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5 June 2017

Clerk to the Establishment Subcommittee
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn: Mr Keith WONG)

Dear Mr WONG,

Establishment Subcommittee
Follow-up to Meeting on 24 May 2017
EC(2016-17)29

Enclosed please find our response to the follow-up action arising from the discussion at the meeting of the Establishment Subcommittee of the Legislative Council held on 24 May 2017.

Yours sincerely,

(signed)
(C H LAI)
for Secretary for Development

c.c. Secretary for Financial Services and the Treasury
(Attn: Deputy Secretary for Financial Services and the Treasury (Treasury) 1)
Director of Civil Engineering and Development
(Attn: Project Manager (Hong Kong Island and Islands))

**LEGISLATIVE COUNCIL
ESTABLISHMENT SUBCOMMITTEE**

**Follow-up Action Arising from the Discussion
at the Meeting on 24 May 2017**

EC(2016-17)29

Supplementary information requested by the Establishment Subcommittee on 24 May 2017 is provided below:

(a) How do the structure and mix of professionals of the Sustainable Lantau Office, including the titles and duties of two Deputy Heads, realise the principle of “Development in the North, Conservation for the South” in developing Lantau?

2. The proposed Sustainable Lantau Office (SLO) will be a dedicated multi-disciplinary office. The supernumerary non-directorate posts will be in 7 professional and related grades, including Engineer, Town Planner, Forestry Officer, Architect, Electrical and Mechanical Engineer, Geotechnical Engineer and Quantity Surveyor grades. All professional staff of the office will be fully aware of the importance of conservation work in Lantau. They will all be responsible for and capable of taking forward the conservation initiatives in order to achieve the goal of balancing development and conservation. In implementing various studies or projects, they will examine the environmental impacts of the projects and explore appropriate measures to conserve places of high ecological or cultural values from multiple angles. The office will also collaborate with the relevant departments on the conservation initiatives.

3. At the meeting on 24 May 2017, some Members requested the Government to consider explicitly dividing the duties and responsibilities of the two Deputy Heads (DHs) such that each DH will be responsible for the development and conservation work respectively. Despite the fact that the two DHs will both be responsible for the development and conservation work in Lantau, after review, we propose to amend the post titles of the two DHs to highlight the future direction of “Development in the North, Conservation for the South” for Lantau and reflect such direction in the work structure. We propose to retitle DH(SLO)2 to Deputy Head (Planning & Conservation) (DH(P&C)). He/she will be responsible for overseeing and coordinating the planning, conservation initiatives and environmental issues related to the sustainable development of Lantau. Another DH (formerly DH(SLO)1) will be

retitled as Deputy Head (Works) (DH(W)). He/she will be responsible for overseeing the works projects in Lantau and other outlying islands, as well as taking forward the conservation work related to the works projects.

4. To tie in with the above adjustments, Chief Engineer/Lantau 3 will lead a conservation team, originally under Chief Engineer/Lantau 1, to assist DH(P&C) in formulating and taking forward all conservation initiatives related to the sustainable development of Lantau.
5. We hope that the above adjustments can make the goal of setting up the SLO clearer.
6. The revised organisation chart and job descriptions of the proposed SLO are attached in Enclosures 1 and 2 respectively.

(b) How will the Government handle the problem of some parts of Lantau being not covered by Development Permission Area Plans and what is the initial legal view?

7. The existing Town Planning Ordinance (TPO) does not confer enforcement power to the Planning Authority in respect of areas not covered by Development Permission Area (DPA) Plans. Also, the TPO does not allow the designation of an area already covered by a statutory Outline Zoning Plan (OZP) as a DPA. The main purpose of amending the TPO to introduce planning enforcement power in the 1990s was to control unauthorised developments in rural areas; and hence the current legislative provisions were formulated after deliberation.
8. The suggestion in respect of extending planning enforcement power to the areas covered by statutory OZPs but outside DPAs was considered in the course of deliberation of the Town Planning (Amendment) Bill 2003. It was considered that land uses in areas which are outside DPAs but covered by statutory OZPs (mainly the urban areas, new towns and the peripheral areas) are much more complicated than normal rural areas due to the high-density development and the highly intermixed uses of buildings. If planning enforcement power was to be extended to cover those areas, various technical difficulties on planning enforcement (such as monitoring, inspection, investigation and proof on individual uses within buildings) would need to be resolved. The demand for manpower resources would also be enormous. Moreover, there would be overlaps with the regulatory regimes under land leases and the Buildings

Ordinance which are applicable to most land and buildings in urban areas and new towns. As a result, the provisions to extend planning enforcement power to such areas were not incorporated into the Amendment Bill at that time.

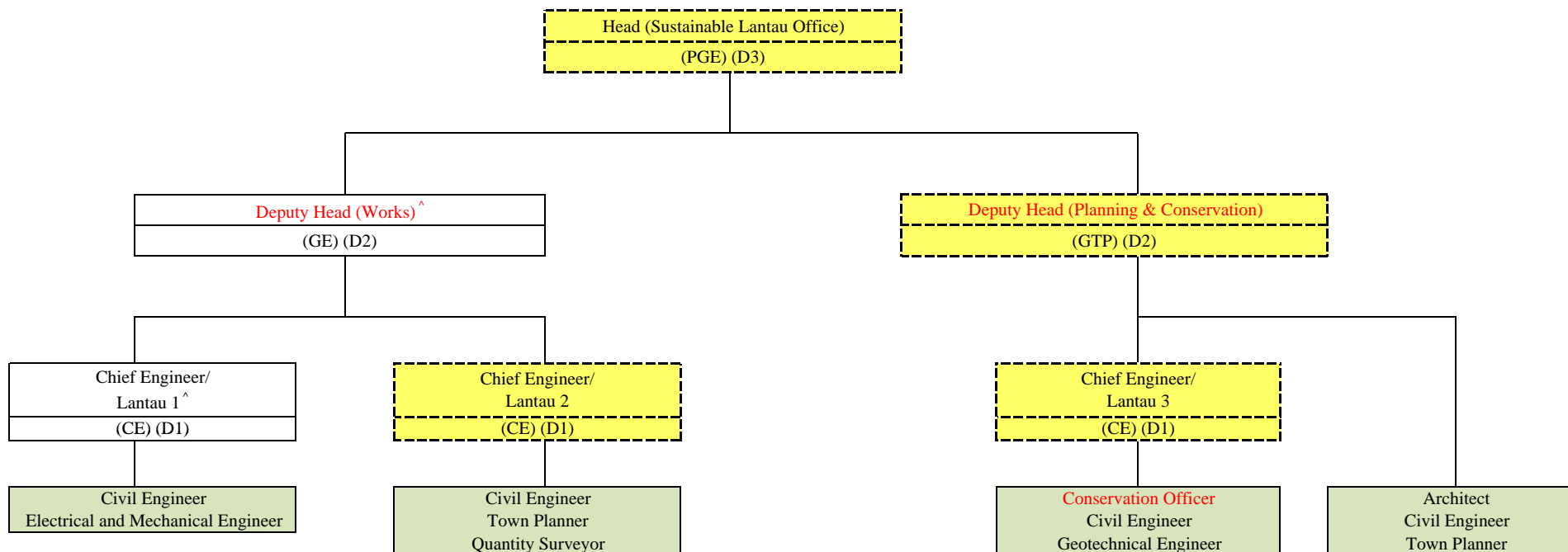
9. At present, most rural areas in the New Territories with substantial private land and development pressure have already been covered by DPA Plans. At the same time, large part of rural areas is country parks protected under the Country Parks Ordinance. Country park enclaves which are not incorporated into DPAs would also be considered for incorporation into country parks. For the areas outside DPA, a large portion of the land within conservation-related zones is government land, which is already subject to control under relevant prevailing legislation.
10. We notice that certain peripheral areas of new towns or rural areas (including South Lantau) are covered by statutory OZPs and therefore the planning enforcement power cannot be extended to such areas by including them in a DPA Plan. We would closely monitor the situation and conservation needs of the relevant areas and consider taking appropriate measures against activities which have adversely affected the land of conservation value. It should be noted that planning enforcement action can only be taken when damage has been done, and is not the most effective means to protect the environment. While there is no concrete proposal and timetable to amend the TPO at present, we remain open on whether and how legislative amendments should be made in the medium to long term.
11. At present, we have established a Task Force on Lantau Conservation under the Sustainable Development Subcommittee of the Lantau Development Advisory Committee. Different stakeholders, including green groups, conservationists and locals, etc., have been invited to offer advices and suggestions on how to conserve the natural ecology, history and culture of Lantau as well as to handle the problem of fly tipping of construction wastes, etc. When the SLO is established, we can expedite the implementation of the related work.

(c) What is the opinion and stand of the new-term Government on the current scale of Lantau development?

12. The fifth term of the HKSAR Government will actively increase land supply to cater for the long-term development need of Hong Kong and continue to strive for enhancing the environment so as to make the city

more “livable”. We have in advance submitted the blueprint for Lantau’s development and conservation to the Chief Executive-elect and she noted the relevant development and conservation plan of Lantau.

**Proposed Organisation Chart of the Sustainable Lantau Office (Revised)*
of Civil Engineering and Development Department**



Legend

CE - Chief Engineer
 GE - Government Engineer
 GTP - Government Town Planner
 PGE - Principal Government Engineer

 Supernumerary posts proposed for creation for about 4 years up to 31.3.2021.
 Non-directorate professional staff.

Note

* Sustainable Lantau Office is a multi-disciplinary office with engineering, planning and other professionals.
 ^ Posts proposed to be redeployed from Hong Kong Island and Islands Development Office.

**Proposed Job Description (Revised) of
Deputy Head (Works)**

Rank : Government Engineer (D2)

Responsible to : Head (Sustainable Lantau Office)

Major Duties and Responsibilities –

Deputy Head (Works) is responsible for the effective operation of the Sustainable Lantau Office in the implementation and coordination of development and conservation programmes, mostly those at the design and construction stages, to promote sustainable development of Lantau. He/she oversees the resource planning, contract administration and financial control for development projects, such as the Tung Chung New Town Extension and Topside Development at Hong Kong Boundary Crossing Facilities Island of Hong Kong-Zhuhai-Macao Bridge, as well as the secretariat work for the subcommittees under the Lantau Development Advisory Committee (LanDAC). The major duties are –

1. To assist the Head (Sustainable Lantau Office) in overseeing and directing the work of the development and conservation with particular emphasis on maintaining project momentum in accordance with baseline programmes.
2. To supervise project cost control, including resources allocation, project estimates and expenditure control.
3. To oversee all conservation initiatives and environmental issues related to projects involving sustainable development of Lantau.
3. To oversee the secretariat work for the LanDAC subcommittees.
4. To lead and supervise the public engagement events for sustainable development of Lantau.
5. To carry out the statutory and administrative procedures for securing project delivery and funding.
6. To manage all staff matters, including planning, office organisation, allocation of resources, establishment, personnel, training and career development.
7. To supervise the selection, appointment and management of consultants and contractors.

8. To oversee works-related district administration matters for Lantau and other outlying islands.
9. To oversee the drawing up of short-term projects for Lantau (such as area improvement works).
10. To oversee the work of Chief Engineers under his/her purview.

**Proposed Job Description (Revised) of
Deputy Head (Planning & Conservation)**

Rank : Government Town Planner (D2)

Responsible to : Head (Sustainable Lantau Office)

Major Duties and Responsibilities –

Deputy Head (Planning & Conservation) is responsible for the effective operation of the Sustainable Lantau Office (SLO) in the planning and implementation of development and conservation programmes, mostly those at the planning and development stages, to promote sustainable development of Lantau. He/she oversees the resource planning, land use planning, contract administration and financial control for development projects such as the Sunny Bay reclamation, the Siu Ho Wan reclamation and East Lantau Metropolis. The major duties are –

1. To assist the Head (Sustainable Lantau Office) in supervising the planning issues in SLO.
2. To oversee resource planning and programme control.
3. To oversee the formulation of development strategy for sustainable development of Lantau.
4. To oversee and coordinate all conservation initiatives and environmental issues related to sustainable development of Lantau.
5. To oversee the selection, appointment and management (planning phase) of the consultancies for taking forward Lantau development and conservation.
6. To steer the consultants in undertaking studies and achieving set objectives.
7. To oversee and steer the implementation of Lantau development and conservation, including providing inputs to preparation of statutory and administrative land use plans for Lantau development and conservation and processing of representations and comments in relation to statutory land use plans.
8. To oversee the work of Chief Engineer/Lantau 3 as well as other professionals under his/her direct supervision.

Proposed Job Description (Revised) of Chief Engineer/Lantau 1

Rank : Chief Engineer (D1)

Responsible to : Deputy Head (Works)

Major Duties and Responsibilities –

Chief Engineer/Lantau 1 is mainly responsible for carrying out studies, implementing the reclamation, site formation and infrastructure works for Tung Chung New Town Extension, Ma Wan Chung improvement works, development project at the ex-Lamma Quarry on Lamma Island. The major duties are –

1. To lead and supervise the works division assigned under him/her.
2. To execute the strategies and policies formulated by the policy bureaux in respect of the Lantau development and conservation projects.
- ~~3. To lead a team of staff with knowledge and experience in nature conservation to formulate and take forward all conservation initiatives and environmental issues related to sustainable development of Lantau.~~
4. To implement effective control for the projects undertaken by his/her division.
5. To oversee the implementation of statutory and administrative procedures including the Environmental Impact Assessment Ordinance procedures, gazettals under the relevant Ordinances, public consultation, seeking of funding, financial control and forecast, commissioning of consultancies, tendering of works contracts and contract administration.
6. To supervise the selection and appointment of consultants, including attendance at Engineering and Associated Consultants Selection Board meetings.
7. To manage consultants engaged in the projects including overseeing progress of studies and works, provision of guidance to consultants, assessment and reporting of consultants' recommendations and resolution of important issues.

8. To oversee works-related district administration matters for Lantau and other outlying islands.
9. To chair/attend meetings to ensure the smooth delivery of studies and works.

Proposed Job Description (Revised) of Chief Engineer/Lantau 3

Rank : Chief Engineer (D1)

Responsible to : Deputy Head (Planning & Conservation)

Major Duties and Responsibilities –

Chief Engineer/Lantau 3 is mainly responsible for implementing the East Lantau Metropolis, the Sunny Bay reclamation, Siu Ho Wan reclamation and adjoining development, proposals as identified under the study on recreation and tourism development strategy, and overseeing strategic traffic and transport infrastructure development (including the study on traffic, transport and capacity to receive visitors for Lantau), and geotechnical issues for sustainable development of Lantau. The major duties are –

1. To lead a team of staff with knowledge and experience in nature conservation to formulate and take forward all conservation initiatives and environmental issues related to sustainable development of Lantau.
2. To lead and supervise the works division assigned under him/her.
3. To execute the strategies and policies formulated by the policy bureaux in respect of the Lantau development and conservation projects.
4. To implement effective control for the projects undertaken by his/her division.
5. To oversee the implementation of statutory and administrative procedures including the Environmental Impact Assessment Ordinance procedures, gazettals under the relevant Ordinances, public consultation, seeking of funding, financial control and forecast, commissioning of consultancies, tendering of works contracts and contract administration.
6. To supervise the selection and appointment of consultants, including attendance at Engineering and Associated Consultants Selection Board meetings.

7. To manage consultants engaged in the projects including overseeing progress of studies and works, provision of guidance to consultants, assessment and reporting of consultants' recommendations and resolution of important issues.
8. To chair/attend meetings to ensure the smooth delivery of studies and works.
