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**Report of the Panel on Planning, Lands and Works
for submission to the Legislative Council**

Purpose

This report gives an account of the work of the Panel on Planning, Lands and Works from October 2006 to June 2007. It will be tabled at the meeting of the Legislative Council (LegCo) on 11 July 2007 in accordance with Rule 77(14) of the Rules of Procedure of LegCo.

The Panel

2. The Panel was formed by resolution of LegCo on 8 July 1998 and as amended on 20 December 2000 for the purpose of monitoring and examining Government policies and issues of public concern relating to lands, buildings and planning matters, works and water supply, and the Public Works Programme. The terms of reference of the Panel are in **Appendix I**.

3. For the 2006-2007 session, the Panel comprises 23 members. Hon LAU Wong-fat and Hon Patrick LAU Sau-shing were elected Chairman and Deputy Chairman of the Panel respectively. The membership list of the Panel is in **Appendix II**.

The work

Kai Tak Planning Review

4. Since September 2004, the Administration has been conducting a comprehensive planning and engineering review of the Kai Tak Development to ensure that the development would be in full compliance with the requirements of the Protection of the Harbour Ordinance (Cap. 531) (PHO).

5. On 24 October 2006, after going through three stages of public participation, the Administration presented to the Panel a revised Preliminary

Outline Development Plan (PODP) for Kai Tak on the basis of the "no reclamation" scenario. The Panel met with deputations on 14 November 2006 to receive their views on the revised PODP.

6. Panel members in general appreciated the Administration for its adoption of a planning approach which emphasized on community participation. During the discussions, members expressed concerns on the provision of transport facilities in Kai Tak to meet inter-district and intra-district transport needs, the provision of pedestrian links to enhance connectivity between Kai Tak and neighbouring districts, the visual and environmental impacts of the proposed heliport and the proposed tourism-related development of about 200 metres high housing an observation gallery, the location and scale of the proposed multi-purpose stadium complex and metro park, and the environmental problems at the Kai Tak Approach Channel. Members also made suggestions of building underground and depressed roads instead of at-grade and elevated roads to minimize environmental impacts, adoption of good urban planning to ensure that the future developments would not create a "wall effect", and incorporation of various environmental protection measures such as centralized underground conduits and rooftop greening into the planning for the Kai Tak area.

Wan Chai Development Phase II Review

7. Since January 2005, the Administration has been conducting a comprehensive planning and engineering review of the Wan Chai Development Phase II (WDII) project to ensure full compliance with the requirements of the PHO.

8. On 28 November 2006, the Administration presented to the Panel the Concept Plan for WDII. The Concept Plan was prepared on the basis of the adoption of Tunnel Option Variation 1 for the construction of the Central-Wan Chai Bypass (CWB). Under this option, the minimum extent of reclamation required is 12.7 hectares. Following a series of public engagement activities to solicit public views on the Concept Plan, on 29 May 2007, the Administration presented to the Panel a Recommended Outline Development Plan for WDII and proposed amendments to the relevant OZPs.

9. Members expressed diverse views on the need for constructing CWB. Those who were in support of the construction of CWB considered that it would solve the traffic congestion along the northern shore of the Hong Kong Island, and urged the Administration to implement the project as soon as possible and it was long overdue. Some other members maintained that the Administration had yet to convince the public that it had thoroughly explored alternatives other than reclaiming land and spending some \$20 billion to construct CWB to address the traffic congestion problem. They considered that the Administration should reduce planned commercial developments in the Central reclamation area and adopt a basket of traffic management measures to address the traffic congestion

problem, such as restricting private vehicles from entering the Central Business District, providing more bus interchange arrangements, and rationalizing bus routes and the usage of the cross-harbour tunnels.

10. Land formed consequential to the construction of the CWB would provide opportunities for providing waterfront open space in Wan Chai and in North Point. The Panel noted that under the Concept Plan, five "character precincts" namely, Arts and Culture, Water Park, Water Recreation, Heritage and Leisure and Recreation Precincts were proposed to enhance the waterfront areas in Wan Chai, Causeway Bay and North Point. Members in general supported the proposal of creating a vibrant and attractive waterfront that was continuous and easily accessible for all, and called for early implementation of the enhancement measures. Members also provided specific views on certain design aspects, such as placing emphasis on the provision of a natural and open environment at the waterfront and the need to ensure that the greening and supporting facilities provided at the waterfront would not block the sea view. Members also urged the Administration to address the odour problem at the Causeway Bay Typhoon Shelter.

Concept Plan for Lantau

11. In late 2004, the Lantau Development Task Force under the steer of the Financial Secretary prepared a Concept Plan for Lantau to provide an overall planning framework so as to ensure a balanced and co-ordinated approach for the future development of Lantau. The overall planning approach was to focus major economic infrastructure and urban development in North Lantau so as to optimize the use of the transport links and infrastructure, whilst protecting the other areas of scenic and high ecological values in Lantau for nature conservation and environmentally sustainable recreational and visitor uses.

12. In May 2007, the Administration briefed the Panel on the revised Concept Plan for Lantau (Revised Concept Plan). The Administration reported that while the overall planning vision and broad development concept remained unchanged, it had introduced updates to the development themes and proposals, having regard to the views and suggestions made by the public. In particular, the conservation strategy under the Revised Concept Plan had been consolidated and substantiated to cover heritage and landscape conservation in addition to nature conservation.

13. Members in general supported the overall planning vision and broad development concept under the Revised Concept Plan. Noting that the Administration would accord priority to those projects that could stimulate the local economy and improve people's livelihood, members urged the Administration to take forward the projects to improve the vibrancy of Mui Wo and Tai O swiftly and highlighted the need to tackle the water quality and odour problem of Tai O. They also called for early implementation of the recreational

facilities and conservation related facilities, as these projects were not controversial and could bring direct benefits for the general public.

14. Noting that the planned population for Tung Chung was up to 220 000 vis-à-vis the current population of around 90 000, some members commented that the provision of many community facilities for the residents in Tung Chung had been delayed or withheld. Whilst urging the Administration to take forward the various planned community facilities including a hospital, a community hall and a sports facility in full speed, they urged the Administration to plan other community facilities ahead of the full fledged development of Tung Chung.

15. The Panel also discussed with the Administration issues relating to the timely provision of transport infrastructure to cope with the future developments on Lantau, the progress of the various economic infrastructure facilities including the Lantau Logistics Park, Container Terminal No. 10, Phase II development of Hong Kong Disneyland etc. The Panel noted that a number of the proposals under the Revised Concept Plan were conceptual in nature and would be implemented according to their project feasibility and readiness as well as subject to the availability of resources. As such, there was not a concrete overall timetable for the proposals under the Revised Concept Plan. The Administration would continue dialogues with relevant parties, which included local residents, potential users of the proposed facilities, professional bodies etc. and would consult the relevant LegCo Panels in respect of individual projects.

The Star Ferry Pier and Queen's Pier in Central

16. Between September 2006 to April 2007, the Panel held a series of discussions with the Administration, relevant local professional bodies and interested groups and individuals on planning issues relating to the preservation of the old Star Ferry Pier and Queen's Pier in Central.

17. On 20 September 2006, the Panel passed the following motion --

"本委員會促請政府暫緩清拆現有中環天星碼頭及鐘樓計劃，在進行廣泛公眾諮詢後，把現有鐘樓與相關建築融入將來中環新發展規劃藍圖，在「以民為本」的基礎上，保留具集體回憶的歷史痕跡。"

(Translation)

"That the Panel urges the Government to defer its plan to demolish the existing Star Ferry Pier and its clock tower in Central and to incorporate, upon extensive public consultation, the existing clock tower together with the relevant building structures into the future new development plan for the Central District, with a view to preserving, on a

people-oriented basis, the historical traces that form part of the collective memory."

18. In its written response to the above motion, the Administration reiterated that the old Star Ferry Pier would be affected by the public works projects of the planned Road P2 network, the Airport Railway Hong Kong Station Extended Overrun Tunnel and the extension of an existing drainage box culvert at Man Yiu Street. All these projects had to be commenced according to programme and contracts awarded. Hence, the old Star Ferry Pier had to be demolished as planned. Having regard to the views in the community that the old Star Ferry Pier and its clock tower should be preserved to enable collective memory of the "Star Ferry" icon, the Administration would consider, from an urban design point of view, how to incorporate some special features of the old Star Ferry Pier and its clock tower in the new Central harbourfront under the Central Reclamation Urban Design Study, which was scheduled to commence in early 2007.

19. The subject was discussed again at the Panel meetings on 14 November 2006 and 14 December 2006. The Administration maintained that demolition of the Star Ferry Pier was inevitable. In view of the strong public sentiments towards the preservation of the pier, some members urged the Administration to suspend the demolition of the pier and its clock tower until after the technical issues related to various preservation options had been sorted out with experts. The Panel passed the following motion at the meeting on 14 December 2006 --

"本事務委員會促請政府立即暫停拆卸天星碼頭工程，及盡快召開專家會議，以探討各個保存的方案。"

(Translation)

"That the Panel urges the Government to immediately suspend the demolition works of the Star Ferry Pier and expeditiously convene an experts meeting, so as to examine the various preservation options."

20. The Panel held another special meeting to discuss the matter on 18 December 2006 with the attendance of deputations. At the meeting, the Administration informed members that the clock tower had been disposed of at public fill reception facilities and mixed with other materials. The faces and the mechanical parts of the old clock had been preserved for possible use in future. The Administration promised that the Government would reassemble the clock and re-erect it on a new clock tower to be constructed at a suitable location. Some members expressed strong dissatisfaction with the Administration's swift actions to demolish the clock tower despite the growing sentiments within the community towards the preservation of the clock tower. They criticized that the Government's consultation mechanism was ineffective as it could not reflect timely the public's opinions; although the Government had conducted

consultations with relevant parties on the Central Reclamation Phase III project and the associated reprovisioning plans during 1999 to 2002, the Government should take into consideration the strong public aspirations for preservation of heritage in recent years.

21. Planning issues relating to the preservation of the Queen's Pier were discussed at the Panel meetings on 23 January 2007, 27 March 2007 and 23 April 2007. At the meeting on 23 January 2007, taking note of the views from deputations, Panel members requested and the Administration agreed to discuss with experts in the community possible options for preserving the Queen's Pier. At the meetings on 27 March 2007 and 23 April 2007, the Administration reported the outcome of its discussions with local professional bodies, concern groups and individuals on the various proposals for preserving the Queen's Pier and provided an analysis of the technical feasibility and cost and time implications of each of the four preservation proposals that had been identified.

22. The Administration considered that preserving the above-ground structure of the Queen's Pier as far as practicable for reassembling in close proximity to its original location or at another appropriate location was a practical way forward, with relatively less delay to the CRIII works and less cost implications. At the Panel meeting on 23 April 2007, the Administration indicated that as there had been adequate discussions on the issue in the community, it planned to seek funding support from the Public Works Subcommittee of about \$50 million for the preservation of the Queen's Pier. At the meeting, some members expressed strong reservation on the Administration's proposed preservation arrangements, and considered that more time should be allowed for professionals and experts in the community to identify preservation options that could avoid the demolition of the Queen's Pier. After discussion, the Panel decided by voting that it supported the Administration to put up the relevant funding proposal based on the proposed preservation arrangements mentioned above to the Public Works Subcommittee.

Developments creating the "wall effect"

23. In view of growing public concern about a number of new developments causing serious blockage to breezeways and air paths within the built environment (commonly referred to as the "wall effect"), in February 2007, the Panel held a meeting to receive views from concern groups and individuals and to discuss relevant issues with the Administration. Most deputations held the view that there was an urgent need for the Administration to devise a package of measures to prevent the emergence of further new developments creating the "wall effect". There were also suggestions for a rational and scientific review of Hong Kong's long-term planning strategies and that the Government should improve the planning and building approval mechanisms to ensure that relevant planning intentions could be effectively implemented.

24. Some members urged the Administration to obligate all statutory bodies including the Urban Renewal Authority (URA) and the two railway corporations to comply with the air ventilation guidelines laid down in the Hong Kong Planning Standards and Guidelines when planning new developments, and to make it a statutory requirement to conduct air ventilation assessment for all development projects in the longer term. They pointed out that it was unrealistic to expect private developers not to develop a site to its maximum allowable potential in order to avoid the "wall effect". It was therefore incumbent upon the Government to address the problem on various possible fronts, including the exercise of powers under the existing legislation to implement planning controls, to plug any loopholes in the existing legislation to prevent abuse by developers, and to review the permitted maximum plot ratios, building heights etc. of planned developments. On the other hand, some members pointed out that given the peculiar characteristics of Hong Kong, there might not be an easy panacea for the problem. They also cautioned that the Government should not use arbitrary measures to reduce the development intensities of approved developments. Otherwise, Hong Kong's standing as an international city would be undermined.

Amendments made by the Town Planning Board to Outline Zoning Plans to impose development restrictions

25. Noting that in recent years, the Town Planning Board (TPB) had made amendments to approved and draft OZPs from time to time to impose development restrictions in respect of specific land lots, on 26 June 2007, the Panel discussed with the Administration the relevant policy objectives, the mechanism and criteria for selecting land lots for imposition of development restrictions, and the implications of imposition of such development restrictions on the land rights of affected private properties.

26. According to the Administration, there are currently a total of 108 OZPs in force, of which 49 have incorporated development restrictions on plot ratio/gross floor area and building height in all appropriate land use zones. The vast majority of the remaining OZPs also have such restrictions in some of the land use zones. In recent years, in order to respond to the community calls for lower development intensity, less congested building layouts and more open space, TPB has been taking a more comprehensive approach in progressively updating OZPs with appropriate development restrictions.

27. Noting that due to resource and other constraints, the Administration would prioritize different areas and land zonings for the OZP updating exercise, some members called on the Administration to seek more resources to expedite the updating exercise and to impose development restrictions through other means in the meantime, such as inclusion of development restrictions in land sales conditions to prevent further new developments from creating the "wall

effect". Some members raised the concern that the lack of objective criteria for prioritization would cause confusion and grievances among affected private owners. As the Administration indicated that it would not disclose the timetable for the OZP updating exercise to avoid compromising the intended effect of imposing development restrictions, some members urged the Administration to be transparent about the updating exercise and explain to the public the prioritization criteria.

28. Members were also concerned on whether the imposition of planning restrictions amounting to diminution of development rights and without compensation was in breach of Article 105 of the Basic Law. The Panel noted that this was a subject of dispute in the *Fine Tower Associates Ltd. v. TPB* [2006] case, and the case was subject to appeal.

Designation of land lots in rural areas for use as container back-up areas and open storage space for containers

29. The Fairview Park Boulevard incident in February 2007 sparked wide public concern about the lack of comprehensive planning and coordination within the Administration in designating land lots in rural areas for use as port back-up (PBU) and open storage (OS) areas, resulting in existing and potential traffic and environmental problems. Moreover, there would be growing demand for container back-up areas and open storage space given the increasing cross-border freight traffic and the impending commissioning of the Shenzhen Bay Bridge. In view of these developments, in April 2007, the Panel reviewed with the Administration the relevant planning policy and strategies and the effectiveness of enforcement actions against unauthorized use of land lots for OS and PBU uses.

30. Members urged the Administration to plan land use and transport infrastructures carefully and with foresight to cater for the development of the local logistics industry, while ensuring compatibility of different land uses and protection of the natural environment in rural areas. The Administration should also take prompt and strict enforcement actions against unauthorized developments. While members noted that certain existing unsatisfactory situations were attributable to historical factors, they suggested that consideration could be given to relaxing the change of zoning from agricultural use to Comprehensive Development Area use or low density residential use, as an incentive for land owners to rationalize land use. The Administration should also improve the relevant guidelines for TPB for assessing planning applications for temporary OS and PBU uses in areas outside the zones specifically designated for such purposes.

31. The Administration undertook to closely monitor the supply and demand situation of land for OS and PBU uses and to continue to consult the local logistics industry and discuss with TPB on the provision of land for OS and PBU uses.

Development and implementation of Greening Master Plans

32. In March 2007, the Administration reported to the Panel the latest position in regard to the development and implementation of Greening Master Plans (GMPs) and consulted the Panel on the proposed funding application for the development of GMPs for the remaining selected urban areas. The Panel noted that development of GMPs and implementation of associated greening measures for selected urban areas were expected to be completed by mid-2009 and end of 2011 respectively.

33. While members supported the implementation of GMPs in urban areas, they were concerned about the timeframe for developing GMPs for the New Territories (NT). In this regard, they urged the Administration to actively consider implementing GMPs for the NT districts in parallel with the urban areas. The Administration advised that greening provisions in the NT were generally better than the urban areas due to the well-planned new town developments. Nevertheless, the Administration agreed that the development of GMPs for NT districts should be carried out as soon as practicable, and would draw up a relevant programme having regard to the response to the tenders for the GMPs for the urban areas. The Administration also advised that for built-up areas in NT, greening measures would be implemented in some focal areas without awaiting the development of GMPs for these areas so as to expedite greening.

Buildings (Amendment) Bill 2007 -- Minor Works Control System

34. On 27 March 2007, the Administration presented the proposal to amend the Buildings Ordinance (Cap 123) (BO) and its Regulations to introduce a minor works control system to provide simple and effective statutory procedures for carrying out minor works. While members generally supported the policy direction of the proposal, they raised concerns on whether there would be clear and appropriate classification of minor works, and whether the proposed regulation and control procedures were commensurate with the respective risk level of different types of minor works. Taking note of members' concerns, the Administration provided relevant supplementary information after the meeting. The Panel noted that the Administration would submit the Buildings (Amendment) Bill 2007 to LegCo in due course, with details of different classes of minor works in the form of subsidiary legislation.

Progress of registration under the Construction Workers Registration Ordinance and the proposed implementation programme for phased commencement of prohibitions

35. On 24 April 2007, the Administration briefed members on the progress of registration of construction workers under the Construction Workers Registration Ordinance (Cap. 583) (CWRO) and the proposal to bring into effect those provisions in CWRO on the prohibition of unregistered construction workers from carrying out construction work on construction sites and prohibition of employers from employing unregistered construction workers, i.e. Phase One Prohibition. The Administration also discussed with the Panel the way forward regarding the remaining provisions on prohibitions in CWRO. Members of the Panel on Manpower were invited to join the discussion.

36. While members in general supported the Administration's proposal to introduce the relevant legislation for implementing the Phase One Prohibition of CWRO, some members raised concern about a possible surge of last-minute registration applications and relayed the concern of engineering professionals about the legal implications of their working on sites after the implementation of the Phase One Prohibition. The Administration assured members that the Construction Workers Registration Authority would be able to handle a possible surge of last-minute registration applications. The Administration also affirmed that the legislative intent of CWRO was only targeted at construction workers, not engineering professional and technical personnel who worked on sites. As such, engineering professional and technical personnel who carried out their duties within their professions or expertise fields did not have to register under the CWRO.

37. Members also raised various concerns relating to the remaining prohibition provisions in CWRO, such as the difficulties faced by veteran masters in attaining the relevant qualification for registration and the mismatch between the actual division of labour in the construction industry and the types of skills defined under the designated trades under CWRO. Members urged the Administration to resolve those issues before introducing the relevant legislation for implementation of the remaining prohibition provisions.

Mandatory Building Inspection

38. In May 2007, the Administration briefed the Panel on the results of the public consultation on mandatory building inspection and the plan to put in place the proposed Mandatory Building Inspection Scheme and the proposed Mandatory Window Inspection Scheme by way of legislation. According to the Administration, the proposed schemes would ensure building and public safety, enhance the overall living environment and promote sustainable development.

39. Members in general support the policy direction of the proposed schemes. While members appreciated that the Administration had secured the support of the Hong Kong Housing Society (HKHS) to provide financial and technical assistance to eligible owners, they were concerned that some less affluent property owners, in particular elderly property owners, could not afford the maintenance costs. The Administration assured members that while owners would have to bear the ultimate responsibility for maintaining their properties, the Administration together with HKHS would make every effort to provide assistance to owners in need.

40. During the discussion, members raised various concerns and made a number of suggestions relating to prioritization among different types of maintenance works for provision of financial assistance, coordination with URA to accord priority to redevelop dilapidated buildings, provision of technical advice and assistance to property owners, public education on owners' responsibility for building management and maintenance, enlarging the pool of eligible building inspectors, and mechanism for dispute resolution etc. In view of members' strong interest in the subject, the Administration agreed to collate members' views and concerns for further discussion in the near future.

Work of the Urban Renewal Authority

41. At the meetings on 23 April 2007 and 26 June 2007, the Panel reviewed the work of URA since its establishment in May 2001. Members in general were dissatisfied with the slow progress of URA in the implementation of redevelopment projects. Some members criticized that URA had not put in adequate efforts in listening to stakeholders and concern groups and in conciliating their conflicts, and that it had not done enough to conserve heritage buildings and local characteristics in implementing redevelopment projects. Some members called on the Administration to conduct a comprehensive review of the Urban Renewal Strategy, as the results and the implementation process of URA's projects fell far short of realizing URA's vision of creating quality and vibrant urban living in Hong Kong and the promise of URA to adopt a "people-centred" approach in carrying out urban renewal.

42. Members were strongly dissatisfied with URA's refusal on grounds of commercial sensitivity to provide information on the financial results/status of individual projects it had launched. Members pointed out that a lot of public resources, including the waiver of land premia for redevelopment sites and the capital injection of \$10 billion from the Government, had been devoted to urban renewal, and thus URA should be accountable to Members and the public in respect of the public resources.

43. The Panel decided to further discuss the issues relating to the work of URA with the Administration and URA in September 2007.

Other issues

44. The Panel received briefings from the Secretary for Housing, Planning and Lands and the Secretary for the Environment, Transport and Works on the relevant policy initiatives under the Chief Executive's Policy Address in 2007. The Panel also discussed the following funding and staffing proposals before the Administration submitted the proposals to the Public Works Subcommittee and the Establishment Subcommittee --

- (a) PWP Item No. 719CL -- Kai Tak development -- engineering review and PWP Item No. 711CL -- Kai Tak development -- advance infrastructure works for developments at the southern part of the former runway;
- (b) PWP Item 657CL -- Demolition of buildings, structures and chimneys at Kwai Chung Incineration Plant; and
- (c) Proposed retention of four supernumerary directorate posts in the Land Registry.

Meetings held

45. From October 2006 to end of June 2007, the Panel had held a total of 16 meetings.

Panel on Planning, Lands and Works

Terms of Reference

1. To monitor and examine Government policies and issues of public concern relating to lands, buildings and planning matters, works and water supply and Public Works Programme.
2. To provide a forum for the exchange and dissemination of views on the above policy matters.
3. To receive briefings and to formulate views on any major legislative or financial proposals in respect of the above policy areas prior to their formal introduction to the Council or Finance Committee.
4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.
5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.

Panel on Planning, Lands and Works

Membership list for 2006-2007 session

Chairman	Hon LAU Wong-fat, GBM, GBS, JP
Deputy Chairman	Prof Hon Patrick LAU Sau-shing, SBS, JP
Members	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 Dr Hon LUI Ming-wah, SBS, JP Hon James TO Kun-sun Hon Bernard CHAN, GBS, JP Hon CHAN Kam-lam, SBS, JP Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP Hon WONG Yung-kan, SBS, JP Hon Miriam LAU Kin-yea, GBS, JP Hon CHOY So-yuk, JP Hon Timothy FOK Tsun-ting, GBS, JP Hon Abraham SHEK Lai-him, SBS, JP Hon Albert CHAN Wai-yip Hon Vincent FANG Kang, JP Hon LEE Wing-tat Hon LI Kwok-ying, MH, JP Hon Daniel LAM Wai-keung, SBS, JP Hon Alan LEONG Kah-kit, SC Dr Hon KWOK Ka-ki Hon CHEUNG Hok-ming, SBS, JP

(Total: 23 members)

Clerk	Ms Anita SIT
Legal Adviser	Miss Monna LAI
Date	1 July 2007