

立法會
Legislative Council

LC Paper No. CB(1)1443/16-17

(These minutes have been seen
by the Administration)

Ref : CB1/PL/DEV

Panel on Development

**Minutes of meeting
held on Monday, 26 June 2017, at 2:15 pm
in Conference Room 1 of the Legislative Council Complex**

Members present : Hon Tommy CHEUNG Yu-yan, GBS, JP (Chairman)
Hon Kenneth LAU Ip-keung, MH, JP (Deputy Chairman)
Hon Abraham SHEK Lai-him, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon CHAN Kin-por, BBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon LEUNG Kwok-hung
Hon Michael TIEN Puk-sun, BBS, JP
Hon Frankie YICK Chi-ming, JP
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon MA Fung-kwok, SBS, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, JP
Hon KWOK Wai-keung
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick

Dr Hon Junius HO Kwan-yiu, JP
Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon Wilson OR Chong-shing, MH
Hon CHAN Chun-ying
Hon Tanya CHAN
Hon HUI Chi-fung
Hon LUK Chung-hung
Hon LAU Kwok-fan, MH
Dr Hon CHENG Chung-tai
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho
Hon Nathan LAW Kwun-chung
Dr Hon YIU Chung-yim
Dr Hon LAU Siu-lai

Members absent : Hon WONG Kwok-kin, SBS, JP
Dr Hon KWOK Ka-ki
Hon HO Kai-ming
Hon SHIU Ka-chun
Hon CHEUNG Kwok-kwan, JP

Member attending : Hon James TO Kun-sun

[According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.]

Public officers attending : **Agenda item IV**

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

Ms Jacinta WOO Kit-ching
Deputy Director of Planning/District

Agenda item V

Mr Maurice LOO Kam-wah
Deputy Secretary (Planning and Lands)²
Development Bureau

Ms Jasmine CHOI Suet-yung
Principal Assistant Secretary (Planning and Lands)³
Development Bureau

Dr CHEUNG Tin-cheung, JP
Director of Buildings

Mr Dick YU Tak-cheung, JP
Deputy Director of Buildings

Mr Van HO Chun-hung
Assistant Director of Buildings/Existing Buildings ²

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

Staff in attendance : Miss Rita YUNG
Senior Council Secretary (1)²

Mr Raymond CHOW
Senior Council Secretary (1)⁶

Ms Mandy LI
Council Secretary (1)²

Ms Christina SHIU
Legislative Assistant (1)²

Action

- I Confirmation of minutes**
(LC Paper No. CB(1)1166/16-17 — Minutes of meeting on
25 April 2017)

The minutes of the meeting on 25 April 2017 were confirmed.

II Information papers issued since the last meeting

(LC Paper No. CB(1)1074/16-17(01) — Administration's paper on Sustainable Lantau Blueprint

LC Paper No. CB(1)1163/16-17(01) — Administration's paper on revision of fees and charges under Mines (Safety) Regulations, Cap 285B, Dangerous Goods (General) Regulations, Cap 295B, and Dangerous Goods (Government Explosives Depots) Regulations, Cap 295D under the purview of the Civil Engineering and Development Department

LC Paper No. CB(1)1167/16-17(01) — Administration's paper on Lifts and Escalators Ordinance (Cap. 618) Commencement Notices under Sections 14, 15, 19, 20, 21, 23, 25 and 26 of Schedule 16 in respect of Recognized Qualifications for Registered Engineer and Registered Worker

LC Paper No. CB(1)1196/16-17(01) — Letter dated 22 June 2017 from Hon LAU Kwok-fan on the collapse of a balcony of a residential building in Hung Hom on 21 June 2017)

2. Members noted that the above information papers had been issued since the meeting on 23 May 2017.

III Items for discussion at the next meeting

(LC Paper No. CB(1)1165/16-17(01) — List of outstanding items
for discussion

LC Paper No. CB(1)1165/16-17(02) — List of follow-up actions)

3. The Chairman said that since both the Deputy Chairman and himself had to attend the meeting of the Executive Council ("ExCo") in the morning of 18 July 2017, he suggested that the next regular meeting of the Panel originally scheduled for 18 July 2017 (at 9:00 am) be re-scheduled to Monday, 17 July 2017, from 8:45 am to 10:45 am. Dr Helena WONG considered it undesirable that the date of the meeting, which had been agreed by members at the first Panel meeting of the current legislative session, had to be re-scheduled. The Chairman explained that the meeting had to be re-scheduled due to the unforeseeable circumstances that both the Deputy Chairman and himself had been appointed non-official members of ExCo from 1 July 2017.

4. Members agreed to the re-scheduling of the meeting to 17 July 2017, and that the following items proposed by the Administration would be discussed:

- (a) Cost Management for Capital Works Projects;
- (b) Lifts and Escalators Ordinance (Cap. 618) Commencement Notices under Sections 14, 15, 19, 20, 21, 23, 25 and 26 of Schedule 16 in respect of Recognized Qualifications for Registered Engineer and Registered Worker;
- (c) Revision of Fees and Charges under Mines (Safety) Regulations (Cap. 285B), Dangerous Goods (General) Regulations (Cap. 295B), and Dangerous Goods (Government Explosives Depots) Regulations (Cap. 295D) under the Purview of the Civil Engineering and Development Department; and
- (d) Pier Improvement Programme.

(Post-meeting note: The Panel would continue the discussion on "Proposed amendments to the Buildings Ordinance (Cap. 123) for strengthening enforcement action against illegal domestic use in industrial buildings", agenda item V of this meeting, at the meeting on 17 July 2017. As requested by the Administration and with the concurrence of the Chairman, the item "Interim

Public Consultation on the Detailed Feasibility Study for Environmentally Friendly Linkage System for Kowloon East and Progress Report on Kai Tak Development", originally agenda item VI of this meeting but not discussed, has been included for discussion at the July meeting. The discussion on items (c) and (d) above will be deferred to a forthcoming meeting. Members were informed of the arrangement on 6 July 2017 vide LC Paper No. CB(1)1267/16-17.)

IV Creation and redeployment of Directorate posts in the Development Bureau and Planning Department to strengthen support for land use initiatives and district planning work

(LC Paper No. CB(1)950/16-17(03) — Administration's paper on creation and redeployment of Directorate posts in the Development Bureau and Planning Department to strengthen support for land use initiatives and district planning work)

5. At the invitation of the Chairman, Deputy Secretary (Planning and Lands)1, Development Bureau ("DS(PL)1/DEVB"), briefed members on the Administration's proposal to create (a) one supernumerary Administrative Officer Staff Grade C (D2) post, to be designated as Principal Assistant Secretary (Planning and Lands)7 ("PAS(PL)7"), up to 31 March 2022, and (b) one permanent Chief Town Planner ("CTP") (D1) post, to be designated as Chief Town Planner/Housing and Office Land Supply ("CTP/HOLS"); and redeploy an existing permanent CTP post, to strengthen manpower support to DEVB and the Planning Department ("PlanD") for land use initiatives and district planning work. Details of the proposal were given in the Administration's paper (LC Paper No. CB(1)950/16-17(03)).

Justification for the proposed creation and redeployment of the directorate posts

6. Mr YIU Si-wing said he was not sure whether any land owned by his company was involved in the Administration's land use reviews or land development projects. Expressing support for the staffing proposal, Mr YIU enquired: (a) whether the creation of the proposed posts would be adequate to handle the broad spectrum of work relating to land

development and land use planning; and (b) following the creation of the proposed posts, whether a further increase in manpower would be required to undertake such work.

[At 2:32 p.m., the Chairman left the meeting and the Deputy Chairman took over the chair. The Chairman resumed the chair at 2:35 p.m.]

7. DS(PL)1/DEVB responded that the proposed supernumerary PAS(PL)7 post would be responsible for coordinating a spectrum of planning matters, including various land use policies such as formulation of brownfield policy framework and related studies; rural land use control; and economic and industrial land use planning. The post would also oversee the study on Agricultural Priority Areas in collaboration with the Food and Health Bureau. The Administration considered that the current proposal for creating the PAS(PL)7 post for a period of 5 years was suitable and would review the relevant workload in due course.

8. Mr WU Chi-wai said that the information provided by the Administration on the staffing proposal was insufficient and he had yet to decide whether to support the proposal. Noting that a number of studies/surveys on brownfield sites (i.e. the Study on Existing Profile and Operations of Brownfield Sites in the New Territories ("the Brownfield Survey")) and the studies on accommodating brownfield operations in multi-storey building ("MSB")) were underway and targeted for completion in 2018, Mr WU enquired about the target of the creation of the proposed PAS(PL)7 post in respect of work achievement, and whether the post holder would have to wait for the results of the aforementioned studies before starting his/her work relating to the formulation of a policy framework for handling brownfield sites. He also sought clarification from the Administration on whether PAS(PL)7 would oversee the enforcement actions against illegal land uses.

9. DS(PL)1/DEVB advised that pending the completion of the Brownfield Survey and the studies on accommodating brownfield operations in MSB, there was a need to start formulating a policy framework to tackle brownfield sites in parallel in order to expedite the work in this area. Given the scope and complexity of the multi-faceted issues to be involved in the formulation of the said policy framework, the post of PAS(PL)7 was proposed to take forward the substantial workload. The need and urgency of formulating a holistic brownfield policy framework had indeed been mentioned by the incumbent Secretary for Development when he briefed the Panel on 23 May 2017 on the

Administration's proposal to extend the current ex-gratia allowance ("EGA") arrangement for eligible business undertakings affected by the Government's development clearance exercises. While PAS(PL)7 would oversee the policy on rural land use control under the Town Planning Ordinance (Cap.131) ("TPO"), PlanD would take enforcement actions against illegal land uses on brownfield sites.

10. Mr Abraham SHEK said that he had reservation on the staffing proposal. The Chief Executive had informed the public via his 2017 Policy Address that the Administration had been implementing a series of measures to increase land supply. Yet, according to the Administration's paper, a large number of studies relating to land supply had yet to be conducted or completed. Mr SHEK queried how the creation of one supernumerary post would help accelerate the Administration's work on increasing land supply, in particular, meeting the housing supply target of 460 000 units in the next 10 years.

11. DS(PL)1/DEVB explained that the policy for tackling brownfield sites was currently undertaken by Principal Assistant Secretary (Planning and Lands)2 ("PAS(PL)2") under the Planning Division of DEVB. PAS(PL)2 had already been overloaded with her existing work portfolio, including formulating the overall land supply strategy, land use reviews and planning studies, implementation of TPO including the town planning process and enforcement issues, and providing secretariat support to the Steering Committee on Land Supply and the Committee on Planning and Land Development. It was not possible for PAS(PL)2 to absorb the new and substantial workload arising from the formulation of policy framework for tackling brownfield sites. It was also not possible for the new task to be taken up by other teams in the Planning Division of DEVB which had already been stretched to their limits.

12. Mr Abraham SHEK remained unconvinced and queried the justification for creating the two directorate posts whereas the Brownfield Survey and the MSB studies were still underway. He also criticized the Administration for failing to update the relevant planning standards to make preparation for land planning beyond 2030.

13. Mr LEUNG Che-cheung and Mr Wilson OR asked about the expected effectiveness of the creation of the proposed supernumerary post of PAS(PL)7 in terms of tackling the issues and taking forward the policy initiatives relating to increasing land supply. Mr LEUNG asked whether the duties and work of the proposed PAS(PL)7 post would be completed within the proposed duration of the supernumerary post (up to

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31 March 2022). DS(PL)1/DEVB advised that PAS(PL)7 post would take forward the substantial work relating to the formulation of a holistic brownfield policy framework with the support of PlanD and the Civil Engineering and Development Department. At the request of the Chairman, the Administration would provide a written response to the questions raised by Mr LEUNG and Mr OR after the meeting.

14. Mr LAU Kwok-fan said that members belonging to Democratic Alliance for the Betterment and Progress of Hong Kong supported the staffing proposal in principle. Given that DEVB was currently handling the issues relating to brownfield sites, he asked about the changes expected by the Administration, in terms of effectiveness of work, by the creation of the PAS(PL)7 post, and whether PAS(PL)7 would oversee the EGA arrangement for eligible business undertakings affected by the Government's development clearance exercises. DS(PL)1/DEVB replied that PAS(PL)7 would be responsible for overseeing economic and rural land use planning policies, focusing on the formulation of a comprehensive policy on brownfield sites and overseeing the related studies.

15. Mr Jeremy TAM said that members belonging to the Civic Party had not yet decided on whether to support the staffing proposal. He recalled that the Chief Executive-elect had advocated in her Election Manifesto that the Government's structure would need to be adjusted. For example, land and housing issues, currently under the purview of DEVB and the Transport and Housing Bureau ("THB") respectively, should be merged into the purview of one single bureau. Mr TAM asked whether the Administration had taken into account the aforesaid possible re-structuring in formulating the staffing proposal.

16. DS(PL)1/DEVB responded that the Government was committed to increasing and expediting land supply as an ongoing initiative. Since releasing and making optimal use of brownfield sites was one of the main directions in increasing land supply in the medium to long term, there was a genuine need to create the proposed posts to handle the additional workload arising from various land supply initiatives.

17. Referring to Enclosures 2 and 4 to the Administration's paper, Mr Jeremy TAM queried why one of the existing job duties of PAS(PL)2, i.e. implementation of measures to encourage revitalization of older industrial buildings and promote district-base regeneration of former industrial areas, was not included in the revised job description for the post. DS(PL)1/DEVB explained that the Government had introduced a

series of time-limited revitalization measures from 2010 to 2016 to optimize the use of old industrial buildings during the economic restructuring period. The proposed PAS(PL)7 post would be responsible for overseeing the policy on economic and industrial land use planning. This also included regular reviews on the use of industrial land in Hong Kong, i.e. the Area Assessments of Industrial Land in the Territory ("Area Assessments").

18. Mr LUK Chung-hung said that members belonging to the Hong Kong Federation of Trade Unions supported the staffing proposal in principle. He considered it necessary to create the supernumerary PAS(PL)7 post to lead a new policy team under the Planning Division of DEVB, given that the Administration should tackle brownfield sites on a holistic basis. Noting that the completion of the Brownfield Survey and the MSB studies was targeted at 2018, Mr LUK enquired whether the creation of the PAS(PL)7 post would speed up the progress of the survey/studies. He called on the Administration to adopt "multiple uses" (一地多用) development for existing land to ensure optimization of land resources.

19. DS(PL)1/DEVB replied that the Administration intended to provide a progress update on the aforementioned survey/studies in the course of consulting stakeholders on the proposed policy for tackling brownfield sites. Regarding Mr LUK's suggestion on "multiple uses" of land sites, Deputy Director of Planning/District ("DD(D)/PlanD") advised that flexibility in land use was already allowed under the planning regime, and the Administration would ensure that land resources were used effectively.

20. Noting that issues relating to brownfield sites cut across various policy areas and involved vastly different considerations spanning over the purview of many bureaux and departments ("B/Ds") (including DEVB, THB and the Environment Bureau ("ENB"), etc.), the Deputy Chairman enquired whether the Administration had considered setting up an inter-departmental working group instead of creating one directorate post (PAS(PL)7) to tackle the issues.

21. DS(PL)1/DEVB responded that the Government had established an inter-bureaux/departments task force (with representatives from DEVB, THB and ENB) on brownfield operations in 2014, exploring the appropriate policies and measures to handle brownfield operations. PAS(PL)7 would provide secretariat support to the aforementioned task force.

22. The Deputy Chairman noted that the proposed PAS(PL)7 post would be supported by a dedicated team comprising four non-directorate staff. He enquired whether the manpower of the team would be adequate to support PAS(PL)7's work on engaging stakeholders in formulating a policy framework for handling brownfield sites.

23. DS(PL)1/DEVB advised that the proposed establishment of the new team was similar to that of other teams under the Planning Division of DEVB. PAS(PL)7 would be responsible for taking the lead in engaging various stakeholders throughout the process of formulating a policy framework and related measures for tackling brownfield sites.

24. Mr LUK Chung-hung and Mr Wilson OR opined that PAS(PL)7 should take a proactive role in coordinating the work of various government departments in making effective use of land resources. Mr OR asked whether PAS(PL)7 would facilitate the building of a general consensus in the society on how to tackle brownfield related issues. DS(PL)1/DEVB replied in the affirmative.

Duties of the Housing and Office Land Supply Section of the Planning Department

25. Mr YIU Si-wing enquired whether the planning of land for warehouse use fell under the purview of the HOLS Section and whether any industrial land would be released for hotel development. DD(D)/PlanD advised that the proposed CTP/HOLS post would oversee and monitor in-house land use reviews (including review of different land use zones, vacant school premises ("VSP"), reservation and de-reservation of government, institution or community sites, etc.) with a view to identifying more suitable sites for housing, commercial and industrial land uses. The HOLS Section was tasked to undertake site-specific and wider-area planning studies, assessments and reviews (such as Planning and Design Study on the Redevelopment of Government Sites at Sai Yee Street and Mong Kok East Station, Preliminary Land Use Study for Lam Tei Quarry and the Adjoining Areas). Apart from conducting regular reviews on the use of industrial land in Hong Kong, the HOLS Section would keep track of various sites, including those used as warehouses, and assess their suitability for specific policy-driven industrial land uses from time to time. DS(PL)1/DEVB supplemented that when planning for the land use requirements of specific policy-driven industrial land uses, DEVB would liaise closely with relevant policy bureaux responsible for the relevant sector.

26. Mr LAU Kwok-fan enquired whether any recommendations following the HOLS Section's reviews on the use of industrial land had been submitted to the Town Planning Board ("TPB"). Mr Wilson OR cast doubt on the need to maintain the operation of the HOLS Section. He noted that the HOLS Section had already undertaken three rounds of reviews on VSP, covering a total of 183 such premises returned from the Education Bureau ("EDB"). He sought information on the number of VSP which were yet to be returned by EDB.

27. In response, DD(D)/PlanD said that as a result of the 2014 Area Assessments, some sites such as those in On Lok Tsuen, Fanling had been recommended for retention for industrial use. Proposals to enhance the development potential of relevant sites had been agreed to by TPB. She also explained that the HOLS Section had been set up in April 2012 under the Special Duties Division of PlanD. The Section was headed by a supernumerary CTP post created for 5 years up to 31 March 2017. The Administration considered it necessary to maintain on a long-term basis a dedicated HOLS Section in PlanD to undertake on-going land use reviews and the subsequent procedures to ensure site delivery.

Arrangements for affected brownfield operations

28. Mr Frankie YICK said that members belonging to the Liberal Party supported the staffing proposal. Pointing out that the existing brownfield sites were being used for various economic activities, Mr YICK was concerned whether the 24 hectares ("ha") of land reserved in the proposed Hung Shui Kiu ("HSK") New Development Area ("NDA") would be sufficient to accommodate the industrial operations currently relying on brownfield sites in the area as their operating space. He enquired whether the Administration would adopt the "rehousing before clearance" approach in relocating brownfield operations affected by government development projects.

29. In response, DS(PL)1/DEVB said that in order to better understand the nature and operation of the affected brownfield operations within the HSK NDA boundary and Yuen Long South, a survey on those operations had been carried out from August to November 2015. Meanwhile, the Administration had commissioned feasibility studies on accommodating and consolidating brownfield operations in a land-efficient manner, such as using MSBs, taking HSK NDA as a pilot case. Apart from MSBs, the Administration would not rule out the possibility and need for accommodating certain operations with genuine difficulties to move into

MSBs on suitable industrial land. To facilitate the development of HSK NDA, the Administration had reserved about 24 ha of land in the northern part of HSK NDA for brownfield-related operations, and would explore other potential sites in nearby areas.

30. DS(PL)1/DEVB further advised that the Administration had commissioned the Brownfield Survey to examine the overall distribution and uses of brownfield sites in the New Territories. The study findings would provide more detailed information about brownfield sites and operations thereon over the territory. The findings would provide useful inputs to the Government in formulating appropriate policies for tackling brownfield sites, including devising appropriate planning and consolidation strategy for brownfield sites in different areas, and exploring feasible and viable measures to accommodate brownfield operations still needed locally. The Government would in due course engage relevant stakeholders on the proposed policy framework for tackling brownfield sites.

31. Mr Frankie YICK stressed that it was important for the Administration to consider accommodating certain operations which could not be moved into MSBs on suitable industrial land. He called on the Administration to collect and consider the views of the industry seriously when formulating a policy for tackling brownfield sites. DS(PL)1/DEVB said that there were different types and nature of brownfield operations, including active operations such as port back-up, logistics, recycling, construction industry, vehicle repairing/body building, as well as less active uses such as general storage. Many of the brownfield operations were serving essential functions to support various economic sectors or industries that were still needed locally. The Government would consider how these operations could be accommodated in a more land-efficient manner in the long run.

Admin 32. Mr Frankie YICK requested the Administration to provide progress updates on (a) the Brownfield Survey; (b) the feasibility studies on MSBs for accommodating brownfield operations; and (c) other studies/surveys on brownfield sites, in particular, those related to the development of HSK and Yuen Long South. Mr Nathan LAW expressed reservation on the staffing proposal. He requested that the Admin Administration should provide information regarding the direction and progress of the study on brownfield policy to facilitate members' consideration of the proposal.

Land uses

33. Dr Fernando CHEUNG said that he had reservation on supporting the proposal. While the Administration had increased the supply of housing, it had not correspondingly increased community facilities. Dr LAU Siu-lai shared Dr Fernando CHEUNG's views. Dr Fernando CHEUNG enquired: (a) how the proposed posts would help strike a balance between the provision of housing and community facilities; and (b) whether the Administration had established a dedicated office for monitoring and expediting the supply of land for community and welfare facilities, medical services, education, etc.

34. DD(D)/PlanD responded that the Hong Kong Planning Standards and Guidelines ("HKPSG") set out the Government's requirements for the scale, location and site of various community facilities, and provided general guidelines to ensure that, during the planning process, the Government would reserve adequate land to facilitate social and economic development and provide appropriate public facilities to meet the needs of the community.

35. Dr Fernando CHEUNG held the view that HKPSG did not incorporate planning standards for the provision of residential care homes for the elderly and persons with disabilities. He expressed concern about the lack of the aforesaid facilities within NDAs. DS(PL)1/DEVB advised that relevant B/Ds would formulate, review and update the planning standards and guidelines as appropriate, taking into account established policies and relevant development requirements. For instance, the Government had tasked the Elderly Commission in 2014 with the formulation of an Elderly Services Programme Plan ("ESPP") to strengthen the medium-to-long-term planning of elderly services. One of the initial recommendations was to strengthen the forward planning of elderly services, including reinstating the population-based planning ratios for facilities for the elderly in HKPSG. PlanD would work closely with the Labour and Welfare Bureau and the Social Welfare Department to follow up the recommendations of ESPP.

36. Dr LAU Siu-lai said that she needed to consider other members' views before deciding on whether to support the staffing proposal. Citing the planning for Tung Chung as an example, she criticized that the collaboration among various government departments in providing community facilities in a new housing development was poor. She enquired whether the proposed CTP/HOLS post would be responsible for

coordinating the work of various government departments to ensure that community facilities in a new housing development would be completed in time to cater for the needs of the residents. Mr Nathan LAW was concerned whether the posts proposed to be created would help identify more suitable sites for use as recreational and open space, such as following up some outstanding leisure and cultural services projects of the former municipal councils.

37. In response, DD(D)/PlanD said that CTP/HOLS would closely monitor the overall land supply for various uses in Hong Kong. On the provision of open space and community facilities, PlanD was responsible for the planning and reservation of suitable land for such purpose. PlanD would liaise with relevant B/Ds on various technical assessments and statutory procedures required for each site to facilitate timely provision of the required community facilities, subject to individual programmes.

Vacant school premises

38. Mr Nathan LAW considered that the progress of the Administration's work on reviewing the alternative uses of VSP sites was slow. He enquired whether the Administration would conduct a review on the Central Clearing House mechanism to achieve efficient allocation of VSP sites to potential users; if yes, the details; if no, the reason.

39. DD(D)/PlanD responded that under the Central Clearing House mechanism, PlanD would consider suitable long-term alternative uses (e.g. government, institution or community, residential and other uses) for the VSP sites returned from EDB. In accordance with the prevailing procedures, PlanD would seek advice from the relevant B/Ds regarding proposals on the long-term use of VSP sites. Upon confirmation on the long-term uses of these sites, PlanD would inform the departments concerned of the recommendations for their follow-up as appropriate. Since 2012, PlanD had conducted three rounds of review of VSP sites, while from 2016 an annual review was being conducted. In May 2017, PlanD published a list of VSP sites with their long-term uses reviewed under the Central Clearing House mechanism for public information. The Administration would provide a written response to Mr Nathan LAW's question on the Central Clearing House mechanism.

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40. Mr KWONG Chun-yu enquired: (a) whether the posts proposed to be created would be responsible for coordinating various government departments in reviewing the VSP sites and to facilitate cultural, arts and

sports groups to use such sites; and (b) whether the reviewed sites would be recommended for use for cultural, arts and sports purposes.

41. DD(D)/PlanD advised that same as the procedure for considering the requests for use of other government sites, if any organization wished to use a VSP site handled under the Central Clearing House mechanism for a long-term purpose, PlanD would consider whether the proposed use would comply with the site's recommended long-term land use, the planning intention of the land use zoning on the relevant Outline Zoning Plan, and the surrounding land uses in the vicinity of that site, and so on. If the proposed long-term use complied with the above planning considerations, the relevant organization might, after obtaining the support of the relevant policy bureau, submit an application to the department responsible (such as the Lands Department) for use of the site.

Vacant government land

42. Dr YIU Chung-yim said that he supported the staffing proposal in principle. He sought details of the additional non-directorate posts to be created to support the work of the proposed posts of PAS(PL)7 and CTP/HOLS. Furthermore, he suggested that: (a) PAS(PL)2 should also coordinate the utilization of idle government land; (b) PAS(PL)7 should review the legislation concerning enforcement action against unauthorized developments on land in designated development permission area under TPO, and formulate a policy on rural land development; and (c) the District Planning Officer/Fanling Sheung Shui & Yuen Long East ("DPO/FS&YLE") should adopt a "bottom-up" approach in seeking the views of various stakeholders on land development proposals.

43. DS(PL)1/DEVB advised that for individual sites of unleased or unallocated government land identified with potentials for residential or other developments, the Administration would review and assess its development feasibility in accordance with the established mechanism. DD(D)/PlanD supplemented that DPO/FS&YLE would consult various stakeholders including local residents, as required, in the planning process in accordance with the established practice. The Administration undertook to provide the information requested by Dr YIU after the meeting.

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44. Mr Michael TIEN asked whether the Chairman would draw a line to end the discussion on the item and proceed to dealing with the

remaining items on the agenda. The Chairman said that while the Administration had suggested that four items be put on the agenda and the meeting could not be extended as it would be followed immediately by a meeting of the Panel on Education, he considered that members should be given the opportunity to express their views or raise questions on an agenda item. Mr TIEN urged the Administration not to put forward too many topics for the agenda of a Panel meeting in the future.

Summing up

45. Concluding the discussion, the Chairman said that some members supported the Administration's submission of the staffing proposal to the Establishment Subcommittee for consideration, whereas some members had reservation on the proposal.

V Proposed amendments to the Buildings Ordinance (Cap. 123) for strengthening enforcement action against illegal domestic use in industrial buildings

(LC Paper No. CB(1)1165/16-17(03) — Administration's paper on proposed amendments to the Buildings Ordinance (Cap. 123) for strengthening enforcement action against illegal domestic use in industrial buildings

LC Paper No. CB(1)1165/16-17(04) — Paper on enforcement actions against illegal domestic premises in industrial buildings prepared by the Legislative Council Secretariat (Background brief))

46. At the invitation of the Chairman, Deputy Secretary (Planning and Lands)2, Development Bureau ("DS(P&L)2/DEVB"), briefed members on the Administration's proposal of amending the Buildings Ordinance (Cap. 123) ("BO") for strengthening the enforcement actions against illegal domestic use in industrial buildings ("IBs"). Under the proposal, a new criminal offence would be created for the owners, tenants, lessees, persons in charge, etc. ("owners etc.") of the IB premises who used, or

knowingly allowed other persons to use, the premises for illegal domestic purpose and any persons (e.g. agents) who aided and abetted the owners etc. However, inhabitants who merely resided in the IB premises without owning them would be specifically exempted from the new criminal offence. Details of the proposal were given in the Administration's paper (LC Paper No. CB(1)1165/16-17(03)).

Enforcement actions against illegal domestic premises in industrial buildings

47. Dr Fernando CHEUNG asked about the expected effectiveness of the strengthened enforcement actions against illegal domestic premises in IBs (including the expected number of such premises to be identified and the expected number of households to be affected by the strengthened enforcement actions every year) if the proposed legislative amendment was put into practice.

48. DS(P&L)2/DEVB stressed that the use of the IB premises for domestic purpose was illegal both under the existing regulatory regime and after the proposed legislative amendment came into effect. However, it was envisaged that the introduction of the proposed amendment could enhance the deterrent effect on owners etc. who intentionally allowed other persons to use the IB premises for illegal domestic purpose.

49. Referring to the proliferation of small workshop units in IBs with many of them being used as illegal domestic premises, Mr LAU Kwok-fan sought explanation from the Administration on why the Buildings Department ("BD") had approved the building plans of these workshop units. Mr LEUNG Che-cheung made a similar enquiry.

50. Director of Buildings ("D of B") explained that starting from June 2016, BD had tightened the criteria when vetting and approving the building plans of these workshop units. For instance, it was required that natural lighting and ventilation should be provided to toilets within individual workshop units and associated internal pipe ducts should be included in gross floor area calculation. He undertook to provide the information requested by Mr LAU after the meeting.

(Post-meeting note: The Administration's supplementary information was issued to members vide LC Paper No. CB(1)1310/16-17(01) on 13 July 2017.)

51. Dr YIU Chung-yim enquired how the provisions under the proposed amendment would be defined to provide for a new criminal offence for those using the IB premises for illegal domestic purpose, while exempting those underprivileged who merely resided therein from the offence.

52. DS(P&L)2/DEVB advised that the legislative intent of the proposal was to exempt those who merely resided illegally in an IB premises and were not owners of that premises themselves from the proposed new criminal offence. The Department of Justice ("DoJ") was being consulted on the wording of the provisions in order to achieve the legislative intent.

53. Mr Frankie YICK asked if owners etc. who unknowingly allowed other persons to use the IB premises for illegal domestic purpose would be liable for the new criminal offence or not; if they were not liable, the owners etc. could evade their liability by engaging agents to rent out their premises and claiming that they were innocent. Moreover, he opined that the proposed new provisions should be strictly applied to first-time offenders.

54. DS(P&L)2/DEVB replied that only those who used, or knowingly allowed other persons to use, the IB premises for illegal domestic purpose would be liable for the proposed new criminal offence. For example, the owners etc. concerned would be regarded as having actual knowledge of their premises being used for illegal domestic purpose after BD had notified them of such illegal use. If they continued to allow such illegal use, they would likely be liable for the new offence. That said, DoJ would need to take into account the evidence of the case and other relevant factors when determining whether to instigate prosecution against the owners etc.

55. Mr LEUNG Che-cheung asked what action the Administration would take to combat the letting or subletting of IB premises for illegal domestic purpose (e.g. imposing an encumbrance on the premises or expropriating them) before the proposed legislative amendment came into effect.

56. D of B responded that at present in the course of taking enforcement actions, BD would issue statutory orders to the owners of the IB premises and register the orders at the Land Registry (commonly known as "imposing an encumbrance on the premises").

57. Mr Alvin YEUNG opined that, in view of the insufficient manpower of BD for carrying out the enforcement actions against illegal domestic premises in IBs, BD should strengthen its manpower resources to cope with the increased workload arising from the implementation of the proposed legislative amendment.

58. DS(P&L)2/DEVB advised that while BD could at present apply for a warrant from a magistrate for entering or breaking into an IB premises if there were reasonable grounds for suspecting that the premises might be used for illegal domestic purpose, BD had to provide evidence that previous attempts for entry had been refused or could not be gained despite repeated visits. Such a requirement made it ineffective for BD to conduct surprise inspections on IBs. Therefore, the Government proposed empowering BD officers to apply for a court warrant to effect entry to an IB premises if BD reasonably believed that the premises concerned was being illegally used for domestic purpose. D of B supplemented that, under the proposed legislative amendment, as BD officers would no longer be required to pay repeated visits before applying for a court warrant, the manpower saved could be used on taking more enforcement actions. That said, BD would seek additional manpower resources if necessary.

59. Mr Alvin YEUNG requested the Administration to provide the following information: (a) the total number of IBs in Hong Kong; (b) the number of buildings in (a) inspected by BD for the past four years; and (c) the number of buildings found to include units used for storing dangerous goods.

(Post-meeting note: Mr Alvin YEUNG wrote to the Panel Chairman on 28 June 2017 requesting information from the Administration on the storage of dangerous goods in IBs. Mr YEUNG's letter (Chinese version only) and the Administration's response were issued to members vide LC Papers Nos. CB(1)1284/16-17(02) and (03) respectively on 11 July 2017.)

60. Mr Frankie YICK noted that out of the 232 statutory orders issued by BD in relation to illegal domestic use of IBs up to end-2016, 192 orders had been discharged, and 30 prosecutions had been instigated against individuals for non-compliance with statutory orders. He asked whether the said 30 prosecutions were included in the 40 orders that had not been discharged.

61. D of B replied that up to May 2017, out of the said 40 orders, 23 orders had been discharged, one prosecution had been instigated, while the remaining 16 prosecutions were being processed.

Rehousing arrangements for displaced tenants

62. Mr LAM Cheuk-ting, Mr Michael TIEN, Dr Fernando CHEUNG and Dr YIU Chung-yim recognized the need to combat illegal domestic use in IBs in view of the high safety risks of residing in these buildings. Yet, they were dissatisfied with the inadequate rehousing support provided by the Administration for the inhabitants residing in IBs, who were usually the underprivileged. They were worried that the proposed legislative amendment would simply render these inhabitants homeless as the owners etc., for fear of prosecution, would no longer be willing to let IB premises to those in need of housing.

63. Mr LAM Cheuk-ting sought information from the Administration about the number of persons residing in IB premises in Hong Kong. Mr Michael TIEN asked whether the Administration would consider introducing a partial rent control regime to keep the rentals of residential units at a level affordable to the underprivileged; if no, the reasons.

64. DS(P&L)2/DEVB explained that the Census and Statistics Department had previously attempted to collect information about the number of persons residing in such premises in the 2016 bi-census but was not able to do so due to the low response rate. Therefore, the Government did not have statistics regarding the population now illegally residing in IBs.

65. DS(P&L)2/DEVB emphasized that the use of IB premises for domestic purpose was already illegal both under the existing regulatory regime and after the proposed legislative amendment came into effect. He further advised that under the current policy, persons affected by Government's enforcement actions would need to find their own accommodation. That said, it was also Government's policy that no one would be rendered homeless as a result of BD's enforcement actions. For those residing in IB premises who were rendered homeless due to BD's enforcement actions and had temporary accommodation need, they might be accommodated in the Hong Kong Housing Authority's Transit Centre. If these persons had stayed in the Transit Centre for three months, passed the "homeless test" and fulfilled the eligibility criteria for public rental housing ("PRH"), they could be admitted to the Interim Housing while awaiting PRH. He undertook to provide a written

response to the question of Mr TIEN after the meeting.

(Post-meeting note: The Administration's written response was issued to members vide LC Paper No. CB(1)1310/16-17(01) on 13 July 2017.)

66. Mr LAM Cheuk-ting opined that the affectees might find the Transit Centre or the Interim Housing unsuitable temporary dwelling places. He urged the Administration to register and rehouse the persons residing in IB premises by making reference to the policy for clearing unauthorized squatter structures and rehousing squatter occupants. Pointing out that BD had eradicated 84 illegal domestic premises in IBs since 2014 but only 12 persons had been admitted into the Transit Centre in the end, Dr Fernando CHEUNG considered that the rehousing arrangements had failed to address the housing need of the displaced tenants. Mr Wilson OR expressed a similar concern on the rehousing arrangements for the inhabitants residing in IB premises.

67. Regarding the suggestion of registering all persons residing in IB premises, DS(P&L)2/DEVB replied that unlike identifying unauthorized squatter structures, it was difficult for BD officers to confirm the existence of illegal domestic premises in IBs through visual inspection outside such premises.

Conversion of industrial buildings for the provision of transitional accommodation

68. Mr Michael TIEN, Mr LAU Kwok-fan and Dr YIU Chung-yim enquired if the Administration would consider facilitating the conversion of IBs into compliant transitional accommodation, such as by re-zoning an industrial area as a residential area, to meet the pressing housing need of the community; if no, the reasons.

69. DS(P&L)2/DEVB responded that the Government had previously studied the proposal of converting IBs into transitional accommodation in the context of the relevant regulatory regimes, including BO, TPO and land leases. Given the difficulties involved, e.g. incompatibility between domestic use and active industrial operation in an area, the need to meet the various building requirements conducive to the safety and health of the inhabitants therein, the Government considered the proposal not practicable and had reported so to the Legislative Council in 2013. He undertook to provide a written response to the aforesaid question after the meeting.

(Post-meeting note: The Administration's written response was issued to members vide LC Paper No. CB(1)1310/16-17(01) on 13 July 2017.)

70. At 4:21 pm, taking in view that 11 members were waiting to speak on the agenda item, the Chairman advised that the discussion on the item would be continued at the next meeting. Mr Abraham SHEK suggested that the Chief Secretary for Administration should attend the next meeting to discuss the issues related to the item with Panel members. Mr CHAN Chi-chuen urged the Administration not to include too many agenda items for a Panel meeting in future.

(Posting-meeting note: Dr Hon LAU Siu-lai wrote to the Panel Chairman on 26 June 2017 requesting that representatives of the Housing Department should attend the next meeting to discuss the issues related to the proposed legislative amendment. The letter (Chinese version only) was issued to members vide LC Paper No. CB(1)1284/16-17(01) on 11 July 2017. A representative of the Housing Department attended the meeting of the Panel on 17 July 2017.)

VI Any other business

71. There being no other business, the meeting ended at 4:28 pm.

Council Business Division 1
Legislative Council Secretariat
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