

立法會
Legislative Council

LC Paper No. CB(1)2225/06-07
(These minutes have been seen
by the Administration)

Ref : CB1/PL/HG/1

Panel on Housing

Minutes of meeting
held on Monday, 7 May 2007, at 2:30 pm
in the Chamber of the Legislative Council Building

- Members present** : Hon LEE Wing-tat (Chairman)
Hon LI Kwok-ying, MH, JP (Deputy Chairman)
Hon Albert HO Chun-yan
Hon Fred LI Wah-ming, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon James TO Kun-sun
Hon CHAN Kam-lam, SBS, JP
Hon LEUNG Yiu-chung
Dr Hon YEUNG Sum
Hon Abraham SHEK Lai-him, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Albert CHAN Wai-yip
Hon Frederick FUNG Kin-kee, SBS, JP
Hon WONG Kwok-hing, MH
Dr Hon Joseph LEE Kok-long, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Prof Hon Patrick LAU Sau-shing, SBS, JP
- Member absent** : Hon CHAN Yuen-han, JP

**Public officers
attending**

: Agenda Item IV

Mr LAU Kai-hung, JP
Deputy Director (Estate Management)
Housing Department

Mrs Janet TSANG LEE Kit-ying
Chief Manager/Management (Support Services 2)
Housing Department

Agenda Item V

Mr LAU Kai-hung, JP
Deputy Director (Estate Management)
Housing Department

Mr PANG Hon-wah
Chief Manager/Management (Support Services 5)
Housing Department

Mr AU Lap-kei
Senior Structural Engineer/Structural Condition
Monitoring Unit (1)
Housing Department

Agenda Item VI

Mr Kenneth WONG Hung-keung
Chief Civil Engineer
Housing Department

Mr HON Chi-keung
Deputy Head of CEO (Projects & Environmental
Management)
Civil Engineering Development Department

Mr IP Kwai-hang
Chief Engineer/Fill Management
Civil Engineering Development Department

Mr CHAN Chun-shing
Senior Engineer/Project 4
Civil Engineering Development Department

Mr LEUNG Tat-fai
Chief Engineer/Railway Planning 2
Highways Department

Clerk in attendance : Ms Connie SZETO
Chief Council Secretary (1)6

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

Mr Anthony CHU
Council Secretary (1)2

Ms Michelle NIEN
Legislative Assistant (1)9

Action

I Confirmation of minutes

(LC Paper No. CB(1)1479/06-07 -- Minutes of meeting on
5 February 2007)

The minutes of the meeting held on 5 February 2007 were confirmed.

II Information paper issued since last meeting

(LC Paper No. CB(1)1320/06-07(01) -- Land Registry Statistics)

2. Members noted that the above information paper had been issued since the last regular meeting held on 2 April 2007.

III Items for discussion at the next meeting

(LC Paper No. CB(1)1478/06-07(01) -- List of outstanding items for
discussion

LC Paper No. CB(1)1478/06-07(02) -- List of follow-up actions)

3. Members agreed to discuss the item on "Review of public housing allocation policy to strengthen family-based support network" proposed by the Administration at the next regular meeting to be held on Monday, 4 June 2007, at 2:30 pm. Members noted that the Administration would brief the Panel on its plan to strengthen existing measures to encourage public housing tenants and applicants to live with or close to their elderly parents, so that the public housing programme could help establish a family-based support network.

4. Members noted Mr James TO's suggestion to discuss the item on "Supply of local housing and price trends for residential property", and agreed to include it in the agenda for the meeting on 4 June 2007.

IV Extension of smoking restriction under the Marking Scheme for Estate Management Enforcement in public housing estates

(LC Paper No. CB(1)1478/06-07(03) -- Information paper provided by the Administration

LC Paper No. CB(1)1478/06-07(04) -- Background brief on extension of smoking restriction under the Marking Scheme for Estate Management Enforcement in public housing estates prepared by the Legislative Council Secretariat)

Briefing by the Administration

5. The Deputy Director of Housing (Estate Management) (DD(EM)) briefed members on the Administration's paper for the item. He clarified that the date on which the Housing Authority (HA) endorsed the extension of smoking restriction under the Marking Scheme for Estate Management Enforcement (the Marking Scheme) in public housing estates (PHEs) to all estate common areas (other than designated smoking areas) with effect from 1 April 2007 (the extension) should be 5 March 2007 instead of 3 May 2007 as reported in paragraph 8 of the English version of the paper. He further reported that there had been 134 cases of point-allotment for the misdeed of smoking in estate common areas (the smoking misdeed) as at 4 May 2007. He then took members through the following major points of the paper:

- (a) The implementation of the Marking Scheme had achieved sustained improvement in environmental hygiene in PHEs. According to the findings of Public Housing Recurrent Surveys, tenants' satisfaction with estate cleanliness had increased from 52.1% in 2003 to 68.6% in 2006, which meant an accumulative increase of 30% since the launch of the Marking Scheme. Some 96.6% of the tenants were aware of the Marking Scheme while some 83.4% considered that the Marking Scheme could improve the cleanliness of PHEs;
- (b) HA had enforced the smoking restriction under the Marking Scheme since 1 January 2006. As public lift was a statutory no-smoking area, "smoking or carrying a lighted cigarette in the public lift" had been included as a misdeed under the Marking Scheme;

- (c) On 1 January 2007, the Smoking (Public Health) (Amendment) Ordinance (the new legislation) came into force, and the statutory no-smoking areas were extended to various indoor public places. Such statutory no-smoking areas also covered public pleasure grounds managed by the Leisure and Cultural Services Department (LCSD), but excluded the leisure grounds in PHEs or private courts. However, since the implementation of the new legislation, there had been views from PHE tenants that the leisure grounds in PHEs should be designated as no-smoking areas as soon as possible. As such, after consulting the Estate Management Advisory Committees (EMACs) and obtaining their support, HA endorsed the extension on 5 March 2007; and
- (d) Enforcement of the extension had been smooth and satisfactory notwithstanding comments at the beginning that the designated smoking areas set up in individual estates were not sufficient in terms of both size and number. Adjustments had been made in response to such comments with the number of designated smoking areas increased to 428 covering 146 PHEs. Further adjustments would be made in future in the light of EMACs' views.

Discussion

The need of and justifications for the extension

6. Mr LEUNG Kwok-hung declared interests as a PHE tenant who smoked. He questioned the justifications for restricting smoking in outdoor public facilities in PHEs while indoor bars were presently exempted from the smoking restriction. In his view, smoking should not be prohibited in open areas because passers-by would not be affected if they stayed away from the smokers. He also considered the extension both unfair and divisive because residents of private residential properties were not subject to similar restrictions and penalties. In response, DD(EM) explained that the extension had been introduced in response to PHE tenants' views that the leisure grounds in PHEs should be designated as no-smoking areas as soon as possible. Private courts could also impose smoking restriction on their common areas by virtue of their deeds of mutual covenants.

7. Mr Tommy CHEUNG did not consider the extension justified simply because the new legislation covered public pleasure grounds managed by LCSD. In response, DD(EM) explained that the extension had been endorsed in recognition of HA's responsibility to manage estate common areas to satisfy the requirement for comfort of the estate residents. With strong support from tenants, who called for more effective enforcement of the Marking Scheme, the extension had been implemented smoothly. The environment in PHEs had also improved since the implementation of the extension on 1 April 2007.

8. In reply to Mr LI Kwok-ying's enquiry about tenants' call for more effective enforcement of the Marking Scheme, DD(EM) elaborated that PHE tenants supported a more active and effective implementation of the Marking Scheme to effect further improvement to the environment in PHEs.

9. Mr CHAN Kam-lam opined that in the long run, education against smoking should be geared up to achieve more effective tobacco control, and penalties such as the extension should only play a short-term supplementary role. In response, DD(EM) assured members that HA recognized the importance of education. Mr Alan LEONG was glad to note DD(EM)'s response above.

10. Mrs Selina CHOW considered the extension too harsh. In her view, it was irrational to designate all outdoor common areas within PHEs as no-smoking areas under the Marking Scheme in response to the views expressed by non-smoking tenants, who were always the majority. She considered that the rights of smoking tenants should be taken into account, and they should be provided with sufficient smoking areas in PHEs. In response, DD(EM) emphasized that the extension was implemented three months after the enactment of the new legislation to extend smoking restriction to public pleasure grounds managed by LCSD, and that due regard had been given to the views of all tenants through consulting EMACs. Moreover, implementation of the extension could be adjusted as appropriate in the light of tenants' views.

11. Sharing Mrs Selina CHOW's views, Mr Abraham SHEK pointed out that smoking was not as harmful to others as littering. He found the extension undesirable, especially as the measure would have impact on the entire family, and that harmony of the family would be adversely affected. Moreover, some of the smoking PHE tenants who were elderly really had difficulty in quitting the habit. He therefore urged the Administration to review the extension.

12. In response, DD(EM) pointed out that the Administration would brief members on how the public housing programme could help establish a family-based support network at the next meeting of the Panel. He emphasized that the Administration had no intention to deprive smoking tenants of their right to smoke. This was why designated smoking areas had been set up in most PHEs. Adjustments could also be made where appropriate in the light of views expressed by members and tenants.

13. Dr YEUNG Sum stated support for the extension, and pointed out that while smoking tenants had rights, there was also a need to protect tenants who did not smoke from secondhand smoking. He further opined that time should be given for the Housing Department (HD) to make improvement to the extension progressively.

Different treatment to PHE tenants in implementing the extension

14. Mr LI Kwok-ying enquired about how PHE tenants who smoked in another PHE would be handled. If two PHE tenants were found smoking in a no-smoking area of a PHE, he considered it unfair that only the smoker who lived in the PHE concerned would be allotted penalty points. In response, DD(EM) pointed out that all smokers in statutory no-smoking areas in PHEs would be fined according to law and the enforcement agent would be the Tobacco Control Office. As to enforcement of the Marking Scheme, since it was implemented in individual PHEs on the basis of the tenancy agreements between HA and the tenants of the PHEs concerned, points for misdeeds committed in a PHE could only be allotted to tenants of the PHE concerned, and visitors to the PHE who committed the misdeed could only be ordered to leave the estate. The situation was similar to a school which could not apply its demerit system to persons who were not its students even though they had breached rules of the school.

15. Dr Joseph LEE echoed Mr LI Kwok-ying's concern above, and opined that to avoid PHE tenants going to other PHEs to smoke in order to circumvent the penalty, HA should ensure that at least one designated smoking area would be set up in every PHE. In response, DD(EM) explained that this was already the guideline. However, although 146 PHEs had set up smoking areas in their estates, seven PHEs had refused doing so.

16. Mr CHAN Kam-lam also shared Mr LI Kwok-ying's concern, and urged HA to improve implementation of the Marking Scheme to address the concern when reviewing the extension in the future. Mr Alan LEONG also concurred with Mr LI's views, and stressed the need to ensure implementation of the extension was fair and avoid arbitrariness.

17. Mr LEUNG Kwok-hung and Mr Albert CHAN considered it discriminatory to allot points to PHE tenants for committing the smoking misdeed without prior warning and that non-tenants who committed the same misdeed would only be requested to extinguish their cigarettes or leave the PHE. The situation was undesirable, in particular many PHEs were adjacent to private courts, which made the above difference in treatment all the more inequitable. They also found it absurd to hold the entire family liable for the smoking misdeed committed by individual family member(s) as smoking was a personal behaviour. Mr Frederick FUNG and Mr Abraham SHEK concurred with the view. Mr Albert CHAN and Mr Frederick FUNG further expressed concern about the extension resulting in double penalty for PHE tenants as smoking in statutory no-smoking areas was already an offence under relevant legislation.

18. On the concern about the harshness of the Marking Scheme, DD(EM) pointed out that although a total of 5 664 cases of point-allotment involving 5 449 households had been recorded since the implementation of the Marking Scheme up to mid-April 2007, the validity of the points allotted to some 60% of these households had already expired. Moreover, notwithstanding that a total of 10 households had been issued with Notices-to-Quit (NTOs) due to the accumulation

of 16 points, only four flats had been recovered as a result. In another two cases, upon the consideration by the Appeal Panel (Housing), the NTOs had been cancelled in view of the tenants' subsequent good behaviours. The remaining four cases were awaiting appeal hearings. He re-iterated that PHE tenants welcomed the Marking Scheme in recognition of the improvement in environmental hygiene in PHEs the Scheme had brought. Tenants also supported HA for discharging its responsibility in managing common parts of PHEs according to the Housing Ordinance (HO) (Cap. 283). Enforcement of the extension had so far been satisfactory.

19. As regards concern about unfairness in holding the entire family responsible for misdeeds committed by individual members, DD(EM) explained that according to section 4(2)(e) of HO, HA had to manage the common parts of PHEs having regard to the interests, welfare and comfort of the tenants thereof. To perform such duties, HA had signed tenancy agreements with PHE tenants requiring them to abide by certain house rules. The tenancy agreements had clearly stipulated that a principal tenant and the entire household should be held responsible for all acts of or any breaches of tenancy conditions committed by his or her family members. When PHE tenants entered into tenancy agreements with HA, their attention was drawn to the relevant terms and conditions therein and they were aware that their family members were also bound by the agreements. As such, the Marking Scheme had not imposed additional requirements on PHE tenants. It was only implemented to help enforce tenancy conditions and require tenants to observe the relevant clauses in the tenancy agreement regarding good behaviours in respect of environmental issues, such as maintaining public hygiene/health and cleanliness in PHEs. While in the past warning letters were issued for breach of tenancy conditions, points were allotted instead under the Marking Scheme. Both served to warn tenants against repeating misdeeds. Under the Marking Scheme, records were kept more systematically, and clearer guidelines on the seriousness of misdeeds were provided for easy reference.

20. The Chairman pointed out that most smoking PHE tenants were retired old people who stayed in estate common areas for most of their time and estate management personnel could easily identify them as tenants of the PHE concerned. On the other hand, young smoking tenants who were normally smarter could claim that they were non-tenants and hence get away from the penalty. As a result, most PHE tenants allotted penalty marks would be elderly tenants. The Administration should take note of this possible unfair situation and devise measures to improve it. In response, DD(EM) advised that with three-year experience in implementing the Marking Scheme, estate management personnel knew how to differentiate between tenants and non-tenants.

The setting up of designated smoking areas in PHEs

21. Mr Albert CHAN pointed out that there was confusion as to the locations of designated smoking areas in PHEs when the extension first took effect. He suggested that HD should step up publicity on the locations of the smoking areas such as through HA's website and its Estate Newsletter, so that tenants would not

commit the smoking misdeed inadvertently. He also urged HA not to set up smoking areas close to housing blocks to avoid causing noise nuisance to tenants living in these blocks when clusters of smokers gathered in the areas.

22. In response, DD(EM) advised that notices had already been posted in the lobbies of all housing blocks to inform tenants of the locations of the designated smoking areas in their PHEs. The smoking areas were also clearly delineated with yellow/white lines. He further assured members that HD would endeavour to strike a proper balance between the needs of smoking tenants and non-smoking tenants when deciding on the locations of the smoking areas. Changes to the number, size and locations of the smoking areas would also be made as necessary in the light of EMACs' views.

23. Mr WONG Kwok-hing highlighted complaints about the lack of covers for smoking areas set up in PHEs, and urged the Administration to improve the situation. Mr Frederick FUNG and Mr Alan LEONG shared the view. In particular, Mr LEONG suggested that reference could be made to the smoking lounges at the airport when considering the provision of covered smoking areas in PHEs. Mr WONG further opined that it was inhumane not to provide covers for the smoking areas as shelters from the sun and the rain. At his request, DD(EM) agreed to provide the number of areas among the 428 designated smoking areas set up in PHEs which were provided with covers. He further advised that whether covers would be provided would be decided in consultation with tenants and EMACs. He added that at present, most smoking areas were set up at places with good air ventilation to enable smoke to disperse quickly.

(Post-meeting note: The information provided by the Administration was circulated to members vide LC Paper No. CB(1)1605/06-07 on 14 May 2007.)

24. Dr Joseph LEE stressed the need to put in place clear and consistent criteria which all EMACs would refer to when considering the locations of designated smoking areas in PHEs. He also highlighted the importance of ensuring the transparency of these criteria. In response, DD(EM) confirmed that the general guideline for setting up designated smoking areas was that they should be far away from places frequented by tenants so as to protect non-smokers from secondhand smoking.

25. Mr WONG Kwok-hing enquired whether the Administration would from time to time review and adjust the number of designated smoking areas in PHEs taking into account changes in the smoking population. In reply, DD(EM) re-iterated that there were already 428 designated smoking areas in 146 PHEs. While adjustments to their number would be made where necessary, due regard had to be given to tenants' views.

26. Mr LEUNG Kwok-hung pointed out that the designated smoking areas set up in PHEs were too far away and small in size. Mr Fred LI also highlighted complaints about the extension, and the number and size of designated smoking

areas by elderly tenants, who had difficulty in quitting smoking. He urged the Administration to review the situation to address the concerns. For instance, consideration should be given to seek EMACs' approval to enlarge the size of designated smoking areas, and provide at least one designated smoking area in every PHE as far as practicable. Mr Frederick FUNG concurred that flexibility should be exercised, and adequate designated smoking areas in terms of both size and number should be set up in PHEs, particularly in PHEs with large population of elderly tenants, who might be too frail to walk a long distance.

27. In response, DD(EM) said that in the case of setting up designated smoking areas in public pleasure grounds managed by LCSD, where District Councils (DCs) had been consulted, some public pleasure grounds were also not provided with any designated smoking areas at all. He assured members that flexibility would be exercised where possible in designating smoking areas in PHEs. Indeed, although it was originally intended that at most five designated smoking areas could be set up in a PHE, in one PHE eleven had been set up. Notwithstanding this, suggestions on further adjustments to smoking areas, such as enlargement of size and increase in number, would be duly examined in the light of tenants' views.

28. Mr Tommy CHEUNG cautioned against deciding on the setting up of designated smoking areas in PHEs in the light of EMACs' views only. According to him, the fact that below 15% of Hong Kong's population were smokers would inevitably create tyranny of the majority, which might not be fair and reasonable. As a result, elderly tenants who had difficulty quitting smoking might be forced to smoke at home, hence creating conflicts among family members. Care therefore had to be exercised to strike a balance, and larger and more designated smoking areas should be set up.

29. Mr CHAN Kam-lam expressed support for setting up designated smoking areas in PHEs. He however pointed out that it might not be advisable to solely rely on EMACs to make the relevant decisions. According to a questionnaire survey he had conducted, some 90% of PHE tenants were against smoking, and that views also varied as to the number of designated smoking areas that should be set up in PHEs. He was concerned that EMACs would most likely decide against the setting up of any designated smoking areas in their PHEs. The final decision in this regard should therefore be made by HD with reference to the actual circumstances of the PHEs concerned. Flexibility should also be exercised in handling objections to the setting up of designated smoking areas to ensure adequate provision of the areas in respecting the rights of smoking tenants.

30. Mr Alan LEONG emphasized that the extension was only a housekeeping measure and did not involve enforcement of the law because the new legislation did not cover the leisure grounds in PHEs. He concurred that HD should implement the extension in a more flexible and understanding manner, and that designated smoking areas that were of a larger size should be set up.

31. In response, DD(EM) confirmed that HA's own statistics showed a similar percentage of PHE tenants who objected to smoking in estate common areas. He, however, assured members that HD would not rely solely on EMACs in deciding on the setting up of designated smoking areas. Moreover, all EMACs were chaired by HD's estate management personnel. The Administration was aware of members' views on the need to exercise flexibility and to set up larger and more designated smoking areas in PHEs if necessary.

32. Mrs Selina CHOW considered it highly undesirable that there were literally no smoking area in seven PHEs, and expressed concern that where such areas had been set up, they were too small. Stressing the need to strike a balance, she sought to understand how EMACs decided on the matter of setting up designated smoking areas in their respective PHEs, and whether regard would be given to human rights in the process to ensure reasonableness and fairness. Dr YEUNG Sum, however, opined that smoking areas of a larger size should only be provided when they were situated in locations where few people, especially children, went.

33. In response, DD(EM) explained that one of the seven PHEs where no designated smoking areas had been set up was Model Housing Estate, which was so small that smoking areas could hardly be set up without affecting non-smoking tenants. As such, after detailed discussion, the estate was not provided with any smoking area despite HA's general guideline of setting up at least one smoking area for every PHE. Notwithstanding this, given the setting up of designated smoking areas in PHEs, HA was not aware of any case where smoking tenants had great difficulty in finding a place in estate common areas to smoke. In fact, 428 designated smoking areas had already been set up in 146 PHEs to provide smoking tenants with proper places to smoke without affecting others.

V Report on the outcome of comprehensive structural investigations on Wo Lok Estate and Ma Tau Wai Estate

(LC Paper No. CB(1)1478/06-07(05) -- Information paper provided by the Administration

LC Paper No. CB(1)1478/06-07(06) -- Background brief on Comprehensive Structural Investigation Programme for Aged Public Housing Estates prepared by the Legislative Council Secretariat

LC Paper No. CB(1)1478/06-07(08) -- Submission from Miss Rosanda MOK Ka-han, Kowloon City District Councillor (Chinese version only)

Presentation by the Administration

34. With the aid of powerpoint, the Chief Manager/Management (Support Services 5), Housing Department (CM/M(SS5)), gave a presentation on the structural investigation findings and the recommended improvement works in the Wo Lok Estate and Mau Tau Wai Estate (the Two Estates). He said that the investigation had revealed that structural repair and improvement works were required in various parts of the buildings in Wo Lok Estate to sustain them for 15 years or more. In addition, other estate improvement works including construction of lifts at eight low blocks would be undertaken under the Total Maintenance Scheme (TMS) to further enhance the living environment of the estate. As regards Ma Tau Wai Estate, the investigation revealed that all buildings were structurally safe. As improvement works had been carried out in the estate in the past, the structural conditions of all blocks were generally good. Only minor repair and improvement works were required to sustain the estate for 15 years or more. General estate improvement works would also be carried out under TMS to improve the living environment.

(Post-meeting note: The powerpoint presentation materials were circulated to members by e-mail on 8 May 2007.)

Discussion

Repair and improvement works

35. Referring to the proposed installation of eaves at the low block balconies in Wo Lok Estate, Mr CHAN Kam-lam enquired about the justifications for and benefits of the improvement measure, and whether each flat would be installed with the eave. In reply, CM/M(SS5) said that the effect of rain on the external wall of Wo Lok Estate had led to water seepage causing concrete spalling. The eave of six inches in width would be effective in preventing water seepage. The same improvement measure had been taken in other estates with positive feedback from the tenants.

36. As regards the installation of lifts at eight low blocks of Wo Lok Estate, Mr CHAN Kam-lam enquired about the timeframe of the commencement and completion of the works and the number of lifts to be installed as he was aware that five of the eight low blocks were connected to each other. He further expressed concern about the cost-effectiveness of the lift installation works if the preparatory work would take a long time, given that the estate would only be sustained for 15 years and after that the Administration might consider demolishing the estate. Mr Fred LI also sought details from the Administration on the lift installation works.

37. CM/M(SS5) advised that there were eight low blocks in Wo Lok Estate, with three independent blocks and the five connected blocks. Given that one lift was needed for each of the three independent blocks and the five connected block could share lifts, it was envisaged that the total number of lifts to be installed would

be less than eight. The actual number of lifts to be installed would be finalized in consultation with the residents. On the details of the project, the Administration would first carry out works in areas where rehousing of affected tenants would not be involved. As regards the lift lobby and the need for the possible relocation of the underground utilities, the Administration would conduct a feasibility study and consult the tenants on the details.

38. Mr CHAN Kam-lam reiterated his concern about the long lead time for undertaking the preparatory work for the lift installation project involving complicated matters such as relocation of the underground utilities. He suggested that the Administration should consider conducting the project in one or two blocks first so as to map out a more comprehensive work plan for the remaining blocks. In response, DD(EM) said that the Administration would adopt a phased programme in implementing the lift installation project. Those works which were relatively straightforward and did not involve rehousing of tenants would be undertaken first, while those involving rehousing of tenants and relocating the public utilities would be undertaken at a later stage. It was envisaged that the whole installation project could be completed within 18 to 24 months.

39. Pointing out that not every floor in the buildings of Ma Tau Wai Estate had accessibility to lifts, and in view of the large population of elderly residents in the estate, Mr Frederick FUNG asked whether HD would consider providing lift access to each floor. He also relayed tenants' complaints about the low water pressure at the top floors of Ma Tau Wai Estate affecting the operation of the water heater and asked whether improvement could be made as he was aware that similar works had been undertaken in other estates in Sham Shui Po.

40. DD(EM) said that to his knowledge, every floor in the buildings of Ma Tau Wai Estate had accessibility to lifts, except the two top floors in each block where the machine rooms of the lifts were located. As the rooftops of the blocks were already occupied by the water tanks and due to structural constraints, there might be difficulty in relocating the machine rooms to the rooftops. Nonetheless, HD would explore the feasibility of relocating the machine rooms to the rooftops to enable the residents living on the top two floors to have access to the lifts. As regards the concern about the water pressure at Ma Tau Wai Estate, the situation had improved after installation of copper pipes and the new water pumps. HD would examine the need to further improve the water supply system.

41. Mr Frederick FUNG clarified that given that the blocks in Ma Tau Wai Estate were connected, although each floor of the blocks had accessibility to lifts, some residents living far away from the lift shafts would have to walk a long distance from one block to another block to take the lifts. He asked whether HD could consider providing more lift access at each floor under the TMS to facilitate residents. The Administration undertook to study the feasibility of Mr FUNG's suggestion.

Criteria for redeveloping or repairing old estates

42. Pointing out that HA had formulated redevelopment plans for some estates but such plans were subsequently put on hold due to policy changes, Mr Albert CHAN expressed concern about the criteria adopted by HA in deciding whether repair works should be carried out in old estates or they should be demolished and redeveloped. Citing the case of Ma Tau Wai Estate, Mr CHAN said that given that there was a mix of different types of building blocks with different conditions, he was concerned whether some blocks in a relatively bad condition would still be maintained rather than demolished as a decision had been made that the whole estate would not be redeveloped for the time being. He considered that the decision on whether an estate should be redeveloped or repaired should be made after thorough consultation with the tenants concerned.

43. DD(EM) recapped that in 2005, HD launched the Comprehensive Structural Investigation (CSI) programme covering 10 public rental housing estates aged about or over 40. Having regard to the likely extent of deterioration in the coming 15 years and the findings of the investigation, HD would assess the repair and strengthening works needed to sustain the buildings. He said that for the six estates already inspected under CSI programme, the Administration had decided to clear So Uk Estate having regard to the extensive scale of repair works otherwise required and the resultant disturbance to tenants. In deciding whether an estate should be repaired or redeveloped, HD would consider the structural safety of the buildings, cost-effectiveness and the disruption of the works caused to residents. If the estates were to be sustained for 15 years or more, HD would also undertake necessary improvement works under TMS for the estates. So far, the residents had responded positively to the improvement works undertaken in their estates. HD would brief the Panel on the findings of the investigations on the remaining four estates and would inform the affected residents on the findings of the investigations in due course.

44. Citing the example of Fuk Loi Estate, the redevelopment of which had been discussed for 20 years, Mr Albert CHAN enquired whether HD would consult the residents on whether the estates should be repaired or redeveloped. In response, DD(EM) said the HD would provide the findings and data of the investigation to facilitate the discussion with residents and would strive to meet the needs of the residents.

45. Referring to Wo Lok Estate, where the conditions of some blocks were relatively poor but HD had decided not to demolish these blocks, Mr Fred LI expressed concern whether the repair works would sustain these blocks for the coming 15 years. Referring to the improvement works inside the toilet of the flat, he expressed concern about the great disruption to the residents. Given that there were a lot of elderly residents in Wo Lok Estate, he enquired whether rehousing arrangements would be provided for the affected tenants. Sharing the views, Mr Frederick FUNG asked whether upon completion of the proposed works, the Two Estates would be structurally safe and no major repair works would have to be undertaken in the next 15 years. Mr FUNG and Mr Albert CHAN also expressed

concern that the improvement works could cause serious disruption to the sitting residents.

46. CM/M(SS5) acknowledged that the blocks at Wo Lok Estate had been deteriorating in varying degree. While the conditions of low blocks were relatively poor, the detailed investigation showed that after the repair and improvement works the blocks could be sustained for the coming 15 years. The Administration was mindful of the need to minimize the disruption arising from the repair works to the residents. Referring to the improvement works to be undertaken for Ma Tau Wai Estate, including the recast of toilet floor slabs of four blocks, changing of the toilet pans from squatting type to sitting type, improving the balcony balusters, and replacement of the old water tanks with glass-reinforced plastic tanks, CM/M(SS5) said that while the works would inevitably caused disturbance to the residents, after completion of the works, residents' living environment could be enhanced. DD(EM) added that according to preliminary assessment, apart from tenants affected by the installation of lifts, the need for rehousing residents would be limited in view of the nature and scale of the repair and improvement works. HD would make proper arrangement so that all in-flat repair works could be completed within the same day as far as possible in order to minimize disruption caused to the residents concerned.

Communication with the tenants and facilities for the elderly

47. Dr YEUNG Sum said that redevelopment of public housing estates in the urban area would encounter difficulties due to inadequate supply of vacant flats in the same district for rehousing affected residents and reluctance of residents to be transferred to other districts. He suggested that HD should hold more forums with the affected residents to update them on the progress and details of the repair and improvement works. As regards the facilities to cater for the needs of the elderly, he suggested that more sitting-out areas and seats with back rests should be provided. The Chairman also urged the Administration to consider providing new facilities, such as railing and sitting-out areas for the elderly. In response, DD(EM) confirmed that HD would hold forums to enhance communication with the residents and a show-flat would be provided to display the results of the repair and improvement works. HD would also consult the residents on the new facilities to be provided to cater for their needs.

Energy efficiency and greening measures

48. While agreeing that repair and improvement works could sustain the old estates, Prof Patrick LAU considered that HD should take the initiative to implement/install more energy efficiency measures/facilities and greening works in the estates, such as green rooftops, providing planters at the balconies and installation of solar panels on the rooftops. Prof LAU opined that such measures would not only strengthen the sense of belonging of residents and their involvement in the estates, but also enhance their living environment. Echoing Prof LAU's views, the Chairman pointed out that that the Panel on Environmental Affairs had discussed energy efficiency and greening works for government buildings at a

recent meeting. As repair and improvement works would be carried out for estates under CSI and TMS, he considered that HD should take the initiative to use the opportunity to provide green rooftops or other greening works to improve residents' living environment and reduce the indoor temperature.

49. DD(EM) noted members' suggestions above and pointed out that HA had attached great importance to promote environmental friendly buildings. New green initiatives would be included in the repair and improvement projects to enhance residents' living environment. Indeed, after consultation with the residents, HD had already included energy efficiency measures/facilities and greening works under CSI for the four estates. HD would likewise include energy efficiency measures/facilities and greening works in the repair works for the Two Estates. He further advised that HD would undertake a feasibility study on both green rooftops and green walls to enhance the green environment in the Two Estates.

VI Demolition of buildings at Kennedy Town Comprehensive Development Area

(LC Paper No. CB(1)1478/06-07(07) -- Information paper provided by the Administration)

Environmental concerns arising from the demolition project

50. Dr YEUNG Sum stated support for the captioned financial proposal to part-upgrade **PWP Item No. 570CL (570CL)** to Category A, for the proposed demolition of the existing buildings, structures and chimneys above ground at Kennedy Town Incineration Plant (KTIP) and the adjoining Abattoir (KTA). He, however, urged the Administration to exercise care in the removal, treatment and disposal of asbestos-containing materials (ACM) in the buildings, structures and chimneys concerned to avoid adversely affecting the health of local residents. In this regard, he suggested that the ACM be transported by sea instead of by land in consideration of the narrow roads in Kennedy Town. He also urged the Administration to minimize any noise pollution that might be created during implementation of the works concerned.

51. In response, the Deputy Head of CEO (Projects & Environmental Management), Civil Engineering and Development Department (DH of CEO) assured members that the Administration was aware of concerns about the ACM. He elaborated that the locations of the ACM had already been identified from the relevant Environmental Impact Assessment (EIA) and the subsequent site investigation. With the establishment of full containment measures, the Administration could ensure that the ACM found in superstructures within KTIP and KTA would be removed safely before demolition of the structures concerned. The Administration had also been actively liaising with other departments, including the Marine Department, on the feasibility of transporting the demolished ACM by sea.

52. To further address Dr YEUNG Sum's concern about the environmental impacts of the demolition project, DH of CEO supplemented that works associated with the removal, treatment and disposal of the ACM in existing buildings, structures and chimneys of KTIP and KTA would be undertaken by registered asbestos contractors and overseen by qualified consultants. A list of environmental and auditing measures would be undertaken and the Administration would also retain independent professionals during the process to ensure proper control of the environmental impact of the project to within the criteria established in the EIA and the Environmental Permit (EP) under the EIA Ordinance (Cap. 499).

53. Mr WONG Kwok-hing enquired about the methods for removing and disposal of the dioxin-containing materials (DCM) found in the existing buildings, structures and chimneys of KTIP and KTA. In response, DH of CEO said that DCM was mainly found in the chimneys of KTIP. Removal of such materials would be undertaken within negative pressure enclosure in order to safeguard against any release of DCM to the atmosphere. Efforts would also be made to stabilize the material by mixing it with cement followed by sealing in polythene-lined steel drums to ensure public safety during transportation. The removed DCM would then be disposed of at designated locations in landfills.

54. The Chairman sought to ascertain whether the placement of DCM in sealed steel drums would suffice to prevent contamination to the environment. In response, DH of CEO assured members that leachate tests would be conducted to ensure that the contamination level of the stabilized DCM would be below 1 ppb TEQ.

Implementation programme of project 570CL

55. The Chairman noted that the Administration's original plan was to commence ground decontamination immediately after completion of the relevant demolition works. However, as revealed from the findings of the study of the Mass Transit Railway Corporation Limited (MTRCL), the KTIP and KTA site was the only site available in the Western District suitable for use as the temporary works area for the construction of the MTR West Island Line (WIL). Taking into account the strong public aspiration for early implementation of the WIL project, the Administration had proposed implementing the demolition and ground decontamination works in two stages so that MTRCL could use the subject site as a temporary works area for the WIL project. Pointing out that the ground beneath the subject site might be contaminated, the Chairman expressed concern about implementing project 570CL in two stages, which could mean that works of the WIL project would be conducted on contaminated ground. He enquired about the monitoring mechanism and precautionary measures to safeguard the health of local residents in view of the potential hazards so arising.

56. In response, DH of CEO clarified that ACM and DCM were found in the existing buildings, structures and chimneys above ground at KTIP and KTA and not below ground. The underground soil was only contaminated with heavy metals and hydrocarbons. Moreover, as understood from MTRCL, the subject site would

only be used for erecting temporary site offices and storage of materials. As such, according to the Administration's assessment, the above changes in implementation programme would be environmentally acceptable with the implementation of various mitigation measures, such as provision of a 200mm thick temporary concrete paving over the site before its use as a works area for the WIL project to prevent infiltration of contaminants underground. He further assured members that utilization of the site by MTRCL would be subject to controls of the EIA Ordinance (Cap. 499).

57. The Chairman enquired whether examination had been conducted to ensure the contaminated soil contained no toxic materials, such as benzene. In reply, DH of CEO clarified that ground decontamination works would only be deferred and not skipped. As mainly hydrocarbon and heavy metals were found in the underground soil, the temporary concrete paving over the site should be able to keep such contaminants under control. The Chairman was not assured. He urged that MTRCL should be required to exercise care in using the subject site. Addressing the Chairman's concern, DH of CEO said that according to the EIA Ordinance, MTRCL would be properly monitored to ensure its compliance with the requirements of the relevant EP. He assured members that MTRCL would use the subject site during 2009 to 2013. After that the site would be returned to the Government for undertaking the ground decontamination works.

Consultation with Panels

58. Pointing out that the captioned financial proposal involved issues relating to planning and works, Prof Patrick LAU enquired why the Panel instead of the Panel on Planning, Lands and Works was consulted on the project. In response, the Chief Civil Engineer, Housing Department (CCE/HD) explained that the subject site would be developed into a Comprehensive Development Area (CDA) in which there would be residential development. Addressing Prof LAU's concern about consultation of relevant LegCo Panels on the project, CCE/HD advised that as he understood, all non-Panel Members had been invited to participate in the discussion of this item. The Clerk confirmed that as was the normal practice with financial proposals, all Members had been invited to attend discussion of this item. However, the decision on which Panel to consult rested with the Administration. In this regard, CCE/HD supplemented that the captioned proposal only aimed to seek funding approval for the relevant demolition works. As for the land use of the CDA site and the adjoining areas in the long run, it would need to go through relevant statutory procedures in due course involving public consultation and the Town Planning Board.

59. Summing up, the Chairman said that the Panel had no objection to the proposal. Dr YEUNG Sum and Mrs Selina CHOW expressed support for the proposal.

VII Any other business

60. There being no other business, the meeting ended at 4:40 pm.

Council Business Division 1
Legislative Council Secretariat
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