

立法會
Legislative Council

LC Paper No. CB(1)1704/09-10
(These minutes have been seen by
the Administration)

Ref : CB1/SS/5/09

**Subcommittee on Land (Compulsory Sale for Redevelopment)
(Specification of Lower Percentage) Notice**

**Minutes of the seventh meeting held on
Monday, 8 March 2010, at 2:30 pm
in Conference Room B of the Legislative Council Building**

Members present : Prof Hon Patrick LAU Sau-shing, SBS, JP (Chair)
Hon James TO Kun-sun
Hon Abraham SHEK Lai-him, SBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
Hon Cyd HO Sau-lan
Hon Starry LEE Wai-king
Hon Mrs Regina IP LAU Suk-ye, GBS, JP

Members absent : Hon CHAN Kam-lam, SBS, JP (Chairman)
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Dr Hon Margaret NG
Hon Miriam LAU Kin-ye, GBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon CHEUNG Hok-ming, GBS, JP
Hon WONG Kwok-kin, BBS

Public Officers attending : Agenda item I
Mr Tommy YUEN, JP
Deputy Secretary (Planning and Lands)
Development Bureau

Mr Laurie LO

Head/Development Opportunities Office
Development Bureau

Ms Winnie SO
Principal Assistant Secretary (Planning and Lands)⁴
Development Bureau

Ms Francoise LAM
Senior Government Counsel
Department of Justice

Clerk in attendance : Ms Debbie YAU
Chief Council Secretary (1)⁶

Staff in attendance : Mr Kelvin LEE
Assistant Legal Adviser 1

Ms Angel SHEK
Senior Council Secretary (1)¹

Action

- I Meeting with the Administration**
- (LC Paper No. CB(1)1324/09-10(01) -- List of follow-up actions arising from the discussion at the meeting on 4 March 2010
- LC Paper No. CB(1)1324/09-10(02) -- Administration's response to CB(1)1324/09-10(01)
- LC Paper No. CB(1)1324/09-10(03) -- Proposed amendments to the Notice provided by Hon James TO Kun-sun
- LC Paper No. CB(1)1347/09-10(01) Proposed amendments to the Notice provided by Hon Audrey EU Yuet-mee
(tabled and subsequently issued via e-mail on 8 March 2010)
- LC Paper No. CB(1)1347/09-10(02) Proposed amendments to the Notice provided by Hon Mrs Regina IP LAU Suk-yee
(tabled and subsequently issued via e-mail on 8 March 2010)
- L.N. 6 of 2010 -- Land (Compulsory Sale for Redevelopment) (Specification of Lower Percentage) Notice

- LC Paper No. CB(1)1328/09-10(01) -- Submission from The Chinese
(tabled and subsequently issued via e-mail on 8 March 2010) Manufacturers' Association of
Hong Kong (English version
only)
- LC Paper No. CB(1)1328/09-10(02) -- Submission from a deputation (大
(tabled and subsequently issued via e-mail on 8 March 2010) 角咀一班小業主) (Chinese
version only)
- LC Paper No. CB(1)1328/09-10(03) -- Submission from Mr Raymond
(tabled and subsequently issued via e-mail on 8 March 2010) HO, Managing Director of Vigers
Realty Limited (English version
only)
- LC Paper No. CB(1)1328/09-10(04) -- Submission from Hong Kong
(tabled and subsequently issued via e-mail on 8 March 2010) Economic & Trade Association
(Chinese version only)
- LC Paper No. CB(1)1328/09-10(05) -- Submission from members of the
(tabled and subsequently issued via e-mail on 8 March 2010) Wan Chai District Council
(Chinese version only)
- LC Paper No. CB(1)1328/09-10(06) -- Submission from Mr Raymond
(tabled and subsequently issued via e-mail on 8 March 2010) LEE, Hong Kong and Macau
CEO of Savills (Hong Kong)
Limited (Chinese version only)
- LC Paper No. CB(1)1328/09-10(07) -- Submission from Federation of
(tabled and subsequently issued via e-mail on 8 March 2010) Hong Kong Industries (Chinese
version only)
- LC Paper No. CB(1)1328/09-10(08) -- Submission from members of the
(tabled and subsequently issued via e-mail on 8 March 2010) Tsuen Wan District Council
(Chinese version only)
- LC Paper No. CB(1)1328/09-10(09) -- Submission from Community
(tabled and subsequently issued via e-mail on 8 March 2010) Alliance for Urban Planning
(Chinese version only)
- LC Paper No. CB(1)1328/09-10(10) -- Submission from members of the
(tabled and subsequently issued via e-mail on 8 March 2010) Sham Shui Po District Council
(Chinese version only)
- LC Paper No. CB(1)1328/09-10(11) -- Submission from a member of
(tabled and subsequently issued via e-mail on 8 March 2010) the public (李大為先生)
(Chinese version only)

LC Paper No. CB(1)1328/09-10(12) -- Submission from a member of
(*tabled and subsequently issued via* the public (Mr Marcus WONG)
e-mail on 8 March 2010) (Chinese version only)

LC Paper No. CB(1)1328/09-10(13) -- Submission from a group of
(*tabled and subsequently issued via* organizations and individuals
e-mail on 8 March 2010) (Chinese version only)

LC Paper No. CB(1)1328/09-10(14) -- Submission from a member of
(*tabled and subsequently issued via* the public (小市民) (Chinese
e-mail on 8 March 2010) version only)

The Subcommittee deliberated (Index of proceedings attached at **Appendix**).

Follow-up actions required to be taken by the Administration

2. The Subcommittee requested the Administration to provide written information in response to members' requests raised at the meeting -

- (a) clarify the definition of "industrial building" in the Notice, and consider whether reference should be made to the current usage of the building stated in the occupation permit concerned, and review whether the current definition would in-principle cover all industrial buildings in lots that were not located within an industrial zone, in accordance with the plan approved under the Buildings Ordinance;
- (b) the number of tenants/minority owners currently engaging in creative and cultural works and operating in affected industrial buildings in the third class of lot specified in the Notice; and
- (c) the number, with breakdown by age, of local buildings with 9 units or below on a lot with each of the units representing more than 10% of all the undivided shares in the lot.

3. The Subcommittee had completed scrutiny of the Notice. Members noted that the deadline of giving notice to move amendments to the subsidiary legislation was 10 March 2010 by which the Subcommittee would also submit its written report to the House Committee.

II Any other business

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

**Proceedings of the seventh meeting of
the Subcommittee on Land (Compulsory Sale for Redevelopment)
(Specification of Lower Percentage) Notice
on Monday, 8 March 2010, at 2:30 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000106 – 000434	Chair	Welcoming remarks by the Chairman.	
000435 – 000422	Chair Administration	Briefing by the Administration (CB(1)1324/09-10(02)).	
000423 – 001434	Chair Mr James TO Administration Assistant Legal Adviser (ALA)	Discussion on the feasibility of adding the reference to the holding of 80% of the existing use value (EUV) of a lot to the specification notice (CB(1)1324/09-10(02)).	
001435 – 002229	Chair Ms Audrey EU Administration	Discussion on measures to facilitate releasing the potential of industrial buildings situated in non-industrial zones, and consultation with the cultural art stakeholders currently operating in the affected industrial buildings.	
002230 – 002735	Chair Ms Cyd HO Administration	Ms Cyd HO took the view that revitalization of industrial buildings and compulsory sale of these buildings were unrelated policy issues, and the creative industries should be allowed to flourish on their own in the community. The Development Bureau and the Home Affairs Bureau should explore the feasibility of designating more lands for the use of creative industries.	
002736 – 003349	Chair Mr Frederick FUNG Administration	Discussion on the effectiveness of wholesale conversion of industrial buildings in promoting creative industries.	
003350 – 005241	Chair Mr James TO Administration ALA Ms Audrey EU	<u>Continuation of section-by-section examination of the Notice (L. N. 6 of 2010)</u> <u>Section 4 – Specification of classes of lot</u> Discussion on whether the Ordinance and the lower application threshold would still apply if the building(s) on a lot in the second class of lots (i.e. a lot with each of the buildings erected on the lot issued with an occupation permit at least 50 years before the relevant date) had been demolished.	
005242 – 005632	Chair Mrs Regina IP Administration	Mrs Regina IP observed that a mall in an aged building in Causeway Bay had not been put to proper use and not properly maintained since the majority owner was awaiting compulsory sale. The Administration advised that it was essentially the duty of owners to carry out proper maintenance and repairs of their building in accordance with the Buildings Ordinance	

Time marker	Speaker	Subject(s)	Action required
		(Cap. 123). Discussion on the compensation arrangements for tenants affected by a compulsory sale order vis-à-vis those for redevelopments undertaken by the Urban Renewal Authority.	
005633 – 011009	Chair Mr James TO Administration	Discussion on the definition of "industrial building" in the Notice.	The Administration to provide information as requested in paragraph 2(a) of the minutes.
011010 – 011104	Chair Mrs Regina IP Administration	The Administration advised that it did not have information about the estimated number of tenants in the affected buildings in the second class of lots specified in the Notice.	
011105 – 011835	Chair Mr James TO Administration	Discussion on whether the lowered threshold would still apply if a merged lot fell between an industrial zone and a non-industrial zone. Discussion about redevelopment on lots with building(s) already demolished at the time of the compulsory land sale application.	
011836 – 012928	Chair Mrs Regina IP Ms Cyd HO Mr James TO Administration	In reply to members, the Administration advised that there were at present about 1 000 private industrial buildings on non-industrial zones, about half of which aged 30 years or above.	The Administration to provide information as requested in paragraphs 2(b) and 2(c) of the minutes.
012929 – 015251	Chair Ms Audrey EU Administration Mr James TO Mrs Regina IP Ms Cyd HO	Discussion on Ms Audrey EU's proposed amendments to the Notice (CB(1)1347/09-10(01)). Mr James TO expressed support that before applying for compulsory land sale, the majority owner(s) should prove that they had initiated mediation with the minority owner(s).	
015252 – 020843	Chair Mr James TO Administration	Discussion on Mr James TO's proposed amendments to the Notice (CB(1)1324/09-10(03)).	
020844 – 020830	Chairman Ms Cyd HO	Ms Cyd HO indicated that she would move an amendment to repeal the Notice.	
020831 – 020915	Chairman Mrs Regina IP	Discussion on Mrs Regina IP's proposed amendments to the Notice (CB(1)1347/09-10(02)).	