

立法會
Legislative Council

LC Paper No. CB(1)1313/03-04
(These minutes have been seen
by the Administration)

Ref : CB1/PL/PLW/1

Panel on Planning, Lands and Works

Minutes of meeting
held on Tuesday, 27 January 2004 at 2:30 pm
in Conference Room A of the Legislative Council Building

Members present : Dr Hon TANG Siu-tong, JP (Chairman)
Hon LAU Ping-cheung (Deputy Chairman)
Dr Hon David CHU Yu-lin, JP
Ir Dr Hon Raymond HO Chung-tai, JP
Hon TAM Yiu-chung, GBS, JP
Hon Albert CHAN Wai-yip
Hon WONG Sing-chi
Hon IP Kwok-him, JP

Member attending : Hon CHOY So-yuk

Members absent : Hon James TIEN Pei-chun, GBS, JP
Hon James TO Kun-sun
Hon WONG Yung-kan
Hon LAU Wong-fat, GBS, JP
Hon Timothy FOK Tsun-ting, SBS, JP
Hon Abraham SHEK Lai-him, JP

Public officers attending : **Agenda Item IV**

Mr TSUI Wai
Principal Assistant Secretary for Environment, Transport
and Works (Works) W2

Mr James S O CHAN
Acting Principal Assistant Secretary for Environment,
Transport and Works (Works) W3

Mr Eddy YAU, JP
Assistant Director (Leisure Services)
Leisure and Cultural Services Department

Dr WONG Fook-yee
Assistant Director (Country and Marine Parks)
Agriculture, Fisheries and Conservation Department

Agenda item V

Mr Jack CHAN
Acting Deputy Secretary for Environment, Transport and
Works (Works)W1

Mr Thomas TSO
Deputy Secretary for Housing, Planning and Lands
(Planning and Lands)1

Mr TSAO Tak-kiang
Director of Civil Engineering

Mr John CHAI
Director of Territory Development

Mr Albert CHENG
Assistant Director (Headquarters)
Civil Engineering Department

Agenda items VI, VII and VIII

Mrs Carrie LAM
Permanent Secretary for Housing, Planning and Lands
(Planning and Lands)

Ms Christine CHOW
Principal Assistant Secretary for Housing, Planning and
Lands (Planning and Lands)

Agenda item VI

Mr Raymond HO
Principal Assistant Secretary for Environment, Transport
and Works (Transport)

Mr KWAN Pak-lam
Project Manager (Kowloon)
Territory Development Department

Mr Talis WONG
Acting Chief Engineer
Territory Development Department

Agenda item VII

Mr LAM Chiu-hung
Project Manager (New Territories East)
Territory Development Department

Mrs Joanna KWOK
Chief Engineer
Territory Development Department

Ms Sally FONG
Senior Town Planner
Planning Department

Agenda item VIII

Mr Bosco FUNG
Director of Planning

Mr Jimmy LEUNG
Assistant Director of Planning

Agenda item IX

Mr CHEUNG Hau-wai
Deputy Director of Buildings

Mr NG Ching-man
Principal Assistant Secretary for Housing, Planning and
Lands

Mr LEUNG Siu-man
Chief Structural Engineer
Buildings Department

Attendance by invitation : Agenda Item IV

Mr Horace CHEUNG
Legal Adviser

Mr Roger CHEUNG
DAB Research Co-ordinator

Clerk in attendance : Ms Anita SIT
Chief Council Secretary (1)6

Staff in attendance : Mr Watson CHAN
Head (Research & Library Services Division)

Ms Vicky LEE
Research Officer 3

Ms Rosalind MA
Senior Council Secretary (1)8

Ms Christina SHIU
Legislative Assistant

Action

I. Confirmation of minutes of meetings and matters arising

1. The minutes of the following meetings were confirmed -
 - (a) Minutes of the joint meeting with the Panel on Manpower on 25 November 2003 (LC Paper No. CB(1)665/03-04);
 - (b) Minutes of the joint meeting with the Panel on Home Affairs on 18 November 2003 (LC Paper No. CB(1)817/03-04);
 - (c) Minutes of meeting on 25 November 2003 (LC Paper No. CB(1)818/03-04);
 - (d) Minutes of the joint meeting with the Panel on Home Affairs on 25 November 2003 (LC Paper No. CB(1)819/03-04);

- (e) Minutes of the joint meeting with the Panel on Environmental Affairs on 27 November 2003 (LC Paper No. CB(1)820/03-04);
- (f) Minutes of the joint meeting with the Panel on Environmental Affairs on 8 December 2003 (LC Paper No. CB(1)811/03-04); and
- (g) Minutes of the special meeting on 29 December 2003 (LC Paper No. CB(1)821/03-04).

Proposed research outline: Regulation of Public-Private Partnerships in Overseas Places

(LC Paper No. CB(1)813/03-04(01) -- Proposed research outline prepared by the Research & Library Services Division)

2. The Chairman said that the proposed research outline was prepared by the Research & Library Division (RLSD) in response to members' request raised at the joint meeting with the Panel on Home Affairs on 25 November 2003. Whilst the research was concerned with policies on how public works projects were to be procured and thus fell under the purview of this Panel, there were a wide range of public works projects straddling across different policy areas. He therefore suggested that the Panel would take the lead in the research and would invite non-Panel members to join the discussion when the research report was presented to the Panel. Members agreed.

3. At the invitation of the Chairman, Head (RLSD) gave a brief introduction of the proposed research outline. RLSD proposed to study the regulatory framework for Public-Private Partnerships (PPPs) in the United Kingdom, the United States of America and New Zealand and look into the role of their legislatures in monitoring the delivery of public works projects under PPPs.

4. Ir Dr Raymond HO expressed support for the proposed research. He suggested that special attention be given to the differences in the definition of PPP and related terms in different jurisdictions. He also commented that the types of PPPs set out in paragraph 2 of the proposed outline were not exhaustive. Ir Dr HO suggested that the research should study the PPP approach which sought to provide incentives for private companies to initiate public works projects. For example, where a company had put in resources on the preliminary studies for a project proposal and the Government decided to take forward the project, the efforts of the company should be accorded due credit in the tendering exercise for the project.

5. Mr TAM Yiu-chung commented that one of the problems of PPPs was the Government's reduced control over the operation of the completed facilities. For example, the Government could not direct the relevant operator to reduce the toll charges of Route 3 (Country Park Section) to achieve the traffic diversion objective. He suggested that the research should explore whether there was any solution to this problem having regard to the experience of overseas jurisdictions.

6. Head (RLSD) noted members' views. He said that the research would study the regulatory frameworks of PPPs and the role of the legislatures in monitoring the delivery of public works projects under PPPs in overseas jurisdictions. The extent and applicability of the overseas experience in providing solutions to the problems encountered in Hong Kong in respect of projects procured through PPPs would depend on the findings of the study.

7. Members supported the proposed research outline and noted that the research would be completed in April 2004.

II. Information papers issued since last meeting

8. Members noted the following papers issued since last meeting -

- (a) Administration's response on issues relating to advertisement signboards and aerial right of Government land referred by the Bills Committee on Buildings (Amendment) Bill 2003 (LC Paper No. CB(1)518/03-04);
- (b) Consultation paper on Capital Works Reserve Fund Block Allocations for 2004-05 (LC Paper No. CB(1)520/03-04);
- (c) Letter dated 11 December 2003 from Hon WONG sing-chi requesting for discussion of issues relating to unauthorized occupation of Government land (LC Paper No. CB(1)578/03-04);
- (d) Letter and statement dated 9 January 2004 from the Secretary for Housing, Planning and Works on the Court of Final Appeal's Judgment on the Wan Chai North Reclamation Scheme (LC Paper No. CB(1)755/03-04);
- (e) Judgment delivered by the Court of Final Appeal on 9 January 2004 on the Wan Chai North Reclamation Scheme (LC Paper No. CB(1)761/03-04(01));
- (f) Summary of the judgment delivered by the Court of Final Appeal on 9 January 2004 on the Wan Chai North Reclamation Scheme (LC Paper No. CB(1)761/03-04(02));
- (g) Letter dated 5 January 2004 from the Robinson Place Concerned Group on the proposed development at Castle Road, Seymour Road and Castle Steps Mid-Levels Hong Kong Island (LC Paper No. CB(1)763/03-04);
- (h) Information paper on "PWP Item No. 706CL - Improvement of Existing Roads and Drains in Cheung Chau Old Town - Stage 2" (LC Paper No. CB(1)776/03-04);
- (i) Information paper on "Redeployment of Posts in Highways Department for the Implementation of the Land (Miscellaneous Provisions) (Amendment) Ordinance" (LC Paper No. CB(1)822/03-04); and

- (j) Letter dated 21 January 2004 from the Secretary for Housing, Planning and Lands providing an update on the Administration's work on small house policy and missing and illegible leases (LC Paper No. CB(1)853/03-04).

III. Items for discussion at the next meeting

- (LC Paper No. CB(1)813/03-04(02) -- List of outstanding items for discussion
LC Paper No. CB(1)813/03-04(03) -- List of follow-up actions)

Meeting on 24 February 2004

9. Members agreed that the following items be discussed at the next regular meeting scheduled for Tuesday, 24 February 2004 -

- (a) Building (Planning) (Amendment) Regulation - refining the definition of "street" for site classification purpose; and
- (b) Unauthorized occupation of Government land and breaches of land leases.

On item (b), Mr IP Kwok-him suggested and members agreed that the Panel should follow-up on the information paper provided by the Administration on aerial right of Government land (LC Paper No. CB(1)518/03-04) and discuss the regulation of advertisement signboards projecting over Government land from the land administration angle.

Joint meeting with Panel on Housing on 2 February 2004

10. Members noted that a joint meeting with the Panel on Housing was scheduled for 2 February 2004 for the Administration to brief members on the "Review of the Pre-sale Consent Scheme". The briefing was arranged in response to members' request at a joint meeting of the two Panels held on 18 June 2003 to discuss the system for pre-sale of uncompleted residential properties in the wake of the Villa Pinada and the Aegean incidents.

Proposed joint meeting with Panel on Environmental Affairs

11. The Chairman informed members that Hon LAW Chi-kwong had written to him requesting discussion of the recent incident of illegal excavation at Tung Chung River at a joint meeting with the Panel on Environmental Affairs. The Secretariat would inform members of the meeting arrangements in due course.

(Post-meeting note: The above issue was scheduled for discussion at a joint meeting with the Panel on Environmental Affairs to be held on

Monday, 23 February 2004 under the agenda item "Impact of construction works on rivers in Hong Kong".)

IV. Member's Bill on conservation of trees

(LC Paper No. CB(1)813/03-04(04) -- Information paper on Forests and Countryside (Amendment) Bill 2004 and the draft bill proposed by Hon CHOY So-yuk

LC Paper No. CB(1)813/03-04(05) -- Information paper provided by the Administration)

12. At the invitation of the Chairman, Miss CHOY So-yuk briefed members on the proposed Forests and Countryside (Amendment) Bill 2004 for preservation of old and valuable trees. Miss CHOY pointed out that the existing legislative and administrative measures were inadequate in the scope of protection and passive in enforcement, thus failing to provide the necessary protection for valuable trees which were old, large, or of historical, cultural and ecological significance. The absence of a single enforcement authority was also an obstacle to the effective protection of trees through legislative and administrative measures. Miss CHOY sought members' support to the proposed Bill, which sought to amend the Forests and Countryside Ordinance (Cap. 96) to strengthen the statutory protection of old and valuable trees through setting up a register of these trees.

13. At the invitation of the Chairman, the Principal Assistant Secretary for Environment, Transport and Works (Works) W2 (PAS/ETW(W2)) said that while sharing members' concern about tree preservation, the Administration considered that the proposed legislative amendments might not be a priority at present, as a comprehensive range of existing legislative and administrative measures for tree preservation were already in place. He pointed out that preservation of trees formed an integral part of the Government's greening policy. To set the direction and focus on the overall strategy and to oversee the implementation of major greening programmes, a high-level Steering Committee on Greening was set up in December 2002 chaired by the Permanent Secretary for Environment, Transport and Works (Works) with members coming from 17 bureaux and departments. The Administration was constantly reviewing the effectiveness of the existing measures and would make the necessary improvements as and when necessary. He also highlighted the additional new administrative measures set out in paragraph 9 of the Administration's information paper, and said that implementation of new measures would further enhance tree preservation.

Existing measures against felling and transplanting of trees

14. Pointing out that a large number of trees in the territory had been felled as a result of development projects in recent years, Mr Albert CHAN considered that Government's past efforts on preservation of trees were inadequate and thus should be strengthened. He raised concern about the construction of the former Tsim Sha

Tsui Marine Police Headquarters (MPHQs) and urged the Administration to minimize the number of trees to be felled at the project site. While not objecting to the principles underlying the proposed legislative amendments, Mr Albert CHAN was concerned about the financial and staffing implications of the proposals and whether the Administration had the necessary resources to undertake the relevant enforcement actions.

15. Miss CHOY So-yuk said that in accordance with Article 74 of the Basic Law, Legislative Council Members might only introduce Bills which did not relate to public expenditure or political structure or the operation of the Government. Hence, the proposed Bill had been consciously prepared in a way not to result in any financial or staffing implications to the Government.

16. Noting members' concern about the felling of trees in development projects, PAS/ETW(W2) explained that for both Government and private projects, project proponents were required to seek permission from the Lands Department to remove any trees and permission would not be granted unless good cause was shown and fully justified. Government departments were required to take into consideration the need for tree preservation during the planning and implementation stages of Government projects. As to Mr Albert CHAN's concern about the preservation of trees at the site of the MPHQs, PAS/ETWB(W2) pointed out that a special tree preservation clause had been incorporated in the lease conditions of the MPHQs site. He said that the Administration had not done a detailed examination on whether the proposed Bill would have financial implications on the Government at this stage. He reiterated that as the Government had already put in place a comprehensive range of administrative and legislative measures for tree preservation, the proposed Bill might not be the top priority at present. Improvements could be made to the existing administrative measures as and when necessary for more effective protection of trees, and this approach would be more flexible and responsive to changes in circumstances compared with enacting new legislation.

17. Mr Albert CHAN and Mr TAM Yiu-chung expressed concern about the cost for transplanting trees. Miss CHOY So-yuk pointed out that transplant of trees would be prohibited in normal circumstances under the proposed Bill as transplanting would in effect defeat the purpose of protecting trees from being affected by development in the urban area. Moreover, transplanting would be harmful to the survival of certain tree species and therefore should not be allowed unless under exceptional circumstances such as for grave reasons of public interest.

18. In reply to Mr TAM's enquiry, the Assistant Director (Leisure Services) Leisure and Cultural Services Department said that about 6 000 to 8 000 trees in the urban area were transplanted each year. On the other hand, the number of new trees planted in the territory amounted to about 30 000 every year. He explained that with good preparation and improved techniques, the survival rate of transplanted trees was about 90%. The average cost for transplanting a tree was

about a few thousand dollars while the cost for transplanting an old and valuable tree would amount to \$800,000.

Alternatives to the proposed legislative amendments

19. Ir Dr Raymond HO supported the strengthening of measures for the preservation of trees but commented that the need for legislative amendments should be further explored through wider public consultation. Given the range of statutory and administrative measures currently in place, such as the mandate for all Government projects that no tree should be unnecessarily lopped or felled and that permission to remove trees within these project sites would only be granted unless with good and full justifications, Ir Dr HO opined that additional legislative measures might not be a priority. Referring to paragraph 11(a) of the discussion paper provided by Miss CHOY's office, Ir Dr HO considered that there might be difficulties in the classification of trees of historical, cultural and memorial significance as clear and objective definitions in this regard could hardly be set. The implications of the proposed legislative amendments to future development projects should also be considered.

20. Mr LAU Ping-cheung held similar views and commented that the enactment of legislation for the stated purposes of the draft Bill might reduce flexibility in future development and give rise to problems of infringing private property rights. Mr LAU said that it would be advisable to explore other feasible alternatives before putting forward legislative proposals.

21. PAS/ETW(W2) said that Mr LAU's point about problems of infringing private property rights would arise in reality as there was no clause on tree preservation in the conditions of land leases granted years ago. Hence, the implementation of tree protection measures through administrative means would be more flexible and practicable in this respect.

22. Miss CHOY So-yuk responded that the preservation of trees on private land would not be covered under the proposed Bill. As to Ir Dr HO's concern about difficulties in classifying trees of historical, cultural and memorial significance, Miss CHOY said that this could be overcome through measures like the establishment of a special committee for the purpose as in the case of some overseas jurisdictions. The difficulties in classifying certain category of trees for protection should not pose insurmountable obstacles to the enactment of the proposed legislation. She opined that the legislative proposal for setting up a comprehensive tree register would facilitate public supervision of the Administration's work on preservation of trees. Quoting the example of the judicial review of the Wan Chai North Reclamation Scheme, Miss CHOY said that there would have been no statutory backing for the public to challenge the Administration's decisions if the Protection of the Harbour Ordinance (Cap. 531) had not been enacted. She pointed out that the Administration's efforts on tree preservation had been far from satisfactory in the implementation of public works projects. Referring to a recent example of the construction of a community hall in

Tsuen Wan, Miss CHOY said that it was only due to the strong public pressure that the Administration revised the project design to avoid transplanting trees along the road leading to the project site. The proposed legislative amendments were important for facilitating effective preservation of trees in Hong Kong.

23. Ir Dr Raymond HO commented that the compilation of a register of old and valuable trees available for public inspection would facilitate public supervision of tree preservation work undertaken by the Administration. He said that the need for the proposed new legislation could be examined when the Administration completed the compilation of such a register by end 2004.

24. Miss CHOY So-yuk commented that the register of old and valuable trees undertaken by the Administration was more restrictive in terms of the scope of protection. The register might be considered by the Administration as an effective means to protect existing trees but was far from satisfactory in the preservation of trees of significance in different aspects. The Administration's greening policy focused on the planting of new trees instead of the preservation of existing trees. Miss CHOY maintained her view that the existing legislative and administrative measures were inadequate in preservation of trees. She appealed to members for their support for the introduction of the proposed Bill for improvement in the preservation of trees.

V. Proposed amalgamation of Civil Engineering Department and Territory Development Department

(LC Paper No. CB(1)813/03-04(06) -- Information paper provided by the Administration

LC Paper No. CB(1)2210/02-03(01) -- Information paper provided by the Administration in July 2003)

25. At the Chairman's invitation, the Acting Deputy Secretary for Environment, Transport and Works (Works)W1 (DS/ETW(W1)Atg) briefed members on the proposal to merge Civil Engineering Department (CED) with Territory Development Department (TDD) into a new Civil Engineering and Development Department (CEDD) with effect from 1 July 2004. The proposed merger would bring about synergy effect of the expertise of the two departments. It also offered opportunities for significant savings, particularly at senior and managerial levels, and opportunities for streamlining organizational structures. The merger proposal would bring about deletion of directorate and non-directorate posts in the two departments and achieve savings in annual average staff cost of about \$40 million. The proposal represented the first stage of CED and TDD reorganization. The Administration intended to conduct a review in two years' time on the organizational structure in the light of operational experience and would identify further streamlining of activities within the new CEDD.

Training and employment opportunities for young professionals

26. While not objecting to the merger proposal, Ir Dr Raymond HO expressed concern about the training and grooming of young professionals in Government's works departments. He urged the Administration to provide the necessary training opportunities, i.e. three years training plus one year professional experience, for the Civil Engineering Graduates (CEG) employed in CED to enable them to meet the requirements of the Graduate Scheme A Training of the Hong Kong Institution of Engineers (HKIE). Moreover, he relayed the concern of CED professional staff appointed under the civil service new entry system that fair opportunity should be provided for them to obtain adequate length of employment i.e. three years probationary terms plus three years contract terms, to become eligible for consideration for appointment on the new permanent terms.

27. In reply, the Assistant Director (Headquarters) Civil Engineering Department (AD/CED) advised that CED attached high priority to the training of young professionals. At present, CEGs employed in the Engineer Grade were provided with the necessary training opportunities to meet the requirements for the relevant professional examinations. Nevertheless, offer of appointment to professional staff in the Grade on the new permanent terms would be subject to operational needs of the Grade. The Director of Civil Engineering (DCE) supplemented that during the recruitment of 2003 CEGs, candidates were given to understand that the appointment offered would enable them to fulfill the necessary training and experience requirements for the Graduate Scheme A Training of HKIE. DS/ETW(W1) Atg took note of Ir Dr HO's concern and undertook to review the arrangements for training of CEGs and the appointment arrangements for professional staff in the Engineer Grade appointed under the civil service new entry system.

(Post-meeting note: The Administration's response to members' concern in paragraph 27 above was circulated to members vide LC Paper No. CB(1)1047/03-04 on 19 February 2004.)

Staff savings achieved through the proposed merger

28. In response to the Chairman's enquiry, DS/ETW(W1)Atg explained that the annual savings of \$50 million provided in the information note to the Panel in July 2003 (LC Paper No. CB(1)2210/02-03(01)) was a preliminary estimate at that stage. The number of posts to be deleted under the merger proposal remained unchanged but a more precise estimate of the annual savings had been made to reflect more accurately the financial implications of the proposal.

29. Mr Albert CHAN commented that the merger proposal was necessary given the change in the workload of the works departments and direction of territorial development of Hong Kong in the coming years. He was however concerned about whether the proposed staffing changes were commensurate with the reduction in workload of CED and TDD given the fact that a number of public works projects had been cancelled, held up or deferred in recent years. In this connection, he asked the Administration to provide information on the staffing

requirements in CED and TDD for the implementation of on-going and planned public works projects for members' assessment of whether the proposed level of establishment in the new CEDD was reasonable.

30. DS/ETW(W1)Atg explained that the proposed merger sought to consolidate the administrative and management work of CED and TDD, offering opportunities for streamlining organizational structures particularly at senior and managerial levels, with about 15% reduction in the total of 62 directorate posts in the two departments. The duties, functions and workload of the two departments in respect of the planning and delivery of public works projects would not be affected by the merger proposal. The proposed merger already involved a significant extent of posts deletion and the Administration was prepared to review the operation of the new CEDD in two years' time to identify any further streamlining opportunities.

31. The Deputy Secretary for Housing, Planning and Lands (Planning and Lands)1 (DS/HPL) added that one major organizational change in the merger was to reduce the number of TDD regional development offices from five to four through combining the New Territories North Development Office and the New Territories West Development Office. The proposed reorganization would bring about deletion of two directorate posts. The proposed staffing requirements would be subject to review in two years' time in the light of the operational experience of the new CEDD.

32. DCE said that there would be limited change in the workload of former CED staff in the new CEDD as the expenditure on public works projects was expected to remain steady in the few years to come, implying that the work in managing on-going projects would be maintained at around the existing level in the next few years. He pointed out that the proposed merger would bring about the deletion of five directorate posts in CED, which was a rather significant reduction in establishment.

33. The Director of Territory Development (DTD) echoed that the amount of workload from public works projects would remain rather steady as the expenditure on public works project was estimated to be about \$4.1 billion in 2003-04 and that for 2004-05 was about \$3.8 billion. He further explained that apart from management of on-going projects, the works departments were also involved in the preparation and planning for public works projects before their implementation. A recent example was the review of the planning for the South East Kowloon development (SEKD) in the light of the judgment handed down by the Court of Final Appeal on Wan Chai Development Phase II on 9 January 2004.

34. Mr Albert CHAN was not satisfied with the Administration's explanation as little information was provided for members to assess the overall picture on staffing requirements of the two works departments in the short and medium terms. Pointing out that with the completion of new town development such as that for Tin Shui Wai, as well as the Administration's decision to give up a number of developments involving harbour reclamation, Mr CHAN considered that surplus

manpower should be identified in the works departments. He strongly requested the Administration to provide relevant information on the staffing requirements taking into account the latest developments in public works projects or the Government's capital works programme.

35. At the request of Mr CHAN and the Chairman, DS/HPL undertook to provide relevant information to illustrate how the proposed staffing changes were commensurate with the current and projected workload levels of CED and TDD in the proposal to the Establishment Subcommittee. The information would include a list of projects managed by CED and TDD, including those under planning and construction, as well as those which had been cancelled, held up or deferred. He emphasized that it would not be realistic to calculate the staffing requirements of the works departments simply on the basis of the number of public works projects managed by these departments.

(Post-meeting note: The supplementary information provided by the Administration was circulated to members vide LC Paper No. CB(1)1204/03-04 on 4 March 2004.)

36. Mr TAM Yiu-chung supported the merger proposal for achievement of greater efficiency and productivity. He considered the Administration's proposal of a review after two years' operation of the new department acceptable and a correct approach for seeking further streamlining of procedures and better utilization of resources. In handling reduction in establishment, Mr TAM urged the Administration to make proper staffing arrangements so that the needs and concerns of affected staff were duly addressed.

VI. 469CL - South East Kowloon development - infrastructure at north apron area of Kai Tak Airport
(LC Paper No. CB(1)813/03-04(07) -- Information paper provided by the Administration)

37. At the invitation of the Chairman, the Permanent Secretary for Housing, Planning and Land (Planning and Lands) (PSPL) briefed members on the scope of the project 469CL - South East Kowloon development - infrastructure at north apron area of Kai Tak Airport (PWP Item No. 469CL), and pointed out that the present proposal was to upgrade the following parts of the project to Category A of the Public Works Programme -

- (a) construction of about 600 metre of a twin-cell box culvert and decommissioning of an existing culvert;
- (b) demolition of the passenger terminal building, the Kai Tak car-parking building and associated structures, along with related land decontamination; and

- (c) implementation of an environmental monitoring and audit programme for the works in (a) and (b) above.

38. PSPL said that as the Administration was reviewing the South East Kowloon development (SEKD) in the light of the judgment of the Court of Final Appeal on the Wan Chai North Reclamation Scheme, members might be concerned about the possible impact of the review on the proposed works in (a) to (c) above. In this connection, she assured members that the proposed works were necessary and their location and design would not be affected by the review on SEKD.

Location and size of the proposed rail depot

39. In reply to the Chairman, the Project Manager (Kowloon) TDD (PM(K)TDD) explained that the proposed infrastructure and site preparation works were necessary for the construction of a rail depot for the Shatin-to-Central Link (SCL) under planning. Operation of the SCL was contingent upon the timely provision of the rail depot and associated supporting facilities. As the rail depot would be located at the site of the passenger terminal building, demolition of this building and the car-parking building was essential for the construction of the rail depot and associated facilities. He reiterated that whatever the result of the current review of the SEKD, the proposed works would not be changed.

40. Mr TAM Yiu-chung pointed out that as the design and alignment of the SCL were not yet finalized, the tentative schedule for its commissioning in 2010-11 might also be deferred as a result, he therefore queried whether there was an urgent need to commence the proposed site preparation works in April 2004. He also enquired whether the requirements for the rail depot would be subject to changes if there were changes in the design and alignment of the SCL.

41. Mr Albert CHAN expressed similar concern about the definiteness of the requirements for the rail depot. Pointing out that the Kowloon-Canton Railway Corporation (KCRC) now planned to construct SCL from Tai Wai to Hung Hom instead of to Central, Mr CHAN doubted that this substantial change to the SCL would very likely affect the requirements for the rail depot in terms of location, size and supporting facilities.

42. On the schedule of the proposed works, PSPL explained that taking into consideration the time required for tendering procedures, it was necessary to commence the proposed works in April 2004 so as to hand over the site to KCRC in mid 2006.

43. On the requirements for the rail depot, the Principal Assistant Secretary for Environment, Transport and Works (Transport) (PAS/ETW(T)) said that the KCRC had re-examined the requirements for the rail depot in late 2003 in the light of the possible development options for SCL and concluded that the proposed location and size of the rail depot were appropriate for the future operation of the SCL irrespective of the possible changes in the design and alignment of the rail link. He pointed out that the rail depot would provide space for both stabling of trains and for maintenance and repair. While there might be reduction in the demand for the stabling if the SCL was shorter than originally planned hence requiring fewer trains to run the rail link, the size of the rail depot could not be reduced taking into account the bulky maintenance facilities and equipment to be accommodated.

44. PM(K)TDD supplemented that the location of the rail depot was dictated by the alignment of the relevant section of SCL and the turning radius of the trains. Taking into consideration the alignment of the SCL from Diamond Hill to Kai Tak, the proposed location of the depot was the only technically feasible option.

Possible impact of changes in the planning for SEKD on the proposed works

45. Mr TAM Yiu-chung referred to the idea of reducing development intensity through measures such as reduction of plot ratio set out in the Hong Kong 2030 Planning Vision and Strategy Study (2030 Study) and enquired whether the reduction in development intensity would have any impact on the provision of infrastructure and related facilities (such as the SCL rail depot and drainage culverts) in the SEKD project.

46. PSPL explained that the 2030 Study sought to explore possible development patterns to meet the future development needs of Hong Kong in the long term. The applicability of the planning directions proposed in the 2030 Study to any specific development plans would be subject to detailed consideration of the characteristics of the development concerned. She said that in taking forward the review of the SEKD, in addition to observing the law on the test for reclamation, the Administration would take into consideration views of the community and the projected population to be serviced.

47. PM(K)TDD added that the SCL provided a transport link between Tai Wai and the urban area and the transport demand would not be affected significantly by reducing the development intensity of SEKD. He agreed with Mr TAM that fewer new roads might be required if a lower development intensity was adopted for SEKD. Nevertheless, the requirement for the proposed drainage culverts would

not change as these drainage culverts would service other developed areas in Kowloon City in addition to SEKD.

48. Mr Albert CHAN commented that while the Outline Zoning Plans (OZP) for Kai Tak North and Kai Tak South had not been finalized and would be subject to the review of the reclamation in South East Kowloon, it was impossible for members to assess the propriety of the proposed works in the absence of a full picture on the future land use in the area. Mr CHAN queried the basis of the Administration's assurance that the review of SEKD would not bring about any changes to the proposed works.

49. In response, PSPL explained that while the OZPs for Kai Tak North and Kai Tak South would have to be amended at a later stage to take account of the land use recommendations arising from the review of SEKD and thereafter to be approved subject to the relevant statutory process, there was no reason for the Administration to delay development proposals with confirmed land use zoning on the OZPs which were not going to be affected by the review. As explained to members earlier on at the meeting, the works under the present proposal would not be changed whatever the result of the review would be.

Feasibility of entrusting the works to KCRC

50. Noting that the site would be handed over to KCRC for construction of the rail depot after completion of the proposed demolition and drainage works, Mr Albert CHAN asked whether the Administration had explored the feasibility and cost-effectiveness of entrusting the proposed works to KCRC.

51. In reply, PM(K)TDD said that the Administration had considered the option of entrusting the works to KCRC. Nevertheless, as the consultant engaged by the Administration for the consultancy of PWP Item No. 469CL had been involved in the planning of the area for some years and thus possessed in-depth knowledge of the area, entrusting the works to KCRC at this stage would not be cost-effective. Moreover, the consultants of KCRC were occupied with the design and preparation works of the SCL at the moment and more time would be needed for them to familiarize with SEKD and the proposed works. PAS/ETW(T) added that if the Administration entrusted the works to KCRC at this stage, commencement of the proposed works might need to be deferred and the target of completing the works in mid 2006 might not be met.

52. Mr Albert CHAN maintained his view that further assessment on the feasibility and cost-effectiveness of entrusting the works to KCRC should be made before deciding on the mode of delivery and seeking funds from the Finance Committee. He requested the Administration to liaise with KCRC for provision of an assessment of the cost and time required for the proposed works if the works were entrusted to KCRC. The information should be provided to the Panel before submission of the project item to the Public Works Subcommittee. The Administration agreed to follow-up on his request.

(Post-meeting note: The information provided by the Administration was circulated to members vide LC Paper Nos. CB(1)930/03-04(01) and CB(1)1048/03-04 on 4 February and 19 February 2004.)

Land use under short term leases

53. While not objecting to the proposed works in the paper, Mr WONG Sing-chi enquired about the short-term uses of the vacant Government land in the SEKD site. He opined that the vacant land pending development could be temporarily allocated for use by non-government organizations under short term leases. Mr LAU Ping-cheung said that consideration might be given to designating suitable sites as runways for private light aircraft in view of the present shortage of such runways.

54. In response, PM(K)TDD referred members to Annexes A and B of the information paper and explained that while Annex B showed the site plan of the proposed works for site preparation for the SCL rail depot, the proposed infrastructure and works shown in Annex A, which showed the entire project scope of PWP Item No. 469 CL, were subject to changes in the context of the review of SEKD. At present, vacant land at the project site had been leased out to different users, including golf course operators and Government departments, through 12 Short Term Tenancy (STT) agreements. The SEKD would likely be developed in phases and STT arrangements would be considered for those areas pending development. For the proposed works shown in Annex B of the paper, PM(K)TDD pointed out that the works were planned to commence in April 2004. Given the limited site area and the tight work schedule, there would be no room for granting any STT in this area. As to Mr LAU's concern about designating a runway for private light aircraft, PM(K)TDD said that to his best knowledge, there was no plan to provide the facility in SEKD. At the request of Mr LAU, PSPL undertook to relay to the Economic Development and Labour Bureau the concern about the shortage of runway in the territory for private light aircraft and the feasibility of designating additional sites for this purpose.

(Post-meeting note: The Administration's response was circulated to members vide LC Paper No. CB(1)999/03-04 on 16 February 2004.)

Proposed works on drainage culverts

55. Responding to Ir Dr Raymond HO's enquiry, PM(K)TDD said that part of the existing culvert running under the proposed rail depot (shown in green dotted line in Annex B) had to be decommissioned because of the difficulties in maintenance upon the completion of the depot. The existing culvert would be replaced by a new one to be constructed alongside the rail depot (shown in blue lines in Annex B). He assured members that as the alignment of the drainage culverts would be determined by the location of the rail depot, the proposed works

for the construction and decommissioning of drainage culverts would not be affected by the review of SEKD.

56. Noting the proposal of decommissioning an existing culvert in the paper, Mr LAU Ping-cheung was concerned whether proper arrangements would be made to prevent the release of any toxic or explosive gas during the decommissioning works. PM(K)TDD responded that the existing culvert would be decommissioned section by section during different phases of the SEKD project and new culverts would be constructed for replacement in tandem with the future roads and facilities in the development site. He assured members that detailed environmental impact assessment would be done before any decommissioning works were carried out and necessary environmental mitigation measures would be implemented during the works period.

VII. Feasibility study for further development of Tseung Kwan O - Stage 3 public consultation

(LC Paper No. CB(1)813/03-04(08) -- Information paper provided by the Administration

LC Paper No. CB(1)813/03-04(09) -- Background brief prepared by the Legislative Council Secretariat)

57. At the invitation of the Chairman, the Permanent Secretary for Housing, Planning and Lands (Planning and Lands) (PSPL) recapped that at the last Panel meeting on 25 November 2003 when the Hong Kong 2030 Study was discussed, she had mentioned the example of Tseung Kwan O (TKO) to illustrate the planning issues of quality living, development density and more living space. The stage 3 public consultation on the further development of TKO presented for the public's discussion a Concept Plan, which, if supported by the public, would guide the further development of TKO.

58. With the assistance of the powerpoint, Project Manager (New Territories East), Territory Development Department (PM(NTE)TDD) highlighted the salient points as set out in the Administration's paper.

Implementation of the Concept Plan

59. Mr IP Kwok-him welcomed the Administration's decision to provide recreational facilities and more open space in TKO without further reclamation taking heed of the public's demand. He sought clarification on the administrative measures to ensure that the stepped height profile could be implemented.

60. Senior Town Planner, Planning Department (STP, PD) explained that the Notes of the Outline Zoning Plan (OZP) could specify the building height and the number of storeys for the development at each site. She referred to the illustration on page 6 of the consultation digest showing a 30-storey building to the south of Po Yap Road decreasing to a 15-storey building near the waterfront and advised that the actual building height permitted for each development would be specified in the detailed layout plans to be drawn up at a later stage.

61. Mr LAU Ping-cheung opined that the shopping malls in the housing estates had made people stay indoor and not many people walked on the streets in TKO. Besides, the lack of facilities for through pedestrian traffic between estates did not encourage people walk from the one estate to another. PM(NTE)TDD pointed out that one of the objectives of the Concept Plan was to draw people from the shopping malls to the streets by providing a Central Avenue. People could walk along the waterfront and the Riverine Park to visit the retail shops, restaurants and roadside café, and so on. Mr LAU Ping-cheung commented that to achieve the said objective, special lease conditions might need to be included in the relevant land leases. Otherwise, developers would still plan for shopping malls in their housing developments. In response, PM(NTE)TDD replied that the Administration would consider the implementation details at the next stage of the feasibility study.

62. Mr Wong Sing-chi recapped that at the previous Panel meeting to discuss the stage 2 public consultation paper, the Administration had mentioned that no major recreational facilities could be provided without further reclamation. However, it was shown in the present consultation paper that this was not the case. He highlighted the importance of constructive dialogue between the Administration and the public. He sought details on the timetable for implementation of the Concept Plan, in particular the proposed recreational facilities.

63. In response, PSPL said that the Concept Plan would form the basis for the formulation of detailed layout plans for the further development areas of TKO. The land use proposals would be translated into an OZP. While the Sai Kung District Council hoped to place the development of TKO as a top priority, it should be recognized that just as in the case of other new towns, provision of the proposed recreational facilities and other amenities would be in stages subject to the availability of resources and the need for such facilities. Citing the example of the ice sports centre in TKO, she added that the Administration would also consider alternative delivery approaches, such as Public-Private-Partnership, for early provision of the proposed recreational facilities.

64. Mr Albert CHAN welcomed the Administration's decision to reduce the plot ratio and the development density of TKO but he queried whether the change was resulted from public pressure or the request from property developers. As the Concept Plan would need a long time, typically three to seven years, for implementation, he expressed concern that there could be changes in the plot ratio and the building height even after the land was sold. He considered it important to set a limit on the building height apart from setting the permitted plot ratios for the future developments in TKO. He queried what planning controls were available to make sure that the Concept Plan would be implemented accordingly.

65. STP, PD replied that the plot ratio, site coverage and building height of a development could be specified in the Notes of the OZP to achieve a lower development density and a stepped height building profile. The Concept Plan only presented a broad layout of land uses and a range of plot ratios. The actual mechanisms to be adopted for planning control would be decided at a later stage.

66. Mr Albert CHAN also expressed concern that the "screen type" housing developments would be built near the waterfront areas, blocking the breeze corridors and the views of the buildings in the inland areas. As the OZP would impose restrictions only on the footprint area, height of building and the overall density of the development, he opined that the planning control as such could not prevent the developers from constructing the "screen type" housing. He urged the Administration to come up with more effective measures.

67. STP, PD replied that while it was necessary to set out a framework or some design requirements to guide the future developments, it might not be desirable to place too many restrictions on the design of the buildings to stifle developers' creativity. Specific development briefs could be drawn up for individual plots of land to specify the detailed design requirements and appropriate conditions could be included in the land leases to ensure that the developments would adhere to the provisions in the development brief.

68. Mr Albert CHAN remained wary that development briefs could not effectively prevent "screen type" housing developments. In response, PSPL pointed out that the Administration would consider all necessary measures, including identifying ways to translate the non-statutory urban design guidelines into some development controls, to address the issue of "screen type" developments and to ensure that there were breeze corridors between buildings.

Infrastructure and connections with other districts

69. Mr IP Kwok-him expressed concern on whether the connecting roads between TKO and other districts, such as Kwun Tong, could meet the traffic demands from the further development of TKO.

70. PM(NTE)TDD said that preliminary traffic assessment indicated that the Western Coast Road (WCR) and Cross Bay Link (CBL) and the road infrastructure

in TKO should be able to meet the traffic demands of the district. He added that the WCR was part of a regional traffic plan and preliminary assessment had been done on its connection with Eastern Harbour Tunnel and the T2 road. In reply to Mr IP Kwok-him's further enquiry, he confirmed that the Administration had consulted the Kwun Tong and Sai Kung District Councils on the alignment options of WCR and both Councils gave support to the tunnel alignment.

71. Mr LAU Ping-cheung welcomed the Administration's decision to reduce the development density and the cancellation of the two coastal roads in the Town Centre and TKO Stage 1 Landfill. He mentioned that Island Eastern Corridor was a bad example of depriving the public of access to the waterfront. Noting that the Concept Plan did not include Area 86, which was a site with a high density development, he enquired if there was any traffic coordination plan for the future development of the area.

72. PM(NTE)TDD replied that preliminary traffic assessment had been done, the findings of which indicated that the existing Wan Po Road together with the proposed CBL could meet the long-term traffic demand from the developments in the south-eastern part of TKO, including Area 86, TKO Industrial Estate and Area 137. He said that the Administration had consulted the Sai Kung District Council on the proposed traffic infrastructure plan, and would also consult professional bodies, green groups, the MTRC Limited and other relevant parties in the on-going Stage 3 public consultation.

73. Ir Dr Raymond HO reiterated his objection to the Administration's plan to build the WCR as a dual two-lane carriageway instead of a dual four-lane one. He opined that any trunk road should be at least dual three-lane to cater for long-term traffic demands. He said that the CBL should be designed as a landmark of TKO and it should look attractive from both TKO and the Hong Kong Island, possibly with lighting decoration during night time.

74. PM(NTE)TDD assured members that WCR would be planned with reserve capacity to meet future traffic demands. As there was no further reclamation in TKO and in view of the slow down in population growth, the traffic demand would need to be reassessed before deciding on the number of lanes of the WCR.

Land management

75. Mr Wong Sing-chi said that as the further development of TKO would be implemented in phases, any vacant sites in TKO that were awaiting development should be made available to provide facilities for the public through short-term tenancy arrangements.

76. PSPL advised that short-term tenancy arrangements for vacant sites, possibly for local community organizations' use, would be considered and the Administration was prepared to discuss the subject in the context of land

administration with the Panel in due course.

Proposed recreational and leisure facilities in TKO

77. Mr TAM Yiu-chung said that due to strong housing demand in the past, TKO was flooded with housing blocks and was criticized as a concrete jungle. He considered that the remedy was to provide more open space and leisure and recreation facilities. He however found that the recreational facilities mentioned in the consultation digest were not attractive enough for both tourists and Hong Kong people.

78. STP, PD replied that the Concept Plan included both active and passive recreational and leisure facilities, such as the Riverine Park and water sports and boating facilities along the Landfill site. The Central Avenue would provide a pedestrian area for leisure dining and shopping while the Town Plaza would be desirable venues for major community events, which would make TKO not just a residential district but also one with lively recreational and leisure facilities. It was envisaged that tourists going to Sai Kung would also likely visit TKO on their way.

79. In response to Dr David CHU's question on whether the target users of the proposed recreational facilities were TKO residents, Hong Kong people in general or tourists, STP, PD replied that while the open space and recreational facilities were planned for use mainly by TKO residents, the Administration considered that the proposed playing fields, football pitches and other recreational facilities in the Landfill site could serve the need of both TKO residents and the general public. The waterfront park and the town plaza could be a good gathering place for TKO residents and other people visiting TKO.

80. Dr David CHU opined that the Administration should have a clear vision about the target users it hoped to attract to use the facilities in TKO. As TKO was quite far away from the urban areas, the infrastructure and type of recreation facilities would be different if the target users were non-TKO residents or tourists.

Other issues

81. Mr IP Kwok-him opined that the private developers should be encouraged to design future developments in TKO with unique character to brighten up TKO and generate a lively atmosphere in the district. Furthermore, he pointed out that as the pigeons created a nuisance to many residents, the Administration should consider using other animals instead of pigeons in the illustrations in its future publications.

VIII. Stage two amendments for Town Planning Ordinance

(LC Paper No. CB(1)813/03-04(10) -- Information paper provided by the Administration)

82. At the invitation of the Chairman, PSPL briefed members on the major proposals set out in the information paper. She highlighted the Administration's plan to put forward amendments to the Town Planning Ordinance (TPO) (Cap. 131) in stages in view of the complexity of the subject. The Town Planning (Amendment) Bill 2003 covering the Stage One amendments was currently being examined by a Bills Committee. The information paper outlined those further proposals identified for the Stage Two amendments in earlier discussions with the Panel and in response to concerns raised by Bills Committee members during deliberation of the Bill. She also highlighted the Administration's current thinking and proposals on issues relating to the composition and operation of the Town Planning Board (TPB) set out in paragraphs 5 to 12 of the information paper for members' reference.

Opening up of TPB meetings

83. Mr TAM Yiu-chung expressed support for the proposal on opening up meetings of TPB for greater transparency of its proceedings. He appreciated that TPB members were not full-time members and had to put up with the heavy workload of TPB. Noting that TPB members had grave reservations on opening up the deliberations part of its meetings, Mr TAM asked whether any TPB members had in the past been subject to criticisms due to their work with TPB.

84. Mr IP Kwok-him expressed support for a gradual approach in opening up TPB meetings and the proposed measures such as press briefings or conferences to be held by the TPB Chairman or members after meetings when major developments or issues had been discussed.

85. In response, PSPL said that TPB members indeed were facing heavy workload in their voluntary service with TPB. In addition to frequent and lengthy regular Board meetings, members had to attend meetings of the committees under TPB and study the voluminous papers for these meetings. The Director of Planning (DP) added that TPB members had faced pressure from the media and the public in respect of TPB's decisions on planning applications and consideration of objections. TPB members had in general managed the pressure in a positive manner. He highlighted that TPB members were supportive of subjecting all aspects of TPB's work to a more open and transparent process and only held reservation on opening up the deliberation part of meetings for consideration of objections or planning applications. The proposal of releasing the minutes of these meetings for public information would keep the public well-informed of TPB's deliberations and collective decisions without disclosing the stance of individual members.

86. Responding to Mr TAM's further enquiry, PSPL said that under the existing practice, only applicants for review and objectors would be invited to give

representations at the hearing part of the TPB's proceedings. Written notification of TPB's decisions and minutes of the relevant meetings would be provided to these parties prior to the meeting so that they would be well-informed of the deliberation of TPB as well as the justifications in cases of rejection. DP added that aggrieved parties could appeal against the decisions of TPB to the Appeal Board or seek judicial review of the decisions.

87. On the proposal to release minutes of TPB meetings for public information, Mr IP enquired about the way TPB members' views were recorded in the minutes. In response, DP advised that the minutes of meetings recorded TPB's main deliberations but were not verbatim records of proceedings. The names of speaking members were not recorded in the minutes.

88. While appreciating the pressure of heavy workload on non-official members of TPB, Mr WONG Sing-chi opined that as these members were appointed in their personal capacities, they should be responsible for their own views in performing their duty as TPB members and be ready to face criticisms of the public on their views. In his view, it would only be fair to the public if the stance and views of individual members of TPB would be disclosed. Hence, he urged the Administration to consider opening up the deliberation part of TPB meetings in addition to the hearing part of the Board's proceedings.

89. PSPL responded that the views of TPB members on the issue were as reflected in the Administration's paper and she could not speak on behalf of TPB members about what they actually felt about the suggestion of opening up also the deliberation part of TPB meetings to the public. She personally would consider a gradual approach to opening up both sensible and practicable. She highlighted that the proposed measures of releasing the minutes of meeting for public information and arranging press briefings or conferences after TPB meetings were aimed at achieving the objective of keeping the public well-informed of the deliberation of TPB in arriving at its decisions.

90. Mr Albert CHAN expressed dissatisfaction towards the slow progress in making amendments to TPO for improving the transparency of the town planning process. In his view, non-disclosure of information would be in the interest of developers and not the community at large, and hence proposals to improve transparency of TPB would inevitably invite objections from developers. Pointing out that meetings of the LegCo and its committees were open to the public, Mr CHAN considered that there should be no cause for concern about premature release of sensitive or confidential information provided to TPB. He urged the Administration to adopt a more proactive approach in introducing amendments to TPO and expedite the implementation of improvement measures for the openness and transparency of the town planning process. Ir Dr Raymond HO expressed the view that opening up meetings of TPB should not give rise to concerns of subjecting TPB members to undue pressure. TPB members should provide views from technical angles and objective perspectives. There should be mechanisms for avoidance of any potential or perceived conflict of interests.

91. PSPL explained that the Administration had proposed a phased approach to amend TPO having regard to the complexity of the issues in question as illustrated in the previous attempt to revise the Ordinance in one go. The introduction of amendments in stages would facilitate the implementation of proposals that were less contentious and would produce immediate benefits to the community. She stressed that the Administration was proactive in taking forward the amendment proposals in Stage Two as well as the feasible administrative measures to improve the openness and transparency of TPB. The administrative measures could be implemented upon passage of the Stage One amendments.

92. Mr LAU Ping-cheung welcomed early consideration and discussion of the operation of TPB and other issues to be covered under the Stage Two amendments. He called on the Administration to introduce the Stage Two amendments as soon as possible.

Quorum of TPB meetings

93. Ir Dr Raymond HO referred to paragraph 14 of the paper and opined that the quorum for committee meetings to hear objections under section 2A of TPO was too small. He said that the quorum for TPB meetings should be enlarged and fixed at a certain percentage of the membership instead of a fixed number of members. He urged the Administration to consult other relevant parties, in addition to TPB members, on the appropriate size of the quorum as decisions of TPB affected public interests.

94. PSPL said that the Administration held an open attitude towards the enlargement of the quorum for TPB meetings. The existing TPO provided that five TPB members should form the quorum at any TPB meeting and its Planning Committee meeting. For a committee appointed by the TPB to hear objections under section 2A of TPO, the quorum was three. While the Administration considered it appropriate to increase the quorum, the practical difficulties of ensuring a large quorum for specified meetings should be taken into account, given the heavy commitments of TPB business. She said that the Administration would further consult TPB on the enlargement of quorum before putting up concrete proposals for LegCo's consideration.

Composition of TPB and TPB Secretariat

95. Referring to paragraphs 15 and 17 of the paper, Mr LAU Ping-cheung opined that the existing arrangement for Government officials to provide secretariat services to TPB was not conducive to projecting an independent image of TPB. He suggested the Administration explore the feasibility of establishing an independent TPB secretariat. Pointing out that in some cases, the Government was the applicant or proponent of town planning proposals/applications. Mr LAU also requested the Administration to review the existing arrangement for TPB to be

chaired by the relevant Permanent Secretary, as there might be potential role conflicts in the deliberation of TPB on these applications/proposals.

96. PSPL advised that as the ultimate decisions on town plans and planning applications were made by TPB collectively and TPB must provide justifications for its decisions, the existing arrangements for Government officials to take up the chairmanship and provide secretariat services to TPB did not affect the independence of the Board nor create any real problem of role conflicts. She pointed out that from her experience as the Chairman of TPB in the past months, some planning proposals or recommendations put up by the Administration had been rejected by TPB. In considering alternative arrangements for the provision of Secretariat services for TPB, PSPL said that resources implications were a major consideration as an independent secretariat that could assume also the role of providing professional/technical support was likely to be duplicating the efforts of the Planning Department.

97. Mr LAU Ping-cheung commented that public perception of the fairness and objectivity in the planning process under the existing arrangements should be an important concern. He called on the Administration to review the role relationship between the TPB Chairman, its Secretariat and applicants. In response, DP pointed out that the work of the Planning Department was subject to public monitoring. While the Planning Department provided secretarial and professional/technical support to TPB, the decisions were ultimately made by members of TPB. There were a considerable number of past cases of TPB's rejection of proposals submitted by the Planning Department.

IX Safety of aluminium windows of buildings

(LC Paper No. CB(1)830/03-04(01) -- Information paper provided by the Administration)

98. The Principal Assistant Secretary for Housing, Planning and Lands advised that the information paper set out the measures to ensure the safety of aluminium windows of buildings, including the requirements in respect of the installation and maintenance of aluminium windows, as well as enforcement against dilapidated windows. The Deputy Director of Buildings (DD of Bldg) took members through the salient points in the information paper.

Maintenance of aluminium windows

99. Referring to paragraph 7 of the paper on the Administration's appeals to building owners to carry out regular inspections of their building facilities such as aluminium windows, the Chairman sought information on the recommended frequency of inspections. In reply, DD of Bldg advised that the durability of aluminium windows was affected by a number of factors including the location, size and orientation of the windows. As defects of aluminium window could easily be spotted by visual inspection, regular checks and proper maintenance by building

owners/occupants could identify such defects and prevent failures of aluminium windows. He said that building owners/occupants were advised to pay attention to the condition of aluminium windows in particular the hinges and their screws in daily use and seek technical assistance of experienced contractors or technicians with the relevant competence as and when necessary.

Quality of aluminium windows and supervision of installation works

100. Pointing out that many of the aluminium windows were imported from the Mainland, Mr TAM Yiu-chung asked whether any measure was in place for the Administration to monitor the quality of these imported windows. The Chairman shared similar concern. In response, DD of Bldg said that the quality of aluminium windows was monitored by building professionals and registered contractors. The Buildings Department (BD) had provided general guidelines on the proper design and installation of aluminium windows for the reference of building professionals and registered contractors.

101. Ir Dr Raymond HO considered that the Administration should exercise direct monitoring over the quality of imported aluminium windows instead of relying on building professionals and registered contractors to ensure quality of the windows. He also referred to the recent fatal incidents caused by detachment of aluminium windows and commented that the method of installation had significant effect on the safety of aluminium windows. Pointing out that window installation works were generally carried out by workers without any professional supervision, Ir Dr HO doubted how the Administration could ensure that there would be adequate site supervision to check that the window frames were securely and rigidly fixed as set out in paragraph 5(d) of the paper. He urged the Administration to address the crux of the problem and consider improvement measures on the monitoring and supervision of the installation of windows.

102. In reply, DD of Bldg said that the problem of window sash detachment was mainly a result of improper use and/or maintenance rather than the design and installation of the windows. That said, the control of window installation work would be strengthened with the introduction of the requirement for window installation and alteration works to be carried out and certified by a registered minor works contractor. The requirement was proposed under the Buildings (Amendment) Bill 2003, which was under scrutiny by a Bills Committee of the Legislative Council.

103. Mr WONG Sing-chi commented that the information paper clearly revealed the absence of Government regulation over the safety of aluminium windows. He sought information on the Administration's measures on ensuring the safety of aluminium windows and urged the Administration to work out concrete control measures in this regard. The Chairman shared Mr WONG's concern.

104. DD of Bldg explained that the safety of aluminium windows depended on the design, installation as well as maintenance of the windows. The requirements

in respect of the design and installation of aluminium windows were published in the practice note on "Aluminium Windows" issued by BD for building professionals and contractors. He advised that for installation of aluminium windows in newly constructed buildings, adequate site supervision by authorized professionals and their supervisors was generally in place. Whilst for the installation and alteration works for existing buildings, guidelines were provided to owners and occupants in the "Building Maintenance Guidebook" published in June 2002. In response to safety concerns over the failure of aluminium windows sashes and in order to strengthen the control of windows installation works, the Administration had proposed designating the installation and alteration of windows as minor works under the Buildings (Amendment) Bill 2003. Such works would be required to be carried out and certified by a registered minor works contractor with relevant competence. Pointing out that failure of aluminium window sashes rather than window frames was usually caused by the loosening of the fixing screws, corrosion of the aluminium rivets, or corrosion of the screw/rivet holes of the window hinges, he stressed the importance of regular inspections and timely maintenance of aluminium window by building owners/occupants.

Public education on proper maintenance of aluminium windows

105. Ir Dr Raymond HO said that external factors such as strong wind or typhoons could cause the sudden detachment of aluminium windows. He urged the Administration to step up publicity and public education on the proper installation and maintenance of aluminium windows for the protection of public safety. For example, publicity activities should be launched in districts to reach out to local residents and building owners. DD of Bldg responded that to strengthen publicity and public education, a new pamphlet on the maintenance and use of aluminium windows was under preparation by BD and would be issued to relevant parties including management services companies and Owners' Corporations (OCs) in a few weeks' time.

106. Mr WONG Sing-chi suggested that BD should seek the assistance of the Home Affairs Department (HAD) in promoting the safety and maintenance of aluminium windows through OCs. He said that the Administration should provide assistance and support to OCs in this respect. In response, DD of Bldg said that BD had been maintaining close cooperation with HAD in the promotion of building management and maintenance at the district level. Representatives of BD would attend meetings of the District Management Committees of HAD, thus keeping close liaison with OCs and management companies on building matters.

X. Any other business

107. There being no other business, the meeting ended at 7:10 pm.

Council Business Division 1
Legislative Council Secretariat
19 March 2004