

立法會
Legislative Council

LC Paper No. CB(2)2591/05-06

(These minutes have been
seen by the Administration)

Ref : CB2/PL/HA

Panel on Home Affairs

**Minutes of meeting
held on Friday, 12 May 2006 at 10:45 am
in the Chamber of the Legislative Council Building**

Members present : Hon Tommy CHEUNG Yu-yan, JP (Chairman)
Hon TAM Heung-man (Deputy Chairman)
Hon Margaret NG
Hon James TO Kun-sun
Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon Andrew CHENG Kar-foo
Hon Timothy FOK Tsun-ting, GBS, JP
Hon LI Kwok-ying, MH
Hon Daniel LAM Wai-keung, BBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
Hon Patrick LAU Sau-shing, SBS, JP

Members attending : Hon Albert CHAN Wai-yip
Hon WONG Kwok-hing, MH

Members absent : Hon Albert HO Chun-yan
Dr Hon Philip WONG Yu-hong, GBS

Public Officers : Item IV
attending

Mr Peter KWOK
Principal Assistant Secretary for Home Affairs
(Culture)2

Mr Daniel SIN
Assistant Secretary for Home Affairs (Recreation and
Sport)

Mr LEE Yuk-man
Assistant Director (Libraries & Development)
Leisure and Cultural Services Department

Mr Eddy YAU
Assistant Director (Leisure Services) 3
Leisure and Cultural Services Department

Mrs Karen YUEN
Chief Executive Officer (Planning) 1
Leisure and Cultural Services Department

Mr Peter KAN
Chief Executive Officer (Planning) 2
Leisure and Cultural Services Department

Mrs Celina KWOK
Chief Project Manager 302
Architectural Services Department

Mr FAN Wing-kwong
Senior Project Manager 327
Architectural Services Department

Item V

Mr Gary YEUNG
Deputy Director of Home Affairs (1)

Mr R C BARAM
Assistant Director (Acquisition)
Lands Department

Mr NG Kam-chi
Assistant Director (Development)
Highways Department

Mr LAM Siu-tong
Acting Assistant Director (Existing Buildings) 1
Building Department

Mr SIN Kwok-hau
Acting Assistant Director (Operations) 3
Food and Environmental Hygiene Department

Clerk in attendance : Miss Flora TAI
Chief Council Secretary (2)2

Staff in attendance : Ms Joanne MAK
Senior Council Secretary (2)2

Miss Sherman WOO
Legislative Assistant (2)2

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I. Confirmation of minutes
[LC Paper No. CB(2)1913/05-06]

The minutes of the meeting held on 7 April 2006 were confirmed.

II. Information paper(s) issued since the last meeting

2. Members noted that no information paper had been issued since the last meeting.

III. Items for discussion at the next meeting
[Appendices I & II to LC Paper No. CB(2)1912/05-06]

Regular meeting on 9 June 2006

3. Members agreed to discuss the following items at the next regular meeting on Friday, 9 June 2006 at 10:45 am –

- (a) hearing of the United Nations Committee on Elimination of Discrimination against Women on the Second Report of the Hong Kong Special Administrative Region (HKSAR) under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); and

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(b) Committee on Performing Arts Recommendation Report.

Clerk 4. At the suggestion of Ms Emily LAU, the Panel agreed to invite deputations to attend the meeting to give views on the Second Report of HKSAR under CEDAW, and to put an invitation for public views on the website of the Legislative Council (LegCo).

Clerk

Special meeting on 27 June 2006

5. Members also agreed to hold a special meeting on Tuesday, 27 June 2006 at 8:30 am to discuss –

(a) the concluding observations on the Second Report of HKSAR in the light of the International Covenant on Civil and Political Rights (ICCPR); and

(b) operational problems of National Sports Associations (NSAs).

Clerk 6. At the suggestion of Ms Emily LAU, the Panel agreed to invite deputations which had attended the meeting of the Panel on 10 March 2006 to the special meeting for the discussion of the item in paragraph 5(a) above.

Admin 7. Mr Andrew CHENG, who proposed to discuss the item referred to in paragraph 5(b) above, expressed concern about the alleged conflict of interests in relation to the chairman of the Hong Kong Amateur Athletic Association as recently reported by the press. He suggested that the Panel should discuss the problems and the present arrangements of NSAs in the areas of administration, finance, procurement (e.g. tendering procedures), structure and selection of members, and whether any measures would be taken by the Administration to improve the present arrangements in these areas. He added that the Administration should be asked to provide a discussion paper covering these issues.

(Post-meeting note: at the suggestion of the Administration and with the concurrence of the Chairman, the item “Committee on Performing Arts Recommendation Report” scheduled for discussion at the meeting on 9 June 2006 and the item “Concluding Observations on the Second Report of HKSAR in the light of ICCPR scheduled for discussion at the meeting on 27 June 2006 have been swapped.)

IV. Capital works projects : "Renovation of Libraries Phase 2", "Local Open Space in Area 16 (Yau Oi South), Tuen Mun" and "District Open Space in Area 107 Tin Shui Wai"

[LC Paper No. CB(2)1912/05-06(01) to (03)]

8. Principal Assistant Secretary for Home Affairs (Culture)2 (PASHA(C)2) briefed members on the salient points of the Administration’s paper and he appealed to members for their support for the three proposed projects.

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Renovation of Libraries - Phase 2 works

9. Mr Daniel LAM expressed support for the project. The Deputy Chairman raised the following questions for the Administration's response –

- (a) what measures would be taken to minimise the inconvenience caused to visitors during the renovation period; and
- (b) whether old equipment and furnishings, e.g. computers, bookshelves, and desks/chairs, which would not be retained would be given to voluntary agencies.

10. Assistant Director (Libraries & Development) (AD(L&D)) responded that during Phase 1 period, certain measures taken to minimise inconvenience caused to visitors had proven to be effective. He said that while the Administration would consider taking the same measures under Phase 2, it would also explore any other necessary measures which could minimise inconvenience caused to visitors. He pointed out that during the renovation period under Phase 1, the libraries concerned had still maintained provision of a certain degree of library service, and had arranged works which could generate odour/noise to take place outside their opening hours. The Leisure and Cultural Services Department (LCSD) had also tried to minimise nuisances through temporary re-partitioning in the libraries.

11. AD(L&D) further said that LCSD would follow the established procedures for handling the old equipment and furnishings which would not be retained, such as passing them on to any interested departments. The principles to be observed were maximising the residue value of the equipment and furnishings and to be in the interest of environmental protection.

12. Referring to paragraph 5 of the Administration's paper [LC Paper No. CB(2)1912/05-06(01)], Ms Emily LAU raised the following questions –

- (a) why the Yuen Long Public Library would be carried out as a minor works item;
- (b) if the Central Kowloon Route (CKR) was to be implemented, where the Yau Ma Tei Public Library would be re-provisioned to; and
- (c) when the outcome of the review of CKR would be known.

13. AD(L&D) responded that a new public library had already been planned for Yuen Long District, which was among the 25 priority projects announced in the Chief Executive's Policy Address in 2005. He said that before this new library was provided, improvement works estimated to cost about \$6 million

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would be carried out for the existing Yuen Long Public Library through minor works programme. At the request of the Chairman, AD(L&D) undertook to provide the implementation schedule of the new Yuen Long public library project for members' information.

14. As regards the Yau Ma Tei Public Library, AD(L&D) said that if the CKR project materialised, the Yau Ma Tei Public Library had to be reprovioned to another site located in Yau Ma Tei, and the existing premises would then be returned to the Government. He said that the outcome of the review of CKR would be announced later in 2006. He further said that in case the CKR project did not materialise, the renovation of the library would be carried out as a separate minor works item. He added that some renovation works had already been carried out for the library in 2000-01 to upgrade its equipment and facilities as well as furnishings. The Chairman asked whether there would still be a plan to reprovion the Yau Ma Tei Public Library even if CKR project did not materialise. AD(L&D) responded that an overall review of the whole package was being conducted, and more information on the long-term development plan of the Yau Ma Tei Public Library would be available only after completion of the review.

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15. Mr Albert CHAN considered that the information provided on the proposed scope of facilities for Phase 2 was too brief. He requested more detailed information on the refurbishment works to be undertaken and the justifications. He said that there was criticism that some of the past refurbishment works of public facilities, such as the Mui Wo Municipal Services Building, had been too extravagant. He further said that if he had been informed of the details of the refurbishment works of the Mui Wo Municipal Services Building in advance, he would to a large extent have opposed it. He added that although he supported this proposed project in principle, he considered that LegCo should be provided with more detailed information first so that members could see whether the renovation works under this project were extravagant. AD(L&D) agreed to provide supplementary information.

16. Ms Margaret NG asked whether public consultation had been conducted on the improvements required for each of the six libraries included under Phase 2. She requested the Administration to provide information on the public consultation conducted in connection with this project, particularly whether the views expressed were largely about facilities and whether any aspiration about the "software" of a library, e.g. about library collection, had been expressed.

17. AD(L&D) responded that public libraries had been organising customer liaison meetings each year to collect comments and suggestions of improvements required from the public. He said that participants had also been asked to suggest whether there were any areas of services or facilities they would like the Administration to put emphasis on in the renovation plan for Phase 2 works. In addition, LCSD had conducted consultation with the District

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Councils (DCs) concerned. LCSD had also co-organised with DCs consultative sessions to collect views on any improvements required for the library renovation. He informed members that taking the Lockhart Road Public Library, which was amongst the six libraries, as an example, two public consultative sessions had been conducted jointly with the DC concerned and during which various issues had been discussed, with emphasis on the enhancement needed for the facilities.

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18. Ms Margaret NG requested the Administration to provide information on the public consultation conducted for Phase 2 works detailing the number of consultation forums conducted with the public/DCs and of the consultative sessions co-organised with DCs, the number of participants, topics on which views had been sought, and whether there was a difference between the issues focused on during consultation with the public and during consultation conducted with DCs. AD(L&D) agreed to provide the requisite information to the Panel in a letter before the PWSC meeting scheduled for 29 May 2006.

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19. The Chairman considered that the discussion paper provided for this meeting should include the information requested by Ms NG and that requested by Mr Albert CHAN regarding justifications of the renovation works required and whether they had the support of library visitors/DCs and where appropriate, photos showing the existing worn-out condition of the venues proposed to be renovated.

Implementation schedules of the two proposed local open space projects

20. Members noted that a letter dated 9 May 2006 from Mrs Selina CHOW to the Panel indicating support of the Liberal Party for the two projects and urging for their early implementation was tabled at the meeting for members' reference.

(Post-meeting note: the letter was issued to members vide CB(2)2047/05-06 dated 17 May 2006.)

21. Mr CHEUNG Hok-ming expressed support for the proposed project in Tuen Mun and urged for its early implementation. Referring to paragraph 3 of the Administration's paper [LC Paper No. CB(2)1912/05-06(02)], he asked about the existing use of the Sites A and C and whether the implementation of the project could be delayed by any problem arising from the return of the sites to the Government. Also expressing support for the two projects, Mr Daniel LAM urged the Administration to complete their construction on time, if not ahead of schedule. Chief Project Manager 302 (CPM302) of the Architectural Services Department (ArchSD) replied that Site A and part of Site C were temporary parking areas, and the relevant tenancies of both sites were due for expiry in mid-2006. She said that the Lands Department (LD) had been notified of the commencement date of implementation of the project and of the need for the sites to be returned to the Government upon expiry of the tenancies.

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22. Mr WONG Kwok-hing asked whether the implementation of the two projects could be expedited to meet the strong demand of the local community. He pointed out that Tuen Mun DC had earlier expressed the view that the Administration had very often placed obnoxious facilities in Tuen Mun or other parts in the northwest of the New Territories but nothing seemed to have been done to benefit the residents there.

23. CPM302 pointed out that the construction schedules of the two projects had already been compressed, and the Administration had taken into account any possible delay that might be caused by the inclement weather in drawing up the schedules. She said that regarding the project in Tuen Mun, the Administration would try its best to further compress the implementation schedule. It would also explore if the construction of any of the four sites could be completed ahead of schedule so that they could be released for use as early as possible. As regards the project in Tin Shui Wai, CPM302 explained that while the Administration would explore further shortening the construction period, the possibility was rather slim since the site involved was quite large. CPM302, however, drew members' attention to the fact that the provision of a 7-a-side soccer pitch and four basketball courts next to the project site would be made available by mid-2006 and the end of 2006 respectively.

24. Mr WONG Kwok-hing remained dissatisfied with the Administration's reply and pointed out that Tuen Mun DC members were of the unanimous view that the scheduled completion date for the project was too late. He further pointed out that early implementation of both projects would also help create job opportunities. He requested the Administration to spell out, in writing, what actions would be taken to expedite the implementation of the two projects. The Chairman also requested that at the meeting to be held by the Public Works Subcommittee (PWSC) in June 2006 for consideration of the two projects, the Administration needed to provide detailed information on whether it was possible to expedite the implementation of the two projects or certain parts of these projects as well as the concrete measures that would be taken to expedite their implementation.

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Shortage of public open space in Tin Shui Wai and inadequate sports facilities in Tin Shui Wai north

25. Referring to paragraph 6 of the Administration's paper [LC Paper No. CB(2)1912/05-06(03)], Ms Emily LAU pointed out that in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG), even with the implementation of this project, there was still a shortage of about 11 hectares of public open space for the current population in Yuen Long District. She considered that the Administration should provide as much public open space as possible, at least not to be below the standard stipulated in HKPSG, in New Territories West to compensate the residents for the obnoxious facilities set up there. She remarked that the Administration should provide an information

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paper detailing what actions it would take to provide more public open space in New Territories West including Yuen Long District. The Administration would consider Ms LAU's views.

26. Mr Albert CHAN said that as far as he understood, the area of the proposed district open space in Area 107 should be as large as that of the Victoria Park, which could accommodate four soccer pitches. He, however, noted that the project site now presented in the paper was much smaller. He also queried what future use was planned for the "Government vacant land" in the area. He pointed out that Tin Shui Wai north had a high demand for active outdoor recreation and sports facilities which were very inadequate. He considered it unacceptable for the Administration to provide only a soccer pitch in Area 107 as currently proposed. He further pointed out that as a reference, the Sha Tsui Road Playground in Tsuen Wan had also provided two soccer pitches. He considered that the proposed district open space in Area 107 should provide altogether four soccer pitches.

27. Assistant Director (Leisure Services) 3 (AD(LS)3) responded that although the project site occupied an area of about 2.7 hectares, a 7-a-side soccer pitch and four basketball courts, occupying an area of some 1.3 hectares and situated next to the project site, would also be provided. The total area of the development was, therefore, 4 hectares.

28. AD(LS)3 acknowledged that when the project of development of district open space in Area 107 was being planned by the former Provisional Regional Council (ex-PRC), the project site also covered the "Government vacant land" and the whole project site originally occupied an area of some 8 hectares.

29. AD(LS)3 informed members that the "Government vacant land" was being used as a green belt, a garden bed and a tree preservation area. The site could provide adequate land to build mini soccer pitches. He explained that after consultation with Yuen Long DC, it was agreed that the project site as currently proposed should be developed first as soon as possible, and the use of the "Government vacant land" would be decided afterwards. AD(LS)3 pointed out that much cost was incurred by the development of the current project site. He also pointed out that Yuen Long DC had requested the Administration to build a public swimming pool on the "Government vacant land", although there was already one in Tin Shui Wai and an indoor heated swimming pool was being planned under another project of development of an indoor sports centre cum public library in Tin Shui Wai. AD(LS)3 added that the "Leisure Centre in Area 101, Tin Shui Wai north" project would also be planned in the coming years.

30. Mr Albert CHAN expressed strong dissatisfaction that despite the high demand for active outdoor recreation and sports facilities in Tin Shui Wai north, the Administration still proposed reserving half of Area 107 (4 hectares) for other use and had allocated part of the area for setting up the Civil

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Engineering and Development Department Site Office. He said that he failed to see from the current proposal that the Administration had really accorded priority to providing more recreation and sports facilities in Tin Shui Wai north to meet residents' needs. Mr CHAN considered that the Home Affairs Bureau should have monitored LCSD in according priority in this respect. He further pointed out that there was no need to provide a swimming pool in the "Government vacant land", as the Administration should be able to easily identify a suitable site elsewhere in Tin Shui Wai for it. He also expressed strong dissatisfaction with the Administration's delay in implementing this project which was actually an outstanding ex-PRC project and, if implemented in accordance with the schedule of ex-PRC, would have been completed already. He urged the Administration to provide a concrete timetable on providing four soccer pitches in Area 107 in Tin Shui Wai, before the proposed project was to be put forward to PWSC for consideration.

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31. AD(LS)3 responded that the Administration had been in close consultation with Yuen Long DC in taking forward this project and would further consult their views. He and Assistant Secretary for Home Affairs (Recreation and Sport) undertook that the Administration would provide a response to Mr CHAN's request in its paper to be submitted to PWSC on this project.

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32. In response to the Chairman, Mr Albert CHAN said that while he did not object to submitting this proposal to PWSC for consideration, he expressed strong dissatisfaction with the Administration's delay in implementing this project and the omission of the important information on the coverage of the project site originally planned in the Administration's paper under discussion.

33. Mr Albert CHAN further asked to put on record his dissatisfaction with the current design of the project, which would result in scattering of the four soccer pitches in different parts of the project area, even if some of them were eventually provided on the "Government vacant land". He considered that the four soccer pitches should be adjacent to each other, like the soccer pitches in the Victoria Park, in order to provide a large area which could be used as a venue for holding large-scale outdoor functions and to better utilise the land.

34. The Chairman concluded that the Panel supported submission of the proposed projects to PWSC for further consideration.

V Management and resumption of private streets
[LC Paper No. CB(2)1912/05-06(04) to (05)]

35. Members noted that the Democratic Alliance for Betterment of Hong Kong had made a submission [LC Paper No. CB(2)1981/05-06(01)] on this subject.

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Implementation of the Private Street Resumption Programme

36. Mr WONG Kwok-hing said that since the motion debate on “Resumption of private streets” at the Council meeting on 11 June 2003, except for the eight “Wan” Streets in Kowloon City, so far the Administration had made almost no progress in dealing with private streets, which had posed serious environmental problems to local residents. Referring to paragraph 7 of the Administration’s paper, Mr WONG expressed strong dissatisfaction with the lack of information provided by the Administration on the 79 private streets which had been deleted from the Private Street Resumption Programme (the Programme). He considered that the Administration should have provided information, such as a list of these 79 private streets and reasons of the deletion, membership of the Private Street Resumption Committee (PSRC), dates of PSRC meetings during which relevant decisions were made, and concrete actions which had been taken to follow up the motion passed by LegCo in 2003. Mr WONG strongly criticised the Administration for failing to consult DCs and report to LegCo before the deletion of 79 private streets from the Programme.

37. Mr WONG further said that taking Fort Street (part of which was a private street) and Nation Street in North Point as examples, all the drains there were blocked with sewage water accumulated on the streets. He pointed out that on the part of Fort Street which was a private street, people had even placed a container there using it as a guard kiosk for illegal fee charging activities. Mr WONG criticised the Administration for turning a blind eye to the situation which had been in existence for several decades. He said that this was very unfair to local residents as they also had to pay rates.

38. The Chairman said that he had also come across a case of bursting of fresh water pipe in a private street in Eastern District resulting in flooding of the area. However, the Water Supply Department had not taken any action although the flooding had continued for two days. The Chairman said that in the end he had hired people to repair and had footed the bill himself.

39. Deputy Director of Home Affairs (1) (DDHA(1)) explained that deletion of the 79 private streets from the Programme was not a one-off decision. It evolved over time with the changed circumstances of individual cases. Decisions were made after consultation with District Officers concerned to delete these private streets from the Programme. He further said the policy behind the Programme was that resumption of private streets should not involve compensation payments by the Government. If it was envisaged that a private street to be resumed would incur valid compensation claims, it would usually be deleted from the resumption programme. He said another reason for the deletion of a private street from the resumption programme was that the environmental condition of the street had improved. He added that in some other cases, there were private redevelopment plans for the private streets and this resulted in deletion of the streets from the resumption programme.

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40. DDHA(1) said that generally speaking, private streets were private properties and their management and maintenance were the responsibility of the land owners as set out in the land leases. On tackling urgent environmental hazards posed by private streets, DDHA(1) said that if owners of private streets could not organise themselves to carry out urgent improvement works such as to repair blocked drains and sewers, the Administration would take up the improvement works on their behalf. In this respect, the Administration adopted the “act first, recover costs later” principle. DDHA(1) pointed out that relevant departments would take swift action to eradicate public health hazards and the expenses incurred by Government would be recovered from the owners/occupiers concerned after the completion of works. He added that since 2003, the Administration had adopted this new modality for improving environmental hygiene problems including those in the private streets.

41. DDHA(1) further said that since the launch of the Programme in 1986, departmental efforts were coordinated in resuming those private streets under multiple ownership and with serious environmental problems caused by a lack of management and maintenance. In addition, under the new modality adopted since 2003, District Officers and relevant departments had been paying particular attention to the environmental hygiene problems in their districts and would provide the support and assistance required to resolve such problems.

42. Mr WONG Kwok-hing remained dissatisfied with the Administration’s response. He criticised that the Administration had operated in a “black box” in making the decision of deleting the 79 private streets from the Programme and that the Administration had shown no respect to DCs at all.

43. DDHA(1) reiterated that the deletion of the 79 private streets had been done over the years ever since the launching of the Programme in 1986. He also believed that District Officers concerned had briefed the DCs or relevant parties on the deletion. In view of Mr WONG Kwok-hing’s comments, DDHA(1) said he would check with District Officer (Eastern) on the deletion of the private streets in Eastern District over the years and the local consultation involved.

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44. At the suggestion of the Chairman, the Administration agreed to provide the following information –

- (a) membership of PSRC;
- (b) list of the 79 private streets including the dates of and reasons for their deletion;
- (c) parties which had been consulted on the decisions to delete the 79 private streets; and

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- (d) the authorities which had made the decisions and whether the decisions were supported by the District Officers concerned.

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The Chairman also specifically requested the Administration to give an explanation in writing as to why Fort Street and Nation Street were not to be resumed, and to provide information on any plan to repair the blocked drains along Fort Street and to rectify the environmental hygiene problem at Kam Ping Street.

Compensation claims arising from the resumption programme

45. Mr Patrick LAU asked whether the plot ratio in a redevelopment project would be affected if the redevelopment involved the resumption of a private street. Assistant Director (Acquisition) of the Lands Department explained that the resumption of a private street meant taking away the land from the owners and the owners had lost site area which could affect the future gross floor area and site coverage restrictions in a redevelopment situation. He added that if some valid compensation claims were expected, the Administration would not go ahead with the resumption.

46. Mr Patrick LAU further asked if it was possible for the Administration to go ahead with the resumption and compensate the owners by granting an enhanced plot ratio in case of redevelopment in order to cover the loss of site area. Acting Assistant Director (Existing Buildings) 1 of the Buildings Department said that whether or not a piece of land could be included in the site area for the purpose of plot ratio calculation and whether or not bonus plot ratio could be granted upon redevelopment would be governed by the relevant parts of the Building (Planning) Regulations under the Buildings Ordinance (Cap. 123). Each case was to be considered based on its own merit when building plans were submitted to the Buildings Department for approval.

47. DDHA(1) said that compensation claims often involved long and protracted legal processes. He said that if such claims were successful, the Government would incur additional expenditure and time on top of the costs for improving the condition of the resumed streets. Due to resource constraints, Government would focus on those private streets posing environmental hazards and the resumption of which would not involve compensation claims.

48. The Chairman requested the Administration to confirm whether in considering the compensation issue during the resumption process, it would ascertain whether any of the affected owners would submit compensation claims in relation to the resumption; and if yes, the amount and nature of compensation demanded. The Chairman further suggested that the Administration should consider the option of granting an enhanced plot ratio in case of redevelopment as an alternative to financial compensation and the feasibility of stipulating in the law that the Government would not need to make compensations if 80% to 90% of the affected owners consented not to

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seek compensations. DDHA(1) agreed to provide a written response in consultation with relevant departments.

Follow-up actions on the 79 private streets

49. Ms Margaret NG was of the view that the Administration should devise a plan to tighten up coordination and cooperation with DCs on following up the problems of the private streets in their respective districts. The Administration should also provide the following information to facilitate monitoring of the condition of these 79 private streets by LegCo and the relevant DCs –

- (a) the basis for possible compensation claims for relevant private streets; and
- (b) names of the streets which were deleted because of their improved condition, and the follow-up actions to deal with problems in those streets which had not improved in their condition.

Ms NG suggested that the Administration should review the legal opinions it had obtained about the possibility of compensation claims and should explore whether any action could be taken under existing Ordinances to deal with problems of any of the 79 private streets. Ms NG considered that the Administration could not just turn a blind eye to the poor state of these private streets without any regard to the seriousness of the problems there. The Administration would need to re-consider whether any of the 79 private streets had posed such serious problems that they should be subject to resumption even if compensation claims would be incurred.

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50. The Chairman agreed with Ms NG and cited the example that for the sake of enhancing control of mosquito problem, the Administration had recently enacted legislative amendments to empower the Government to enter into private premises, if the occupier or owner of the premises could not be found, in order to take timely anti-mosquito measures. DDHA(1) responded that the Administration would consider the views of Ms NG and the Chairman, and would provide the requisite information for members' reference.

51. Miss CHOY So-yuk considered that the Panel should further discuss the deletion of the 79 private streets from the Programme in the future. She considered that for the sake of public interest, the routine service provided by the Administration in road surface maintenance, lighting installation, and road sweeping should cover those private streets which were also used by public vehicles, unless the owners concerned had raised objection. She expressed dissatisfaction that the Administration would provide road surface maintenance service to a private street only after going through cumbersome procedures, e.g. seeking the consent of owners concerned and requiring them to sign a letter of consent. She also expressed dissatisfaction that the Food and Environmental

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Hygiene Department (FEHD) would not provide roadsweeping service to private streets unless it had received complaints.

52. Assistant Director (Development) (AD(D)) of the Highways Department responded that owners should be responsible for lighting installations in their private streets. However, if the Government had carried out the installation in a private street pursuant to an order issued by the Building Authority Government would recover the installation cost from the owners concerned but the electricity cost would be met by the Government. Acting Assistant Director (Operations) 3 clarified that FEHD also provided basic routine street sweeping service to those private streets which were not locked up and were freely accessible by the public.

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53. As regards road surface maintenance, AD(D) said that the Administration would pave the road if it was considered that a hazard had been posed to the public by its uneven surface. The Chairman asked whether bitumen works would also be carried out for the road after it had been paved. AD(D) said that he would study the matter and suggested that Miss CHOY could provide him with information on those private streets which required improvements for the Administration's follow-up actions.

Review of policy behind the Programme

54. Mr James TO considered that there was a need for the Administration to review its policy behind the Programme. He said that while he agreed that private ownership had to be respected and the Administration should not resort to resumption easily, the Administration should not neglect the fact that some private streets had been subject to "no control" and might have even become hotbeds of criminal activities, e.g. illegal fee charging for entry of the streets or for car parking there. Mr TO pointed out that it was beyond the capacity of the owners/tenants concerned to tackle such problems, which were related to the rule of law. He further pointed out that the profits generated from these illegal activities had provided a source of income for triad and criminal activities, and this in turn had a negative impact on the society as a whole. He considered that the Administration should not tolerate those poorly-managed private streets which had become malignant tumours in Hong Kong. He urged the Administration not to consider resumption only from the perspective of environmental hygiene but also from the point of view of maintaining law and order.

55. DDHA(1) reiterated that in resuming private streets, the main considerations were whether serious environmental problems had been caused by the lack of management and maintenance in these private streets. He explained that problems related to law and order, e.g. illegal occupation of land, could also exist in other public streets and such problems were best tackled by the relevant law enforcement agencies. He considered that the owners and District Officers concerned could enlist the assistance of the Police

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when they came across such situation in their districts. Mr James TO, however, pointed out that the said illegal activities which took place in private streets did not constitute criminal offences and the owners concerned could do nothing to tackle such problems found in their private streets. The Chairman requested the Administration to take the matter up with the Police and work out effective measures for tackling the problems. DDHA(1) suggested that members could provide him with more information after the meeting on those private streets which had the above problems for follow-up actions.

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Financial assistance for needy owners

56. The Deputy Chairman said that the owners/occupiers of buildings located in dilapidated private streets were largely poor elderly people who could not afford the costs of any improvement projects required for the private streets. She further said that even if the Administration could grant loans to these elderly people, they would be unable to repay the loans. She asked whether the Administration would take other measures to help these needy elderly owners.

57. DDHA(1) pointed out that generally private owners should be responsible for the costs incurred in the maintenance of their private properties. If owners had financial problems, this had to be considered on a case-by-case basis. He pointed out that under the general building maintenance/repair programmes implemented by the Hong Kong Housing Society or the Urban Renewal Authority, financial assistance or subsidies had been offered to needy owners by these authorities under various assistance schemes. He further said that since 2003, the Administration had adopted the new modality on eight private streets, i.e. the eight “Wan” Streets in Kowloon City, under the Programme to improve their environmental and hygiene condition. The ‘Wan’ Streets Phase I improvement work had been completed under the ‘act first, recover costs later’ arrangement. The experience had shown that 98% of the demand notes issued to owners concerned had been settled without problems.

Other issue

58. Miss CHOY So-yuk pointed out that the Administration had originally planned to resume a private street next to the site of Carson Mansion in North Point for the construction of a Mass Transit Railway Station, and the Administration had already compensated the relevant developer by granting an enhanced plot ratio in the development of Carson Mansion. Miss CHOY further pointed out that the enhanced plot ratio had been made use of in the development of Carson Mansion, and yet the Administration still had not resumed the relevant private street. Miss CHOY urged relevant department to give a written explanation on the case.

Admin

Action

Way forward

59. The Chairman, suggested that members could consider whether the Panel should follow up the issue after consideration of the information to be provided by the Administration.

60. There being no other business, the meeting ended at 12:45 pm.

Council Business Division 2
Legislative Council Secretariat
28 June 2006