

立法會
Legislative Council

LC Paper No. CB(1)475/05-06
(These minutes have been seen
by the Administration)

Ref : CB1/PL/PLW/1

Panel on Planning, Lands and Works

Minutes of special meeting
held on Friday, 21 October 2005, at 10:40 am
in the Chamber of the Legislative Council Building

Members present : Hon LAU Wong-fat, GBM, GBS, JP (Chairman)
Hon Patrick LAU Sau-shing, SBS, JP (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP
Hon James TO Kun-sun
Hon WONG Yung-kan, JP
Hon CHOY So-yuk, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon Albert CHAN Wai-yip
Hon LEE Wing-tat
Hon LI Kwok-ying, MH
Hon Daniel LAM Wai-keung, BBS, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki
Hon CHEUNG Hok-ming, SBS, JP

Members attending : Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHEUNG Man-kwong
Hon CHAN Yuen-han, JP
Hon LAU Kong-wah, JP
Hon WONG Kwok-hing, MH

**Public officers
attending**

: Agenda item I

Dr Sarah LIAO Sau-tung, JP
Secretary for the Environment, Transport and Works

Mr Y C LO, JP
Permanent Secretary for the Environment, Transport and
Works (Works)

Mr Clement CHEUNG, JP
Deputy Secretary for the Environment, Transport and
Works (Works) 1

Mr C S WAI, JP
Deputy Secretary for the Environment, Transport and
Works (Works) 2

Ms CHANG King-yiu
Director of Administration

Mrs Susan MAK
Deputy Director of Administration

Agenda item II

Mr SUEN Ming-yeung, Michael
Secretary for Housing, Planning and Lands

Mr IP Man-fai, Robin
Deputy Secretary for Housing, Planning and Lands
(Planning and Lands) 1

Ms NIP Sai-lan, Olivia
Deputy Secretary for Housing, Planning and Lands
(Planning and Lands) 2

Mr WU Moon-hoi, Marco
Director of Buildings

Ms CHANG King-yiu
Director of Administration

Mrs Susan MAK
Deputy Director of Administration

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

Staff in attendance : Ms Pauline NG
Assistant Secretary General 1

Ms Sarah YUEN
Senior Council Secretary (1)6

Mr WONG Siu-yee
Senior Council Secretary (1)7

Ms Christina SHIU
Legislative Assistant (1)7

Action

I Briefing by the Secretary for the Environment, Transport and Works on the Chief Executive's Policy Address 2005-06

(LC Paper No. CB(1)27/05-06(01) — Policy Initiatives of the Environment, Transport and Works Bureau

LC Paper No. CB(1)27/05-06(02) — Policy Initiatives of Administration Wing, Chief Secretary for Administration's Office)

At the invitation of the Chairman, the Secretary for the Environment, Transport and Works (SETW) briefed Members on the new initiatives in the 2005-06 Policy Agenda relevant to the works portfolio of the Environment, Transport and Works Bureau (ETWB) as well as progress of on-going initiatives in the 2005 Policy Agenda.

(Post-meeting note: SETW's speech was circulated to members vide LC Paper No. CB(1)144/05-06(01) on 26 October 2005.)

Environmental concerns

2. In reply to Miss CHOY So-yuk on efforts made to protect the environment when conducting public works, SETW and the Permanent Secretary for the Environment, Transport and Works (Works) (PSETW(W)) elaborated that, apart from the statutory requirement to conduct environmental impact assessment before a project was conducted, there were also various guidelines on greening and environmental protection to follow when implementing public works projects, so that the construction of highway facilities and drainage and waterworks had to give due regard to environmental considerations and minimize impacts on the

environment. For example, the design of drainage channels would need to facilitate preservation of ecological habitats. Professionals responsible for public works were required to maximize greening efforts where practicable. In fact, environmental protection and improvement was the responsibility of all works-related departments. Efforts made in this regard involved not only greening but also energy conservation.

3. Commenting on Mr WONG Yung-kan's proposal to map out different greening plans for different districts to project local characteristics, SETW and PSETW(W) reported that a sustainable greening programme was already being developed for the urban areas by stages according to the above principle. For example, different themes had been adopted for the greening master plans for Tsim Sha Tsui and Central. Where the New Territories (NT) was concerned, greening efforts were made in conjunction with the designation of country parks.

4. Mr Daniel LAM Wai-keung enquired whether the greened areas in Mong Kok and Wan Chai would be enlarged under their respective greening plans. In reply, SETW confirmed that to obviate the need and time for replanting, greening plans would be drawn up based on the existing layout of each selected urban area, such that existing footbridges and pavements would be greened up rather than developing new pockets of greened areas.

Drainage services

5. Mr WONG Yung-kan referred to the Administration's plan to deck over 16 sections of nullahs in the urban districts in the following ten years, and asked whether similar plans would be mapped out for nullahs in the NT as well. In response, PSETW(W) said that the above 16 nullahs already covered districts in the NT such as Tsuen Wan, Tsing Yi, Kwai Chung and Sai Kung. He further explained that the drainage capacity of nullahs was the major factor in determining their decking priority.

6. In response to Mr WONG Yung-kan on the timetable of the flood prevention programme, PSETW(W) advised that major flood prevention projects had completed and works were presently being conducted on the secondary drainage networks. Flooding risks had thus already been greatly reduced. Works presently under way included the Yuen Long By-pass Floodway, Regulation of Shenzhen River Stage III and the drainage rehabilitation scheme for Ping Yuen River in Ta Kwu Ling. They would be completed in 2006 to minimize flooding risks in the areas concerned.

7. Mr CHEUNG Hok-ming highlighted the health hazards associated with improper sewage treatment and disposal, such as the spread of dengue fever and Japanese encephalitis, and expressed concern about delays in the implementation of village sewerage works. In reply to him on the priority of the above works, SETW explained that at present the Administration was heavily involved in the implementation of the Harbour Area Treatment Scheme Stage 2, which involved

Admin

large-scale works and the review of the Sewage Services Charging Schemes having regard to the “Polluter-pays principle”. Certain minor village sewerage works had already been scheduled for implementation this year. Some major works had also been upgraded to Category B. She agreed to provide the relevant details in writing after the meeting.

Other views and concerns

8. Mr WONG Kwok-hing opined that measures devised to monitor payment of wages for workers and regulate multi-layer subcontracting should be introduced as early as practicable. He was dissatisfied that they were only tested in three contracts spanning 18 months. In response, SETW stressed the need to exercise care when introducing regulation of private operations. PSETW(W) also clarified that the Administration would closely monitor the effectiveness of the measures to be tested. Measures found viable would be implemented immediately and not after completion of the three contracts.

9. Mr Albert CHAN Wai-yip enquired whether, instead of adopting the same design for similar public buildings such as in the case of the town halls of Sha Tin, Tuen Mun and Tsuen Wan to save cost, there should be an overall plan to improve the design of public facilities by adopting different designs for different districts to increase variety and create landmarks for different districts. He opined that innovation should not be discouraged out of cost considerations. In response, SETW emphasized that while aesthetic value should be an important consideration in the design of public architecture, aesthetic judgement was subjective. Moreover, consultation had to be conducted at different levels of government during the design process. She however assured members that efforts would be made to ensure practicability and safety within available resources during the process and, where possible, ensure environmental friendliness and flexibility as well. As to the adoption of different design themes for different districts, SETW explained that territorial planning was under the purview of the Housing, Planning and Lands Bureau (HPLB).

10. Miss CHAN Yuen-han expressed concern about the implications of the planned adoption of the Public-Private Partnership (PPP) for the in-situ reprovisioning of the Sha Tin Water Treatment Works (STWTW) on the civil servants concerned and on water quality. In response, SETW affirmed the Administration’s undertaking to ensure water quality, and highlighted that there were ample overseas experiences to demonstrate how the PPP approach could help to enhance cost-effectiveness and facilitate application of new technologies. She further assured members that close liaison with staff of the Water Supplies Department would continue to address any concern they might have about the adoption of PPP approach for reprovisioning of STWTW.

II Briefing by the Secretary for Housing, Planning and Lands on the Chief Executive's Policy Address 2005-06

(LC Paper No. CB(1)27/05-06(03) — Policy Initiatives of Housing, Planning and Lands Bureau

LC Paper No. CB(1)27/05-06(02) — Policy Initiatives of Administration Wing, Chief Secretary for Administration's Office)

11. The leaflet and public consultation paper on mandatory building inspection were tabled at the meeting.

(Post-meeting note: The above leaflet and paper were circulated to members vide LC Paper No. CB(1)124/05-06 on 24 October 2005.)

12. At the invitation of the Chairman, the Secretary for Housing, Planning and Lands (SHPL) briefed members on the policy initiatives involving HPLB in the 2005-06 Policy Agenda as well as the position reached on initiatives in the 2005 Policy Agenda.

(Post-meeting note: SHPL's speech was circulated to members vide LC Paper No. CB(1)144/05-06(02) on 26 October 2005.)

Land supply

13. Mr James TIEN Pei-chun opined that large sites in the Application List should be broken down into smaller plots to facilitate participation by more developers. In response, SHPL said that every effort had already been made to make available both small and large sites in the Application List to provide choice to developers. The Lands Department (Lands D) would take into account the views of the property trade in compiling the 2006-07 Application List to ensure that the sites in the Application List could meet the practical needs of the market.

14. Regarding Mr James TIEN's call for further relaxation of the trigger price to make the triggering of the sale of a site from the Application List easier, SHPL explained that the present "80% triggering" mechanism was introduced after thorough consideration of all relevant factors. As the Application List had been operating smoothly since the offer, the Administration considered it prudent to monitor the situation longer before deciding on the need to further adjust the mechanism.

15. Mr James TIEN opined that the two plots of land on the West Kowloon Reclamation Area sold on 27 September 2005 could have been split into four plots instead. He asked whether the 32 sites presently on the Application List could be split into smaller ones. In response, SHPL said that although the land concerned

could be broken down into smaller pieces, this was not conducive to overall planning of the West Kowloon Reclamation Area.

16. Mr Albert HO Chun-yan expressed concern that while land supply was regulated through the Land Application System, a large part of the land used for private housing development was made available in the form of land exchange and change of land use, so that farmland, industrial land, sites for telephone exchange buildings, bus depots and even petrol filling stations could be used for property development. However, the procedures involved were not transparent and sufficiently monitored to prevent the possibility of the Administration colluding with developers to transfer benefits to them. In particular, there was no way to monitor the relevant premium determination process, with the resultant allegation that the additional premium payable for change of land use was under-estimated at the expense of the public coffers. As such, he proposed that to enhance fairness and transparency, land under application for change of use should be made available for open bidding after assessing the premium payable to reflect the enhancement in value of the lot. After the land concerned was successfully sold in this manner, the original price of the land would be refunded to the original land owner. Dr KWOK Ka-ki shared his views, and expressed concern about the recent escalation of property prices and its implications on the price of goods and hence life of the people in Hong Kong.

17. In response, SHPL clarified that while certain sites for telephone exchange buildings, bus depots and petrol filling stations were granted by private treaty for meeting specific policy objectives, land held by developers was essentially private property. As such, developers had the right to apply for change to the use of their land. He stressed that applications for change of land use were subject to town planning procedures involving the Town Planning Board (TPB) and the public. Moreover, passage of the Town Planning (Amendment) Ordinance 2004 had further enhanced the transparency and public involvement of the planning approval process, so that those affected by any proposed change to land use could oppose to it. Mr Albert HO however opined that the TPB mechanism might not be a reliable safeguard because of its imperfect composition.

18. Addressing Mr Albert HO's concern about the fairness of the premium determination mechanism, SHPL pointed out that there were also complaints from many developers that the premium payable for change of land use was often too high. He said that when determining the premium, Lands D would make reference to open market information. After the premium had been determined, Lands D would also disclose its amount to ensure transparency and accountability. In this regard, Mr Abraham SHEK Lai-him pointed out that developers found the present premium determination mechanism transparent and fair.

West Kowloon Cultural District

19. Referring to the recently announced way forward for the WKCD project that the Successful Proponent would be required to carve out the development rights of at least 50% of the residential/ commercial gross floor area (GFA)) at the WKCD site for open bidding, Mr LEE Wing-tat asked who would determine which portion to be carved out and the timeframe and format of the open bidding exercise. In particular, he was keen to ensure that the Administration and not the Successful Proponent would make the relevant decisions. In response, SHPL clarified that the above requirement was still a proposal the details of which had yet to be determined pending responses from the screened-in Proponents. He further explained that while the final carving out decision would be made by the Government, in recognition that WKCD would be designed as an integrated district, the layout designs of the screened-in Proposals and the screened-in Proponents' carving-out proposals would need to be considered. In any event, the Successful Proponent would need to cap the residential GFA to no more than 20% of the total GFA at the WKCD site.

20. Mr LEE Wing-tat expressed concern that in this way, the Successful Proponent would be able to determine which part of the WKCD site to be carved out for open bidding and the relevant timeframe, and so indirectly control the supply of prime sites. In response, SHPL assured members that the Administration would ensure this would not happen. He stressed that the decision on whether to accept the Successful Proponent's carving-out mix proposal remained with the Administration, and the Administration would exercise great care to ensure that the proposals would be fair and reasonable, and would not benefit the Successful Proponent only. He further emphasized that the timeframe and format of the open bidding exercise would also be decided by the Government with due regard to practicability and all relevant factors.

Building care and control

21. Mr WONG Kwok-hing expressed concern about the building safety problems associated with advertising signboards, cooling towers of air-conditioners, and unauthorized structures in private rear lanes. In response, SHPL and the Director of Buildings (DB) pointed out that these structures had already been put under regulation by the Buildings Ordinance (Cap. 123). Moreover, advertising signs and unauthorized structures in rear lanes would be covered in the proposed mandatory building inspection scheme (the Scheme) under the categories of "external elements" and "unauthorized building works".

22. Mr WONG Kwok-hing was concerned that to qualify for the assistance programmes to help owners take proper care of their buildings, owners had to form owners' corporations (OCs). According to him, due to difficulties in locating owners who had emigrated, OCs could not be formed in certain cases. The Administration noted his concern.

23. In reply to Mr James TO Kun-sun on estimates of the cost of inspecting buildings, DB estimated that the cost of inspection per building would range from \$20,000 to \$35,000, with each flat required to pay about \$400 to \$2,400, or about \$800 on average per household.

24. Pointing out that owners might need to bear the cost of rectifying any building defects identified during building inspection, Mr James TO enquired whether the Administration could consider an alternative approach of inspecting the buildings for the owners as an incentive to owners to maintain their buildings. SHPL saw difficulty for the Administration to take up the inspection duty in consideration of both manpower and financial implications. Mr TO however highlighted public concerns about the Scheme, and urged the Administration to seriously consider his proposal.

Other views and concerns about the policy initiatives of the Housing, Planning and Lands Bureau

25. Mr LI Kwok-ying enquired about measures to assist small house applicants to resolve problems associated with the requirement to provide emergency vehicular access when applying for small houses. In response, SHPL advised that a meeting with Heung Yee Kuk had already been scheduled for early November to discuss proposed measures to speed up small house applications.

26. Miss CHAN Yuen-han questioned whether there was genuine public engagement in the planning of land use by highlighting the case of Nga Tsin Wai Village, which would be demolished for real estate development despite years of calls from the villagers themselves, residents in the vicinity and academics to preserve it. In response, SHPL highlighted the role the public could play in the town planning process, especially after passage of the Town Planning (Amendment) Ordinance. He explained that according to the relevant Outline Zoning Plan (OZP), the site of the Village had been designated for development. While consideration could be given to transfer of development right with the developer concerned to enable preservation of the Village, the implications so arising had to be examined with care in the context of the overall policy of heritage preservation and environment conservation. In this regard, Mr Abraham SHEK pointed out that in fact both the Land Development Corporation and the Urban Renewal Authority had seriously given consideration to preserving the Village and had made attempts to strike a balance between preservation of the Village and real estate development.

27. Mr Patrick LAU Sau-shing opined that to facilitate heritage preservation, the relevant consultative body had to have statutory power. He therefore asked whether the Administration would, as in the case of WKCD, set up a statutory body for the preservation of the Victoria Harbour. In reply, SHPL explained that unlike WKCD which had a specific development plan, in the case of the Victoria Harbour the Administration's goal was to enhance the harbour-front to make it a vibrant and accessible attraction. As such, there was no need to set up an authority

for the purpose. Noting the Administration's response, Dr KWOK Ka-ki questioned whether the Administration had really made efforts to enhance public enjoyment of the land along the Victoria Harbour.

The Tamar development project

28. Mr LEE Wing-tat enquired whether in planning use of the Tamar site, consideration would be given to restricting building height and designating a large proportion of the site for park, leisure and public gatherings. In reply, the Director of Administration (D of Adm) explained that due to the need to consult the Legislative Council (LegCo) Commission on the re-launch of the Tamar development project (the Project), of which the new LegCo building would be a core component, the Administration was not in a position to formally discuss with Members the planning of the site until the end of November 2005. She advised that in the relevant OZP, around two hectares, i.e. about half of the site, would be designated for leisure uses to facilitate public enjoyment of the site and adjacent facilities. As to the building height, there was a general consensus that the buildings should not be too tall as to block the ridgeline and the requirement would be included as a condition in the relevant tender documents.

29. Noting the above, Mr LEE Wing-tat highlighted two principles for the Administration to observe when planning the Tamar site. First, only those Government officials who genuinely had the need to work in Central should be housed in the Government Headquarters on the Tamar site and the building floor area to house the policy bureaux should be minimized. Second, more space should be allocated for public use and enjoyment of the harbour. Two hectares were not enough and if the area for public use was not enlarged, the Project might not be supported. D of Adm noted his views.

30. Highlighting public concern about the development density, Mr Albert HO enquired about the timetable for the Project. D of Adm repeated her reply in paragraph 28 above, and said that discussion on this issue would not be meaningful until there was agreement with the LegCo Commission on the scope and general arrangement for the Project. She said that the Administration noted members' concern and when the Panel, the Public Works Subcommittee and the Finance Committee were consulted on the Project, full justifications would be provided on the schedule of accommodation.

31. In reply to Mr Albert HO on the channels of public participation in the planning of the Project, D of Adm explained that the Tamar site had already been zoned for 'Government, Institution and Community' use. Proposals to amend the relevant OZP would be handled according to the statutory town planning procedures.

32. Mr Albert HO questioned whether a building design competition would be held for the Project. Mr Patrick LAU stressed the importance of spectacular architecture to a city, and expressed hope that consideration be given to holding

the competition. In reply, D of Adm said that proposals in relation to design competition could be discussed when the Panel was briefed on the Project by the end of November 2005.

III Any other business

33. There being no other business, the meeting ended at 12:20 pm.

Council Business Division 1
Legislative Council Secretariat
6 December 2005