

立法會
Legislative Council

LC Paper No. CB(1)240/02-03
(These minutes have been seen
by the Administration)

Ref : CB1/PL/PLW/1

Panel on Planning, Lands and Works

**Minutes of special meeting
held on Thursday, 16 May 2002 at 8:45 am
in Conference Room A 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 TAM Yiu-chung, GBS, JP
Hon Albert CHAN Wai-yip
Hon WONG Sing-chi

Member attending : Hon CHAN Yuen-han, JP

Members absent : Hon WONG Yung-kan
Hon LAU Wong-fat, GBS, JP
Hon Timothy FOK Tsun-ting, SBS, JP
Hon Abraham SHEK Lai-him, JP
Hon IP Kwok-him, JP

Public officers attending : **Item II**

Mr Parrish NG
Principal Assistant Secretary
Planning and Lands Bureau

Mr CHEUNG Hau-wai
Acting Director of Buildings

Mr HUI Kwok-hung
Chief Structural Engineer
Buildings Department

Item III

Mr K K KWOK
Deputy Secretary (Programme and Resources)
Works Bureau

Mr C L NG
Chief Assistant Secretary (Programme Management)
Works Bureau

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

Staff in attendance : Ms Bernice WONG
Assistant Legal Adviser 1

Mrs Queenie YU
Senior Assistant Secretary (1)6

I. Proposed overseas duty visit of the Panel

Members endorsed the agreement reached at the informal meeting of the Panel held at 8:30 am preceding this meeting that an overseas duty visit be conducted by the Panel to London, Berlin, Warsaw and Singapore for about 10 days in early September 2002 to study their experiences in town planning, urban renewal and heritage preservation.

(Post-meeting note: On 29 May 2002, a member suggested the Panel to consider visiting Prague, instead of Warsaw. With the concurrence of the Chairman, the Research and Library Services Division of the Legislative Council Secretariat was invited to conduct a background research on Prague. At the Panel meeting on 14 June 2002, members agreed that the overseas duty visit be conducted to London, Berlin, Prague and Singapore.)

II. Review of the Pilot Coordinated Maintenance of Buildings Scheme

(LC Paper No. CB(1)1630/01-02(12) — Paper provided by the Administration)

2. The Acting Director of Buildings (D of B (Atg)) advised that at a special meeting of the Panel held on 23 April 2001, the Administration had briefed members on its initiatives under the “Comprehensive Strategy for Building Safety and Timely Maintenance (the Strategy)”, including the pilot Co-ordinated Maintenance of Buildings Scheme (CMBS). The Administration had undertaken to review the effectiveness of the CMBS in the light of operational experience. D of B (Atg) then briefed members on the progress made, the findings of the review and the way forward as detailed in the paper provided by the Administration.

Financial impact on owners

3. Whilst supporting the CMBS, Mr TAM Yiu-chung was concerned whether the Scheme had imposed a financial burden on the owners concerned because of the building maintenance cost involved. In this connection, he asked for the highest cost required to be paid by a flat owner for building maintenance works. D of B (Atg) said that the cost would depend on the types of works involved. For example, it would be more costly if replacement of lift was involved. On average, a flat owner was required to pay \$20,000 for building maintenance works. The highest cost was around \$50,000 per flat. Owners who were in need of financial assistance might apply for loans under the Building Safety Loan Scheme. Interest was charged on borrowers at a rate determined on the no-gain-no-loss principle (currently at prime rate minus 2%). At the request of Mr TAM, the Chief Structural Engineer of Buildings Department (CSE/BD) undertook to provide information on the number of applications from owners of the 150 target buildings under the CMBS for loans to fund the necessary repair and improvement works and the number of owners involved in each application.

4. Responding to Mr TAM Yiu-chung's further enquiry, D of B (Atg) said that if owners failed to carry out the necessary repair works, the Buildings Department (BD) would carry out the works first to avoid delay and recover the cost from the owners concerned. To facilitate the understanding of owners and owners' corporations (OCs) on the statutory requirements, BD was preparing to issue within two months a booklet to provide them with guidelines on building maintenance works covering basic information on the legal, technical and cost aspects. The information in the booklet would be updated as and when necessary.

5. Mr TAM Yiu-chung enquired about the number of cases in which BD had to carry out the necessary repair works and then recover the cost from the owners concerned. CSE/BD advised that as at the end of April 2002, owners of nine buildings were unable to organize the necessary repair works, owing to various reasons such as the lack of initiatives from the owners concerned and disputes among owners over the

choice of registered professionals to be engaged for the works. BD might have to appoint its contractor to carry out the works for these nine buildings and then recover the cost from them.

Expanded scope of CMBS

6. Referring to paragraph 17 of the paper where it was mentioned that a further 200 buildings had been identified for inclusion in the CMBS, Mr TAM Yiu-chung asked for the location and present condition of the buildings. D of B (Atg) advised that the buildings were 20 to 40 years old and located in densely populated urban areas, which required improvement works to exterior walls, fire services installation, drainage system, water supply system, etc.

7. Whilst appreciating the importance of maintaining old and dilapidated buildings, Mr Albert CHAN Wai-yip said that he had reservation on BD's proposal to expand the scope of the CMBS for two reasons, as follows:

- (a) First, the Administration had all along failed to provide practical support to owners and OCs in carrying out repair and maintenance works required by government departments. As owners generally lacked the experience and basic knowledge of the subject, it was difficult for them to carry out the works on their own. In the past, suggestions had been made to the Administration to assist owners by the provision of a standard contract for carrying out building maintenance works and guidelines on the handling of the common issues encountered by owners relating to such works. So far, the standard contract and guidelines had not been provided to owners; and
- (b) Secondly, the Administration had failed to address the problems caused by the removal of unauthorized building works (UBWs), in particular, the problem of rehousing the affected occupants. The problem was mainly caused by the outdated policy under which only those occupants who had moved into the illegal rooftop structures before 1 June 1982 would be eligible for rehousing to public rental housing units. As this rehousing policy was introduced 20 years ago, it was time for the Administration to review the policy, in particular, whether it was still appropriate to use "1 June 1982" as the threshold.

Mr CHAN strongly urged the Administration to provide advice/assistance to the owners/OCs concerned in carrying out the necessary building maintenance and repair works and review the rehousing policy before expanding the scope of the CMBS.

8. On the provision of advice/assistance to owners, D of B (Atg) pointed out that under the CMBS, a "one-stop-shop" service was provided by six government departments, namely BD, Fire Services Department, Electrical and Mechanical

Services Department, Food and Environmental Hygiene Department, Water Supplies Department and Home Affairs Department (HAD). The six departments made a concerted effort to establish all necessary repair works for a building. As the building coordinator, BD would arrange meetings to advise the owners or OCs concerned of the maintenance and repair works required by government departments, and assist owners who were in need to apply for loans under the Building Safety Loan Scheme. Moreover, the booklet mentioned in paragraph 4 above would be issued as a reference for owners. Mr Albert CHAN considered that apart from issuing the booklet to provide written guidelines to owners, the Administration should also put in place concrete measures to assist the owners concerned. In this connection, he requested the Administration to provide a detailed description of the various measures introduced by the Government to assist owners of the target buildings under the CMBS. D of B (Atg) agreed to provide the information after the meeting.

9. On the rehousing issue, D of B (Atg) pointed out that the rehousing policy was under the purview of the Housing Authority. Nevertheless, the clearance operations under the CMBS, such as the operation to remove UBWs attached to exterior walls of buildings, would unlikely involve the rehousing issue. Mr Albert CHAN held different view. He pointed out that the removal of UBWs in old buildings under the CMBS might involve clearance of rooftop structures. It would therefore give rise to the problem of rehousing the occupants of the rooftop structures. Citing the past clearance operations of rooftop structures at Cheuk Ming Building and Tak Yan Building in Tsuen Wan as examples, he cautioned the Administration to handle the rehousing issue carefully. D of B (Atg) assured members that BD would liaise with the Housing Department (HD) to make appropriate arrangements where necessary and ensure that no occupants would be rendered homeless by the clearance operations.

Removal of UBWs

10. Referring to paragraph 18(c) of the paper where it was mentioned that the Administration would speed up the issue of removal order for UBWs, Mr TAM Yiu-chung was concerned about the types of UBWs selected in the exercise. He said that he had recently handled a complaint from an owner in Tokawan who had received an order from BD to remove the air-conditioning frame attached to the exterior wall of his flat in an old building. D of B (Atg) pointed out that as air-conditioning frame was attached to the exterior wall of a building, poor condition of the frame would pose safety hazard to the public. Improvement to air-conditioning frames would be part of the repair works for the target buildings under the CMBS. Apart from the CMBS, the Administration was conducting a large-scale clearance operation on UBWs attached to exterior walls of buildings, including unauthorized, old and ironized air-conditioning frames. The owners concerned would be able to install a new frame in accordance with a standard plan prepared by a registered engineer/architect.

11. Responding to the Chairman and Mr TAM Yiu-chung, D of B (Atg) advised that about half of the 150 target buildings under the CMBS had engaged registered

professionals to advise on building maintenance works. In this connection, the Administration was considering to set up a register of approved contractors for minor works including the removal of air-conditioning frames. Detailed guidelines on technical standards and requirements for the works would be issued to facilitate compliance.

12. In reply to the Chairman's enquiry, D of B (Atg) clarified that the "registered building professionals" referred to in paragraph 18(a) of the paper were surveyors, engineers and architects registered under the relevant ordinances, and Authorized Persons and Registered Structural Engineers.

13. Pointing out that there were over 10 000 buildings over 30 years old, Ir Dr Raymond HO Chung-tai expressed grave concern that only 150 buildings had been identified under the CMBS for necessary repair works and removal of UBWs. He recalled that when the Administration briefed members on the Strategy at the Panel meeting on 23 April 2001, the Administration had committed to step up enforcement action against UBWs with a view to removing the 800 000 UBWs as soon as possible. He was concerned about the slow progress made. He cautioned that if timely maintenance and enforcement actions were not taken, it would give the public the impression that the Administration was not determined to enforce the Strategy. Moreover, the problems caused by UBWs would remain unresolved.

14. D of B (Atg) clarified that the Administration had been taking a series of actions to enforce the Strategy. Of the 11 000 old buildings requiring repair works, 9 000 had UBWs attached to their exterior walls. Since September 1999, BD had been conducting "blitz" operations to clear UBWs with the target of clearing such works in about 1 200 buildings each year. On this basis, it would take about 7.5 years to clear the UBWs in the 9 000 buildings. Moreover, it was observed that owners of 250 buildings who were required to remove the UBWs on the exterior walls of the buildings would carry out interior improvement works as a package.

15. Responding further to Ir Dr Raymond HO, D of B (Atg) advised that of the 800 000 UBWs, about 150 000 to 300 000 would pose safety hazard to the public. They were mainly structures attached to exterior walls of buildings or blocking the emergency exit of the buildings in question. The Administration was confident that these structures could be removed in 8 years. Ir Dr HO called for the early removal of these structures and requested the Administration to provide an account of the incidents on fallen cement/structures or part(s) of a structure attached to the exterior walls of buildings, which had caused injury or death in the past three years. D of B (Atg) undertook to provide the information after the meeting.

Water seepage problem

16. Mr James TO Kun-sun enquired whether the Administration would take the opportunity to resolve water seepage problem in old private buildings, which had

caused many disputes among owners. D of B (Atg) said that the CMBS aimed to assist owners and OCs to carry out the necessary maintenance works in private buildings to improve the safety of the buildings. The whole package of maintenance works included those for resolving water seepage problem. CSE/BD added that so far, BD had not encountered any unresolved dispute relating to water seepage problem in respect of the 150 target buildings under the CMBS. Although water seepage problem was not related to structural safety of buildings, BD would assist owners to resolve the problem as far as practicable. To this end, the Administration was exploring technical methods to provide a viable solution to identify the cause and source of water seepage. Mr TO considered that the Administration should take a proactive role to make owners aware that water seepage was one of the areas for improvement under the CMBS.

(Post-meeting note: The information provided by the Administration in response to members' requests in paragraphs 3, 8 and 15 above was circulated vide LC Paper Nos. CB(1)2488/01-02 (English version) and CB(1)2611/01-02 (Chinese version) on 9 September and 30 September 2002 respectively.)

III. Speeding up of public works projects — proposed legislative amendments

(LC Paper No. CB(1)1630/01-02(13) — Paper provided by the Administration)

Administration's proposed legislative amendments

17. The Deputy Secretary (Programme and Resources) of Works Bureau (DS/WB) advised that following a review in 2001, the Administration had successfully reduced the pre-construction lead time for an average medium-sized civil engineering project from six years or more to less than four years. To meet the public expectation to further expedite the delivery of public works projects, the Administration proposed to amend the Roads (Works, Use and Compensation) Ordinance (Cap. 370), Foreshore and Seabed (Reclamations) Ordinance (Cap. 127) and Water Pollution Control (Sewerage) Regulation (Cap. 358 sub. leg.):

- (a) to shorten the period for the lodging of objections under the relevant Ordinances/Regulation from two months to one month;
- (b) to shorten the objection resolution period from the maximum of nine months to four months; and
- (c) to shorten the extension period for resolving objections as might be granted by the Chief Executive from the maximum of six months to three months.

18. DS/WB also briefed members on the background and benefits of the proposal and the interim arrangements as detailed in the paper provided by the Administration.

19. Mr Albert CHAN expressed that the Democratic Party strongly objected to the proposed legislative amendments, as the amendments would greatly affect the right of the public to lodge objections to proposed public works projects. At present, the Roads (Works, Use and Compensation) Ordinance provided that any person might object to any works or use in connection with a road within a period of 60 days from the date when the works or use was published on the Gazette. Similarly, the Foreshore and Seabed (Reclamations) Ordinance provided that any person might object to a reclamation within a period of two months from the date when the reclamation was published on the Gazette. Mr CHAN pointed out that the general public, being normally unaware of the contents of the Gazette, would only come to know about the works or reclamation if the project in question was widely publicized by the media. They then needed time to study and discuss the project before finalizing their views. The existing two-month objection period was not too long and therefore should not be shortened.

20. DS/WB pointed out that under the existing public consultation procedures, the Works Departments were required to present their proposed public works projects to the relevant District Councils and other concerned parties prior to finalizing the project schemes for gazettal. The public should therefore have sufficient advance knowledge of the project to enable them to raise any objections quickly after it was gazetted. As regards the proposal to shorten the period for resolving objections, it would mainly affect the Administration.

21. Mr Albert CHAN considered that the Administration should appreciate that it would take time for the general public to study public works proposals in detail because they could not afford to do so on a full-time basis. In fact, the two-month objection period was too short for some complex projects. The Chairman also considered the two-month objection period too short. DS/WB advised that prior to 1998, there had been no fixed statutory period for objection. To address the concern raised by the public and government departments about the endless process for resolving objections, fixed statutory periods for resolving objections were then introduced to expedite the delivery of public works projects.

22. While recognizing the need to expedite the delivery of public works projects, Miss CHAN Yuen-han considered the Administration's proposed legislative amendments not the right way forward. She recalled that when the subject was discussed at the Public Works Subcommittee (PWSC) meeting on 14 November 2001, Members had expressed support for expediting the delivery of public works projects but stressed that the relevant statutory procedures must be complied with and public consultation must not be compromised. In Miss CHAN's view, the Administration should streamline internal procedures and introduce measures to enhance the coordination among various bureaux and departments involved in public works

projects. The Chairman, Mr LAU Ping-cheung and Ir Dr Raymond HO shared her views. They did not support the proposed legislative amendments, as the amendments would affect the interests of the public. Ir Dr HO considered that the right approach would be for the Administration to streamline the time-consuming process for internal consultation at the early planning stage of a project. As far as he knew, it was not uncommon for the department proposing a project to wait for a long period of time for the comments from other departments concerned.

23. DS/WB clarified that the proposed legislative amendments would only affect the periods for lodging and resolving objections after a public works project was gazetted, but not the public consultation process before gazettal. DS/WB also pointed out that since 2001, the Administration had already introduced a number of streamlined pre-tender planning and administrative measures and adopted accelerated procedures for the selection and award of works consultancies and contracts. Moreover, a Project Manager (PM) had been assigned for each project to enhance coordination among various bureaux and departments involved in a public works project.

24. Ir Dr Raymond HO enquired whether officials of more senior levels would be designated for the coordination of public works projects after the implementation of the accountability system for principal officials on 1 July 2002. DS/WB said that as a general practice, monitoring of public works projects had been delegated to the Works Departments and a PM ranked at directorate level would assume the coordinating role for each project. As regards large-scale public works projects, special committees comprising representatives of the relevant bureaux and departments would be set up to monitor the progress. Ir Dr HO considered the ranking of a PM too low to perform the coordinating role effectively. He was concerned that the practical problems would remain unresolved. The Chairman suggested the Administration to consider Ir Dr HO's views.

Admin

25. Responding to Miss CHAN Yuen-han, DS/WB advised that 2% of the 108 public works projects published on the Gazette in the past five years required seven to nine months for resolving objections and 8% required from four to seven months. The rest of the projects took less than four months for resolving objections or involved unresolved objections which required submission to ExCo. The Administration therefore considered it justified to shorten the period for resolving objections to four months. Miss CHAN disagreed with the Administration's view. The fact that 10% of the projects required more than four months for resolving objections demonstrated that a four-month period was too short for the purpose. She considered that a reasonable time period should be provided for the public to lodge objections to public works projects regardless of the number of projects involved.

26. Being unconvinced of the Administration's explanations, Miss CHAN Yuen-han and Mr Albert CHAN requested the Administration to withdraw its proposed legislative amendments. DS/WB reiterated that the proposed amendments aimed to

expedite the delivery of public works projects by shortening the periods for lodging and resolving objections. The public consultation process before the gazettal of a public works project would not be affected.

Admin

27. The Chairman requested the Administration to take account of Members' views and reconsider its proposals for expediting the delivery of public works projects.

Informing the affected parties and general public of public works projects

Admin

28. Mr Albert CHAN and Mr LAU Ping-cheung considered that improvement measures should be put in place to ensure that the parties affected by a proposed public works project and the general public were aware of the proposed project. Apart from publishing the proposed project on the Gazette, the Administration should consider informing the affected parties in writing and posing notices at the sites in question.

IV. Any other business

29. The Chairman invited members to note that as the Council meeting on 29 May 2002 might continue on the following day, the special meeting of the Panel originally scheduled for 30 May 2002 at 2:30 pm would be rescheduled to be held immediately after the House Committee meeting on 31 May 2002.

30. There being no other business, the meeting ended at 10:45 am.

Legislative Council Secretariat
28 October 2002