

**立法會**  
**Legislative Council**

LC Paper No. CB(1)453/15-16  
(These minutes have been seen  
by the Administration)

Ref : CB1/PL/DEV

**Panel on Development**

**Minutes of meeting**  
**held on Tuesday, 24 November 2015, at 2:30 pm**  
**in Conference Room 1 of the Legislative Council Complex**

**Members present** : Hon Tony TSE Wai-chuen, BBS (Chairman)  
Hon LEUNG Che-cheung, BBS, MH, JP (Deputy  
Chairman)  
Hon Albert HO Chun-yan  
Hon James TO Kun-sun  
Hon CHAN Kam-lam, SBS, JP  
Hon Abraham SHEK Lai-him, GBS, JP  
Hon Frederick FUNG Kin-kee, SBS, JP  
Hon Cyd HO Sau-lan, JP  
Hon CHAN Hak-kan, JP  
Hon CHAN Kin-por, BBS, JP  
Hon IP Kwok-him, GBS, JP  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Hon Albert CHAN Wai-yip  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon James TIEN Pei-chun, GBS, JP  
Hon WU Chi-wai, MH  
Hon CHAN Chi-chuen  
Hon CHAN Han-pan, JP  
Dr Hon Kenneth CHAN Ka-lok  
Hon CHAN Yuen-han, SBS, JP  
Hon Alice MAK Mei-kuen, BBS, JP  
Dr Hon KWOK Ka-ki  
Dr Hon Fernando CHEUNG Chiu-hung  
Dr Hon Helena WONG Pik-wan

Dr Hon Elizabeth QUAT, JP  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP

**Members absent** : Dr Hon LAU Wong-fat, GBM, GBS, JP  
Hon YIU Si-wing, BBS

**Public officers attending** : **Agenda item IV**

Ms Jasmine CHOI Suet-yung  
Principal Assistant Secretary for Financial Services and the  
Treasury (Treasury) (Works)  
Financial Services and the Treasury Bureau

Mr Thomas CHAN Chung-ching, JP  
Deputy Secretary for Development (Planning and Lands)1  
Development Bureau

Mr John KWONG Ka-sing  
Chief Assistant Secretary (Works)1  
Development Bureau

Mr Tony MOYUNG Hon  
Assistant Director (Acquisition)  
Lands Department

Ms Joyce NG Suet-yee  
Chief Estate Surveyor (Acquisition)  
Lands Department

Mr Dennis LAW Kar-cheuk  
Chief Property Services Manager (3)  
Architectural Services Department

Mr Edwin TONG Ka-hung, JP  
Director of Drainage Services

Mr Daniel CHUNG Kum-Wah, JP  
Director of Civil Engineering and Development

Mr Samson LAI Yiu-kei

Assistant Director (Waste Management Policy)  
Environmental Protection Department

Ms Betty CHEUNG Miu-han  
Assistant Director (Environmental Infrastructure) (Acting)  
Environmental Protection Department

Mr CHUI Wing-wah  
Deputy Director of Highways

Mr Raymond KONG Tai-wing  
Deputy Project Manager/Major Works (1)  
Highways Department

Ms Charmaine WONG Hoi-wan, JP  
Assistant Director (2)  
Home Affairs Department

Mr Martin KWAN Wai-cheong  
Chief Engineer (Works)  
Home Affairs Department

Ms Eva YAM Ya-ling  
Deputy Secretary-General (1)  
University Grants Committee Secretariat

Mr LEE Kam-yuen  
Chief Maintenance Surveyor (School Premises  
Maintenance)  
Education Bureau

Mr Murphy CHIU Hon-fai  
Senior Maintenance Surveyor (School Premises  
Maintenance)  
Education Bureau

Dr LAI Shu-ming  
Head of Estates, Health and Safety Division  
Vocational Training Council

Mr KOK Che-leung

Assistant Director (Subventions)  
Social Welfare Department

Mr Kenneth WOO Chi-man  
Chief Executive Officer (Subventions/Planning)  
Social Welfare Department

Mr Enoch LAM Tin-sing, JP  
Director of Water Supplies

Mr LO Kwok-kong  
Chief Civil Engineer (Public Works Programme)  
Transport and Housing Bureau

**Agenda item V**

Ms Brenda AU Kit-ying  
Head of Energizing Kowloon East Office  
Development Bureau

Ms Winnie HO Wing-yin  
Deputy Head of Energizing Kowloon East Office  
Development Bureau

Mrs Doris FOK LEE Sheung-ling  
Assistant Director (Leisure Services)  
Leisure and Cultural Services Department

Mrs Alice YU NG Ka-chun  
Project Director 3  
Architectural Services Department

Mr Tony LEE Cheuk-ming  
Chief Project Manager 301  
Architectural Services Department

**Agenda item VI**

Mr Paul CHAN Mo-po, MH, JP  
Secretary for Development

Mr Albert LAM Kai-chung, JP

Deputy Secretary (Works)1  
Development Bureau

Ms Deborah KUH  
Head of Greening, Landscape and Tree Management  
Section  
Development Bureau

Mr Lawrence CHAU  
Head of Tree Management Office  
Development Bureau

**Clerk in attendance** : Ms Sharon CHUNG  
Chief Council Secretary (1)2

**Staff in attendance** : Mr Fred PANG  
Senior Council Secretary (1)2

Mr Raymond CHOW  
Senior Council Secretary (1)6

Ms Maggie LAU  
Council Secretary (1)2

Ms Christina SHIU  
Legislative Assistant (1)2

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Action

**I Information papers issued since the last meeting**

Members noted that no information papers had been issued since the last meeting.

**II Items for discussion at the next meeting**

(LC Paper No. CB(1)163/15-16(01) -- List of outstanding items for discussion

LC Paper No. CB(1)163/15-16 (02) -- List of follow-up actions)

2. Members agreed that the next regular meeting scheduled for Tuesday, 22 December 2015, at 9:00 am would be extended to end at 12:00 noon and the following items proposed by the Administration be discussed --

- (a) PWP Item No. 7414RO -- Improvement works at Mui Wo;
- (b) PWP Item No. 7213CL -- Engineering works for Ha Mei San Tsuen Village Expansion Area; and PWP Item No. 7394CL -- Sha Tin New Town -- Stage 2 -- servicing and extension of Pai Tau Village in Area 6A; and
- (c) PWP Item 7786CL-1 -- Tung Chung New Town Extension -- detailed design and site investigation.

*(Post-meeting note: At the request of the Administration and with the concurrence of the Chairman, the discussion on the item "PWP Item No. 7213CL -- Engineering works for Ha Mei San Tsuen Village Expansion Area; and PWP Item No. 7394CL -- Sha Tin New Town -- Stage 2 -- servicing and extension of Pai Tau Village in Area 6A" was deferred to a future meeting, and an item "Revision of fees and charges for services under the Land Survey (Fees) Regulation (Cap. 473A) was included for discussion at the meeting on 22 December. In light of some members' suggestion, the Chairman instructed that an information paper on "revision of fee for granting or renewal of licence to excavate and search for antiquities under the Antiquities (Excavation and Search) Regulations (Cap. 53A)" (circulated to members vide LC Paper No. CB(1)310/15-16(01) on 16 December 2015) be included for discussion at the meeting on 22 December, and the meeting was extended to 12:15 pm. Members were informed of the above arrangements vide LC Paper No. CB(1)300/15-16 on 15 December 2015 and LC Paper No. CB(1)327/15-16 on 17 December 2015.)*

### **III Matter arising from the meeting on 10 November 2015**

#### Proposal on conducting an overseas duty visit to Singapore

(LC Paper No. CB(1)163/15-16(03) -- Paper on proposed overseas duty visit to Singapore prepared by the Legislative Council Secretariat)

3. Members noted the paper prepared by the Legislative Council Secretariat (LC Paper No. CB(1)163/15-16(03)) setting out mainly the objectives of the proposed overseas duty visit to Singapore, the proposed timing, a tentative visit programme, budget and funding arrangements for the visit; and agreed that --

- (a) the Panel should conduct a visit to Singapore as proposed from 20 to 23 March 2016 to study the country's experience in diversifying the sources of water supply, including the development of seawater desalination and water reclamation;
- (b) the visit should be open to non-Panel Members; and
- (c) officials from the relevant bureau/department should be invited to join the visit.

4. The Chairman advised that as proposed in the paper, the delegation might take the opportunity of conducting the proposed visit to learn about the measures taken by the Singapore government to safeguard the quality of piped drinking water.

5. Mr Albert CHAN suggested that, to facilitate the delegations' understanding of various desalination technologies, other than meeting government officials and representatives of public bodies, the delegation should held discussion with companies that designed or operated the desalination plants in Singapore. The Chairman noted Mr CHAN's suggestion, and asked the Clerk to follow up accordingly.

Clerk

6. The Panel noted that the Clerk would issue a circular to invite Members to indicate whether they wish to take part in the proposed visit.

*(Post-meeting note: The circular was issued to Members on 26 November 2015 vide LC Paper No. CB(1)201/15-16.)*

**IV Capital Works Reserve Fund Block Allocations for 2016-2017**  
(LC Paper No. CB(1)163/15-16(04) -- Administration's paper on Capital Works Reserve Fund Block Allocations for 2016-2017)

7. Principal Assistant Secretary (Treasury) (Works), Financial Services and the Treasury Bureau ("PAS(Tsy)(W)/FSTB") briefed members on the funding proposal to be submitted to the Public Works Subcommittee ("PWSC") and the Finance Committee ("FC") for the Capital Works Reserve Fund ("CWRF") block allocations for 2016-2017, the details of which were given in the Administration's paper (LC Paper No. CB(1)163/15-16(04)).

8. The Chairman reminded members that in accordance with Rule 83A of the Rules of Procedure ("RoP") of the Legislative Council ("LegCo"), they should disclose the nature of any direct or indirect pecuniary interests relating to the subjects under discussion at the meeting before they spoke on the subjects.

#### Implementation of capital works projects

9. Mr Albert CHAN said he was concerned about the continued surge in contract prices for projects under the Capital Works Programme ("CWP") as a result of over-concentration of implementation of these projects including major infrastructure projects and the projects funded by the CWRF block allocations. Taking in view that different capital works projects were under the purview of different government bureaux/departments, he opined that the Administration should put in place a mechanism to map out, prioritize and coordinate the implementation of these projects. In prioritizing the implementation of such projects, the Administration should take into account relevant factors such as the overall construction manpower situation, the trend of tender prices for capital works projects, etc., instead of leaving individual bureaux/departments to decide the implementation timetable on their own. The Chairman remarked that relevant industry stakeholders had expressed concern about the concentration of implementation of capital works projects. He enquired whether the Administration would consider establishing a coordination mechanism for capital works projects as suggested by Mr CHAN.

10. PAS(Tsy)(W)/FSTB responded that Mr CHAN's view had been noted. She advised that the proposed total allocation for works-related items (i.e. excluding those under Head 701 - Land Acquisition and Head 710 - Computerization) was about \$9,129.5 million, which was comparable to that approved for 2015-2016. Taking into consideration that most of the about 9 000 works-related items to be funded by the relevant block allocations under the proposal were minor in nature, and that about 7 000 of which were ongoing items, the Administration did not envisage industry capacity would be a major problem with taking forward these items. Chief Assistant Secretary (Works)1, Development Bureau added that unlike other capital



works projects which involved separate tenders, majority of the construction works under block vote would be implemented by way of works orders and hence would not have any notable implications to cost and manpower.

Financial ceiling of delegated authority for Category D items in the Capital Works Programme

11. Ir Dr LO Wai-kwok said that, to allow the Administration to deal with relatively minor capital works items speedily, so far as CWRP block allocations were concerned, it was the current practice that the Administration might create Category D items under FC's delegated authority. The financial limit of most Category D items was \$30 million each. Based on this financial limit, the Administration had forecast that funding proposals for as many as 72 capital works projects would be submitted to PWSC in the 2015-2016 session for endorsement before they were submitted to FC. Taking in view that the level of the said financial limit had workload implications for PWSC and FC, Ir Dr LO enquired about the justifications for the current limit of \$30 million. He further enquired whether there was an established mechanism for adjusting the financial ceiling having regard to the changing price indices.

12. PAS(Tsy)(W)/FSTB replied that the Administration had proposed in May 2012 to increase the financial ceiling of the delegated authority for most CWRP block allocation subheads from \$21 million to \$30 million in order to maintain the real value of the delegation which had been eroded by inflation, and the proposal had been approved by FC. The Administration had no plan to revise the current ceiling at the present stage. In response to Ir Dr LO's enquiry on whether the Administration had previously worked out a timetable for reviewing the ceiling, PAS(Tsy)(W)/FSTB advised in the negative and said that the Administration would continue to keep in view the need for adjusting the ceiling.

Head 701 - Land Acquisition

13. Dr Fernando CHEUNG enquired about the projects to be funded by the proposed amount of \$2,707.2 million for 2016-2017 for the CWRP block allocations under "Head 701 - Land Acquisition", and whether these projects included the Fanling North and Kwu Tung North New Development Areas project. In response, Deputy Secretary for Development (Planning and Lands)1, Development Bureau advised that one of the proposed items under Head 701 was about the site formation and associated infrastructure works for a purpose-built complex of residential care homes for the elderly ("RCHes") in Area 29 of Kwu Tung North New Development Area ("KTN

NDA"). The RCHEs complex would provide residential care places that would receive eligible residents of the existing private RCHEs at the Dills Corner Garden, which would need to be vacated and cleared according to the implementation programme of KTN NDA.

14. Assistant Director (Acquisition), Lands Department advised that as stated in the Administration's paper, under Head 701, the Administration proposed to earmark a funding of about \$629 million for compensation and ex-gratia allowances arising from the site formation and associated infrastructure works for the RCHEs complex. Other proposed new projects and on-going key items involving payment of compensation and ex-gratia allowances in respect of the projects in the Public Works Programme had been set out in Annex 1B to the Administration's paper under Part I and Part II respectively. PAS(Tsy)(W)/FSTB added that for Subhead 1100CA, apart from the major items under Part I and Part II, as stated in Part III of Annex 1B to the paper, a funding of about \$187.2 million would be earmarked for compensation and ex-gratia allowances with respect to about 70 other on-going and new items which were relatively smaller in scale. The details of the proposed items under Head 701 were included in a full list of block allocation items for 2016-2017. The list had been provided to the LegCo Secretariat.

*(Post-meeting note: Members were informed on 26 November 2015 vide LC Paper No. CB(1)200/15-16 that the full list was kept at the LegCo Library.)*

15. Dr Fernando CHEUNG and the Chairman requested that, to facilitate members to have a better picture of the items included under Head 701, the Administration should provide written information on the number of projects to be funded by the proposed allocation of \$2,707.2 million under Head 701, and the details of each of these projects.

*(Post-meeting note: The Administration's supplementary information was circulated to members vide LC Paper No. CB(1)261/15-16(01) on 8 December 2015.)*

#### Head 703 - Buildings

16. Mr IP Kwok-him said he supported the proposal and hoped that the Administration would implement the proposed items in a timely manner.

He expressed concern on the slow progress of the provision of columbarium facilities, and enquired about the criteria for selecting and prioritizing the sites for developing such facilities. He further said that there was a keen demand for disciplined services departmental quarters ("DQs"), and enquired about the funding committed to the development of DQs under the proposal and the factors of consideration in prioritizing the DQ projects.

17. PAS(Tsy)(W)/FSTB responded that the proposed allocations under "Head 703 - Buildings" included expenditure for the pre-construction works for some columbarium projects and DQ projects. She advised that she did not have detailed information on hand about the criteria for prioritizing columbarium and DQ projects, and the relevant bureaux responsible for providing such facilities were in a better position to address Mr IP's concerns on the matters.

Head 706 - Highways Subhead 6101TX - Universal Accessibility Programme

18. Taking in view that the existing Universal Accessibility Programme under Head 706 Subhead 6101TX was aimed at retrofitting barrier-free access facilities to some of the public walkways, i.e. those under the purview of the Highways Department, Mr WU Chi-wai suggested that to better meet the aspirations of local residents, the Administration should collaborate with owners of private residential units to provide barrier-free access facilities in areas with heavy pedestrian flows to connect residential buildings with public walkways.

19. Deputy Project Manager/Major Works(1), Highways Department replied that Mr WU's suggestion had been noted. He advised that apart from continuing to implement the projects under the Universal Accessibility Programme, the Administration was actively considering how to address public suggestions outside the ambit of the Programme. In response to Mr WU's and the Chairman's enquiry on whether the Administration had worked out an implementation timetable for providing such facilities, Deputy Project Manager/Major Works (1), Highways Department advised that the Administration would report when there was an outcome of the consideration on the matter. Mr WU suggested that the Panel might consider discussing the subject with the Administration at a meeting. The Chairman said that the Administration should provide relevant information on the subject matter in due course for members' consideration.

Head 707 – New Towns and Urban Area Development Subhead 7017CX - Signature Project Scheme

20. Dr Fernando CHEUNG noted that under Head 707 Subhead 7017CX, the Administration proposed to undertake preparatory and pre-construction works of projects under the Signature Project Scheme ("SPS"). Taking in view that the Administration might in future need to seek the funding approval of FC for carrying out individual projects, and some of these projects (such as the one that sought to improve the tourist facilities at Lam Tsuen Wishing Square in Tai Po) were controversial, he was concerned that if FC eventually disapproved the funding applications for the construction works of any of these projects, the Administration would then be unable to further proceed with the projects, rendering the resources already put on them a wastage. He enquired whether the Administration would seek the support of the relevant LegCo Panels for the respective SPS projects before proceeding to undertaking preparatory and pre-construction works.

21. Assistant Director (2), Home Affairs Department replied that it was necessary for the Administration to carry out the preparatory and pre-construction works of the SPS projects in order to work out concrete proposals setting out the details of the construction works of the projects for the consideration of the Panel on Home Affairs ("HA Panel"). The process was consistent with that for other projects in CWP in project planning and implementation. She assured members that for all projects under SPS, the Administration would go through the process of obtaining HA Panel's support and then seeking the endorsement and funding approval of PWSC and FC.

Submission of the funding proposal to the Public Works Subcommittee

22. Concluding the discussion, the Chairman said that members had no objection to the Administration's submission of the proposal to PWSC for consideration.

**V PWP Item No. 3456RO - Tsui Ping River Garden (Reprovisioning of Shing Yip Street Rest Garden)**

(LC Paper No. CB(1)163/15-16(05) -- Administration's paper on 3456RO -- Reprovisioning of Shing Yip Street Rest Garden as Tsui Ping River Garden)

23. With the aid of a powerpoint presentation, Head of Energizing Kowloon East Office, Development Bureau ("Head/EKEO/DEVB") briefed members on the proposal to upgrade PWP Item No. 3456RO to Category A for the reprovisioning of the existing Shing Yip Street Rest Garden ("the existing Rest Garden") at a site to its immediate southwest as the Tsui Ping River Garden ("the proposed Garden") and the demolition of the existing Rest Garden at an estimated cost of \$106.7 million in money-of-the-day prices. Subject to the funding approval of FC, the Administration planned to commence the project in the third quarter of 2016 for completion between late-2017 and mid-2018 by phases.

*(Post-meeting note: A soft copy of the powerpoint presentation materials was circulated to members vide LC Paper No. CB(1)193/15-16(01) by email on 25 November 2015.)*

24. The Chairman reminded members that in accordance with Rule 83A of RoP of LegCo, they should disclose the nature of any direct or indirect pecuniary interests relating to the subjects under discussion at the meeting before they spoke on the subjects.

#### Integration of the proposed Garden with the surrounding environment

25. Mr CHAN Kam-lam expressed support for the proposed project. Noting that the development of the proposed Garden was only part of a larger project to revitalize the nullah alongside Tsui Ping Road, King Yip Lane and King Yip Street, Mr CHAN held the view that the Administration should explain to members how the proposed Garden would fit in with the Tsui Ping River Project.

26. Head/EKEO/DEVB advised that the proposal under discussion was on the construction of the proposed Garden. The Administration would brief the Panel on the Tsui Ping River Project in due course. She assured members that the proposed Garden would be in harmony with the Tsui Ping River Project through the enhancement of the connectivity in the area and the provision of integrated design elements including the use of a common water theme.

Admin 27. The Chairman requested the Administration to provide details on how the design of the proposed Garden would fit in with the Tsui Ping River Project.

28. Mr LEUNG Kwok-hung queried whether the main purpose of the proposal was to release the site next to the proposed Garden ("the proposed commercial site") for commercial development rather than improving the urban environment and the conditions of the nullah. Head/EKEO/DEVB emphasized that the Tsui Ping River Project aimed at beautifying the nullah, enhancing its ecological condition and providing leisure space for the public.

29. Noting that the proposed Garden would be separated from the Laguna Park nearby by Wai Fat Road, Mr LEUNG Kwok-hung asked if a subway would be constructed to connect the two parks. Head/EKEO/DEVB advised that there were pedestrian crossings along Wai Fat Road for passers-by to cross the road.

Admin 30. Miss CHAN Yuen-han enquired about the connectivity of the proposed Garden with the Kwun Tong Promenade. The Chairman requested the Administration to provide information on the measures to be taken to enhance the connectivity of the proposed Garden with the Kwun Tong Business Area and the residential developments nearby.

31. Head/EKEO/DEVB advised that walkways would be provided along Tsui Ping River under the Tsui Ping River Project to connect the proposed Garden with the Kwun Tong Promenade. Provision of a footbridge near the outfall was also under planning to further enhance the connectivity of the areas along the two banks.

#### Cost of the project

32. Referring to the proposed project cost of \$106.7 million, which covered the demolition of an existing park and development of a new park (the proposed Garden) with an area of about 5 800 square metres ("m<sup>2</sup>"), Mr Albert CHAN considered the project cost too high. He expressed concern about the cost-effectiveness of the proposed project and said that he had reservation on supporting the proposal.

33. Head/EKEO/DEVB replied that the estimated unit construction cost of the proposed Garden, excluding the cost of demolishing the existing Rest Garden, furniture and equipment costs, consultants' fees and contingencies, etc., was about \$12,520 per m<sup>2</sup>. Project Director 3, Architectural Services Department ("PD3/ASD") supplemented that the estimated average project cost became \$14,200 per m<sup>2</sup> if the demolition cost of the existing Rest Garden was included, and the overall average project cost amounted to \$15,800 per m<sup>2</sup> (in the prices of the third quarter of 2015). PD3/ASD further advised the average construction cost of the proposed project was

comparable to those of other parks, taking into account the uniqueness of the proposed project and site constraints (e.g. the existence of a large drainage reserve and a nullah deck structure).

#### Improvement works on the nullah

34. Mr Albert CHAN opined that the Tsui Ping River Project should aim at restoring the river concerned to its natural conditions. Head/EKEO/DEVB explained that "Tsui Ping River" was originally a nullah built between the reclaimed land of the Kwun Tong Business Area and the Laguna City area. The purpose of the Tsui Ping River Project was to transform the nullah into Tsui Ping River.

35. Mr CHAN Kam-lam asked if the Administration would deck over the King Yip Lane section of the nullah. He considered that the deck, if constructed, could better connect the proposed commercial site with the other commercial developments in the surrounding areas. Relaying the concerns of the local communities and the Kwun Tong District Council ("KTDC"), Mr CHAN suggested that the Tsui Ping Road section of the nullah should be decked over to form a surface for providing public facilities such as a taxi stand or a bus stop.

36. Head/EKEO/DEVB replied that the Tsui Ping River Project was to transform the existing nullah into a river for public enjoyment. The Administration had no plan to deck over the nullah.

37. Miss CHAN Yuen-han and Mr WU Chi-wai disagreed with the suggestion of decking over the nullah. Citing the successful experience of the Kai Tak Nullah improvement works, Miss CHAN expressed support for launching a similar project for Tsui Ping River. Mr WU suggested that, in view of the bulky size of the nullah's riverwall, the Administration should explore the feasibility of rebuilding it with other materials to make it more compact. Head/EKEO/DEVB took note of Mr WU's suggestion.

38. Expressing concern on the quality of the water in Tsui Ping River, Ms Cyd HO enquired about the source of the water and whether water would be pumped to the river during the dry seasons, a measure that involved substantial consumption of electricity. She also requested the Administration to provide information on the measures to be taken to ensure that the water in Tsui Ping River would not be polluted by industrial or household effluents, or misconnection of sewers to the stormwater drainage system; and whether the stormwater collected in the drainage system would be filtered before discharging to the river.

39. Head/EKEO/DEVB advised that the water in the existing nullah came from a hillside stream in Kwun Tong North as well as the seawater inflow at the downstream. Therefore, dry-up did not occur even during the dry seasons. Regarding the misconnection of sewers to the stormwater drainage system, the Environmental Protection Department and the Drainage Services Department had carried out a survey in the area around the nullah between July 2014 and April 2015, and discovered 30 such cases. Among them, 28 cases had been rectified and the remaining two cases were being followed up. Apart from eliminating the sources of pollution, the Drainage Services Department cleaned the walls of the nullah regularly.

#### Greening works of the proposed project

40. Dr KWOK Ka-ki and Miss CHAN Yuen-han urged the Administration to provide more lawns at the proposed Garden for public enjoyment. Dr KWOK sought information on the proportion of the area of the lawns to the total area of the proposed Garden. Mr WU Chi-wai considered that it was unnecessary to provide a multi-purpose area at the proposed Garden, since such a facility was already available at the Laguna Park, and a large lawn should be provided instead.

41. Head/EKEO/DEVB advised that green areas (including lawns that allowed visitors to walk on) represented about 40% of the park area. For the remaining areas of the proposed Garden, they would be occupied by a multi-purpose area, pedestrian paths and other ancillary facilities. On the design of the multi-purpose area, Head/EKEO/DEVB explained that the facility at the Laguna Park referred to by Mr WU was not exactly a multi-purpose area. The provision of a multi-purpose area at the proposed Garden was proposed in response to the requests of some LegCo Members and KTDC members. PD3/ASD added that the total area of the lawns in the proposed Garden amounted to 904 m<sup>2</sup> and the size of each lawn was large.

42. Mr Albert CHAN said it was common in the parks in Hong Kong that a large number of plants of different species were put together, or the same species (e.g. *Bauhinia variegata*) were grown in different parks, which were unappealing. In his view, to depict a distinguished greening theme for a park, it was sufficient to grow in the park one type of plant which was included in the Greening Master Plan for the district. In this connection, Mr CHAN requested the Administration to provide information about the plant species to be grown at the proposed Garden and their numbers. Miss CHAN Yuen-han agreed that the types of plants to be grown in a park should not be too diversified. She suggested that some scented plants like



*Michelia x alba* should be grown in the proposed Garden.

43. Head/EKEO/DEVB explained that simple design would be adopted for the landscape of the proposed Garden. With reference to the Greening Master Plan for the Kwun Tong District, *Bauhinia variegata* and *Tabebuia rosea* would be selected as the two theme trees of the proposed Garden. Besides, scented plants such as *Michelia x alba*, currently grown at the existing Rest Garden, would be transplanted to the proposed Garden. The Administration undertook to provide further information about the plants to be grown at the proposed Garden.

#### Facilities to be provided at the proposed Garden

Admin 44. Dr Helena WONG considered that in designing the proposed Garden, the Administration should take into account the needs of various park users. In this regard, she sought information about the demographic profile of the users concerned (e.g. the proportion of the elderly and young people) and the improvement in the provision of facilities in the proposed Garden compared with that in the existing Rest Garden.

45. Head/EKEO/DEVB replied that the existing Rest Garden consisted mainly of a landscaped sitting-out area for passive recreational use with a rather low usage rate, whereas the proposed Garden would have such new facilities as a multi-purpose area, an elderly fitness corner and other ancillary facilities (e.g. baby care room). It was hoped that the proposed Garden would address the under-provision of leisure facilities in Kwun Tong and bring people to visit the future Tsui Ping River. On the demographic profile of park users, Head/EKEO/DEVB advised that the proposed Garden would serve users of different age groups, taking into account that Kwun Tong was a district with an ageing community, while the working population in the Kwun Tong Business Area were younger. She undertook to provide members with more detailed information on the demographic profile of park users after the meeting.

46. Dr KWOK Ka-ki enquired about the number of seats to be provided at the proposed Garden for people to take a rest or have a lunch and whether these seats were sheltered, and if there would be any refreshment kiosk or drinking fountain inside the proposed Garden. Dr Helena WONG asked about the number of fitness facilities to be provided at the proposed elderly fitness corner.

47. Head/EKEO/DEVB replied that there would be about 200 seats in the multi-purpose area and another 100 seats scattered across the proposed

Garden. Apart from rain shelters with seats, there would be dense trees at the proposed Garden to make more seating areas with shade. Head/EKEO/DEVB further advised that owing to the limited size of the proposed Garden and the availability of food outlets in the Kwun Tong Business Area, no refreshment kiosk would be provided at the proposed Garden. However, there would be drinking fountains and vending machines. At the elderly fitness corner, there would be seven sets of fitness facilities.

48. Dr Helena WONG asked about the numbers of male and female sanitary fitments to be provided at the proposed Garden and whether such numbers were in line with the standards set out in a recently introduced Amendment Regulation which updated the standards for the provision of sanitary fitments in private buildings (i.e. the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) (Amendment) Regulation 2015). Dr WONG also enquired if any unisex toilet would be provided at the proposed Garden to cater for the need of people who had to take care of persons of the opposite gender.

49. Head/EKEO/DEVB advised that two waterclosets and three urinals for the use of males, five waterclosets for the use of females, and a unisex toilet for persons with disabilities would be provided at the proposed Garden.

50. Dr Helena WONG opined that in view of the relatively high female-to-male ratio of Hong Kong's population, the number of female sanitary fitments to be provided at the proposed Garden was insufficient to meet the needs of female park users. Moreover, the ratio of male to female sanitary fitments to be provided at the proposed Garden (i.e. 1:1) was lower than those ratios, from 1:1.6 to 1:1.8, for various public places set out in the Amendment Regulation. She requested the Administration to consider increasing the number of female sanitary fitments at the site concerned. She also urged the Administration to provide at least one additional separate unisex toilet, apart from the proposed toilet for persons with disabilities. Dr KWOK Ka-ki expressed a similar concern on the small number of female sanitary fitments to be provided at the proposed Garden.

51. Head/EKEO/DEVB advised that the provision of sanitary fitments at the proposed Garden had taken into account the limited size of the site. She took note of Dr WONG's view on the provision of female and unisex toilets and would follow it up with the Leisure and Cultural Services Department and the Architectural Services Department.

52. Mr James TO suggested that the Administration should consider allowing pet owners to bring their pets to the proposed Garden. In this regard, he opined that the Administration should consider public views and the fact that pets were not allowed to enter the Laguna Park in the vicinity. He considered that the activities of pets in the proposed Garden would not cause great nuisances to the residents in the nearby area, as the residential areas were at a distance away from the proposed Garden.

53. Head/EKEO/DEVB advised that the Administration had no plan to open up the proposed Garden as a pet garden, given that the Kwun Tong Ferry Pier Square, which was within walking distance from the proposed Garden, already had a pet garden with an area of 1 200 m<sup>2</sup>. Assistant Director (Leisure Services)l, Leisure and Cultural Services Department ("AD(LS)l/LCSD") supplemented that while the Administration had adopted an open and positive attitude towards opening up parks as pet gardens, it should be noted that there were diverse views among the public on the subject matter. Therefore, the Administration had to strike a balance between the needs of pet owners and other park users. AD(LS)l/LCSD further advised that KTDC had been consulted on the project scope and was supportive of the project. Further consultation with KTDC would be required on the proposal of opening up the proposed Garden as a pet garden. Moreover, a new pet garden at the Tai Yip Street Garden would be open to the public in early 2016.

#### Other views

54. Dr KWOK Ka-ki asked if the Administration would conduct a design competition for the proposed Garden to provide an opportunity for local young architects and designers to offer innovative ideas. Head/EKEO/DEVB replied in the negative and explained that the Administration had to implement the proposed project early so as to release the proposed commercial site for development. PD3/ASD supplemented that the proposed Garden would be designed by in-house professional landscape architects. However, the Administration had launched competitions for the design of some other public facilities before. The Chairman and Dr KWOK Ka-ki urged the Administration to re-consider the suggestion of conducting a design competition for the proposed Garden.

55. Noting that the site for the proposed Garden was currently a public car park, Mr WU Chi-wai expressed concern that the implementation of the project would reduce the supply of car parking spaces in the area. He pointed out that new parking demand would arise from the development of the proposed commercial site. As such, he asked if the Administration

would impose land sale conditions on the proposed commercial site to ensure sufficient provision of parking spaces.

Admin 56. Head/EKEO/DEVB advised that the Administration had commissioned a consultant to conduct a survey on the utilization of car parking spaces in the Kwun Tong Business Area from February to April 2015. The survey results indicated that the vacancy rate of the car parks in major developments in the area was high, therefore the proposed project would not have significant impact on the overall provision of parking spaces. Furthermore, in addition to providing ancillary parking spaces, the developer of the proposed commercial development would be required to provide about 200 private car parking spaces and 30 light goods vehicle parking spaces for public use. Mr WU Chi-wai said that he had a different understanding on the supply of parking spaces in the Kwun Tong Business Area and requested the Administration to provide information about the findings of the said survey.

57. Miss CHAN Yuen-han sought details about the development at the proposed commercial site. Mr WU Chi-wai enquired about the measures to be taken to ensure that the air ventilation in the area would not be affected by the commercial development at the site.

Admin 58. Head/EKEO/DEVB responded that to preserve the trees at the existing Rest Garden, the proposed commercial development would be largely located at the northern portion of the site. An air ventilation assessment had been conducted for the proposed development at the site. The Administration would stipulate in the land sale conditions to require developers to undertake measures to ensure that the air ventilation condition in the area would not be affected. Mr WU Chi-wai requested the Administration to provide the details of such restrictions.

#### Submission of the proposal to the Public Works Subcommittee

59. Concluding the discussion, the Chairman said that while Panel members raised no objection to the Administration's submission of the proposal to PWSC for consideration, the Administration should provide the information requested by Panel members during the meeting in the discussion paper on the proposed project to be submitted to the Subcommittee.

## **VI Tree management on private properties and revamp of the Guidelines for Tree Risk Assessment and Management Arrangement**

- (LC Paper No. CB(1)163/15-16(06) -- Administration's paper on tree management on private properties and revamp of the Guidelines for Tree Risk Assessment and Management Arrangement
- LC Paper No. CB(1)163/15-16(07) -- Paper on tree management prepared by the Legislative Council Secretariat (Updated background brief)

60. Secretary for Development ("SDEV") briefed members on the revision of the Guidelines for Tree Risk Assessment and Management Arrangement ("the Guidelines") and the preparation of a handbook on tree management ("the Handbook") on private properties. He also introduced the recently appointed Head of Greening, Landscape and Tree Management Section of the Development Bureau ("Head/GLTMS/DEVB") to members. With the aid of a powerpoint presentation, Head/GLTMS/DEVB briefed members on the key details of the two documents.

*(Post-meeting note: A soft copy of the powerpoint presentation materials was circulated to members vide LC Paper No. CB(1)193/15-16(02) by email on 25 November 2015.)*

61. Noting that the Administration had sought views from external stakeholders on the draft Handbook, the Deputy Chairman requested the Administration to provide a copy of the draft Handbook for members' reference.

*(Post-meeting note: The draft was circulated to members vide LC Paper No. CB(1)314/15-16(01) on 16 December 2015.)*

### Legislation on tree management

62. Pointing out that the recommendations in the Guidelines and the draft Handbook were for the voluntary compliance by private property owners, Dr Helena WONG enquired whether the Administration had any plan to enact legislation on tree management ("tree legislation"). SDEV replied that the Administration maintained an open attitude with regard to the introduction of a "tree legislation". He explained that adequate supply of qualified personnel at different levels in the capacity hierarchy for undertaking tree-related works was one of the prerequisites for the introduction of such legislation. Over the years, GLTMS had rolled out a number of initiatives to

strengthen the capacity of the arboriculture, horticulture and landscape management and maintenance industry, the supply of qualified personnel at different levels was still insufficient. In this respect, a Human Resources and Competences Survey and Analysis of the Arboriculture, Horticulture and Landscape Management and Maintenance Industry ("the Survey") was being conducted to investigate the current and projected industry capacity. The Survey will help guide the planning of capacity building in the industry, thereby preparing the industry to meet the demand of the community in a practical manner. If tree legislation was introduced before an adequate supply of qualified personnel, some private property owners might choose to remove their trees or plant small trees, which would run against the policy intention.

63. Dr Helena WONG opined that the Administration should announce its plan for enactment of tree legislation early, so that the industry would intensify the training of tree management professionals to cater for future demand.

64. SDEV further advised that, to ensure tree safety on private properties, DEVB, in collaboration with the Home Affairs Department, would add a new section on tree safety to the Code of Practice on Building Management and Maintenance to be issued under the Building Management Ordinance. The proposed new section would be prepared by making reference to the Handbook and would serve as guidelines on tree management on private properties. He added that, in the event of tree failure within private premises causing injury or fatality to a third party, the responsible private property owners could be held legally liable.

65. Dr Kenneth CHAN said that the Civic Party had all along supported the introduction of tree legislation and had prepared a draft bill on the subject. He urged the Administration to conduct public consultation on tree legislation as soon as possible. He requested the Administration to provide the findings of its review on overseas experience on tree legislation to justify its view that the use of a piece of legislation in meeting tree management objectives might not be applicable to the situation in Hong Kong. Given that no tree legislation was in place, Dr CHAN cast doubt on whether the 38 tree management departments would strictly comply with the requirements of the Guidelines and the technical circulars on managing trees on government land.

66. SDEV replied that the Administration would study the draft bill prepared by the Civic Party. Deputy Secretary (Works)1, Development Bureau ("DS/DEV(W)1") advised that, as regards the Administration's

review of overseas experience on tree legislation, no single report had been compiled as there had been ongoing discussion of the issue among members of the public and the academia, and new information had come up from time to time. Before the prerequisite condition of adequate supply of qualified personnel in the arboriculture, horticulture and landscape management and maintenance industry was satisfied, the Administration would maintain an open-minded view towards tree legislation. Meanwhile, the Administration would keep in view the practicability of enacting tree legislation through internal review and external discussions with members of the Expert Panel on Tree Management ("the Expert Panel") and other stakeholders. The proposals on tree legislation provided by various parties would be taken into consideration. He advised that the technical and personnel qualification requirements for tree work involved in public works projects had evolved over the years to a higher standard, given the availability of an increased number of qualified personnel from the arboriculture, horticulture and landscape management and maintenance industry.

67. Dr Kenneth CHAN suggested that, to take forward the introduction of tree legislation, the Administration should organize a symposium to invite overseas and local experts, and interested members of the public to exchange views on the subject. SDEV agreed to consider Dr CHAN's suggestion.

### Management of trees on private properties

#### *Provision of assistance to private property owners on management of trees*

68. Dr KWOK Ka-ki welcomed the Administration's plan to revise the Guidelines. He cited some recent trees collapse cases to illustrate that both the Administration and private property owners had not made an effort in preserving the trees before they became problematic and then were removed. Dr KWOK asked what assistance, in addition to promulgating the Guidelines, the Administration would provide to private property owners, in particular those who had financial difficulties, on the management of trees, including old and valuable trees on private land.

69. Head/GLTMS/DEVB replied that the draft Handbook, complemented with a public education and awareness programme, would improve the standard of practice among the private property owners, their management agencies, and the owners' corporations. DS/DEV(W)1 added that,

subsequent to the tree failure incidents that had occurred within private premises in the past two years, TMO had received public enquiries through different channels relating to tree management within private land. The concerns were mainly on the requirements and standard of tree management practice, for example the technical and personnel qualification requirements that a contractor must possess in order to undertake tree-related work. In response to these enquiries, TMO had consolidated and subsequently disseminated relevant guidelines and information on standard of good practice in tree management to members of the public through DEVB's tree website. In the recent initiative to further consolidate the relevant information for easy reference by private property owners, TMO was preparing the Handbook. Their management agencies and the owners' corporations might also make reference to the list of approved suppliers of materials and specialist contractors for public landscaping works when engaging contractors to undertake tree work.

70. Mr CHAN Kin-por enquired whether a list of qualified tree management personnel was available to assist owners' corporations and property management companies in engaging contractors for undertaking tree management works. DS/DEV(W)1 replied that a list of approved suppliers of materials and specialist contractors for public landscaping works, together with information about tree maintenance for private properties, was available on DEVB's tree website. In addition, the proposed Handbook would highlight trees owners' responsibilities in respect of engaging qualified professionals to undertake tree works, following standards and best practices and performing routine tree inspection. TMO would also remind property management companies to take appropriate measures to minimize the risk from trees before the onset of the wet season.

#### *Preservation of precious trees on private land*

71. The Deputy Chairman opined that the Guidelines might be useful reference for the maintenance of trees, but they did not provide advice on preservation of valuable trees on private land. He said that there was a complaint by some villagers in Yuen Long that more than 10 *Cinnamomum camphora* ("Camphor Trees") had been felled to make way for development works. No actions could be taken against the felling, as the Administration had no authority to manage the trees on private land. In this regard, the Deputy Chairman enquired what measures would be taken to enhance the awareness of private property owners on preservation of valuable trees within their premises. He suggested that the Administration should consider enacting legislation for preserving precious trees.



72. DS/DEV(W)1 replied that according to overseas experience, healthy or precious trees were valuable assets that would help enhance the value of the private premises within which they were planted. SDEV added that since the 1970's, the Administration had included tree preservation clauses in land leases as a lease condition. According to these clauses, the lessee was required to apply to the Lands Department for consent before felling of and interfering with any trees on his lot; since the 1980's, the Administration had included landscape clauses in land leases to encourage landscaping of private lots and proper management of plants located thereon; and for cases of redevelopment requiring planning approval or lease modification, there would be opportunities to impose conditions for tree preservation purposes. For other private lots, the Administration would continue to raise the awareness of tree management through public education and awareness programme.

#### *Register of trees on private land*

73. The Chairman asked whether the Register of Old and Valuable Trees ("OVTs") would record the old and valuable trees on private land so that the land owners concerned would be aware of the value of such trees within their premises. DS/DEV(W)1 responded that only OVTs on government land were qualified for inclusion in the Register of OVTs. For old and precious trees on private land, the Administration had started a study, with advice from the Expert Panel, to explore the applicability of the existing criteria for OVTs on government land to registering trees of similar value on private land.

74. Mr LEUNG Kwok-hung suggested that all trees on private land should be registered to facilitate the preservation of trees, in particular the old and precious ones. SDEV agreed to convey Mr LEUNG's suggestion to the Expert Panel for consideration.

#### Tree complaint mechanism

##### *Efficiency of the tree complaint mechanism*

75. Mr Albert CHAN expressed concern about the long time required for tree management departments to handle referrals and complaints. According to his experience, these departments were not able to give immediate and professional advice or assistance in response to complaints related to high-risk trees. He suggested that the Administration should assign one single department as the central agency to handle all tree-related complaints so as to improve the efficiency of the tree complaint mechanism.

76. With regard to an expedited process, Head/GLTMS/DEVB advised that under the revised Guidelines, a "TRIAGE" system, which was similar to a medical triage system, would be implemented to identify trees with the greatest need for priority care. This system would streamline the risk assessment workflow and allow the tree management departments to prioritize and undertake tree risk mitigation measures in an effective manner. SDEV said the Administration would review if certain processes, for example handling of tree-related public complaints/enquiries, could be improved.

*Handling of complaints/reports related to trees on private land*

77. Mr Albert CHAN opined that, similar to the Buildings Department's power to issue a closure order against a dangerous building structure to protect public safety, the Administration should have the authority to take actions against a risk arising from trees on private land. Mr LEUNG Kwok-hung shared Mr CHAN's view.

78. SDEV advised that in case of an emergency situation, the Fire Services Department would have the right to enter the land to take immediate remedial action.

79. Mr Albert CHAN said that, according to his experience, upon the receipt of a complaint/notification from members of the public about the identification of a high-risk tree on private land, the Administration would only inform the property owner(s) concerned about the risk. SDEV agreed to provide information on other actions the Administration would take to address such risk.

*(Post-meeting note: The Administration's supplementary information was circulated to members vide LC Paper No. CB(1)314/15-16(01) on 16 December 2015.)*

Supply of tree management professionals

80. Mr CHAN Kin-por was concerned whether the supply of personnel with professional qualifications and experience in tree management would be adequate to meet the increasing demand for tree inspection and maintenance works. DS/DEV(W)1 replied that there had been an increase in the supply of tree management personnel, in particular arborists, in recent years. However, should the requirements of tree management on private properties be substantially expanded in a short period of time, the supply of

qualified personnel would not be adequate to meet the demand from private property owners, their management agencies and owners' corporations. The Survey being conducted by the Administration would help guide the planning of capacity building of the industry.

81. The Chairman opined that the introduction of the revised Guidelines and the new Handbook would result in a stronger demand for local tree management personnel. DS/DEV(W)1 said that the Guidelines and the Handbook would progressively improve the standard of practice in tree management. It was expected that the shortage of qualified tree management personnel would be eased gradually. He added that imposing mandatory requirement on tree management for private properties at this stage might result in significant impact on both the demand and supply sides.

82. Ms Cyd HO was concerned that, subsequent to the introduction of the Guidelines, the Handbook and the future tree legislation, if the Administration failed to render adequate professional and technical assistance, private property owners would tend to remove trees without taking remedial measures to preserve them, so as to minimize the risk of being held legally liable for casualty or property loss arising from the trees within their properties. SDEV replied that GLTMS had made lots of efforts in training up tree management personnel, raising professional standard and offering professional support. Head/GLTMS/DEVB supplemented that GLTMS had progressively rolled out a series of training programmes to educate the public, especially the private property owners, their management agencies and owners' corporations, the concept of planting under the principle of "right tree right place". The recent issue of the newsletter on "right tree right place" is a good example. The Handbook would also be complemented with a public education and awareness programme to improve the standard of practice among all parties in the industry.

#### Selection of species of trees for planting

83. Referring to an incident in which tall trees planted on a thin soil layer in the Tamar Park had collapsed during a typhoon, Ms Cyd HO queried whether the Administration had followed the "Right Tree at Right Place" principle to select suitable tree species for planting. Head of Tree Management Office, Development Bureau ("Head/TMO/DEVB") said that soil layer with a thickness of around 1.5 metres was sufficient for planting a tree within the normal size range. Ms HO said that the information provided by Head/TMO/DEVB was inconsistent with TMO's public education materials and suggested that the materials be revised accordingly. Head/TMO/DEVB responded that correct information had all along been

delivered in their publicity and training programmes. As regards Ms HO's concern about tree failure during the typhoon season, Head/TMO/DEVB advised that the Administration would step up efforts in protecting trees from falling during the establishment period.

**VII Any other business**

84. There being no other business, the meeting ended at 5:35 pm.

Council Business Division 1  
Legislative Council Secretariat  
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