

Panel on Development

List of outstanding items for discussion

(Position as at 24 June 2019)

**Proposed timing
for discussion/
Remarks**

(Please also refer to items of Public Works Programme on pages 14 to 16)

1. Standards of glass windows of buildings for resisting adverse weather

The Administration will brief members on the prevailing standards and regulations relating to glass windows including glass curtain wall systems of buildings under the Buildings Ordinance (Cap. 123) in face of the adverse weather.

July 2019
(Note)

Note: At the Panel meeting on 11 October 2018, Dr Hon Helena WONG suggested discussion on the standards and regulations relating to the construction of glass curtain walls and windows under the Buildings Ordinance (Cap. 123) and its subsidiary legislation, with particular focus on whether the prevailing standards were adequate to ensure safety during strong typhoons.

2. Flood management measures for typhoon season

The Administration will brief members on the flood management measures in response to the adverse weather during typhoon season.

July 2019

3. Proposed Member's Bill to amend the Waterworks Regulations (Cap. 102 sub. leg. A)

Hon Alice MAK Mei-kuen wrote to the Panel on 10 January 2019 (LC Paper No. CB(1)453/18-19(01)) requesting the Panel to discuss

To be decided
(Note)

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a proposed Member's Bill to amend the Waterworks Regulations ("WWR") (Cap. 102 sub. leg. A) to prohibit a consumer from profiteering from the sale of water provided by the Water Authority from the waterworks.

Note: The Administration is conducting a holistic review on the Waterworks Ordinance (Cap. 102) and WWR including an assessment on the implication of Hon Alice MAK's proposed Member's Bill on public expenditure and the operation of the government. The Administration suggests that the item be discussed after the assessment is completed.

4. Proposed Construction Industry Security of Payment Bill

An information paper prepared by the Administration on "public consultation on proposed security of payment legislation for the construction industry" (LC Paper No. CB(1)1033/15-16(01)) was circulated to members on 14 June 2016.

To be decided

The Administration plans to consult Panel members on the legislative framework of the proposed Construction Industry Security of Payment Bill.

5. Fresh water supply in remote villages

This issue was raised by Hon Alice MAK and Hon TANG Ka-piu in December 2013. Ms MAK and Mr TANG expressed their concerns on the lack of fresh water supply in remote villages in their two joint letters to the Panel Chairman (LC Paper Nos. CB(1)605/13-14(01) and 879/13-14(01)). The Administration's written response has been circulated to members vide LC Paper No. CB(1)732/13-14(01).

To be decided

At the Panel meeting on 15 October 2015, Hon Alice MAK urged that the Administration

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should discuss the subject with the Panel as soon as possible.

At the Panel meetings on 18 October 2016 and 12 October 2017, Hon Alice MAK reiterated her request that the Administration should discuss the subject with the Panel as soon as possible.

In his letter to the Panel Chairman dated 28 October 2016 (LC Paper No. CB(1)50/16-17(01)), Hon Kenneth LAU suggested that matters related to the supply of fresh water, electricity and sewerage systems to remote villages be discussed by the Panel.

On 7 November 2016, Dr Hon Elizabeth QUAT wrote to the Chairman (LC Paper No. CB(1)87/16-17(01)) to make a similar suggestion.

On 18 April 2017, a paper from the Administration (LC Paper No. CB(1)827/16-17(01)) on treated water supply for remote villages was issued to members.

6. Unauthorized building works in New Territories Exempted Houses ("NTEHs")

At the Panel meeting on 15 October 2015, Dr Hon KWOK Ka-ki suggested that the Administration should update the Panel on the enforcement actions that had been taken against unauthorized building works in New Territories Exempted Houses and the way forward for dealing with these unauthorized works. Dr KWOK reiterated this suggestion at the Panel meeting on 12 October 2017, and urged the Administration to provide a concrete timetable for discussion with the Panel on relevant issues within the 2017-2018 session.

To be decided
(Note)

Note: The Administration advises that the enforcement policy against unauthorized building

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works ("UBWs") in NTEHs has been put in place since 2012, and there has been no change in the policy since then. The Buildings Department has been reporting the progress of enforcement actions taken against UBWs in NTEHs on a regular basis in its Controlling Officer's Report and during the scrutiny of the annual Appropriation Bill.

7. Problems arising from sub-divisions of flat units and measures to tackle the problems

At the meeting between Legislative Council Members and Yau Tsim Mong District Council members on 29 January 2015, the problems arising from sub-divisions of flat units (commonly known as "sub-divided units") and measures to tackle the problems were discussed. Yau Tsim Mong District Council members considered it important for the Administration to step up regulation of "sub-divided units" and suggested that, to enable the Buildings Department and other law enforcement authorities to take effective enforcement actions against irregularities, the Administration should draw up clear definitions in the relevant legislations (such as the Buildings Ordinance (Cap. 123) and the Building Management Ordinance (Cap. 344)) to differentiate "sub-divided units" from "cubicle apartments" and other accommodations.

To be decided
(Note)

Legislative Council Members attending the meeting agreed that the issues should be referred to the Panel on Development for consideration and follow-up. The referral memorandum has been circulated to Panel members vide LC Paper No. CB(1)704/14-15(01).

Panel members agreed at the meeting on 28 April 2015 that the subject matter be included in the Panel's "list of outstanding items for discussion", and wished to be briefed on the Administration's latest position on the issues.

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Note: The Administration advises that in recent years it has briefed the Legislative Council ("LegCo") on various matters relating to "sub-divided units" through responding to LegCo questions and Special Finance Committee Questions. A motion on "Studying the enactment of an ordinance on regulating subdivided units" moved by Hon Mrs Regina IP as amended by Hon Alice MAK, Hon LEUNG Yiu-chung and Hon Andrew WAN was passed at the Council meeting of 5 December 2018. The motion also covered matters relating to "sub-divided units".

8. Review of the Hong Kong Planning Standards and Guidelines

At the Panel meeting on 15 October 2015, Dr Hon Helena WONG proposed that the Administration should discuss with the Panel a review of the Hong Kong Planning Standards and Guidelines ("HKPSG"). On 3 March and 11 April 2016, Hon Alice MAK and Dr Hon Elizabeth QUAT wrote to the Chairman respectively urging for an early discussion on the subject (LC Paper Nos. CB(1)648/15-16(01) and CB(1)828/15-16(01)). Dr Hon Elizabeth QUAT made the same suggestion on 7 November 2016 (LC Paper No. CB(1)87/16-17(01)).

To be decided
(Note)

At the Panel meetings on 18 October 2016, 12 October 2017 and 11 October 2018, Dr Hon Helena WONG, Hon LAU Kwok-fan and Hon CHAN Han-pan urged that the Administration should put forward a concrete timetable for discussing the item with the Panel as soon as possible. In particular, the Administration should accord priorities to reviewing the planning standards in relation to child care services, kindergarten places, caring services for the elderly, public open space and

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parking spaces. Dr Hon Helena WONG opined that the current piecemeal approach of separately reviewing specific standards and guidelines in HKPSG as and when necessary was not adequate.

Note: The Administration has advised that topical reviews of specific standards and guidelines in the HKPSG are conducted by individual bureaux and departments ("B/Ds") as and when necessary, taking into account the concerned B/Ds' latest relevant policies and development requirements. Examples include the HKPSG standards for whole-day and half-day kindergartens revised in 2018 following the promulgation of the Free Quality Kindergarten Education by the Education Bureau. The Labour and Welfare Bureau has also reinstated the population-based planning ratios in HKPSG for subsidized residential care services and community care services, district elderly community centres and neighbourhood elderly centres in 2018 as per the recommended standards in the Elderly Services Programme Plan completed in 2017. If Panel members have any question about specific areas of the planning standards and guidelines, the Development Bureau and the Planning Department stand ready to coordinate with the relevant B/Ds to provide specific responses as appropriate.

9. Review of the functions of the Town Planning Board and related issues

At the meeting of the Panel on 14 October 2008, Hon Cyd HO and Hon Abraham SHEK suggested that issues related to the review of the functions of the Town Planning Board, town planning procedures, and secretariat support for the Town Planning Board should be discussed.

To be decided
(Note)

Panel members also requested that the Administration should provide information about the

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details of the basis for determining the various fee items under the Town Planning Ordinance (Cap. 131), the estimated costs incurred by the Administration in processing various types of planning applications each year, reconsider extending the fee waiver to all applications relating to "public causes", "public purposes" or "public interest" as a matter of policy, and consult Heung Yee Kuk on the fee items applicable to Small House applications.

On 24 November 2014, Dr Hon Kenneth CHAN wrote to the Chairman suggesting that matters related to amendments to the Town Planning Ordinance, functions of the Town Planning Board, the town planning procedure, etc. be discussed by the Panel as soon as possible. The letter and the Administration's responses were circulated to members vide LC Paper Nos. CB(1)299/14-15(01), CB(1)556/14-15(01) and CB(1)764/14-15(01).

Note: The Administration advises that as pledged in the 2018 Policy Address, the Government will review relevant legislation and map out more effective means to control landfilling, dumping of wastes and associated development activities causing environmental damage to areas of high ecological values at Lantau, with a view to enhancing protection of the natural beauty of these areas. The Development Bureau and Planning Department will review whether and if yes how the Town Planning Ordinance (being one of the relevant laws) may be amended to achieve the above policy objective, and will brief the Panel when ready.

10. Small House Policy and rural planning strategy

At the meeting of the Panel on 13 October 2011, Hon CHAN Kam-lam urged that the Administration should discuss the issues relating to the Small House Policy with the Panel. Hon Albert CHAN proposed

To be decided
(Note)

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that the discussion should also cover the Administration's rural planning strategy.

In the Public Accounts Committee ("PAC") Report No. 61 tabled in the Council on 12 February 2014, PAC urged the Administration to expedite the review of the Small House Policy and recommended that the issue be followed up by the Panel.

On 18 October 2017, Hon Kenneth LAU wrote to the Chairman suggesting that matters relating to the formulation of a comprehensive rural policy be discussed by the Panel (LC Paper No. CB(1)210/17-18(02)).

At the Panel meeting on 11 October 2018, Hon Tanya CHAN requested an early discussion on this item.

Note: The Administration advises that the Small House Policy review involves complicated issues in aspects such as legal, environment, housing, land use planning and demand on land. While the review is ongoing, the Development Bureau has stated on various occasions that, due to the need for according priority to other more pressing policy issues under its purview, the review is not its priority task for the time being. It is also relevant to note that the Court of First Instance of the High Court handed down a judgment on the judicial review against the Policy and subsequent order on 8 April and 30 April 2019 respectively, which ruled that the Free Building License and Land Exchange not involving government land are lawful and constitutional, while Private Treaty Grant and Land Exchange involving government land are not. The judicial review and subsequent appeals, if any, would have implications for the Policy.

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11. Development of leisure and entertainment facilities at Sunny Bay

At the Panel meeting on 12 October 2017, Hon Michael TIEN urged the Administration to report to the Panel on the outcome of its planning and engineering study on Sunny Bay reclamation, taking into account the suggestions made in his motion passed at the Panel meeting on 28 March 2017. His motion requested that the Administration should allow flexibilities for the development of different leisure and entertainment facilities such as multi-purpose venues for holding road events.

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12. Developing land resources

At the Panel meeting on 12 October 2017, Hon Michael TIEN requested the Panel to conduct focused discussions on the following initiatives under the 2017 Policy Address:

- (a) increasing substantially the supply of units under the Green Form Subsidized Home Ownership Scheme;
- (b) exploring the reactivation of the revitalization scheme for industrial buildings to offer incentives to encourage redevelopment or wholesale conversion; and
- (c) formulating a policy framework on brownfield development.

(Note (a))

(Note (b))

To be decided
(Note (c))

Note (a): The Administration advises that Part (a) is under the purview of the Transport and Housing Bureau. The Hong Kong Housing Authority ("HA") launched the sale of the Green Form Subsidized Home Ownership Scheme ("GSH") pilot project King Tai Court in October 2016, and the project has been

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completed in mid-2017. HA has conducted a review on the GSH pilot project and endorsed regularizing GSH in January 2018. The Transport and Housing Bureau briefed the Panel on Housing on the outcome of the review at its meeting on 5 March 2018. A separate discussion at the Panel on Development is therefore considered not necessary.

Note (b): The Administration briefed members on "Measures to revitalize industrial buildings" at the meeting on 19 December 2018.

Note (c): The Administration will formulate policy measures to promote development of multi-storey buildings for accommodating brownfield operations taking into account the findings of two brownfield studies as well as the final recommendations of the Task Force on Land Supply. The Administration will brief members on the policy measures in due course.

13. Short term tenancies

At the Panel meeting on 12 October 2017, Hon CHAN Chi-chuen requested to discuss the policy relating to the granting of short term tenancies, as well as measures to avoid abuses.

To be decided
(Note)

Note: The Administration advises that the Development Bureau has been responding to Members' questions about short-term tenancies ("STTs") on various occasions, including replies to Council questions raised by Members. If Panel members have any specific concerns, the Development Bureau and Lands Department stand ready to provide responses as appropriate.

**Proposed timing
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Remarks**

14. Preservation of the General Post Office Building in Central

Hon HUI Chi-fung wrote to the Panel on 22 June 2018 (LC Paper No. CB(1)1187/17-18(01)) requesting the Panel to discuss the preservation of the General Post Office ("GPO") Building in Central.

To be decided
(*Note*)

Note: The Administration is prepared to have further exchanges with Panel members on the future of the GPO Building following detailed discussion in the Public Works Subcommittee ("PWSC") and FC in the context of the funding application for reprovisioning the GPO Building to Kowloon Bay.

15. Land Sharing Pilot Scheme

At the Panel meeting on 11 October 2018, Hon Tanya CHAN suggested a separate discussion on the Land Sharing Pilot Scheme put forward in the Chief Executive's 2018 Policy Address. Given that the Scheme would have impact on the development of the local agriculture industry and involve issues under the purview of various policy bureaux, Hon Steven HO suggested the Panel to hold a joint meeting with other relevant Panel(s) to discuss the subject.

To be decided
(*Note*)

Note: The Administration advised that the Development Bureau is in the process of drawing up more specific criteria and implementation details of the Pilot Scheme based on the directional pointers in the 2018 Policy Address. The Administration will brief Panel members on the proposal in due course.

16. Tree management in Hong Kong

At the Panel meeting on 11 October 2018, Hon Tanya CHAN and Hon Wilson OR suggested discussion on tree management in Hong Kong,

To be decided

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covering measures for optimizing the role and functions of the Tree Management Office ("TMO"), review of existing regulations and guidelines, and other tree management matters.

At the Panel meeting on 27 November 2018, Hon Tony TSE and Hon Mrs Regina IP requested the Administration to update members on the professional standard of TMO, with an explanation on its staffing establishment and the professional qualifications of its staff. They would also like to be briefed on the recruitment progress of the Head of Greening, Landscape and Tree Management Section of the Development Bureau.

17. Energizing Kowloon East

At the Panel meeting on 11 October 2018, Hon Wilson OR requested that the Administration should update the Panel on the latest progress made under the Energizing Kowloon East initiatives, in particular the traffic and road improvement measures to solve the traffic congestion problem in Kwun Tong.

To be decided

18. Management of public works

At the Panel meeting on 11 October 2018, Dr Hon CHENG Chung-tai suggested that the Administration should brief the Panel on the contracting and tendering arrangements/mechanism of public works projects.

To be decided
(Note)

Note: The Administration advises that the contracting and tendering arrangement vary among public works projects due to the scope, scale and nature etc.. The Development Bureau and the relevant departments stand ready to brief Panel members on the details of specific projects as appropriate.

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19. Heritage conservation

Hon HUI Chi-fung wrote to the Chairman on 8 April 2019 (LC Paper No. CB(1)860/18-19(01)) requesting the Panel to discuss the grading system for historic buildings.

To be decided

20. Technical Study on Transport Infrastructure at Kennedy Town for Connecting to East Lantau Metropolis – Report on Preliminary Traffic and Transport Impact Assessment (Final)

To be decided

At the Panel meeting on 28 May 2019, Hon CHU Hoi-dick considered that the captioned report was relevant to the proposed "Studies related to artificial islands in the Central Waters" and requested that the Panel be briefed on the captioned report.

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Public Works Programme ("PWP")

1. PWP Item No. 7265RS — Cycle tracks connecting North West New Territories with North East New Territories — Sam Mun Tsai extension

The Administration will brief members on the proposal of upgrading the project to Category A for construction of a cycle track of about 0.9 km in length alongside Sam Mun Tsai Road.

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The submission of the relevant funding proposal to PWSC and FC is tentatively scheduled for November and December 2019 respectively.

2. PWP Item No. 7065TR — Final Public Consultation on the Detailed Feasibility Study for Environmentally Friendly Linkage System for Kowloon East

The Administration will brief members on the findings of the Detailed Feasibility Study for the Environmentally Friendly Linkage System ("EFLS"), and the way forward of EFLS.

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3. PWP Item No. 7332CL West Kowloon Reclamation — Main works (remainder) — Footbridge at the junction of Sham Mong Road and Yen Chow Street West in Sham Shui Po

The Administration will brief members on the proposal of upgrading the project to Category A for constructing a 4-span footbridge system at the junction of Sham Mong Road and Yen Chow Street West in Sham Shui Po.

To be decided

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discussion/
Remarks**

4. PWP Item No. 7765CL-3 — Development of Anderson Road Quarry site — Remaining Pedestrian Connectivity Facilities works

The Administration will brief members on the proposal of upgrading the project to Category A for constructing the pedestrian connectivity facilities to enhance the connectivity between the Anderson Road Quarry site and housing estates in the vicinity.

To be decided

5. PWP Item No. 9347WF — Reprovisioning of Harcourt Road fresh water pumping station

The Administration will brief members on the proposal of upgrading the project to Category A for reprovisioning of Harcourt Road fresh water pumping station.

To be decided

6. New block allocation subhead for risk-based improvement of water mains under Capital Works Reserve Fund Head 709

The Administration will brief members on the proposal of creating a new block allocation for risk-based improvement of water mains.

To be decided
(Note)

Note: The Administration advises that the risk-based improvement of water mains would be implemented through the existing block vote. As such, the Administration will brief Panel members only when there is a need to create a new block allocation in future.

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7. 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

In his letter to the Panel Chairman dated 28 October 2016 (LC Paper No. CB(1)50/16-17(01)), Hon Kenneth LAU suggested that the above public works projects be discussed by the Panel.

To be decided
(Note)

Note: In a written reply to a Council question raised by Hon Kenneth LAU on 14 November 2018, the Development Bureau advised that the Government would seek funding approval for the relevant works from FC at an appropriate juncture, taking into account the overall programme of public works items. The Court of First Instance of the High Court handed down a judgment and subsequent order on 8 April and 30 April 2019 respectively on a judicial review of the small house policy, and ruled that the Free Building License and Land Exchange not involving government land are lawful and constitutional, while Private Treaty Grant and Land Exchange involving government land are not. The developments of the judicial review case and subsequent appeals, if any, would have implications for the Small House Policy.