

**立法會**  
**Legislative Council**

LC Paper No. CB(1)479/09-10  
(These minutes have been seen  
by the Administration)

Ref : CB1/PL/DEV/1

**Panel on Development**

**Minutes of meeting**  
**held on Tuesday, 28 July 2009, at 2:30 pm**  
**in Conference Room A of the Legislative Council Building**

**Members present** : 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 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 WONG Yung-kan, SBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon Abraham SHEK Lai-him, SBS, JP  
Hon Albert CHAN Wai-yip  
Hon LEE Wing-tat  
Hon Alan LEONG Kah-kit, SC  
Hon KAM Nai-wai, MH  
Hon Cyd HO Sau-lan  
Hon Starry LEE Wai-king  
Hon Tanya CHAN  
Hon IP Kwok-him, GBS, JP  
Hon Mrs Regina IP LAU Suk-yee, GBS, JP

**Members attending** : Hon WONG Kwok-hing, MH  
Hon Paul TSE Wai-chun

**Members absent** : Hon LAU Wong-fat, GBM, GBS, JP (Chairman)  
Hon CHEUNG Hok-ming, GBS, JP  
Dr Hon Priscilla LEUNG Mei-fun  
Dr Hon Samson TAM Wai-ho, JP

**Public officers attending** : **Agenda item III**

Mrs Carrie LAM CHENG Yuet-ngor, JP  
Secretary for Development

Mr Edward TO Wing-hang  
Principal Assistant Secretary for Development  
(Planning and Lands) 3

Ms Jennifer CHAN Sau-fong  
Principal Assistant Secretary (Sustainable Development)  
Environment Bureau

Miss Katharine CHOI Man-yee  
Principal Assistant Secretary (Energy)  
Environment Bureau

Mr HUI Siu-wai  
Assistant Director (Support)  
Buildings Department

**Agenda item IV**

Mrs Carrie LAM CHENG Yuet-ngor, JP  
Secretary for Development

Ms Gracie FOO Siu-wai, JP  
Deputy Secretary for Development  
(Planning and Lands) 1

Mr CHOW Man-tat  
Deputy Project Manager (Hong Kong Island and Islands)  
Civil Engineering and Development Department

Mr Raymond WONG Wai-man  
Assistant Director of Planning/Territorial  
Planning Department

**Agenda item V**

Mrs Carrie LAM CHENG Yuet-ngor, JP  
Secretary for Development

Ms Janet WONG Wing-chen, JP  
Deputy Secretary for Development (Works)1

Mr Robin LEE Kui-biu  
Commissioner for Heritage (Acting)  
Development Bureau

**Agenda item VI**

Mrs Carrie LAM CHENG Yuet-ngor, JP  
Secretary for Development

Ms Janet WONG Wing-chen, JP  
Deputy Secretary for Development (Works)1

Mr Eddy YAU Kwok-yin, JP  
Assistant Director (Leisure Services)3  
Leisure and Cultural Services Department

Mr James CHAN Shiu-on  
Assistant Director/Technical  
Highways Department

Mr Joseph SHAM Chun-hung  
Assistant Director (Country and Marine Parks)  
Agriculture, Fisheries and Conservation Department

**Attendance by invitation : Agenda item III**

Mr Bernard CHAN, GBS, JP  
Chairman  
Council for Sustainable Development

Professor Bernard LIM Wan-fung, JP  
Convenor, Support Group on Building Design to Foster  
a Quality and Sustainable Built Environment, Council  
for Sustainable Development

**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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Action

**I Confirmation of minutes and matters arising**

(LC Paper No. CB(1)2336/08-09 -- Minutes of meeting on  
28 April 2009

The minutes of the meetings held on 28 April 2009 were confirmed.

**II Information papers issued since last meeting**

(LC Paper No. CB(1)2112/08-09(01) -- Paper on proposed duty visit  
of the Subcommittee on  
Harbourfront Planning to  
study overseas experience in  
waterfront planning and  
management

LC Paper No. CB(1)2154/08-09(01) -- Administration's response to  
issues raised at the meeting  
between Legislative Council  
Members and Tsuen Wan  
District Council members on  
23 April 2009 in relation to  
water seepage problems in  
buildings

LC Paper No. CB(1)2332/08-09(01) -- Issues raised at the meeting  
between Legislative Council  
Members and Kowloon City  
District Council members on  
2 July 2009 on proposal to  
revitalize Ma Tau Kok Cattle  
Depot Artist Village into a  
cultural development and  
tourist spot

LC Paper No. CB(1) 2341/08-09(01) -- Administration's paper on

progress report on the Tamar Development Project)

2. Members noted that the above information papers had been issued since the last meeting.

**III Public engagement process on "Building Design to Foster a Quality and Sustainable Built Environment" of the Council for Sustainable Development**

(LC Paper No. CB(1)2342/08-09(01) -- Administration's paper on public engagement process on "Building Design to Foster a Quality and Sustainable Built Environment" of the Council for Sustainable Development

LC Paper No. CB(1) 2342/08-09(02) -- Extract from the minutes of meeting of the Panel on Development on 19 December 2008)

3. Members noted the submission from Designing Hong Kong Limited tabled at the meeting.

*(Post-meeting note: The soft copy of the submission (LC Paper No. CB(1)2390/08-09(02)) was issued to members by email on 29 July 2009.)*

4. The Secretary for Development (SDEV) said that the Administration had indicated at the Panel meeting on 19 December 2008 that it would cooperate with the Council for Sustainable Development (SDC) in conducting public engagement on the subject matter. Issues relating to gross floor area (GFA) concessions attracted much public concern. As those issues were very complicated, SDC had spent considerable efforts in digesting the information provided by the Administration and working with professionals and stakeholders through a dedicated support group to explore how the public could participate in the public engagement process effectively. The Invitation for Response Document (the IRD) was then prepared and the public engagement process commenced on 20 June 2009.

5. Mr Bernard CHAN, Chairman, SDC, concurred that the subject matter was very complicated. He said that SDC had spent considerable time in preparing the IRD to facilitate the public's understanding of the subject matter, in

the hope that apart from professionals, the general public could also participate in the public engagement process. Two public forums had been held and three local forums and many focus groups would be organized. A research team from The Hong Kong Polytechnic University would collate the views collected. The SDC aimed at submitting its recommendations to the Development Bureau by early 2010. Prof Bernard LIM Wan-fung, Convenor, Support Group on Building Design to Foster a Quality and Sustainable Built Environment, SDC, delivered a PowerPoint presentation to brief members on the details of the IRD.

*(Post-meeting note: The soft copy of the presentation materials (LC Paper No. CB(1)2390/08-09(01)) was issued to members by email on 29 July 2009.)*

#### Gross floor area concessions

6. Mr Albert CHAN said that he hoped that the review would be substantive, meaningful and effective; not a window-dressing exercise. As planning/building control and abuse of powers were involved in the matter, the mode of operation of the Administration in these aspects should be included as an important ring in the review. At present, the relevant vetting/approval processes were like "black-box" operations dominated by the relevant executive authorities. The crux was to ensure adequate transparency in the vetting/approval processes. Without adequate transparency in the administrative and execution processes, the policy might be subject to different interpretations by individual officials. Instead of finding out problematic cases by the Director of Audit years later, the Administration should have measures to prevent abuse of powers and transfer of benefits. He was worried that the environment would continue to be destroyed by high density developments while the review was being conducted.

7. SDEV responded that an important ring in the review was whether a legislative approach should be adopted instead of allowing the Building Authority to exercise the discretionary powers under the Buildings Ordinance (Cap. 123) in granting GFA concessions. This issue was highlighted by the Independent Committee of Inquiry on the Sai Wan Ho Development on Inland Lot No. 8955. On the other hand, many professional organizations had reflected that adopting a legislative approach would reduce flexibility. There was transparency in the vetting/approval process because all GFA concessions were granted in accordance with the relevant practice notes.

8. Mr LEE Wing-tat considered that the Administration should set an overall cap of 10% on GFA concessions. For the case of the Grand Promenade, the GFA was increased by some 40% as a result of GFA concessions. There was a substantial increase in the sale proceeds of the developer concerned without the need to pay additional premium for the additional GFA. In fact, in many other

cases, the developers concerned were not required to pay additional premium for the GFA concessions obtained. He expressed concern about the membership of SDC because it comprised many sector representatives. He was also worried that the existing Joint Practice Notes, which he considered contained large loopholes, would still be in force during the review and asked how the Administration would handle the situation.

9. SDEV responded that the public engagement process involved controversial issues and it would affect future building design and the environment. Therefore, the Administration cooperated with SDC in conducting the process. Capping of GFA concessions was one of the options proposed by the Administration. She noted that some members of SDC might be concerned whether the Administration had pre-determined stance. She assured members that the Administration would only formulate its stance after the public engagement process had been completed. The Joint Practice Notes were part of Government policy which was promulgated after public consultation. They had to be adhered to and there was no room to rescind them during the review.

10. Miss Tanya CHAN considered that there could be more in-depth coverage on energy efficient features such as the use of solar energy. Granting of GFA concessions was more appropriate for energy efficient features. Instead of using economic incentives, the provision of certain desirable building features should be made mandatory. The size of features such as electricity and mechanical chambers and refuse storage rooms should be specified. The provision of sky gardens, planting trees and conservation of old and valuable trees should be encouraged on a policy level by granting GFA concessions. On the other hand, she queried granting GFA concessions for clubhouses because they were used as a selling point by developers and flat purchasers had to pay for the GFA and the maintenance costs of clubhouses. She also did not consider balconies a truly green feature.

11. Ir Dr Raymond HO considered the provision of balconies a merit because air circulation would improve. However, he queried why the construction of windowless toilets in residential buildings could have been approved. Mr IP Kwok-him said that society had different views on building features such as balconies. He considered the provision of balconies acceptable because it could achieve its intended objectives.

12. SDEV responded that it was very difficult to require the proper and effective provision of certain features solely through mandatory means. By way of illustration, although the provision of refuse storage and material recovery rooms was mandatory, GFA concessions would still be granted. Professionals considered that if this was not the case, the feature would be provided at the minimum number and size and at undesirable locations, and the intended benefits could not be achieved.

13. Ms Emily LAU expressed support for granting GFA concessions for car-parking facilities because it could reduce the need for at-grade car-parking facilities. Mr James TO queried why disregarded GFA for car-parks for residential zones 2 and 3 could be as high as 32% to 42% in relation to the total GFA. Mr Bernard CHAN, Chairman, SDC, responded that granting GFA concessions for car-parking facilities would reduce the need for at-grade car-parking facilities, but it would increase building bulk. Due to topographic constraints, constructing underground car-parking facilities might not always be possible in Hong Kong and even if possible, the costs were much higher.

#### General issues

14. Mr Albert CHAN said that SDC should be able to set overriding criteria to determine the relative weightings of development needs and public interests, circumstances under which public interests should take precedence over private rights, and issues such as the necessary separation between buildings. He considered that the installation of solar energy water heaters should become mandatory for low density developments and village houses.

15. Mr LEE Wing-tat suggested that non-controversial measures to enhance the built environment could be implemented first. Expressing a similar view, Ms Cyd HO considered that a phased approach could be adopted, and non-controversial measures such as greening and building setback could be implemented first. She said that the review should have been conducted earlier. The Administration should contain building bulk and the Building Authority should not have discretionary power on GFA concessions. She requested the Administration to provide information on the possible institutional frameworks and legislative changes with regard to planning and building control powers. She considered that there should be a population limit for old districts and a population policy should be included in the urban renewal and town planning processes. This would facilitate the planning of necessary facilities in those districts.

16. SDEV responded that some measures such as providing sufficient separation between buildings, building setback and air corridors had already been implemented in some sites through town planning parameters and conditions in land leases. The planning for Government sites and the land sale conditions for Comprehensive Development Area sites had also included relevant considerations. The IRD contained a section to discuss and invite views on the possible institutional frameworks to be adopted in future. She agreed to provide the information requested by Ms Cyd HO. Setting a population limit for a district based on the existing infrastructure would be problematic because it would seriously affect Hong Kong's macroeconomy. The Administration was

enhancing the existing infrastructure to cope with the increasing population. She supplemented that SDC had studied the subject of population policy in the past.

*(Post-meeting note: The Administration's supplementary information paper (LC Paper No. CB(1)2744/08-09(01)) was issued to members on 7 October 2009.)*

17. The Deputy Chairman considered that the Administration should conduct studies on development density on a district basis and impose development controls through Outline Zoning Plans (OZPs). SDEV responded that the Administration was conducting a review of the 108 OZPs, out of which more than 10 had been completed. Priority was given to reviewing areas with high redevelopment pressure. Although the review had led to objections and legal challenges, the Administration would continue with the review. The Deputy Chairman said that he was very concerned that some OZPs only imposed control over building height which alone was inadequate to control the outturn building bulk.

18. Miss Tanya CHAN considered that concrete was environmentally unfriendly because it absorbed heat fast during daytime and dissipated heat slowly during nighttime, leading to a higher nighttime temperature. Overseas places adopted a carrot and stick approach in promoting a sustainable built environment and Hong Kong should make better use of the approach. The Hong Kong Planning Standards and Guidelines contained some desirable guidelines. She asked whether the Administration would review the Hong Kong Planning Standards and Guidelines and adopt the enhanced guidelines to help achieve a sustainable built environment. She also enquired about the expected completion date of the Urban Climatic Map and Standards for Wind Environment - Feasibility Study conducted by the Planning Department.

19. SDEV responded that planning guidelines such as protection of the ridgeline and adoption of stepped height planning for harbourfront sites specified in the Hong Kong Planning Standards and Guidelines were implemented through the planning application vetting process. Requirements for adhering to relevant guidelines were also incorporated into land leases and land sale conditions. She undertook to provide the expected completion date of the Urban Climatic Map and Standards for Wind Environment - Feasibility Study conducted by the Planning Department.

*(Post-meeting note: The Administration's supplementary information paper (LC Paper No. CB(1)2744/08-09(01)) was issued to members on 7 October 2009.)*

20. Mr IP Kwok-him welcomed that the IRD had been prepared for collecting public views. As regards greening, the Administration should set an

example in promoting greening, such as implementing rooftop and vertical greening in Government buildings, and step up its efforts in encouraging private developers to follow suit. The Administration could consider giving incentives for greening in private developments. He suggested that cultural elements could be incorporated in the construction of public facilities to promote cultural creativity through the concerted efforts of various bureaux. The Administration should adopt a holistic approach on the matter and give due attention to the cultural aspects in fostering a quality and sustainable built environment. The Deputy Chairman suggested that funds could be set aside for housing cultural displays in Government facilities.

21. SDEV concurred that the Administration should set an example in promoting greening and energy efficiency. The Development Bureau and Environment Bureau had issued internal guidelines in April 2009 specifying that new Government buildings should attain a high level of energy efficiency even if this would incur additional construction costs. The Administration was implementing additional minor works projects to implement rooftop greening in existing Government buildings and energy efficiency features and water-saving features in existing Government buildings and schools maintained by the Government. Although it would not be easy to promote culture through the provisions in the Buildings Ordinance, she would convey to the Chief Secretary for Administration and liaise with the Home Affairs Bureau on the suggestion that to promote cultural creativity, funds should be specifically earmarked for public works projects for the art and cultural aspects of relevant facilities.

*(Post-meeting note: The Administration's supplementary information paper (LC Paper No. CB(1)2744/08-09(01)) was issued to members on 7 October 2009.)*

22. Ms Emily LAU said that there was a persistent impression that the Administration was inclined towards developers. Measures to create a sustainable built environment should benefit all instead of only well-off people and careful planning was needed to create such an environment. If the transparency of the review process was high and there was no objection from civic organizations, the Administration could take forward its proposals. Obtaining the consensus of Members would facilitate the process. The Administration had to accept that revenues from premium would be reduced as a result of implementing measures to create a sustainable built environment. One could not get the best of both worlds. As quality life was sought after by all, citizens might have to consider trade-offs such as accepting a rise in the tax rate for 1% to 2%. Features such as providing building setback would reduce the need and costs for constructing noise barriers. The United States Energy Secretary also said that painting the roofs of buildings white would reduce energy consumption.

23. Mr James TO considered that the IRD should provide some quantitative analyses of the various options in financial terms, such as the loss in land premium as a result of capping GFA concessions, so as to facilitate the public to give informed views having regard to the trade-offs in quantitative terms.

24. Mr Abraham SHEK said that Hong Kong's land was scarce but its population was large. He considered that a balance was needed in the review and trade-offs were inevitable in pursuing a good living environment. The IRD should clearly provide the economic and political trade-offs of adopting the various options. The public should not be given an illusion. Otherwise, they would have grave reactions.

25. SDEV concurred that one could not get the best of both worlds. The Administration considered that measures worth implementing should be implemented even if revenues from premium would be reduced. In preparing the IRD, the most difficult task was how to let the public understand the trade-offs of adopting various options, and substantial efforts had been made in this regard. The IRD had provided the public with analyses of the trade-offs at appropriate sections. Mr Bernard CHAN, Chairman, SDC, added that in preparing the IRD, SDC had considered the issue but decided that there should not be too much emphasis on the trade-offs to avoid the impression that it was adopting a scare tactic.

26. Mr Abraham SHEK said that he hoped that the public engagement exercise would be successful because the review would have important implications on Hong Kong's economy and politics. As developers had paid the required premium for the land they acquired, they would naturally construct their developments to the maximum allowable GFA. The developments of the MTR Corporation Limited and Urban Renewal Authority were also high density developments. Review of the Buildings Ordinance, Building Regulations and the Town Planning Board might also be required to tackle the subject matter in a comprehensive manner.

27. SDEV responded that if the scope of the public engagement process was further extended, the scale of the process might become unmanageable. Therefore, a more focused approach was adopted. Mr Bernard CHAN, Chairman, SDC, added that the policy of granting GFA concessions was aimed at encouraging developers to provide a better living environment for the residents. Although the majority of the residents of developments with green building features might welcome those features, those living in surrounding areas might think otherwise because their living environment was affected. Professional organizations had raised many further issues during the forums, such as the need for amending the Buildings Ordinance. In order to solicit views in a more focused manner, the SDC decided to limit the scope to issues such as

the need for capping GFA concessions, and review of the discretionary powers of the Building Authority.

28. Mr Albert HO said that sustainable development was necessary because the present generation should not let the future generations bear the consequences of the acts of the former. Although developers' profits might be reduced, the public would gain quality life. Developers supported adding green building features several years ago because they would benefit from the provision of those features. However, public aspirations on the environment had changed and reviewing building design alone was too restrictive. Although he did not consider that everything should be done through legislative means, the discretionary powers of the Building Authority should be reviewed. The high-rise developments in West Kowloon, monotonic developments in Tin Shui Wai and bulky developments implemented by the MTR Corporation Limited and Urban Renewal Authority demonstrated that town planning in Hong Kong was problematic.

29. SDEV responded that the public engagement process had adopted a focused approach with a view to addressing the public concern on GFA concessions. The Administration was separately pursuing other relevant issues such as reviewing the OZPs and Urban Renewal Strategy. The IRD only focused on specific aspects of the Administration's work in attaining a sustainable built environment through building design. Some developments attracting public concern were approved years ago when satisfying the demand for housing was accorded priority and implementing developments above railway stations was the only mode of financing railway projects. If necessary, the Administration could brief members on its work to attain a quality living environment on various fronts in a more comprehensive manner in future.

30. Ir Dr Raymond HO said that the review was a complicated and comprehensive task and a number of bureaux and departments were involved. While some Members adopted a very macro perspective in looking at the review, he considered that Members should be realistic and the review should proceed in a step-by-step manner. He supported focusing on improving building design as a first step and welcomed the preparation of the IRD for public consultation. The concept of sustainable development had a short history of 22 years only. The Administration should step up public education because some members of the public were confused about sustainable development and environmental protection. He had moved a motion on reviewing the Buildings Ordinance in relation to issues such as construction materials and waste some eight years ago but little progress had been made. Developing the industry of making pre-fabricated construction units in Hong Kong would be conducive to creating a sustainable built environment without affecting the employment opportunities of local construction workers. As the use of solar energy and wind energy was quite common for small scale developments in Japan and the Mainland, it should

be encouraged in Hong Kong as a first step. Air Ventilation Assessment should also be promoted. There should be room for professionals to produce creative building designs. The Administration should make good use of underground space for facilities such as shopping arcades and pedestrian links for connecting different buildings. Footbridges should also be constructed to connect different buildings as far as possible.

31. Mr Alan LEONG said that unless the Administration had a coherent mechanism which was supported by the public for resolving issues arising from the high land premium policy, which was the root of the problem, it would be difficult to tackle the subject matter. He was unconvinced that the Administration had an overall blueprint to handle the situation. When faced with developers, the outcome of the review would make no difference if a make-shift tactic was adopted. He considered that the IRD was not easy to comprehend, especially for the Chinese version, and was worried that this might affect the public's participation in the public engagement process. Without an effective mechanism to gauge public views, he queried whether decisions on issues such as maximization of the development potential of scarce land should be based on the results of a number of forums alone. The wider public might prefer a higher tax rate instead. Without comprehensive planning for the developments in each district based on environmental and conservation policies, such public engagement would be futile.

32. Mr Bernard CHAN, Chairman, SDC, agreed that it was not easy for the public to understand the IRD. However, the general public's major concern might not be on the technical aspects of building design. Rather, they might be more concerned about issues such as increases in saleable areas and management fees arising from GFA concessions. Professional organizations considered that many other issues were also involved. Land premium was an issue in Hong Kong because the built-up areas represented only 24% of the territory, leading to a high development density. However, increasing land supply for development through measures such as using Country Parks could be very controversial. Therefore, the SDC considered that it should limit the scope of the review by focusing on less controversial issues first and identifying solutions within a short time.

33. Prof Bernard LIM Wan-fung, Convenor, Support Group on Building Design to Foster a Quality and Sustainable Built Environment, SDC, said that the SDC noted that the scope of building design could be very wide and many issues were interrelated. Some features such as pipe ducts were exempted from GFA calculation because this would improve the quality of the living environment. Otherwise, open-air pipe runs might be constructed. To respond to public concern about building bulk, whether to cap GFA concessions was put forward for discussion. More than 100 participants attended the forums organized by SDC and there were rational discussions. SDC would also visit

numerous stakeholder organizations to solicit their views and support for activities to be carried out by 30 partner organizations.

34. The Deputy Chairman said that the town planning process in Hong Kong was very complicated. SDC could provide the relevant background to all parties concerned and explain to them why GFA concessions were needed as an incentive. This would facilitate a more focused discussion of the subject matter.

35. Mrs Sophie LEUNG concurred that although the review was no easy task, it had to be conducted. She had high expectations on Mr Bernard CHAN, Chairman, SDC, because he had his own special views on the environment and sustainable development of the city, which she appreciated and shared. As regards energy efficient measures, she considered that there should be a mechanism for regular updating of those measures. Reduction in carbon emission was a major issue and the report of the review could put forward recommendations on the conversion of certain areas into pedestrian zones. Although it would take considerable time to study issues relating to the creation of a sustainable built environment, she considered that it could be done using a step-by-step approach.

36. Mr James TO considered that there were some inconsistencies in the IRD. Although paragraph 5.3.11 specified that features such as sky gardens would not improve the environment of the broader neighbourhood, Table 7 specified that sky gardens could improve the local environment through reducing heat island effect, and contributing to better air circulation and pollution dispersal. As regards Figure 8, he asked why the source was from an architectural firm instead of the Japanese government because an architectural firm might have an interest in the review. Prof Bernard LIM Wan-fung, Convenor, Support Group on Building Design to Foster a Quality and Sustainable Built Environment, SDC, responded that the architectural firm was the consultant that had previously assisted the Buildings Department in formulating design guidelines for a sustainable built environment.

37. Ms Emily LAU asked when the Administration would further consult the Panel on the subject matter. SDEV responded that Members were welcomed to participate in the public engagement exercise. After the SDC had completed its work, the Administration would respond to its recommendations. If legislative amendments were required, the Administration would consult the Panel. Mr Bernard CHAN, Chairman, SDC, added that the public engagement exercise would last up to the end of October 2009 and if the views collected were not too divergent, the progress of the ensuing work would be faster. Otherwise, he expected that the work would be completed by March or April in 2010.

38. Ms Emily LAU asked whether it was feasible for the SDC to send its recommendations to the Panel before sending them to the Administration. She

considered that Mr Bernard CHAN, Chairman, SDC, should explain to the Panel how those recommendations were arrived at. Mr Bernard CHAN, Chairman, SDC, said that the workflow of the review was for the SDC to carry out its work and make recommendations to the Administration upon completion of its work. He would attend another meeting of the Panel if invited by the Administration. SDEV said that the Administration respected the way in which the SDC carried out its work. The Administration would release all the relevant information concerning the public engagement process after receiving the recommendations from the SDC.

#### **IV District-based beautification and revitalization projects**

(LC Paper No. CB(1)2342/08-09(03) -- Administration's paper on district-based beautification and revitalization projects)

39. Members noted the submission from 大澳環境及發展關注協會 tabled at the meeting.

*(Post-meeting note: The soft copy of the submission (LC Paper No. CB(1)2390/08-09(03)) was issued to members by email on 29 July 2009.)*

40. SDEV said that the Revitalization of Tai O and Area Improvement Plan for the Shopping Areas of Mong Kok projects were two of the many district-based beautification and revitalization projects. The Administration could brief members on other projects of a same nature if members considered it necessary.

#### Enhancement works

41. Miss Tanya CHAN said that what Tai O needed was conservation, not revitalization. The needs of the residents, such as sewerage systems, rather than those of visitors should be accorded priority. Tai O did not need facilities which could be found in urban districts. Too many such facilities would affect Tai O's ecological value. The Administration had previously constructed a breakwater in Tai O, blocking the beautiful sunset scenery, but the shelter created was seldom used by vessels. The design of the pavements and the pier caused inconvenience to elderly wheelchair users. Although seats were provided, there was no shading, and the fences blocked the view of those sitting there. She queried the need for constructing boardwalks in the mangrove planting area because visitors could easily see the area from afar. She was concerned about whether Environmental Impact Assessment for the Salt Pan Demonstration Area project would be conducted because there were mangroves nearby. She was worried that the Administration would start identifying a management agent for

the project, and considered that the management agent should be responsible for conducting relevant studies to assess the impacts of the project. Projects destroying the ecology were not worth implementing because of their long-term impact on the environment. She asked whether it was possible for the Administration to re-examine the Revitalization of Tai O project. On behalf of some residents, she asked whether the Administration had any plans regarding Lung Tsai Ng Yuen.

42. Expressing a similar concern about the necessity of the proposed works, Mr LEE Wing-tat said that the residents in Tai O were most concerned about the lack of sewerage facilities. He considered that Tai O's transportation facilities to other districts should be enhanced, and there was a lack of facilities for community gatherings and cultural events. The expensive transportation fees on holidays were non-conducive to encouraging people to visit their parents residing in Tai O.

43. SDEV responded that the proposed works in paragraph 5 of the Administration's paper were minor enhancement works only. Some works of a larger scale proposed previously had been scrapped and the Administration would not insist in carrying out a particular works project. Although one of the themes of the Revitalization of Tai O project was conservation, some facilities in Tai O needed enhancement. Residents had aspirations on improving the infrastructure in Tai O, such as construction of the riverwall at Yat Chung. The Tai O Rural Committee supported those projects and their implementation priority. Those projects were proposed after extensive consultation and a design competition had been organized to solicit input from the public. As regards Lung Tsai Ng Yuen, it was not within the scope of the Revitalization of Tai O project. Previous consultation with the District Officer concerned suggested that it had no special heritage value. There were no historic buildings there and the title of the property was understood to be very complicated.

44. The Deputy Secretary for Development (Planning and Lands) 1 (DS/P&L1) added that there was bottom-up consultation and the Administration would continue with its work in this regard. There was keen interest in the design competition with more than 100 entries received, including those from Tai O residents. There were three principal themes for the Revitalization of Tai O project, namely Local Connectivity, Heritage/Culture and Nature. The enhancement works which the Administration proposed to proceed were those beneficial to the living environment of the residents and supported by them during the public consultation. Tai O Rural Committee and many Tai O residents also supported the Salt Pan Demonstration Area project. The Administration had engaged The South China Research Center of The Hong Kong University of Science and Technology to study the technical requirements of the project and address environmental issues. The mangrove area was

situated on the periphery of the proposed site for the Salt Pan Demonstration Area.

45. The Deputy Project Manager (Hong Kong Island and Islands), Civil Engineering and Development Department (DPM(HKI&I)) said that although the Salt Pan Demonstration Area project was not a designated project under the Environmental Impact Assessment Ordinance (Cap. 499), the Administration would conduct an ecological study for the project. The characteristics of Tai O would be preserved. A focus group comprising green groups and local concern groups was in place and the Administration would only carry out the project if there were no unacceptable environmental impacts identified in consultation with the focus group.

46. Mrs Sophie LEUNG said that the breakwater in Tai O was needed to provide shelter for vessels. She considered that the Administration had conducted adequate public consultation on the Revitalization of Tai O project. She expressed doubt on whether the outcome of such consultation should be overridden by imposing another mechanism to decide what enhancement works to implement.

47. Mr LEE Wing-tat suggested that the site for conducting Chinese opera performances could be enhanced and used for gathering and leisure activities. DPM(HKI&I) responded that residents had suggested that the site could be enhanced and used as event space for social and festive events. Enhancement works supported by the residents also included the provision of community open space and leisure trails.

#### Flood prevention and riverwall at Yat Chung

48. Mr IP Kwok-him expressed support for implementing projects relating to community facilities and considered that flood prevention works in Tai O should be accorded priority and implemented first. Ms Cyd HO considered that the Administration should enhance its communication with the residents and explained to them why the riverwall was required to prevent flooding. The Deputy Chairman concurred that the Administration should enhance its communication with the residents on various matters such as licensing of stilted houses and fly-tipping.

49. DPM(HKI&I) explained that as Tai O was located at low-lying areas, flooding in Tai O was mainly due to inundation by seawater under high tide, instead of heavy rain or insufficient capacity of the drainage systems. The ground level of the lowest point at Wing On Street was around 2.5 to 2.6 metres above Principal Datum (mPD). In general, the highest astronomical tide was at about 2.7 mPD, thus causing flooding. The construction of the riverwall at Yat Chung would protect the area from influx of seawater during astronomical high

tide and reduce the risk of flooding. The proposed coping level of the proposed riverwall at 3.3mPD was accepted by the parties concerned during public consultation and a balance had been struck in setting the height. In exceptional events such as typhoons including severe storm surge, the sea level could reach 3.7 mPD to 3.8 mPD and the proposed riverwall would not be capable of protection against inundation. A flood alert system had been put in place and the former Wing Chor Primary School would be used as a temporary shelter for residents.

#### Sewerage improvement works

50. Mr LEE Wing-tat asked whether the odour problem at Tai O could be solved, whether the sludge would be clear up regularly and whether there were short or medium-term measures to handle the odour problem. He suggested that the Administration should study the feasibility of bio-remediation to solve the odour problem.

51. DPM(HKI&I) said that the Drainage Services Department was conducting a study on the sewerage improvement works for the unsewered areas in Tai O. As the stilted houses were irregularly arranged and their structure was rather weak and not up to current standards, there was difficulty in supporting and connecting sewerage pipes. There was a suggestion of dredging the sludge deposits/soft mud underneath and adjacent to the stilted houses. However, the sludge deposits/soft mud was some 30 metres thick at places and there was a high risk that dredging would affect the stability of the stilted houses. No short-term measures could be identified at present. He would liaise with the Drainage Services Department on the progress of the study on sewerage improvement works at Tai O.

Admin 52. Ms Cyd HO asked whether the Administration had explained to the residents the difficulties in implementing sewerage improvement works and whether the residents had put forward any proposals. She requested the Administration to provide information on the progress of the study on sewerage improvement works being conducted by the Drainage Services Department in Tai O, and possible short-term improvement measures.

53. DPM(HKI&I) responded that the Administration had exchanged views with the residents on the different options for the sewerage improvement works. The residents raised various questions but did not put forward any proposal.

#### General issues

54. The Deputy Chairman enquired about the progress of identifying a management agent for the relevant facilities under the Revitalization of Tai O project. Mr IP Kwok-him asked how the Administration would handle the

coordination among the various departments concerned in relation to the idea of converting Tin Lee House into a youth hostel. Mr Paul TSE asked whether a suitable management agent had been identified for operating the Tai O Heritage Hotel and the proposed youth hostel at Tin Lee House, and whether there would be sufficient parking spaces for coaches near the existing bus terminus. He considered that the proposed coach parking area a bit remote from Tai O's most vibrant area. As neighbouring competitors such as Singapore and Macao were surpassing Hong Kong in the travel industry, he considered that the Tourism Commission should be upgraded to a policy bureau to facilitate collaboration with the Development Bureau in beautification, revitalization and related work. Before this could be achieved, there should at least be a closer connection between various Government departments and the Commissioner for Tourism. A matching mechanism between management agents and the Administration was required. Although he found many proposed projects worth supporting, he was worried about the lack of vision, planning and provision of ancillary facilities.

55. SDEV responded that a management agent had been identified for the Tai O Heritage Hotel and the Finance Committee of the Legislative Council had approved the funding proposal for the renovation works. The project would tap on the characteristics of Tai O. The conversion of Tin Lee House into a youth hostel had not yet been confirmed. Although there were vacant flats in the estate concerned, the existing residents were scattered on different floors. The Administration would not request the Housing Authority to relocate the residents of Tin Lee House and vacate the building before a suitable management agent could be identified. The Administration was prepared to provide the necessary funds for the Revitalization of Tai O project, but the project was still at the initial study stage and the Administration had to overcome the challenge in identifying suitable and capable management agents to operate the facilities. By way of illustration, in revitalizing historic buildings, the Administration's approach was to use a historic building as an anchor and identify a management agent which was capable of implementing not only that specific project, but other revitalization work in the district as well.

56. As regards parking spaces for coaches, DPM(HKI&I) said that under the current Concept Plan for Revitalization of Tai O, the area near the existing bus terminus would be converted into an entrance plaza, leaving only sufficient space for picking up/dropping off. Coaches could continue the current practice of dropping off passengers there but would be required to park at the proposed coach parking area before returning to pick up the passengers. Such traffic management arrangement could help segregate coaches from pedestrians as well as other vehicles and provide a more spacious entrance plaza for the enjoyment of pedestrians. The proposed youth hostel had educational value because students could spend a night there and participate in more general education activities in Tai O.

**V Progress report on heritage conservation initiatives**

(LC Paper No. CB(1)2342/08-09(04) -- Administration's paper on progress report on heritage conservation initiatives

LC Paper No. CB(1)2342/08-09(05) -- Paper on heritage conservation prepared by the Legislative Council Secretariat (Background brief))

57. SDEV said that for the Blue House cluster, the number of tenants who would stay behind would be known by the end of July 2009. For the Former Fanling Magistracy, the area of the project site had been reduced slightly. For the Haw Par Mansion, the Administration would invite proposals via a public tender and would submit the relevant funding proposal in due course. As regards declaration of monuments, a plan for declaring 41 historic waterworks structures as six groups of monuments had been made by the Antiquities Authority. For privately-owned graded historic buildings, the Administration had approved five applications under the Financial Assistance for Maintenance Scheme. A preservation-cum-development scheme for Jessville had been proposed.

Revitalization of the Haw Par Mansion

58. Mr Paul TSE asked whether the sculptures and structures of the Tiger Balm Garden had been demolished. From the tourism perspective, the place had characteristics and could be restored to its original face by Government injection. A wine centre could be set up in other more suitable places instead of in the Haw Par Mansion.

59. The Deputy Secretary for Development (Works)1 (DS/W1) responded that the sculptures and structures of the Tiger Balm Garden had been demolished years ago. What was left was a beautiful historical residence. A wine centre was only one of the possible uses for the Haw Par Mansion. Given the potential commercial value of the Haw Par Mansion, the Administration would like to adopt an alternative mode of operation other than the social enterprise model for its revitalization.

60. Miss Tanya CHAN asked why the capital investment for the revitalization of the North Kowloon Magistracy was borne by the selected applicant while that for the Haw Par Mansion would be borne by the Government. The Administration should leave flexibility in deciding whether it would bear the capital investment costs for the Haw Par Mansion because it might turn out that a tenderer might be willing to bear the costs. She considered

it difficult to assess the revenue that could be generated from the revitalization of Haw Par Mansion and queried whether a proponent should undertake the project, which would be of a commercial nature, if it could not even recoup the capital investment costs. As the quality and revenue aspects of the proposals would be assessed, she asked whether the quality aspect would include assessing the degree of public accessibility and the completeness of the revitalized heritage building concerned, and whether relevant clauses would be included in the tenancy. The Administration should prevent incidents like auctioning of the window frames and doors of King Yin Lei from recurring. She asked whether any additional buildings would be constructed at the site of Haw Par Mansion. She also asked whether the results of the review of Batch I of the Revitalization Scheme were available.

61. Mr IP Kwok-him said that he supported adopting the third option as described in the Administration's paper for the revitalization of the Haw Par Mansion. He asked whether the Administration would take forward the project by offering a tenancy to the management agent. He noted that a rough estimate of the total capital investment costs required was in the region of \$70 million and commented that the Administration should avoid subsidizing commercial operations.

62. SDEV responded that it was not easy to identify the appropriate use of historic buildings. The Administration aimed at injecting a new and sustainable life in those buildings and some possible uses included dining facilities or as a banquet venue. However, large scale renovation was required because the building was dilapidated and its facilities were not up to present-day standards. The Administration considered that the revitalization of the Haw Par Mansion could attract bidders of good calibre. She shared the view that public accessibility and completeness of the revitalized historic building should be emphasized and considered that an element of education value might also be added, such as providing an exhibition area for displaying relics and photographs of the Haw Par Mansion and its former Tiger Balm Garden. The tender document would include appropriate conservation clauses. On the revenue aspect, the Administration was considering assessing the tenderers' proposed fixed rental and/or offers of revenue sharing. The Central Tender Board would make the final decision in awarding the contract. The management agent would only be offered a tenancy and the Administration as the land and building owner could make the decision on the necessity of constructing additional structures.

63. DS/W1 added that the length of the tenancy would be carefully considered and the Administration would retain the titles of the land and the Haw Par Mansion. The Administration would adopt a two-envelope approach in tender assessment. The current proposal was to provide Government funding of \$45 million for basic upgrading and renovation works that were required

irrespective of the adaptive re-use of the premises. Even if the building was to be used by the Government itself, such basic expenses would need to be incurred. The Administration did not expect much additional alteration at the site of Haw Par Mansion, but structures such as access for disabled persons and underground water tank for fire services would be allowed if necessary. As regards the review of Batch I of the Revitalization Scheme, the Administration had provided relevant information in its paper (LC Paper No. CB(1)1347/08-09(08)) for the Panel meeting on 28 April 2009 and the details were given in Annex 2 to that paper. The Administration had received, during the Batch 1 exercise, views and comments from various stakeholders such as having difficulty in preparing the financial aspects of the proposal, enquiring whether a certain degree of outsourcing was possible, etc. The Administration had consulted the Advisory Committee on Revitalizing Historic Buildings and the Antiquities Advisory Board on the views collected in April 2009, and conducted on 5 May 2009 a forum with existing and potential applicants of the Revitalization Scheme. Many of the participants considered the sharing session useful.

#### Preservation of Jessville

64. Mr IP Kwok-him asked whether there was any pledge on public accessibility to Jessville. He sought further information on the relaxation of the site coverage restriction.

65. DS/W1 responded that, the owners of Jessville would be required under planning approval conditions imposed by the Town Planning Board to provide public access to the Jessville for at least one day per week. The owners concerned had to seek the agreement of the Commissioner for Heritage on the detailed arrangements and relevant discussions had already commenced. As regards site coverage, SDEV and DS/W1 advised that the existing site coverage of Jessville was 11.17%. The maximum site coverage allowed under the relevant Outline Zoning Plan was 15% and permission from the Town Planning Board for relaxing the site coverage to 26.17% had been sought for constructing the additional buildings.

66. The Deputy Chairman said that members' views would be reported at the relevant meeting of the Public Works Subcommittee.

#### **VI Report of the Task Force on Tree Management - People, Trees, Harmony**

(LC Paper No. CB(1)2342/08-09(06) -- Administration's paper on Report of the Task Force on Tree Management – People, Trees, Harmony

LC Paper No. CB(1)2342/08-09(07) -- Paper on tree management prepared by the Legislative Council Secretariat (Background brief)

67. SDEV said that to facilitate the Establishment Subcommittee's consideration of the Administration's establishment proposal after the new legislative session had commenced, the Administration's paper contained more detailed information on proposed creation of posts, organization structure and division of responsibility than the Report of the Task Force on Tree Management - People, Trees, Harmony (the Report). She welcomed members' comments and the Administration would strive to take forward the matter as soon as possible.

Staffing issues and delineation of duties

68. Mr WONG Kwok-hing expressed concern that there would be an overlap in the duties of the proposed Tree Management Office (TMO) and existing departments concerned, and that it would be difficult to reconcile if various departments concerned had different views on a certain issue.

69. SDEV responded that there would be no overlap in duties between TMO and other existing departments. By way of illustration, although the Civil Engineering and Development Department was charged with the overall responsibility of slope management, other relevant departments also carried out slope management under their own portfolio. This model of operation was found to be effective and there was clear delineation of duties. TMO would not take up the routine management and risk assessment responsibilities of other relevant existing departments. Complicated cases requiring a higher level of input/coordination, those involving formulation of guidelines and those requiring expert advice would be handled by TMO. DS/W1 added that preparatory work at the bureau level would take shape in early 2010 and the proposed offices would be established after 1 April 2010. It would take a year or so before the effectiveness of the new measures could be reviewed and the Administration would report the results of the review.

70. Miss Tanya CHAN expressed concern about whether good coordination could be achieved because the respective policy bureaux would continue to housekeep those departments under their jurisdiction after the establishment of TMO. She noted that a professional qualification was required for the post of Chief Assistant Secretary (Tree Management) (CAS(TM)) and asked whether the same would apply to the post of Principal Assistant Secretary (Greening, Landscape and Tree Management) (PAS(GLTM)). The Coroner's Court had recommended the establishment of an independent department for conducting tree risk assessment, but the Administration only drew up a risk

assessment mechanism for use by the relevant departments. As TMO and other relevant departments would all conduct risk assessment, she asked how the Administration would ensure that different departments would follow the same standards and carry out risk assessment in the same manner.

71. DS/W1 responded that if a new department was formed solely for the purpose of tree management, staff from different departments had to be redeployed to the new department. This might not be the most efficient use of resources. By way of illustration, while staff of the Agriculture, Fisheries and Conservation Department responsible for tree management in country parks were also responsible for inspecting barbecue pits and tracks presently, they would not be able to do so if they were all posted to a single tree office. The Administration would in future ensure good coordination of the work of staff at different levels and in various bureaux/departments. The main responsibility of the PAS(GLTM) post was to ensure this. The Chief Assistant Secretary (Greening and Landscape) post would be filled by redeployment from the Architectural Services Department, while the CAS(TM) post would be filled by an expert in tree management to be recruited from outside Government if necessary. SDEV added that the PAS(GLTM) post would preferably be filled by an officer with relevant professional background from within the civil service, failing which candidates from outside the Government would also be considered. As the post would be responsible for greening, landscape and tree management, the expertise required would be broader and not limited to tree management.

72. Mrs Regina IP said that frontline staff considered that the Administration's establishment proposal was expanding staffing at the upper level at the expense of staffing at the lower level. She had grave reservations on the Administration's proposal and had written to the Chief Secretary for Administration on how to handle the morale of the frontline staff, but had not received any response so far. She considered that officers at the directorate level should take up a broad range of duties and there was no need to delineate their duties so finely by creating separate posts for different duties. In the past, she had supported the Administration's establishment proposals provided that they were reasonable. She also expressed concern about whether relevant departments had to bid for the additional posts of the Tree Management Officer.

73. SDEV responded that she appreciated the concerns of Mrs Regina IP about the well-being of civil servants. The Administration was aware of the concerns of the frontline staff and needed some time to collate and assess the additional staffing required in relevant executive departments arising from the implementation of the enhanced measures. By way of illustration, the Administration would try to acquire resources for setting up a tree unit in the Lands Department. The exact arrangements would depend on the financial resources available. Although the workload of senior officers and the demand

on them were increasing, the Administration had all along been prudent and restrained in creating directorate posts.

74. Mrs Regina IP queried why tree management should fall within the purview of the Development Bureau instead of the Home Affairs Bureau. She considered it unhealthy and unbalanced for a bureau to take up too many responsibilities.

75. DS/W1 responded that the arrangement was logical because the Development Bureau had all along been overseeing greening, and many departments under it would also contribute significantly to tree management. Any bureau responsible for tree management would have to perform cross-departmental coordination work any way and the Development Bureau appeared to be the most suitable candidate.

76. Mrs Regina IP was worried about employing non-civil service contract staff as arborists and civil servants had similar concerns because they found that non-civil service contract staff often failed to perform their work professionally and had difficulties in running-in with civil servants. There was resource misallocation in the Government because staff possessing arborist status obtained the qualification on their own initiatives and possessing that qualification was not an entry requirement for their posts. She requested the Administration to provide information on the distribution of its staff possessing arborist status among the relevant bureaux/departments. Expressing a similar concern, Ms Emily LAU was worried that staff possessing knowledge in tree management would be redeployed to carry out other duties.

*(Post-meeting note: The Administration's supplementary information paper (LC Paper No. CB(1)2508/08-09(01)) was issued to members on 25 August 2009.)*

77. DS/W1 responded that as the Report had emphasized the need for training, the Administration would provide training in tree management for managerial, supervisory and frontline staff. The Administration aimed at establishing a team of managerial staff with professional qualifications and experience in tree management in each of the bureaux/departments concerned and this would facilitate future staff deployment. Staff possessing arborist status would be deployed to various bureaux/departments strategically to provide the necessary expertise based on the specific requirements of those bureaux/departments. The Administration would set up a training committee to oversee training matters.

78. Miss Tanya CHAN considered that training for frontline staff was more urgent. More resources should be deployed for frontline staff. She also urged the Administration to strengthen the monitoring of tree

conservation/management work of the private sector through mechanisms such as licensing. DS/W1 responded that the Administration was in the process of liaising with institutions such as Vocational Training Council to strengthen the provision of related education and training courses.

79. Ms Emily LAU queried whether the proposed directorate posts were really necessary. She considered that the crux was that tree management could be done satisfactorily, regardless of which bureau should take up the work. Advanced planning was necessary for planting trees. By way of illustration, the North Lantau Highway had to be dug up to make room for planting trees. She asked whether there were talents in Hong Kong for the CAS(TM) post and whether the post was pitched at the appropriate level.

80. SDEV shared the view that advanced planning was important in planting trees. Therefore, the Administration proposed to create the PAS(GLTM) post to oversee policy responsibility for greening, landscape and tree management. The post should be filled by professional staff instead of staff in the Administrative Officer grade. Local talents possessing the requirements for the CAS(TM) post were available but whether suitable candidates could be identified remained to be seen. The duties of the CAS(TM) post included work such as giving advice through the Works Branch of the Development Bureau on the issuance of relevant technical circulars and giving advice to the Town Planning Board.

81. Mrs Sophie LEUNG expressed support for the recommendation of the Report that Development Bureau should take up the overall policy responsibility for greening, landscape and tree management. She concurred with the view expressed in the Report that trees had a natural cycle and they grew, aged, became weak and died. The CAS(TM) post should share with members the natural cycle of trees through a humanized perspective. She hoped that the Policies and Standards Unit of TMO would set policies and standards on choosing appropriate tree species to be planted. This would help reduce tree collapse cases and consequential controversies. She queried why the costs for tree transplant could differ substantially.

82. The Deputy Chairman said that the timing of the tree transplant was an important factor and the cost could be very low if the timing was right. He considered that common utility ducts should be constructed even for old districts so as to facilitate tree planting.

#### Tree preservation and tree ordinance

83. Mr WONG Kwok-hing said that although the Administration indicated that there were tree preservation clauses in land leases and planning conditions, he considered it necessary to introduce a tree ordinance. He referred to the

removal of trees at the site of the Former Marine Police Headquarters by the developer concerned and said that the environment there had been destroyed. Only a few isolated trees were left and the knoll at the site had also been removed. He asked whether the Administration would reconsider the need for introducing a tree ordinance if the administrative measures were found to be ineffective after one to two years' operation.

84. SDEV responded that the Administration would review the effectiveness of the administrative measures and the need for a tree ordinance on a regular basis and maintain dialogue with the Legislative Council on the matter. If legislation was needed, it would apply to private land without tree preservation clauses. According to her understanding, the land grant for the site of the Former Marine Police Headquarters contained tree preservation clauses and tree experts had provided advice on the matter, which was accepted by the Administration. A regulation mechanism was in place and the decision was made based on that mechanism. The removal of trees at that site did not constitute any breach of the relevant tree preservation clauses.

85. Miss Tanya CHAN said that she had submitted to the Office of the Chief Secretary for Administration the day before the signatures of 10 000 members of the public who supported introducing a tree ordinance. She hoped that a tree ordinance could be introduced as soon as possible, which could cover provisions relating to tree trimming in addition to tree felling. She queried why outside contactors could trim the treetops of trees extending for nearly one kilometre outside the Hong Kong Jockey Club in Shatin when the Administration had internal guidelines prohibiting trimming treetops. She referred to the recent incident of intended felling of a Norfolk Island Pine and said that old trees on private land were not offered any protection. Old trees could be found in many schools and the school authorities were unsure of how to handle those trees if there was a possibility that they would endanger the public. Outside experts might offer divergent views on whether to fell or to preserve those trees. The Administration could adopt a carrot and stick approach by providing assistance and incentives for tree preservation in schools or on private land, like what had been done for preservation of historic buildings, and imposing penalties when necessary.

86. DS/W1 responded that there were technical circulars governing tree preservation on Government land. For private land, tree preservation clauses and landscaping clauses had been introduced since the 1970s and the mid-1980s respectively. While some might consider introducing a tree ordinance a merit, they might not be aware of its implications on private property right. Society might not have a consensus on the issue.

87. Mr KAM Nai-wai considered the Report "much said but little done" and the end result was only a proposal to increase staffing at the directorate level.

He said that Singapore's tree legislation demonstrated the will of its government. Employing professional staff did not imply that TMO would become an authority in tree management. Members of the Democratic Party considered that there should be a tree ordinance requiring among others that application had to be made for tree felling regardless of whether the trees were on Government land or private land. SDEV noted Mr KAM Nai-wai's views.

88. Mr KAM Nai-wai was dissatisfied that SDEV did not respond to his views on introducing a tree ordinance. He said that the Administration lacked a forward vision and the tree management mode to be implemented through the creation of several posts was no different from that in the past. At present, he had reservations on the Administration's proposal of creating those directorate posts. SDEV clarified that she had taken note of Mr KAM Nai-wai's views and the Administration would continue to review the need for introducing a tree ordinance on a regular basis.

89. The Deputy Chairman said that members' views would be reported at the relevant meeting of the Establishment Subcommittee.

## **VII Any other business**

90. There being no other business, the meeting ended at 6:35 pm.