

Panel on Development

List of outstanding items for discussion
(Position as at 14 October 2020)

**Proposed timing
for discussion/
Remarks**

(Please also refer to items of Public Works Programme on pages 15 to 18)

1. Proposed creation of one permanent post of Chief Engineer in the Drainage Services Department for cavern development projects

The Administration will brief members on the proposed creation of one permanent post of Chief Engineer (D1) in the Drainage Services Department for leading a dedicated Cavern Projects Division to plan and implement projects for relocation/accommodation of suitable sewage treatment works in caverns.

27 October 2020

The timing of submission of the relevant funding proposal to the Establishment Subcommittee and the Finance Committee ("FC") is to be decided.

2. 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;

(Note (a))

(b) exploring the reactivation of the revitalization scheme for industrial buildings to offer incentives to encourage redevelopment or wholesale conversion; and

(Note (b))

**Proposed timing
for discussion/
Remarks**

(c) formulating a policy framework on brownfield development.

After end 2020, as
and when the
findings are ready
(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 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 briefed members on "Study on Existing Profile and Operations of Brownfield Sites in the New Territories" on 26 November 2019. An information paper on "Shortlisting Brownfield Clusters for Public Housing Development" was issued on 18 March 2020. The Administration will brief members on the findings of further phase of the shortlisting exercise and the studies on developing multi-storey buildings to re-establish brownfield operations in a land efficient manner upon completion of a market sounding out exercise as part of the studies.

3. 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

First half of 2021
(Note)

**Proposed timing
for discussion/
Remarks**

Town Planning Board, town planning procedures, and secretariat support for the Town Planning Board should be discussed.

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

At the Panel meeting on 22 October 2019, Hon CHU Hoi-dick requested that the Panel be briefed on the review of Town Planning Ordinance to control landfilling or dumping of construction wastes in rural areas of South Lantau.

Note: The Administration advises that, as pledged in 2018 Policy Address, Government is reviewing the legislation concerned and mapping 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 ("DEVB") and the Planning

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Department are reviewing how the Town Planning Ordinance (being one of the relevant laws) may be amended to achieve the above policy objective, and may brief the Panel in 2021.

At the Panel meeting on 22 October 2019, Hon Holden CHOW considered that the Administration should discuss with the Panel on the streamlining of the town planning procedure with a view to facilitating the land planning and resumption work including by invoking the Lands Resumption Ordinance (Cap. 124).

4. "Hong Kong 2030+: Towards a Planning Vision and Strategy Transcending 2030" ("Hong Kong 2030+")

The Administration will brief members on the findings and finalized territorial development strategy under "Hong Kong 2030+".

End 2020/early 2021

5. Review of the system of ex-gratia zonal compensation used in the resumption of land in the New Territories

At the Panel meeting on 22 October 2019, Hon LEUNG Che-cheung urged that the Administration should discuss with the Panel a review on the ex-gratia zonal compensation used in the resumption of land in the New Territories, given that the definitions of the zones and areas covered could no longer reflect the latest situation and land value given the substantial changes and developments over the years.

To be decided
(Note)

Note: Information on the ex-gratia zonal compensation system has been provided in the Administration's paper on the Land Sharing Pilot Scheme which was discussed at the Panel meeting on 26 November 2019.

**Proposed timing
for discussion/
Remarks**

6. Proposed conversion of two one-rank grade directorate posts to multi-disciplinary directorate posts in the Greening, Landscape and Tree Management Section of Development Bureau

The Administration will brief members on the proposal to convert two one-rank grade directorate posts, namely Head of Greening, Landscape and Tree Management Section and Head of Tree Management Office to multi-disciplinary directorate posts at respective levels.

To be decided

7. Further measures to enhance the safety of drinking water

At the Panel meeting on 22 October 2019, Dr Hon Helena WONG requested to be briefed on the latest progress of the holistic review by the Water Supplies Department on the Waterworks Ordinance (Cap. 102), in particular regarding the regulation of plumbing works (including relevant stakeholders and control of plumbing materials), subsequent to the enactment of the Waterworks (Amendment) Ordinance 2018 under which the roles and responsibilities of plumbers and plumbing workers were already defined.

To be decided
(*Note*)

Note: A Working Group on Holistic Review of the Waterworks Ordinance (Cap. 102) ("WWO") and WWR was formed in early 2018 to collect views from different stakeholder groups for formulation of the legislative amendment proposals, including the roles and responsibilities of various parties involved in plumbing works, the control on use of plumbing materials, drinking water dispensers and fountains in plumbing works. The Administration is preparing to commence a public consultation on the legislative amendment proposals by late 2020 and will brief the Panel on the legislative amendments in due course.

**Proposed timing
for discussion/
Remarks**

8. 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.

9. 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 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.

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On 7 November 2016, 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.

10. 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 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.

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

At the meeting between Legislative Council ("LegCo") Members and Yau Tsim Mong District Council members on 29 January 2015, the problems arising from sub-divisions of flat units (commonly

To be decided
(Note)

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Remarks**

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.

LegCo 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.

Note: The Administration advises that in recent years it has briefed the 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". Meanwhile, Transport and Housing Bureau has set up a Task Force for the Study on Tenancy Control of Sub-divided Units.

**Proposed timing
for discussion/
Remarks**

12. 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 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)). Hon Elizabeth QUAT made the same suggestion on 7 November 2016 (LC Paper No. CB(1)87/16-17(01)).

Background briefing on aspects of HKPSG cutting across various policy areas will be arranged for interested Members outside the context of meeting of the Panel on Development
(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 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.

At the Panel meeting on 22 October 2019, Hon Holden CHOW, Dr Hon Helena WONG and Ir Dr Hon LO Wai-kwok considered it undesirable that past discussions on and the review of HKPSG were fragmented. The Chairman (Hon Tony TSE) and members agreed that DEVB should coordinate with relevant bureaux and departments ("B/Ds") as necessary to give an updated briefing to the Panel on the overall review progress of HKPSG, including those standards that were already updated, the areas

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reviewed/being reviewed by DEVB and other B/Ds, and any challenges faced. The Chairman considered that with an updated briefing given by DEVB, the Panel could be in better position to conduct focused and in-depth discussions on specific area(s) of HKPSG which was voluminous.

Note: The Administration has advised that topical reviews of specific standards and guidelines in the HKPSG are conducted by individual 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.

As HKPSG is a collection of planning standards and guidelines covering a wide range of facilities and land uses that fall within the purview of different policy B/Ds, the Development Bureau will, in collaboration with relevant B/Ds, identify a suitable time slot outside the regular meeting schedule of the Panel for briefing members (including interested members from other relevant Panels) on the structure, review mechanism and recent updates of HKPSG.

13. 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

To be decided
(Note)

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for discussion/
Remarks**

Policy with the Panel. Hon Albert CHAN proposed 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. It is 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. All parties to the judicial review have lodged appeal against the judgment of the Court of First Instance of the High Court, and the appeal had been heard with the judgment reserved. The developments of the judicial review case and the results of the appeals, may have implications for the Policy. With this backdrop, the Administration advises that it would not be in a position to discuss the policy review at this juncture.

**Proposed timing
for discussion/
Remarks**

14. 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.

To be decided

15. 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 ("STTs"), as well as measures to avoid abuses.

To be decided
(*Note*)

Note: The Administration advises that DEVB has been responding to members' questions about STTs on various occasions, including replies to Council questions raised by members. The subject was also the topic of a Public Accounts Committee report in mid-2020, with progress reports on follow up action being submitted to the Legislative Council on a regular basis.

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, 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.

To be decided

**Proposed timing
for discussion/
Remarks**

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 DEVB.

17. Energizing Kowloon East

At the Panel meetings on 11 October 2018 and 16 December 2019, 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 arrangements vary among public works projects due to the scope, scale and nature etc. DEVB and the relevant departments stand ready to brief Panel members on the details of specific projects as appropriate.

**Proposed timing
for discussion/
Remarks**

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

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.

To be decided

20. Policy on greening and urban landscaping

At the Panel meeting on 22 October 2019, Hon CHU Hoi-dick urged the Administration to discuss with the Panel on the formulation of a territory-wide policy on greening and urban landscaping, with a view to enhancing the quality of the urban environment of Hong Kong.

To be decided
(*Note*)

Note: The Administration advises that as urban greening and landscape are part and parcel of our holistic urban forestry management regime, this issue can be addressed in the context of "Tree Management in Hong Kong".

**Proposed timing
for discussion/
Remarks**

Public Works Programme ("PWP")

1. PWP Item No. 399DS — Relocation of Sha Tin Sewage Treatment Works to caverns

The Administration will brief members on the proposal of upgrading part of PWP Item No. 399DS to Category A for the main caverns construction and upstream sewerage works for relocation of Sha Tin Sewage Treatment Works to caverns.

27 October 2020

The timing of submission of the relevant funding proposal to PWSC and FC is to be decided.

2. Improvement of water supply facilities in Sheung Wong Yi Au, Ngau Tam Mei, Tsuen Wan, Kwai Chung, Sha Tin, Sheung Shui and Fanling

The Administration will brief members on the following proposals:

(a) Upgrading the remaining part of the project 353WF to Category A for upgrading of Sheung Wong Yi Au fresh water supply system;

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(b) Upgrading part of the project 371WF to Category A for the investigation study, design and site investigation of Ngau Tam Mei Water Treatment Works extension;

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The submission of the relevant funding proposal to the Public Works Subcommittee ("PWSC") and FC is tentatively scheduled for February and March 2021 respectively.

(c) Upgrading the project 056WS to Category A for the improvement of Salt Water Supply to Tsuen Wan and Kwai Chung;

To be decided

	Proposed timing for discussion/ Remarks
(d) Upgrading the project 054WS to Category A for the salt water supply to Sha Tin Area 52, Shui Chuen O; and	To be decided
(e) Upgrading the project 055WS to Category A for the reclaimed water supply to Sheung Shui and Fanling.	To be decided
3. PWP Item No. 332CL 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
4. PWP Item No. 065TR — 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.	To be decided
5. PWP Item No. 347WF — 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

**Proposed timing
for discussion/
Remarks**

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.

7. PWP Item No. 213CL — Engineering works for Ha Mei San Tsuen Village Expansion Area; and PWP Item No. 394CL — 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, DEVB 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

**Proposed timing
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Remarks**

not. All parties to the judicial review have lodged appeal against the judgment of the Court of First Instance of the High Court, and the appeal had been heard with the judgment reserved. The developments of the judicial review case and the results of the appeals may have implications for the Small House Policy.

Council Business Division 1
Legislative Council Secretariat
14 October 2020