

**LEGISLATIVE COUNCIL
PANEL ON DEVELOPMENT**

**Briefing by the Secretary for Development
on the Chief Executive's 2017 Policy Address**

**Follow-up Actions Arising from
the Discussion at the Meeting on 24 October 2017**

Supplementary information requested by the Panel on Development is provided below.

- (a) **whether the Administration would consider putting in place a mechanism to ensure that idle government sites under the purview of various government bureaux/departments would be timely surrendered to the Planning Department for converting into suitable uses;**

2. If a site with surplus government accommodation is no longer required by the user bureau/departments, they should inform and follow up with relevant departments, including Planning Department and Lands Department (“LandsD”), to release the site for suitable long-term and short-term uses. If no suitable alternative users can be identified, subject to specific circumstances, the relevant bureau/departments should seek the assistance of Government Property Agency in identifying alternative users for the surplus government accommodation in a timely manner.

3. Besides, the land use review conducted under the Government’s multi-pronged strategy to increase land supply would cover government land currently unleased or unallocated, under short term tenancy (“STT”) or in different short-term or government uses.

4. Through the continued efforts, we have released some government sites for alternative beneficial uses in the past few years, such as the former Cheung Sha Wan Post Office building, the former car parks at Middle Road and Murray Road, the former cooked food hawker bazaars at Tai Lin Pai Road and Yu Chau West Street for commercial/business uses, and the former market at Tseng Choi Street, the former staff quarters at Hing Fong Road and sites in Pik Tin Street and Heung Fan Liu Street in Sha Tin for residential uses.

- (b) **whether the Administration had sufficient resources to conduct inspections to ensure the building safety of those aged buildings for which the developers, while having acquired most of the buildings' property ownerships and pending redevelopment;**

5. The Buildings Department (“BD”) has been adopting a risk-based approach to deal with dilapidated buildings and unauthorised building works (“UBWs”) systematically. However, building safety problems could not be sustainably and effectively resolved by BD's enforcement actions alone. Owners shall assume responsibility for the safety as well as repair and maintenance of their properties while the Government would provide assistance and support to responsible owners and take enforcement actions against dilapidated or defective buildings and UBWs in an orderly manner.

6. Regular inspections and timely repairs are crucial and one should not wait until the buildings have become defective or dangerous for taking remedial actions. To strengthen its efforts in dealing with aged buildings and promoting building safety, the BD has fully implemented the Mandatory Building Inspection Scheme (“MBIS”) since June 30, 2012, which tackles building dilapidation at its root through upholding the concept of "prevention is better than cure". The relevant legislation empowers the BD to issue statutory notices to owners of private buildings aged 30 years or above (except domestic buildings not exceeding three storeys), requiring them to carry out prescribed inspections and, if necessary, prescribed repairs of their buildings. The inspection should cover the external elements, structural elements, fire safety elements, drainage system and UBWs of the buildings.

7. As far as the work of BD is concerned, the BD has been adopting a multi-pronged approach to tackle the dilapidation and ageing of buildings. Apart from the aforementioned MBIS, the BD follows up public reports on individual cases of defective buildings and issues statutory orders requiring owners to carry out investigations or repairs to properly deal with such problems.

8. In addition, through large scale operations, the BD proactively selects target buildings for taking actions against dilapidated or defective buildings and UBWs. Statutory orders will be issued to require owners to carry out investigations and repair works if necessary.

9. Owners who fail to comply with statutory mandatory building

inspection notices, investigation orders, repair orders, as well as UBW removal orders will be prosecuted. In case the condition of the building or UBW constitutes imminent danger, the BD may appoint consultants and Government contractors to carry out building inspections, investigation, repair and removal works related to the statutory orders/notices in the owners' default and the costs of the works, supervision charges and surcharges will be recovered from the owners upon completion of the works.

10. The Government will review, from time to time, the resources of the BD to ensure that the BD has sufficient resources to tackle building safety problems.

(c) how the Administration would consider the suggestion made by a non-official member of the Task Force on Land Supply that Plover Cove Reservoir be filled up to provide land for housing;

11. The Task Force on Land Supply conducted a public engagement ("PE") exercise from April to September last year to invite public views on the 18 land supply options and other land supply-related issues, with a view to deliberating with the community on the pros and cons as well as relative priority of the options. While "Reclaiming part of Plover Cove Reservoir for New Town Development" was one of the conceptual options covered in the PE exercise, the idea did not receive much public support and the Task Force has not recommended pursuing the idea in its report published in December 2018, with reasons set out. The Administration sees no reason to disagree with the Task Force's considerations on this subject.

(d) whether and how the Administration would enforce against those cases in which the owners of shopping centres located at public housing estates or Home Ownership Scheme courts, such as Yung Shing Shopping Centre under the Link Real Estate Investment Trust ("the Link"), and Kam Ying Court Shopping Centre under a company that had acquired the shopping centre from the Link, had failed to provide the community or welfare facilities required under the relevant land lease conditions; and

12. Land leases are private contracts between the Government and the landowners. Landowners are required to ensure that the uses of land are in compliance with the lease conditions and this obligation continues to apply

to new landowners upon change in ownership. In general, if a breach of lease conditions is confirmed, LandsD will take appropriate lease enforcement actions, including issuing a warning letter to the owners requiring them to rectify the breach. If the breach is not rectified within a specified period, LandsD will register the warning letter at the Land Registry, commonly known as “imposing an encumbrance” and, where necessary, take further lease enforcement actions including re-entering the land or vesting the interests of the property in the Government.

13. According to the lease conditions of Kam Ying Court, the Lessee is required to provide one kindergarten of not less than 14 classrooms and gross floor area of not less than 1,400 s.m. Prior written approval by LandsD is required for the modification of this requirement.

14. According to the lease conditions of Yung Shing Court (Fanling Sheung Shui Town Lot No. 207), the lot cannot be used for any purpose other than for private residential (excluding service apartments) purposes together with such commercial, welfare, educational and ancillary facilities. Prior written approval by LandsD is required for the modification of any of the above uses.

15. At this juncture, LandsD has not detected any breach of the relevant lease conditions at Kam Ying Court or Yung Shing Court. LandsD will take appropriate enforcement actions if any breach of the lease conditions is detected.

(e) in respect of the new initiative of encouraging private developers to provide welfare facilities in their development projects, (i) of the specific details and timetable of implementation, including the number of private developers and development projects, as well as the types of welfare facilities to be involved; and (ii) whether the Administration would, as a better alternative, consider specifying the requirements of the provision of such facilities under the land sale conditions.

16. In view of scarcity of land resources and acute demand for welfare services, DEVB has already been co-ordinating with the Labour and Welfare Bureau (“LWB”) in selecting suitable land sale sites whereby developers would be required, through land sale conditions, to provide welfare facilities for the Government in its development floor space, thereby enhancing the flexibility and efficiency in the Government’s provision of such facilities. The relevant LegCo Panel has also been

briefed on the earmarking of funding from the Lotteries Fund for the projects to be so entrusted to private tenderers of relevant sites.