

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1874/11-12  
(These minutes have been seen  
by the Administration)

Ref : CB1/PL/DEV/1

**Panel on Development**

**Minutes of meeting**  
**held on Tuesday, 28 February 2012, at 2:30 pm**  
**in Conference Room 3 of the Legislative Council Complex**

- Members present** : Prof Hon Patrick LAU Sau-shing, SBS, JP (Chairman)  
Hon LAU Wong-fat, GBM, GBS, JP (Deputy Chairman)  
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  
Hon WONG Yung-kan, SBS, JP  
Hon Frederick FUNG Kin-kee, SBS, JP  
Hon LEE Wing-tat  
Hon CHEUNG Hok-ming, GBS, JP  
Hon KAM Nai-wai, MH  
Hon Cyd HO Sau-lan  
Hon Starry LEE Wai-king, JP  
Dr Hon LAM Tai-fai, BBS, JP  
Hon IP Kwok-him, GBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon Alan LEONG Kah-kit, SC  
Hon Tanya CHAN  
Hon Albert CHAN Wai-yip
- Member attending** : Hon WONG Yuk-man

**Members absent** : Hon Timothy FOK Tsun-ting, GBS, JP  
Hon Abraham SHEK Lai-him, SBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, JP  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP

**Public officers attending** : **Agenda item IV**

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

Ms Grace LUI Kit-yuk, JP  
Deputy Secretary for Development (Works)1

Miss Vivian KO Wai-kwan  
Commissioner for Heritage  
Development Bureau

Mr Tom MING Kay-chuen  
Executive Secretary (Antiquities and Monuments)  
Leisure and Cultural Services Department

**Agenda item V**

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

Mr WAI Chi-sing, JP  
Permanent Secretary for Development (Works)

**Agenda item VI**

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

Mr Rex CHANG Wai-yuen, JP  
Deputy Secretary for Development  
(Planning and Lands)2

Mr Ryan CHIU Pit-ming  
Principal Assistant Secretary for Development  
(Planning & Lands)3

Mr HUI Siu-wai  
Deputy Director of Buildings

Mr Alex CHOW Kim-ping  
Assistant Director/Corporate Services  
Buildings Department

Mr Thomas LEUNG Tung-choi  
Chief Building Surveyor/Legal Services  
Buildings Department

**Agenda item VII**

Mr Rex CHANG Wai-yuen, JP  
Deputy Secretary for Development  
(Planning and Lands)<sup>2</sup>

Mr Victor NG Hon-wing  
Principal Assistant Secretary for Development  
(Planning and Lands)<sup>6</sup>

Mr HUI Siu-wai  
Deputy Director of Buildings

Mr HO Kwok-hung  
Assistant Director/New Buildings 1  
Buildings Department

Mr Thomas LEUNG Tung-choi  
Chief Building Surveyor/Legal Services  
Buildings Department

**Attendance by  
Invitation**

**: Agenda item V**

*Representatives from the Construction Industry  
Council*

Mr LEE Shing-see, GBS, OBE, JP  
Chairman

Mr WONG Doon-ye  
Director (Training)

**Clerk in attendance** : Ms Connie SZETO  
Chief Council Secretary (1)4

**Staff in attendance** : Ms Sharon CHUNG  
Senior Council Secretary (1)4

Mr Simon CHEUNG  
Senior Council Secretary (1)9

Ms Lilian MOK  
Council Secretary (1)7

Ms Christina SHIU  
Legislative Assistant (1)4

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Action

- I Confirmation of minutes**  
(LC Paper No. CB(1)1091/11-12 -- Minutes of meeting on  
22 November 2011)

The minutes of the meeting held on 22 November 2011 were confirmed.

- II Information papers issued since the last meeting**  
(LC Paper No. CB(1)980/11-12(01) -- Administration's response  
to issues relating to  
proposed amendments to  
the Town Planning  
Ordinance and Energizing  
Kowloon East  
LC Paper No. CB(1)991/11-12(01) -- Administration's paper on  
the 2012-2013 Land Sale  
Programme  
LC Paper No. CB(1)991/11-12(02) -- Administration's paper on  
the 2012-2013 Land Sale  
Programme (Press  
release)

- LC Papers No. CB(1)1018/11-12(01) -- Letter dated  
and (02) 9 January 2012 from  
Hon LEE Wing-tat  
raising queries to the  
Administration about  
extension works of the  
Stanley Plaza in breach of  
the lease conditions by the  
Link and the  
Administration's response
- LC Paper No. CB(1)1057/11-12(01) -- Issues raised at the  
meeting between  
Legislative Council  
Members and Heung Yee  
Kuk members on  
12 January 2012 relating  
to incorporation of 54  
sites in the New  
Territories into country  
parks and the  
Administration's response
- LC Paper No. CB(1)1057/11-12(02) -- Issues raised at the  
meeting between  
Legislative Council  
Members and Heung Yee  
Kuk members on  
12 January 2012 relating  
to definition under the  
Block Government Lease  
and deprivation of the use  
right of agricultural land  
in the New Territories and  
the Administration's  
response
- LC Paper No. CB(1)1057/11-12(03) -- Issues raised at the  
meeting between  
Legislative Council  
Members and Heung Yee  
Kuk members on  
12 January 2012 relating  
to review of the policy in

- drawing Village Environs and Village-type Development Area to resolve the difficulty of small house applications and the Administration's response
- LC Paper No. CB(1)1073/11-12(01) -- Administration's paper on the funding proposal for "681CL -- Formation, roads and drains in Area 54, Tuen Mun -- phase 2"
- LC Paper No. CB(1)1098/11-12(01) -- Submission on proposed creation of a Chief Building Surveyor/Chief Structural Engineer post from Buildings Department Survey Officer Working Group and Technical Officer Working Group dated 14 February 2012
- LC Paper No. CB(1)1177/11-12(01) -- Letter dated 15 February 2012 from Hon LEE Wing-tat regarding issues related to unauthorized building works at No. 5A and No. 7 York Road, Kowloon Tong
- LC Paper No. CB(1)1177/11-12(02) -- Summary of media reports on unauthorized building works in basements from Hon LEE Wing-tat)

2. Members noted that the above information papers had been issued since the meeting on 16 January 2012.

Letter from Mr LEE Wing-tat regarding issues related to the unauthorized building works at two houses at York Road

3. Mr LEE Wing-tat enquired about follow-up to his letter dated 15 February 2012 (LC Paper No. CB(1)1177/11-12(01)) to the Chairman in which he had proposed the Panel to hold a special meeting to discuss issues related to the unauthorized building works ("UBWs") at Nos. 5A and 7, York Road, Kowloon Tong. The Chairman said that he had instructed the Clerk to request a paper from the Administration on its follow-up action on the case. He asked the Secretary for Development ("SDEV") on whether the Administration could discuss with the Panel at a separate meeting the policy issues related to the case.

4. SDEV said that while she considered that the case at Nos. 5A and 7, York Road concerned enforcement action against UBWs and did not involve policy matters, in view of wide public concern on the case, she had proactively updated the media twice about the Buildings Department ("BD")'s enforcement action on the case. The Administration could discuss with the Panel the follow-up action on the case at a special meeting. As for the paper to be provided to the Panel, it would report on the latest progress of the Administration's action but not the outcome of the final investigation or further action. The paper would be provided to the Panel on the next day as earlier requested.

5. Mr LEE Wing-tat said that he had written to the Director of Buildings on a number of occasions in the past raising queries on suspected UBWs involving basements revealed in media reports (LC Paper No. CB(1)1177/11-12(02)) which he considered similar to the case at Nos. 5A and 7, York Road. He held the view that the Administration should brief the Panel on the results of its initial investigation on the case at a special meeting as soon as possible, and discuss with members on measures to prevent the construction of extraordinarily long piles which might pave the way for building unauthorized underground structures. He emphasized that the proposed meeting was not intended to target at any individual case but policy matters relating to enforcement and handling of UBWs.

6. Noting that BD would accord priority to follow up on UBW cases reported by the public or the media involving senior Government officials and celebrities, Mr KAM Nai-wai asked whether this was a new enforcement strategy adopted by the Administration and the definition of "celebrities" in that context. He supported holding a special meeting on the matter and said that BD should brief members on the procedures in approving buildings

plans submitted by professionals, in particular, how the Department could prevent possible loopholes where professionals could seek approval for piling works in excess of safety requirement when submitting the building plans so as to facilitate the construction of illegal basements in future.

7. SDEV replied that since May 2011, when a spate of UBW cases involving senior Government officials and celebrities were reported by the media, it had been an established practice of BD to accord priority to follow up on suspected UBW cases reported by the media involving senior Government officials and celebrities with a view to clearing public concerns and clarifying any misconceptions about the Buildings Ordinance as soon as possible. Such follow-up actions included on-site inspection and collection of relevant information by relevant departments. However, to ensure fairness, BD's enforcement actions against these cases, including the issuance of advisory letters/removal orders, or instigation of prosecution, would follow BD's prevailing enforcement policy. While some of the owners of these UBWs might have not yet received BD's letters/orders, this did not imply that no enforcement would be taken against the UBWs concerned. As regards the concern about approval for building of extraordinarily long piling, SDEV remarked that the subject was technical in nature and BD could explain the details to members at the special meeting.

8. Mr Albert CHAN expressed grave concern on the Administration's strict enforcement actions against UBWs which were essential shelters for some people with low income, including sub-divided flat units in industrial buildings and rooftop structures. He criticized the Administration for taking swift actions against the shelters of the poor but slow in tackling UBWs in premises owned by the rich. He stressed that the Administration should discuss with the Panel its priority in taking enforcement actions against UBWs at the special meeting. Pointing out that UBWs and sub-divided flat units were often accommodation of the grass root people and that the proliferation of such accommodation was the result of acute shortage of affordable housing for the low-income group, Mr CHAN urged that the Administration should register the households/individuals living in these structures, and suspend enforcement actions against these UBWs until the supply of public housing was increased to 30 000 to 40 000 units per year in future.

9. Members agreed that a special meeting be arranged as soon as possible for members to discuss with the Administration its enforcement strategy in relation to the handling of recent UBWs cases with major public concerns.

*(Posting-meeting note: With the concurrence of the Chairman, the special meeting of the Panel for the above purpose was scheduled for 15 March 2012.)*

Issues raised at the meeting between Legislative Council Members and Heung Yee Kuk members on 12 January 2012

10. With reference to the issues referred by the Legislative Council ("LegCo") Members attending the meeting with Heung Yee Kuk members on 12 January 2012 to the Panel for follow-up (LC Paper Nos. CB(1)1057/11-12(01-03)), members agreed that the issues be included in the Panel's list of outstanding items for discussion.

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

(LC Paper No. CB(1)1116/11-12(01) -- List of outstanding items for discussion

LC Paper No. CB(1)1116/11-12(02) -- List of follow-up actions)

11. Members agreed that the following items would be discussed at the regular meeting scheduled for 27 March 2012, and the meeting would be held from 2:30 pm to 5:00 pm --

- (a) PWP Item No. 4379DS -- Feasibility study on relocation of Sha Tin sewage treatment works to caverns;
- (b) PWP Item No. 5750CL -- Study on long-term strategy for cavern development; and
- (c) Two Regulations to be made under the Lifts and Escalators Bill.

**IV Progress report on heritage conservation initiatives**

(LC Paper No. CB(1)1116/11-12(03) -- Administration's paper on progress report on heritage conservation initiatives

LC Paper No. CB(1)1116/11-12(04) -- Paper on heritage conservation prepared by the Legislative Council Secretariat (Updated background brief))

12. SDEV updated members on the progress of the Administration's heritage conservation initiatives since its last report submitted to the Panel in July 2011. She highlighted the following points --

- (a) The revitalization projects under Batch I of the Revitalizing Historic Buildings Through Partnership Scheme ("the Revitalization Scheme") had made good progress. The first project under Batch I, namely the transformation of the Former North Kowloon Magistracy into the Savannah College of Art and Design ("SCAD"), was completed in September 2010. Not only had SCAD received an Honourable Mention in the 2011 United Nations Educational, Scientific and Cultural Organization ("UNESCO") Asia-Pacific Heritage Awards for Cultural Heritage Conservation Programme, the students at SACD had won a number of awards in design competitions in Hong Kong. The building works for revitalizing the Old Tai O Police Station into a boutique hotel had been completed. The opening ceremony of the hotel was held on 27 February 2012, followed by an Open Day event that would last for 20 days. Other projects under Batch I, including the Fong Yuen Study Hall, Mei Ho House and Lui Seng Chun, would be completed in 2012.
- (b) Projects under Batch II of the Revitalization Scheme were also advancing well. The Administration would seek funding approval from the Finance Committee ("FC") for the Old Tai Po Police Station Green Hub project and the Wan Chai Blue House Cluster project in April 2012.
- (c) Batch III projects included the revitalization of King Yin Lei, Bridges Street Market, Former Fanling Magistracy and Haw Par Mansion. In October 2011, the Administration invited proposals for the conservation and adaptive re-use of these historic buildings/sites. By the close of the application period on 6 February 2012, a total of 34 applications had been received, among which 15 were for Bridges Street Market. It was envisaged that the selection process would be completed by end-2012.
- (d) On the conservation of privately-owned historic buildings, through the provision of economic incentives to the concerned

owners, the Administration had recently secured their agreement to conserve two historic buildings in part, namely the clock tower of the CLP Administration Building and part of the façade of 47 Barker Road. As regards Ho Tung Gardens, which had been declared a proposed monument on 28 January 2011 with an effective period of one year, the Administration was in dialogue with the owner on its preservation, and no agreement had yet been reached.

- (e) To promote heritage conservation among the public, the Administration had organized a number of publicity and public education activities, including the International Conference on Heritage Conservation and the Heritage Fiesta held in December 2011, since its last progress report to the Panel in July 2011.
- (f) To take forward future heritage conservation efforts, the Administration had commissioned a consultancy study to investigate the feasibility, framework and implementation of setting up a statutory heritage trust. Upon completion of the study, the Administration would brief the Panel on its recommendations and the way forward.

#### Grading exercise for historic buildings

13. Miss Tanya CHAN expressed concern on the lack of statutory protection for graded historic buildings. She urged the Administration to review the relevant legislation so that appropriate protection could be rendered under the law not only for declared monuments but also for graded historic buildings.

14. Considering that the existing measures to conserve built-heritage were adequate, SDEV said that the Administration had no plan to review the ordinances related to heritage conservation at this stage. She supplemented that the Administration had set up the Financial Assistance for Maintenance Scheme in August 2008 to provide assistance to owners of graded historic buildings in the private domain for the carrying out of maintenance works. Information on the funds granted to such owners since then had been provided to members vide written replies to their questions on the Estimates of Expenditure 2012-2013. In general, in exchange for the preservation of graded historic buildings, the Administration would consider offering economic incentives to their owners who intended to develop or demolish the buildings.

Conservation of privately-owned historic buildings

15. Mr Albert CHAN expressed appreciation on the Administration's efforts and results of the heritage conservation initiatives implemented in the past few years. Given the difficulty in requiring private owners to conserve their properties which had high heritage value at the expense of the great re-development potentials of the properties, he stressed the importance for the Administration to formulate a policy for providing economic incentives to private property owners, such as cash compensation or land exchange. In respect of land exchange, he opined that owners of monuments/historic buildings should be offered with the choice of land so that they could proceed with their development plans at sites near the subject buildings. While he noted that the non-in-situ land exchange between the owner and the Government had resulted in the successful conservation of King Yin Lei, such was not a standard arrangement for all historic sites.

16. SDEV shared Mr Albert CHAN's concern about the reluctance of owners of historic buildings to preserve their properties if they considered their property rights intruded and the provision of economic incentives were not attractive. To ensure that privately-owned buildings of high heritage value would not be demolished or altered by the owners, the Administration had set up an internal monitoring mechanism whereby when concerned Government departments identified possible threat that might affect these buildings, they would alert the Commissioner for Heritage's Office and the Antiquities and Monuments Office. She advised that under the heritage conservation policy announced by the Chief Executive in 2007, on the premise of respecting private property rights, the Administration had been offering appropriate economic incentives to encourage or in exchange for private owners to conserve historic buildings in their ownership. These incentives included land exchange, transfer of plot ratio, relaxation on development intensity, etc. However, the type and extent of economic incentives were determined on a case-by-case basis, with the objective of striking a balance between respect for private property rights and heritage conservation. There was already an established hierarchy of instruments in place for negotiation with owners of monuments/historic buildings.

17. Mr Albert CHAN opined that offering cash compensation to owners of monuments/historic buildings in exchange for conservation might not be an objectionable option. He pointed out there were precedent cases that the Administration resumed private land for public use under the Lands Resumption Ordinance (Cap. 124). In response, SDEV said that land resumption under the said Ordinance was for infrastructure development. She expressed doubt on whether there was public consensus on using public money to compensate private property owners for the sake of heritage conservation. As such, she did not consider this a feasible option for encouraging owners to preserve their buildings.

18. The Chairman pointed out that Kom Tong Hall, a declared monument, had also been acquired by the Administration for public use. Mr CHAN Kam-lam held the view that while every effort should be made to preserve buildings or sites of immense historical value, a balance should be struck between respect for private property rights and heritage conservation. Miss Tanya CHAN urged the Administration to incorporate a public participation process for the declaration of statutory monuments, including the criteria for providing various forms and levels of compensation to the concerned owners.

### Conserving Central

#### *Central Government Offices Complex*

19. Referring to the submission of the Government Hill Concern Group tabled at the meeting (LC Paper No. CB(1)1193/11-12(01) subsequently issued via e-mail) and noting that the Antiquities Advisory Board ("AAB") would accord priority to the assessment of the three buildings of the Central Government Offices Complex ("CGO") (i.e. Main Wing, East Wing and West Wing) for their grading, Miss Tanya CHAN enquired whether the Administration would review the revised redevelopment scheme for the West Wing of CGO, if results of the assessment made by AAB's Expert Panel supported preservation of all the three buildings. In her opinion, the area of Grade A office space to be provided under the revised redevelopment scheme for the West Wing would not be significantly larger than that to be generated through renovating the building. Moreover, preserving and renovating the West Wing would be a more environmental-friendly way to increase office space in Central.

20. On the Government Hill Concern Group's submission, SDEV said that a number of points made therein were factually wrong or disagreeable to

her. First, the proposed redevelopment scheme for the West Wing of CGO was not a proposal to "sell the Government Hill" as alleged by the Group. Secondly, it was wrong for the group to allege that the statement "members of the Town Planning Board ("TPB") generally supported the redevelopment scheme" in the minutes of the briefing to TPB on 5 November 2010 was misleading. Indeed, the minutes had been endorsed by TPB and made public. The endorsed minutes recorded that "they (members of TPB) generally supported the redevelopment scheme for West Wing of CGO and some members considered that the redevelopment scheme had struck a proper balance between conservation and development, and that the redevelopment was carefully thought out". SDEV stressed that in making an endeavour to conserve heritage in accordance with the relevant policy announced in the Chief Executive's 2007-2008 Policy Address, the Administration had to consider a wide range of factors and views. It was therefore not possible to meet the aspirations of all sectors. While the Administration would continue to press ahead with its heritage conservation initiatives with professionalism and impartiality, she hoped that the public would consider the related issues in a rational and objective manner. Regarding the assessment undertaken by AAB's Expert Panel for the grading of the CGO buildings, SDEV said that the results of the assessment would not be directly related to the Antiquities Authority ("AA")'s decision on whether to preserve any of the buildings.

21. Mr KAM Nai-wai criticized that if the Administration would not follow the grading of AAB to preserve the CGO buildings, it was giving false expectation to the public and the request for Expert Panel to conduct the assessment in response to public views was only "making a show". He asked when the assessment on the West Wing of CGO would be completed and whether the Administration had any alternative plan for the redevelopment project if the building was eventually graded as a historic building.

22. SDEV clarified that the assessment of the Expert Panel was not initiated by the Administration upon the views of any groups. A public consultation exercise was conducted in 2009 under which a total of 1 444 historic buildings were selected for assessment for historic value grading. While AAB focused on finalizing the grading for these buildings, it would take on other items proposed by the public for assessment from time to time. The CGO buildings were among these additional items. At a meeting in November 2011, AAB decided that it would accord priority to the grading of the CGO buildings and the grading would be conducted by the same Expert Panel for the 1 444 historic buildings. AAB would consider the views of the Expert Panel when taking a final decision on the grading of the buildings.

SDEV re-iterated that in deciding whether to preserve the West Wing of CGO, AA would not only take AAB's grading into consideration. She would have to consider a multitude of factors, including the historical and architectural appraisal of CGO conducted by overseas experts in 2009 on which the policy decision to redevelop the West Wing was made subsequently. As the draft Central District Outline Zoning Plan ("the draft Plan") was under judicial review, SDEV anticipated that any plan to redevelop the West Wing would inevitably be deferred. Therefore, she saw no urgency in preparing an alternative plan for the West Wing. As regards the expected completion date of the Expert Panel's assessment, she would consult the Chairman of AAB.

### *Central Market and Murray Building*

23. Noting that the projects to revitalize the Central Market and to convert Murray Building into a hotel would be delayed due to the judicial review relating to the draft Plan, Mr CHAN Kam-lam expressed regrets as the two projects had undergone lengthy discussions and won the support of the public and concerned parties. He asked whether the Administration or TPB would take any remedial action, such as appealing to the Court to exclude the two projects from the scope of the judicial review so that the projects could proceed without delay. For the revitalization of the Central Market, he noted that the Urban Renewal Authority ("URA") had already awarded the contract for a comprehensive architectural design consultancy through an open tender. The delay in the project would cause financial loss to URA. As regards the West Wing of CGO, he opined that the proposed redevelopment scheme could ease the shortage of Grade A office space in Central and hoped that the Administration could seize the best opportunity to proceed with the plan.

24. SDEV clarified that while the two projects were not the subject of the judicial review against the draft Plan, the applicants had obtained the Court's permission to stay the draft Plan, which had inevitably affected the two projects. The Administration had stated its case to the Court but was unsuccessful. In fact, the Administration had explored ways to proceed with the two projects, but no feasible options had come up so far. For the Central Market project, pending conclusion of the judicial review, URA would instruct the contractor to start preparatory works, such as planning and site formation works, which were not related to the issues under judicial review. SDEV remarked that in recent years, town planning work relating to draft outline zoning plans had been seriously affected by judicial reviews. She emphasized that the Administration abided by the principle of rule of law

and respected the right of any individual to appeal to the Court for a matter considered to be in breach of the law. To better tackle the diverse views in society on town planning issues, the Administration would continue to make improvement in engaging the public in the formulation of relevant policies and plans.

*Hong Kong Sheng Kung Hui Central Compound*

25. Miss Tanya CHAN noted that under the proposed preservation-cum-development scheme of the Hong Kong Sheng Kung Hui ("HKSKH") Central Compound, HKSKH would relocate some of the existing uses, including a kindergarten, to its Mount Butler site. She conveyed the grave concerns of residents at Mount Butler about the additional pressure on local traffic upon relocation of HKSKH's kindergarten from Central to Mount Butler, as well as the scale of the new facilities to be developed by HKSKH at Mount Butler. She called on the Administration to help residents resolving the issues with HKSKH and not to approve the relevant land lease modification before a mutually accepted option had been worked out. The Chairman declared that his grandson was a student at a kindergarten near Mount Butler. He added that the complaints of residents at Mount Butler about the development of new facilities of HKSKH were being handled by the LegCo Public Complaints Office.

26. SDEV advised that the preservation-cum-development of the HKSKH Central Compound was an example of successful conservation of historic buildings in private ownership through the offer of economic incentives in the form of plot ratio transfer. To allow sufficient space for the provision of enhanced community services while reducing the overall development density at the Central site, HKSKH would relocate some of the existing uses and additional space requirements originally to be provided at the Central site to its Mount Butler site. An in-situ land exchange had been arranged for the Mount Butler site at nominal land premium. She was aware of the concerns of some residents at Mount Butler on the bulk and traffic impact of HKSKH's developments in the area which included religious and education-related facilities. The Administration and HKSKH were in close liaison with the residents over the relevant development plan. She had met with the resident representatives and undertaken to help address the transport concern as far as possible. On the possible additional pressure on the traffic at Mount Butler, relevant Government departments would work out appropriate mitigation measures. She pointed out that the vehicular access to the new kindergarten would not be located on the main road. She hoped members would understand that whenever development projects were

discussed at the community level, there were always diverse opinions and at times persistent opposition, typically including concerns about possible blocking of views of the existing developments by the new developments, thus adversely affected the price of the existing development. She called for members' trust in the Administration's sensible judgement in acceding to reasonable public requests.

### *Former French Mission Building*

27. The Chairman pointed out that the Former French Mission Building was one of the three buildings near the Bank Street in Central with outstanding architectural features (the other two being the former LegCo Building and the Old Bank of China Building). He stressed that, when applying adaptive re-use of the Former French Mission Building in future, the Administration should ensure public access to the Building so that the public could appreciate its architectural features.

28. SDEV shared the Chairman's view that the Former French Mission Building, which had precious heritage value, should be carefully preserved. She advised that an open invitation for proposals to revitalize the Building would be issued in due course. Through the open invitation, the Administration would be able to select a proposal that best met all requirements for preserving and revitalizing the Building. As usual, public access and enjoyment were key considerations in assessing a proposal under the Revitalization Scheme. She welcomed further views from the Chairman, if any, on the requirements for the revitalization of the Building.

### Consultancy study on heritage trust

29. Miss Tanya CHAN considered it undesirable for the protection of tangible cultural heritage, non-tangible cultural heritage and natural heritage in Hong Kong to be governed by different ordinances and the relevant work taken up by different bureaux. She was of the view that these various forms of heritage were all important assets to society, especially the next generation. Noting that the Administration had embarked on the consultancy study on the setting up of a statutory heritage trust in Hong Kong, she enquired whether the Administration had any plan to integrate the protection of various forms of heritage in the long run and whether the setting up of the heritage trust would cater for such integration. The Chairman declared that he was the President of the UNESCO Hong Kong Association which was organizing a number of projects to promote awareness about non-tangible cultural heritage.

30. Responding to Miss CHAN's comments, SDEV advised that the heritage trust, if set up, would only cover work on built-heritage and not the other forms of heritage. In reply to Mr Alan LEONG's enquiry, she added that the target completion date for the consultancy study was mid-2012.

#### Other issues

31. Mr Alan LEONG believed that comprehensive public participation in discussions on town planning/lands development policies and plans could help address public concerns, reduce conflicts and legal disputes. He asked if the Administration had any plan to institutionalize the public participatory discussion process in formulating such policies and plans.

32. SDEV shared the view that public participation in discussions on town planning/lands development policies, in particular discussions on issues without a prescribed framework for the possible outcome, would allow free exchange of views, enhance mutual understanding and facilitate a smooth implementation process. The implementation of URA's "Flat-for-Flat" pilot scheme was an example of such a discussion approach, under which concerned discussions on the arrangement started two years ago when public consultation on the urban renewal strategy review was in progress. Details of the pilot scheme were worked out after rounds of discussions with stakeholders taking into account the views and aspirations of concerned parties. URA made the first batch of offers under the scheme to affected property owners of the Pak Tai Street/San Shan Road redevelopment project on 27 February 2012 had received widespread interest and support. As regards the suggestion to institutionalize the public participatory discussion process in the formulation of planning/lands policies and plans, SDEV considered that it would involve a high-level service-wide policy statement, which was beyond her capacity. That said, she had strived to pass on, in a systematic manner, the Administration's experience in engaging the public in formulating land/planning policies through the seminars organized by the Civil Service Training and Development Institute and her regular talks to students of a master degree in public administration programme at the University of Hong Kong. Through these efforts, she hoped that useful knowledge and experience in planning and lands development would benefit those to be involved in policy formulation or implementation of works projects.

33. While showing appreciation for SDEV's efforts and achievements in engaging the public in discussions on formulation of planning/lands policies,

Mr Alan LEONG stressed that the public participatory discussion approach taken by SDEV and concerned public officers should be continued even after the end of her term of office. He re-iterated that the Civic Party called for the early institutionalization of the public participatory discussion process for the formulation of planning/lands development policies.

34. Concluding the discussions on this item, the Chairman expressed appreciation for SDEV's achievement in heritage conservation work. He suggested that for the benefit of all and for heritage conservation efforts to be taken forward, SDEV should compile the information about her experience in and the various options for tackling the issues related to heritage conservation for the reference of concerned parties.

**V Further investment in construction manpower**

(LC Paper No. CB(1)1116/11-12(05) -- Administration's paper on further investment in construction manpower

LC Paper No. CB(1)1116/11-12(06) -- Paper on construction manpower in Hong Kong prepared by the Legislative Council Secretariat (Updated background brief)

LC Paper No. FS16/11-12 -- Paper on employment statistics in the construction industry prepared by the Legislative Council Secretariat (Fact sheet))

35. With the aid of a powerpoint presentation, SDEV and Permanent Secretary for Development (Works) ("PS/DEV(Works)") briefed members on the current situation of construction manpower supply in Hong Kong, the Administration's recent initiatives to boost manpower supply in the construction industry and the proposal to provide another one-off grant of \$220 million to further enhance such efforts.

*(Post-meeting note: A soft copy of the powerpoint presentation materials was circulated via email vide LC Paper No. CB(1)1194/11-12(01) on 29 February 2012.)*

36. SDEV said that following the implementation of the Administration's strategy to promote economic growth and create employment opportunities through infrastructural development, Government expenditure on capital works had risen from \$20.5 billion in 2007-2008 to an estimated amount of \$62.3 billion in 2012-2013. The expenditure would reach over \$70 billion per year in the next few years. Benefited from the public works programme, the unemployment rate of the construction sector fell substantially from the post-tsunami peak of 12.8% in February to April 2009 to 5.2% in October to December 2011. The median wage of workers had increased from the post-tsunami trough of \$9,000 to \$11,000 recently. Since early 2011, the composite labour wages of civil engineering and building contract had surged by about 9% to 10% yearly. However, ageing problem in the construction workforce was imminent. According to information provided by the Construction Workers Registration Authority in end-December 2011, of the about 287 000 registered construction workers, about 40% were over the age of 50, whereas only about 6% were below the age of 25. In terms of skill level, about 60% of construction workers had registered as non-skilled general workers. The Administration envisaged that the skills mismatch problem would become more acute in the next few years when an increasing proportion of construction works projects would be infrastructure development projects rather than building construction projects, which used to dominate. To ensure the effective and timely delivery of the infrastructure development programme, SDEV emphasized that it was pivotal to nurture and retain an adequate and skilled construction workforce.

37. PS/DEV (Works) advised that since 2010, the Administration had adopted a four-pronged approach to enhance construction manpower. He highlighted the important initiatives as follows --

- (a) Training and trade testing -- In May 2010, FC approved funding of \$100 million to support the Construction Industry Council ("CIC") to enhance training and trade testing for local construction personnel and attract more people to join the industry through promotion and publicity activities. With not less than \$80 million of the funding, CIC had implemented various training courses and trade-testing programmes for new entrants, in-service workers and senior workers. Among the courses, the Enhanced Construction Manpower Training Scheme ("ECMTS"), which was the major initiative under the approved funding, had attracted 935 trainees up to January 2012 with about 60% aged below 35 and many were new entrants.

However, the overall wastage rate of the ECMTS was about 16% due to drop-outs during the training courses, failure in trade tests, and some trainees choosing not to enter the industry after completion of training. The Enhanced Construction Supervisor/Technician Training Scheme ("ECSTS"), which was another key initiative and aimed to support the training of about 600 people to assume supervisory positions after graduation, would be ready for roll-out in early 2012.

- (b) Promotion and publicity -- Of the abovementioned approved funding of \$100 million, up to \$20 million had been earmarked for organizing promotion and publicity activities to uplift the construction industry's image. In May 2011, the Development Bureau ("DEVB") rolled out a three-year intensive publicity campaign, namely "Build Up Publicity Campaign" through various media channels. As revealed by a recent survey, the perception of the general public towards the construction industry had become more positive. To keep up the momentum, CIC would roll out another series of publicity activities through both the traditional and the new media. In addition, CIC had set up a Resource Centre partly funded by the seed money of \$6 million (out of the earmarked funding of \$20 million) to create a one-stop platform for job seekers providing information on job and training opportunities and other related information of the construction industry. The Resource Centre came into operation in February 2012.
- (c) Improving the working conditions at construction sites -- To improve the practice of the construction industry, the Administration had stipulated provisions in public works contracts requiring contractors to implement measures to improve the site operating environment, enhance site safety, and uplift site cleanliness and tidiness. For public works projects, the Administration would provide additional welfare facilities on site for workers, such as individual storage compartments, showering facilities, rest areas etc. The Administration would also introduce an enhanced merit and demerit system for the safety performance of contractors, and draw up measures to nurture the safety practices of workers. On the other hand, CIC had, in collaboration with labour unions, trade associations and DEVB, designed uniform for site personnel.

- (d) Increasing productivity in the construction industry through research and development -- The Administration was developing procurement approaches to promote construction methods with more mechanization and prefabrication in the delivery of public works projects with a view to reducing manpower demand for trades with anticipated shortages. As an effort to reduce labour intensiveness in the construction process, the Administration had also reviewed the relevant code of practice to simplify design detailing of reinforcement bars to expedite their fixing process.

38. PS/DEV(Works) pointed out that public infrastructure works would continue to be sustained at a high level. Moreover, having regard to the number of Government sites sold, private sector construction projects would also pick up. This would put pressure on the increasingly tight and buoyant labour market. The wastage of trainees also suggested the diminished attractiveness of the present ECMTS facing the escalating wages. To tackle the manpower problem in a timely and effective manner, the Financial Secretary announced in the 2012-2013 Budget to provide another \$220 million to support CIC in enhancing manpower training to meet the constructions industry's manpower demand. Specifically, the new funds would be used for enhancement of ECMTS and ECSTS. As for ECMTS, the training quota would be increased from 3 000 to 6 000, and the training allowance from \$5,000 per month to \$8,000 per month, to maintain the attractiveness of the Scheme. The duration of the course would be extended from 3 months to 5 months. As for ECSTS, it was proposed that the training quota, training duration and daily training allowance be increased from the current 600 trainees, 9-12 months and \$150 to 1 000 trainees, 15 months (comprising 9-month classroom training and subsequent 6-month site training), and \$180 for classroom training and \$250 for site training respectively. PS/DEV(Works) added that to encourage trainees to complete the courses under ECMTS and ECSTS, the Administration and CIC would consider a proposal to withhold part of the training allowance and release it to trainees only upon completion of training.

39. SDEV called on members to support the funding proposal of the one-off grant of \$220 million to enhance efforts of the Administration and the industry bodies in increasing construction manpower supply. Subject to the Panel's support, the proposal would be submitted to FC at a later stage.

40. The Chairman reminded members that in accordance with rules 83A and 84 of the Rules of Procedures of LegCo, they should disclose direct or

indirect pecuniary interests, if any, relating to the subject under discussion as appropriate.

Improving the attractiveness of the construction industry to young people

41. Mr IP Kwok-him shared the Administration's concern that the ageing problem and manpower shortage in the construction industry would cause difficulties in manpower supply for major infrastructure works in the next few years. While he had no objection to strengthening the training programmes and further promoting the image of the construction industry, he considered it more important for the younger generation to find satisfaction in construction-related jobs. He enquired about the Administration's plans to enhance the job satisfaction of young workers in the construction industry.

42. The Chairman of CIC ("Chairman/CIC") advised that CIC had strived to boost the attractiveness of the construction industry as a career for workers especially the younger generation through enhancing efforts in publicities and improvement of working conditions at construction sites. For example, in CIC's Resource Centre in Kowloon Bay, which had been opened in the previous week, there was display of information and photographs of significant building projects in Hong Kong so that visitors would appreciate the contributions of the construction industry to the economic development of Hong Kong. CIC had also collaborated with Radio Television Hong Kong in the production of a television documentary which was currently being broadcast weekly to feature the real-life success stories of construction personnel. As mentioned by PS/DEV(Works), public works contractors were required to improve site operating environment, site safety, cleanliness and tidiness. These measures were effective in attracting the younger generation to join the construction industry and improving the image of the industry.

43. Ms Starry LEE held the view that cultural and perception factors, coupled with labour welfare issues, had made construction-related jobs less popular in Asia than in the West. In Asia, most parents preferred their children to be engaged in professional or white-collar jobs after leaving the school. To change the perception that construction-related jobs were inferior, it would be useful to promote the image of construction workers through a television drama series or a movie with popular artists featuring attractive characters and interesting story lines.

44. Chairman/CIC advised that discussion was underway between CIC

and a television broadcaster on the production of a television drama series with stories about construction workers as the main theme. The challenge lay in how to make the contents interesting and attractive. PS/DEV(Works) said that Ms LEE's view was also shared by the President of the Hong Kong Institution of Engineers, who had recently shared in his newspaper column his ideas about writing a television drama/movie script to feature the happenings at construction sites. He supplemented that DEVB had commissioned a survey company to conduct image tracking surveys to collect public feedback on the latest publicity and promotion efforts made by CIC and DEVB on a regular basis. Recent results of the survey revealed that there had been positive change in public perception of the construction industry.

45. SDEV concurred with Ms Starry LEE's views that television drama series would be an effective means to promote the image of the construction industry. She stressed that it was also very important to assure workers' safety since a fatal accident at the construction site would put all publicity efforts down the drain. The Administration felt regretted that a number of fatal accidents had occurred at construction sites in 2011, including those of public works projects. It was therefore paramount that stepped-up efforts be made to enhance construction site safety and promote work safe practices and culture among workers. To this end, CIC would launch an event named "Construction Safety Week" in May this year.

#### Wage and welfare issues in the construction industry

46. While showing appreciation on the Administration's efforts in attracting new blood to join the construction industry, Mr Albert CHAN expressed concern about the effectiveness of the Administration's enhanced measures. In his opinion, structural problems, such as those related to the work nature and protection of workers' welfare, in the construction industry had discouraged young people from joining and pursuing a career in the industry. To address the problem of unstable income for construction workers, he urged the Administration to take the lead in setting standard wages in public works contracts for workers of different trades and skill levels.

47. PS/DEV(Works) said that the Administration was mindful of the need to provide incentives to enable continuous healthy development in the construction industry. With CIC's offer of a monthly training allowance of \$5,000 to each trainee under ECMTS, employers who had joined the Scheme had offered graduates of selected training courses a monthly wage of no less

than \$10,000, which would be further increased after 6 months, upon good performance, to no less than \$15,000, which was a very competitive offer. To improve the working conditions at construction sites, the Administration had required contractors to enhance site safety, cleanliness and tidiness. As for experienced workers, CIC had offered free advanced training courses to equip them with necessary language and basic management skills so that they might acquire higher qualifications or start their own business in the trades. Stories about successful construction business operators who started their careers as workers were featured in the television documentary produced by Radio Television Hong Kong in collaboration with CIC. On the wages for various trades in the construction industry, though the Administration had not set standards in this regard, it was noted that construction labour unions had promulgated indicative wage levels for various trades, in particular those with labour shortage, for the reference of employers and workers.

48. Ms Cyd HO pointed out that other wage and welfare problems, including wage arrears, sub-contracting, long working hours and poor working environment, inadequate compensation for industrial accidents, had deterred the younger generation from joining the construction industry. She said that a lot of construction workers were still receiving daily wages which had resulted in unstable income for workers. She asked whether the Administration had any plan to explore with the industry on implementation of monthly wages for workers.

49. SDEV advised that, upon recommendations made in the review of the local construction industry by the former Construction Industry Review Committee in 2001, the Administration had introduced a number of measures to achieve continuous improvement across the industry, including the establishment of CIC, a worker registration scheme, the Construction Workers Registration Authority, the issuance of guidelines regarding good industry practice, etc. The said guidelines, which was applicable to contractors of public works projects, had covered issues on subcontracting, payment of wages, appointment of a Labour Relations Officer at construction sites, etc. CIC was studying extension of the guidelines to private contract projects. The Administration would consider making important issues currently covered by the guidelines, such as payment of wages, mandatory requirements under the law. On the other hand, the Administration introduced the Construction Industry Legislation (Miscellaneous Amendments) Bill 2012 into LegCo in February 2012 to provide for the amalgamation of the Construction Workers Registration Authority with CIC and enhance the construction workers registration

system. The Administration would welcome opportunities to brief members on the measures taken since 2001 to improve the operation of the construction industry and seek members' views on further enhancements.

50. Ms Cyd HO suggested that the briefing proposed by SDEV should be held at a joint meeting of the Panel on Development and Panel on Manpower, as it would cover issues related to wage arrears, compensation for industrial accidents and enhancement of workers' welfare.

51. The Chairman said he was aware that the Housing Department, other Government departments involved in public works projects and committees under CIC were making efforts to improve the provisions in works contracts with a view to enhancing workers' welfare. Taking into account of the wide range of measures that the Administration had adopted to improve the training, work environment and welfare for the construction industry, he suggested that the Administration should consider providing a paper to sum up the major initiatives for members' reference. Moreover, the Administration and/or CIC should provide information on relevant seminars and events in which Panel members could participate, and make arrangements for members to visit training facilities to enable them to gain a better understanding on the work of the Administration and CIC in this area. As regards the suggestion of holding a joint Panel meeting, he would consider it in consultation with the relevant Panel Chairmen.

#### Other issues

52. Mr IP Kwok-him expressed concern on the impact of the use of prefabricated components in construction works. Given the relative low production cost of the components, which were mainly produced in the Mainland, he opined that the use of prefabricated components would affect the job opportunities of construction workers in the long run. He enquired whether the Administration would provide suitable sites in Hong Kong for the local construction industry to produce prefabricated components so that they could compete with the suppliers in the Mainland.

53. PS/DEV(Works) said that, to comply with the requirements of the World Trade Organization, for works projects undertaken by the Government, contractors were allowed to use prefabricated components made locally or imported from other places. It was reasonable for contractors to take the cost into account when making a choice between the two options. He added that the use of prefabricated components in public works projects could reduce the demand for skilled labour with anticipated

shortages and help resolve the problem of labour shortage, in particular for skilled workers, in the construction industry.

Submission of the funding proposal to the Finance Committee

54. The Chairman concluded the discussion. He said that members in general supported the Administration's proposal to seek FC's approval for the one-off grant of \$220 million to further enhance the Administration's efforts in boosting manpower supply in the construction industry.

**VI Legislative amendments for inclusion of works related to sub-division of flat units into Minor Works Control System**

(LC Paper No. CB(1)1116/11-12(07) -- Administration's paper on including works associated with sub-division of flat units under the Minor Works Control System

LC Paper No. CB(1)1116/11-12(08) -- Paper on the Minor Works Control System prepared by the Legislative Council Secretariat (Background brief))

55. Upon invitation by the Chairman, SDEV briefed members on the Administration's proposal for including building works associated with subdivision of flat units under the Minor Works Control System ("MWCS"). She highlighted the following points --

- (a) Sub-divided flat unit was a highly complicated subject involving a wide range of issues covering building management, structural safety, fire safety, and housing need. Considering that sub-divided flat units should be "regulated" rather than "banned across the board", the Administration was tackling the problem in a pragmatic way by focusing on measures/enforcement actions to uphold building and fire safety.
- (b) The Administration had adopted a multi-pronged approach involving a package of measures to enhance building safety in Hong Kong, some of which were specifically targeted to address the problem of sub-divided flat units. DEVB had also secured

additional resources for BD to create some 230 civil service and around 380 Non-Civil Service Contract positions.

- (c) BD had commenced a Large Scale Operation ("LSO") against irregularities of building works associated with sub-divided flat units since April 2011. It would increase the number of target buildings for the LSO from 150 to 200 starting from 2012-2013. Following the fire at Fa Yuen Street in 2011, BD had adjusted its enforcement strategy to accord priority to old buildings situated in the vicinity of hawker stalls. Together with the BD's plan to inspect 30 industrial buildings suspected to have sub-divided flat units in 2012, it was expected that around 370 target buildings would be inspected under LSO for 2012.
- (d) The Administration had introduced the Buildings Legislation (Amendment) Bill 2011 into LegCo in December 2011 which was under scrutiny by a Bills Committee. The Bill included a proposal to empower BD officers to apply to the Court for a warrant to enter premises to facilitate BD's enforcement actions, which would be useful for inspection of building works associated with sub-divided flat units.
- (e) MWCS, which had been operating smoothly since December 2010, already provided an effective regime to control the carrying out of small-scale building works. The modus operandi of MWCS was set out in the Building (Minor Works) Regulation. In order to better control the workmanship and the quality of building works, the Administration proposed to extend MWCS to include common building works associated with sub-divided flat units so that the works would be carried out by prescribed registered contractors ("PRCs") and, where necessary, supervised by prescribed building professionals ("PBPs"). Improved quality of works would help alleviate structural safety, fire safety and water seepage problems which were common to sub-divided flat units. The relevant professional bodies and contractors' associations were also supportive of the proposal.
- (f) BD would conduct audit checks on completed minor works, and set up a database with the submissions from PBPs/PRCs to facilitate monitoring and enforcement action against sub-divided flat units.

56. Assistant Director/Corporate Services, Buildings Department ("AD/CS") briefed members on the details of the proposal to extend the scope of MWCS. He highlighted the following points --

- (a) According to the BD's enforcement experience, the usual irregularities of building works found in sub-divided flat units included: (i) fire safety issues such as obstruction to means of escape, (ii) overloading due to extensive additional floor screeding and additional partition walls, and (iii) water seepage due to poor workmanship of internal pipes and drains, as well as floor screeding of bathroom floors.
- (b) The Administration proposed to adopt a two-layer approach under which each type of minor works in connection with sub-division of flat units would be classified according to its scale, complexity and associated risks as a stand alone item. These works should be completed in compliance with the standards stipulated in the Buildings Ordinance (Cap. 123) ("BO") and its subsidiary legislation, as well as the Codes of Practice and Practice Notes.
- (c) The Administration proposed to bring in four Class I and four Class III minor works items under MWCS to regulate building works associated with sub-divided flat units. A new Class I minor works item would be introduced to regulate the "cumulative" loading effects caused by creation of three sub-divided cubicles or more with lavatories, sink or sanitary fittings. One new Class I and two new Class III minor works would be introduced to regulate the installation of non-load bearing block walls. The two Class III items would cover the erection of non-load bearing block walls using light-weight materials in domestic and non-domestic buildings respectively. The Class I item would cover the erection of non-load bearing block walls in a flat unit with a thickened floor slab, or if the works exceed certain technical specifications. One new Class I and two new Class III minor works items would be introduced to regulate the thickening of floor slabs with solid screeding. The Class I item would cover works carried out in a flat with additional block walls. The two Class III items would include works involving thickening of floor slabs using light weight materials in domestic and non-domestic buildings respectively.

One new Class I item would be introduced to cover formation of or alteration to door openings to the enclosure of escape staircases or its protected lobby.

- (d) In order to address fire safety concerns in sub-divided flat units, BD would formulate technical guidelines and publicity materials for compliance of PBPs and PCRs. To tackle water seepage problems in sub-divided flat units, BD would update the technical guidelines to provide proper guidance to PBPs and PRCs on areas that required special attention when carrying out drainage and floor screeding works.

#### Enforcement against sub-divided flat units

57. Mr Albert CHAN stressed the need for the Administration to take enforcement action against unauthorized building works ("UBWs") and sub-divided flat units in a fair and impartial manner regardless of the locations of the works and the owners concerned. Citing the wide public concerns towards UBWs found in the residence of a candidate of the Chief Executive election and recent cases of sub-divided flat units in industrial buildings, he strongly requested the Administration to deal with these UBWs indiscriminately and fairly, not just targeting enforcement action against UBWs which were homes of the grass root people. He also expressed concerns about the time taken by BD to approve minor works submissions, and costs for engaging PBPs and PRCs for carrying out flat sub-division works.

58. SDEV said that the Administration was determined to enhance enforcement against UBWs and irregularities of building works associated with sub-divided flat units in contravention of the BO, and had been stepping up efforts on various fronts. For enforcement against UBWs in urban areas, BD had adopted an enhanced enforcement policy since 1 April 2011 by extending the scope of "actionable" UBWs to include those on rooftops, podiums as well as yards and lanes irrespective of their risk to public safety or whether they were newly constructed. Moreover, a new enforcement policy on UBWs in the New Territories Exempted Houses was rolled out in June 2011. As for sub-divided flat units, the Administration's intention was to regulate the building works associated with sub-divided flat units under the MWCS. All enforcement actions would be taken in a fair manner regardless of the ownership and locations of the concerned properties.

59. As regards processing time for minor works submissions, Deputy Director of Buildings ("DD/B") explained that PBPs and/or PRCs would be required to notify BD of the minor works at least seven days before commencement of the works (for Classes I and II minor works items only), and to submit a certificate of completion of works within 14 days after completion of the works (for all Classes of minor works items). In any event, it was not necessary for the PBP/PRC to seek BD's approval of plans and consent for commencement of works. On the concern about costs, DD/B said that Class I minor works associated with sub-division of flat units would involve higher risks and hence required the supervision by PBPs. As for Class II and III minor works which could be undertaken by PRCs alone, there should not be significant increase in the costs for such works. In this connection, Mr Albert CHAN urged that the Administration should monitor closely the processing time for minor works submissions under the MWCS. He opined that temporary works permits should be issued to PBPs/PRCs where appropriate so as not to hold up the works.

60. Ms Starry LEE enquired about BD's priority in taking enforcement actions against irregularities of building works associated with sub-divided flat units. The Chairman also enquired how the Administration could tackle problems caused by existing sub-divided flat units. DD/B advised that BD would continue to tackle irregularities of building works associated with existing sub-divided flat units through LSOs and by responding to public complaints. Priority of BD's enforcement actions would be given to those sub-divided flat units having structural safety, fire safety and water seepage concerns.

61. Mr Frederick FUNG expressed concern that the proposed regulation on building works associated with sub-divided flat units could not address the problem at source. In reply, DD/B advised that BD would continue to launch LSOs against irregularities on building works associated with sub-divided flat units, and address the problems posed by them at source through extending MWCS to include related minor works items. As regards the existing sub-divided flat units posing structural and fire safety risks, BD would adhere to the established enforcement policy requiring concerned owners to carry out rectification works. Since 1 April 2011, BD had issued a total of 170 removal orders against the irregularities in these premises.

#### Proposed new minor works items on sub-divided flat units

##### *Scope of control*

62. While expressing support to control building works associated with sub-divided flat units under the MWCS, Mr KAM Nai-wai considered that the scope of regulation should focus on building works associated with sub-divided flat units causing building safety and health problems and that small-scale household renovation works should be excluded.

63. DD/B advised that Mr KAM's concern would be taken into account when finalizing the technical details of the proposal. He stressed that under the legislative proposal, the more complex works would be classified into either Class I or Class III works, having regard to their complexity and risks. For the most simple and low-risk works, they would continue to remain as exempted works. To facilitate enforcement actions under the MWCS, BD would draw up clear technical guidelines for different types of works involved in sub-division of flat units.

64. In reply to further enquiries, DD/B clarified that under the proposal, building works leading to the sub-division of a flat into three self-contained cubicles with sanitary fitments would be designated as Class I minor works and be subjected to the requirement of engaging PBPs for design and supervision of the minor works. The Administration would take enforcement action against irregularities of building works associated with sub-divided flat units in a fair manner under the BO regardless of their locations and ownership. In sum, the MWCS would enable building owners to carry out small-scale building works including those for sub-divided flat units in a lawful, simple, safe and convenient manner, which could significantly reduce the number of UBWs in need of enforcement. To dovetail enhanced enforcement against sub-divided flat units, the Administration would step up public education and publicity work.

65. Ms Cyd HO expressed concern about the lack of regulation over provision of natural lighting and ventilation in sub-divided flat units, as well as the total loading effect of such units on a building. She was worried that some owners might rush to construct sub-divided flat units before the building reached the limit of the "cumulative loading". She also enquired about the Administration's priority in taking enforcement actions, and whether BD would require building owners of existing sub-divided flat units to rectify the irregularities in the units in order to comply with the new requirements.

66. DD/B advised that the carrying out of building works to form sub-divided flat units must still comply with requirements on provision of natural lighting and ventilation under the BO. BD would provide

appropriate advice in the technical guidelines on the MWCS to facilitate the compliance of PBPs and PRC with the concerned requirements. As regards enforcement against irregularities of building works associated with existing sub-divided flat units, he said that the focus was on structural and fire safety rather than lighting and ventilation problems. He added that of the 170 removal orders issued on sub-divided flat units since 1 April 2011, a majority of them were related to fire safety and fire escape problems.

### *Structural concerns*

67. Ms Starry LEE asked how the Administration could address the "cumulative loading effect" caused by existing and new sub-divided flat units on the structural integrity of a building. Expressing similar concerns, Mr Frederick FUNG questioned BD's assumption that each sub-divided flat unit with three self-contained cubicles was structurally safe, and considered that the Administration had overlooked other factors, such as sizes of the flats and number of residents, which might have impact on the total loading of the building and the provision of means of escape.

68. DD/B advised that in drawing up the details of the legislative proposal, the Administration had carefully assessed the impact of additional partitions and floor screeding on the overall structure and total loading of the building. He pointed out that there would be detailed requirements governing the technical specifications of the concerned building works. If PBPs and PRCs carried out the building works to form the sub-divided flat units in accordance with the specified parameters, the resultant works should not adversely affect the structural safety of the building.

### *Water seepage caused by sub-divided flat units*

69. Ms Starry LEE enquired about BD's handling of complaints on water seepage caused by sub-divided flat units after including drainage and floor screeding works under MWCS, and whether PBPs/PRCs carrying out the relevant works would be held liable for water seepage problems caused by sub-standard works.

70. DD/B pointed out that water seepage was often the result of poor workmanship of internal drainage and floor screeding works. As works associated with sub-divided flat units would have to be carried out by PBPs and/or PRCs under the proposal, there would be a better guarantee on the standard and workmanship of such works which in turn would help alleviate the problem of water seepage in sub-divided flat units.

Database on sub-divided flat units

71. Ms Starry LEE urged the Administration to expedite work in establishing a database on sub-divided flat units in the territory. She added that relevant information obtained by BD through implementation of the Mandatory Building Inspection Scheme, the Mandatory Window Inspection Scheme and its regular inspections to buildings could also be included in the database to facilitate the Administration in understanding the highly-complicated problem, formulating related strategies, and taking enforcement actions.

72. SDEV said that with the submissions from PBPs/PRC on minor works associated with sub-divided flat units, the Administration would eventually build up a database containing useful information on the works commonly associated with such units. DD/B supplemented that BD would upload details of the completed minor works to BD's Building Records Access and Viewing Online (BRAVO) System. Members of the public could access the information by paying the prescribed fees.

Manpower for enforcement work

73. Mr KAM Nai-wai expressed concern whether BD had adequate manpower to undertake effective enforcement against irregularities of building works associated with sub-divided flat units, and operate the enquiry and complaint hotlines for building owners and members of the public. Mr Frederick FUNG expressed similar concern and considered that the increased resources in BD could not effectively cope with the problem of sub-divided flat units.

74. SDEV re-iterated the Administration's determination to enhance building safety in Hong Kong and agreed that BD was facing a substantial increase in workload. To this end, the Administration had increased resources to engage additional staff for BD in the past two years and the Department had ranked third in terms of the percentage increase in the number of newly-created civil service posts among all Government departments. She assured that the Administration would keep in view the manpower situation of BD to ensure the Department would have adequate resources to discharge its responsibilities.

Penalties on building owners and contractors

75. Mr LEE Wing-tat enquired about the penalties on building owners and contractors for breaches of requirements in carrying out minor works associated with sub-divided flat units. In view of the huge financial gains that might result from operating sub-divided flat units, he was concerned that the fines to be imposed might not be able to check the proliferation of sub-divided flat units in the territory. He considered that the penalties on breaches should commensurate with severity of the offences to create sufficient deterrent effect.

76. AD/CS advised that a person knowingly failed to engage a qualified contractor, i.e. PBP/PRC, for carrying out minor works under the MWCS was liable to a maximum fine at Level 6 (currently \$100,000). A PBP/PRC failing to follow the simplified requirement under the MWCS in carrying out minor works was liable to a maximum fine at Level 5 (currently \$50,000). On the other hand, if a PBP/PRC carried out the minor works under the MWCS caused risk of injury to any person or damage to any property, he would be liable to a maximum fine of \$500,000 and imprisonment for 18 months.

#### Other issues

77. Citing the case involving sub-divided units in an industrial building in Larch Street, Tai Kok Tsui, Mr LEE Wing-tat urged the Administration to take swift and vigorous enforcement actions against the concerned building owners, including instigating prosecution against them and publicizing the case, so as to send a clear message to the public about the Administration's serious attitude and determination to tackle the problem of sub-divided flat units in industrial buildings. The Chairman shared the views and urged the Administration to step up prosecutions against owners of sub-divided flat units.

78. SDEV remarked that the Administration had done a lot in terms of law enforcement and public education with regard to sub-divided flat units. As for the sub-divided flat units case in Larch Street, she explained that the case was extremely complicated. She appealed to members of the public not to rent sub-divided domestic cubicles in industrial buildings and stressed that no re-housing would be provided to affected residents of such units in the event of BD's enforcement actions. She added that while the Administration fully understood Mr LEE's concern, members should appreciate the difficulties and complexity involved in taking prosecution against sub-divided flat unit cases. It was necessary for the Administration to act in

a fair and impartial manner without pinpointing enforcement and prosecution actions at particular owners of sub-divided flat units.

79. Mr Frederick FUNG remarked that the problem of sub-divided flat units had stemmed from the Administration's poor housing policy. He also criticized the small living area per individual in Hong Kong which was only 135 square feet vis-à-vis that of 353 square feet in Singapore, and asked how the Administration would address the housing problem in Hong Kong. Ms Cyd HO considered that the fundamental solution to the problem of sub-divided flat units was to expedite the provision of public housing and set a target date for resolving the problem. She urged the Administration to take note of her views.

80. SDEV re-iterated that sub-divided flat units was a highly complicated problem involving a wide range of issues such as supply and demand of housing, building management, structural and fire safety of buildings, water seepage, etc. The Administration believed that it would be impractical to "ban sub-divided flat units across the board" and a practical solution would be to "regulate" building works associated with sub-divided flat units in order to ensure the structural and fire safety of the buildings.

81. In order to protect tenants of sub-divided flat units, Mr James TO suggested that the Estate Agents Authority should consider including a statutory requirement in the tenancy agreement between owners and tenants of sub-divided flat units that the estate agents must confirm that the building works associated with the sub-divided flat unit had been carried out by PBPs/PRCs in compliance with requirements under the MWCS. The Administration took note of his views.

## **VII Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations**

(LC Paper No. CB(1)1116/11-12(09) -- Administration's paper on proposed amendments to the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations, Cap. 123I)

82. To allow ample time for members to discuss the proposal to amend the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works

and Latrines) Regulations (Cap. 123I) ("the Regulations"), the Chairman proposed and members agreed that the meeting should proceed directly to the question and answer session.

#### Early implementation of the revised Regulations

83. Miss Tanya CHAN urged the Administration to implement the proposal to amend the Regulations as early as practicable in order to alleviate inadequate provision of female lavatories in public places.

84. Deputy Secretary for Development (Planning and Lands)2 ("DS/DEV(P&L)2") said that the Administration had noted the public concern about inadequate provision of female toilet compartments in public places. There was also recent media coverage on the strong support from a number of women's organizations for early implementation of improvement proposal in this regard. He advised that the proposal covered a wide range of aspects. Besides improvement in the provision of sanitary facilities for female in public premises, the proposal also covered deletion of obsolete provisions in the current Regulations, as well as rationalizing its structure to reflect the changes to be made by the various amendments. The whole exercise was similar to a re-write of the current Regulations, and therefore adequate lead-time would be required for the work. Nonetheless, the Administration had been making preparations for amending the Regulations and would endeavour to expedite the process.

#### Sanitary fitments in female lavatories

85. Noting the increasing trend for individual toilet compartments in female lavatories in public places to be installed with sanitary fitments such as lavatory basins and mirrors, Miss Tanya CHAN pointed out that this had resulted in longer time spent by users in a toilet compartment and hence longer queues outside lavatories. She enquired whether provisions could be included in the Regulations to govern installation of sanitary fitments inside a toilet compartment.

86. Assistant Director/New Buildings 1, Buildings Department ("AD(NB1)/BD") explained that it was the general practice of the industry to install sanitary fitments including lavatory basins and mirrors in the common area of a public lavatory, and the Regulations did not specify the location such sanitary fitments should be provided in a public lavatory. Nevertheless, he took note of Miss CHAN's views. The Chairman said that the Administration should draw the attention of the relevant professionals to Miss CHAN's views.

87. Mr LEE Wing-tat conveyed the support of the Democratic Party and its women's group on the proposal to increase the number of female lavatories in public places and the number of toilet compartments in a female lavatory. However, he considered the proposed ratio of 1:1.5 for assessing the numbers of male to female in public premises should be enhanced such that the provision of sanitary fitments for male and female should be in a ratio of 1:2 to effect more improvement in the provision of female sanitary fitments. He also suggested that the Administration should work out a ratio on the total floor area of a public premise to the total number of toilet compartments to be provided therein with a view to further enhancing the provision of sanitary facilities in public places.

88. In response, DS/DEV(P&L)2 said that the Administration had endeavoured to strike a balance between the distinctive needs of both genders in formulating the proposed ratio. BD had commissioned a consultancy study to review the provision of sanitary fitments in various types of premises, and made reference to the standards of provision for male and female sanitary facilities in different countries including Singapore and the United Kingdom. He advised that the proposed level of provision of female sanitary fitments was already a high standard internationally as compared with those adopted by some overseas countries. The amended Regulations, upon its enactment, were expected to bring a substantial increase in the provision of female sanitary fitments while maintaining the existing level of provision of male sanitary fitments. As illustration, after the implementation of the amended Regulation, the numbers of male and female sanitary fitments to be provided in shopping arcades of three different sizes would be as follows --

Floor area in m <sup>2</sup> of shopping arcades	Male		Female
	No. of urinals	No. of waterclosets	No. of waterclosets
500	1	1	3
10 000	6	8	27
30 000	16	18	71

89. The Chairman remarked that the Administration should seek to ensure sanitary facilities were conveniently and evenly located in a public premise to facilitate users.

90. Referring to the above information provided by the Administration to illustrate the improvement in the provision of female sanitary fitments, Mr KAM Nai-wai considered that the revised ratio in the proposal would not lead to real improvement. In particular, he expressed concern about the level of provision of sanitary fitments in places of public entertainment, such as cinemas and theatres, where lavatories would have a particularly high utilization rate before/after or during breaks of a show. Referring to the "Practice Note for Authorized Persons and Registered Structural Engineers" promulgated by BD in 2005, Mr KAM commented that the Administration's recommendations were unable to address the current deficiency in the provision of female sanitary fitments in public places. He was of the view that instead of prescribing a minimum number of sanitary fixtures to be provided for both genders in different types of premises, the amended Regulations should stipulate a median number in this respect.

91. DS/DEV(P&L)2 said that as explained in paragraph 12 of the Administration's paper, the proposal was expected to result in an increase in the provision of female sanitary fitments in shopping arcades/department stores, cinemas and places of public entertainment by 60%, 160% and 150% respectively. For instance, for a cinema with 600 seats, the proposal would increase the number of waterclosets for female from three to seven while the number of waterclosets and urinals for male would remain unchanged at two and three respectively. Mr KAM Nai-wai remained unconvinced. At the request of the Chairman, the Administration agreed to provide information on the existing situations and after implementation of the proposal in the standards in the provision of sanitary fitments (i.e. the respective number of waterclosets and urinals) in male and female lavatories for various public places, including cinemas, theatres, shopping centres, department stores,

restaurants and places of public entertainment.

92. Acknowledging the revised ratio for assessing the numbers of male to female in workplaces (i.e. 1:1), Ms Cyd HO enquired about the rationale for adopting the proposed ratio of 1:1.5 for public premises. She was of the view that when developing standards for the provision of male and female sanitary facilities, besides taking into account the assessed number of male and female visitors in various types of public premises, the Administration should have regard to the different usage time of sanitary fittings by male and female, as well as the users capacity of various venues. She urged the Administration to further enhance the provision of sanitary fixtures in Government premises, such as cultural centres and town halls managed by the Leisure and Cultural Services Department, by adopting a higher ratio for assessment in such premises.

93. DS/DEV(P&L)2 re-iterated that BD had conducted a comprehensive review involving empirical surveys of the provision of sanitary fittings in various premises, the level usage, queuing time, usage time and level of user satisfaction, as well as a study of the standards adopted in overseas countries in developing the proposed amendments and work out the proposed ratio of 1:1.5. AD(NB1)/BD added that with reference to the assessed number of male and female users in different types of venues, a formula had been worked out for the calculation of numbers of male and female sanitary facilities to be provided. According to population projections of the Census and Statistics Department, by 2039, the ratio of male to female in Hong Kong would be about 1:1.34. In this light, the proposed ratio of 1:1.5 was considered appropriate. In order to allow members to have a better understanding of the review conducted by consultant on the provision of sanitary fixtures in various public places, the Chairman requested the Administration to provide the report of the consultancy study as members' information after the meeting.

Admin

94. Mr James TO said that the Democratic Party had all along been pressing for improvement in the provision of female lavatories and sanitary fittings therein in public places. However, he considered that legal issues might be involved in changing the current ratio for assessing the numbers of male to female in the premises from 1:1 to 1:1.5. In particular he was concerned that the proposed ratio might give rise to gender inequality since it was expected to result in enhancement in the level of provision of female sanitary fittings only, thus changing the average queuing time for male and female lavatories. As the building/construction industries as well as the management of public premises were required to comply with the

Regulations, Mr TO expressed concern that these parties might be accused of practising gender discrimination in following the Regulations. Sharing the concerns, Ms Cyd HO cautioned that the Administration should study related legal issues and conduct relevant research to support the proposed amendments.

Admin

95. To allay members' concerns, the Administration was requested to provide a written response on whether the proposed enhancement in the standards of provision of sanitary fitments in female lavatories would constitute gender discrimination from a legal perspective as the proposed enhancement might have impact on the waiting time for male in using male lavatories in public places.

#### Baby-sitting and breast-feeding facilities in public places

96. Miss Tanya CHAN noted that while large shopping centres/department stores did provide baby-sitting and breast-feeding facilities for users, such facilities were often provided in female lavatories. She considered the situation undesirable and suggested that the Administration should require owners/management of large shopping centres/department stores and railway stations to provide separate baby-sitting and breast-feeding rooms in the premises to improve the situation and to further promote breastfeeding in Hong Kong. In response, DS/DEV(P&L)2 said that the Regulations did not govern the provision of baby care facilities in public places. Nevertheless, the Administration would reflect Miss CHAN's views to relevant bureaux/departments for consideration.

### **VIII Any other business**

97. There being no other business, the meeting ended at 6:11 pm.