

立法會
Legislative Council

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**Minutes of LegCo Members' Meeting
with Eastern Provisional District Board Members
on Thursday, 8 April 1999 at 10:45 am
in Conference Room A of the Legislative Council Building**

Members Present : Hon Gary CHENG Kai-nam (Convenor)
Hon Kenneth TING Woo-shou, JP
Hon Eric LI Ka-cheung, JP
Hon LEE Kai-ming, JP
Hon NG Leung-sing

By Invitation : **Eastern Provisional District Board**

Mr CHAN Bing-woon, SBS, JP (Chairman)
Dr CHAN Chi-kuen
Ms CHAN Oi-kwan
Ms CHOW Kit-bing, MH
Mr CHU Hon-wah
Mr FU Yuen-cheung
Mr HUI Ka-hoo
Mr IP Chiu-shing
Mr KONG Chack-ho
Mr KONG Tze-wing
Mr KUNG Pak-cheung
Ms LAM Chui-lin
Mr LAM Tak-on
Mr LEE Kwong-lam
Mr LEUNG Sau-chi, JP
Mr LEUNG Yiu-hung
Mr TSO Hon-kwong
Mr MAK Shun-pong, MH
Mr Giuseppe SALAROLI

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Mr SHUM Choi-sang, JP
Ms TSANG Angela
Mr WONG Kwok-hing, MH
Mr YUEN Ki-kong

Staff in Attendance : Mrs Justina LAM
Assistant Secretary General 2

Miss Flora TAI
Senior Assistant Secretary (2) 2

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(D) Urging the Government to resume the private streets with protruding balconies

Mr CHU Hon-wah informed members that EPDB members were disappointed at the decision of the Private Street Resumption Committee not to resume nine streets within the Eastern District because of the “protruding balcony” problem. EPDB members considered the decision to be unfair to the residents in these private streets as they were unable to enjoy municipal services. Furthermore, the dilapidated conditions of these private streets posed major fire, hygiene and other hazards to residents.

2. Mr YUEN Ki-kong said that LegCo Members would better understand the problems in the districts if they could attend meetings of respective District Management Committees. Ms CHOW Kit-bing added that the problems of private streets would be more effectively be dealt with if the powers of District Boards were enhanced. The Convenor shared the view that the role of a District Board in district management was worthy of further discussion.

3. Mr WONG Kwok-hing pointed out that the Provisional Urban Council had passed a motion urging the Urban Services Department to provide municipal services in these private streets. He added that it was his understanding that the proposal to resume private streets with protruding balconies was rejected by the Executive Council due to legal complications arising from the legal status of these protruding balconies. Hon LEE Kai-ming informed EPDB members that the Committee (Lands, Works, Housing, Transport and Environmental protection) Policy Group chaired by the Chief Secretary for Administration had made a policy decision not to proceed with the

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resumption of the 22 private streets with protruding balconies at its meeting on 27 June 1998. He commented that a fundamental change in the Administration's policy would be required to tackle the problem.

4. EPDB members urged LegCo members to follow up the problem by requesting the Government to seek amendments to the relevant legislation; and to take measures to facilitate maintenance works in the management of these private streets.

5. Mr TSO Hon-kwong pointed out that there were also problems in the management of private streets in large private developments. He cited Taikoo Shing as an example. He said that the property developer had refused to designate adequate space on a private street for a temporary bus stop. He added that it was unfair that individual landlords of Taikoo Shing were held responsible for maintenance works in these private streets when such services could be provided free of charge by the Government. Mr TSO expressed dissatisfaction that despite EPDB's repeated requests, the Administration maintained that it was unable to take any action unless the property developer decided to surrender the ownership on its own accord.

6. Mr Giuseppe SALAROLI had a different view. He explained that the property developer concerned had not surrendered the ownership of the private streets because the development in Taikoo Shing had yet to be completed. He added that the property developer had been very reasonable in not requesting individual landlords to pay for the maintenance costs. Mr TSO Hon-kwong disagreed, pointing out that the property developer had only agreed not to charge individual landlords the maintenance costs in the meantime because of their strong protest. He added that it was unreasonable to allow a property developer to retain ownership of private streets once the development was completed. The Convenor commented that these problems relating to titles and property management were basically a matter of dispute between property developers and individual landlords. Mr TSO said that relevant legislation should be reviewed as to why property developers were given the discretion to decide whether or not to surrender private streets under their ownership, when the Government had already been given the power to resume private streets for public purpose.

7. The Convenor expressed his agreement with EPDB members that amendments to relevant legislation would be necessary to overcome the legal complications arising from the resumption of private streets with protruding balconies. As an interim measure, the Government should clarify the maintenance and management responsibilities of these private streets and undertake the work if necessary.

8. Members agreed that the issue be referred to LegCo Panel on Planning, Lands & Work be followed-up at the policy level.

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9. At Mr FU Yuen-cheung's request, the Convenor undertook to provide a written response to some of the issues raised by EPDB members which had not been discussed at the meeting.

10. The Convenor thanked EPDB members for attending the meeting. The meeting ended at 12:45 pm.

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