

立法會
Legislative Council

LC Paper No. CB(1)717/04-05
(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, 21 December 2004, at 10:45 am
in Conference Room A of the Legislative Council Building

- Members present** : Hon LAU Wong-fat, GBS, JP (Chairman)
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP
Hon James TO Kun-sun
Hon CHOY So-yuk
Hon Abraham SHEK Lai-him, JP
Hon Albert CHAN Wai-yip
Hon LEE Wing-tat
Hon Daniel LAM Wai-keung, BBS, JP
Hon Alan LEONG Kah-kit, SC
Hon CHEUNG Hok-ming, SBS, JP
- Members absent** : Hon Patrick LAU Sau-shing, SBS, JP (Deputy Chairman)
Hon WONG Yung-kan, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon LI Kwok-ying, MH
- Public officers attending** : **Agenda item IV**

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

Mr C K HON
Assistant Director of Drainage Services

Mr Y T CHEUNG
Chief Engineer
Drainage Services Department

Mr C M CHUNG
Senior Engineer
Drainage Services Department

Mr Patrick Y C FAN
Chief Estate Surveyor
Lands Department

Mr Tony K Y WONG
Chief Land Executive
Lands Department

Mr C C HO
Chief Housing Manager
Housing Department

Mr HO Chi-keung
Housing Manager
Housing Department

Agenda item V

Mr Kim SALKELD
Land Registrar

Ms Olivia NIP
Deputy Secretary for Housing, Planning and Lands
(Planning and Lands) 2

Mr Parrish NG
Principal Assistant Secretary for Housing, Planning and
Lands (Planning and Lands) 3

Mr Francis CHU
Senior Principal Executive Officer
Head of the Title Registration Development Branch

Mrs Emily CHIK
Business Manager
Land Registry

Clerk in attendance : Miss Odelia LEUNG
Chief Council Secretary (1)4

Staff in attendance : Ms Sarah YUEN
Senior Council Secretary (1)6

Ms Christina SHIU
Legislative Assistant

Action

I Confirmation of minutes

(LC Paper No. CB(1)509/04-05 -- Minutes of meeting on 23 November 2004)

The minutes of the meeting held on 23 November 2004 were confirmed.

II Information papers issued since last meeting

(LC Paper No. CB(1)373/04-05(01) -- Administration's response to the letter dated 21 October 2004 from Dr Hon YEUNG Sum and Hon Martin LEE on "Potted Plant Garden in Ma Hang" (LC Paper No. CB(1)134/04-05(01)

LC Paper No. CB(1)382/04-05(01) -- Information paper on Capital Works Reserve Fund Block Allocations for 2005-06

LC Paper No. CB(1)438/04-05(01) -- Information paper on 109CD – Drainage improvement in Sha Tin and Tai Po)

2. Members noted the above information papers issued since the last monthly regular meeting of the Panel on 23 November 2004.

III Items for discussion at the next meeting

(LC Paper No. CB(1)506/04-05(01) -- List of outstanding items for discussion

LC Paper No. CB(1)506/04-05(02) -- List of follow-up actions)

3. Members agreed that PWP item no. 9182WC "Replacement and Rehabilitation of Water Mains, Stage 2" would be discussed at the next regular meeting scheduled for Tuesday, 25 January 2005, at 2:30 pm.

4. Members also noted that a special meeting had been scheduled for Friday, 21 January 2005, from 10:40 am to 12:10 pm to receive briefings by the Secretary for the Environment, Transport and Works and the Secretary for Housing, Planning and Lands on details of the policy commitments of the relevant portfolios for 2005.

(Post-meeting note: The notice of the special meeting was issued vide LC Paper No. CB(1)559/04-05 on 22 December 2004.)

IV 112CD – “Drainage Improvement in Northern New Territories – Package A”

(LC Paper No. CB(1)506/04-05(03) -- Information paper provided by the Administration

LC Paper No. CB(1)506/04-05(04) -- Background brief on Drainage Improvement Works at Ma Wat River in Northern New Territories prepared by the Legislative Council Secretariat)

5. With the aid of power point, the Principal Assistant Secretary for Environment, Transport and Works (Works) (PAS/ETW(W) and the Senior Engineer, Drainage Services Department, briefed members on the Administration’s proposal to upgrade part of 112CD to Category A at an estimated cost of about \$233 million in money-of-the-day prices for the construction of a drainage channel for Ma Wat River at Kau Lung Hang and drainage crossings under the East Rail embankments at Kau Lung Hang and north of Hong Lok Yuen (the proposed works). They also reported the progress made in resolving the objections received under the Roads (Works, Use and Compensation) Ordinance (Cap 370) upon gazettal of the proposed works.

(Post-meeting note: The hard copy of the power point presentation was circulated to members vide LC Paper No. CB(1)606/04-05(01) on 31 December 2004.)

The design standard of the proposed works

6. The Chairman noted that upon completion of the proposed works, Ma Wat River and two drainage crossings under the East Rail embankments would be improved to withstand flood events with a return period of one in 50 years. Highlighting the greenhouse effect on the climate and hence increase in the amount of rainfall, he enquired whether the design standard of the proposed works could be reviewed and, where appropriate, enhanced. In reply, the Assistant Director of Drainage Services (AD of DS) advised that available statistics had not yet pointed to a need for a review of the design standard of drainage channels as a result of the green house effect. The current flood protection standard was that main drainage channels for the rural areas should be

able to withstand flood events with a return period of one in 50 years, whereas trunk drains for the urban areas should be able to withstand flood events with a return period of one in 200 years. He stressed that such standard had been set with very good reasons and any suggestion to enhance the flood protection standard would need to consider various factors including the size of the rural catchment area in question as it otherwise would necessitate significant increase in the land requirements as well as the associated design and maintenance costs.

The planned progress of the proposed works

7. Ir Dr Raymond HO Chung-tai indicated support for the adoption of scheme 1 as outlined in the power point presentation to implement the proposed works because it could minimize the environmental and traffic implications. Pointing out that drainage improvement in Northern New Territories was important because of the many low-lying areas therein, he opined that drainage works in the region should be carried out early to cater for the population growth and future development needs. As such, he requested the Administration to clarify the following –

- (a) The slow progress of the part of **112CD** upgraded to Category A as **116CD** “Drainage Improvement in Northern New Territories – package A – consultants’ fees and investigations” for carrying out site investigation, impact assessments and preliminary design for **112CD**. The consultancy work had been upgraded to Category A as early as June 2001 but it would not be completed until mid 2006; and
- (b) The reasons why the proposed works would only start in May 2005 for completion in October 2008, and whether they could be accelerated.

8. PAS/ETW(W) thanked Ir Dr Raymond HO for his valuable views. He and AD of DS made the following points –

- (a) The drainage improvement programme of Northern New Territories was conducted in phases starting at the downstream end. Since 1995, the Administration had started training the major downstream rivers including Shenzhen River and River Indus. With the progressive completion of these major river training works in the recent years, the flooding situation in Northern New Territories had already been improved significantly;
- (b) The works covered by 112CD spread over many districts including Tai Po, San Tin, Fanling and Sheung Shui. The associated land resumption and project planning work would inevitably take longer time; and

- (c) Construction works for drainage channels were highly susceptible to bad weather and the works might need to be suspended during heavy rainstorms. Sometimes partially completed works might be damaged by heavy rains and would need to be re-constructed.

9. Noting the Administration's explanations, Ir Dr Raymond HO urged it to improve Government's procurement process. He said that Government used to place more emphasis on the price than on the past performance of tenderers. He was concerned that the proposed works might be unduly delayed if the contractor lacked expertise and experience to carry out the works. He called upon the Administration to improve the planning and management of the proposed works to ensure that the works could be completed as fast as practicable before the rainy seasons.

10. In reply, PAS/ETW(W) assured members that under the current tendering system of Government, due consideration would be given to technical performance and experience of the bidders. In particular, a significant portion of each tenderer's score would be based on past performance.

11. Ir Dr Raymond HO enquired about the reasons for carrying out the relevant drainage improvement works in phases. In reply, PAS/ETW(W) explained that due to the need to maintain Ma Wat River's drainage capacity during the rainy seasons, works could not be carried out on the whole course of the River at the same time.

12. Mr LEE Wing-tat was concerned about the phased implementation of drainage improvement works in general, which in his view often gave rise to complaints about aggravation of flooding because of the debris left and/or diverted or blocked stream courses as a result of earlier works. Highlighting the low-lying topography of the site boundary, he urged the Administration to better plan and manage the proposed works to avoid similar recurrence. In response, AD of DS recapitulated the points made by PAS/ETW(W) in paragraph 11 above. He assured members that since the downstream drainage improvement works had already been completed, and the proposed works would involve the deepening of the Ma Wat River and the construction of two new drainage pipe crossings under the East Rail embankments, the flooding problem in the vicinity should be progressively alleviated when the works were completed in phases.

Rehousing and compensation for the affected residents

13. Miss CHOY So-yuk was keen to ensure that the residents affected by the proposed works would be properly rehoused or compensated because they might have lived in the site boundary for a very long time and the structures to be cleared might be their ancestral homes. In response, PAS/ETW(W) assured members that 60% and 30% of the affected residents would be rehoused in public rental housing (PRH) and interim housing respectively. The Chief Housing Manager of Housing Department (CHM/HD) supplemented the following points –

- (a) Where squatter structures on private land were concerned, compensation would be paid to the registered land owners for resumption of their land;
- (b) Since the purpose of rehousing was to render assistance to affected residents who had difficulty in finding accommodation, there was a need to safeguard the rational allocation of scarce housing resources. Affected squatter occupants who were genuine residents of the 1982 HD Surveyed Domestic Structures, and were covered by the 1984-85 Squatter Occupancy Survey (SOS) of HD, or residents who were confirmed to have resided in the 1982 HD Surveyed Domestic Structures for two years or more in the relevant freezing survey conducted on 5 December 2003 would be rehoused to PRH, provided that they satisfied other eligibility criteria of Waiting List (WL) for PRH;
- (c) The 25 persons of 12 families which would be rehoused in interim housing included those who were not residing in 1982 HD Surveyed Domestic Structures, or not having stayed in the site boundary for two years or more, or could not meet the seven-year residence rule; and
- (d) Seven households would not be rehoused because of their failure to meet the income criteria or the requirement of no domestic property ownership for WL applicants. However, HD was prepared to examine their cases in conjunction with the Social Welfare Department to assess if any assistance could be given to them on compassionate grounds.

14. In response to Miss CHOY So-yuk concerning the statutory compensation for the five households whose ancestral homes would be affected by the proposed works, CHM/HD explained that no compensation would be paid to affected squatter occupants in respect of clearance of structures on Government land. Chief Estate Surveyor, Lands Department (CES/Lands D) advised that insofar as private agricultural land was concerned, compensation would be paid to registered land owners for resumption of their land. The private agricultural land to be resumed fell within Zone C on the Zonal Plan for Calculation of Compensation Rates. In accordance with the prevailing ex-gratia compensation rate, the affected owners of agricultural land in Zone C would be offered cash compensation at \$159 per square foot. CHM/HD agreed to provide after the meeting the details of the families who were not eligible for rehousing, and compensation for the five families whose ancestral homes would be cleared because of the proposed works.

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Environmental implications of the proposed works

15. Addressing Miss CHOY So-yuk's concerns about the environmental implications of the proposed works, in particular details on the trees affected, PAS/ETW(W) and AD of DS advised that most of the 1 000 odd trees to be felled were small common trees and not rare species. Since trees were abounded along Ma Wat River, a relatively large number of trees would be affected. However, a greater number of trees would be replanted. The present proposal concerning felling and preservation of trees were worked out with reference to a detailed tree survey, the results of which were endorsed by the Agriculture, Fisheries and Conservation Department as well as the Leisure and Cultural Services Department. As to the nine trees with a diameter at breast height of over one metre which would be affected by the proposed works, only two would be felled. These two trees were not on the register of old and valuable trees.

16. Miss CHOY So-yuk opined that if the Administration was willing to use resources to transplant the two old trees, they might be saved. In reply, AD of DS confirmed that the two trees, of which one was Ficus Elastica and the other Ficus Benjamina, were situated in the middle of the proposed drainage channel and hence had to be felled. Transplant would not help because the relevant tree survey revealed that they were not healthy enough to survive transplant.

17. As to Miss CHOY So-yuk's comment that natural materials instead of cement should be used to construct drainage channels, PAS/ETW(W) explained that the base of Ma Wat drainage channel would all be lined with rocks and gravels with shallow pools formed at places to encourage ecological habitats. Grass would also be planted along both sides of the channel to create a natural environment. In response to Miss CHOY, AD of DS also confirmed that no part of the channel would be completely covered by cement. Instead, grassed concrete cellular paving would be used.

Other views and concerns

18. Mr LEE Wing-tat urged the Administration to improve works management so as to better control subcontracting to avoid problems such as wage arrears and default of works, otherwise the works site might be left in a mess and become a cause of flooding. In reply, PAS/ETW(W) undertook to remind the relevant departments to ensure proper monitoring of works projects.

19. Mr CHEUNG Hok-ming expressed support for the proposed works which were long awaited. Pointing out that completion of the works would require the co-operation of the Kowloon-Canton Railway Corporation (KCRC) because two drainage crossings to be constructed were underneath the East Rail embankments, he asked whether KCRC had been consulted and supported the works. In reply, AD of DS reported that KCRC was kept informed of the proposed works. Although KCRC would impose some technical requirements on the works, they had agreed to co-operate.

20. Having regard that small houses were not allowed in the vicinity of catchment areas, Mr CHEUNG Hok-ming was concerned that the proposed works, which would delineate a large catchment area, might impact on the processing of small house applications. In reply, Chief Land Executive, Lands Department confirmed that there were no recognized villages in the site boundary. As such, the proposed works would not affect small house applications.

21. Mr Daniel LAM Wai-keung also indicated support for the proposal and said that the rural committee and district council of Tai Po had been consulted. He agreed that the present scheme adopted for carrying out the proposed works was the most preferable of the three schemes contemplated by the Administration. In particular, the construction of underground tunnels as proposed in scheme 3 was undesirable and should be avoided as far as practicable in future projects because the tunnels could become hiding places for illegal immigrants and lawless elements.

V Land Title Registration – Preparation for Implementation and Additional Staffing Support

(LC Paper No. CB(1)506/04-05(05) -- Information paper provided by the Administration

LC Paper No. CB(1)506/04-05(06) -- Background brief on Land Title Registration System prepared by the Legislative Council Secretariat)

22. The Deputy Secretary for Housing, Planning and Lands (Planning and Lands) 2 (DSHPL(P&L)2) and the Land Registrar (LR) briefed members on the actions being taken to prepare for implementation of title registration following enactment of the Land Titles Ordinance (LTO) in July 2004 as well as the proposal to create one permanent and four supernumerary directorate posts in the Land Registry to assist with the preparation and operation of the new land title registration system (LTRS). DSHPL(P&L)2 further pointed out that HPLB had been diligent in downsizing its directorate establishment where possible. Such past efforts included the anticipated deletion of 21 directorate posts from 2002 to 2007 as a result of the restructuring of HD, and the deletion of nine directorate posts as a result of the merger of the Territory Development Department with the Civil Engineering Department. The creation of the Permanent Deputy Principal Solicitor (DPS) post at DL2 would be offset by one of the four surplus directorate posts as a result of the merger of the Environment, Transport and Works Bureau (ETWB) with the Environmental Protection Department (EPD).

23. The Chairman stated Heung Yee Kuk's support for the LTO. He however considered it necessary to properly address the problem of unclear land boundaries in the New Territories to ensure smooth implementation of the LTRS. He enquired about the timetable for conducting a boundary survey to ensure the accuracy of the land boundaries in the New Territories. In response, LR reported

that the Administration was of the view that, to prevent forcing people into disputes over land boundaries as a result of the LTRS, registration under the LTRS would not be conditional on resurvey of land boundaries, nor would it carry a guarantee of the boundaries. However, LTO would provide an avenue for owners of registered land to apply to the Director of Lands for a determination of their lot boundaries.

24. In reply to the Chairman's question on whether the Administration had contemplated any measure to handle missing deeds, LR advised that the Administration planned to introduce the relevant proposed legislation before the existing properties on the present deeds registration system were brought onto the title register after the lapse of the incubation period of twelve years. As he understood, the drafting of the legislation was at an advanced stage and consultation was under way.

25. Mr LEE Wing-tat highlighted the consensus between the Legislative Council and the Administration that the creation of any directorate posts would be offset by the deletion of a corresponding number of directorate posts. He was keen to ensure that directorate posts would not increase while posts at lower ranks decreased drastically. In reply to him on whether the proposed creation of the DPS post would be offset by a directorate post within the relevant bureau or department, DSHPL(P&L)2 clarified that the said consensus aimed at maintaining the number of directorate posts in the Government as a whole and not within individual departments or bureaux. She recapitulated the points made in paragraph 22 above, and confirmed that the resources made available by the merger of the ETWB and EPD alone would more than offset the additional resources required by the creation of the DPS post. LR supplemented that the only D2 post in the Land Registry was the Registry Manager. The post could not be deleted as it would adversely affect the management of the search and registration operations of the Registry. He further pointed out that the DPS post was proposed on the understanding that it would be offset by a directorate post to be deleted from another bureau or department.

26. At Mr LEE Wing-tat's request for details of the post to be deleted for the purpose of creating the proposed DPS post, DSHPL(P&L)2 said that the requested details were at present not available but they would be available at the time of the relevant submission to the Establishment Subcommittee (ESC). Mr LEE stressed that the details must be ready for the relevant ESC meeting.

27. Mr Daniel LAM indicated support for the proposal and hoped it could help address the many problems associated with land titles. He urged the Administration to ensure holders of the proposed new posts would be able to perform satisfactorily to ensure proper implementation of the LTRS. In response, LR assured members that the Administration would actively follow up the issues that required follow-up before the implementation of the LTRS as identified by the relevant Bills Committee. The Administration would also consult the Panel in due

course about the proposed commencement date of the LTO before the commencement notice was published in the Gazette.

VI Any other business

28. There being no other business, the meeting ended at 12:15 pm.

Council Business Division 1
Legislative Council Secretariat
14 January 2005