

立法會
Legislative Council

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by the Administration)

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Panel on Development

Minutes of special meeting
held on Thursday, 21 February 2008, at 4:30 pm
in Conference Room A 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 Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon Miriam LAU Kin-ye, GBS, JP
Hon CHOY So-yuk, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Albert CHAN Wai-yip
Hon LEE Wing-tat
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki
Hon CHEUNG Hok-ming, SBS, JP
- Members absent** : Hon James TIEN Pei-chun, GBS, JP
Hon James TO Kun-sun
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Daniel LAM Wai-keung, SBS, JP
- Public officers attending** : Mr Raymond YOUNG
Permanent Secretary for Development
(Planning & Lands)

Mrs NG TSE Suk-ying, Ava
Director of Planning

Mr Jeff LAM Yun-tong
Assistant Director of Lands
(Headquarters)

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

Action

- I Measures to prevent new developments from creating a wall effect**
(LC Paper No. CB(1)605/07-08(04) -- Information paper provided by the Administration
LC Paper No. CB(1)605/07-08(05) -- Background brief on "Wall effect of developments" prepared by the Legislative Council Secretariat)

At the invitation of the Chairman, the Permanent Secretary for Development (Planning & Lands) (PS(PL)) briefed members on the Administration's paper and pointed out that in fulfilling the Chief Executive's pledge for a quality living and working environment, the Administration was endeavouring for a balance to meet the social, environmental and economic needs of the community. In response to rising public aspirations, the Administration had stepped up measures to address public concerns about the "wall effect" of developments. Efforts to this end included reviewing the development intensities and building heights and assessing the air ventilation impacts of some government sale sites such as the site of the former North Point Estate at Oil Street and a site at the Hung Hom waterfront. Besides, pending a further review, the sale site at the former police married quarters in Hollywood Road had been temporarily withdrawn from the List of Sites for Sale by Application (Application List). He summed up that for a densely populated place such as Hong Kong where land available for development was in short supply and demand for such land was persistently great, there was always the need for the community to strike a delicate balance between economic development and a quality living environment.

2. Mr LEE Wing-tat said that he was pleased to note that the Administration had initiated certain measures to address the "wall effect" problem. However, as the improvement measures were site-specific, he did not see the Administration's intention to formulate a long-term and sustainable strategy to improve air ventilation. To him, the crux of the problem lay in high development density and the presence of high-rise buildings along the waterfront blocking the views and air ventilation of the inland buildings. Regarding the Application List, he opined that prior to placing any site on the list, the Administration should duly consult environmental bodies and local residents. He also expressed concern about inadequate land supply in recent years, especially land for public housing. He urged the Administration to identify more land to meet the needs of the community.

3. In response, PS(PL) said in reviewing the environmental and air ventilation impacts of new developments, priority would be given to the sale sites at the waterfront. Following the review, appropriate development parameters would be specified in the Conditions for Sale for reference of prospective owners/developers. He pointed out that the Application List was a highly sensitive subject and hence public consultation prior to finalization of the list might not be feasible. For each piece of land on the Application List, he assured members that adequate environmental and ventilation assessment would be conducted and appropriate development restrictions would be incorporated into the Conditions of Sale. As regards land supply, he anticipated that more land would be included in the 2008-2009 Application List. As regards the short supply of land for public housing, he explained that although adequate sites had been identified, land supply in this regard had been held up due to local oppositions and the Administration was attending to these oppositions.

4. Ir Dr Raymond HO considered that the introduction of Air Ventilation Assessment (AVA) and imposition of development restrictions in the land sale conditions were correct moves, though they were overdue. Nevertheless, he was disappointed that the Administration did not have a good planning on the provision of car parking facilities to encourage "park and ride" facilities en route Mass Transit Railway lines. If adequate parking spaces were provided at appropriate locations, most car owners would be willing to park their cars and change for public transport. He urged the Administration to exercise due care when it came to the planning of car parking facilities for new developments. He commented that building height alone might not be a negative factor leading to the "wall effect" if there was adequate spacing between buildings and the pavement was wide enough.

5. PS(PL) said the Administration would conduct regular reviews on the provision of parking facilities in different areas, and the Transport Department would advise on parking requirements in various planning contexts. As for building height, he concurred with Dr HO that more flexibility in building height would facilitate flexible planning in a compact city like Hong Kong.

6. Mr CHEUNG Hok-ming said that as there was no scientific basis for measuring the "wall effect", he would like to know what criteria the Administration would use in vetting development plans submitted by developers. Besides, knowing that the Administration was liaising with the MTR Corporation Limited to review the development densities of the developments above the Nam Cheong Station and Yuen Long Station, he enquired whether the Administration had assessed the effect of the reduction of the development intensities and building height on property prices.

7. The Director of Planning (D of P) explained that in vetting the development plans, the Planning Department would examine the visual and air ventilation impacts of the proposals submitted by the developer concerned against standards and guidelines, and if options were required, to choose the one with lesser impacts. For Comprehensive Development Areas, developers would be required by the Town Planning Board (TPB) to conduct visual impact assessment and AVA and propose mitigation measures. She stressed that air ventilation was only one of the factors for consideration in vetting development plans. On the impact of reduction in development intensities on property prices, PS(PL) said the Administration had not conducted any study in this respect. It was however quite certain that reduced intensities for the above two railway property developments would inevitably reduce government revenue, and he envisaged that the move would more likely add value to the properties within the development, given the better environment.

8. Prof Patrick LAU supported the Administration's efforts to improve air ventilation and pointed out that the Administration should deal with the "wall effect" at the time when Outline Zoning Plans (OZPs) were drawn up. The setting of plot ratio and other development restrictions was an effective means to guard against new developments causing the "wall effect". On the Administration's plan to introduce a set of air ventilation standards, he stressed that these standards had to be clear, scientific and easy to follow.

9. Mr Albert HO enquired whether, apart from plot ratio, air ventilation could be improved by means of changing the design and the layout of the building blocks in the same area. He also opined that the Administration should explore legislative measures to tackle the "wall effect" problem.

10. PS(PL) said the Administration was using various development restrictions such as site coverage, maximum gross floor area/plot ratio, building height, podium size, building set-back etc. to control development intensities and air ventilation and visual impacts. All these requirements could be added to the Conditions of Sale for government sale sites by the Director of Lands. For large development sites, the Administration would consider breaking up the sites into smaller ones or make use of non-building areas to prevent building blocks from getting too close to each other. He agreed that the Administration should start preventive work at the time when the OZPs were drawn up. D of P added that it was not easy to compile a set of legally enforceable air ventilation standards. The

Administration had commissioned the "Urban Climate Map and Standards for Wind Environment – Feasibility Study" which aimed to provide an "urban climate map" to identify climatically sensitive areas so as to provide a scientific basis for the formulation of air ventilation standards for plan making and assessment of the impact of major developments on the local wind environment. The Administration would examine the feasibility of formulating the ventilation benchmarking standards after the completion of the study in 2009.

11. Miss CHOY So-yuk enquired whether it was possible for Hong Kong to follow the standards adopted by the Mainland which were based on building height and distance between buildings. As she knew, such standards were meant to ensure that sunshine could reach every part of the street in a day. She urged the Administration to give immediate attention to Mid-level areas such as Caine Road in tackling the "wall effect" problem. Meanwhile, she expressed concern that the intended relaxation of the threshold for compulsory sale from 90% to 80% for private redevelopment projects would mean more and more high-rise buildings creating the "wall effect" in the pipe line.

12. In response, PS(PL) and D of P advised that the "natural light" standards currently in use in the Mainland might not be applicable to Hong Kong. Nevertheless, the Administration could explore the feasibility of specifying standard ratios between building height and distance between buildings in building regulations. Regarding redevelopments in the Mid-levels, the Administration would look into the problem and make appropriate amendments to the relevant OZPs wherever necessary. However, due to the sensitive nature of the information, it would not be possible for the Administration to release to the public the areas involved in the review of the OZPs. PS(PL) stressed that the proposed relaxation of the application threshold for compulsory sale under the Land (Compulsory Sale for Redevelopment) Ordinance from 90% to 80% would not add to the "wall effect" problem significantly.

13. Ms Miriam LAU enquired about the considerations for the imposition of development restrictions in reviewing the existing OZPs. She sought clarification on whether the redevelopment of an existing building would be subject to the new development restrictions newly imposed on OZPs. To her, this could constitute an encroachment on owner's private property right and would discourage private redevelopment.

14. PS(PL) advised that in general, when an existing building was to be redeveloped, the redevelopment would be subject to the new development restrictions, or the bulk and height of the existing building, whichever was the greater. D of P advised that various factors including transport facilities, surrounding areas, visual impact of the proposed development, heights of nearby buildings etc. would be taken into consideration when the TPB determined the development restrictions to be imposed during the review of existing OZPs.

15. Mr Albert CHAN opined that it was time for the Administration to consider switching from administrative to legislative measures in order to more effectively tackle the "wall effect" problem. He suggested that in the long term, the planning of all large scale developments should be subject to a statutory planning process with the inclusion of public consultation procedures. He believed that equal importance should be given to residential and commercial buildings. Citing the planned developments on top of Nam Cheong and Yuen Long Stations as an example, he pointed out that the changes brought by administrative means were far from sufficient to address the "wall effect". There had been virtually no change to the lower floors of the developments which were used to accommodate large shopping malls. He also expressed concern on the visual and air ventilation impacts of the planned Tsuen Wan West Station development. In some circumstances, the local community might prefer having taller buildings to shorter ones since the former, having lower site coverage, would allow more wind to get through.

16. PS(PL) explained that at present, developments in Comprehensive Development Areas were already subject to statutory planning procedures, and AVA would be conducted for those government sale sites above a certain size. While the Administration would consider the suggestion of initiating further legislative measures in reducing the "wall effect", the Administration was mindful that such a move might bring about considerable adverse impact on real estate developments. As regards the Nam Cheong and Yuen Long Station developments, the Administration was reviewing the design and density of the developments and would consult the District Councils and the local community there. Due to the constraints of the railway station sites, it would be difficult to bring about substantial changes to the layout of the developments.

17. Mr Alan LEONG said that while the Administration was trying to respond to growing public aspirations for an improved living environment through administrative measures, those administrative measures were perceived by many in the community as lacking in objective standards and hence were susceptible to challenges and in some circumstances gave rise to further grievances. It was becoming clear that the Administration was pushing itself towards a breaking point where administrative measures had to give way for legislative measures. He considered it appropriate to seek long-term solution to the "wall effect" problem through legislative measures, since legislation was the best means to translate public aspirations into objective standards and the legislative process would allow the community to openly debate the pertinent issues with a view to identifying the right balance. He thus enquired whether the Administration had any plan to introduce relevant legislation. Besides, he hoped that the Administration could also advise him on the time table of the review on Nam Cheong and Yuen Long Station developments and whether or not the review had catered for the public to express their views.

18. Responding to Mr LEONG, D of P clarified that, as required by the existing legislation, any change to an OZP had to go through open and transparent

procedures. In reviewing the development/redevelopment parameters, the TPB would take into consideration various factors such as visual impact, transport facilities and whether the potential developments/redevelopments would be in harmony with the surrounding environment. On whether the Administration had any plan to bring in new legislation to alleviate the "wall effect" and high development density, PS(PL) clarified that the review of OZPs was conducted in accordance with the existing legislation. Over the past year or so, the Administration had stepped up various measures to control the intensities and other planning aspects of developments to respond to the public's aspirations for a better living environment. While the effectiveness of the measures had yet to be fully revealed, the Administration did not find that the matter had come to a "breaking point". He pointed out that legislation had to be done in a cautious manner since inappropriate or excessive legislation might deter developers from carrying out developments. Besides, he reiterated that as scientific standards for air ventilation were yet to be drawn up, it might be risky to go for further legislation in a hasty manner. Any changes to the approved developments above Nam Cheong and Yuen Long Stations would have to go through established procedures and the concerned District Councils and local parties would be duly consulted before the Government made a final decision.

19. Mr Abraham SHEK urged members to take note of the importance of economic development and the contributions of real estate developers to the prosperity of Hong Kong over the years. Developments should be protected by law and free from political influence and challenges of individuals and organizations. He drew members' attention to the fact that the claim that the "wall effect" would affect air ventilation was short of a scientific basis. He urged the Administration to adopt an open and balanced view in reviewing the development parameters, looking after the interests of all concerned parties.

20. In response, PS(PL) said he shared Mr SHEK's view that for new development and redevelopment projects, efforts should be made to achieve a balance between economic development and a quality living and working environment, and such a balance would not be easy to achieve.

II Any other business

21. There being no other business, the meeting ended at 6:00 pm.