

Panel on Development

List of outstanding items for discussion
(Position as at 24 May 2021)

**Proposed timing
for discussion/
Remarks**

(Please also refer to items of Public Works Programme on pages 16 to 17)

1. Work of the Urban Renewal Authority

The Administration will brief members on the progress of the work of the Urban Renewal Authority in 2020-2021 and its plan for the next financial year.

22 June 2021

2. Progress report on the implementation of the Construction Innovation and Technology Fund

The Administration will brief members on the progress of the implementation of the Construction Innovation and Technology Fund by the Development Bureau and the Construction Industry Council.

22 June 2021

3. Progress report on the development of the Common Spatial Data Infrastructure

The Administration will brief members on the progress of the development of Common Spatial Data Infrastructure.

22 June 2021

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

The Administration will brief members on the findings and finalized territorial development strategy under "Hong Kong 2030+: Towards a Planning Vision and Strategy Transcending 2030".

Second half
of 2021

**Proposed timing
for discussion/
Remarks**

5. 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:

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| (a) increasing substantially the supply of units under the Green Form Subsidized Home Ownership Scheme ("GSH"); | (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)) |
| (c) formulating a policy framework on brownfield development. | Second half
of 2021
(Note (c))
(see Item 6) |

Note (a): The Administration advises that Part (a) is under the purview of the Transport and Housing Bureau ("THB"). The Hong Kong Housing Authority ("HA") launched the sale of the GSH pilot project King Tai Court in October 2016, and the project was completed in mid-2017. HA has conducted a review on the GSH pilot project and endorsed regularizing GSH in January 2018. THB 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 the findings of the first phase of the shortlisting exercise

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of brownfield clusters for public housing development was issued in March 2020 and another information paper on the findings of the further phases of the shortlisting exercise was issued in March 2021. The Administration will brief members on 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.

6. Studies on developing multi-storey buildings for brownfield operations

The Administration will brief members on the findings of the studies on developing multi-storey buildings to re-establish brownfield operations in a land efficient manner, and the way forward.

Second half
of 2021

7. Proposal to better protect areas of high ecological values in the rural parts of the New Territories subject to development pressure

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 (Cap. 131) to control landfilling or dumping of construction wastes in rural areas of South Lantau.

Second half
of 2021

The Administration will consult the Panel in 2021 on practicable proposal to amend the Town Planning Ordinance to better protect areas of high ecological values in the rural parts of the New Territories (including South Lantau) that are subject to development pressure.

8. Stage 2 amendments to the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123I)

The Administration will brief members on the proposed Stage 2 amendments to repeal the existing

Next legislative
session

**Proposed timing
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Remarks**

regulations and make a new regulation. The amendments aim at enhancing the standards for the design and construction of drainage systems in private buildings; transforming the existing prescriptive requirements to performance-based standards, and rationalizing and updating the relevant statutory provisions.

The submission of the relevant legislative proposal to the Legislative Council ("LegCo") is tentatively scheduled for the next legislative session. Nevertheless, to implement certain enhanced design standards of drainage system early and to allow the industry sufficient time to familiarize with the enhancements, the Buildings Department is consulting the industry on the implementation of certain proposed enhanced design standards through Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers.

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 ("TPB"), town planning procedures, and secretariat support for TPB should be discussed.

(Note)

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.

**Proposed timing
for discussion/
Remarks**

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 TPB, 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 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).

Note: The Steering Group on Streamlining Development Control, led by the Development Bureau ("DEVB"), has been examining measures to consolidate and rationalize standards and processes for development-related approvals under different regimes, including those under the planning regime. Measures are being rolled out in a progressive manner, in consultation with stakeholders in the development sector.

10. 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 in view of the substantial changes and developments over the years.

To be decided
(Note)

**Proposed timing
for discussion/
Remarks**

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.

11. 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) and the Waterworks Regulations (Cap. 102A) 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 completed a 90-day public consultation on the legislative amendment proposals on 3 February 2021 and is reviewing the feedback collected. The Administration will brief the Panel on the proposed legislative amendments in due course.

**Proposed timing
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Remarks**

12. 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.

13. 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 CB(1)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.

**Proposed timing
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Remarks**

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.

14. Unauthorized building works in New Territories Exempted Houses

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 ("UBWs") in the New Territories Exempted Houses ("NTEHs") and the way forward for dealing with these UBWs. 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 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.

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

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

To be decided
(Note)

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Remarks**

"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 LegCo on various matters relating to "sub-divided units" through responding to Council 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, THB has set up a Task Force for the Study on Tenancy Control of Sub-divided Units.

**Proposed timing
for discussion/
Remarks**

16. 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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Remarks**

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 advises that topical reviews of specific standards and guidelines in 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, DEVB 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.

17. 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)

**Proposed timing
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Remarks**

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 Court of Appeal handed down the judgment on 13 January 2021 which allowed the Government's appeal, ruling that the entire Policy, including the Free Building License, Private Treaty Grant and Land Exchange, is lawful and constitutional. The Applicants applied and was granted leave on 29 April 2021 to appeal to the Court of Final Appeal. The developments of the

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case may have implications for the Policy, the Administration advises that it would not be in a position to discuss the policy review at this juncture.

18. 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

19. 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.

(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 PAC report in mid-2020, with progress reports on follow up action being submitted to LegCo on a regular basis.

20. 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

To be decided

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Remarks**

improvement measures to solve the traffic congestion problem in Kwun Tong.

21. 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.

22. 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

23. Opening up of the Sha Tau Kok Closed Area and its long-term planning and development

On 19 October 2020, Hon Kenneth LAU wrote to the Chairman expressing views on issues relating to the opening up of the Sha Tau Kok Closed Area and its long-term planning and development, and proposed that a joint meeting with the Panel on Security be arranged to discuss the relevant issues (LC Paper No. CB(1)42/20-21(01)).

To be decided

**Proposed timing
for discussion/
Remarks**

24. Optimizing the use of the lands released from Frontier Closed Area

On 10 February 2021, Hon Tony TSE wrote to the Chairman expressing views on optimizing the use of the lands released from the Frontier Closed Area, and proposed that the Panel should discuss the relevant issues (LC Paper No. CB(1)530/20-21(01)).

To be decided
(*Note*)

Note: DEVB has responded to Council questions on this subject in recent months, viz. on 2 December 2020 to a question raised by Hon CHAN Hak-kan, on 3 February 2021 to a question raised by Hon Tony TSE and on 17 March 2021 to a question raised by Hon LAU Kwok-fan.

25. Supply of Dongjiang water

The Administration will brief members on the new agreement for the supply of Dongjiang water between 2021 and 2023.

To be decided
(*Note*)

Note: On 21 December 2020, an information paper provided by the Administration on the new agreement for the supply of Dongjiang water between 2021 and 2023 (LC Paper No. CB(1)370/20-21(01)) was issued to Panel members. To ensure continuous stable supply of Dongjiang water to Hong Kong, the Administration signed the new agreement with the Department of Water Resources of Guangdong Province on 28 December 2020 and issued the press release on the same day. The Administration will attend the Panel meeting in due course to brief members on the operation of the new agreement.

**Proposed timing
for discussion/
Remarks**

Public Works Programme ("PWP")

1. 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.

2. 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 the Finance Committee 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

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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 Court of Appeal handed down the judgment on 13 January 2021 which allowed the Government's appeal, ruling that the entire Policy, including the Free Building License, Private Treaty Grant and Land Exchange, is lawful and constitutional. The Applicants applied and was granted leave on 29 April 2021 to appeal to the Court of Final Appeal. The developments of the case may have implications for the Small House Policy.

Council Business Division 1
Legislative Council Secretariat
24 May 2021