his suggestion.

(Post-meeting note: A joint meeting with the Panel on Housing was scheduled for 27 February 2001 to discuss the rehousing arrangements for occupants of illegal rooftop structures upon clearance.)

Other issues

39. Mr LAU Wong-fat expressed concern about cases where the UBWs were erected by the tenants without the prior consent of the owners. Mr LAU Ping-cheung also pointed out that in some cases, the owners were not aware of the fact that part of their properties were UBWs erected by the previous owners. They suggested the Administration to consider how these cases should be handled.

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VII. Any other business

40. There being no other business, the meeting ended at 1:05 pm.

Legislative Council Secretariat

13 February 2001