

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1377/06-07  
(These minutes have been seen  
by the Administration)

Ref : CB1/PL/PLW/1

**Panel on Planning, Lands and Works**

**Minutes of meeting**  
**held on Tuesday, 27 February 2007 at 2:00 pm**  
**in the Chamber of the Legislative Council Building**

**Members present** : Hon LAU Wong-fat, GBM, GBS, JP (Chairman)  
Prof 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, SBS, S.B.St.J., JP  
Hon James TO Kun-sun  
Hon Bernard CHAN, GBS, JP  
Hon CHAN Kam-lam, SBS, JP  
Hon WONG Yung-kan, JP  
Hon Miriam LAU Kin-ye, GBS, JP  
Hon CHOY So-yuk, JP  
Hon Abraham SHEK Lai-him, JP  
Hon Vincent FANG Kang, JP  
Hon LEE Wing-tat  
Hon LI Kwok-ying, MH, 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 CHAN Yuen-han, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon LEUNG Kwok-hung

**Members absent** : Dr Hon LUI Ming-wah, SBS, JP  
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon Albert CHAN Wai-yip  
Hon Daniel LAM Wai-keung, SBS, JP

**Public officers attending** : **Agenda item IV**  
  
Miss TAM Kam-lan, Annie  
Deputy Secretary for Housing, Planning and Lands  
(Planning and Lands) 1

Mr CHIU Tat-loi, Raymond  
Assistant Director of Planning/Special Duties

**Attendance by invitation** : **Agenda item IV**

Clear The Air

Ms Annelise CONNELL  
Chairperson

Ms Ada SINN  
Spokesperson

The Hong Kong Institute of Surveyors

Mr Raymond CHAN  
President

Mr Lawrence PANG  
Vice Chairman, General Practice Division

Green Sense

Mr LAI Ming-chuen, Jan  
Vice-President

Hong Kong Institute of Real Estate Administration

Mr WONG Kam-cheong, Stanley  
Vice President

Mr Kyran SZE  
Vice President

Individual

Mr WAI Woon-nam  
Sham Shui Po District Council member

Designing Hong Kong Harbour District

Mr Paul ZIMMERMAN  
Convenor

Central and Western District Concern Group

Ms Katty LAW Ngar-ning  
Member

Ms CHENG Lai-king  
Representative

Sun Yuen Long Centre Owners Committee

Mr LEUNG Yin-kuen  
Vice Chairman

Mr MAN Kit-hing  
Member

Individual

Mr MAK Ip-sing  
Yuen Long District Council member

The Hong Kong Institution of Engineers

Ir Dr Greg WONG  
Immediate Past President

The Hong Kong Institute of Architects

Mr WONG Kam-sing  
Chairman, Board of Local Affairs

Mr Michael CHIANG  
Chairman, Planning & Lands Committee

Individual

Mr KWONG Kwok-chuen  
Tsuen Wan District Council member

Individual

Mr LAM Ho-yeung  
Yau Tsim Mong District Council member

Association of Engineering Professionals in Society

Ir YIM Kin-ping  
Senior Vice-Chairman

The Hong Kong Institute of Planners

Ms PONG Yuen-yee  
Vice President

New Territories West Branch, Civic Party

Mr CHAN Ka-lok  
Chairman

Individual

Mr LI Sai-hung

Democratic Party

Mr NG Wing-fai  
Vice-Spokesman of Planning and Lands

**Clerk in attendance :** Ms Anita SIT  
Chief Council Secretary (1)4

**Staff in attendance :** Mr WONG Siu-yee  
Senior Council Secretary (1)7

Ms Christina SHIU  
Legislative Assistant (1)7

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**I Confirmation of minutes**

- (LC Paper No. CB(1)943/06-07 -- Minutes of meeting on 28 November 2006
- LC Paper No. CB(1)985/06-07 -- Minutes of special meeting on 14 December 2006
- LC Paper No. CB(1)986/06-07 -- Minutes of special meeting on 18 December 2006)

The minutes of the meetings held on 28 November, 14 and 18 December 2006 were confirmed.

**II Information papers issued since last meeting**

- (LC Paper Nos. CB(1)855/06-07(01), (02) and (03) -- Issues relating to the Kai Tak development and its incompatibility with the surrounding areas raised at the meeting between Legislative Council Members and Kowloon City District Council members on 9 November 2006
- LC Paper No. CB(1)856/06-07(01) -- Submission dated 19 January 2007 from the Property Owners' Concern Group on Redevelopment of Staunton Street and Wing Lee Street and Tenants' Concern Group on Redevelopment of Staunton Street and Wing Lee Street relating to an urban renewal project in Central
- LC Paper No. CB(1)857/06-07(01) -- Memorandum dated 24 January 2007 from Complaints Division on matters relating to social work teams providing services for residents in districts affected by urban renewal projects
- LC Paper No. CB(1)861/06-07(01) -- Submission dated January 2007 from a member of the public relating to the proposal to lower the compulsory sale threshold for specified classes of lots under the Land (Compulsory Sale for Redevelopment) Ordinance

- LC Paper No. CB(1)920/06-07(01) -- Submission dated 2 February 2007 from Designing Hong Kong Harbour District and The Experience Group, Limited relating to "Facelift of Mui Wo"
- LC Paper Nos. CB(1)956/06-07(01), (02) and (03) -- Issues relating to the operation of the Town Planning Board raised at the meeting between Legislative Council Members and Kwai Tsing District Council members on 7 December 2006 and the Administration's response
- LC Paper No. CB(1)962/06-07(01) -- Letter dated 9 February 2007 from the Working Group on Urban Renewal Problems of the Sham Shui Po District Council enclosing a booklet and a cultural map in relation to the working group's project "Sham Shui Po Regeneration: Where possibly will it go?"
- LC Paper No. CB(1)963/06-07(01) -- Letter dated 9 February 2007 from the Harbour-front Enhancement Committee on "Draft harbour planning guidelines"
- LC Paper No. CB(1)969/06-07(01) -- Information paper on "119CD -- Drainage improvement in Northern New Territories -- package C" provided by the Administration
- LC Paper No. CB(1)974/06-07(01) -- Letter dated 8 February 2007 from Hon LEE Wing-tat on "Land use and transport planning in rural areas"
- LC Paper No. CB(1)987/06-07(01) -- Relevant extract from the confirmed minutes of the meeting between Legislative Council Members and Kwai Tsing District Council members on 7 December 2006 relating to the operation of the Town Planning Board)

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

**III Items for discussion at the next meeting**

(LC Paper No. CB(1)983/06-07(01) -- List of outstanding items for discussion

LC Paper No. CB(1)983/06-07(02) -- List of follow-up actions)

3. Members agreed that the following items would be discussed at the next regular meeting scheduled for 27 March 2007 --

- (a) Development of Greening Master Plans -- Progress Report
- (b) Buildings (Amendment) Bill 2007 -- Minor Works Control System; and
- (c) Work of the Urban Renewal Authority

4. The Chairman suggested and members agreed that the item on "Land use and transport planning in rural areas" suggested by Mr LEE Wing-tat in his letter (LC Paper No. CB(1)974/06-07(01)) would be discussed by the Panel in April or May 2007. Members of the Panel on Transport would be invited for discussion of the item.

5. Mr LEE Wing-tat enquired about the up-to-date position of the Administration's review on the measures to promote green features in building developments.

6. Ir Dr Raymond HO enquired about the up-to-date position of the Administration's proposal for a mandatory building inspection scheme, and that of the consultancy study on the feasibility of implementing private certification of building plans.

7. The Chairman asked the Clerk to request the Administration to provide the relevant information on the above subjects.

*(Post-meeting note: The relevant information provided by the Administration in respect of the above subject matters was conveyed to members vide LC Paper No. CB(1)1096/06-07 on 7 March 2007.)*

8. Dr KWOK Ka-ki enquired about the progress of the Administration's discussion with experts in the community on arrangements for preserving the Queen's Pier. He suggested that the subject be discussed at the next regular meeting scheduled for 27 March 2007 if possible.

*(Post-meeting note: The item on "Arrangements for preservation of the Queen's Pier" would also be discussed at the next regular meeting scheduled for 27 March 2007.)*

9. Mr Abraham SHEK suggested that the Administration or the Urban Renewal Authority (URA) be asked to provide the following information to facilitate the discussion of the item on "Work of the Urban Renewal Authority" --

- (a) projects/initiatives completed by URA since its establishment in May 2001, on-going projects/initiatives and the URA's future work plans;
- (b) the up-to-date financial position of URA, the financial results/status of individual completed/on-going projects and the financial strategies adopted by URA at different times of property cycles; and
- (c) the work done so far by URA on conservation of heritage buildings and features, with details of the buildings/sites/structures concerned and the conservation approaches adopted, and URA's future plans in regard to preservation.

#### **IV Developments creating the wall effect**

(LC Paper No. CB(1)832/06-07(01) -- Letter dated 26 January 2007 from Hon LEE Wing-tat

LC Paper No. CB(1)832/06-07(02) -- Letter dated 22 January 2007 from Hon Alan LEONG Kah-kit, SC

LC Paper No. CB(1)983/06-07(07) -- Information paper provided by the Administration

LC Paper No. CB(1)997/06-07(03) -- Submission dated 22 February 2007 from The Real Estate Developers Association of Hong Kong)

#### Presentation by deputations

*Clear The Air (CTA)*

*(LC Paper No. CB(1)1035/06-07(01), tabled and subsequently issued to members on 28 February 2007)*

10. Ms Ada SINN, Spokesperson of CTA, delivered her presentation, the details of which were given in the relevant submission. She pointed out that developments of high intensity would affect air ventilation, especially for waterfront developments. The extent of wall effect would be dependent on the shape of the structures, climatic changes and air current arising from traffic. Apart from government projects, air ventilation assessment (AVA) should also be conducted for non-government developments. It was imperative to ensure that new developments would be compatible with the sustainable development of Hong Kong.



*The Hong Kong Institute of Surveyors (HKIS)*

11. Mr Raymond CHAN, President of HKIS, pointed out that a high plot ratio would not necessarily lead to the wall effect. Whether developments would create the wall effect would depend on other factors such as the design, layout and orientation of the buildings and prevailing wind directions. Any legislation on AVA, if enacted in future, should not have retrospective effect; and an adaptation period should be allowed before such legislation took effect. As Hong Kong needed development and developments in country parks were impossible, he queried where to obtain the land required for development. He emphasized that there should be a proper balance between effects on the environment and enhancements in living conditions so as to achieve the most optimal outcome. The community should adopt a rational approach and an across-the-board banning on high-rise or high-density developments might not be desirable.

*Green Sense (GS)*

*(LC Paper No. CB(1)983/06-07(03); and LC Paper No. CB(1)1035/06-07(02), tabled and subsequently issued to members on 28 February 2007)*

12. Mr Jan LAI, Vice-President of GS, delivered his presentation, the details of which were given in the relevant submissions. He highlighted that some developments in Tai Wai did not require approval from the Town Planning Board (TPB), the plans were not disclosed to the public and consultation was inadequate. He opined that planned developments creating the wall effect, even if approved, should be revised as far as possible within existing constraints to reduce the wall effect. He also suggested revising the layout or shape of the buildings for some planned developments in Tsuen Wan to reduce the effects on air ventilation. The Administration should make every effort to prevent the emergence of developments creating the wall effect in future, and to introduce measures to ensure that non-government developments would also comply with the guidelines on air ventilation published by the Government.

*Hong Kong Institute of Real Estate Administration (HKIREA)*

*(LC Paper No. CB(1)1033/06-07(01), received after the meeting and subsequently issued to members on 28 February 2007)*

13. Mr Kyran SZE, Vice President of HKIREA, delivered his presentation, the details of which were given in the relevant submission. He said that the wall effect was due to many factors, such as design of buildings, plot ratio, site coverage, and shape of the site. If there were clearly defined criteria, HKIREA would support in principle the suggestion that sunshine and wind tunnel experiments should be conducted for buildings exceeding a specific building bulk. However, the actual circumstances of the development concerned and its surroundings should also be taken into account because laboratory experiments could not completely reflect the actual situation. There should be some flexibility in the control measures imposed on developments so as to cater for the particular circumstances of individual developments and their surroundings.

*Mr WAI Woon-nam, Sham Shui Po District Council member*

14. Mr WAI Woon-nam pointed out that the planned developments with 10 buildings above the Nam Cheong Station would affect air ventilation, affecting some 60 000 residents in southern Sham Shui Po, many of whom were living in aged and low-rise buildings. They were also being affected by developments creating the wall effect in Southwest Kowloon. The adverse impact was especially obvious during hot weather. Pointing out that the area of the site for the developments above the Nam Cheong Station was some 100 metres by 400 metres and the developments would block the southwest wind in summer, he urged Legislative Council Members to ask the Kowloon-Canton Railway Corporation to revise the planning for the developments so as to reduce the impact on Sham Shui Po residents.

*Designing Hong Kong Harbour District (DHKHD)*

*(LC Paper No. CB(1)983/06-07(04); and LC Paper No. CB(1)1035/06-07(03), tabled and subsequently issued to members on 28 February 2007)*

15. Mr Paul ZIMMERMAN, Convenor of DHKHD, delivered his presentation, the details of which were given in the relevant submissions. He said that high-intensity developments would have adverse effects on quality of life, the economy and transport. The wall effect was caused by factors such as large plot sizes, elongated railway sites, increased final plot ratios arising from bonus, non-accountable and exempted gross floor areas, built form, financing with linked development rights and sale of new development rights in already high density areas. There should be development control measures such as limiting the amalgamation of sites, amending zoning, capping final plot ratios, amending building regulations, limiting sale of new development rights and de-linking development rights.

*Central and Western District Concern Group (CWDCG)*

*(LC Paper No. CB(1)983/06-07(05); and LC Paper No. CB(1)1035/06-07(04), tabled and subsequently issued to members on 28 February 2007)*

16. Ms Katty LAW, Member of CWDCG, delivered her presentation, the details of which were given in the relevant submissions. She was worried that many low-rise buildings in the district would become high-rise buildings after redevelopment, and upcoming developments would aggravate transport and environmental problems in the already densely built district. She queried whether the Administration had conducted any comprehensive transport and environmental impact assessment for the district as a whole. As the district had a shortage of public open space of up to 7 hectares, the residents requested that the Government should restrict development and redevelopment in the district and more public open space should be provided by using Government land.

*Sun Yuen Long Centre Owners Committee (SYLCOC)*

*(LC Paper No. CB(1)1033/06-07(02), tabled and subsequently issued to members on 28 February 2007)*

17. Mr LEUNG Yin-kuen, Vice Chairman of SYLCOC, delivered his presentation, the details of which were given in the relevant submission. Pointing out that Sun Yuen Long Centre would be sandwiched by new developments, he queried whether this was acceptable under current standards. He also queried why reduction in the number of planned buildings took place on a site further away from Sun Yuen Long Centre instead of the site adjacent to Sun Yuen Long Centre. The Administration should stop the new developments adjacent to Sun Yuen Long Centre to demonstrate its sincerity in addressing the problems caused by the wall effect.

*Mr MAK Ip-sing, Yuen Long District Council member  
(LC Paper No. CB(1)1033/06-07(03), tabled and subsequently issued to members on 28 February 2007)*

18. Mr MAK Ip-sing delivered his presentation, the details of which were given in the relevant submission. He said that developments creating the wall effect would affect sunshine and air ventilation. The planned developments around Sun Yuen Long Centre and other high-rise developments in Yuen Long would have adverse effects on residents in Yuen Long. He pointed out that the guidelines on air ventilation in the Hong Kong Planning Standard and Guidelines (HKPSG) were only guidelines and developers could choose not to comply with them. Compliance with those guidelines should become a statutory requirement and there should be legislative measures to control how developments were built so as to safeguard the health of residents.

*The Hong Kong Institution of Engineer (HKIE)  
(LC Paper No. CB(1)1033/06-07(04), tabled and subsequently issued to members on 28 February 2007)*

19. Ir Dr Greg WONG, Immediate Past President of HKIE, delivered his presentation, the details of which were given in the relevant submission. He said that the severity or otherwise of the wall effect should be based on scientific data. HKIE welcomed the introduction of the Technical Circular on AVA, but was concerned that most projects would not be subject to AVA. There should be some simple interim AVA criteria because it would take years to build up the AVA Registry and establish objective acceptance criteria. The building height control review should be expedited and the Administration should conduct a wind tunnel model or computational fluid dynamics analysis to provide preliminary data of permissible building height and width in various waterfront areas. While the Administration should respond to concerns about the wall effect, private property right must be respected and approved developments should not be affected.

*The Hong Kong Institute of Architects (HKIA)  
(LC Paper No. CB(1)1033/06-07(05), tabled and subsequently issued to members*

on 28 February 2007)

20. Mr WONG Kam-sing, Chairman, Board of Local Affairs of HKIA, delivered his presentation, the details of which were given in the relevant submission. He said that the wall effect depended on the relationship between building bulk and the surrounding urban space. A high plot ratio coupled with a large plot size would easily create the wall effect. A right mix of high-rise and low-rise buildings was desirable in terms of land utilization and air ventilation. At present, the Government did not have a three-dimensional urban space design concept framework for its urban planning work. There were grey areas in the existing approval procedures for building submissions and the Administration should have better internal coordination. The demand for developments with a spectacular sea view also contributed to the wall effect. There should be a rational and scientific review of Hong Kong's long-term planning strategies and the Administration should improve the relevant approval mechanisms.

*Mr KWONG Kwok-chuen, Tsuen Wan District Council member  
(LC Paper No. CB(1)983/06-07(06))*

21. Mr KWONG Kwok-chuen delivered his presentation, the details of which were given in the relevant submission. He said that Tsuen Wan would be affected by two layers of developments creating the wall effect. New developments at the Tsuen Wan West Rail Station would block air ventilation. The living conditions of residents in Tsuen Wan town centre should be taken into account because they were the ones who first moved in, and developers should not ignore the rights of those residents. The Government only considered land premium and the interests of developers, while residents were left in a helpless situation. The Government should respect the views of the residents and consult them. Developments creating the wall effect would aggravate traffic congestion, air pollution and the heat island effect.

*Mr LAM Ho-yeung, Yau Tsim Mong District Council member  
(LC Paper No. CB(1)1033/06-07(06), received after the meeting and subsequently issued to members on 28 February 2007)*

22. Mr LAM Ho-yeung delivered his presentation, the details of which were given in the relevant submission. He said that new developments near Hoi Fai Road affected air ventilation of the old built-up areas in Tai Kok Tsui, blocking the southwest wind and causing an increase in the pollution level and temperature in the area. New developments were some 40 to 50 storeys high while old developments were only around 15 storeys high. The Administration should withdraw Lot KIL11146 from the Application List and further discuss relevant matters. The site should be rezoned for "Open Space" or "Government, Institution or Community" use. He was worried that the plot ratio of the sites for developments near the Olympic Station would be increased, leading to more high-rise buildings.

*Association of Engineering Professionals in Society (AEPS)  
(LC Paper No. CB(1)997/06-07(01))*

23. Ir YIM Kin-ping, Senior Vice-Chairman of AEPS, delivered his presentation, the details of which were given in the relevant submission. He said that developments creating the wall effect were a problem attributable to historical reasons. While objections from citizens were reasonable, actions to be taken should not be too radical. There should be a balance between development and conservation. The Technical Guide for AVA for Developments in Hong Kong published by the Planning Department was objective and scientific and worthy of promotion. This Technical Guide and the Qualitative Guidelines on Air Ventilation in HKPSG should be applicable to new developments. High-rise buildings were not necessarily the culprit of the wall effect, and an appropriate layout of buildings could improve air ventilation. The adoption of certain engineering design methods could also improve air ventilation and lower the temperature. For developed districts affected by the wall effect, the Administration should conduct assessments and come up with improvement plans. While private property right should be respected and approved developments should proceed legitimately, enterprises should also shoulder their corporate social responsibility by revisiting their projects and implementing mitigating measures. The Administration should adopt a progressive development perspective and a bottom-up decision model.

*The Hong Kong Institute of Planners (HKIP)  
(LC Paper No. CB(1)1033/06-07(07), tabled and subsequently issued to members on 28 February 2007)*

24. Ms PONG Yuen-ye, Vice President of HKIP, delivered her presentation, the details of which were given in the relevant submission. She said that the construction of buildings creating the wall effect was driven by the previous 85 000 housing units annual target policy. In order to consume all the additional permissible gross floor areas granted through various means and for various purposes, the buildings had increased in size not only vertically but also horizontally. She queried whether it was worthwhile to trade short-term financial gain with long-term environmental and social costs. The Government should improve the built environment and review the current development intensity. The Government and statutory bodies should take the lead in optimizing instead of maximizing development potential. The Government and the private sector should change their mindset of maximizing the economic return of land. Air ventilation assessment should become a mandatory requirement for private sector developments. Hong Kong should move towards the direction of sustainable development.

*New Territories West Branch, Civic Party (NTWB, CP)  
(LC Paper No. CB(1)1033/06-07(09), tabled and subsequently issued to members on 28 February 2007)*

25. Mr CHAN Ka-lok, Chairman of NTWB, CP, delivered his presentation, the details of which were given in the relevant submission. He said that the emergence of developments creating the wall effect demonstrated that the mode of urban development had not given regard to sustainable development. The two railway corporations had failed to fulfill their corporate social responsibility. TPB should become an independent planning body and there should be more community participation in its operation and decision-making process. Air ventilation assessment should become a legislative requirement. In determining the plot ratio, the Administration should consider the surroundings of different sites. The Administration should also regulate building materials so as to prevent the undesirable effect of reflection from curtain wall buildings. The health and quality of life of citizens and harmony of society should be priority considerations.

*Mr LI Sai-hung*

*(LC Paper No. CB(1)1033/06-07(08), tabled and subsequently issued to members on 28 February 2007)*

26. Mr LI Sai-hung delivered his presentation, the details of which were given in the relevant submission. He said that the planned developments above Tai Wai Station and Tai Wai Depot would segregate Tai Tai into two parts and affect air ventilation and the health of residents. This was a huge social cost that should not be overlooked. He hoped that buildings creating the wall effect would not become a tourist attraction in Hong Kong. He urged the Kowloon-Canton Railway Corporation to take appropriate measures to ease residents' worries.

*Democratic Party (DP)*

*(LC Paper No. CB(1)997/06-07(02))*

27. Mr NG Wing-fai, Vice-Spokesman of Planning and Lands of DP, delivered his presentation, the details of which were given in the relevant submission. He said that Hong Kong was not ignorant in planning. The various guidelines promulgated and views expressed by professional organizations demonstrated that there was adequate professional knowledge. He pointed out that TPB was not accountable to the Legislative Council and the citizens, and there were no representatives from various districts. TPB should enhance its transparency and there should be representatives from geographical constituencies. It should have an independent secretariat and its chairman should not be a Government official. It should adopt a two-tier structure like that of New York City. There should be height restriction and lower development intensity. Specifying that the Urban Design Guidelines which included the guidelines on air ventilation had to be adopted would help alleviate the wall effect. The Administration should consider making the submission and disclosure of master layout plans a standard requirement for private developments.

The Administration's response

28. The Deputy Secretary for Housing, Planning and Lands (Planning and Lands) 1 (DS/P&L1) said that due to its special circumstances, Hong Kong had adopted a compact form of development to cater for the housing and social needs of its population and economic growth in the past. The Administration noted the growing community concern about the design, layout, massing, permeability and connectivity of developments as well as provision of open space. In trying to balance the social, environmental and economic needs of the community, the Administration had to face constraints such as obsolete street layout and private property interests involved. Contractual obligations should be honoured, private property right should be respected and approved developments should be allowed to proceed legitimately. On the other hand, the Administration had seized every opportunity to foster a better living and working environment. The Administration had put forward various planning measures to promote sustainable planning and building designs, such as promulgation and regular updating of HKPSG, introduction of the Urban Design Guidelines, commissioning of the Feasibility Study for Establishment of AVA System, issuance of a Technical Circular on air ventilation assessments, and encouraging quasi-government organizations and the private sector to include AVA in the planning and design of their projects. To respond to the community's aspiration, the Administration had recently reviewed the development intensities and building heights of a number of government sale sites. TPB had also taken the initiative of reviewing and amending Outline Zoning Plans to provide for clear planning parameters that best served the planning intention to guide future developments. As for developments above railway stations, planning parameters specified in the relevant Outline Zoning Plans had to be adhered to, or planning permission from TPB had to be sought. Furthermore, requirements under the Buildings Ordinance (Cap. 123) and land lease conditions had to be adhered to. Regarding URA's developments, URA had recently stated that all its developments would adhere to the prevailing planning standards and guidelines.

### Discussion

29. Citing the written submission from The Real Estate Developers Association of Hong Kong, Mr James TO pointed out that developers held the view that they were obligated under fiduciary responsibilities to develop a site to its maximum allowable potential. As the guidelines on air ventilation published by the Government were not binding, unless there was legislation or TPB had the authority to ban developments creating the wall effect, developers would continue their current practice. The Administration should develop interim mandatory AVA criteria as soon as possible because the review of development intensities and building heights of government sale sites and Outline Zoning Plans might take some time. He was worried that without any mandatory AVA criteria, many more developments creating the wall effect would have been built by 2009. As the Government had representatives on the boards of the Kowloon-Canton Railway Corporation and the MTR Corporation Limited, he asked whether the Administration would exert its influence to prevent them from constructing further buildings that would create the wall effect.

30. Ms Audrey EU was disappointed that despite the many discussions that she had held with the responsible Government officials, the Administration had not taken decisive steps to curtail the emergence of developments creating the wall effect. She pointed out that the Administration had sufficient authority under existing legislation to address the issue. For instance, under section 16 of the Buildings Ordinance, the Building Authority had the authority to refuse to give his approval of any plans of building works. The crux was whether the Administration would exercise its authority. The Administration should assure the community that it was determined to prevent the emergence of further developments creating the wall effect. She asked whether the Administration would promulgate a package of measures to address the problem within two weeks.

31. In reply, DS/P&L1 said that the Administration had introduced measures to control development intensities and building heights as detailed in paragraph 11 of the Administration's paper (LC Paper No. CB(1)983/06-07(07)). Although it would mean a reduction in revenue for the public coffer, the Administration considered it worthy to create a better living environment. She pointed out that the Building Authority had exercised his authority under section 16 of the Buildings Ordinance on some past occasions of vetting plans for building works. Those new developments cited to have the wall effect were approved some years ago and new restrictions had been imposed on developments approved recently. The Buildings Department, Lands Department and Planning Department had further enhanced their coordination efforts in handling development projects. For instance, conditions would be included in new or modified land leases to control development intensities and building heights.

32. Drawing reference from a recent development on the ex-San Po Kong Government Offices site, Miss CHAN Yuen-han was unconvinced of the Administration's view that the planning measures cited by DS/P&L1 could prevent further developments creating the wall effect. She also expressed doubt on the relevancy and effectiveness of the powers of the Building Authority under section 16 of the Buildings Ordinance in addressing the wall effect of developments. She believed that developers would certainly maximize their profits, but the Administration could do nothing in this regard. She further pointed out that the reduction in the development intensity in Kai Tak was not a result of the Administration's effort, but the incessant calls and objections from community organizations. She requested the Administration to provide a list of developments for which the relevant authority or quasi-government organization had taken the initiative to implement measures to prevent the wall effect since 2002.

33. Citing the Oil Street site as an example where the development of a 65-storey building had been rejected by TPB, Miss CHOY So-yuk agreed to the view of Miss CHAN Yuen-han that revisions to development intensities and building heights were rarely a result of the Administration's initiative. She commented that developers would certainly develop a site to its maximum



allowable potential to maximize their profits so long as they were allowed to do so. The question was why the Administration allowed them to do so. For existing developments creating the wall effect, she asked what measures the Administration would take to alleviate the problem. For developments approved but not yet commenced, she asked whether the Administration would withhold the developments and amend the planning even if so doing might involve compensation. She also asked when the Administration would make the conduct of AVA a statutory requirement.

34. Mr Abraham SHEK said that while he did not support developments creating the wall effect, all buildings in Hong Kong were constructed in accordance with legislative requirements. Developers were not guilty in gaining profits in a legitimate way. He emphasized that developers were obligated under fiduciary responsibilities to develop a site to its maximum allowable potential. Failing to do so might lead to litigation. Developers had made much contribution to Hong Kong's economic development and the community should not pinpoint them as the culprit for the wall effect of developments. He pointed out that the new developments in Tsuen Wan had improved the living conditions of some 7 000 residents who previously lived in dilapidated buildings without toilets and lifts. He considered that contracts awarded should be honoured and queried whether developers would be compensated if the development intensities of approved developments were indeed reduced. Instead of halting all new developments, a proper balance should be struck.

35. Dr KWOK Ka-ki was dissatisfied that even developments above railway stations and urban renewal developments were creating the wall effect. He was unconvinced that the decisions of TPB on applications for planning permission could not be changed and pointed out that the Administration had the ability to make necessary changes to those developments likely to create the wall effect. It would be irresponsible of the Administration to give up opportunities for curtailing developments creating the wall effect. A responsible government would not refrain from revisiting its policy direction proved to be problematic. Unless the Administration took decisive measures to address the problem, the wall effect of developments could not be alleviated. He asked what the Planning Department had done to prevent the emergence of developments creating the wall effect.

36. Mr Albert HO pointed out that although it was not guilty for developers to gain profits in a legitimate way, the Administration would be guilty if it did not plug the loopholes in the existing legislation. The community could not tolerate further reckless damages to the environment and the Administration must act immediately to identify measures to address the problem. Otherwise, the situation would be akin to the proliferation of open storage areas for containers in the New Territories. The Administration should come up with a solution on how to make the present guidelines on air ventilation published by the Government produce immediate effects. He asked whether the Administration would ensure that all statutory bodies would henceforth comply with the guidelines in planning new developments to fulfill their social responsibility. In relation to the planned

developments near Sun Yuen Long Centre, his understanding was that the tendering and award of contract had not yet commenced. If that was the case, the Administration should ask the Kowloon-Canton Railway Corporation to comply with the guidelines on air ventilation.

37. Ir Dr Raymond HO said that he had listened carefully to the views expressed by deputations attending the meeting and their written submissions. He appreciated that those different views provided a balanced perspective on the problem of developments creating the wall effect and pointed out that there might not be an easy panacea for the problem. Planning was a complicated matter and depended on a lot of factors. In the past, land needed for development was usually created through reclamation in the harbour, but it would no longer be possible. Developing land in the New Territories might involve complicated land title problems. Developments on slopes by constructing podiums might lead to safety concerns. Therefore, developments above railway stations were one of the few possibilities left. Noting that the views of the community on development had changed over the years, he pointed out that the most important thing was for the Administration to expedite the work on establishing objective acceptable benchmarks or criteria for air ventilation assessment. He considered that the existing guidelines were very good guidelines but lacked sufficient quantitative criteria/benchmarks, and asked whether the Administration would enhance the Technical Guide for Air Ventilation Assessment for Developments in Hong Kong by providing more quantitative criteria/standards. As for approved developments, he strongly objected to the idea of revising them because that would undermine Hong Kong's standing as an international city and affect Hong Kong's rating by foreign investors.

38. Mr LEUNG Kwok-hung commented that as the Chairman of TPB was an official of the Housing, Planning and Lands Bureau, the Administration could control and exert its influence on TPB. The Administration was irresponsible to allow the emergence of developments creating the wall effect given that it had representatives on many corporations involved. He queried how far the guidelines on air ventilation published by the Government had been and would be adhered to and whether there would be any sanctions for not complying with those guidelines. He opined that both developers and the Administration should shoulder the moral responsibility of ensuring dignity and long-term development of humankind. He pointed out that the Administration was too ready to succumb to the pressure from developers, and disagreed that Hong Kong's development should rely on real estates development alone. Even if property developments were necessary, there was no need to set such high development intensity.

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39. In view of time constraints, the Chairman requested the Administration to provide a written response to members' questions after the meeting. He further said that another meeting could be held to further discuss the subject if necessary after considering the Administration's written response.

**V Any other business**

40. There being no other business, the meeting ended at 4:35 pm.

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