

立法會
Legislative Council

LC Paper No. CB(1)1314/03-04
(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, 24 February 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)
Hon James TIEN Pei-chun, GBS, JP
Dr Hon David CHU Yu-lin, JP
Ir Dr Hon Raymond HO Chung-tai, JP
Hon James TO Kun-sun
Hon TAM Yiu-chung, GBS, JP
Hon Albert CHAN Wai-yip
Hon WONG Sing-chi
Hon IP Kwok-him, JP
- Members absent** : 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 Parrish NG
Principal Assistant Secretary for Housing, Planning and
Lands (Planning and Lands) 3

Mr Rick CHAN
Assistant Secretary for Housing, Planning and Lands
(Buildings) 1

Mr AU Choi-kai
Assistant Director (Support)
Buildings Department

Mr CHEUNG Kwok-man
Chief Building Surveyor/Hong Kong West, New Buildings 1
Buildings Department

Agenda item V

Mr Patrick LAU
Director of Lands

Mr Jimmy WOO
Assistant Director/Estate Management
Lands Department

Mr Gary YEUNG
Principal Assistant Secretary for Housing, Planning and
Lands (Planning and Lands)1

Mr C C LUK
Principal Land Executive (Village Improvement and
Lease Enforcement/Land Control Section)
Lands Department

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

Staff in attendance : Ms Rosalind MA
Senior Council Secretary (1)8

Ms Christina SHIU
Legislative Assistant

Action

- I. Confirmation of minutes of meeting**
(LC Paper No. CB(1)1025/03-04 -- Minutes of the special meeting on
15 January 2004)
1. The minutes of the meeting held on 15 January 2004 were confirmed.

II. Information papers issued since last meeting

2. Members noted the following information papers issued since last meeting -

- (a) Information paper on "Decking of Kai Tak Nullah"(LC Paper No. CB(1)954/03-04); and
- (b) Information paper on "PWP Item No. 707CL - Yuen Long South Western Extension - Site Formation for School Development and the Associated Road Works in Area 13" (LC Paper No. CB(1)1046/03-04(01)).

III. Items for discussion at the next meeting

(LC Paper No. CB(1)1024/03-04(01) -- List of outstanding items for discussion

LC Paper No. CB(1)1024/03-04(02) -- List of follow-up actions)

Regular meeting on 23 March 2004

3. Members agreed that the following item proposed by the Administration be discussed at the next regular Panel meeting scheduled for 23 March 2004 -

Land Registration Ordinance — removal of stopped deeds

4. Referring to the recent incident of land-filling activities on a private agricultural lot in Tai Po, Mr WONG Sing-chi expressed concern about the inadequacy of existing legislative and administrative measures in tackling problems relating to these activities. He suggested that the Administration provide information in this regard. Mr Albert CHAN also expressed concern about the control over the use of private agricultural lots in the New Territories. Pointing out that use of agricultural land for purposes such as storage of containers had generated environmental nuisances to nearby residents and posed threats to the ecology of the land, he suggested that the Administration should inform the Panel whether it had any plans to rectify or improve the situations, from planning and land administration perspectives.

5. The Chairman proposed that the concerns of Mr WONG Sing-chi and Mr Albert CHAN could be discussed under a single agenda item at a Panel meeting.

(Post-meeting note: With the concurrence of the Chairman, an agenda item "Land-filling and other activities on private land causing environmental nuisances and/or upsetting the ecology of the land" has

been included in the agenda for the next regular Panel meeting scheduled for 23 March 2004.)

Joint meeting with the Panel on Environmental Affairs to continue the discussion of "Impact of construction works on rivers in Hong Kong"

6. The Chairman informed members that as the discussion on "Impact of construction works on rivers in Hong Kong" at the joint meeting with the Panel on Environmental Affairs (EA Panel) held on 23 February 2004 had not been completed, a further meeting had to be arranged for continuation of the discussion with the Administration.

7. Mr James TIEN opined that instead of arranging joint Panel meetings for discussion of subjects straddling across the work of more than one Panel, the Panel having a prominent interest in the subject should convene the meeting and invite other Members to attend. He considered this arrangement conducive to both the attendance of members and focusing the discussion on major concerns of Members. Mr IP Kwok-him shared Mr TIEN's view and opined that joint Panel meetings should only be held when necessary.

8. Mr Albert CHAN considered that the subject in question involved both environmental protection as well as supervision of public works and land administration issues and thus straddled across the work of the EA Panel and the Panel on Planning, Lands and Works (PLW Panel). Noting the comments of Mr TIEN and Mr IP on joint Panel meetings, he opined that an alternative appropriate arrangement was for the two relevant Panels to have separate meetings to discuss issues and concerns pertinent to their own purview.

9. Mr James TO considered that joint Panel meetings were an appropriate arrangement for discussion of subjects straddling across the purviews of two or more Panels. Arranging the same subject to be discussed at separate meetings of relevant Panels would create difficulties for both the Administration and Members.

10. The Chairman said that in view of the close relationship between the environmental protection and land administration issues for the subject in question, he suggested and members agreed that another joint meeting with the EA Panel be scheduled to continue the discussion with the Administration. Members' concerns would be taken into account in considering whether joint meetings between PLW Panel and another Panel should be held for other subjects in future.

11. While having no objection to the Chairman's suggestion, Mr James TIEN said that it would be preferable to schedule the joint Panel meeting to be held after a regular meeting of PLW Panel, or on a date to be fixed after consulting the views of members of the two Panels. He also suggested that sufficient time be allowed to complete the discussion of the subject at the meeting.

12. The Chairman directed the Clerk to liaise with the Clerk to the EA Panel for arrangements of the joint meeting and inform members of the arrangements in due course.

(Post-meeting note: The notice of the joint meeting with the EA Panel on Tuesday, 23 March 2004 at 4:30 pm was issued to members vide LC Paper No. CB(1)1129/03-04 on 26 February 2004.)

IV. Proposed Amendments to the Building (Planning) Regulations - refining the definition of "street" for site classification purpose
(LC Paper No. CB(1)1024/03-04(03) -- Information paper provided by the Administration)

Attendance of public officers at Panel meetings

13. Mr Albert CHAN referred to members' concern raised at the joint Panel meeting on 23 February 2004 on the absence of the responsible Directors of Bureau and/or the Permanent Secretaries at the Panel meeting, and requested the Chairman to convey his concern to the Administration about the infrequent attendance of the responsible Directors of Bureau and/or Permanent Secretaries at recent meetings of this Panel. Having consulted other Panel members present, the Chairman directed the Clerk to write to the Secretary for Housing, Planning and Lands (SHPL) and the Secretary for Environment, Transport and Works (SETW) to convey members' concern.

(Post-meeting note: Letters were issued to SHPL and SETW on 5 March 2004 to convey members' concern.)

Briefing by the Administration

14. At the invitation of the Chairman, the Principal Assistant Secretary for Housing, Planning and Lands (Planning and Lands)3 (PAS/PL3) took members through the paper. He said that the need to remove uncertainties about the definition of "street" in relation to site classification was identified in the Director of Audit's Report No. 37, in which the effectiveness of the administration of sale of land by public auction was evaluated with reference to a site in Siu Sai Wan sold in March 1997 (the Siu Sai Wan site). As the existing definition of "street" under the Buildings Ordinance (Cap. 123) and the Building (Planning) Regulations (B(P)R) did not clearly specify the characteristics and conditions of a street for the purpose of site classification, this was not conducive to the effective control of the development density of a particular site. The Administration, having consulted the industry, had devised a proposal to amend B(P)R for this purpose. The proposal was set out in paragraph 7 of the paper. The Administration was working on the relevant draft legislative amendments, with a view to tabling them at the Legislative Council for negative vetting within the current legislative session.

Discussion

Change of site classification for the Siu Sai Wan site

15. Referring to paragraph 5 of the paper on the Siu Sai Wan case, Mr James TO sought information on the legal advice provided by the Department of Justice (D of J) on whether the walkway for crowd dispersal within the Siu Sai Wan Sports Ground (SSW Sports Ground walkway) could be treated as a street for site classification purpose.

16. In reply, the Assistant Director (Support), Buildings Department (AD/BD) said that in considering the developer's claim that the Siu Sai Wan site was a Class C site, the Buildings Department (BD) had sought legal advice from D of J. According to the advice given by D of J, the SSW Sports Ground walkway appeared to be similar in nature to a footpath for public passage and was within the definition of "street" for site classification purpose. The fact that the walkway laid within the SSW Sports Ground did not affect the position.

17. Mr James TO pointed out that the change in site classification from Class A to Class C represented a substantial increase in maximum plot ratio, and if the status of the walkway within the SSW Sports Ground was known to other prospective purchasers before the land auction, the bidding prices offered by developers in the land auction might have been very different. Mr James TO doubted whether any responsible public officers had erred in the case. He also queried whether BD had sought legal advice before the land auction on the status of the SSW Sport Ground walkway which was a crucial factor affecting the classification of the site. He was concerned whether the Administration had taken necessary follow-up actions on the performance of the responsible public officers in this case and whether disciplinary actions had been taken in this connection. Mr IP Kwok-him expressed similar concern and sought information on whether the change of site classification had been resolved through court proceedings.

18. PAS/PL3 said that the proposed amendments were made in response to the recommendations in D of A's Report No. 37. The D of A's Report did not mention the need for disciplinary actions against public officers in respect of the Siu Sai Wan case. The details about the change of site classification for the Siu Sai Wan site were described in D of A's Report. In brief, the Lands Department (Lands D) determined the reserve price for the site on the basis that it was a Class A site upon consultation with BD. After the sale of the site through public auction, the developer submitted building plans to BD claiming that the SSW Sports Ground walkway adjacent to the Siu Sai Wan site was a street for site classification purpose and that the site was a Class C site. In view of the legal opinion submitted by the developer, there were doubts whether the subject walkway could be treated as a street for site classification purpose, and thus BD subsequently sought the advice of D of J in response to the developer's claim. AD/BD added that as BD had long-

established interpretation of the definition of "street" under the Buildings Ordinance (Cap. 123) for site classification purpose which was generally accepted, legal advice on such definition would not normally be sought for individual cases. As far as he knew, BD did not seek the advice of D of J on the classification of the Siu Sai Wan site before the public auction of the site.

19. Mr James TO remained concerned about whether any responsible public officers had erred in the Siu Sai Wan case. He requested the Administration to look into the case and consider whether disciplinary actions should be taken against any officers. Mr TO was dissatisfied that the responsible public officers had not sought clarification including legal advice, prior to the site auction, on the uncertainties about the site classification. Their failure to clarify the site classification issues before land auction might have caused loss of Government revenue.

20. Mr James TIEN shared Mr TO's view that the Administration should review the case, and opined that the change in site classification after the land sale was unfair to prospective purchasers as they might not have put forward the most competitive bids at the auction.

21. PAS/PL3 said that when valuing the Siu Sai Wan site for determining the reserve price for land auction, Lands D obtained professional advice from BD. He referred to the layout plan of the site at the Annex of the Administration's paper and said that BD was originally of the view that it was a Class A site based on the then prevailing circumstances that the site only abutted on one street, i.e. the Siu Sai Wan Road. After the land sale, the developer would submit a development proposal to the Building Authority (BA) for approval under the existing legislation. The BA would decide on the classification of a site only upon the submission of the finalized development proposal by the developer under which the developer might propose to provide internal streets with the effect of changing the classification of the site. He said that it was only after extensive consideration that the BA eventually decided that the site could be classified as a Class C site. As developers participating in the public auction should be well aware of the site conditions and thus the development potential of the site, their assessment of the value of the site should have been reflected in the auction price.

22. Responding to Mr James TIEN's further comment that the change in site classification resulting from the provision of internal streets by the purchaser after land sale was unacceptable, AD/BD said that under the existing law, the developer would submit a development proposal which he considered most suitable to him for the BA's approval. When a developer submitted a development proposal with internal streets carved out within the lot, the developer would have to give up the corresponding site area for the development as the area for the streets would be excluded in the calculation of the maximum plot ratio for the development.

23. Mr James TO opined that in assessing the reserve price for land auction, Lands D should make the valuation on the basis of the best possible development

scenario for the site concerned. He expressed strong dissatisfaction over the response of the attending Government officials, as they failed to provide the precise details about the case in response to members' concerns. He cautioned that if the Administration had not critically looked into the case to identify the problems for rectification, similar incidents would occur again in the future. Mr WONG Sing-chi shared Mr TO's view and said that the attending Government officials were not well-prepared for the discussion of the subject.

24. Pointing out that the Public Accounts Committee (PAC) had deliberated on the D of A's Report No. 37, Mr Albert CHAN suggested the LegCo Secretariat circulate relevant parts of the D of A's Report as well as the Report of PAC on the Siu Sai Wan case for members' reference.

25. Mr LAU Ping-cheung recalled that PAC had deliberated on the Siu Sai Wan case. He pointed out that the subject of discussion for this meeting was the proposed amendments to B(P)R for refining the definition of "street" for site classification purpose. While the proposal was recommended by D of A in the light of the Siu Sai Wan case, the details of the case and other related follow-up actions taken by the Administration were not the main issues to be addressed in the paper.

26. While appreciating members' concern about the details of the Siu Sai Wan case, PAS/PL3 pointed out that the case was complicated and, therefore, the Administration had only briefly set out the necessary information on the case as the background to the proposed amendments to the B(P)R. In making preparation for the meeting, the Administration put the focus on the proposed amendments rather than the details of the Siu Sai Wan case.

27. In view of members' concerns about the Siu Sai Wan case, the Chairman suggested and members agreed that the Clerk to the Panel should circulate the relevant parts of the D of A's Report and the PAC's Report for members' information, and the Panel should write to SHPL to seek information on whether any public officers had erred in the case and whether disciplinary actions had been/would be taken.

(Post-meeting note: The information required in paragraph 27 was circulated to members vide LC Paper Nos. CB(1)1118/03-04 and CB(1)1151/03-04 on 25 and 27 February 2004 respectively and the letter to SHPL was issued on 5 March 2004.)

Proposed amendments to Building (Planning) Regulations

28. Referring to paragraph 7(d) of the paper, Mr James TIEN queried whether the proposed legislative amendments relating to the definition of "street" would confer additional powers to the Administration. In response, PAS/PL3 said that the proposed criteria in paragraph 7 of the paper in fact represented the prevailing criteria adopted by BD in making site classification. The proposed amendments simply sought to specify these criteria in the legislation to remove uncertainties in the definition of "street".

29. Referring to the street at the south-eastern boundary of the site proposed by the developer (shaded section shown in the layout plan at the Annex of the paper), Mr James TO sought clarification of whether this would be considered as "street" for site classification purpose under the proposed criteria in paragraph 7 of the paper. AD/BD responded that this proposed street would fall under the proposed criterion in paragraph 7(d), i.e. a street held under a Government lease by the owner of the site. In reply to Mr TO's further enquiry, AD/BD explained that according to the definitions under the B(P)R, for a Class B site, the corner site should not be regarded as abutting on two streets unless at least 40 percent of the boundary of the site abutted on the streets, whereas for a Class C site, the corner site should not be regarded as abutting on three streets unless at least 60 percent of the boundary of the site abutted on the streets.

Admin

30. Mr James TO was concerned about the rationale for adopting the above percentages for the definitions of Class B site and Class C site. He sought information on the background leading to the existing definitions in the B(P)R. He also expressed concern about the possible loopholes in the definition of a "street" for effective control of development density. He asked whether the Administration would impose any conditions on the street proposed by the developer, such as requirements to restrict/allow vehicular and public access. Mr WONG Sing-chi enquired whether the Administration had put in place any measures to prevent future changes in the design and use of internal streets proposed by developers.

31. AD/BD advised that the existing definition of "street" under the Buildings Ordinance (Cap. 123) included the whole or any part of any square, court or alley, highway, lane, road, road-bridge, footpath, or passage whether a thoroughfare or not and that under the B(P)R included any footpath and private and public street. On the enforcement mechanism, the BA would require that streets for site classification should be shown on the plans submitted for approval. The streets should remain as streets insofar as the buildings relying on it for attaining the corresponding plot ratio existed. Any proposal to build over or extinguish the streets would result in contravention of the provisions of the Buildings Ordinance (Cap. 123) and the BA would not approve such a proposal. In response to Mr WONG Sing-chi's further enquiry, AD/BD said that the definition of "street" for

site classification aimed to facilitate the control of development density of the site and hence BD would not require the developer concerned to allow public access to the internal streets proposed by the developer.

Way forward

32. In view of members' concern about the Siu Sai Wan case and members' queries on the policy objective and effects of the proposed legislative amendments, the Chairman proposed and members agreed that the Panel should discuss the subject at a later date when the Administration had prepared a discussion paper with relevant details to address members' concerns and queries.

Admin/
Clerk

V. Unauthorized occupation of Government land and breaches of land lease conditions

(LC Paper No. CB(1)1024/03-04(04) -- Information paper on "Management of Unleased Government Land and Lease Enforcement" provided by the Administration

LC Paper No. CB(1)518/03-04 -- 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)

33. At the invitation of the Chairman, the Director of Lands (D of L) drew members' attention to the information on land control and lease enforcement set out in the paper. D of L said that the Administration attached great importance to the management of unleased Government land (GL) and enforcement of lease conditions. However due to resources constraints, Lands D might not be able to respond fully to public expectations. He highlighted the major difficulties encountered by Lands D as follows -

- (a) the large area of unleased GL of some 31,860 hectares that required daily management by the Government; and
- (b) the existing levels of penalty for offences of unlawful occupation, unlawful excavation and/or breach of leases did not have adequate deterrent effect given the high value of land in the territory.

34. D of L said that taking into account the recent consultancy study on the Land Administration Office of Lands D, some improvement measures were being considered to further enhance the department's duties. These were set out in paragraph 27 of the paper. He pointed out that in addition to strengthening enforcement actions against offenders, the Administration would consider mounting a public education programme.

Priority adopted by the Lands Department in taking enforcement actions

35. Mr WONG Sing-chi expressed concern on whether Lands D had set the correct priorities for its enforcement actions and commented that priority should be accorded to cases of unlawful occupation of GL involving larger land lots, such as those for car parking, as such activities might cause environmental nuisances to nearby residents. Mr TAM Yiu-chung expressed similar concerns. Pointing out that from his observation, there were inconsistencies in the priority of enforcement actions taken by Lands D staff, Mr TAM asked the Administration to clarify the principles adopted in setting the priorities for enforcement actions.

36. D of L and the Principal Land Executive (Village Improvement and Lease Enforcement/Land Control Section) Lands D (PLE/Lands D) explained that in the day-to-day work on land control, staff of Lands D were obliged to take enforcement actions against cases of minor nature under certain circumstances, such as in cases of repeated complaints from the public. Generally speaking, Lands D would accord priority to cases of unlawful occupation of GL involving activities that caused environmental nuisances and affected the well-being of nearby residents.

37. Mr IP Kwok-him was also concerned about the inconsistencies in Lands D's enforcement actions against unlawful activities on GL. Quoting the example of unauthorized display of roadside non-commercial publicity materials, Mr IP doubted whether Lands D's enforcement actions against these publicity materials had been taken in a fair manner.

38. PLE/Lands D advised that Lands D staff and staff of the Food and Environmental Hygiene Department (FEHD) took joint enforcement actions for removal of unauthorized publicity materials in each district on a weekly basis. Nevertheless, the joint enforcement actions would not be scheduled on a fixed day of the week and would be arranged subject to the work schedule of FEHD staff. Lands D staff would accord priority to the removal of publicity materials upon receipt of complaints during the next weekly enforcement actions. He asked members to take into account the staffing constraints of Lands D and FEHD for timely removal of unauthorized publicity materials.

39. Mr IP maintained his view that the enforcement actions against unauthorized display of publicity materials had not been taken in a fair manner. At the invitation of the Chairman, Mr IP agreed to provide information on specific cases to the Administration for appropriate follow-up actions.

Imposition of levy on advertisement signboards overhanging Government land

40. Mr IP Kwok-him referred to the Administration's response to the suggestion made by members of the Bills Committee on Buildings (Amendment) Bill 2003 of imposing a levy on advertisement signboards projecting over GL (LC Paper No. CB(1)518/03-04) and expressed disagreement to the Administration's argument that charging of a fee under the Land (Miscellaneous Provisions) Ordinance (Cap. 28) would not be practicable nor cost-effective. Mr IP considered that it was inappropriate for the Administration to compare advertisement signboards overhanging GL with other objects/structures such as awnings, canopies and drying racks projecting over streets/pavements. Given that there were numerous huge advertisement signboards on the exterior walls of buildings, making huge profits by occupying GL, Mr IP opined that the Administration should expeditiously explore means to impose charges on these signboards.

41. The Principal Assistant Secretary for Housing, Planning and Lands (Planning and Lands)1 (PAS/PL1) responded that as far as Government revenue was concerned, properties (including advertisement signboards as appropriate) were subject to rate assessment in accordance with the provisions of the Rating Ordinance (Cap. 116). The Rating and Valuation Department (RVD) had already included signboards (be they in private lots or overhanging GL) in rate assessments as appropriate. Given the likely high administrative costs involved for launching a separate fee scheme for advertisement signboards overhanging GL and the disproportionately small amount of revenue generated, the Administration considered it appropriate for the revenue aspect to be taken care of by RVD's existing rate assessment mechanism. In this respect, RVD would continue with its efforts to include more advertisement signboards in the rate assessment. At the request of Mr IP, the Administration agreed to provide information on the amount of rates charged on advertisement signboards, including the amount of revenue generated from these rates per annum, the number of signboards involved and the range of the amount of rates charged per case.

(Post-meeting note: The information provided by the Administration was circulated to members vide LC Paper No. CB(1)1240/03-04 on 8 March 2004.)

42. In reply to the Chairman, D of L advised that under the existing law, an occupant could claim property right to a piece of GL if the GL had been in continuous occupation for 60 years or more by the occupant and the Government had not taken any enforcement action against the unauthorized occupation during the period.

Regularizing unlawful occupations by issuing tenancies to the occupiers

43. Referring to paragraph 15 of the paper, Mr WONG Sing-chi sought information on regularizing unlawful occupation of GL by the issue of short term tenancies (STTs) at market rental to the occupiers and enquired about the number of STTs issued by Lands D in recent years. Mr WONG said that he had received complaints from the local community on the difficulties in obtaining STTs for the lawful use of GL. He urged the Administration to work out simplified application procedures and consult the relevant District Councils (DCs) on applications for STTs.

44. D of L advised that the number of STTs currently in force amounted to over 4 000 and that of Domestic Government Land Licence was about 11 000. The Assistant Director/Estate Management, Lands D (AD/Lands D) added that the Lands D issued over 100 STTs annually and the total rental was in the range of \$3 million to \$4 million per annum. D of L said that in view of the large number of applications involved, the Administration would only consult the relevant DC on cases involving large GL plots and cases involving controversial proposed uses.

45. To facilitate the issue of STTs, AD/Lands D advised that under the departments' re-engineering exercise, Lands D was exploring measures to streamline the procedures for issuing STTs, such as simplifying the paper work for those applications involving small pieces of GL without the construction of structures. D of L added that Lands D was taking proactive measures to regularize cases of unlawful occupation of GL and breaches of land leases. For example, Lands D was making arrangements with the Agriculture, Fisheries and Conservation Department (AFCD) to simplify the procedures for applications for tenancies under the Agricultural Land Rehabilitation Scheme (the Scheme). PLE/Lands D supplemented that under the proposed arrangements, applicants under the Scheme would be provided with free one-stop services through AFCD. Responding to Mr WONG Sing-chi's further enquiry, PLE/Lands D explained that the Scheme aimed at assisting existing or intending farmers to obtain proper land tenure and encouraging active cultivation of arable land. For new applications for lease of GL for agricultural use, interested applicants might approach Lands D for consideration of their cases subject to the availability of land in the rural area.

46. Mr TAM Yiu-chung observed that the prolonged and complicated procedures in processing applications for STTs had indirectly brought about some cases of unlawful occupation of GL. This situation was evident in cases of applications for use of GL for car parking by villagers. D of L explained that in

processing applications for STTs, Lands D would adhere to the principle that GL was public resources and the exclusive use of these resources should normally not be allowed unless under special and justifiable circumstances. Mr TAM Yiu-chung urged the Administration to give special consideration for issuing STTs under circumstances where the GL was surrounded by village houses and use of the land by the public other than the villagers was unlikely. He suggested that the Administration's concern of exclusive use of GL by the villagers could be addressed by including a special clause in the lease conditions for the provision of hourly parking spaces at the site.

47. In reply, PLE/Lands D informed members that as an attempt to resolve the demand for parking spaces in the rural areas, Lands D had conducted a trial scheme with Transport Department in installing parking meters in a carpark within a village expansion area for the convenience of local villagers and the general public alike. This new arrangement was found to be effective and would be implemented in more spots in the rural areas. Nevertheless, the Administration would consider applications of villagers on the merits of individual cases, such as those mentioned by Mr TAM above.

Staffing arrangements in the Lands Department

48. Noting that Lands D was facing manpower constraints in performing land control and lease enforcement duties, Mr TAM Yiu-chung doubted the reason for Lands D's recent decision of not renewing the contracts of about 17 Land Executives. In reply, D of L explained that these Land Executives were appointed on contract terms to take up special tasks to be implemented within set time frames. These contract staff were not within the permanent establishment of Lands D and upon completion of the special tasks, the department had no authority for the redeployment of these staff to perform other land control or lease enforcement duties.

49. Referring to paragraph 27(a) of the paper, Mr TAM Yiu-chung was concerned whether the Administration's plan of outsourcing land control and lease enforcement work was practicable, as the enforcement work might involve the exercise of statutory powers. AD/Lands D said that the preliminary idea was to outsource certain types of work that were labour intensive but did not involve the exercise of statutory powers, such as patrolling and posting of notices for cease of occupation. In response to Mr TAM's further enquiry, AD/Lands D said that the management of the companies taking on the outsourced work should be capable of providing the necessary training for the effective performance of the relevant duties by their employees.

50. Referring to cases of corruption involving officers of District Lands Offices (DLOs) in the New Territories, Mr LAU Ping-cheung expressed concern about the management of the Land Executive Grade. While officers of the Land Executive Grade were undertaking similar duties as the Estate Officer Grade

working in urban DLOs, the former were not required to possess relevant professional qualifications as officers of the Estate Officer Grade and thus were not subject to the control of any professional code of conduct. Moreover, the rigid staff deployment practices within Lands D had pre-empted the transfer of Land Executives to DLOs in the urban areas, thus creating concerns of experienced Land Executives establishing close ties/connections with the local bodies in the rural districts. He urged the Administration to explore means for effective staff deployment among DLOs in the rural and urban areas in view of the trend of urbanization in Hong Kong.

51. D of L explained that the difference in the qualification requirements of the Land Executive Grade and the Estate Officer Grade had been in existence for years. Past attempts to merge the two grades had not been successful given the considerable discrepancies in their conditions of service and qualification requirements for appointment. He pointed out that the skills required for land administration were different in the rural and the urban areas having regard to the special characteristics of the rural districts. In general, effective land administration in the rural districts would hinge on public education as well as close liaison with the local communities, in addition to timely law enforcement actions. It would be unfair to the Land Executive Grade to generalize the occasional incidents of misconduct of individual members of the grade and infer that these incidents were related to the qualifications and management of the grade. He advised that Lands D had implemented new arrangements for transfer of Land Executives among DLOs in the New Territories and would continue to explore means for enhancing the flexibility of duties sharing between the Land Executives Grade and the Estate Officer Grade.

VI. Any other business

52. There being no other business, the meeting ended at 4:40 pm.