

立法會
Legislative Council

LC Paper No. CB(1)1246/02-03

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by the Administration)

Ref : CB1/PL/PLW/1

Panel on Planning, Lands and Works

**Minutes of meeting
held on Friday, 7 March 2003 at 9:00 am
in Conference Room A of the Legislative Council Building**

Members present : Dr Hon TANG Siu-tong, JP (Chairman)
Ir Dr Hon Raymond HO Chung-tai, JP
Hon James TO Kun-sun
Hon WONG Yung-kan
Hon CHOY So-yuk
Hon Albert CHAN Wai-yip
Hon WONG Sing-chi

Members attending : Hon LEE Cheuk-yan
Hon Fred LI Wah-ming, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon LAU Kong-wah
Hon Emily LAU Wai-hing, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung

Members absent : Hon LAU Ping-cheung (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
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 IP Kwok-him, JP

Public officers attending : Agenda Item IV

Mr Patrick LAU
Director of Lands

Mr Gary Y S YEUNG
Principal Assistant Secretary for Housing,
Planning and Lands (Planning and Lands) 1

Mr LUK Cheung-chuen
Principal Land Executive/Village Improvement & Control
Lands Department

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

Staff in attendance : Mrs Queenie YU
Senior Assistant Secretary (1)6

Miss May LEUNG
Legislative Assistant

Action

I. Confirmation of minutes of meetings

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| (LC Paper No. CB(1)577/02-03 | — | Minutes of the joint meeting of the Panel on Housing, and the Panel on Planning, Lands and Works held on 15 November 2002 |
| LC Paper No. CB(1)726/02-03 | — | Minutes of the meeting held on 6 December 2002 |
| LC Paper No. CB(1)849/02-03 | — | Minutes of the special meeting held on 14 January 2003) |

The minutes of the following meetings were confirmed-

- (a) Joint meeting of the Panel on Housing and Panel on Planning, Lands and Works on 15 November 2002;
- (b) Regular meeting on 6 December 2002; and
- (c) Special meeting on 14 January 2003.

II. Information papers issued since last meeting

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

- (a) Information notes on issues relating to the loss of land deeds raised by Councillors of Heung Yee Kuk (HYK) at the meeting between LegCo Members and Councillors of HYK on 29 October 2002 (LC Paper Nos. CB(1) 447/02-03(01), (02), (03), (04) and (05));
- (b) Information paper on "Capital Works Reserve Fund, Block allocations for 2003-04" (LC Paper No. CB(1)611/02-03);
- (c) Information notes on future development of Hong Kong West raised by LegCo Members at the case conference with the Administration on 21 August 2002 (LC Paper Nos. CB(1)671/02-03(01), (02) and (03));
- (d) Information paper on "System Development and Implementation of the Public Works Programme Information System for the Environment, Transport and Works Bureau" (LC Paper No. CB(1)829/02-03(01));
- (e) Information notes on three issues raised by Councillors of HYK at the meeting between LegCo Members and Councillors of HYK on 29 October 2002 (LC Paper Nos. CB(1)815/02-03(01), (02), (03), (04), (05) and (06)); and
- (f) Information notes on issues relating to conversion of part of the Beauty Court shopping arcade in Yuen Long into residential care homes for the elderly raised by LegCo Members at the case conference with the Administration (LC Paper Nos. CB(1)840/02-03(01) and (02)).

3. On the information notes mentioned in paragraph 2(d) above, the Chairman pointed out that the Administration would submit the relevant proposal to the Finance Committee (FC) for consideration at its meeting on 7 March 2003.

III. Date of next meeting and items for discussion

- (LC Paper No. CB(1)1013/02-03(01) — List of outstanding items for discussion
- LC Paper No. CB(1)836/02-03(01) — Discussion item proposed by Hon James TIEN
- LC Paper No. CB(1)1013/02-03(02) — List of follow-up actions)

Regular meeting on 4 April 2003

4. Members agreed that the following two projects proposed by the Administration for upgrading to Category A be discussed at the next regular meeting scheduled for 4 April 2003 at 8:30 am-

- (a) Project 3063KA — Central Government Complex, Legislative Council Complex, Exhibition Gallery and Civil Place at Tamar; and
- (b) New item — Planning and Infrastructure Exhibition Gallery at Tamar - exhibits design and fabrication.

5. Ms Emily LAU Wai-hing pointed out that some Members who joined the Panel's visit to the existing Hong Kong Planning and Infrastructure Exhibition Gallery at the Edinburgh Place in Central on 5 March 2003 had expressed concern about the need for the existing Exhibition Gallery and for a new one at Tamar site. As the Administration planned to seek funding approval from the Public Works Subcommittee (PWSC) at its meeting on 7 May 2003 for the upgrading of the two projects mentioned in paragraph 4 above to Category A, Ms LAU considered that the Panel should discuss the two proposals as soon as possible. She also pointed out that the Administration had been adopting a two-phase approach for implementing Project 3063KA. Under phase two, the Administration had completed the prequalification exercise for the relevant design and build contract in December 2002 and would invite the five prequalified applicants to participate in the tender exercise to be commenced in the second quarter of 2003. As the tender exercise had yet to commence, Ms LAU would like to know the feasibility of deleting the proposed Exhibition Gallery from the project scope at this stage. Members agreed that the Administration be invited to provide the following information in the discussion paper for the meeting on 4 April 2003-

- (a) The need for and cost-effectiveness of the construction of the proposed Exhibition Gallery at the Tamar site; and
- (b) The feasibility and implications of deleting the proposed Exhibition Gallery from the project scope at this stage.

(Post-meeting note: The Clerk wrote to the Director of Administration on 7 March 2003, requesting the Administration to provide the information mentioned in paragraph 5(a) and (b) above.)

Discussion item proposed by Mr James TIEN

6. Members noted Mr James TIEN Pei-chun's letter, suggesting the Panel to discuss the statutory powers and composition of the Town Planning Board and criteria for appointment of its members. Members agreed that the item be included in the Panel's list of outstanding items for discussion. The Panel would decide at a later stage the timing for discussing the item.

IV. Management scheme for display of roadside non-commercial publicity materials

(LC Paper No. CB(1)1013/02-03(03) — Paper provided by the Administration

LC Paper No. CB(1)1068/02-03(01) — Letter dated 28 February 2003 from the Clerk to Panel to the Secretary for Housing, Planning and Lands

LC Paper No. CB(1)1068/02-03(02) — Supplementary note provided by the Administration)

7. The Chairman advised that the Administration would brief the Panel on its proposal to implement a management scheme for the display of roadside non-commercial publicity materials (NCPM) on a territory-wide basis. The Administration had consulted the 18 District Councils (DCs) and relevant Government departments on its proposal.

8. At the invitation of the Chairman, the Director of Lands (D of L) briefed Members on the background and objective of introducing the proposed management scheme for the display of roadside NCPM. He highlighted that disorderly display of roadside publicity materials had affected traffic safety and caused casualties in one of the incidents. It had also affected the streetscape of Hong Kong, and given rise to complaints from the public and disputes among different groups of users. It was therefore essential to put in place an efficient system for the management and processing of applications for the display of roadside NCPM. In addition, D of L pointed out the following points-

- (a) Subject to Members' views, the Administration planned to implement the proposed management scheme for the display of roadside NCPM on a trial basis with effect from 1 April 2003. The duration of the trial period would also be subject to Members' advice. The Administration would review the situation after the trial period and refine the guidelines if necessary for the formal implementation of the management scheme;

- (b) The proposed management scheme would only apply to Government land managed by the Lands Department (Lands D), and not apply to land managed by other departments, such as the Housing Department; and
- (c) The proposed management scheme would not cover the LegCo and DC election periods during which the display of roadside NCPM would be governed by the rules and guidelines issued by the Registration and Electoral Office.

9. The Principal Land Executive/Village Improvement & Control of the Lands Department (PLE/Lands D) briefed Members on the proposed allocation of designated spots for the three major groups of users, namely, LegCo Members, DC members and other users (DCs and their committees, Government departments, and non-profit making bodies), and the proposed display period, as detailed in the paper and the supplementary note provided by the Administration. Non-profit making bodies included non-Government organizations (NGOs), political bodies, charitable bodies and legally registered bodies. On the proposed allocation of designated spots for LegCo Members, PLE/Lands D explained the Administration's proposal, as follows:

For the 24 Members returned for Geographical Constituency (GC)

<u>LegCo constituency</u>	<u>No. of Members</u>	<u>Spots per Member</u>	<u>Total no. of spots</u>
Hong Kong Island	5	80	400
Kowloon West	4	59	236
Kowloon East	4	59	236
New Territories West	6	111	666
New Territories East	5	91	455
	24		1 993

For the 36 Members returned for Functional Constituency (FC) or by the Election Committee (EC)

	36	80	2 880
Total:	60		4 873

Need for a management scheme

10. A majority of the Members present supported the Administration's proposal to implement a management scheme for the display of roadside NCPM. However, Mr LEE Cheuk-yan considered it sufficient for the Administration to set up "restrictive zones (禁掛區)" to address the concern about traffic safety. In response, D of L pointed out that in the absence of a management scheme in the past, most of the

users would go for popular spots which had given rise to more disputes. The setting up of "restrictive zones (禁掛區)" could not address this problem.

Consultation on the proposed management scheme

11. Noting that the Administration proposed to implement the management scheme on a trial basis with effect from 1 April 2003, Mr Fred LI Wah-ming expressed dissatisfaction about the Administration's late consultation with LegCo Members, one of the three major groups of users, on the proposed scheme. As far as he knew, some DC members had already selected spots for the display of roadside NCPM. Mr Tommy CHEUNG Yu-yan shared his views. D of L explained that as a general practice, for proposals involving 18 DCs, the Administration would normally start consultation at the district level before submitting the relevant proposals to LegCo Members for consideration. For the present case, the Administration had followed the general practice for consultation. Nevertheless, the Administration would take into account the views of LegCo Members, DC members and other concerned parties before finalizing the details of the proposed management scheme. While some DC members had already selected spots for the display of roadside NCPM, designated spots had been set aside for LegCo Members to ensure fairness. As regards the implementation date, D of L reiterated that "1 April" was only the Administration's initial suggestion for putting in place the management scheme as early as possible, and could be adjusted if Members considered it necessary to do so.

12. Ms Emily LAU enquired whether the Administration would revert to DCs on any revised arrangement after consulting LegCo Members. D of L pointed out that it had taken Lands D more than one year to conduct two rounds of consultation for all 18 DCs before reaching a consensus with them on the details of the proposed management scheme. He very much hoped that any changes proposed by LegCo Members would not affect the arrangements for DCs.

Number of designated spots to be allocated to LegCo Members

LegCo Members returned for GC

13. Referring to the Administration's proposal mentioned in paragraph 9 above, Members noted that each of the 24 LegCo Members returned for GC would be allocated with designated spots corresponding to the number of DC constituencies within his/her LegCo GC. In other words, each LegCo Member would be allocated only one designated spot in each of the DC constituencies within his/her LegCo GC. Mr Fred LI, Mr WONG Sing-chi, Mr LEE Cheuk-yan, Mr Tommy CHEUNG, Mr Albert CHAN and Mr LAU Kong-wah considered this number highly inadequate, as LegCo Members needed to promote their work among a substantial number of constituents in each of the DC constituencies. For example, there were a total of over 1 million constituents in the 59 DC constituencies within Kowloon East GC. Moreover, some of the DC constituencies, in particular those in the rural areas and

outlying islands, were very large in size. Mr LI and Mr WONG pointed that in the Democratic Party (DP)'s view, the number of designated spots should at least be tripled, i.e. each of the 24 LegCo Members should be allocated at least 3 designated spots in each of the DC constituencies within his/her LegCo GC. For example, each LegCo Member from Kowloon East GC should be allocated at least 177 (59 x 3) designated spots. Mr CHEUNG pointed out the Liberal Party (LP)'s view that the number of designated spots should at least be doubled, and that it had no objection to DP's view. Mr LAU considered that the allocation should be based on the number of DC districts covered by a LegCo Member's GC. He proposed that each of the 24 LegCo Members should be allocated 50 designated spots in each of the DC districts covered by his/her LegCo GC. For example, each LegCo Member from New Territories East GC should be allocated 200 (4 x 50) designated spots, which should be evenly distributed among the four districts concerned (Shatin, Tai Po, North and Sai Kung).

14. Members were generally in support of Mr LAU Kong-wah's proposal. Referring to Annex I of the supplementary note provided by the Administration, PLE/Lands D advised that the Administration had identified a total of 20 443 designated spots all over Hong Kong. The Administration had agreed with 18 DCs on the broad principle that the number of designated spots to be allocated to DC members would not be more than 30% of the total number of designated spots. With 5 385 (26%) designated spots allocated to members of 18 DCs, the remaining 15 058 would be divided between LegCo Members and other users. Any increase in the allocation to LegCo Members would correspondingly reduce the number of designated spots for other users. Mr LEE Cheuk-yan and Mr Albert CHAN suggested the Administration to identify more designated spots. PLE/Lands D explained that staff of Lands D had made every effort to identify, in consultation with relevant Government departments, designated spots without compromising traffic safety and other requirements. In this connection, various options for increasing the number of designated spots had been explored. For example, on the 30-metre safety zones illustrated in Appendix II of the paper provided by the Administration, Lands D had successfully convinced the relevant departments not to apply the 30-metre safety restriction on the traffic downstream side of Government built pedestrian crossings and at the T junction of a one-way street joining another road. As a result, the number of spots was almost doubled to 20 443. D of L hoped that Members would appreciate the difficulties in identifying additional spots.

15. Mr Albert CHAN suggested the Administration to consider identifying additional designated spots for the display of NCPM in playgrounds managed by the Leisure and Culture Services Department. PLE/Lands D pointed out that those playgrounds were not managed by Lands D and therefore not covered by the proposed management scheme. Mr CHAN further suggested the Administration to consider providing additional designated spots along footbridge or near bus stops. He observed that publicity boards with lighting panel had been displayed at bus stops. PLE/Lands D undertook to look into Mr CHAN's suggestion.

16. Members requested the Administration to consider Mr LAU Kong-wah's proposal mentioned in paragraph 13 above. Mr Albert CHAN considered that flexibility should be allowed for LegCo Members to be allocated more designated spots in DC districts in rural areas and outlying islands. Ms Emily LAU considered that the need for the third major group of users, i.e. other users, for the display of roadside NCPM should also be catered for. At Members' request, PLE/Lands D undertook to work out the number of designated spots to be allocated to LegCo Members and other users on the basis of Mr LAU's proposal.

LegCo Members returned for FC

17. Referring to the Administration's proposal mentioned in paragraph 9 above, Members noted that each of the 36 LegCo Members returned for FC or by EC would be allocated 80 designated spots throughout Hong Kong. Mr Tommy CHEUNG, Mr Michael MAK Kwok-fung and Mr WONG Yung-kan considered the number highly inadequate, as LegCo Members returned for FC needed to promote their work among their constituents in each district. As a LegCo Member returned for the Catering FC, Mr CHEUNG pointed out that his constituents spread across each and every corner of Hong Kong, including Sha Tau Kok and outlying islands. He pointed out LP's view that the number of designated spots should at least be doubled, i.e. 160 designated spots for each of the 36 Members. In line with the revised number of designated spots for LegCo Members returned for GC, Mr WONG suggested that each Member returned for FC or by EC should be allocated 200 designated spots, with no cap on the number of designated spots in each district for each Member. D of L considered it essential to have a cap so as to avoid a situation where the popular districts would be flooded with roadside NCPM.

18. Members supported LP's view that each of the 36 LegCo Members returned for FC or by EC be allocated 160 designated spots throughout the 18 DC districts in Hong Kong, with a cap on the number of designated spots in each district for each Member. To allow some flexibility, Mr LEE Cheuk-yan considered that Members should be allowed to slightly exceed the cap for each district, subject to the overall ceiling of 160 being not exceeded. Mr LAU Kong-wah considered that each Member might exceed the cap by up to two spots in a DC district. D of L undertook to consider Members' views.

Choice of designated spots

19. Whilst appreciating that flexibility should be allowed for the allocation of designated spots to LegCo Members returned for FC, Mr Tommy CHEUNG, Mr WONG Yung-kan and Ms Emily LAU considered it essential to avoid a situation where the popular districts would be flooded with roadside NCPM. Lands D might organize a balloting to decide on the allocation, if necessary. Mr Michael MAK considered that allocation by balloting could not address his needs. As a LegCo

Member returned for the Health Services FC, he pointed out that it would only serve the purpose if his publicity materials could be displayed at designated spots near the entrance of hospitals or clinics. In this regard, Mr MAK requested the Administration to provide him with the flexibility of choosing designated spots near his constituents. Mr James TO Kun-sun saw the need to provide Members returned by FC with such flexibility. D of L undertook to consider Members' suggestions.

20. Mr Albert CHAN pointed out that different arrangements had been adopted by different DCs for the allocation of designated spots for the display of roadside NCPM. Ms Emily LAU shared his concern and pointed out that the arrangements for the four DC districts in New Territories East were different. PLE/Lands D advised that in order to cater for the different needs of different DC districts, the Administration had provided each DC with the flexibility for the allocation of designated spots to DC members. Subject to any advice of individual DCs to the District Lands Office (DLO), each DC Member might select 10 designated spots in his/her own district. Mr CHAN pointed out that in Tsuen Wan District, the appointed DC members were allowed to display NCPM wherever they liked while the elected DC members had no such privilege. At the request of Mr CHAN, PLE/Lands D undertook to look into the case.

Admin

Allocation of unused designated spots

21. Mr LEE Cheuk-yan, Ms Emily LAU and Mr WONG Sing-chi considered that a mechanism should be put in place for the allocation of unused designated spots to interested applicants, such as non-profit making bodies. PLE/Lands D undertook to look into this suggestion.

Display period

22. Ms Emily LAU suggested that the period covered by the approval for LegCo Members to display NCPM at designated spots should be shortened from four years, say, to one year. A mechanism should be in place to enable each Member to have a fair chance to choose designated spots at popular locations within their four-year term. As regards the two-month period covered by the approval for the third major group of users to display NCPM at designated spots, Mr LEE Cheuk-yan was of the view that consideration might be given to suitably extend the period where circumstances warranted. PLE/Lands D undertook to review the arrangement.

Content of publicity materials

23. Referring to paragraph 7(a)(iii) of the Annex to the paper provided by the Administration, Mr Fred LI noted that information of NCPM must not include any form of fee paying activities. He considered this requirement unreasonable, as the public would normally be charged with a nominal fee for joining non-profit making activities organized by offices of LegCo Members. D of L advised that the Administration had already reviewed this requirement and decided that fee paying social service related events would not be restricted. However, the name of any commercial bodies concerned, such as the name of a travel agency, should not appear on the publicity materials.

24. Responding to Mr LAU Kong-wah's enquiry, PLE/Lands D advised that the name of the sponsoring organizations, such as utility companies, could be shown on the publicity materials. The Chairman considered that for social service functions jointly organized by offices of LegCo Members and non-profit making bodies such as the Community Chest, publicity materials containing the names of the joint organizers should also be allowed.

Types of publicity materials

25. Mr Albert CHAN held the view that for safety reasons, publicity materials should preferably be made of plastic or cloth, rather than wood. PLE/Lands D advised that the Administration would accept plastic, cloth or wood but it should be up to the users to decide on the types of materials to be used.

Application period

26. On the requirement for applications to be submitted to the relevant DLO no later than one month before the intended display period, Mr LAU Kong-wah considered that the one-month period should be shortened to seven days. Moreover, flexibility should be provided for processing urgent applications under special circumstances, such as for the display of anti-war publicity materials. PLE/Lands D advised that under normal circumstances, the processing time for an application was about two weeks. However, staff of Lands D responsible for processing applications had been instructed to exercise flexibility for urgent cases. The Chairman then enquired whether the one-month period could be shortened to two weeks. PLE/Lands D responded that it was difficult for the Administration to make such a commitment at this stage when the number of applications to be received by Lands D for the display of roadside NCPM was unknown. He however assured Members that urgent applications with justifications would also be processed.

Way forward

27. The Chairman summarized the suggestions raised by Members at the meeting, as follows-

(a) Number of designated spots to be allocated to LegCo Members

- (i) Each of the 24 LegCo Members returned for GC would be allocated 50 designated spots in each of the DC districts covered by his/her GC. For example, a Member from the Hong Kong Island GC would be allocated 50 designated spots in Eastern district, 50 in Wanchai district, 50 in Central & Western district, and 50 in Southern district. In other words, he/she would be allocated a total of 200 designated spots, which should be evenly distributed among the four districts concerned.
- (ii) Each of the 36 LegCo Members returned for FC or by EC would be allocated 160 designated spots throughout the 18 DC districts in Hong Kong, with a cap on the number of designated spots in each district for each Member.

(b) Allocation of unused designated spots

A mechanism should be put in place for the allocation of unused designated spots to interested applicants, such as non-profit making bodies.

(c) Choice of designated spots

Consideration should be given to how to cater for the need of some Members returned for FC to choose designated spots near their constituents.

(d) Location of designated spots

Additional designated spots should be identified as far as practicable. Those along footbridge or near bus stop might be considered.

(e) Display period

- (i) The period covered by the approval for LegCo Members to display NCPM at designated spots should be shortened from four years, say, to one year. A mechanism should be put in place to enable each Member to have a fair chance to choose designated spots at popular locations within their four-year term.
- (ii) As regards the two-month period covered by the approval for public organizations and non-profit making bodies to display NCPM at designated spots, consideration might be given to suitably extend the period where circumstances warranted.

(f) Content of publicity materials

For social service functions jointly organized by offices of LegCo Members and non-profit making bodies such as the Community Chest, publicity materials containing the names of the joint organizers should be allowed.

(g) Application period

On the requirement for applications to be submitted to the relevant DLO no later than one month before the intended display period, consideration might be given to shorten the one-month period. Flexibility should be provided for processing urgent applications under special circumstances.

28. At the request of Members, the Administration agreed to provide a paper within two weeks responding to the suggestions raised by Members at the meeting. Subject to Members' views on the Administration's response, the proposed management scheme for the display of roadside NCPM would be implemented on a trial basis with effect from 1 April 2003.

(Post-meeting note: The information provided by the Administration was issued to Members vide LC Paper No. CB(1)1190/02-03 on 21 March 2003.)

V. Any other business

29. There being no other business, the meeting ended at 11:00 am.

Council Business Division 1
Legislative Council Secretariat
2 April 2003