

立法會
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Panel on Planning, Lands and Works

**Minutes of special meeting
held on Friday, 21 January 2005, at 10:40 am
in the Chamber of the Legislative Council Building**

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

Members attending : Hon Fred LI Wah-ming, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHAN Yuen-han, JP
Hon WONG Kwok-hing, MH
Hon LEUNG Kwok-hung

Member absent : Hon WONG Yung-kan, JP

Public officers attending : Agenda item I

Dr Sarah LIAO Sau-tung, JP
Secretary for the Environment, Transport and Works

Mr Y C LO, JP
Permanent Secretary for the Environment, Transport and Works (Works)

Mr Clement CHEUNG
Deputy Secretary for the Environment, Transport and Works (Works) 1

Mr C S WAI
Deputy Secretary for the Environment, Transport and Works (Works) 2

Agenda item II

Mr Michael M Y SUEN, GBS, JP
Secretary for Housing, Planning and Lands

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

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

Mr Marco WU Moon-hoi
Director of Buildings

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

Staff in attendance : Ms Pauline NG
Assistant Secretary General 1

Ms Sarah YUEN
Senior Council Secretary (1)6

Ms Christina SHIU
Legislative Assistant

I Briefing by the Secretary for the Environment, Transport and Works on the Chief Executive's Policy Address 2005

(LC Paper No. CB(1)707/04-05(01) — Policy Initiatives of the Environment, Transport and Works Bureau)

At the invitation of the Chairman, the Secretary for the Environment, Transport and Works (SETW) briefed Members on the new initiatives in the 2005 Policy Agenda relevant to the works portfolio of the Environment, Transport and Works Bureau (ETWB) as well as the progress of on-going initiatives in the 2004 Policy Agenda.

Improvements to the construction industry

2. Mr WONG Kwok-hing showed appreciation of the Administration's undertaking that the proposed establishment of the Construction Industry Council (CIC) and the proposed in-situ reprovisioning of the Sha Tin Water Treatment Works using Public-Private-Partnership would not affect the staff concerned. He enquired how the Construction Industry Council (No. 2) Bill could help address the many problems in the construction industry, especially those associated with multi-layer subcontracting such as wage arrears.

3. In reply, SETW confirmed that CIC would be empowered to tackle problems related to the construction industry. In fact, the Provisional Construction Industry Co-ordination Board had already been examining the problems. With Government taking the lead, the voluntary subcontractor registration scheme had also been introduced to promote self-regulation in the industry. To address the problem of wage arrears, some large developers had adopted the arrangement of direct wage payment to workers. The Permanent Secretary for the Environment, Transport and Works (Works) (PSETW(W)) supplemented that to better regulate subcontracting, the Government had also taken the lead to require main contractors of its projects to submit subcontractor management plans at the tender stage. Preparations were also under way for launching the Construction Workers Registration System, which could help address the problem of wage arrears.

Environmentally responsible development

4. Mr WONG Kwok-hing asked whether the Administration would consider strengthening the protection of trees by legislative measures. In this connection, Miss CHOY So-yuk appreciated that the Administration had acceded to her request to include in every financial proposal on works projects the details of trees affected and had made efforts to preserve three valuable trees affected by a works project in Sai Kung. She however saw a need for the Administration to introduce legislation on the conservation of trees because the lack of specific tree protection provisions in land sale agreements and in slope maintenance, road widening and minor works contracts had led to undesirable incidents such as the unscrupulous felling of trees in the development of the former Marine Police Headquarters

Compound in Tsim Sha Tsui. According to Miss CHOY, if the Administration refused to introduce legislation in this regard, she would present a Member's bill herself.

5. In response, SETW reported that a register of old and valuable trees situated on government land in built-up areas had already been posted on the Internet for public access since September 2004 to facilitate more targeted protection for trees. Clear guidelines on how to handle trees affected by works projects had also been made. The Administration considered it appropriate to use administrative measures to ensure sufficient protection for Hong Kong's old and valuable trees. Meanwhile, it would examine the need for legislation from the perspective as to whether it would give rise to disputes or incur additional resources.

6. Mr Albert CHAN Wai-yip urged the Administration to step up greening in Hong Kong. In response, SETW assured members that greening programme would be developed every year. However, the natural flora of country parks would be preserved, and trees would only be planted on hillsides where appropriate. Mr CHAN considered that trees should be planted on barren hillsides as far as practicable as they could reduce hill fire hazards and improve air quality. In response, SETW explained that this was already the approach. However, due to soil and precipitation problems, some hillsides simply could not support trees.

7. Highlighting the benefits of decking of nullahs, such as improvements to the environment and land use, Mr Albert CHAN considered the pace of the programme too slow. In response, SETW advised that whether a nullah would be decked over was decided according to need and viability. The Deputy Secretary for the Environment, Transport and Works (Works) 2 added that there were altogether 45 large-scale nullahs. Whether they should be decked over would be considered according to four criteria, namely, flooding risks, the environmental benefits, the number of people benefited and possible uses of the land so obtained. After an initial study according to these criteria, the Government had identified 16 sections of nullahs that could be improved and formulated a long-term plan to deck over them in phases. Of the 16 projects, eight would be completed in three years, four in six years and the remaining four implemented in 10 years in conjunction with other works projects. Mr CHAN maintained that the decking of nullahs should be expedited.

Road opening works

8. Miss CHOY So-yuk expressed concern about delays in road opening works and the disruption to traffic and to the public, and called for improvement measures. In response, SETW said that with improved co-ordination, the duration of road opening works had already been greatly shortened over the past few years, in particular after the enactment of the Land (Miscellaneous Provisions) (Amendment) Bill 2002, which had improved regulation of excavation in unleased land by establishing a charging and penalty system for street excavation works.

This included the implementation of an excavation permit fee system and a fee to take account of economic costs due to traffic delay for excavation works affecting a carriageway after expiry of the original permit period without good reason. She further said that the Administration would seriously handle every complaint of delay in road opening works in the light of the relevant circumstances.

9. Noting the above, Miss CHOY So-yuk was concerned that contractors might deliberately apply for a longer permit period to avoid penalty for delay, hence prolonging the period of disruption caused by excavation works. Addressing her concern, PSETW(W) explained that since the charging and penalty system had been in operation for only a short time, there were not sufficient statistics to determine whether there was such a tendency. However, the number of road opening works had decreased from over 50 000 to around 35 000 this year. This was proof of the effectiveness of the system. In parallel, the Government had increased the penalties for delays in its works projects. The Highways Department would also consult all relevant departments to ensure the disruption of road opening works would be minimized before issuing excavation permits. All these measures should help to contain the impacts of road opening works.

The water supply network

10. Ir Dr Raymond HO Chung-tai highlighted the importance of the Water Mains Rehabilitation Scheme (the Scheme), and urged the Administration to accelerate it. In response, SETW explained that the Administration fully recognized the need to implement the Scheme as soon as practicable. As such, as early as late 2002, it had already examined how the Scheme could be accelerated in the light of new developments in excavation techniques and the need to minimize disruption to traffic and water supply. In particular, the Administration had examined whether the Scheme could be conducted in different districts at the same time to maximize its effect. After examination, the Administration had decided to compress the Scheme from 20 to 15 years.

11. In response to Ir Dr Raymond HO's enquiry about the 4 000 kilometres of water mains not covered by the Scheme but approaching the end of their service life by the time the Scheme was completed, SETW said that their conditions would be kept under review, and plans for replacement and rehabilitation would be made, where appropriate.

Other views and comments

12. Mr CHEUNG Hok-ming noted that the Administration would upgrade and landscape 250 substandard government slopes as well as conduct safety-screening for 300 private slopes in the coming year. In response to him, PSETW(W) confirmed that the above works were scheduled for completion in 2005. As to his enquiry about measures to assist owners of private slopes identified to be affecting public safety, PSETW(W) said that where necessary, the

Government would conduct upgrading works on private slopes and recover the costs so incurred from the owners concerned.

13. Mr LI Kwok-ying enquired how the Administration could ensure the dedicated checking unit for government building projects, which had been formed to ensure that the quality of works outsourced by the Architectural Services Department (ASD) was not compromised, could perform its role satisfactorily if there was multi-layer subcontracting. In reply, PSETW(W) explained that ASD would only outsource the design and supervision of works projects to architectural consultants. These consultants would normally perform the outsourced works themselves unless specialized knowledge was involved. In the circumstances, ASD would closely monitor the works to ensure they could meet the required standards.

14. Mr LI Kwok-ying sought to ascertain whether the draft requirements and guidelines concerning systematic risk management in public works projects could address the problem of wage arrears associated with multi-layer subcontracting. In reply, PSETW(W) explained that the above guidelines were mainly concerned about managing risks associated with contract management, in particular whether the contract price was reasonable to obviate the possibility of default.

II Briefing by the Secretary for Housing, Planning and Lands on the Chief Executive's Policy Address 2005

(LC Paper No. CB(1)707/04-05(02) — Policy Initiatives of Housing, Planning and Lands Bureau)

15. The Report on the Public Consultation on Building Management and Maintenance was tabled at the meeting.

(Post-meeting note: The above report was circulated to members vide LC Paper No. CB(1)768/04-05(01) on 24 January 2005.)

16. At the invitation of the Chairman, the Secretary for Housing, Planning and Lands (SHPL) briefed members on the policy initiatives in the 2005 Policy Agenda relevant to the planning and lands portfolios of the Housing, Planning and Lands Bureau (HPLB) as well as the position reached on initiatives in the 2004 Policy Agenda.

Planning for Hong Kong

17. Miss CHOY So-yuk expressed concern about the blocking of the views of the ridgelines of the Peak and Lion Rock by buildings, especially after relaxation of the statutory height restrictions for the Kai Tak Airport and related areas as a result of the relocation of the Airport to Chek Lap Kok in 1998. In response to her on measures to preserve the ridgelines, SHPL elaborated that the Administration aimed to protect the views to the Kowloon ridgelines from three key vantage

points on Hong Kong Island. Control on building height and plot ratio for various development sites would be in accordance with this urban design principle. The restrictions would be incorporated in the relevant outline zoning plans (OZPs), so that the public would have the opportunity to express views on them for consideration by the Town Planning Board (TPB). He however also pointed out that, in preserving the ridgelines, it was equally important not to frustrate necessary development or redevelopment.

18. Miss CHOY So-yuk did not agree that preservation of the ridgelines would have adverse implications. In response to her call for a clear set of guidelines on preservation of ridgelines, SHPL advised that preservation of ridgelines/peaks formed part of the Urban Design Guidelines (UDG), which had been incorporated into the Hong Kong Planning Standards and Guidelines in November 2003 and further work was being done by the Planning Department to implement the required control over building heights in certain areas. He agreed to report after the meeting on the progress of enforcement of UDG.

Admin

19. Miss CHAN Yuen-han opined that town planning was not just about property development. The Administration should draw reference to the case of Roppongi in Japan and make efforts to develop local community economy and strengthen the cultural characteristics of the districts concerned on the basis of what already existed, be they heritage sites, popular temples, old places full of past memories or old factories. In her view, unless the TPB opened its meetings, this approach could not be pursued. In response, SHPL emphasized that local needs and characteristics would be taken into due consideration in the town planning process. He further clarified that although TPB's meetings were not open at present, its operation was transparent because, in accordance with the Town Planning Ordinance (Cap. 131), the public could participate in TPB's decision-making process relating to the preparation and amendment of OZPs.

20. Mr WONG Kwok-hing asked whether in planning land uses, protection of heritage sites such as Nga Tsin Wai Village would be taken into consideration. In reply, SHPL undertook to liaise with the Home Affairs Bureau on how legislation on heritage preservation could apply to land use to help implement preservation policies.

Building care and control

21. Ir Dr Raymond HO opined that to improve the cityscape and public safety, the Administration should be more determined to enforce against unauthorized building works (UBWs). Highlighting complaints that structural engineers of the Buildings Department (BD) were prevented from actively enforcing against UBWs because of resource considerations, he asked for the Administration's explanations. In response, SHPL reported that substantial financial and manpower resources had been devoted to enforcement against UBWs and the number of UBWs decreased over the years. The Director of Buildings supplemented that great emphasis was placed on ensuring effective deployment of BD's resources.

The department had also introduced a number of initiatives in recent years such as streamlining procedures and outsourcing. Division of labour in BD was also under review to minimize duplication of efforts.

22. Ir Dr Raymond HO found the above answer unsatisfactory, and urged the Administration to address the above complaints as soon as practicable. In response, SHPL said that the complaints mainly centred around the establishment of BD. Although they would not affect the enforcement actions against UBWs, the Administration would seek to address them as soon as possible.

23. Mr Albert CHAN noted that the Hong Kong Housing Society (HKHS) would roll out a ten-year building management and maintenance scheme to assist owners to upkeep their buildings, including providing assistance in forming owners' corporations (OCs). Pointing out that HKHS did not support the formation of OCs in its own estates, he suspected that HKHS's real purpose of providing such assistance was to secure the management contracts of the buildings concerned and receive 10% of the total expenditure involved in the management of the buildings as remuneration.

24. In response, SHPL explained that HKHS's scheme was introduced as a result of the public consultation on building management and maintenance. According to the outcome of consultation, the absence of an OC to co-ordinate maintenance works was one of the causes of building neglect. Hence the need for HKHS to help with the formation of OCs. HKHS would reimburse each OC formed with relevant expenses not exceeding \$3,000. It would also provide free professional advice to the owners on the formation of the OC. After the OC was formed, it would be up to the OC to invite tenders for management contract and HKHS would not automatically be given the management contract.

25. Mr Albert CHAN was keen to ascertain HKHS's role in maintenance of private buildings, and whether any fees would be charged for provision of services in this regard. In response, SHPL explained that HKHS would be responsible for launching a "Home Renovation Loan Scheme" to provide an interest-free loan to eligible owners to undertake flat interior repair and maintenance works relating to safety and hygiene of the premises. It would also provide incentives and technical advice to eligible OCs to undertake building improvement and maintenance work. Such technical advice would be provided free of charge.

26. Mr LI Kwok-ying pointed out that some private buildings could not form OCs not because of financial constraints but because some owners could not be located. In response to him on how HKHS's scheme could help overcome the above difficulty, SHPL explained that the long-standing building neglect problem had become so serious that the Administration had to devise a strategy to address and alleviate the problem in the short and medium term and at the same time engage the community in formulating long-term measures to tackle the problem at root. The Administration fully recognized the difficulty in enforcing mandatory formation of OCs and the measure would not be implemented until a community

consensus in this regard was achieved. HKHS's assistance in forming OCs could help overcome the difficulty to a certain degree in the short to medium term. It was also hoped that through experience, long-term measures to overcome the difficulty could be developed.

27. Mr LI Kwok-ying enquired how building problems that posed immediate risks to public safety could be tackled if the buildings concerned had no OCs. In reply, SHPL explained that the "Home Renovation Loan Scheme" to be launched by HKHS would provide an interest-free loan to owners of flats aged over 20 years at a rateable value of \$60,000 and \$45,000 per annum for urban area and for New Territories area respectively to undertake flat interior repair and maintenance works relating to safety and hygiene of the premises.

28. Mr LEUNG Kwok-hung was concerned that the proposed mandatory formation of OCs might have the effect of subjecting all owners of a development to the control of a small group of owners, who might subsequently collude with large property management companies and hand over the management of the whole development to them, resulting in monopoly. In response, SHPL clarified that the above proposal had yet to be fine-tuned. Before it was really implemented, a regulatory mechanism on the operation of management companies would be devised.

29. Highlighting the plight of the residents of Albert House, who had been held liable for claims for damages arising from unauthorized building structures, Mr LEUNG Kwok-hung said that HKHS should provide assistance to them first. He also opined that the Building Management Ordinance (Cap. 344) was impracticable and should be amended because it was unreasonable to hold an owner responsible for the acts of other owners. SHPL noted his views.

Urban renewal

30. Mr Abraham SHEK Lai-him referred to paragraphs 90 to 94 of the 2005 Policy Address, which highlighted plans to rejuvenate old districts to create a cultural atmosphere, thereby attracting talent, fostering cultural and creative industries and developing local community economy. He opined that residents of old districts would rather improve their living conditions, and called upon the Administration to genuinely redevelop old districts instead of just conducting a cosmetic exercise. In particular, he pointed out that the problems of urban decay and building dilapidation were serious in Mongkok, Sham Shui Po and Yau Ma Tei, and redevelopment of these districts should be expedited to really improve the life of the residents there.

31. In response, SHPL stressed that the Urban Renewal Authority (URA) was already actively performing its functions. Of the 25 remaining renewal projects announced by the former Land Development Corporation, 19 projects had commenced. The remaining six projects had also been included in its corporate plan for 2004/05 – 2008/09. Moreover, in taking forward urban renewal, URA

would adopt a comprehensive 4R approach combining redevelopment where appropriate, assistance to owners to rehabilitate their properties, preservation of buildings of architectural, historic or heritage value where possible, and the overall revitalization of older districts. Notwithstanding, it would be quite impossible for URA to redevelop all old districts by itself. In this regard, HKHS's scheme should be able to complement URA's building rehabilitation efforts. Lan Kwai Fong and SoHo had also set very good examples of how local initiatives could help give old districts a face-lift, and bring in economic benefits and vitality.

Small houses

32. Mr CHEUNG Hok-ming enquired about the functions of the inter-departmental working group set up to look into various issues relating to the small house policy. In reply, SHPL explained that the working group had been set up to map out long-term solutions to problems related to small houses, taking into account the social, economic and environmental development in the New Territories. However, due to the complexity of the subject, the progress in this regard had been slow. He hoped that some progress could be made this year.

33. Mr Daniel LAM Wai-keung asked whether the above inter-departmental working group comprised non-official members such as representatives of the Heung Yee Kuk (HYK) and rural committees. In response, SHPL assured members that Legislative Councilors and HYK members would be consulted on the group's proposals.

Other views

34. Mr Abraham SHEK highlighted the need for early actions to streamline the regulatory regime and simplify licensing procedures for the construction/real estate sector to improve its business environment as pledged in paragraph 61 of the 2005 Policy Address. SHPL noted his view.

III Any other business

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

Council Business Division 1
Legislative Council Secretariat
19 May 2005