

立法會
Legislative Council

LC Paper No. CB(1)1348/08-09
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by the Administration)

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Panel on Development

Minutes of meeting
held on Friday, 19 December 2008, at 2:30 pm
in Conference Room A of the Legislative Council Building

Members present : Hon LAU Wong-fat, GBM, GBS, JP (Chairman)
Prof Hon Patrick LAU Sau-shing, SBS, JP (Deputy Chairman)
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon James TO Kun-sun
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Albert CHAN Wai-yip
Hon LEE Wing-tat
Hon Alan LEONG Kah-kit, SC
Hon CHEUNG Hok-ming, SBS, JP
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon Starry LEE Wai-king
Hon Tanya CHAN
Dr Hon Priscilla LEUNG Mei-fun
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Dr Hon Samson TAM Wai-ho, JP

Member attending : Dr Hon Margaret NG

Members absent : Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP

Public officers attending : **Agenda item IV**

Mrs Carrie LAM CHENG Yuet-ngor, JP
Secretary for Development

Miss Janet WONG Wing-chen, JP
Deputy Secretary for Development (Works) 1

Mr Jack CHAN Jick-chi
Commissioner for Heritage
Development Bureau

Mr Tom MING Kay-chuen
Executive Secretary (Antiquities & Monuments)
Leisure and Cultural Services Department

Agenda item V

Mrs Carrie LAM CHENG Yuet-ngor, JP
Secretary for Development

Mr Raymond YOUNG Lap-moon, JP
Permanent Secretary for Development (Planning & Lands)

Mr Edward TO Wing-hang
Principal Assistant Secretary (Planning & Lands) 3
Development Bureau

Mr AU Choi-kai, JP
Director of Buildings

Mr MO Kim-ming
Assistant Director/New Buildings 1
Buildings Department

Miss Katharine CHOI Man-yee
Principal Assistant Secretary for the Environment (Energy) 1

Agenda item VI

Mr Raymond YOUNG Lap-moon, JP
Permanent Secretary for Development (Planning & Lands)

Mr Tommy YUEN Man-chung, JP
Deputy Secretary for Development (Planning & Lands) 2

Mr Kim Anthony SALKELD, JP
Land Registrar

Mrs Karen HO LAU Kar-kam
Deputy Principal Solicitor
Land Registry

Mrs Amy FONG NG Suk-yee
Title Registration Development Manager (Acting)
Land Registry

Agenda item VII

Mr CHAN Yun-cheung, JP
Principal Assistant Secretary (Works) 3
Development Bureau

Mr IP Kwai-hang
Deputy Head of Civil Engineering Office
(Projects & Environmental Management)
Civil Engineering and Development Department

Mr Joseph CHAN Chun-shing
Chief Engineer/Fill Management
Civil Engineering and Development Department

Mr Sam WONG Wai-hong
Principal Environmental Protection Officer (Regional Assessment)
Environmental Protection Department

Clerk in attendance : Ms Anita SIT
Chief Council Secretary (1)4

Staff in attendance : Mr WONG Siu-yee
Senior Council Secretary (1)7

Ms Clara LO
Legislative Assistant (1)3

Action

I Confirmation of minutes and matters arising

(LC Paper No. CB(1)395/08-09 -- Minutes of meeting on 28 October 2008)

The minutes of the meeting held on 28 October 2008 were confirmed.

II Information papers issued since last meeting

(LC Paper No. CB(1)296/08-09(01) -- Letter dated 18 November 2008 from three village representatives of Lin Ma Hang Village to the Sha Tau Kok District Rural Committee on extension of the North East New Territories Landfill at Lin Ma Hang Village and its fringe areas

LC Paper No. CB(1)353/08-09(01) -- Enquiries from Mr Sunny CHAN on issues relating to Employer's Mandatory Provident Fund contributions and measures to prevent non-payment of wages in the construction industry

LC Paper No. CB(1)353/08-09(02) -- Administration's response to the enquiries from Mr Sunny CHAN on issues relating to Employer's Mandatory Provident Fund contributions and measures to prevent non-payment of wages in the construction industry

LC Paper No. CB(1)405/08-09(01) -- Information paper on "PWP Item no. 718CL – Ma On Shan development – roads, drainage and sewerage works at Whitehead and Lok Wo Sha phase 1")

2. Members noted that the above information papers had been issued since the last meeting.

III Items for discussion at the next meeting

(LC Paper No. CB(1)396/08-09(01) -- List of outstanding items for discussion

LC Paper No. CB(1)396/08-09(02) -- List of follow-up actions)

3. Members agreed that the following items would be discussed at the regular meeting scheduled for 20 January 2009 from 2:30 pm to 6:30 pm --

- (a) the implementation of Kai Tak Development;
- (b) delivery of minor works projects in the Capital Works Programme;
- (c) Mandatory Building Inspection Scheme and Mandatory Window Inspection Scheme; and
- (d) Review of the Urban Renewal Strategy.

IV Heritage conservation – an update on key initiatives

(LC Paper No. CB(1)396/08-09(03) -- Administration's paper on "Heritage Conservation – An Update on Key Initiatives"

LC Paper No. CB(1)396/08-09(04) -- Background brief on "heritage conservation" prepared by the Legislative Council Secretariat)

4. SDEV briefed members on the Administration's latest key heritage conservation initiatives. She said that the Administration's paper (LC Paper No. CB(1)396/08-09(03)) had provided a comprehensive report on the Administration's heritage conservation work since the promulgation of a policy statement on heritage conservation and a package of measures in the 2007-2008 Policy Address. The Commissioner for Heritage's Office had also made considerable achievements since its establishment. The Administration would make further reports to this Panel on its heritage conservation initiatives, such as the selection results of the Batch I buildings under the Revitalizing Historic Buildings Through Partnership Scheme (the Revitalization Scheme). After consulting the Panel, the Administration would submit the funding proposals on

the renovation cost of the buildings to the Public Works Subcommittee for consideration.

Point-line-plane approach in heritage conservation

5. Mr LEE Wing-tat said that heritage conservation should adopt the point-line-plane approach to achieve a cluster effect. He noted that such an approach had been adopted in Central and Western District and asked whether it would be adopted in other districts such as Wan Chai. The Administration should announce such conservation initiatives so that the public could make further suggestions.

6. In response, SDEV said that the Administration had been adopting a point-line-plane approach in conserving the Hollywood Road and old Wan Chai districts. For the conservation of old Wan Chai, the Administration adopted an approach under which the public could participate in the process regardless of whether they lived in the district. Heritage trails or heritage conservation initiatives based on the plane concept could be planned in other districts like Ping Shan and Stanley. While the Urban Renewal Authority acted as the executive agent for the Administration's district-based conservation initiatives in old Wan Chai, the Administration had to find executive agents for conservation initiatives in other districts.

7. Mr Albert CHAN considered that the Administration should not only focus on conserving historic buildings because the New Territories also had many heritage sites, such as Lee Tat Bridge in Pat Heung, which was built in the Qing dynasty, and Hung Lau in Tuen Mun, which was an important but dilapidated scenic spot. In this regard, he considered that the Administration's heritage conservation work should be more comprehensive.

8. In response, SDEV said that the Administration's conservation work was not limited to historic buildings. By way of illustration, the Administration would conserve Lung Tsun Bridge found in the Kai Tak site. The Administration was also exploring the conservation and revitalization of Morrison Building, which involved issues such as private ownership and the need for economic incentives. As regards Lee Tat Bridge, the Executive Secretary (Antiquities & Monuments), Leisure and Cultural Services Department said that the Antiquities and Monuments Office had kept records of heritage bridges and no updated information on Lee Tat Bridge was available at present.

9. Mr KAM Nai-wai said that the Administration's conservation of Hollywood Road and its vicinity could only be regarded as conservation at the line level, not the plane level. The Administration should identify more heritage sites in the vicinity of Hollywood Road. He urged the Administration to adopt the plane approach and the concept of a historic town district in Central instead of

conserving individual heritage sites. Creating a historic town district would require the provision of necessary ancillary facilities. The Administration should take into account aspects such as traffic, environment and social life of the residents. If places such as the site the Central Police Station Compound, the original site of the Central School and the site of the Central Market were developed as scenic spots in a piecemeal manner, the district would be over-burdened. He considered that like the establishment of the West Kowloon Cultural District Authority, the Administration could consider establishing an authority to be responsible for planning and managing historic town districts.

10. In response, SDEV said that heritage conservation in any city should give due regard to its history, characteristics and constraints. Creating a historic town district could conserve the history and characteristics of a city but it was difficult to do so in Hong Kong due to its economic development in the past. The Frontier Closed Area might provide an opportunity in this regard. The conservation of the vicinity of Hollywood Road included heritage buildings and sites, and integration of the new and the old might be the future direction in conserving the characteristics of the district and attracting pedestrian flow. This approach was more suitable for Hong Kong. The Administration would conduct traffic and environmental assessments where necessary. In conducting those assessments, the cumulative effects of future developments would be taken into account. The vicinity of Hollywood Road should not be compared with the West Kowloon Cultural District. The former was a developed district with private developments while the latter was a green field site.

11. Prof Patrick LAU declared that he was a member of the Antiquities Advisory Board. He appreciated the Administration's efforts in launching the Revitalization Scheme. The large number of applications showed that there was keen interest in society in revitalizing historic buildings. Organizations whose applications were unsuccessful should also be given an opportunity to contribute to heritage conservation. He urged the Administration to adopt a point-line-plane approach in rolling out Batch II of the Partnership Scheme. He shared the view that district-based planning was needed in heritage conservation and the executive agents could link up heritage sites within districts such as Central and Sheung Wan. The Administration should facilitate the public in visiting heritage buildings and sites. In this regard, District Councils could take up the planning and management responsibilities. He also expressed concern on how Tsang Tai Uk would be conserved.

12. On the Revitalization Scheme, SDEV said that while it was inevitable that some organizations would be unsuccessful in their applications, the Administration welcomed collaboration between the successful applicants and other organizations in implementing heritage conservation initiatives. Matters related to District Councils were under the purview of the Home Affairs Bureau and the Development Bureau welcomed the idea of strengthening the role of

District Councils in heritage conservation. Nevertheless, as District Councils had no executive powers at present, they could not act as executive agents to implement heritage conservation, district enhancement and other initiatives. The Administration would take into consideration Prof Patrick LAU's comments in implementing its conservation initiatives.

13. Ms Starry LEE considered that the Administration should place equal emphasis on Hong Kong Island and Kowloon in various aspects such as mass transit railway systems, waterfront promenades and urban renewal. As regards heritage conservation, she considered the Administration's direction correct. The Administration should give further thoughts to extending the point-line-plane approach in the conservation work for other districts. Kowloon City had heritage sites such as Sung Wong Toi and Kowloon Walled City Park. The point-line-plane approach would be applicable to link up those heritage sites. Promoting and enhancing these heritage sites could boost the local economy. However, none of the heritage buildings in Batch I of the Partnership Scheme was in Kowloon City. She suggested that the Hong Kong Housing Society could act as an executive agent for heritage conservation initiatives. District Councils were also willing to carry out conservation initiatives but the Administration had to look into and resolve the relevant structural issues. By way of illustration, the Kowloon City District Council had been trying for years to open up Cattle Depot to the public but it did not have the executive powers to do so.

14. In response, SDEV said that the development of Hong Kong and Kowloon differed in pace only and the Administration had no intention to introduce regional differences in heritage conservation. The Administration was keen in conserving and revitalizing Cattle Depot in view of its huge potential. Cattle Depot was a Government property and it had been let to a group of artists. The Administration intended to include a piece of adjoining open space into the proposed conservation project. As regards executive agents for conservation initiatives, she advised that both the Urban Renewal Authority and the Hong Kong Housing Society had been carrying out district enhancement projects. The enhanced facilities would be handed over to the relevant departments for management upon completion. She took note of Ms Starry LEE's comments on the role of District Councils.

15. Mrs Sophie LEUNG considered that the Administration had shown substantial progress in its heritage conservation work. She shared the view that heritage conservation should be implemented on an area basis. This could be implemented in many areas in the New Territories. In many other overseas places, conservation of a district was often carried out by private organizations, not by the governments. Such an approach was rarely adopted in Hong Kong, one of the reasons being accusations of collusion between Government and business. More public education on heritage conservation would be needed. She criticized that some people even took advantage of heritage conservation to gain

monetary benefits from the Government. She considered that heritage conservation should not depend solely on the Urban Renewal Authority and the Administration's financial support. District Councils could appeal to interested parties to set up non-government organizations to carry out heritage conservation initiatives, which should be guided by approved development schemes or plans. Although this would be a more flexible approach, she did not envisage that such an arrangement could easily be materialized under the current social climate.

16. In response, SDEV said that public education and public participation work in heritage conservation included promoting heritage conservation to and encouraging non-government organizations and commercial organizations to participate in heritage conservation and revitalization, and the response had been positive. The Commissioner for Heritage would attend meetings of District Councils to explore opportunities for collaboration in heritage conservation initiatives. She was optimistic about heritage conservation in future in view of society's keen interest in the subject matter.

Protecting heritage buildings from damage

17. Miss Tanya CHAN asked how incidents like damage to King Yin Lei could be prevented in future. The Administration should have active measures to enable it to take prompt action in protecting heritage buildings from damage.

18. In response, SDEV said that the Administration would adopt an active approach in protecting heritage buildings. The linkage between the system of grading of buildings and the monument declaration system had been strengthened. By way of illustration, the Administration would in future inform private owners of Grade I buildings the status and historic significance of the buildings and those buildings could be declared as proposed monuments to provide immediate but temporary protection. The Administration would provide economic incentives for conservation to private owners of heritage buildings as appropriate. The Administration would also provide financial support to private owners of graded buildings which were not declared as monuments to facilitate renovation and conservation of those buildings.

19. Mr Albert CHAN believed that parts such as windows and doors removed from King Yin Lei could be recovered, although the costs might be expensive and the Administration might have limited authority in doing so. In addition to conserving heritage buildings themselves, conserving their parts, decorations and furniture was also important. The Administration could consider whether to empower itself through legislative measures to enable it to recover those articles in heritage buildings.

20. SDEV responded that the Administration had to consider the legal aspects relating to the handling of articles in heritage buildings.

Assessment of heritage conservation proposals

21. Miss Tanya CHAN said that Members of the Civic Party were concerned about the revitalization of the original site of the Central School and the Hong Kong Jockey Club's proposal for revitalizing the Central Police Station Compound. She also considered that there should be a fair assessment mechanism under the Revitalization Scheme so that the public would know the criteria adopted. In this regard, she asked how the Administration would assess the applications under the Partnership Scheme. She noted from the media that the director of an organization interested in participating in the revitalization of the old Tai O Police Station had a developer background. She asked how the Administration would ascertain the status of interested organizations and whether that status was the only criterion for eligibility in participating in the Revitalization Scheme.

22. Mr KAM Nai-wai also considered that the conservation of the Central Police Station Compound lacked transparency. Instead of informing the public at such a late stage, the Administration should have provided regular progress reports.

23. In response, SDEV said that an Advisory Committee on Revitalization of Historic Buildings had been set up for assessing the conservation proposals from interested organizations under the Revitalization Scheme. Organizations with a charitable body status under section 88 of the Inland Revenue Ordinance (Cap. 112) would be eligible and whether their members had a developer background was not an issue. The Administration would treat all interested organizations equitably and the assessment criteria were objective and transparent. The Administration was transparent in the conservation of the Central Police Station Compound and it would provide further details to the public and the Central and Western District Council when the revised proposal was ready.

Central Market

24. Mr LEE Wing-tat considered that although the Central Market was not a declared monument, the Administration could still conserve it without resorting to statutory powers. Important buildings with characteristics could be conserved at the expense of Government revenues if supported by the public even if they were not graded nor declared as monuments. The Central Market could be used for arts and cultural purposes so as to link up heritage sites in the Central and Western District. He urged the Administration to remove the site of the Central Market from the Application List.

25. Mr Albert HO also expressed concern about whether the Administration would remove the site of the Central Market from the Application List. He had heard many views that it would be inappropriate to erect new developments at the site of the Central Market because the Central district already had a high development density. The Administration should conserve the Central Market so as to maintain a cluster of heritage buildings in Central. The Central Market could be used as an exhibition centre because it was easily accessible with high pedestrian flow.

26. Prof Patrick LAU considered that the Central Market could be used for purposes such as exhibition or catering on a temporary basis.

27. In response, SDEV said that land sale revenues were not the Administration's only consideration. By way of illustration, the Administration had removed the valuable site of the Former Hollywood Road Police Married Quarter from the Application List. The site of the Central Market had been on the Application List for many years. As the Administration had to strike the right balance between conservation and development, it had no intention to remove that site from the Application List at present.

Blue House Cluster

28. Ms Cyd HO said that residents of the Blue House Cluster had to use the toilet facilities at the new Wan Chai Market. The arrangement was inconvenient for the elderly residents and they were dissatisfied with it. She asked whether it was possible to re-open the toilet facilities at the old Wan Chai Market before their demolition or to provide mobile toilet facilities. In revitalizing historic buildings, the Administration should attend to the needs of the residents and add new facilities if necessary. Several organizations were interested in revitalizing the Blue House Cluster, but not every one of them would discuss with the residents about their needs. She urged the Administration to request those organizations to discuss with the residents on their revitalization proposals. Ms Emily LAU shared the view that toilet facilities should be provided for residents of the Blue House Cluster.

29. SDEV responded that there would be discussion with residents of the Blue House Cluster who chose to stay and the Administration was exploring the feasibility for them to participate in choosing the organization for undertaking the revitalization project. As regards toilet facilities, the Commissioner for Heritage said that the Blue House Cluster did not have toilet facilities ever since the flats were built and residents had been using the toilet facilities at the old Wan Chai Market before their closure. To address the needs of the residents, the toilet facilities at the new Wan Chai Market were open round-the-clock and the residents were satisfied with the arrangement. The Administration had suggested

providing mobile toilet facilities but the residents were unsupportive of the idea because of the nuisance that might arise.

30. Mr IP Kwok-him said that at night time, residents of the Blue House Cluster would not likely use the toilet facilities at the new Wan Chai Market even if they were open round-the-clock. Instead, they would continue to use nightstools. However, he would not accept the idea that the use of nightstools should be conserved as well. In many overseas cases, only the external structures of heritage buildings were kept and the interior facilities would be modernized. Heritage conservation should conserve heritage buildings and improve the livelihood of the affected residents at the same time.

31. SDEV responded that in revitalizing historic buildings, providing sanity facilities, barrier-free access facilities, fire services and the like would be basic requirements. The Blue House Cluster was merely at a transitional stage pending revitalization.

Other comments

32. Mr CHEUNG Hok-ming said that although a conservation policy was in place, the actual implementation of individual conservation initiatives was often difficult. He expressed support for the land exchange conservation approach adopted for King Yin Lei and asked whether it would also be applicable to the conservation of heritage buildings and heritage villages in the New Territories. He and Heung Yee Kuk considered implementing heritage conservation initiatives through land resumption, land exchange or land hiring a fairer approach. The approach could alleviate some of the worries of private owners that their properties would be graded as heritage buildings or heritage sites. As the Administration handled the conservation of Nga Tsin Wai Village in a different way, this created an impression that the Administration was adopting double standards. He was also concerned about the status of the 12 pieces of conservation land covered by the Public-Private-Partnership Scheme under the New Nature Conservation Policy because only the project at Sha Lo Tung was making some progress.

33. In response, SDEV said that the Administration would adopt a consistent stance in providing economic incentives, such as land exchange or additional development rights, for conservation of privately-owned historic buildings to achieve the objective of conservation. Nevertheless, for individual cases, the crux was whether suitable land was available for exchange. The Administration also had to consider whether the demands of the private owners concerned were reasonable. The conservation of King Yin Lei was possible because of the existence of various favourable factors. The Administration would adopt the same approach in exploring with individual private owners of heritage buildings and consult the public if a viable arrangement could be

identified. If successful, the Administration would consider adopting the same approach for other policy objectives, such as harbourfront enhancement. Nature conservation could also be materialized through means such as land exchange, and the Environment Bureau and Development Bureau were actively following up the Sha Lo Tung project. According to her understanding, the Town Planning Board had received objections to the proposed project.

34. Ms Cyd HO said that although she affirmed the Administration's progress in heritage conservation, the Administration should step up its efforts even further. Heritage conservation should also include cultural and livelihood considerations. For the SoHo district in Central, as some owners were willing to bear the costs of rehabilitating their buildings, she asked whether those buildings could be excluded from the Urban Renewal Authority's renewal projects as requested by the owners.

35. SDEV responded that the Urban Renewal Authority's urban renewal projects were based on approved development schemes or plans. It would be impossible to exclude certain buildings from those projects to satisfy the aspirations of individual owners. Otherwise, those projects could not materialize.

36. Mr Albert HO welcomed and supported the Administration's heritage conservation initiatives and its comprehensive strategy in heritage conservation. Nevertheless, further efforts and resources would be required in future for studying and reviewing areas such as the grading and declaration systems. Although there were many heritage sites in areas such as North District, Yuen Long and Tuen Mun in the New Territories, many of them were being neglected. Professional bodies and tertiary institutions could conduct research studies on heritage buildings and sites. As the Administration lacked sufficient resources in implementing a large number of conservation projects at the same time, it should engage District Councils in heritage conservation work, such as promoting local cultural tours and giving advice in the grading of and producing publications on heritage buildings and sites. The Administration should provide necessary ancillary facilities and the economy would benefit from such local tours.

37. SDEV concurred with Mr Albert HO's views but clarified that some of the sites receiving UNESCO Asia-Pacific Awards for Culture Heritage Conservation in the past years shown in Annex D to the Administration's paper were located in the New Territories. In order to introduce heritage buildings and sites in various districts to the public in a systematic way, the Administration had collected and used publications on antiquities sponsored by District Councils in the past. Many of those publications were written by university scholars. Ancillary facilities and guided tours were required to promote those heritage buildings and sites to the public. Although such guided tours were well received, the Antiquities and Monuments Office had limited resources to do so.

Collaborating with District Councils would be the Administration's direction in heritage conservation.

38. Ms Starry LEE urged the Administration to open up to the public some Grade II and Grade III buildings on a trial basis. She expressed concern about whether the conservation of Yau Ma Tei Police Station would tie in with the characteristics of the district, such as Temple Street.

39. In response, SDEV said that the Administration would open up Grade II and Grade III Government buildings as far as practicable subject to resources constraints. Many of those buildings were still in use. The Administration would conduct Heritage Impact Assessment for public works projects and a lot of public engagement activities had been conducted for the Central Kowloon Route project. The Executive Secretary (Antiquities & Monuments), Leisure and Cultural Services Department added that Yau Ma Tei Police Station was a Grade III building and the Administration would try to minimize the effect of the Central Kowloon Route on it.

40. Ms Emily LAU shared the view that heritage buildings should be made open to the public as far as practicable albeit the need to control the number of visitors. Ancillary facilities such as car parking facilities should be provided for heritage buildings and sites in the New Territories to facilitate easy access. Although the revitalization of Woo Cheong Pawn Shop in Wan Chai was quite good, she considered that apart from the more affluent, the general public should also be able to enjoy the fruits of revitalization. She urged the Administration to strike a balance between the financial viability of revitalization projects and the affordability of the general public in using the facilities in the revitalized buildings.

41. In response, SDEV said that revitalization projects had to be financially viable and sustainable if they were to be run under a commercial approach. By way of illustration, a post office in Sydney was converted into a five-star hotel but a post office, a cultural gallery and affordable catering facilities were provided in the hotel for public use. The experience gained from the revitalization of Woo Cheong Pawn Shop was that while the external structure of the shop was kept, the original function as a pawn shop could not be maintained. Nevertheless, the revitalization of Woo Cheong Pawn Shop had brought impetus to the revitalization of Wan Chai. The Administration would further enhance its revitalization work in future. She appealed for members' support in the Administration's heritage conservation work.

42. Mr IP Kwok-him shared the view that in revitalizing Woo Cheong Pawn Shop, a balance was needed to enable the public to enjoy the fruits of revitalization. The Administration could consider implementing heritage conservation initiatives through a public-private-partnership approach.

43. In response, SDEV said that the Administration would adopt several approaches in revitalization. For the Batch I buildings under the Revitalization Scheme, non-profit-making non-government organizations were eligible to operate social enterprises in the historic buildings. The Administration would bear the substantial renovation costs for the historic buildings. Such an approach was well received because interested organizations did not have to bear upfront costs. Participation by different types of organizations in revitalization would be conducive to creating diversity in the usage of the heritage buildings.

44. Mr LEE Wing-tat expressed concern about whether there would be sufficient attractions at Mei Ho House to attract visitors. He noted that some walled villages in the New Territories were dilapidated and expressed concern about whether the Administration had any plans to conserve them.

45. In response, SDEV said that Mei Ho House was one of the heritage buildings in Batch I of the Revitalization Scheme. It would be renovated and revitalized in 2009 after a successful applicant had been identified to undertake the project. The Administration believed that the successful applicant's revitalization work would retain the history and characteristics of public rental housing estates. As regards walled villages in the New Territories, the Executive Secretary (Antiquities & Monuments), Leisure and Cultural Services Department said that while some of them were dilapidated, others were in a better condition. The Administration was conducting a research on all heritage buildings in Hong Kong.

46. Mr KAM Nai-wai said that the Administration should step up its conservation efforts for Grade II and Grade III historic buildings. Merely keeping photographs of those buildings would not suffice.

47. In response, SDEV said that as a balance had to be struck, it would be impossible to require mandatory conservation of all graded heritage buildings. The Administration would explore various methods to conserve their historic significance.

V Measures to foster a quality and sustainable built environment
(LC Paper No. CB(1)396/08-09(05) -- Administration's paper on
"Public Engagement on
Measures to Foster a Quality
and Sustainable Built
Environment"

LC Paper No. CB(1)416/08-09(01) -- Information note on "gross floor area concessions granted under the Buildings Ordinance" prepared by the Legislative Council Secretariat)

48. SDEV said that concessions in the calculation of gross floor area (GFA) were seen by some as contributing to building height and bulk. In this regard, the Administration had conducted reviews and analyses. In view of the complexity of the matter, the Administration would collaborate with the Council for Sustainable Development (SDC) to conduct a 3-month extensive public engagement exercise in early 2009. Through the exercise, the Administration hoped to address various concerns such as sustainable development in society, reviewing the provision of green features in buildings, satisfying the aspirations of residents for green features, ensuring flexibility in architectural design and addressing public concerns over the impact of massive buildings. The Administration would be glad to follow up the matter with Members.

Gross floor area concessions

49. Mr LEE Wing Tat was of the view that developers would gain extra benefits through GFA concessions, which could result in an increase in GFA up to 40 to 50% in some extreme cases. Such additional GFA was not reflected in the premium. He was disappointed that the Administration did not consider that there was urgency in implementing improvement measures such as tightening up the discretion to be exercised by the Building Authority (BA) in granting GFA concessions to avoid the impression that there was collusion between Government and business. Although the issues involved were complex, the Administration should plug the loopholes by stages based on a clear timetable. While introducing legislative measures required considerable time, the Administration could first introduce measures which did not require legislation. Property owners enjoying GFA concessions welcomed such a policy, but the concessions created confusion among the construction and estate agents sectors, and might be unfair to property purchasers. He hoped that the reason for the Administration's slow progress in handling the matter was not because of the strong views of developers. Otherwise, the public would have an impression that the Administration was siding with developers.

50. SDEV replied that the Administration had not yet made any decision on how to revise the control on GFA concessions because the matter still required public discussion. It was premature at this stage for the Administration to propose specific measures or targets on how GFA concessions should be controlled; to do so would confuse the public and might have an undesirable effect on the public engagement exercise. Regarding concessions for green

features, people living in buildings with green features would generally welcome such provision but it was people living in the surrounding community who thought there were adversely affected as a result of the building bulk and height. Furthermore, whether some features such as large lobbies and residents' clubhouses could be regarded as genuine green and amenity features deserving GFA concessions was debatable. The Administration had already dealt with GFA concessions relating to the provision of public transport interchanges. As regards land sale, the Administration would specify the maximum allowable GFA to be built. GFA concessions on green features were granted based on a set of Joint Practice Notes issued by the Planning Department (PlanD), Buildings Department (BD) and Lands Department (LandsD) after conducting thorough consultation with the Legislative Council and the public. Such concessions were not granted by individual officials at their discretion. She clarified that land premium was generally payable in respect of most GFA concessions granted. Whether premium was payable also depended on the provisions in the land leases concerned.

51. Mr Albert CHAN considered the policy direction of promoting green features through GFA concessions correct because the living environment would be improved. The problem was that developers took advantage of the policy by boosting the saleable area of the flats. GFA concessions should be excluded from the saleable area so that developers could not reap huge profits. The policy to foster a quality and sustainable built environment should not be over-tightened to the extent that small property owners' benefits would be affected. The Administration's decision should be based on the principle that small property owners rather than developers were the ones to benefit. Political wisdom was needed to strike a balance. As policy implementation involved human factors, any good policy could not be implemented effectively without sufficient monitoring through a fair and open mechanism to prevent corruption, abuse of power and transfer of benefits to developers. Monitoring should be strengthened and the responsible officials should be strict in serving as a gatekeeper.

52. SDEV responded that property owners and residents, not developers, were the ones to benefit from green features in buildings. The crux was the provision of sufficient information in sales brochures. Her understanding was that enhanced measures had been implemented to require developers to provide the necessary information on saleable area and GFA in the sales brochures. Excluding GFA concessions from the calculation of saleable area was a complicated issue. The Director of Buildings (DB) added that GFA concessions would be granted by the BA only if the relevant criteria specified in the Joint Practice Notes or other relevant Practice Notes issued by BD to building professionals were met. For some features, a cap would be imposed on the GFA concessions for individual items.

53. Prof Patrick LAU considered the Buildings Ordinance (BO) outdated because it only regulated building safety and building hygiene. The Administration should fully review the town planning, lands and buildings aspects to facilitate development. Green features were conducive to creating a quality environment and measures for sustaining a quality environment were good for the public and in line with the Chief Executive's policy agenda. As the Administration would control development density through land sale conditions, he considered that GFA concessions should not be an issue. As regards capping GFA concessions, the issue should be considered from a broader perspective instead of capping individual items. High density development in Hong Kong was much admired by some overseas countries and Hong Kong should not give up what had contributed to its success.

54. SDEV responded that the broader the scope of the review, the more difficult it would be to arrive at a substantive conclusion on how to refine the existing policies because there were a lot of divergent views. The Administration would place further emphasis on town planning, lands and buildings aspects in future. While she concurred that high density development had contributed to Hong Kong's success, the aspirations of citizens had changed with the times. The Administration had to strike a balance in this regard. She would welcome Prof Patrick LAU's further advice on the scope of the review after the meeting.

55. Mr CHAN Kam Lam shared the view that a comprehensive review was required. He was worried that even if the Administration conducted adequate consultation, the results of the consultation would be piecemeal because not everyone had a clear understanding of the intention of the policy. As there were accusations of transfer of benefits and collusion between Government and business in granting GFA concessions, the Administration would have to face difficulties in the review. Nevertheless, the Administration should not be deterred by dissenting views of a slogan nature. It should gauge public views comprehensively and then take forward the matter resolutely. Good building designs could improve the built environment. Without GFA concessions, he was worried that developers would no longer provide green features and buildings would become monotonous. If the policy was over-tightened, the pace of urban renewal would be affected because of a lack of incentive to redevelop old districts. He doubted whether it was desirable to conserve all buildings built in the 1950s and 1960s. The Administration should strike a balance between development and conservation. He hoped that the review would provide a balanced outcome. SDEV thanked Mr CHAN Kam-lam for his views.

Town planning

56. Ms Cyd HO said that she had moved a motion at the Central and Western District Council that town planning should include energy, lighting, air-ventilation, traffic, pedestrian environment and greening elements. Town

planning should not focus on the planning of an individual site only; town planning at the district level should be taken into account. She urged the Administration to include those aspects in the review. In Central and Western District, many leases had few or no restrictions on the plot ratio. She was concerned about how the Administration would handle the situation. As regards energy saving, she asked whether the review would include proposals for providing incentives for developers to include energy-saving features in their developments.

57. SDEV responded that the Environment Bureau intended to introduce a legislative proposal on mandatory implementation of Building Energy Codes into the Legislative Council in 2009 because the outcome of voluntary participation was not satisfactory. In relation to plot ratio, the Permanent Secretary for Development (Planning and Lands) (PS(P&L)) responded that the Administration had to respect historic factors if the relevant leases did not have any restrictions on the plot ratio. The Administration was reviewing the Outline Zoning Plans to see whether it was appropriate to impose restrictions on height and plot ratio. The Administration would need careful consideration in reducing plot ratio or GFA because of the divergent views from various parties. The Administration recognized that it was necessary to expedite the review process. These concerns would be addressed during the town planning process as far as possible.

58. Miss Tanya CHAN said that town planning involved complicated issues which were handled by multiple departments and it was often difficult to identify the responsible department for monitoring purposes. By way of illustration, the actual use of a site could be different from the intended use specified in the relevant Outline Zoning Plan. She queried why the Administration did not set a deadline for compliance with conditions in planning permissions and land leases. Without a deadline, the public had no way to monitor whether those conditions had been complied with. She also queried whether any department was responsible for ensuring such compliance. She shared the view that a comprehensive review was needed although it would be difficult and sensitive. Although SDEV had responded to the aspirations of society, she urged the Administration to formulate a long term policy backed up by legislation, which would survive personnel changes within the Administration. The Administration should elevate the status of the Hong Kong Planning Standards and Guidelines. She believed the public would like to have less bulky buildings despite that there was a need for development. The issue to consider was whether "not to build" or "not to build in such a way". SDEV responded that she had taken note of Miss Tanya CHAN's views.

59. Mr Abraham SHEK did not consider halting all developments the best way forward. Land owners had their rights and the Administration should not require them to adopt a mode of development which would affect their rights. In

promoting a quality built environment, the Administration should serve as a role model. As Hong Kong's development was market-driven, what was important was what the market would do. BD, LandsD and PlanD lacked coordination and the Administration should coordinate their work so as to expedite the processing of building projects. This would provide an incentive for development. Development proposals submitted by private developers, the Urban Renewal Authority and the MTR Corporation, Limited should be considered in an unbiased manner. In his view, Outline Zoning Plans were to impose restrictions rather than providing a blueprint for guiding development. There were too many constraints in implementing developments in Hong Kong as compared with Shenzhen and Shanghai. By way of illustration, flats with higher ceilings would have better air ventilation but this would increase building height. If restrictions were too tight, it would affect creating a quality environment. While SDEV had the will to tackle the matter, he considered the mentality of many officials too rigid. As Hong Kong's economic development was driven by land development, he urged the Administration to strike a balance and heed majority views instead of yielding to minority views.

60. Prof Patrick LAU said that he supported the direction of sustainable development. Hong Kong's development was constrained by the restrictions imposed under BO. Instead of stepping up development control, restrictions in BO should be relaxed because over-control led to dull and monotonic buildings. He shared the view that the Administration should rationalize the work of PlanD, BD and LandsD. The Administration should carry out town planning on a district basis from a three-dimensional perspective. He thanked SDEV for her support in the Hong Kong Architecture Centre. Many policies were unfair to architects and the Administration should communicate more with professional bodies and the public in conducting the review. Unfair policies hindered the work of architects. Architects supported sustainable development and they hoped to have a creative and flexible city with fewer restrictions. They would communicate more with citizens to enhance their understanding in architecture.

61. In response, SDEV said that although the issues involved were sensitive, the Administration and SDC would proceed with the work in a prudent and balanced manner. When SDC conducted the 3-month public engagement exercise, the Administration would at the same time discuss with relevant professional bodies in an open manner.

Public engagement

62. Ms Cyd HO opined that as numerous interests were involved in the matter, a 3-month public engagement exercise might be insufficient. She urged the Administration to extend the public engagement period. She asked whether the Administration would provide unbiased professional advice to the public during the public engagement exercise. Without professional advice as

reference, preliminary views given by the public might not be too useful for the review. She sought information on the method for analyzing the views collected.

63. In response, SDEV said that the Administration would discuss with SDC on whether there was a need to extend the duration of the public engagement exercise. SDC would engage consultants for the exercise and it had also set up a support group, the members of which included professionals such as architects, surveyors and engineers. SDC would adopt a fair and open manner in conducting the public engagement exercise and analyze public views collected in a fair, just and unbiased manner. Whether the Administration would accept SDC's recommendations after the latter's analysis of the public views would be a policy issue. She would relay Ms Cyd HO's views to SDC for consideration.

64. On the Administration's remarks in paragraph 23 of its paper, Prof Patrick LAU queried why the Administration expected that the industry would generally accept its proposals when the public engagement exercise was still in progress. He said that the industry did not agree to the Administration's proposals. Mr Abraham SHEK also queried the Administration in this regard. SDEV clarified that the proposals referred to in paragraph 23 of the Administration's paper were those minor adjustments to be introduced by BD as set out in paragraph 22, after consultation with the building industry through the established mechanism.

VI Amendments to the Land Titles Ordinance

(LC Paper No. CB(1)396/08-09(06) -- Administration's paper on "Amendments to Land Titles Ordinance")

65. Members noted the supplement information provided by the Administration, which was tabled at the meeting.

(Post-meeting note: The Administration's supplementary information (LC Paper No. CB(1)467/08-09(01)) was issued to members on 22 December 2008.)

66. PS(P&L) said that the Administration's paper reported the progress of the review of the Land Titles Ordinance (Cap. 585) (LTO) and the preparation of the amendments to the LTO. The LTO was enacted in 2004 with a view to introducing a land title registration system in Hong Kong to improve efficiency, reduce cost and provide certainty in property transactions. The Land Registry had completed the review and would like to consult stakeholders on two major aspects, namely the conversion mechanism and the rectification and indemnity mechanism. In this regard, the Administration intended to launch a three-month public consultation exercise in January 2009. The Administration had conducted

initial discussions with major stakeholders and their views were set out in Annex B to the Administration's paper.

67. The Land Registrar (the Registrar) added that the other two annexes to the Administration's paper set out the Administration's proposed amendments on rectification and indemnity provisions and the conversion mechanism. As the Land Registry was established as a Trading Fund, the Administration would also propose amendments to the schedule to the Land Registry Trading Fund under the Trading Funds Ordinance (Cap. 430) (TFO) to allow for the Land Registry commencing and operating the title registration system

68. Mr Abraham SHEK expressed disappointment that there was no progress after conducting repeated consultations since the enactment of the LTO four years ago. Although the sector had given their comments, the Administration did not take the matter forward and the drafting of the LTO was far from satisfactory. Although the Registrar had been doing a great job, the Administration lacked leadership and direction and everything was going back to square one.

69. In response, PS(P&L) explained that as the Legislative Council requested the Administration not to implement the title registration system until completion of a comprehensive review, substantial time was needed for the work.

70. The Registrar said that the issues involved were complicated and the LTO would be replacing the Land Registration Ordinance, which was one of the foundation stones of Hong Kong laws on which many other laws were based. The Administration had to ensure that all relevant legislation would dovetail with one another. Other jurisdictions had also encountered difficulties with the two major issues mentioned above. All the issues raised by Legislative Council Members during the Second Reading debate of the LTO and the relevant bills committee had been addressed. What the Administration was handling at present were residual issues arising from the post-enactment review and discussions with the Law Society of Hong Kong, the Hong Kong Bar Association and The Real Estate Developers Association of Hong Kong. The amendment bill would be introduced into the Legislative Council in good time to allow Members to have sufficient time for thorough scrutiny within the current legislative term. He said that there was substantial progress in the matter although there were still issues that had to be settled.

71. Dr Margaret NG said that as she was the chairman of the relevant bills committee, she had a clear understanding of the potential problems in the LTO. Although Members were then not completely assured that the LTO would be implemented smoothly without problems, it was enacted in 2004 before the 2000-2004 legislative term ended due to time limitation. Otherwise, years of

efforts in the legislative work would come to no avail. Members therefore had requested the Administration to further study the relevant issues before the LTO came into operation. She was worried that if land titles were uncertain, it was not the interests of the developers that would be affected, but those of the community at large, and the effect would be extensive. Many issues, especially the conversion mechanism, remained unresolved. Experienced property conveyance lawyers expressed grave worries in this regard. As many legal issues were involved, discussion at the Panel only might not be able to fully address those issues. She asked whether the Administration intended to introduce the amendment bill after completing the necessary consultation, or to exchange views with Members in a systematic way during the interim. If it was the latter, she suggested establishing a subcommittee under the Panel on Development, or a joint subcommittee of the Panel on Development and the Panel on Administration of Justice and Legal Services, to discuss the legal issues involved.

72. The Registrar concurred that the matter was of fundamental importance for the community at large. Before promulgating the papers for the three-month public consultation, the Administration had also provided major stakeholders with other papers of a more technical nature. The Administration would be happy to discuss with any group or committee set up by the Legislative Council. Before introducing the amendment bill, the Administration had to clarify how the LTO would work with other legislation and consequential amendments to other legislation would have to be made. He expected that the amendment bill could be introduced by the end of 2009 at the earliest.

73. Dr Margaret NG said that the progress would be very fast if the amendment bill could be introduced by the end of 2009.

74. Mr CHEUNG Hok-ming said that the Administration had close liaison with Heung Yee Kuk on the matter and there were some unexpected issues. Apart from very complicated legal issues, Heung Yee Kuk was also concerned about land titles held by tso and tong. The Administration should not hastily implement the land titles system until all relevant issues had been resolved. Fraud cases in land transactions occurred from time to time in the New Territories and such cases might increase if the land titles were unclear. The indemnity cap of \$30 million for fraud cases was too low. Heung Yee Kuk considered that there should be a mechanism to recover the land titles lost due to the conversion mechanism. He shared the view that the subject matter could be further discussed in detail through appropriate arrangements, such as forming a subcommittee under the two Panels.

75. In response, the Registrar said that he had taken note of Mr CHEUNG Hok-ming's views and the Administration would continue to liaise closely with Heung Yee Kuk in taking the matter forward.

76. Prof Patrick LAU expressed concern about updating of land boundaries and asked whether amendments to the Land Survey Ordinance (Cap. 473) (LSO) would proceed in parallel with amendments to the LTO. In this regard, he enquired about the timetable for the work.

77. In response, the Registrar said that the Administration's intention was to package amendments to the LSO as consequential amendments to the LTO. The work would proceed in parallel.

78. Dr Margaret NG said that as many sectors in society, such as professionals in the legal and surveying fields and land title owners in the New Territories, had concerns and views about the land titles system, consideration could be given to forming a subcommittee under the House Committee to carry out preparation work for scrutiny of the amendment bill. Members who were interested in joining the future Bills Committee could join that subcommittee and this would facilitate scrutiny of the amendment bill in future.

79. The Chairman shared the view that there were worries among land title owners in the New Territories about issues such as litigation on fraud cases. Approval by the House Committee would be required if a subcommittee was formed under the House Committee. Alternatively, the Panel on Development and the Panel on Administration of Justice and Legal Services could consider forming a joint subcommittee. He would discuss with the Clerk on how this matter should be followed up.

VII PWP Item no. 5729CL "Disposal of contaminated sediment -- dredging, management and capping of sediment disposal facility at Sha Chau"

(LC Paper No. CB(1)396/08-09(07) -- Administration's paper on "5729CL – Disposal of Contaminated Sediment – Dredging, Management and Capping of Sediment Disposal Facility at Sha Chau")

80. The Principal Assistant Secretary (Works) 3, Development Bureau (PAS(W)3) briefed members on the purpose of the PWP Item no. 5729CL "Disposal of contaminated sediment -- dredging, management and capping of sediment disposal facility at Sha Chau". The Deputy Head of Civil Engineering Office (Projects & Environmental Management), Civil Engineering and Development Department (D Hd(CEO)) then explained the justification and details of the project. He said that the proposed sediment disposal facility with a

total design capacity of about 8 million cubic metres was an extension of the existing sediment disposal facility. The existing facility was expected to be fully filled by mid-2010 and the proposed facility was needed to cater for the disposal of contaminated sediment generated from various works projects. The proposed facility had proceeded to the detailed design stage and the Administration intended to commence the works in mid-2009. The Administration would continue to adopt the existing environmental monitoring measures for the proposed facility to ensure that the environment would not be adversely affected.

Consultation with relevant parties

81. Mr CHEUNG Hok-ming sought further information on the Administration's meetings with the Capture Fisheries Sub-Committee and Aquaculture Fisheries Sub-committee of the Advisory Committee on Agriculture and Fisheries. He said that he had received through the Complaint Division and other channels appeals from fisheries bodies in relation to the effects of reclamation or foreshore and sea-bed works on the fisheries industry. He considered that the Administration should provide a clear explanation on the proposed works to the above two subcommittees and other fisheries bodies and reach a consensus with them on the standards for environmental monitoring. The Administration should clarify the relevant issues before submitting the proposal to the Public Works Subcommittee.

82. In response, D Hd(CEO) said that the Administration met regularly with the Capture Fisheries Sub-Committee and report the operational aspects, such as results of environmental monitoring, of the existing sediment disposal facilities at Sha Chau. The Capture Fisheries Sub-Committee raised no objection to the existing and proposed facilities. As regards the Aquaculture Fisheries Sub-committee, at its meeting on 1 August 2008, some members of the Sub-committee enquired about the details of the proposed facility. The Administration gave a briefing at that meeting and in response to the concerns of some members of the Sub-committee, the Administration provided detailed explanation on the Environmental Impact Assessment (EIA) for the proposed works, site selection, proposed dumping method and environmental mitigation measures at another meeting on 5 December 2008. The Administration would organize a site visit for the Aquaculture Fisheries Sub-committee in response to its members' request. PAS(W)3 added that the existing facility at Sha Chau had commenced operation since 1992. There were stringent environmental protection control measures and environmental monitoring and auditing mechanisms and they would continue to be adopted for the proposed facility. No problem was envisaged for the proposed facility. The Administration would be glad to provide fisheries bodies with further information and report to the Tuen Mun District Council (TMDC) before submitting the proposal to the Public Works Subcommittee in January 2009.

83. The Chairman said that in the capacity of the chairman of the Tuen Mun District Council, he would provide some additional information on the proposed project. At the meeting of TMDC on 21 January 2008, a motion objecting to the gazetting of the proposed works was moved and carried. After the Administration had given further details of the proposed project at another meeting of TMDC on 28 February 2008, TMDC raised no objection to the gazetting of the proposed works, but requested the Administration to continue to consult it and provide for its reference any dissenting views of other organizations consulted. In this connection, he urged the Administration to provide an oral or a written report of those views to TMDC as soon as possible. He asked whether the Administration would brief TMDC again at its next meeting.

84. In response, PAS(W)3 said that the proposed works were gazetted under the Foreshore and Sea-bed (Reclamations) Ordinance on 20 March 2008 and no objection or public opinion was received during the objection period. The authorization of the proposed works was gazetted on 13 June 2008. The Administration reported the outcome of the gazettal to the Environment, Hygiene and District Development Committee of TMDC in November 2008 by means of circulating an information paper. According to his understanding, the Subcommittee would report to TMDC on 6 January 2009. The Administration would be glad to attend that meeting to provide further information if so requested.

85. The Chairman said that the Administration should attend that meeting to provide information on the views received in relation to the proposed works.

86. Mr KAM Nai-wai said that the Administration had not even prepared a PowerPoint presentation for the project with an estimated capital cost of \$770.9 million, which was a substantial amount. He criticized that the Administration had not mentioned the details of the consulting process with TMDC in its paper and asked whether the Administration had consulted environmental groups. He considered that public aspirations in environmental protection in 1992 were entirely different from those nowadays and more environmental protection measures would be required at present to convince the public. The standards for Environmental Impact Assessment were low and he could not imagine that the proposed facility would have no effect on the environment. He urged members not to support the proposed works lightly because more details about the proposed works should be provided. He suggested that the Panel should invite relevant parties to attend a meeting to present their views.

87. In response, PAS(W)3 said that the Environmental Impact Assessment for the proposed works was conducted according to the requirements of the Environmental Protection Ordinance. The Principal Environmental Protection Officer (Regional Assessment), Environmental Protection Department

(PEPO(RA)) said that while there was room for raising the standards for Environmental Impact Assessment in future, various environmental data collected such as those on water quality and marine organisms showed that the sediment disposal facility had no adverse impacts on the environment, and water quality was up to the standard of the legislation in force. The environmental monitoring and mitigation measures were properly carried out providing monitoring data in a timely manner for checking against the requirements of the EIA. The sediment disposal facility had posed no environmental problems based on the present standards.

88. Ms Emily LAU said that the Administration should provide more information on the views of the environmental groups, fisheries bodies and relevant District Council consulted. She would not object to the suggestion of soliciting further views from them.

89. Prof Patrick LAU shared the view that the Administration should provide more information on the views of the parties consulted. He queried why the presentation for TMDC was more detailed than that for the Panel.

90. The Chairman urged the Administration to provide a detailed briefing to TMDC at its meeting on 6 January 2009. He shared the view that the Administration should have reflected the views of TMDC in its paper.

91. In response, PAS(W)3 said that the Administration had provided further information to TMDC to its satisfaction. D Hd(CEO) said that with the help of a PowerPoint presentation, the Administration first briefed TMDC on the proposed works on 21 January 2008. Members of TMDC expressed concern, objected to the gazetting of the proposed works and requested the Administration to provide further details, which the Administration had provided before TMDC's meeting on 28 February 2008. The further details included information such as environmental groups consulted. The Administration completed a detailed Environmental Impact Assessment in 2005, and consulted and obtained the support of the Advisory Council on the Environment in September 2005. The Director of Environmental Protection approved the EIA Report in the same month. The public, including environmental groups, could give views on the report if they so wished. The Administration also engaged experts on whale and dolphin studies in 2007 and their assessment indicated that the proposed works would not have adverse effect on Chinese white dolphins. The proposed works were gazetted under the Foreshore and Sea-bed (Reclamations) Ordinance on 20 March 2008 and no objection or public opinion was received during the objection period. The Administration reported the outcome of the gazettal to the Environment, Hygiene and District Development Committee of TMDC in November 2008 by means of circulating an information paper. In response to the Chairman's suggestion, the Administration would report further details to TMDC at its meeting on 6 January 2009.

Technical issues

92. Prof Patrick LAU asked whether the disposal pits would be above sea-bed level and whether they could be seen from the sea surface. He further asked how the clean sediment dug out when creating the pits would be disposed of and how the Administration would ensure that the contaminated sediment would not leak out.

93. In response, PAS(W)3 said that the pits would be created by first digging to a level below sea-bed and they would be capped with clean sediment until they were at the same level as the sea-bed after they had been fully filled with contaminated sediment. The clean sediment dug out when creating a new pit would be used for capping filled pits, and the surplus clean sediment would be disposed of at designated facilities suitable for disposal of clean sediment. D Hd(CEO) added that contaminated sediment would fill up the pit at the correct location under guidance to a level about three metres below the sea-bed. The pit would then be capped with clean sediment until it was at the same level as the sea-bed. A thickness of about three metres of clean sediment for capping was determined based on scientific research to ensure that the contaminated sediment would not leak out.

94. The Chairman asked whether the contaminated sediment was toxic. He was concerned about whether disposal of contaminated sediment would affect water quality.

95. In response, PEPO(RA) said that it could not be ruled out that the contaminated sediment was toxic. However, whether contaminated sediment could be disposed of at the sediment disposal facility depended on its classification. According to Technical Circular 34/2002, contaminated sediment classified as Category H could be disposed of at the sediment disposal facility but depending on biological screening results stringent treatment might be required before disposal.

96. Ms Emily LAU said that the Administration should provide more information on environmental monitoring. The Administration should provide water quality data to show that the contaminated sediment would not affect water quality and provide the relevant details if the sediment affected the fisheries industry and marine ecology. The Administration should provide drawings showing the implementation technology of the proposed works.

97. In response, PAS(W)3 said that the Administration had been monitoring the effects of the contaminated sediment with scientific rigour, and he agreed to provide the details requested.

Way forward

98. Prof Patrick LAU shared the view that more information should be provided, such as the implementation technology and disposal method. If the Administration could provide the necessary information, he believed that members would express support for the proposed works because there was a genuine need to dispose of contaminated sediment. He urged the Administration to provide the requested information before the Public Works Subcommittee considered the proposal.

99. Mr CHEUNG Hok-ming considered that deputations might not be interested in attending a Panel meeting because they had already expressed their views. He suggested that the Panel should express support for submitting the proposal to the Public Works Subcommittee and the Administration should provide all necessary information for members' consideration.

100. Mr KAM Nai-wai said that if it was not necessary for the Panel to further discuss the proposal, the Administration should provide the Public Works Subcommittee with all the necessary information and brief the Public Works Subcommittee with the aid of a PowerPoint presentation. The Panel should invite the relevant District Council, environmental groups and fisheries bodies to give written views on the proposed works.

101. Ms Emily LAU suggested that the Panel should write to the relevant parties to see if they had opposing views on the proposed works. The Panel should discuss the subject again if those parties had opposing views. Otherwise, there was no need for the Panel to discuss the subject again.

102. Mr KAM Nai-wai considered that the funding proposal could be submitted to the Public Works Subcommittee for consideration on condition that the Administration would accede to members' requests for further information.

103. Members agreed that the Panel should write to the relevant parties to see if they had opposing views on the proposed works and request the Administration to provide the further information requested by members.

(Post-meeting note: The Administration's supplementary information note (LC Paper No. CB(1)594/08-09(01)) was issued to members on 14 January 2009.)

104. The Chairman said that members' views would be reported to the Public Works Subcommittee.

VIII Any other business

105. There being no other business, the meeting ended at 6:00 pm.

Council Business Division 1
Legislative Council Secretariat
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