

立法會
Legislative Council

LC Paper No. CB(1) 2351/02-03

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by the Administration)

Ref : CB1/PL/PLW/1

Panel on Planning, Lands and Works

**Minutes of meeting
held on Friday, 4 July 2003, at 8:30 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 LAU Wong-fat, GBS, JP
Hon CHOY So-yuk
Hon TAM Yiu-chung, GBS, JP
Hon Albert CHAN Wai-yip
Hon WONG Sing-chi
Hon IP Kwok-him, JP

Member attending : Hon Emily LAU Wai-hing, JP

Members absent : Hon LAU Ping-cheung (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Hon WONG Yung-kan
Hon Timothy FOK Tsun-ting, SBS, JP
Hon Abraham SHEK Lai-him, JP

Public officers attending : Agenda Items III and IV

Mr Thomas TSO
Permanent Secretary for Housing, Planning and Lands
(Planning and Lands) (Acting)

Agenda Item III

Ms Lolly CHIU
Deputy Secretary for Home Affairs

Miss CHOI Suk-kuen
Deputy Director of Leisure & Cultural Services (Culture)

Mr KWAN Pak-lam
Project Manager (Kowloon)
Territory Development Department

Mr LI Chi-kwong
Assistant Director of Planning/Metro
Planning Department

Agenda Item IV

Mr Daniel CHENG
Principal Assistant Secretary for Housing, Planning and
Lands (Planning and Lands)

Mr CHAN Pun-chung
Deputy Director (District)
Planning Department

Clerk in attendance : Miss Odelia LEUNG
Chief Assistant Secretary (1)4

Staff in attendance : Ms Sarah YUEN
Senior Assistant Secretary (1)6

Ms Christina SHIU
Legislative Assistant

I. Confirmation of minutes of meetings and matters arising

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| (LC Paper No. CB(1)1968/02-03 | — Minutes of the joint meeting of the Panel on Environmental Affairs and Panel on Planning, Lands and Works held on 14 May 2003 |
| LC Paper No. CB(1)2079/02-03 | — Minutes of the joint meeting of the Panel on Housing and Panel on Planning, Lands and Works held on 16 May 2003 |
| LC Paper No. CB(1)2105/02-03 | — Minutes of the meeting held on 6 June 2003 |
| LC Paper No. CB(1)2104/02-03(01) | — List of outstanding items for discussion |
| LC Paper No. CB(1)2104/02-03(02) | — List of follow-up actions) |

The minutes of the three meetings held on 14 May, 16 May and 6 June 2003 respectively were confirmed.

II. Information papers issued since last meeting

2. Members noted the following papers issued since the last meeting -
 - (a) Information notes on issues raised by Central & Western District Council members at the meeting with LegCo Members on 28 November 2002 (LC Paper Nos. CB(1)1892/02-03(01) and (02));
 - (b) Information notes on control system for signboards (LC Paper Nos. CB(1)2021/02-03(01), (02) and (03)); and
 - (c) Information paper on the proposal to delink the rates of honoraria for new trainees under the Graduate Training Scheme for the Environment, Transport and Works Bureau and the Housing, Planning and Lands Bureau from the civil service pay (LC Paper No. CB(1)2081/02-03(01)).
3. On the information paper mentioned in paragraph 2(c) above, members noted that the Administration would submit the relevant proposal to the Finance Committee for consideration at its meeting on 18 July 2003.

III. West Kowloon Cultural District

(LC Paper No. CB(1)2104/02-03(03) — Paper provided by the Administration)

4. With the aid of a video show, the Permanent Secretary for Housing, Planning and Lands (Planning and Lands) (Acting) (PSHPL(P&L)(Atg)) briefed members on the progress of the work of the Steering Committee for Development of the West Kowloon Cultural District (WKCD) and the plan to invite the private sector to submit project proposals shortly.

General comments

5. Mr WONG Sing-chi urged the Administration to take forward the WKCD Project with determination. He stressed that the Administration must avoid a repeat of the mistake of the Tamar Development Project, which was put on hold abruptly, dampening confidence of the general public and foreign investors in Government. Whilst supporting the WKCD Project, Mr Albert CHAN Wai-yip cautioned that the WKCD Project must not become Hong Kong's version of London's Millennium Dome which, though grand and aesthetic, was impractical and a waste of money. In response, PSHPL(P&L)(Atg) assured members that the Administration was very serious with the WKCD Project and was determined to pursue it with careful planning.

Invitation for proposals (IFP)

6. Noting that a large amount of capital would be required to take forward the WKCD Project, Mr WONG Sing-chi was concerned about the possibility of poor response to the planned "Invitation for Proposals" (IFP) and of receiving very low bids. PSHPL(P&L)(Atg) said that the Administration was optimistic about the IFP because the site in question was the last piece of prime land along the harbour for major development. The commercial potential of the WKCD Project was substantial. Proponents would be given considerable flexibility in framing their proposals. They would also be responsible for the provision of infrastructural facilities. The Administration recognized the need for substantial capital investment in the project and planned to invite submissions both locally and internationally.

7. In reply to Mr WONG Sing-chi on preparation for contingency measures in the event of nil or poor response to the IFP, PSHPL(P&L)(Atg) reiterated that the Administration believed that the Project would be commercially attractive to investors. Depending on the result of the IFP, the Administration might negotiate with proponents and adjust the contents and/or requirements of the Project where necessary. In the eventuality of there being no successful proponent in the IFP

exercise, the Administration would have to rethink the whole development approach for this project.

Physical design of the West Kowloon Cultural District

The proposed canopy

8. Mr TAM Yiu-chung expressed concern about the proposed canopy, including its technical feasibility, possible cleaning, maintenance and leakage problems, and whether it could provide shelter from the rain and withstand strong winds. Mr IP Kwok-him shared Mr TAM's concern about the resistance of the proposed canopy to winds, which, in his view, might be affected by its height. In this respect, Mr Albert CHAN pointed out the need to guard against tornadoes, which had become more common in Hong Kong in recent years. In reply, PSHPL(P&L)(Atg) made the following points -

- (a) The proposed canopy had been assessed to be technically feasible. The canopy was planned to be securely supported by pillars according to the locations of buildings on the site;
- (b) It was not envisaged that there would be difficulty with maintenance and cleaning as there would be access to the canopy to facilitate such works;
- (c) The canopy was not designed for providing shelter from the rain. It was designed to be open-sided and partially transparent, for the purpose of creating a pleasant open-air leisure environment and serving as an icon of modern Hong Kong; and
- (d) The effects of strong winds and typhoons were considered carefully. The problem could be resolved technically. The design of the canopy should withstand strong winds including typhoons. The canopy would be open-sided which would reduce air pressure and its resistance to winds would not be affected by its varying height. Activities could go on in the indoor facilities during bad weather.

The proposed cluster of museums

9. Mr IP Kwok-him queried the need to provide a museum cluster comprising four museums in the WKCD Project, pointing out that there were already many museums in Hong Kong. In response, the Deputy Director of Leisure & Cultural Services (Culture) (DDLCS(C)) said that the Administration held the view that the proposed museums would be well received by the public on the following grounds

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- (a) WKCD would be a landmark of Hong Kong and a good attraction for both tourists and citizens;
- (b) The number of visitors to museums had increased significantly over the past decade from 2.5 million to 4.5 million per year. The seven cultural facilities opened in 2000 and 2001 were all very well received. The opening of the proposed museums would further promote interest in this area; and
- (c) The museums would be of different themes to cater for the needs and interests of different people.

Other facilities

10. Mr Albert CHAN suggested that consideration be given to constructing cultural training facilities including accommodation in WKCD. The provision of these facilities would help Hong Kong become a regional training centre of arts and culture. Mr CHAN was of the view that the Administration should have a policy direction on the cultural development in WKCD and the facilities to be built therein should then tie in with the policy. This aspect should not be left entirely to project proponents. Mr CHAN also suggested that the proposed open air "water amphitheatre" be equipped for ice skating as well. He envisaged that the view there, while skating, would be spectacular.

11. In response, DDLCS(C) agreed that cultural development in the WKCD should not be led entirely by the project proponents. She pointed out that the core arts and cultural facilities which proponents had to provide in the WKCD Project would be stipulated in the IFP document. Proponents could also propose additional arts and cultural facilities such as art studios, training centres and art galleries, etc., and such proposed facilities would be taken into consideration when project proposals were assessed. PSHPL(P&L)(Atg) added that Mr CHAN's suggestion related to the broader issue of Hong Kong's overall arts and cultural policy, and therefore should be considered in that context.

Admin

12. Mr LAU Wong-fat enquired about the extent of and rationale for providing high-class residential development in WKCD. In reply, PSHPL(P&L)(Atg) said that it was necessary to provide accommodation for visiting top artists and performers in WKCD such as service apartments. He said that according to the winning concept design for the WKCD, only around 7 to 8% of the total floor area of the development would be for residential purpose.

Management of public facilities in the West Kowloon Cultural District

Management mode

13. On management of the arts and cultural facilities in WKCD, Mr Albert CHAN proposed that the Administration should make reference to the Docklands in London where a statutory authority was established to manage and oversee the development. Agreement could be made with the successful project proponent to the effect that part of the income from the WKCD Project, such as rentals for residential and commercial developments, would be used to finance the operation of a statutory authority on arts and cultural development. Such a mode of management would have the advantage of securing a stable source of income for the independent operation of the statutory authority and of arts and cultural facilities and activities. Mr CHAN considered that the Administration should make up its mind on the management mode in respect of WKCD before the IFP was launched.

Admin

14. In response, PSHPL(P&L)(Atg) said that the Administration would definitely play a role in the management of the arts and cultural facilities in WKCD. One option being considered was the establishment of a statutory authority for managing such facilities. However, it would not be appropriate for the Administration to specify a particular mode of management in the IFP as project proponents should be allowed flexibility to make proposals. He pointed out that before a final development proposal, including the management arrangements, was adopted for implementation, the LegCo would be consulted.

Admin

Pricing for use of facilities

15. Drawing from the experience of the Convention Centre the rentals for use of its facilities were fixed at a high level to recover the costs, Mr TAM Yiu-chung expressed concern about the same for WKCD. Mr IP Kwok-him shared his concern and enquired whether and how the pricing for use of the arts and cultural facilities in WKCD would be monitored. In response, PSHPL(P&L)(Atg) said that the development brief would require proponents to provide the charging policy for use of the arts and cultural facilities. The Administration would need to discuss with proponents on the details. Moreover, unlike the Convention Centre which had no competitor, there were arts and cultural facilities similar to those in WKCD and competition should help to regulate prices.

Other concerns

16. In reply to Mr TAM Yiu-chung on right of development in WKCD, PSHPL(P&L)(Atg) confirmed that the land lease for WKCD would last for 50 years. The successful proponent would be granted right to operate the arts and

cultural facilities for 30 years. Upon expiry of the 30-year period, all these facilities would be handed back to the Government and the proponent concerned might apply for extension of the operation right. The Chairman remarked that the facilities would be worn out by then.

17. Noting the presence of an islet in the WKCD Project, Mr IP Kwok-him expressed concern about any need for reclamation. In response, PSHPL(P&L)(Atg) explained that the land for the islet had already been reclaimed. The islet would be formed by dredging up part of the reclaimed land to produce a waterway. However, there might be a need to reclaim a very small area to produce a curved shoreline for WKCD. The Administration would consider the proposals received and the views of the public before deciding on the matter.

Admin

18. Summing up, the Chairman urged the Administration to optimize the WKCD Project to generate economic and employment opportunities in the present economic downturn. He also called on the Administration to consider members' views expressed at this meeting.

IV. Town Planning Board — statutory powers, composition and criteria for appointment of members

- (LC Paper No. CB(1)1902/02-03(01) — List of concerns raised by Members at the Panel meeting on 6 June 2003
- LC Paper No. CB(1)2104/02-03(04) — List of issues to be raised by Members
- LC Paper No. CB(1)2104/02-03(05) — Paper provided by the Administration)

19. The Chairman explained that the item had been discussed at the last meeting of the Panel on 6 June 2003. Members decided to further discuss it and invite the Secretary for Housing, Planning and Lands (SHPL) to attend this meeting because they considered it unsatisfactory that most of their concerns could not be dealt with in the Town Planning (Amendment) Bill 2003 (the Bill).

20. On behalf of SHPL, PSHPL(P&L)(Atg) apologized for SHPL's inability to attend the meeting owing to the need to attend an urgent meeting at very short notice. He drew members' attention to the Administration's response to the comments made by members at the last meeting.

Planning mishaps due to problems in the planning process

21. Mr Albert CHAN urged the Administration to introduce the long overdue improvements to the operation of the Town Planning Board (TPB). He alleged that the TPB had provided a forum where the Administration collaborated with developers to protect the latter's interest. He quoted as an example the development in the buffer zone of Terminal No. 9, where service apartments were presently being sold as residential units. Mr CHAN found the following anomalies in that case -

- (a) The site concerned was originally not designated for development of residential units in consideration of the noise and light nuisances created by Terminal No. 9. TPB however subsequently approved without public knowledge the change of land use to development of service apartments;
- (b) The approval was given in 1998, after the Administration had decided to suspend land sale to boost the property market. The decision of the TPB does not accord with the Administration's policy; and
- (c) The land was sold to the developer in question without going through public auction.

22. Mr Albert CHAN claimed that inadequate representation of TPB and the lack of transparency in its operation had attributed to the occurrence of the above anomalies. Mr LAU Wong-fat echoed his views. PSHPL(P&L)(Atg) disagreed that there was any collaboration between the Administration and developers in the operation of TPB. He stressed that it was the Administration's objective to enhance the transparency of TPB, hence the introduction of the Bill into LegCo as a first step in this regard. Amongst others, the Bill required TPB to publish all applications for planning permission and for amendment to statutory plans for public comments.

23. On the case quoted in paragraph 21 above, PSHPL(P&L)(Atg) clarified that the land in question was originally designated for commercial development to act as a buffer against the container terminal. Use of the land was subsequently changed to development of hotel and service apartments. TPB recognized the problem concerning land use for the development of service apartment and had plugged the loophole two to three years ago. The case quoted happened before such action was taken. The Deputy Director (District), Planning Department (DD of Plan (D)) supplemented that noting the problems associated with land designated for development of service apartments, the TPB had deleted "service apartments" from the categories of land use on statutory town plans.

Roles of local bodies in the planning process

The role of District Councils

24. Mr IP Kwok-him emphasized the need to enhance the role and participation of District Councils (DCs) in the planning process. This could be done by making it a statutory requirement in the Bill to consult DCs in the planning process. In response, PSHPL(P&L)(Atg) and DD of Plan (D) stressed that under the existing arrangement DCs were consulted on major planning studies and in the preparation of statutory plans. The Bill had also included proposals to require TPB to publicize all planning applications, rezoning requests and representation to draft plans for public comments.

Admin

25. Mr IP Kwok-him pointed out that DCs were often consulted at a late planning stage and that their views were not taken into account unless a written submission in the form of objection was made. He was dissatisfied that despite clear views expressed at DCs' meetings, these were not considered on the ground that a formal objection had not been lodged. PSHPL(P&L)(Atg) and DD of Plan (D) assured members that TPB had and would continue to consider the views of DCs. They agreed that there was room to improve the mechanism for relaying DCs' views to TPB for consideration. TPB might consider sending applications for planning permission and amendments to plans to DCs for comment. The Chairman remarked that the Administration should advise DCs of the action taken in response to their views expressed and the outcome. Mr IP suggested that it should either be made a statutory requirement in law or stipulated in the guidelines for TPB that DCs be consulted on planning applications. PSHPL(P&L)(Atg) noted and undertook to consider his suggestions.

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The role of Heung Yee Kuk New Territories

26. Mr LAU Wong-fat opined that as most future developments would be in the New Territories (NT), there should at least be one representative from Heung Yee Kuk New Territories (HYK) sitting on TPB to ensure that the interests of the NT residents would be taken into due consideration in the planning process. In response, PSHPL(P&L)(Atg) pointed out that members of TPB came from different sectors of the community. At present a few TPB members came from the NT, and the Administration always considered it important to maintain a balanced membership. Composition of the TPB would be considered in the Stage 2 amendment exercise, which would commence after the passage of the Bill, and Mr LAU's suggestion could be considered then.

Admin

27. Mr LAU Wong-fat identified the following two areas in the operation of TPB which he considered unsatisfactory -

- (a) At present, whenever issues related to the NT were discussed, TPB members coming from the NT would have to withdraw from the

meeting. Such an arrangement would defeat the purpose of appointing individuals from the NT sitting on TPB. It was also unfair that similar arrangement did not apply to TPB members coming from the urban areas when urban land matters were discussed; and

- (b) It was not unusual that only after the private land in the NT which was zoned as conservation areas was sold did the original owner learn that the land had been approved by TPB upon application for more profitable uses. This was unfair to the original land owner.

28. In response, PSHPL(P&L)(Atg) stressed that the deficiency mentioned in paragraph 27(b) above would be addressed by the Bill under which an applicant would be required to seek consent of or notify the owners before making any planning application and TPB would be required to publish the applications received by it. As regards paragraph 27(a) above, DD of Plan (D) clarified that TPB members would only be required to withdraw from discussion where they had a conflict of interest in an item under consideration, having regard to the interests registered upon their appointment to TPB. There was no such arrangement that members coming from NT would need to withdraw from discussion automatically whenever NT land matters were considered. However, where HYK had submitted views on an issue, TPB members who were sitting on HYK should withdraw when the relevant issue was under consideration by TPB.

29. Mr LAU Wong-fat considered that even if HYK had expressed view on a subject, the TPB members who were HYK members should not be required to withdraw from the discussion because they were appointed in individual capacity. Moreover, HYK, representing the interests of rural residents in the NT, would give views on almost every subject relating to the NT. Thus, in effect, these TPB members would have to withdraw from the discussion on all matters relating to the NT. PSHPL(P&L)(Atg) and DD of Plan (D) undertook to follow up Mr LAU's views with the Secretariat of TPB.

Conduct of TPB meetings

Conduct of open meetings

30. Referring to paragraph 12 of the paper, Mr Albert CHAN emphasized that transparency of the planning process was the best way to guard against irregularities. He disagreed with the Administration's saying that "inappropriate or premature release of sensitive information to the public might undermine the planning objectives or even nullify the effectiveness of the intended planning control". In his view, non-disclosure of information would be in the interest of developers and not the public. Mr LAU Wong-fat shared his views. In reply, PSHPL(P&L)(Atg) reiterated that there was no question that the Administration protected the interests of developers. It was a practical consideration that in order

to ensure the effectiveness of any planning control proposals, they should not be disclosed prematurely. The Bill would enhance the transparency of the planning system. The issue of the opening up of TPB meetings would be examined in the Stage 2 amendment exercise.

Quorum

31. Referring to paragraph 13 of the paper, Mr Albert CHAN queried the rationale for increasing the quorum for a TPB meeting to nine only. He considered that the quorum should be enlarged and fixed at a certain percentage of the membership. Mr IP Kwok-him and Mr LAU Wong-fat shared his views. In response, PSHPL(P&L)(Atg) explained that the proposed quorum was put forward in the Town Planning Bill 2000. The proposal had been worked out with reference to the operational experience of TPB, taking into account the fact that most TPB members were not full-time members. DD of Plan (D) supplemented that it was provided in the existing Town Planning Ordinance that the number of non-official members of the committees should exceed the number of official members when forming a quorum at any meeting. Mr CHAN and Mr IP opined that as decisions of TPB affected public interests, nine members forming a quorum were too small and the size of the quorum for TPB meetings should be larger. Non-official members should assess their own commitment when deciding whether or not to accept the appointment. Mr CHAN considered that at least one-half of the membership should form the quorum. In response, PSHPL(P&L)(Atg) reiterated that the proposal of nine members forming a quorum was made in the context of the Town Planning Bill 2000. The subject would be reviewed in the Stage Two amendment exercise.

Admin

The Bill

32. Ms Emily LAU Wai-hing said that she had received a copied letter dated 10 April 2003 from The Real Estate Developers Association of Hong Kong (REDA) to PSHPL(P&L)(Atg) on the Bill, and many views contained therein were similar to those expressed by members at the Panel meeting on 6 June 2003. As the Bill could not address many concerns shared by LegCo members and developers alike, she considered that the Administration should withdraw the Bill and introduce a more comprehensive bill to tackle all the issues in one go.

33. In response, PSHPL(P&L)(Atg) stressed that the Town Planning Bill 2000 was a comprehensive bill to address all the issues. Experience showed that it was difficult to achieve consensus on all the complex issues in one go. The Administration therefore considered it more appropriate to adopt a phased approach to take forward the proposals that would bring immediate benefits to the community. The Bill was a first step in that direction. PSHPL(P&L)(Atg) added that the Administration had held a meeting with REDA to discuss the letter, and a reply was issued to REDA on 7 May 2003.

Admin

34. The Chairman agreed with Ms Emily LAU that public views should be obtained on the proposed amendments to the planning system and related matters. Noting that the Bills Committee on the Bill had been activated, the meeting agreed that the matter should be dealt with by the Bills Committee. In conclusion, the Chairman called on the Administration to expedite and introduce the Stage Two amendments as soon as possible.

V. Any other business

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

Council Business Division 1
Legislative Council Secretariat
20 August 2003