

立法會
Legislative Council

LC Paper No. CB(1)1417/16-17

(These minutes have been seen
by the Administration)

Ref : CB1/PL/DEV

Panel on Development

Minutes of meeting
held on Tuesday, 23 May 2017, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex

Members present : Hon Tommy CHEUNG Yu-yan, GBS, JP (Chairman)
Hon Kenneth LAU Ip-keung, MH, JP (Deputy Chairman)
Hon Abraham SHEK Lai-him, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon CHAN Kin-por, BBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon LEUNG Kwok-hung
Hon Michael TIEN Puk-sun, BBS, JP
Hon Frankie YICK Chi-ming, JP
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon MA Fung-kwok, SBS, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick

Dr Hon Junius HO Kwan-yiu, JP
Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon SHIU Ka-chun
Hon CHAN Chun-ying
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung
Hon LUK Chung-hung
Hon LAU Kwok-fan, MH
Dr Hon CHENG Chung-tai
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho
Hon Nathan LAW Kwun-chung
Dr Hon YIU Chung-yim
Dr Hon LAU Siu-lai

Members absent : Hon WONG Kwok-kin, SBS, JP
Hon Kenneth LEUNG
Hon HO Kai-ming
Hon Wilson OR Chong-shing, MH
Hon Tanya CHAN

Members attending : Hon James TO Kun-sun
Hon Martin LIAO Cheung-kong, BBS, JP

[According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.]

Public officers attending : **Agenda item IV**

Ms Brenda AU Kit-ying
Head of Energizing Kowloon East Office
Development Bureau

Mr Frank WONG Tak-choi
Deputy Head of Energizing Kowloon East Office
Development Bureau

Mrs Doris FOK LEE Sheung-ling
Assistant Director (Leisure Services)l
Leisure and Cultural Services Department

Mr Edward TSE Cheong-wo
Project Director 3
Architectural Services Department

Mr Tony LEE Cheuk-ming
Chief Project Manager 301
Architectural Services Department

Mr LEE Chi-shing
Chief Highway Engineer/Kowloon
Highways Department

Agenda item V

Mr Albert LAM Kai-chung, JP
Deputy Secretary for Development (Works)1

Ms Deborah KUH Wen-gee
Head of Greening, Landscape and Tree Management
Section
Development Bureau

Ms Vina WONG
Head of Greening and Landscape Office
Development Bureau

Mr Benny CHAN Chak-bun
Assistant Director (Architectural)
Architectural Services Department

Agenda item VI

Mr Eric MA Siu-cheung, JP
Secretary for Development

Mr Thomas CHAN Chung-ching, JP
Deputy Secretary for Development (Planning and
Lands)1

Ms Selene TSOI Sze-long
Deputy Secretary for Development (Planning and
Lands)³

Ms Christina CHONG Yau-ling
Principal Assistant Secretary (Planning and Lands)⁶
Development Bureau

Ms Bernadette LINN, JP
Director of Lands

Ms Joyce NG Suet-yee
Acting Assistant Director/Acquisition
Lands Department

Clerk in attendance : Ms Sharon CHUNG
Chief Council Secretary (1)²

Staff in attendance : Miss Rita YUNG
Senior Council Secretary (1)²

Mr Raymond CHOW
Senior Council Secretary (1)⁶

Ms Christina SHIU
Legislative Assistant (1)²

Action

- I Confirmation of minutes**
(LC Paper No. CB(1)951/16-17 — Minutes of meeting on
28 March 2017)

The minutes of the meeting on 28 March 2017 were confirmed.

- II Information papers issued since the last meeting**
(LC Paper No. CB(1)896/16-17(01) — Administration's response
to the letter dated 30 March
2017 from Hon CHAN
Han-pan on safety of
drinking water and

replacement of aged water mains (LC Paper No. CB(1)761/16-17(01))

LC Paper No. CB(1)955/16-17(01) — Administration's response to the letter dated 13 April 2017 from Hon CHAN Han-pan on future development of country parks (LC Paper No. CB(1)830/16-17(01)))

2. Members noted that the above information papers had been issued since the meeting on 25 April 2017.

3. Mr KWONG Chun-yu referred to his letter to the Chairman dated 22 May 2017 (LC Paper No. CB(1)1006/16-17(01)) (Chinese version only) tabled at the meeting. He said that it had been reported that recently the Administration had taken vigorous enforcement actions against the arts and cultural activities (e.g. performance staged by foreign bands) conducted in industrial building units. He opined that such enforcement actions ran contrary to the Administration's policy direction put forward earlier that restrictions be appropriately relaxed to allow non-industrial uses in industrial buildings for better utilization of the existing spaces in such buildings, and to support the development of the arts and cultural sectors. He requested that a joint meeting of the Panel on Development and the Panel on Home Affairs be held to discuss the use of industrial building units for arts and cultural purposes. Mr HUI Chi-fung shared Mr KWONG's views.

4. Mr MA Fung-kwok said that arts and cultural activities conducted in industrial buildings might involve breaches of land lease conditions, the Places of Public Entertainment Ordinance and fire safety regulations, etc. In addition to the Lands Department, the Food and Environmental Hygiene Department and the Fire Services Department were also the concerned government departments. He opined that the discussion on the subject matter should have the participation of other relevant Panels and various government bureaux/departments. Holding a similar view, Mrs Regina IP said that the Planning Department was also a concerned department, as the permitted use of the site of an industrial building was set out in the relevant Outline Zoning Plan.

5. The Chairman said that there were many outstanding items for discussion for the Panel. He took note of members' views and would consider carefully whether and when a joint meeting should be held.

III Items for discussion at the next meeting

(LC Paper No. CB(1)950/16-17(01) — List of outstanding items
for discussion

LC Paper No. CB(1)950/16-17(02) — List of follow-up actions)

6. Members agreed that the following items proposed by the Administration be discussed at the next regular meeting scheduled for Tuesday, 27 June 2017, at 2:30 pm:

- (a) Proposed amendment to the Buildings Ordinance (Cap. 123) for eradicating illegal domestic use in industrial buildings;
- (b) PWP Item No. 7804CL — Site Formation and Infrastructure Works for Development at Kam Tin South, Yuen Long — Advance Works;
- (c) Implementation arrangements for the Hung Shui Kiu New Development Area Project; and
- (d) Interim Public Consultation on the Detailed Feasibility Study for Environmentally Friendly Linkage System for Kowloon East and Progress Report on Kai Tak Development.

(Post-meeting note: As requested by the Administration and with the concurrence of the Chairman, the item "Creation and redeployment of Directorate posts in the Development Bureau and Planning Department to strengthen support for land use initiatives and district planning work", which was not discussed at the meeting on 23 May 2017, has been included for discussion at the June meeting. The discussion on item (b) above will be deferred to a forthcoming meeting. Members were informed of the changes on 2 June 2017 vide LC Paper No. CB(1)1032/16-17. The June meeting has been subsequently re-scheduled to Monday, 26 June 2017, from 2:15 pm to 4:30 pm. Members were informed accordingly on 5 June 2017 vide LC Paper No. CB(1)1072/16-17.)

IV PWP Item No. 3466RO — Improvement to Hoi Bun Road Park and adjacent area

(LC Paper No. CB(1)817/16-17(06) — Administration's paper on 3466RO — Improvement of Hoi Bun Road Park and adjacent area)

7. With the aid of a powerpoint presentation, Head of Energizing Kowloon East Office, Development Bureau ("Head/EKEO/DEVB"), briefed members on the Administration's proposal to upgrade PWP Item No. 3466RO to Category A at an estimated cost of \$187.8 million in money-of-the-day prices to carry out improvement works to Hoi Bun Road Park ("the Park") and the adjacent area. Details of the proposal were given in the Administration's paper (LC Paper No. CB(1)817/16-17(06)).

(Post-meeting note: A soft copy of the powerpoint presentation materials was circulated to members vide LC Paper No. CB(1)1003/16-17(01) by email on 24 May 2017.)

8. The Chairman reminded members that in accordance with Rule 83A of the Rules of Procedure of the Legislative Council, they should disclose the nature of any direct or indirect pecuniary interests relating to the subjects under discussion at the meeting before they spoke on the subjects.

Improvement to Hoi Bun Road Park

Access to Hoi Bun Road Park

9. Mr Jeremy TAM enquired whether dogs would be allowed in the Park. Head/EKEO/DEVB replied that it was not intended as there was a pet garden nearby. Assistant Director (Leisure Services), Leisure and Cultural Services Department ("AD(LS)1/LCSD"), supplemented that there was a pet area in Tai Yip Street Garden, which was in the vicinity of the Park. Mr TAM called on the Administration to consult the Kwun Tong District Council on whether dogs should be allowed in the Park. Head/EKEO/DEVB took note of Mr TAM's suggestion.

10. Mr Jeremy TAM said there were complaints that the new floor tiles used in Laguna Park in Kwun Tong were slippery, despite the fact that the tiles complied with the slip resistance requirement. He asked

whether the same type of floor tiles would be adopted in building the Park. Project Director 3, Architectural Services Department, advised that eco-paving blocks, which were commonly and widely adopted for paving public footpaths, would be used.

11. Mr LEUNG Kwok-hung questioned the need for a proposed subway crossing Wai Yip Street and connected to the Park. He criticized that many subways in various districts had low utilization, and the construction costs were high. Head/EKEO/DEVB replied that the subject subway was still under planning, and was not included in the funding proposal for the improvement to the Park and the adjacent area. She added that there was an existing subway system connecting the MTR Ngau Tau Kok Station to the Kwun Tong Business Area. Given the increasing working population in the area, the Administration was exploring the extension of the subway system to improve the walkability of the area.

Renovation of an existing 5-a-side soccer pitch

12. Dr Helena WONG asked about the type of surface of the 5-a-side soccer pitch after renovation. Head/EKEO/DEVB replied that the soccer pitch would be kept as a hard-surfaced one. Mr LEUNG Kwok-hung said that he supported in principle the proposed improvement to the Park and the adjacent area. He enquired about the reason for not providing an artificial-turf 5-a-side soccer pitch. Head/EKEO/DEVB responded that hard-surfaced soccer pitches were open to the public free of charge. AD(LS)1/LCSD added that all 5-a-side soccer pitches managed by the Leisure and Cultural Services Department ("LCSD") were hard-surfaced.

13. Mr LEUNG Che-cheung said that members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong supported the funding proposal. Noting that the existing Hoi Bun Road Park was mainly landscaped sitting-out area for passive recreational use, he queried the need to retain the 5-a-side soccer pitch. Head/EKEO/DEVB responded that the number of 5-a-side soccer pitches in Kwun Tong was below the requirement recommended in the Hong Kong Planning and Standards Guidelines. Therefore the Administration had proposed to retain the soccer pitch in the Park.

14. Mr LEUNG Che-cheung opined that the changing rooms should be located close to the soccer pitch for the convenience of the people playing soccer. Head/EKEO/DEVB responded that given that the area of the

Park was not large, the distance between the toilets cum changing rooms and the soccer pitch was not far.

15. Mr KWOK Wai-keung expressed support for the proposed improvement to the Park and the adjacent area. He enquired whether there would be a cover over the spectator stand of the soccer pitch. Head/EKEO/DEVB replied that the existing uncovered spectator stand would be kept. Nevertheless, trees would be planted to provide shading at the spectator stand. Mr KWOK suggested that appropriate space be provided under the seats of the spectator stand to facilitate temporary storage of personal belongings of those playing soccer in the Park. He also called on the Administration to select suitable types of trees and plants to be grown in the Park, so as to facilitate the horticultural maintenance work to be carried out in the future. Head/EKEO/DEVB took note of Mr KWOK's suggestion.

Fitness corner for the elderly

16. Dr Helena WONG enquired about the utilization of various types of fitness equipment for the elderly provided at venues managed by LCSD, as well as the types and quantity of such equipment to be provided at the Park. The Administration undertook to provide a written response to Dr WONG's questions after the meeting.

(Post-meeting note: The Administration's written response was circulated to members vide LC Paper No. CB(1)1261/16-17(01) on 5 July 2017.)

17. Mr SHIU Ka-chun said that he supported in principle the funding proposal. Given that the location of the Park was not close to the residential area, Mr SHIU expressed concern that the utilization of the proposed fitness corner for the elderly would not be high. Head/EKEO/DEVB replied that the Park had been built in 1990 and the existing facilities of the Park needed to be improved to cater for the changing needs of the general public. It was expected that the provision of more leisure facilities, including the fitness corner for the elderly, would attract more people to visit the Park.

Thematic features with sound and lighting effects

18. Dr Helena WONG sought elaboration on the design concept and operation hours of the thematic features with sound and lighting effects.

The Administration undertook to provide supplementary information after the meeting.

(Post-meeting note: The Administration's supplementary information was circulated to members vide LC Paper No. CB(1)1261/16-17(01) on 5 July 2017.)

19. Mr LEUNG Che-cheung enquired whether the proposed thematic features with sound and lighting effects were the music fountains to be developed at Kwun Tong Promenade proposed by the Kwun Tong District Council under the Signature Project Scheme. Head/EKEO/DEVB replied in the negative.

Transformation of Fly the Flyover Site 04

20. Mr LEUNG Che-cheung and Mr Holden CHOW expressed concern about whether there would be sufficient pedestrian crossing facilities at Hoi Bun Road to facilitate the public who went to the Kwun Tong Promenade from the Park. Head/EKEO/DEVB advised that, in addition to the proposed new at-grade pedestrian crossing between the Park and the Fly the Flyover Site 04 ("FF04"), there would be another pedestrian crossing outside the adjoining office development. There was also a pedestrian crossing with traffic lights at the junction of Hoi Bun Road and Lai Yip Street.

21. Given that there were mainly industrial and commercial buildings in the vicinity, Mr SHIU Ka-chun enquired about the justification for providing roadside parking spaces for coaches at FF04. Head/EKEO/DEVB replied that there were many elderly people and children visiting the Kwun Tong Promenade, and some were in groups. The provision of the parking facility would better serve people visiting the waterfront and enhance public enjoyment of the Park and the Promenade.

22. Mr KWOK Wai-keung called on the Administration to carry out more face-lifting works for the land under Kwun Tong Bypass. Head/EKEO/DEVB replied that the Energizing Kowloon East Office would continue to implement face-lifting projects in the future.

Summing up

23. The Chairman concluded that the Panel had no objection to the Administration's submission of the proposal to the Public Works Subcommittee for consideration.

V Proposed creation of a permanent post of Chief Landscape Architect in the Architectural Services Department

(LC Paper No. CB(1)817/16-17(07) — Administration's paper on proposed creation of a permanent post of Chief Landscape Architect in the Architectural Services Department)

Other relevant papers

(LC Paper No. CB(1)963/16-17(01) — Submission from Hong Kong Government Landscape Architects Association dated 24 April 2017

LC Paper No. CB(1)963/16-17(02) — Submission from Mr Paul Y K CHAN/Technological and Higher Education Institute of Hong Kong dated 24 April 2017

LC Paper No. CB(1)963/16-17(03) — Submission from The Hong Kong Institute of Landscape Architects dated 24 April 2017)

24. With the aid of a powerpoint presentation, Assistant Director (Architectural), Architectural Services Department ("AD/A/ArchSD"), briefed members on the Administration's proposal to create a permanent Chief Landscape Architect ("CLA") (D1) post to head a new Landscape Division under the Architectural Branch of the Architectural Services Department ("ArchSD") to strengthen the provision of professional landscape architectural support to ArchSD in handling landscape design and tree management planning matters. Details of the proposal were given in the Administration's paper (LC Paper No. CB(1)817/16-17(07)).

(*Post-meeting note*: A soft copy of the powerpoint presentation materials was circulated to members vide LC Paper No. CB(1)1003/16-17(02) (Chinese version only) by email on 24 May 2017.)

Justification for the creation of the Chief Landscape Architect post

25. Mr Andrew WAN questioned the justification for the creation of the CLA post. Deputy Secretary for Development (Works)1 ("DS/DEV(W)1") responded that with the considerable increase in the volume, scope and complexity of work arising from policy initiatives and public works projects requiring quality landscape and urban design as well as tree management in the past decade, the existing Landscape Architect ("LA") grade staff complement in ArchSD was no longer sufficient to cope with the latest service needs. There was a need to enhance staffing resources at directorate level by creating the proposed CLA post to lead the landscape team in ArchSD and oversee the landscape and greening works of public projects under ArchSD's purview to meet the rising public expectation for a quality built environment. The creation of the directorate level post would also enhance the professional career prospect and development of the LA grade staff.

26. Mr Andrew WAN and Mr HUI Chi-fung opined that public funds should be used for enhancing the work of tree preservation and management, instead of creating a directorate level post to enhance the career prospect of existing staff. Head of Greening, Landscape and Tree Management Section, Development Bureau, advised that the Greening, Landscape and Tree Management Section of the Development Bureau (Works Branch) had two teams, the Greening and Landscape Office and Tree Management Office. They worked as an inter-disciplinary team across a range of urban and landscape scenarios across Hong Kong, one of which was urban forestry and tree management. Across both teams they were required to understand the trees in the urban context of Hong Kong landscape environment.

27. Mr HUI Chi-fung said that members belonging to the Democratic Party did not support the creation of the CLA post. He suggested that ArchSD should set up arborist posts dedicated to the work of tree risk assessment and tree preservation.

28. Mr SHIU Ka-chun said that he did not support the staffing proposal.

Establishment of the Landscape Architect grade

29. Mr CHAN Chun-ying expressed support for the staffing proposal. He enquired whether the proposed CLA post and the additional LA/Assistant Landscape Architect ("ALA") post in ArchSD would be filled by internal promotion or open recruitment. DS/DEV(W)1 responded that the proposed CLA post would be filled by internal promotion, and an open recruitment exercise would be conducted for the additional LA/ALA post.

30. Mr CHAN Chun-ying sought clarification on the chain of command of the LA grade in ArchSD after the creation of the CLA post. AD/A/ArchSD replied that the Administration proposed to establish a new Landscape Division under the Architectural Branch of ArchSD, to be headed by the proposed CLA. Upon the setting up of the Landscape Division, three Senior Landscape Architects ("SLAs") and eight LAs would be redeployed from Division 1 of the Architectural Branch to the new Landscape Division to rationalize the chain of command and enhance service delivery to the clients. In addition, one additional LA/ALA post would be created to cope with the increasing workload on project delivery and advisory services. The existing two SLAs and two LAs in the Project Management Branch, whose posts were multi-disciplinary in nature, were responsible for project development and management. They would remain in the Project Management Branch, and would be supervised by the proposed CLA indirectly.

31. Mr Andrew WAN enquired whether there were any vacancies in the 15 permanent and two time-limited LA grade posts in ArchSD at present. AD/A/ArchSD replied in the negative.

32. Mr Holden CHOW expressed support for the staffing proposal. Referring to the list of upcoming projects with significant landscape input (ongoing/under planning) as shown in Enclosure 1 to the Administration's paper, Mr CHOW called on the Administration to review the staffing resources of the LA grade in ArchSD at an appropriate time, so as to ensure that there would be sufficient manpower to cope with the workload arising from the five upcoming projects.

VI Ex-gratia allowance arrangement for business undertakings affected by Government's development clearance exercises

(LC Paper No. CB(1)801/16-17(01) — Administration's paper on ex-gratia allowance for business undertakings affected by the Government's development clearance exercises)

33. At the invitation of the Chairman, Secretary for Development ("SDEV") briefed members on the Administration's proposal to extend the current ex-gratia allowance ("EGA") arrangement for eligible business undertakings affected by the Government's development clearance exercises. Under the proposal, the current arrangement would be extended to cover:

- (a) outdoor/open-air business operations on private agricultural land not in breach of the leases and operating for at least 10 years immediately preceding the date of the relevant Pre-clearance Survey ("PCS");
- (b) business operations on private agricultural land permitted by short-term land instruments issued by the Lands Department ("LandsD") operating for at least 10 years immediately preceding the date of the relevant PCS and not in breach of the conditions of the short-term land instruments; and
- (c) business operations on government land under short-term tenancies ("STTs") (excluding those sites let under Abbreviated Tender System) first granted at least 10 years immediately preceding the date of the relevant PCS and not in breach of the STT conditions.

34. SDEV advised that the proposal aimed at rationalizing the current EGA arrangement and addressing the genuine needs of the affected business undertakings. Subject to the funding approval of the Finance Committee ("FC"), the Administration planned to apply the proposed extended EGA arrangement to all eligible business undertakings which had not yet received the Government's compensation or EGA as of 11 April 2017 in respect of all on-going and future land resumption and clearance exercises. Details of the proposal were given in the Administration's paper (LC Paper No. CB(1)801/16-17(01)).

(Post-meeting note: A soft copy of the powerpoint presentation materials was circulated to members vide LC Paper No. CB(1)1003/16-17(03) by email on 24 May 2017.)

35. The Chairman reminded members that in accordance with Rule 83A of RoP of LegCo, they should disclose the nature of any direct or indirect pecuniary interests relating to the subjects under discussion at the meeting before they spoke on the subjects.

Purposes of the proposal

36. Mr LAU Kwok-fan said that members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong supported the proposal. He urged the Administration to simplify the application procedure for the extended EGA.

37. SDEV replied that the proposal was to provide eligible business undertakings with an alternative to the elaborate and time-consuming process of statutory claims for disturbance payments (i.e. business loss due to the removal of the business), therefore the application procedure for the extended EGA would not be complicated. Director of Lands ("D of L") supplemented that as regards the documentary proof of operation of a business for the requisite period of at least 10 years, documents like business registration certificate, tax returns and insurance policies for employees were usually accepted as evidence to prove the requisite operation period. Other documentary proofs could also be submitted if the operators considered such documents useful in substantiating the requisite period of the business operation.

38. Mr CHAN Chun-ying said he supported the proposal in principle. He requested the Administration to provide the following information: (a) details about the statutory claims for disturbance payments (number of claims each year, how the claims would be handled, etc.) made by the operations affected by development clearance exercises; (b) the EGA amount paid to the affected operations and number of cases handled under the current EGA arrangement over the past few years; and (c) whether the introduction of the proposal was to pave the way for new land development projects.

39. D of L responded that the affected business operators could, in accordance with the applicable ordinances, submit their statutory claims for disturbance payments to LandsD. To facilitate the processing, a

claimant would be required to submit evidence to LandsD to support his/her claim. In the event that the claimant and the Government could not come up with an agreement, either party could bring the statutory claim for disturbance payment before the Lands Tribunal for determination of the compensation. However, due to the elaborate and time-consuming process of statutory claims, only a few claims processed by LandsD had been successfully settled in recent years. Separately, there was no readily available information on EGA payments to business operations and number of cases handled under the existing regime applicable to business undertakings operating mainly from structures. SDEV added that the Administration had been taking forward various land development projects and keeping the Panel informed. There was no new development project that the Panel was not aware of.

40. Mr Michael TIEN enquired if there would be any difference in terms of the areas of brownfield sites to be returned by the affected operations to the Administration for other development purposes before and after the proposal was adopted.

41. SDEV advised that the various major land development projects under planning involved about 340 hectares of brownfields, and the EGA proposal would facilitate land resumption and clearance exercises. The Administration did not have an estimation of the areas of brownfield sites that would be returned by the affected operations before and after the introduction of the EGA proposal.

Eligibility for the ex-gratia allowance

42. Mr CHU Hoi-dick expressed concern on whether the operations not in breach of the relevant land leases/conditions but not compliant with the relevant Outline Zoning Plans would be eligible for the extended EGA under the proposal.

43. Mr LAM Cheuk-ting said that members belonging to the Democratic Party supported the proposal in principle. Both Mr LAM and Mr Andrew WAN urged the Administration to prevent abuse of the extended EGA by unlawful occupiers of government land.

44. SDEV advised that LandsD had no longer accepted regularization applications made by unlawful occupiers of government land if the unlawful occupation commenced on or after 28 March 2017. Moreover, for those operations on government land permitted by STTs, they would be eligible for the proposed EGA only if the 10-year operation criterion

was fulfilled and the operations were not in breach of the relevant STT conditions.

45. Mr LAU Kwok-fan referred to the plight of some operations which had been evicted or had had their tenancies terminated after PCS (i.e. freezing survey) but before the commencement of development clearance exercises. These operations had been rendered ineligible for EGA. Mr LAU suggested that the Administration should exercise discretion in granting these operations EGA and step up publicity efforts to enhance the understanding of the affected parties on the compensation arrangement for land resumption and clearance.

46. D of L advised that the purpose of PCS was to capture the occupation and status of the existing structures and business operations within an area planned for development at the time when LandsD commenced the survey. As compensation would not be available to any new occupation and business operation after the commencement of a PCS, PCS could reduce the incentives for a land owner to evict his/her tenants in the hope of getting more compensation. Yet, tenancy matters were something between the land owner and his/her tenants, and any announcement made by the Government for development or the conduct of PCS by the Government could not override this landlord and tenant relationship. The Administration had been conveying the above messages to parties affected by land resumption and clearance exercises.

47. Mr Frankie Yick and Mr LEUNG Che-cheung sought clarification from the Administration on whether the land owner, sublessor or operator would be awarded EGA under the proposal.

48. Dr YIU Chung-yim said that some unlawful occupiers continued their occupation through regularization applications and subleased the land to business operators. By claiming themselves as business operators, these occupiers/sublessors were awarded EGA. In other words, the genuine operators who rented the land from the occupiers/sublessors through sublease agreements could not receive any EGA. Some of these operators were even requested by the Administration to pay Government rent arrears for the period of unlawful occupation though the arrears should be paid by the unlawful occupiers. Dr YIU considered such situations unfair to the genuine operators. Mr LEUNG Kwok-hung echoed Dr YIU's views.

49. D of L explained that the Administration had stipulated in the STT conditions that sub-leasing was not allowed for the government land let

out under STT. Any STT tenants who were found in breach of the STT conditions (e.g. subleasing the land) would not be eligible for EGA.

50. Mr Frankie Yick and Mr LEUNG Che-cheung held the view that the requirement, under the proposal, of at least 10-year operation by an affectee at a land lot was too stringent as the duration of a tenancy was usually short.

51. SDEV advised that there had been an established compensation arrangement for land resumption and clearance, and the proposal under discussion focused on EGA to outdoor/open-air operations and operations on private agricultural land permitted by short-term land instruments, etc.. D of L supplemented that the minimum 10-year operation requirement was to prevent abuse and ensure prudent use of public money. Under such a policy, business operating on the private lot concerned for less than 10 years would not be eligible even though the operator might have operated cumulatively for 10 years from different land lots over a 10-year timespan. That notwithstanding, cases not meeting the 10-year criterion would still be eligible for making statutory claims for disturbance payments. She further advised that the 10-year criterion was consistent with the arrangements for occupants of 1982-surveyed or licensed domestic squatters affected by development clearance exercises, under which the occupants would be eligible for EGA if and only if they had occupied the said squatters for at least 10 years immediately preceding the date of PCS.

52. Indicating support for the proposal, Miss Alice MAK urged the Administration to review if the minimum 10-year operation/occupation requirement for the affected operations and residents could be relaxed, so that EGA could be provided to those in need.

53. SDEV replied that the Administration had to set out a time requirement to standardize the EGA arrangement. In respect of operators on brownfield sites affected by development clearance exercises, in addition to offering assistance to them through provision of the general EGA, the Administration had commissioned a study to explore the feasibility of accommodating some of the affected brownfield operations in the Hung Shui Kiu New Development Area in multi-storey buildings ("MSBs"). The Administration would consult the relevant trades and the Panel on the proposed arrangement in due course.

Policy on re-accommodation of brownfield operations

54. Mr CHU Hoi-dick held the view that instead of simply providing EGA to the brownfield operations affected by development clearance exercises, the Administration should formulate a comprehensive policy on re-accommodating brownfield operations, including the measures to re-provision the affected operations in the same district. Mr LAM Cheuk-ting shared his views.

55. Mr LEUNG Kwok-hung considered that the proposal had failed to address the problems faced by displaced operations. These operations might move to another private agricultural land to commence new brownfield operations after receiving EGA. In this way, brownfield operations would be spread to other districts/areas rather than being contained. He considered that the problem could only be resolved by re-provisioning the affected operations in the same district.

56. Mr LAU Kwok-fan said that the affected operations were more concerned about the re-provisioning arrangement than the EGA arrangement as many of them would like to continue their business. He asked if any re-provisioning options would be made available to these operations.

57. Mr Frankie Yick, Mr Michael TIEN, Mr LEUNG Che-cheung and Miss Alice MAK expressed similar concerns to Mr LAU's. Mr Yick further pointed out that brownfield operations made up an integral part of the trading sector and logistics industry. Mr TIEN was of the view that even the brownfield operations were satisfied with the extended EGA arrangement, they might still be unwilling to return the sites to the Administration as no re-provisioning option was available. Mr LEUNG considered that EGA and re-provisioning arrangements should be considered together. Miss MAK opined that it could hardly help the affected operations if the rentals of the new sites (e.g. the proposed MSBs being studied by the Administration) were much higher than the original sites.

58. SDEV clarified that the proposal under discussion was about the provision of EGA to eligible business undertakings involved in outdoor/open-air operations and operations on private agricultural land permitted by short-term land instruments, etc. affected by development clearance exercises. As for the need to provide suitable accommodation or re-provisioning for brownfield operations affected by development

projects, the Administration was examining the relevant policy issues and would consult the Panel on the subject matter in due course.

Public consultation

59. Mr CHU Hoi-dick, Mr Andrew WAN and Mr LEUNG Che-cheung opined that the Panel should hold a special meeting to receive public views on the proposed extension of the current EGA arrangement. Mr Frankie Yick requested the Administration to meet with representatives of the concerned operations to explain the proposal and allay their concerns.

60. The Chairman agreed that a special meeting should be arranged in this regard. He said that members would be notified of the meeting arrangements in due course.

(Post-meeting note: Members were informed on 5 June 2017 vide LC Paper No. CB(1)1073/16-17 that a special meeting to receive public views on the proposal would be held at 2:30 pm on 27 June 2017.)

Motions proposed by Mr CHU Hoi-dick

61. The Chairman advised that he had received two proposed motions from Mr CHU Hoi-dick. He said that only the first one was directly related to the agenda item under discussion. Members agreed that the said motion be proceeded with at the meeting.

62. Mr CHU Hoi-dick read out the motion, of which the wording was as follows:

(Translation)

"This Panel urges that the Government, in its review of the ex-gratia allowance arrangement for brownfield operations, must adopt the overriding principle of "reprovisioning in the same district" in the new developments concerned when carrying out Government's development clearance exercises affecting brownfield operations, so as to prevent more agricultural lands in other districts from becoming brownfield sites and protect the livelihood of workers."

63. The Chairman put the motion to vote. The motion was voted on and carried.

(Post-meeting note: The Administration's written response to the motion was issued to members vide LC Paper No. CB(1)1202/16-17(01) on 26 June 2017.)

[At 4:27 pm, the Chairman ordered that the meeting be extended for 15 minutes to end at 4:45 pm, so as to allow more time for the Panel's discussion on the agenda item.]

VIII Any other business

64. There being no other business, the meeting ended at 4:42 pm.

Council Business Division 1
Legislative Council Secretariat
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