

立法會
Legislative Council

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LC Paper No. CB(1)1983/99-00

(These minutes have been
seen by the Administration
and cleared by the Chairman)

**LegCo Panels on Planning, Lands and Works
and Housing**

**Minutes of joint meeting
held on Tuesday, 18 April 2000, at 10:45 am
in the Chamber of the Legislative Council Building**

Members present : Panel on Planning, Lands and Works

- * Hon Edward HO Sing-tin, SBS, JP (Chairman)
Dr Hon TANG Siu-tong, JP (Deputy Chairman)
- * Hon HO Sai-chu, SBS, JP
Ir Dr Hon Raymond HO Chung-tai, JP
- * Hon LEE Wing-tat (Chairman of Housing Panel)
Hon WONG Yung-kan
Hon Timothy FOK Tsun-ting, SBS, JP

Members of Panel on Housing

Hon Gary CHENG Kai-nam, JP (Deputy Chairman)
Hon David CHU Yu-lin
Hon NG Leung-sing
Hon Mrs Selina CHOW LIANG Shuk-ye, JP
Hon CHAN Yuen-han
Hon CHAN Kam-lam
Hon LEUNG Yiu-chung

(* Also members of the LegCo Panel on Housing)

Non-Panel member : Hon CHOY So-yuk
attending

Members absent : Panel on Planning, Lands and Works

- * Hon Ronald ARCULLI, JP
- * Hon James TO Kun-sun
- Hon LAU Wong-fat, GBS, JP
- Hon TAM Yiu-chung, GBS, JP

Panel on Housing

Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon Fred LI Wah-ming, JP
Hon Andrew WONG Wang-fat, JP
Dr Hon YEUNG Sum
Hon SZETO Wah

(* Also member of the Panel on Housing)

Public officers attending : Mr Stephen FISHER
Deputy Secretary for Planning and Lands
(Urban Renewal and Buildings)

Mr C M LEUNG
Director of Buildings

Mr CHEUNG Hau-wai
Deputy Director of Buildings

Ms Ophelia TSANG
Acting Principal Assistant Secretary for
Housing (2)

Mr Y K CHENG
Business Director of Housing
(Allocation and Marketing)

Mr K N CHEUNG
Assistant Director of Housing
(Operations and Redevelopment)

Clerk in attendance : Miss Odelia LEUNG, Chief Assistant Secretary (1)1

Staff in attendance : Miss Irene MAN, Senior Assistant Secretary (1)9

I Election of Chairman

Mr Edward HO Sing-tin was elected Chairman for the meeting.

II Unauthorized building works
(LC Paper No. CB(1)1358/99-00(01))

2. The Deputy Secretary for Planning and Lands (Urban Renewal and Buildings)(DS for PL) briefed members on the salient points of the information paper. He highlighted the establishment of a Task Force on Building Safety and Preventive Maintenance (Task Force) with the objectives of conducting a comprehensive review of the policies and enforcement actions on building safety, and of formulating new policies and strategies. The review would cover all stages of a building from design, repair and maintenance to the ultimate stage of redevelopment. The Administration would consult members and the public on the proposals of the Task Force later.

3. As the Administration aimed to clear about 300 single-staircase buildings with unauthorized rooftop structures (URSS) this year, Mr LEE Wing-tat enquired how the Administration would handle the rehousing need of affected persons under the existing policy. Mr LEUNG Yiu-chung expressed similar concern and echoed Mr LEE's view that improper rehousing would bring about violent opposition from URS occupants in clearance operations.

4. DS for PL advised that the Housing Department (HD) would render rehousing assistance to URS occupants displaced by clearance operations. The Business Director of Housing (Allocation and Marketing) (BD of H) supplemented that HD required additional manpower to tie in with the clearance programme and would meet such a need through internal deployment. The displaced occupants would be rehoused to public rental flats or interim housing provided that they met the established criteria.

5. Mr LEE Wing-tat said that displaced occupants had to fulfill three criteria for rehousing under the current policy. They had to be registered in the 1982 survey, pass the income/assets assessment and attain a minimum period of residence in Hong Kong. Those who could not meet these three criteria would be arranged to stay in transit centres for three months before being allocated interim housing. Since the environment of transit centres was unsatisfactory, the displaced occupants were often reluctant to accept rehousing there. He enquired about the average number of URS occupants eligible for rehousing in the past few years.

6. The Assistant Director of Housing (Operations and Redevelopment) (AD of H) said that most occupants displaced by URS clearance were eligible for rehousing. Under the present rules, when the Buildings Department (BD) posted a notice of intention to close an URS, HD would register the occupants for rehousing purpose. Those who did not meet the income/asset test would be allocated interim housing but would be charged the market rent. If the occupants fell short of the residence criteria only, they would be rehoused to old public housing units.

7. Mr LEE Wing-tat sought clarification on whether URS occupants who were not covered by the 1982 survey would be given interim housing. In response, AD of H clarified that HD's 1982 Squatter Structure Survey covered only those illegal structures on unleased and undeveloped Government land and leased agricultural land but not URS on private tenement buildings.

8. Referring to paragraph 11, the Chairman pointed out that although HD said that it would endeavour to meet the rehousing demand generated by the clearance programme, it had not gauged the extent of the demand. AD of H explained that since the Administration had not carried out a formal registration of URS occupants, it was difficult to assess the rehousing demand accurately. Based on past clearance experience, HD projected that the estimated rehousing commitments would be about three households per building. In 1999-2000, HD had rehoused 160 such households.

9. Mr LEE Wing-tat considered that the number of households living in URSs per building was grossly under-estimated. The Administration agreed to provide further information on the number of families affected by and rehoused in the clearance exercises over the past few years and on the estimated rehousing demand generated by the future clearance programme.

(Post-meeting note : the information was provided by the Administration and circulated to members vide LC Paper No. CB(1)1601/99-00.)

10. Mr LEE Wing-tat said that the Administration so far had not addressed the issue of unauthorized building works (UBWs) in a comprehensive way. Every time when accidents occurred, the Administration would carry out immediate clearance of the UBWs in question. He called for the Administration's commitment in this respect.

11. DS for PL advised that the Administration was determined to tackle the UBW problems and had strengthened prosecution of illegal structures in recent years. Separate clearance programmes were devised to deal with UBWs attached to external walls and URSs of single-staircase buildings. The Director of Buildings (D of B) explained that since last year, BD had redeployed internal resources to mount a large-scale clearance operation to remove UBWs on the external walls of 307 buildings in busy districts at one time. As a result, the compliance rate of the statutory orders to remove UBWs was rising. It was expected that this approach would increase the number of UBWs cleared each year by five times in the coming three years and encourage owners of buildings in

the vicinity to take the initiative to clear their UBWs. He admitted that the relatively tolerant approach taken by BD in the past had inadvertently encouraged the lax attitude of owners towards UBWs. This attitude had to be changed through BD's determined clearance operations. D of B pointed out that the roofs of 1,300 single-staircase buildings were fully covered with URSs. This posed serious fire hazards. BD would speed up the clearance programme of these buildings and increase the target from 200 to 300 buildings in 2000. The clearance programme would be stepped up progressively and the Administration's goal was to clear all the remaining 1,200 buildings of URS in this category in three years instead of six years. Separately, BD would strictly enforce the removal orders and prosecute non-compliant owners. The Administration intended to increase the number of prosecutions against owners 10 times from 200 to 2,000 per year.

12. Mr CHENG Kai-nam pointed out that as the Administration accorded priority to clear UBWs which posed imminent danger to life and property or the newly erected ones, a misleading message had been conveyed to the public that UBWs outside these categories would be tolerated. Therefore, apart from implementing the clearance programme, he considered that the Administration needed to change this incorrect concept of owners. The longer the Administration tolerated the existence of UBWs, the more violent opposition would be when these had to be cleared.

13. D of B advised that due to the enormous number of UBWs in Hong Kong, the practical approach taken by BD was to accord clearance priority to UBWs which posed imminent danger or which were newly erected. For the other existing UBWs, the Administration would identify target buildings from time to time which warranted clearance. Among the 50,000 buildings which were estimated to have UBWs, they would be monitored and might become target buildings. At present, it took a long time to go through all the procedures from service of a removal order to actual clearance. BD intended to carry out more large scale clearance operations which should be more efficient and effective. In addition, BD would continue to promote the owners' awareness of their responsibility for clearing UBWs of their buildings. The Task Force was actively working in this respect. The Administration would consult members and the public later on the proposals. D of B said that the most difficult problem was to demolish URSs because of residents living therein. In making rehousing arrangements for affected persons, the Administration must not be over-lenient lest it would encourage re-erection of URSs.

14. Mr CHENG Kai-nam further enquired about the criteria for determining UBWs which posed imminent danger. The Deputy Director of Buildings (DD of B) explained that under the existing criteria, for examples, UBWs blocking fire escape routes, large canopies and cages attached to external walls posing life hazards to pedestrians, etc. were regarded as UBWs which posed imminent danger.

15. Miss CHOY So-yuk said that there was a complaint about the existence of three UBWs in a building in North Point. In response to the complaint, BD cleared two of them but left one intact on the grounds that it did not pose imminent danger. D of B

advised that the problem of partiality could be avoided if clearance operations were taken for the whole building at one time. He suggested that the member provide further details on the case for follow up.

16. Ir Dr Raymond HO said that according to the Administration's estimation which was based on aerial photographing, there were about 800,000 UBWs. Although the speed of clearance was increased and as many as 15,000 UBWs were cleared in a year, new UBWs continued to be erected. The problem could not be solved effectively if UBWs were demolished only upon receipt of a removal order. He was also concerned about the measures taken in ensuring safe demolition of UBWs.

17. D of B said that the figure of about 800,000 UBWs was only a rough estimation. About 200,000 of which should be accorded clearance priority. He expected that BD would clear about 65,000 UBWs in three years. Although the Administration had not assessed the number of newly erected UBWs per year, BD's large-scale clearance programme would have an impact on the public in deterring the erection of UBWs. In any case, newly erected UBWs were within the priority clearance categories. BD was now working on a statutory preventive building maintenance scheme. Under the scheme, BD would carry out initial inspections of buildings, and then issue maintenance orders to owners requiring them to carry out proper repair works to the buildings through authorized persons. D of B considered that this approach would be effective in clearing a vast number of UBWs in future. As regards demolition of UBWs, the Administration was reviewing the Buildings Ordinance, Cap. 123. Certain UBWs, the removal of which should be exempted from application of relevant provisions, would be clearly defined. The Administration would also consider registering demolition contractors. In the meantime, guidelines for safe demolition of UBWs had been issued through the Hong Kong Construction Association for contractors' reference.

18. Miss CHAN Yuen-han was of the view that there should be a comprehensive scheme for clearing different types of UBWs, including the newly erected ones, those attached to external walls of buildings and URSs. She expressed concern about the rehousing arrangement for URS dwellers, the potential danger posed by the existing UBWs and the measures to be taken to prevent collapse of other dangerous UBWs.

19. DS for PL said that the Administration was formulating a comprehensive strategy on building safety and maintenance covering all stages of a building from design to construction and maintenance, and finally up to redevelopment. Greater flexibility would be allowed on building design for the purpose of diminishing the need for erecting UBWs and of facilitating maintenance. A scheme on preventive maintenance of buildings would soon be announced. Measures on the control of advertisement signboards were being considered. A legislative framework for redevelopment of buildings was currently scrutinized by members. D of B added that BD would liaise with the Home Affairs Department to ensure smooth coordination among various Government departments in implementing this comprehensive strategy.

20. Referring to paragraph 7 of the information paper, Mr NG Leung-sing enquired about the assessment criteria for approving applications for loans under the Building Safety Improvement Loan Scheme, and the repayment rate. In response, D of B said that BD adopted a relatively flexible attitude in assessing the applications. Provided that owners were willing to clear the UBWs of their buildings, the Administration would approve their loan applications as far as possible. The repayment rate so far was satisfactory. Meanwhile, BD was considering merging a fund of about HK\$200 million administered by the Fire Services Department with the Building Safety Improvement Loan Scheme for effective use of resources.

21. Dr TANG Siu-tong sought clarification on whether the loans would also be made available to owners who had not received the removal notice but was prepared to clear the UBWs of their own accord. D of B said that the Administration welcomed such loan applications. Moreover, BD intended to enhance the assistance provided to Owners' Corporations to prevent erection of UBWs. He noted the member's concern about re-erection of UBWs after demolition and said that the Administration would monitor the situation.

22. As some owners erected UBWs for profit making and the Administration might not always be able to recover the cost of clearance from the owners, Mr LEE Wing-tat enquired whether the Administration would consider amending the existing legislation to hold the owners legally liable for such costs. D of B said that this had already been the case under the existing legislation. The costs incurred would be registered against the property concerned. DS for PL supplemented that the Administration was considering the need to introduce legislative measures to prohibit the sale of rooftops of buildings alone. Members expressed support for such a measure.

III Any other business

23. There being no other business, the meeting ended at 11:45 p.m.