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Clerk to Panel on Constitutional Affairs
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Dear Sir

**Panel on Constitutional Affairs: Meetings on 18 May 2007 and 22 May 2007
Submission for consideration of the Panel in connection with the proposed re-
organisation of the Government Secretariat**

We refer to the proposals contained in the Legislative Council Brief (File Ref. CAB F19/6/3/2(2007)) and write with particular reference to the scope and remit of the proposed new Development and Environment Bureaux.

Strategic planning, land use and sustainable development in its broadest sense and on a Hong Kong wide basis are subjects in which many Hong Kong people have taken a particular interest in recent years (as evidenced by the opinions expressed in the Council for Sustainable Development's first report) and there is a growing demand for more progressive policies in these areas. We all want the best for Hong Kong and we are therefore writing to you to express what we hope will be seen as constructive views on how these new Bureaux should be structured to the best advantage.

It appears that the proposed Development Bureau will be responsible for architectural services, buildings, civil engineering and development, drainage services, electrical and mechanical services, lands, Land Registry, planning and water supplies. In the briefing paper it is stated that the new Bureau is the result of a Chief Executive's election pledge "to consolidate the structure of government bodies involved in infrastructure projects, so as to speed up the implementation of large-scale projects and enhance planning and implementation efficiency" The Bureau will also "be in

charge of development-related heritage conservation, so as to enable a closer interface at the policy level between development and heritage conservation”.

We are very concerned that the purpose of the proposed new Development Bureau appears to be focused on the implementation and delivery of large scale infrastructure projects rather than the sustainable development of Hong Kong as a whole. Its placement under the Financial Secretary clearly indicates that financial and economic factors will drive its direction and decisions rather than carefully balanced economic, social (such as quality of life) and environmental considerations. In other words, there is no intention to move away from the current revenue driven model in so far as land use and property development are concerned.

We are especially concerned in respect of the phrase “development-related heritage conservation” for which the new Bureau will also be responsible. What does this phrase mean? Much heritage conservation does not involve development at all – who will take responsibility for this? Where will the checks and balances lie when there is a conflict between conservation and development? There has been growing community demand for a more balanced approach to the future development of Hong Kong, particularly in the areas of built and natural heritage, including the harbour and it is not all clear that these new proposals address this issue in a satisfactory manner.

Whilst we consider it would be important for a “Sustainable Development” Bureau to oversee the full range of development in Hong Kong, it is our view that one focused on infrastructure and large-scale projects without due consideration for the wider sustainability and quality of life issues is not in line with the expectations of a broad cross-section of the community, particularly the middle class and many in the professions as well as foreign talent that it so essential to maintenance of our competitiveness as an international financial and economic hub. It is appreciated that there are those who wish to see an end to delays in the implementation of certain projects, but even they (unless they are simply viewing issues in the context of their own self interest) usually wish to see the recent increased public involvement in major development decisions continue – this is the established trend in any city which regards itself as being on the world stage and to restrict public input would seriously impact Hong Kong’s reputation.

This being the case the new Bureau should ensure that its formation is not seen simply as a way to secure the implementation of the Administration’s revenue generating plans regardless of public opinion but that its remit is to promote genuinely sustainable development in the SAR in the interests of the community in general. “Sustainable development” as a concept has many facets but in this instance we use the term to mean the balanced integration of planning, land use, infrastructure and property development within an overall economic, social and environmental vision which can secure Hong Kong’s recognition as a genuine regional and global city for generations to come. At present, while we are an economic leader, we fall well behind lesser financially successful cities in the areas of quality of life, respect for our history and culture, and in our efforts to ensure a healthy environment on a long term basis. Nevertheless we have a real opportunity to seize leadership in Asia in this area which is one also recognised and promoted by our national government.

We strongly believe that a Sustainable Development Bureau, given the importance of land, planning and development in its widest sense to Hong Kong's ongoing success, should be led by a minister on a par with the Chief Secretary, the Financial Secretary and the Secretary of Justice. Such a Bureau would oversee, as proposed, planning, lands and buildings departments but should also include responsibility for the land use and town planning aspects of internal transport infrastructure implementation.

However, in the light of the proposal to establish an implementation and delivery focused Development Bureau, we consider that the Planning Department, which has a policy rather than an implementation function, should come under the Environment Bureau.

This structure would enable the Environment Bureau to concentrate on environmental policy issues, including energy, air quality, water supplies, drainage services and electrical and mechanical services as these are all integral to improving and maintaining the environment in Hong Kong. In addition, we consider, given the stated focus of the Development Bureau, that the Environment Bureau, perhaps re-titled the Environment and Conservation Bureau, should also take over full responsibility for updated and sustainable policies in connection with heritage protection and conservation (both built and natural heritage including the harbour), with these perhaps being administered by specialist agencies with access to all Bureau departments, including those of the Development Bureau.

Furthermore, it is important that mechanisms be put in place so as to ensure strong inter-Bureau coordination and cooperation as sustainable development and the environment are part and parcel of many common issues and challenges which fall within the remit of other Bureaux and Departments.

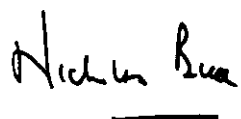
Under the above approach Transport Bureau would be responsible for strategic, territory-wide transport planning, including maritime, aviation, road and rail planning and internal and cross border transport operations but as mentioned above the town planning and land use aspects of recommended internal transport links would fall under the Sustainable Development Bureau.

We appreciate that it is difficult to balance the portfolios between each inter-linked Bureau but in our view this is the only way to achieve comprehensive and integrated strategic planning and development in Hong Kong. Much in the new proposals has been put forward to address the shortcoming of the current "silo" approach where many different departments are responsible for parts of projects, where different departments have mandates at odds with each other and where inter-departmental cooperation is not always all it might be is leading to poor planning and land use decisions. However, in our opinion, the structure we suggest will also provide necessary checks and balances which, hopefully, will address resistance and criticism in the community and avoid further reductions in the quality of our building stock and way of life.

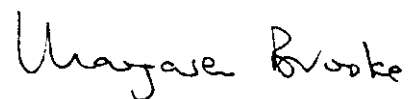
We consider that most people in Hong Kong would agree that given the multidisciplinary nature of many of the city's current ongoing initiatives, we must adopt a holistic approach to Hong Kong's future planning and that we need to cultivate a climate of joined-up and collaborative thinking. By establishing a

Sustainable Development Bureau, empowered to facilitate the implementation and management of development initiatives and operating on a cross departmental basis, the Government will be seen to be taking a welcome lead in moving Hong Kong forward.

Yours faithfully


Nicholas Brooke

Nicholas Brooke



Margaret Brooke