

Minutes of the 7th Meeting of the Planning, Works and Housing Committee
Eastern District Council

Date: 19 February 2019 (Tuesday)

Time: 2:30 pm

Venue: Eastern District Council (EDC) Conference Room

<u>Present</u>	<u>Time of Arrival</u> <u>(pm)</u>	<u>Time of Departure</u> <u>(pm)</u>
Mr TING Kong-ho, Eddie	2:30	end of meeting
Mr WONG Chi-chung, Dominic	2:30	end of meeting
Mr WONG Chun-sing, Patrick	2:30	end of meeting
Mr WONG Kwok-hing, BBS, MH	2:30	7:30
Mr KU Kwai-yiu	2:30	end of meeting
Mr HO Ngai-kam, Stanley	2:30	end of meeting
Mr LEE Chun-keung	2:30	6:00
Mr LAM Sum-lim	2:30	end of meeting
Mr LAM Kei-tung, George	2:30	3:30
Mr SHIU Ka-fai	2:30	6:01
Mr HUNG Lin-cham, MH	4:50	end of meeting
Mr CHUI Chi-kin	3:15	end of meeting
Mr CHEUNG Kwok-cheong, Howard	2:31	end of meeting
Mr LEUNG Siu-sun, Patrick	2:30	end of meeting
Mr LEUNG Kwok-hung, David (Chairman)	2:30	end of meeting
Ms LEUNG Wing-man, Bonnie	5:19	end of meeting
Mr HUI Lam-hing	6:00	end of meeting
Mr HUI Ching-on	2:34	3:30
Mr KWOK Wai-keung, Aron, JP	2:55	4:00
Mr MAK Tak-ching	2:30	end of meeting
Ms CHIK Kit-ling, Elaine	2:30	end of meeting
Mr WONG Kin-pan, BBS, MH, JP	2:50	7:30
Mr WONG Kin-hing	2:30	4:30
Mr YEUNG Sze-chun (Vice-chairman)	2:30	end of meeting
Dr CHIU Ka-yin, Andrew	2:30	end of meeting
Mr CHIU Chi-keung, BBS	2:30	6:30
Mr LAU Hing-yeung	2:30	end of meeting
Ms CHOY So-yuk, BBS, JP	2:35	5:30
Mr CHENG Chi-sing	2:30	5:30

Mr CHENG Tat-hung	2:45	5:30
Mr LAI Chi-keong, Joseph	2:35	5:30
Mr NGAN Chun-lim, MH	2:30	end of meeting
Mr LO Wing-kwan, Frankie, MH	2:30	end of meeting
Mr KUNG Pak-cheung, BBS, MH	2:30	end of meeting
Ms LAU Sing-she, Dana (co-opted member)	2:30	7:35

Absent with Apologies

Mr KONG Chack-ho, Alex, MH (co-opted member)

In Regular Attendance (Government Representatives)

Mr LO Cheuk-lun, Rayson	Assistant District Officer (Eastern) ² , Eastern District Office
Mr KWAN Yu-keung	Senior Liaison Officer (3), Eastern District Office
Mr HO Kwok-fai, Godfrey	Senior Engineer/6 (South), Civil Engineering and Development Department
Mr NG Tak-wah	Senior Town Planner/Hong Kong (2), Planning Department
Mr CHAN Lok-kin, Victor	Senior Estate Surveyor/Hong Kong East (3), District Lands Office, Hong Kong East
Mr TSE Chi-keung	Senior Health Inspector (Cleansing & Pest Control) Eastern 1, Food and Environmental Hygiene Department
Miss CHAN Wai-lin, Rose	Senior Housing Manager/Hong Kong Island and Islands 1, Housing Department
Mr SUEN Chi-ming, Jimmy	Maintenance Surveyor/Hong Kong East, Housing Department
Mr CHOW Chun-fai	Building Surveyor/A5-3, Buildings Department
Ms NG Yan-mei, Monie	Senior Executive Officer (District Council), Eastern District Office

Ms LEE Shuk-han, Phoebe
(Secretary) Executive Officer I (District Council)2,
Eastern District Office

In Attendance by Invitation (Representatives from the Government and Organisations)

Miss CHEUNG Man-yee, Rosalind Principal Assistant Secretary (Harbour),
Development Bureau

Ms WONG Kwan-yee, Jenny Assistant Secretary (Harbour) Special
Duties,
Development Bureau

Mr MA Hon-wing, Wilson Chief Engineer/South 3,
Civil Engineering and Development
Department

Mr Kevin CHEUNG General Manager (Regulatory),
Property Management Services
Authority

Ms Winnie LAU Senior Manager (Licensing),
Property Management Services
Authority

Mr LAU Chi-ming Senior Engineer/Project Management 5,
Water Supplies Department

Ms YIP On-yee, Annie Engineer/Project Management 14,
Water Supplies Department

Mr KWOK Wai-kay, Kenton Engineer/Project Management 13,
Water Supplies Department

Mr CHEUNG Kwan-shek Engineer/Water Loss Management 3,
Water Supplies Department

Mr NG Cheuk-hang, Peter Engineer/Hong Kong (Distribution 1),
Water Supplies Department

Mr LAU Wai, Tony Project Manager,
Black & Veatch Hong Kong Limited

Mr MA Hok-chi, Frankie Principal Engineer,
Black & Veatch Hong Kong Limited

Mr TSE Tsz-kin, Keith Project Engineer,
Black & Veatch Hong Kong Limited

Mr CHUNG Shing-hing Engineer/Construction 8,
Water Supplies Department

Mr AUSTIN Joseph Jerry Senior Town Planner/Hong Kong 4,
Planning Department

Mr CHEUNG Kason	Estate Surveyor/Chai Wan, District Lands Office, Hong Kong East
Mr LI Yiu-man, Louis	Senior Transport Officer / Eastern, Transport Department
Mr Desmond NG	General Manager, Development and Valuations, Swire Properties Limited
Ms May LAM-KOBAYASHI	General Manager, Public Affairs, Swire Properties Limited
Mr Chapman LAM	Director, MVA Hong Kong Limited
Mr Albert CHAN	Associate Director, Wong & Ouyang (HK) Ltd.
Mr KO Po-leung	Senior Structural Engineer/Mandatory Building Inspection 1-E, Buildings Department
Mr CHOI Hok-hoi	Structural Engineer/Mandatory Building Inspection 1-E1, Buildings Department
Mr LO Wai-pan, Eddie	Senior Executive Officer (Planning)5, Leisure and Cultural Services Department
Mr CHAN Kin-fung, Keith	Senior Engineer/Eastern & General, Transport Department
Mr KWAN Wing-yip	Engineer/Eastern 2, Transport Department
Mr WONG Chi-yung	Senior Engineer/District, Civil Engineering and Development Department
Mr LEE Wai-keung, Ambrose	Deputy District Leisure Manager (Eastern)1, Leisure and Cultural Services Department
Ms FAN Yuk-ling, Amy	Deputy District Leisure Manager (Eastern)2, Leisure and Cultural Services Department
Mr SO Chi-ho	Engineer/Eastern 3, Drainage Services Department
Mr CHIANG Wing-lang	Senior Property Services

Miss NG Hei-laam, Heida
Mr CHAN Man-ho, Michael

Manager/Eastern,
Architectural Services Department
Property Services Manager/Chai Wan,
Architectural Services Department
Assistant District Engineer/North East,
Highways Department

Opening Remarks

The Chairman welcomed all Members and government representatives to the meeting.

I. Confirmation of the Draft Minutes of the 6th Meeting of PWHC

2. The Planning, Works and Housing Committee (PWHC) confirmed the above draft minutes without amendment.

II. Report of Working Group

(PWHC Paper No. 1/19)

3. Members noted the report of the Working Group on Harbourfront Development and Housing Management.

III. Proposed Boardwalk underneath the Island Eastern Corridor Alignment of the Latest Scheme

(PWHC Paper No. 2/19)

4. As this agenda item was related to item (6) of matters arising, the Chairman suggested that the two items be discussed together, and the PWHC agreed with the suggestion.

5. The Chairman welcomed Miss Rosalind CHEUNG, Principal Assistant Secretary (Harbour) and Ms Jenny WONG, Assistant Secretary (Harbour) Special Duties of the Development Bureau (DEVB), Mr Wilson MA, Chief Engineer/South 3 and Mr Godfrey HO, Senior Engineer/6 (South) of the Civil Engineering and Development Department (CEDD) to the meeting. Mr Wilson MA and Mr Godfrey HO of the CEDD and Miss Rosalind CHEUNG of the DEVB introduced Paper No. 2/19.

6. The views and enquiries of 23 Members about the issue were summarised as

Action

follows:

- (a) Mr Eddie TING was happy to see that the CEDD had accepted the views of the public to construct a boardwalk with a minimum width of 10 metres. However, he was worried that the construction outside the footprint of the Island Eastern Corridor (IEC) might be subject to challenges posed by judicial review, and asked whether the CEDD had any legal basis for it. He also suggested the CEDD use durable and safe materials in the construction of the boardwalk and provide appropriate segregation facilities on the walkway and cycling track to protect public safety. He hoped the CEDD would continue to report on the latest progress to the EDC.
- (b) Mr Patrick WONG was pleased to note that the CEDD had formulated the Latest Scheme after considering and balancing the views of various stakeholders. He also asked the CEDD whether the Latest Scheme could meet the statutory requirements and whether additional piles were required and the quantity.
- (c) Mr WONG Kwok-hing stated that he had proposed the construction of the boardwalk as early as 1991, however the CEDD at that time had not implemented the proposal on the ground of insufficient load-bearing strength of the IEC. He supported the CEDD's expedited construction of the boardwalk and asked the CEDD to consider providing safety fences, emergency rescue devices, dog excreta collection bins, leisure seats, tidal and wind protection facilities in the boardwalk area.
- (d) Mr KU Kwai-yiu supported the Latest Scheme and asked the CEDD to give a detailed account of the activity node at Hoi Yu Street. He also suggested the CEDD enhance safety facilities in the cycling track and angling zone to protect the safety of passers-by. In addition, he asked about the means of participation in the Stage 3 Community Engagement.
- (e) Mr Aron KWOK expressed frustration that the construction works could only be completed in 2025-26 the earliest and urged the CEDD to expedite the implementation of the works plan as the boardwalk had been proposed for more than 20 years. In order to reduce the waiting time, he hoped the CEDD would open up the boardwalk facilities by

Action

phases upon partial completion of the works and refine the management measures at a later stage. He also suggested the CEDD install gates to all access points and open the boardwalk for public use at specified time.

- (f) Ms CHOY So-yuk hoped that the CEDD would provide more fishing platforms, sufficient leisure seats on the boardwalk and emergency rescue access at City Garden section. She also worried that the design of the split boardwalk at Provident Centre might affect pedestrian flow and pose potential safety hazards, and suggested the CEDD provide access connecting the boardwalk on both sides.
- (g) Mr LAM Sum-lim said that the space available for development along the waterfront on Hong Kong Island was limited, thus he was happy to see that the CEDD had proposed the latest design scheme and hoped that the CEDD would expedite the works, so that members of the public could enjoy the waterfront facilities as soon as possible. He was of the view that lighting was insufficient as proposed in the Latest Scheme and suggested the CEDD install environmental lighting systems with motion sensors at dark corners. In addition, he also suggested the CEDD provide emergency rescue devices on the boardwalk and merge the split boardwalk at Provident Centre to increase boardwalk space and enhance safety.
- (h) Mr Howard CHEUNG worried that the CEDD would receive objections again in the Stage 3 Community Engagement. He asked how the CEDD would deal with and consolidate the dissenting views collected and whether legal advice had been sought on the Latest Scheme to deal with future objections.
- (i) Mr Patrick LEUNG was pleased to know that the CEDD was confident in meeting the statutory requirements. He asked whether the CEDD had consulted the private property management companies nearby on the alignment of the boardwalk and suggested the CEDD conduct a large-scale questionnaire survey to collect public opinion extensively, so as to establish the “overriding public need” for the project as required by law to ensure smooth implementation of the works programme.
- (j) Mr MAK Tak-ching hoped the CEDD could find ways to expedite the

Action

construction progress. He also asked about the segregation arrangements of the walkway and cycling track, and whether the Latest Scheme meet the statutory requirements, and the plan and preparation to connect the waterfront in Eastern and Western Districts in future.

- (k) Ms Elaine CHIK welcomed the Latest Scheme proposed by the CEDD and hoped the CEDD would commence the works as soon as possible. She was concerned about the safety of boardwalk users and asked whether the CEDD had any measures to confine fishing activities to the angling zone, the segregation arrangements of the walkway and cycling track, as well as the tidal and wind protection facilities in the boardwalk area.

- (l) Mr Andrew CHIU said that the boardwalk was a long-awaited waterfront facility and thanked the CEDD for its continued efforts to take forward the project. He hoped the CEDD would distribute information materials to various housing estates within the district during the Stage 3 Community Engagement to gauge sufficient public opinion for drafting an information report that was cogent and convincing in illustrating that the Latest Scheme was compliant with the Overriding Public Need Test. He supported the latest alignment plan and was pleased to see that the CEDD had accepted public opinion to set the width of the boardwalk at not less than 10 metres, provide cycling track and a variety of facilities, and make use of natural lighting where appropriate. Although the designer was still room for improvement for the overall design, he hoped the harbourfront concern groups would give primary consideration to public interests and stop impeding the implementation of the works plan since the section outside the footprint of IEC accounted for less than 25% of the entire boardwalk area,. In addition, he hoped the CEDD would include the management guidelines in the tender document when engaging consultant companies for detailed design for their careful consideration.

- (m) Mr CHENG Tat-hung said that the boardwalk project was an important project in Eastern District in the short term, and had received much attention from local residents. He supported the Latest Scheme but opined that the CEDD should seek legal advice in advance in future to avoid affecting the progress of the project. He also asked whether the

Action

CEDD had reserved spaces for access point at Oil Street to facilitate future connection with the waterfront development in Wan Chai North. In addition, he suggested the CEDD widen the walkway outside the footprint of IEC, provide coach parking spaces near the boardwalk and open the boardwalk for use by phases as soon as possible.

- (n) Mr Joseph LAI asked the CEDD to carefully measure the affected sea area and seek legal advice in advance to ensure that the proposed alignment plan would not breach the statutory requirements. He also asked how the boardwalk was connected to the jogging track in Quarry Bay Park, the detailed works schedule proposed by the CEDD in future, and how the CEDD would gain the support of the public and relevant stakeholders.
- (o) Mr NGAN Chun-lim supported the Latest Scheme and hoped that the CEDD would carry out the works as soon as possible. He also suggested the CEDD arrange experts to study whether the proposed angling zone was an appropriate location, so that anglers would be attracted to fish in specified area to avoid affecting other passers-by.
- (p) Mr KUNG Pak-cheung agreed that the CEDD should find ways to attract anglers to fish in specified area to avoid affecting pedestrian safety. He also suggested the CEDD provide cycling track as necessary after the boardwalk was opened for use to minimise vehicle-pedestrian conflicts. In addition, he also worried about the impact of typhoons and tides on the boardwalk and nearby residential areas and hoped the CEDD would adopt appropriate precautionary measures against strong winds and tides.
- (q) Ms Dana LAU welcomed the Latest Scheme proposed by the CEDD and hoped the CEDD could gain public support in community engagement. She suggested the CEDD adopt measures against typhoon and tides on the boardwalk to cope with strong winds and huge waves caused by inclement weather.
- (r) Mr Dominic WONG said that members of the public were eagerly awaiting the completion of the boardwalk. He hoped the CEDD would adopt safety measures on the walkway, cycling track, angling zone and water playground, and maximise the use of green and durable materials to avoid the recurrence of similar damages made to the

Action

timber boardwalk taken place in Quarry Bay Promenade.

- (s) Mr Stanley HO hoped the CEDD would enhance the practicability and safety of the boardwalk and ensure that the design of all activity nodes, including the fishing platforms and the viewing platforms, met the needs of users. He also suggested the CEDD make an effort to beautify the boardwalk, provide appropriate measures against typhoon and tides, and consider installing surveillance system at dark corners under the IEC to protect public safety and enhance management.
- (t) Mr LEE Chun-keung welcomed the CEDD's acceptance of public opinion and the Latest Scheme. He hoped the CEDD would segregate the walkway and cycling track properly to avoid vehicle-pedestrian conflicts. He also suggested the CEDD use appropriate water-proof materials to minimise the impact of inclement weather on the boardwalk. In addition, he asked how the boardwalk was connected to the waterfront areas in Quarry Bay and Causeway Bay, and whether the two-day consultation period was sufficient.
- (u) Mr CHIU Chi-keung said that the boardwalk project had been discussed for nearly 30 years since its first proposal. He hoped the CEDD could expedite the works programme and construct the boardwalk facilities as soon as possible for public use.
- (v) Mr WONG Kin-pan supported the Latest Scheme proposed by the CEDD after taking into account public views, and hoped the CEDD would ensure that the Latest Scheme would not breach statutory requirements. He suggested the CEDD provide emergency rescue facilities on the boardwalk to cope with emergencies, and hoped the CEDD would take the chance to beautify the design of the vehicular ferry pier when constructing the boardwalk.
- (w) The Vice-chairman was pleased to see that the CEDD had proposed the Latest Scheme. In order to protect public safety, he hoped the CEDD would prohibit fishing activities beyond the angling zone, use durable construction materials, and segregate the walkway and cycling track properly to avoid vehicle-pedestrian conflicts.

7. Mr Wilson MA and Mr Godfrey HO of the CEDD and Miss Rosalind CHEUNG of the DEVB responded to the views and enquiries of Members as

Action

follows:

CEDD

- (a) The CEDD had taken into account and balanced the views of various stakeholders, and had sought legal advice. The CEDD was confident that the Latest Scheme could meet statutory requirements.
- (b) The CEDD noted Members' views such as the design, construction materials, operational management, etc. of the boardwalk, and would give careful consideration at the detailed design stage. Upon completion of detailed design, the CEDD would consult the EDC again.
- (c) The CEDD planned to conduct the Stage 3 Community Engagement in the first quarter of 2019, and would distribute information leaflets to local residents to encourage them to participate in the consultation and give their views on the Latest Scheme. Various stakeholders, including green groups and other professional groups, would also be consulted. During the community engagement, the CEDD would also organise focus group meetings and community forum to gauge public opinion. Members of the public could also give their views on the Latest Scheme to the CEDD through the project website.
- (d) Upon completion of the boardwalk facilities and the "breaking points" at other waterfronts, the CEDD hoped to connect the waterfront areas from Central to Sai Wan Ho to form an approximately 9-kilometer long promenade for public enjoyment, which would also help enhance the connectivity of the waterfront along the northern shore of Hong Kong Island in the long run.

DEVB

- (e) After the consultation with the EDC, the CEDD would also consult the Task Force on Harbourfront Developments on Hong Kong Island under Harbourfront Commission on the Latest Scheme, and launch the Stage 3 Community Engagement.

CEDD, DEVB

- 8. After discussion, the PWHC supported the Latest Scheme.

IV. Suggestions for the Licensing Regime under the Property Management Services Ordinance (Cap. 626)

(PWHC Paper No. 3/19)

9. The Chairman welcomed Mr Kevin CHEUNG, General Manager (Regulatory) and Ms Winnie LAU, Senior Manager (Licensing) of Property Management Services Authority (PMSA) to the meeting. Mr Kevin CHEUNG of the PMSA briefed Members on Paper No. 3/19.

10. Interests declared by Members were summarised as follows:

<u>Name of Member</u>	<u>Interest Declared</u>
Andrew CHIU	Chartered Member of the Chartered Institute of Housing
	Chairperson of Hong Kong Society of Accredited Mediators
	Chairperson of Taikoo Shing Stage V Representative Committee
WONG Kwok-hing	Vice-chairperson of the PMSA

11. The views and enquiries of 16 Members about the issue were summarised as follows:

- (a) Mr Frankie LO was pleased to see that the PMSA had introduced a licensing regime to strengthen the monitoring of property management. He cited examples to illustrate that some property management companies (PMCs) were suspected of using the capacity of property management practitioners (PMPs) to obtain written authorisations from residents with an intention to manipulate the tender result. He asked how the PMSA would deal with and investigate such cases.
- (b) Mr HUI Ching-on supported the implementation of a mandatory licensing regime. However, he opined that the PMSA should also take into account the workload of PMPs and set the tiers for PMPs by the number of units of each building block in order to boost management efficiency. He also asked whether the PMSA required the properties to display the tier of the licensee at conspicuous locations.
- (c) Mr LAM Sum-lim supported the introduction of a licensing regime by the PMSA to step up regulation of large-scale PMCs. However, he worried that engaging professionals would increase the management fees of single-block buildings, and hoped the PMSA would strengthen

Action

support for relevant property owners.

- (d) Mr George LAM said that the functions of owners' corporation and owners' committee were similar, and asked whether members of owners' committees were subject to licensing requirements. He also worried that the licensing regime would increase the hiring cost of security guards and cleaning staff, and asked whether security guards and cleaning staff were subject to licensing requirements. He hoped the PMSA would require licensed PMCs to provide information relating to conflict of interests to clients to reduce the risk of bid-rigging.
- (e) Mr CHUI Chi-kin asked the PMSA to give a detailed account of the penalties for breach of statutory requirements and under what circumstances would the indictment procedure or summary procedure be adopted.
- (f) Mr Howard CHEUNG asked whether property owners were clients of the property and worried that the staff of PMCs would breach the confidentiality agreement by disclosing tender information to property owners. He also asked about how members of the public could lodge a complaint or report to the PMSA about the disciplinary offences of PMCs or PMPs.
- (g) Mr Patrick LEUNG worried that the mandatory licensing regime would impose burden on small to medium-sized PMCs and asked whether the PMSA would consider introducing another licensing regime with lower requirements. He also asked whether persons with recognised qualifications of PMP could be exempted from the licensing requirements. He also wished to understand whether the PMCs should determine the minimum number of licensed PMP required by the number of property units under its management.
- (h) Mr Eddie TING supported the PMSA's introduction of a licensing regime to strengthen the monitoring of PMCs. However, he worried that the licensing regime might increase the employment cost and that the PMCs might pass the additional expenditure on to property owners, so he asked whether there were any means for the PMSA to prevent PMCs from increasing the management fees to this end.
- (i) Mr Dominic WONG expressed that the licensing regime would improve building management, but he worried that it would impose

Action

financial burden on small-sized PMCs. He cited examples to illustrate that various handover issues would arise when replacing PMCs. As such, he hoped the PMSA would step up regulation to safeguard the interests of property owners.

- (j) Mr WONG Kwok-hing stated that the Property Management Services Ordinance (Cap. 626) (the PMSO) had been unanimously passed by the Legislative Council, providing a legal framework for the introduction of a mandatory licensing regime. He believed the licensing regime could enhance regulation on property management, which could safeguard the interests of property owners and tenants, and at the same time foster professional development of the sector, thereby reduce unemployment. The relevant subsidiary legislation was still at the drafting stage. The PMSA would implement complementary measures, including hearings and disciplinary actions by the disciplinary committee in future.
- (k) Mr KU Kwai-yiu said that currently the PMCs varied in standard and often caused financial loss to property owners. The licensing regime would help to strengthen regulation and safeguard public interests, therefore it was worth supporting. He suggested the PMSA impose heavier penalties on offending PMCs to enhance the deterrent effect.
- (l) Mr LEE Chun-keung worried that the licensing regime would increase the burden of the trade and the difficulty in recruiting property management officers. Property management officers who failed to obtain a licence might lose their jobs, and small to medium-sized PMCs that failed to cope with the burden might have to close down. He cited the tourism industry as an example to illustrate that licensing regime could not eradicate illegal practices, and hoped that the PMSA would weigh the pros and cons carefully.
- (m) Mr MAK Tak-ching said that there were a lot of misunderstanding about the licensing regime by the general public and hoped that the PMSA would step up information dissemination to allay public concerns. He also indicated that some PMCs might engage in price gouging at the cost of sacrificing the interests of property owners, and hoped that the PMSA would strengthen monitoring and find ways to preserve the room for survival of law-abiding small-sized PMCs.

Action

- (n) Mr Andrew CHIU said that as complaint culture had become prevalent nowadays, if a management officer was subject to disciplinary hearing, his or her career might be affected, and there might also be some impact on the trade. He suggested the PMSA engage professional mediation service providers to handle the complaints and set out the criteria for the use of mediation services as soon as possible, so as to assist both parties in resolving disputes in a peaceful and rational manner before disciplinary hearings. He also asked whether property management officers with recognised qualifications by relevant professional property management bodies could apply for a licence straightaway. He hoped the PMSA would take measures to avoid confusion to the public between the qualifications of professional bodies and the statutory licensing requirements. He also urged the PMSA to expeditiously formulate the selection criteria of relevant professional property management bodies for their early preparation.
- (o) Mr CHENG Tat-hung asked whether a PMP had to pass an examination in order to apply for a Licence, and the mode of the examination. He also hoped to know whether there were any other provisions under the PMSO for monitoring the quality of property management apart from the introduction of licensing regime to regulate PMCs and PMPs. In addition, he worried that directors owning many PMCs might manipulate market price for price gouging through subsidiary companies or group companies, and asked how the PMSA would carry out monitoring and whether it could review the maximum number of PMCs a licence holder could serve.
- (p) The Vice-chairman mentioned that many large housing estates received frequent complaints, which exerted considerable pressure on PMPs. He asked whether the PMSA would introduce mediation services or alternative means for dispute resolution other than disciplinary hearings to handle complaints, so as to enhance communication among all parties concerned and reduce the need for bringing the case to court.

12. Mr Kevin CHEUNG of the PMSA responded to the views and enquiries of Members as follows:

- (a) In addition to the PMSO, all licensed PMPs should comply with the codes of conduct and relevant guidelines issued by the PMSA from time to time, offenders might be subject to disciplinary actions before

Action

the PMSA.

- (b) The PMSA would deal with the complaints in an impartial manner, and conduct investigations when it had reasonable cause to suspect that licensed PMCs or PMPs had committed a disciplinary offence or no longer met any criteria for holding the licence. During the investigation, the licensees would have ample time to make statements, and they could also authorise legal representatives to respond if necessary. If at the conclusion of the investigation, the PMSA was satisfied that there was evidence that tended to establish the aforementioned matter, the PMSA might decide that a disciplinary hearing into the matter should be conducted. The PMCs or PMPs concerned might also lodge an appeal against PMSA's decision in accordance with the mechanism.
- (c) The disciplinary committee, consisted of trade members and other trade practitioners would ensure a fair hearing. In addition, with regards to appeals, the Secretary for Home Affairs shall appoint an appeal panel consisting of 1 chairperson and 11 other members. A member of the PMSA was not eligible for appointment.
- (d) Some complaints were merely expression of dissatisfaction with PMCs or PMPs, and did not constitute a disciplinary offence. In this connection, the PMSA would conduct appropriate mediation services to assist in resolving the dispute.
- (e) Every PMC must engage licensed PMPs on a full-time basis to meet the requirement on the ratio of the minimum number of licensed PMPs engaged by a PMC to the total number of flats and/or area of all properties under its management. This requirement might increase the operational cost of the company. However, the extra cost would be shared among all units of the property, and the management fees were unlikely to increase significantly. The owners' corporations could also exercise their discretion in engaging more licensed PMPs beyond the statutory requirements.
- (f) The PMSO provided that any person assuming a managerial or supervisory role in a PMC was required to apply for a licence. On the other hand, PMCs providing only one type of service (e.g. only security or cleansing services) and its staff or frontline staff of licensed PMCs were not required to apply for a licence. The PMSA estimated that the

Action

impact on small-sized PMCs was limited.

- (g) After Section 6 (Prohibition of unlicensed activities) of the PMSO came into operation, PMCs or PMPs providing property management services without a licence would be prosecuted and liable on conviction on indictment to a maximum penalty of a fine of \$500,000 and imprisonment for 2 years.
- (h) The PMSA would review the adoption of indictment or summary procedure on a case by case basis and would formulate guidelines to facilitate enforcement actions in accordance with the established procedures.
- (i) As provided in the PMSO, client generally referred to the owners' organisation of the property and the owners of the property who paid or were liable to pay the management fees in respect of the services. The proposed subsidiary legislation also provided that licensed PMCs should provide client with information relating to conflict of interests, relevant contract information, financial information, etc.
- (j) A three-year transition period would be provided under the licensing regime. Persons meeting the licensing criteria might apply for full PMP licences, whereas persons with specified minimum work experience failing to meet the licensing criteria might apply for provisional PMP licences during the transition period. Holders of provisional PMP licence would be issued the full PMP licences after completing a specified course within 3 years.
- (k) The PMSA currently had no plan to introduce qualification examination. A PMP must fulfill the licensing criteria on the minimum academic qualifications, minimum work experience and/or professional qualifications before a licence was issued to him/her.
- (l) The PMSA proposed to establish mechanism for relevant property management professional bodies to apply to be a recognised professional body by submitting relevant information and supporting documents. The factors for consideration for the assessment of a professional body might include the relevance of its professional discipline to property management in Hong Kong, membership criteria of the professional body, mechanism to monitor professional conduct of members of the professional body, requirements on continuing

Action

professional development of members of the professional body and recognition of the professional body. The PMSA might engage auditors for auditing at the office(s) of the applicants and/or relevant third-party organisations (e.g. operators of professional development courses). The professional bodies were also required to submit to the PMSA relevant information and application fees periodically (e.g. every 5 years) for re-assessment of the qualifications.

- (m) It was suggested that a director, partner or sole proprietor holding a PMP licence could serve in not more than 6 PMCs, to maintain the professional standard of property management. The PMSA would also review the maximum number of PMCs a licence holder could serve.
- (n) The Home Affairs Department (HAD) had issued a written notice to owners' corporations on 21 January 2019 to clarify that an owners' organisation such as an owners' corporation or owners' committee or other owners' organisation was not required to apply for a licence if there were less than 1 500 flats under its management.

PMSA

13. After discussion, the Chairman asked the PMSA to note the views of Members.

V. Implementation of Water Intelligent Network, remaining works (Eastern)

(PWHC Paper No. 4/19)

14. The Chairman welcomed Mr LAU Chi-ming, Senior Engineer/Project Management 5, Ms Annie YIP, Engineer/Project Management 14, Mr Kenton KWOK, Engineer/Project Management 13, Mr CHEUNG Kwan-shek, Engineer/Water Loss Management 3, and Mr Peter NG, Engineer/Hong Kong (Distribution 1) of the Water Supplies Department (WSD), Mr Tony LAU, Project Manager, Mr Frankie MA, Principal Engineer, and Mr Keith TSE, Project Engineer of Black & Veatch Hong Kong Limited (Black & Veatch) to the meeting. Mr LAU Chi-ming of the WSD and Mr Frankie MA of Black & Veatch briefed Members on Paper No. 4/19.

15. The views and enquiries of 18 Members about the issue were summarised as follows:

Action

- (a) Mr Patrick WONG asked how the WSD would arrange the construction works in Eastern District in stages and whether monitoring results could be obtained in real-time after the installation of monitoring and sensing equipment, so as to carry out early rehabilitation works of water mains.
- (b) Mr Stanley HO asked why it was not until this stage that the WSD consulted the EDC on the remaining works, whether the WSD had any plans to conduct public consultation, how the WSD would handle water mains leakage inside private properties and whether there were any penalties, and whether the WSD had communicated with the property management sector about the works and reached a consensus. He opined that the WSD should give a detailed account of the relevant penalties in the discussion paper to avoid misleading the public.
- (c) Mr LEE Chun-keung believed that the aforementioned project would help detect water mains leakage and reduce fresh water wastage. However, he worried that the monitoring system was counterproductive and asked why it was not until a part of the works had been commenced that the WSD consulted the EDC.
- (d) Mr LAM Sum-lim used the Shau Kei Wan area as an example and said that as there were many aging buildings in the area and some of the buildings were pending acquisitions, the property owners were indifferent to water mains issues. He asked how the WSD would follow up on the leakage cases and the different ways to deal with water mains leakage on private and public lots.
- (e) Mr Howard CHEUNG asked how the WSD could detect water mains leakage through the monitoring and sensing equipment in order to carry out rehabilitation works, the time required for works completion in the whole Eastern District, whether the WSD had applied for the relevant road works permit and excavation permit in advance, the procedures for replacing batteries as well as the repair and maintenance of the monitoring and sensing equipment, and how to find out that the batteries should be replaced in around 2 to 3 years.
- (f) Mr CHUI Chi-kin said that the WSD had implemented the Water Intelligent Network (WIN) as early as in 2014, and asked why it was not until now that the WSD consulted the EDC. He also wanted to

Action

know the estimated completion date of the works in Eastern District, the target results to be achieved by establishing the monitoring network, the parameters of the rehabilitation works of water mains to be carried out, and the estimated construction cost of the works in Eastern District. He also hoped the WSD solve the problem of uneven manhole covers to avoid affecting pedestrian and traffic safety.

- (g) Mr Patrick LEUNG asked why the WSD failed to install the monitoring and sensing equipment when carrying out replacement and rehabilitation of water mains on Hong Kong Island in order to reduce the impacts on the public. He also wanted to know how the WSD monitor the pipes on private and public lots, whether the scope of monitoring include the communal pipes within buildings, and whether the WSD could flexibly change water distribution networks within the district in order to shorten the duration of supply interruption.
- (h) Mr MAK Tak-ching could not understand why the WSD consulted the EDC only after WIN had been implemented several years. He asked how the WSD would arrange the works at various locations, the target results by establishing WIN, the scope of monitoring, and how would water mains leakage in private properties be dealt with. He also indicated that there was frequent bursting of pipes in Sai Wan Ho area recently, and asked the WSD about precautionary measures.
- (i) Mr Andrew CHIU recognised the need for installing the monitoring and sensing equipment to facilitate WSD's monitoring of the condition of the water distribution network, so as to reduce water loss. He cited Tai Koo Shing area as an example to illustrate that there were technical difficulties in the replacement and rehabilitation of water mains, which led to delays in the works. He suggested the WSD step up communication and co-operation with PMCs to facilitate the smooth completion of rehabilitation works.
- (j) Mr CHENG Chi-sing supported the establishment of additional District Metering Areas (DMAs) to enhance the monitoring of the condition of the water distribution network. He used the Healthy Village as an example to show that the monitoring and sensing equipment facilitated the monitoring of water pressure and water flow. In addition, he asked the WSD to give a detailed account of how the monitoring and sensing

Action

equipment help the WSD manage and monitor the condition of the ring mains network and the scope of monitoring inside and outside buildings.

- (k) Mr CHENG Tat-hung asked whether the WSD had consolidated its experiences in the past years so as to explore other new ways to monitor the condition of the pipes and prevent bursting of pipes. He also asked about the estimated schedule of the works in Eastern District.
- (l) Mr KUNG Pak-cheung said that in the past, WSD frontline staff could only assess the condition of the water pipes by listening to the sounds in the pipes drawing on their own experience. He supported WSD's installation of monitoring and sensing equipment to monitor the pipes more effectively with the aid of technologies. He suggested the WSD install valves at the installation points of the monitoring and sensing equipment to facilitate repair and maintenance of individual water pipes by sections in the future. He also remarked that some Members were worried that the WSD might mandatorily require property owners to replace leaking pipes, which would add to the financial burden of property owners, hence he asked how the WSD would deal with pipe leakage cases in private properties.
- (m) Mr Dominic WONG supported the installation of monitoring and sensing equipment to facilitate identifying the source of seepage quickly. He hoped the WSD would minimise noise nuisances and traffic impact brought by the works and requested the WSD to enhance dissemination of project information to the public for their early preparation.
- (n) Mr KU Kwai-yiu asked whether the scope of monitoring by the monitoring and sensing equipment include the pipes within private properties, whether all manhole construction works would be carried out on pavements, and whether the WSD would conduct regular inspections of the monitoring and sensing equipment.
- (o) Ms Bonnie LEUNG hoped that the WSD would keep the duration of supply interruption to the minimum during the works. She also asked

Action

the WSD to provide the estimated schedule of the works in Eastern District and conduct detailed traffic impact assessment (TIA) for each project to minimise the impact on the public. She asked about the areas which were subject to supply interruption brought by individual project.

- (p) Ms Elaine CHIK supported WSD's installation of the monitoring and sensing equipment as it improved the water supply network and reduce water wastage. She continued to state that the problem of aging pipes was serious within the district and hoped that the WSD would strengthen support for property owners to alleviate their burden.
- (q) Mr WONG Kin-pan supported WSD's installation of the monitoring and sensing equipment and hoped that the WSD would provide the estimated schedule of the works in Eastern District and supply interruption schedule to enable members of the public to make early preparations. He also asked whether the WSD would be able to carry out real-time monitoring of leakage at various monitoring points. He hoped the WSD could provide relevant information to local DC Members if leakage was detected. He also wished to know whether the scope of monitoring include branch pipes in Eastern District.
- (r) The Vice-chairman asked about the average time required for manhole construction works at various locations.

16. Mr LAU Chi-ming, Mr Peter NG of the WSD and Mr Tony LAU of Black & Veatch responded to the views and enquiries of Members as follows:

WSD

- (a) The WSD expected to commence the aforementioned project at the end of 2019. In order to minimise the inconvenience and impact on the public, the WSD would consult and co-ordinate with DC Members and consumers of the affected areas on the works and supply interruption beforehand.
- (b) The WSD had commenced the Replacement and Rehabilitation Programme of Water Mains since 2000 to replace and rehabilitate the aged water mains across the territory, and had installed monitoring and

Action

sensing equipment at some locations through Minor Works Programmes. Riding on the technological advancement of sensors, telemetry, network management software and data analysis in recent years, the WSD hoped to implement WIN to maintain the healthiness of the water distribution network. The WSD had also taken the opportunity to review the existing monitoring network and suggested establishing about 400 additional DMAs in Hong Kong, 57 of which were located in Eastern District. Going forward, with the implementation of WIN, the WSD could analyse the network condition and determine the most cost-effective means to maintain its healthiness.

- (c) Currently, the WSD monitored the condition of water distribution network manually with relatively low efficiency. The WSD was now procuring an Intelligent Network Management Computer System (INMS) to analyse the data collected from the DMAs more efficiently. The WSD anticipated that the INMS would be put into operation in mid-2020 for continuous monitoring of the condition of the water distribution network.
- (d) The WSD was planning to establish around 2 000 DMAs across the territory, and would seek funding from the Legislative Council by phases. The primary function of WIN was to analyse the data collected from each DMA. The WSD would take into consideration factors such as different timeslots and the nature of consumers, and predict the possibility of leakage in the DMA.
- (e) If abnormalities were detected in the data collected from the DMAs, the WSD would take follow-up actions and conduct investigation to find out whether it was due to pipe leakage or other technical problems. The WSD had no plans to disclose the relevant data to the public at this stage.
- (f) If leakage was identified, the WSD would carry out step tests in the first place. Further leak detection works would be undertaken by contractors. As regards problems in the pipes within private housing estates, the WSD would provide appropriate assistance to the property owners or management companies. Taking Tai Koo Shing area as an example, with the assistance of the WSD, some of the problematic water mains in the housing estates within the area had been successfully

Action

rehabilitated.

- (g) After completing the emergency repair works to the fresh water mains at 171 Sai Wan Ho Street on 10 February, the WSD had rerouted the water supply on 11 February and closed the valves at the relevant fresh water mains without affecting fresh water supply in order to alleviate the risk of bursting of water mains immediately. The relevant fresh water mains with high bursting risk had been incorporated into the current term contract for risk-based improvement of water mains, and the replacement and rehabilitation of water mains would be completed within this year as soon as possible.
- (h) If there was persistent pipe leakage in the properties without any remedial actions, the WSD could terminate water supply to consumers in accordance with the Waterworks Ordinance. During the process, the WSD would maintain contact with property owners, owners' corporations or management companies to provide technical support. The WSD would also provide assistance to property owners or occupants of "three nil" buildings (i.e. those without owners' corporations or any residents' organisations nor property management companies), and would refer the cases to the HAD for follow-up when necessary.
- (i) Since the implementation of the works required the support of the EDC and funding approval by the Legislative Council, it was estimated that the works would not commenced until the third quarter of 2019. Furthermore, the WSD would only negotiate and finalise the schedule of the entire project with the contractors after the commencement of the relevant contracts. After the finalisation of the works schedule, the WSD would certainly consult and co-ordinate with DC Members and consumers of the affected areas.

Black & Veatch

- (j) Based on the experience gained from the operation of the existing monitoring and sensing equipment, the battery life of the equipment was two to three years on average. For battery replacement, normally only lifting of manhole covers was required without any road excavation works and the process took around 1 to 2 hours.
- (k) The remaining works under WIN were still at the design stage. The

Action

estimated construction cost of the works in Eastern District was approximately \$70 million.

- (l) The works location would be determined having regard to the conditions at various areas. Monitoring and sensing equipment might be installed at branch pipes. On the premise of not affecting traffic conditions, priority would be given to works on pedestrian pavements.
- (m) During the construction period, each water supply suspension would not exceed 8 hours. Black & Veatch would communicate with stakeholders in advance and consider flexible deployment of the water supply network within the district in order to minimise the impact on the public.
- (n) Currently, there were 47 DMAs in Eastern District. It was hoped that an additional 57 DMAs would be established.

WSD

17. After discussion and voting, the PWHC approved the aforementioned works with 15 votes in favour, 1 against and 3 abstentions. The Chairman concluded by asking the WSD to submit supplementary information after the meeting.

VI. Concern about the Damaged Ground Floor Planters at Wing Tai Road and Tsui Wan Street

(PWHC Paper No. 5/19)

18. The Chairman welcomed Mr CHUNG Shing-hing, Engineer/Construction 8 of the WSD to the meeting. Mr KU Kwai-yiu briefed Members on Paper No. 5/19, and tabled supplementary photos at the meeting. He indicated that apart from the WSD, the Housing Department (HD) had also carried out works at the aforementioned location. He hoped the departments concerned would repair the damaged planters as soon as possible. Mr CHUNG Shing-hing of the WSD responded.

19. Mr KU Kwai-yiu asked whether the WSD had notified the EDC in advance of the scope of works and whether the repair works of planters could be completed before March. He also hoped the HD would submit supplementary information of the relevant works after the meeting.

20. Mr CHUNG Shing-hing of the WSD and Miss Rose CHAN of the HD responded to the views and enquiries of Members as follows:

Action

WSD

- (a) The WSD had notified the EDC, Hong Kong District Tenancy Management Office Yue Wan Sub Office of the HD and local DC Members of the works description in 2017. The original target completion date was July 2019, but with the efforts of the WSD, the completion date could be brought forward to March 2019.
- (b) According to the current works progress, the planters underneath the footbridge at Tsui Wan Street would be refilled and all related hardware restoration works would be completed before Chinese New Year, and the plants in the planters would be arranged after the flower markets in the Mainland had re-opened for business after Chinese New Year. It was expected that the restoration works of the planters would be completed in mid-March 2019.

HD

- (c) After preliminary understanding, housing construction works was being carried out by the HD near the aforementioned location. The HD would submit supplementary information about the planters at a later stage.

WSD, HD

21. After discussion, the PWHC agreed to include the issue in matters arising.

(Post-meeting note: The supplementary information from the HD after the meeting was passed to Members on 27 March 2019.)

VII. Requesting Departments to Provide Detailed Information on the Land Exchange Project regarding China Motor Bus Chai Wan Depot

(PWHC Paper No. 6/19)

22. The Chairman welcomed Mr Jerry AUSTIN, Senior Town Planner/Hong Kong 4 of the Planning Department (PlanD), Mr Victor CHAN, Senior Estate Surveyor/Hong Kong East (3) and Mr Kason CHEUNG, Estate Surveyor/Chai Wan of District Lands Office, the Hong Kong East (DLO), Mr Louis LI, Senior Transport Officer / Eastern, Mr Keith CHAN, Senior Engineer/Eastern & General and Mr KWAN Wing-yip, Engineer/Eastern 2 of the Transport Department (TD),

Action

Mr Desmond NG, General Manager, Development and Valuations, and Ms May LAM-KOBAYASHI, General Manager, Public Affairs of Swire Properties Limited (Swire Properties), Mr Chapman LAM, Director of MVA Hong Kong Limited (MVA) and Mr Albert CHAN, Associate Director of Wong & Ouyang (HK) Ltd. (Wong & Ouyang) to the meeting. The Chairman briefed Members on Paper No. 6/19. Mr Jerry AUSTIN of the PlanD, Mr Victor CHAN of the DLO, Mr KWAN Wing-yip of TD and Mr Rayson LO of the Eastern District Office (EDO) responded.

23. Mr Desmond NG of Swire Properties, Mr Chapman LAM of MVA and Mr Albert CHAN of Wong & Ouyang briefed Members on the latest project development plan, traffic mitigation measures, and the redevelopment arrangements of Sheung On Street Bus Terminus.

24. The views and enquiries of 9 Members about the issue were summarised as follows:

- (a) Mr WONG Kwok-hing strongly opposed to the land exchange project. He expressed dissatisfaction that the PlanD, DLO and TD had disregarded the opposition from the EDC and local community and bypassed the normal procedure of land sale by public tender to allow the developer to make an exchange for a land plot with higher value and construct a bridge in a public place to connect two blocks of buildings without further consultation with the EDC, which violated procedural justice and represented a dereliction of duty for the interests of the developer. He hoped the EDO would relay the views to the Director of Home Affairs and the Chief Executive to make every effort to stop the land exchange project, so as to avoid political disaster. He expressed strong dissatisfaction and suggested referring the issue to the EDC meeting for follow-up actions.
- (b) Mr KU Kwai-yiu opined that the time for district consultation in 2017 was insufficient and some members of the public could not fully express their views. He hoped the developer would take the initiative to understand the concerns of local residents, give a detailed account of the traffic and environmental impact of the project, and submit relevant statistics for reference. He also suggested the developer to re-provision the open space in-situ, and asked the Government to reactivate the consultation procedure to extensively collect views from Chai Wan, Siu Sai Wan and other local communities in the vicinity.

Action

- (c) Ms Elaine CHIK strongly opposed to the land exchange project and said that the EDC had raised its objection on several occasions in the past and indicated that the large-scale residential and commercial complex project would seriously affect the environment and traffic conditions within the district. She could not understand why the Town Planning Board (TPB) had approved the development plan without further consultation with the EDC. She further pointed out that with the successive completion of other public housing projects within the district, the aforementioned development project would impose additional traffic burden and the transportation capacity of the area would be overloaded. As Chai Wan Road was a major trunk road, the traffic of the whole Chai Wan and Siu Sai Wan areas would be paralysed if traffic congestion occurred. She hoped the TD would give a detailed account of the results of TIA, and provide statistics to justify the solutions to the traffic problems in the area to keep the public informed.
- (d) Mr CHUI Chi-kin said that apart from the aforementioned development project, there were a number of housing developments to be completed in the areas nearby. He worried that the daily necessities and transport facilities in the area were inadequate to meet residents' needs. As such, he opposed to the aforementioned development plan and criticised about the inadequacy of district consultation. He also indicated that the PlanD had shifted responsibility onto the EDC by claiming that the EDC had already approved the draft plan in 2001, which was unfair to the EDC. He further asked whether the objections of Members at this stage could no longer stop the land exchange project.
- (e) Mr KUNG Pak-cheung said that the aforementioned development project would increase the demand for bus and minibus services, buses and minibuses departing from Siu Sai Wan would be fully loaded after passing through the aforementioned site, and residents of Chai Wan area in the later part of the routes would be seriously affected. He also remarked that the developer would use the green environment as a selling point of the residential project after the provisioning of rest garden, which would allow the developer to reap more profits from the high property price. Therefore, he opposed to the developer's plan to use the open space in exchange for the provisioning of the bus

Action

terminus.

- (f) Mr LAU Hing-yeung said that the aforementioned site was adjacent to Chai Wan area, and the development project had a direct impact on the livelihood of Chai Wan residents. He was dissatisfied that the departments concerned had not extensively consulted the views of Chai Wan residents. He also indicated that the transport facilities in the area was inadequate. Unless the Government pledged to construct the MTR Siu Sai Wan Line, otherwise it was hard to convince the public to accept the plan.
- (g) Mr WONG Kin-pan said that over the years, local residents were accustomed to using Sheung On Street Bus Terminus, and he could not understand why the TPB would approve the land exchange application by the developer. He further indicated that as a number of residential developments and government complex would be completed successively in the vicinity of the aforementioned site, the Government should review the overall planning of the area to avoid intensification of development. He was also dissatisfied that the TPB had disregarded the oppositions of the EDC and the community and approved the land exchange application without approval.
- (h) Mr Andrew CHIU said after understanding the situation, he noticed that at the current stage, the TPB had already approved the development plan, the Buildings Department (BD) had already approved the building plans, and the Lands Department (LandsD) was responsible for following up on the land exchange application. He would like to know the content of the opposing views collected from district consultation and asked the DLO to explain how it would deal with the supporting and opposing views. In addition, he also hoped that the TD would elaborate on how the latest TIA would meet the requirements of the DLO. He pointed out that the TPB failed to carefully consider the situation of the area when processing the application. He suggested nominating EDC Members for participation in the TPB to facilitate in-depth discussion of the planning in the district.
- (i) The Chairman said that the transport facilities of the aforementioned site had yet to be improved, and doubted the TD's justifications for the traffic problem having been addressed. He also pointed out that the EDC had raised its objection on several occasions and the TPB should not ignore them. A number of housing projects would be completed in Chai Wan in future, the TD should carefully assess the traffic impact

Action

and avoid increasing the traffic burden. Even if the EDC had shown its support to the development of a comprehensive development area in 2001, it did not mean that the EDC supported the land exchange project. He also queried whether the traffic mitigation measures could address the traffic problems.

25. Mr Jerry AUSTIN of the PlanD, Mr Victor CHAN of the DLO, Mr KWAN Wing-yip of TD, Mr Rayson LO of the EDO and Mr Chapman LAM of MVA responded to the views and enquiries of Members as follows:

PlanD

- (a) The China Motor Bus Company Limited (CMB) had submitted a rezoning application to the TPB for rezoning the former China Motor Bus Chai Wan Depot (Private Land) and the adjoining government land of Chai Wan Bus Terminus from “Industrial”, “Government, Institution or Community” Zones and an area shown as “Road” to “Comprehensive Development Area (CDA)” and “Open Space (OS)” Zone as early as 2000. The TPB had partially approved the application in January 2001, and the proposal to rezone the site concerned to “CDA (1)” and “OS” Zone in Chai Wan Outline Zoning Plan had been gazetted for consultation with the EDC in April 2001 in accordance with the statutory procedures.
- (b) In 2002, the TPB approved the applicant’s application of proposed residential development at the application site (Application No. : A/H20/119). The development project concerned included 4 residential building blocks. The applicant had not commenced the works yet.
- (c) In 2008, the applicant had submitted a planning application (Application No.: A/H20/159) for the amendment of proposed development to reduce the number of building blocks in the development plan. However, the planning application was not approved by the TPB. In 2012, the applicant resubmitted a planning application (Application No.: A/H20/177) for the proposed comprehensive residential development including commercial use and public transport terminus. The Metro Planning Committee of the TPB had scrutinised and rejected the application on 19 April 2013. Thereafter, the applicant had applied for a review of the decision under section 17 of the Town Planning Ordinance. On 23 August 2013,

Action

when considering the review application, the TPB was of the view that the applicant had already addressed the traffic, building design and public open space issues previously raised. Therefore, it decided to approve the review application with conditions and grant a planning permission.

- (d) The PlanD had deposited the TPB Papers under Application No.: A/H20/177, including the TIA report, environment impact assessment report and other documents, at the EDC Secretariat for Members' reference.

DLO

- (e) According to Chai Wan Outline Zoning Plan, the site east of the aforementioned site was zoned "OS" and the Chai Wan Road Bus Terminus was zoned "CDA (1)", thus the DLO had to determine the planning intention and assist in the handling and follow-up on the land exchange application of the developer.
- (f) Generally speaking, as the TPB would conduct public consultation before processing the planning application, the DLO would not consult the public further for land exchange project involving planning application. Nevertheless, in April 2017, the DLO had specifically requested the EDO to assist in conducting a public consultation, and had received the outcome of the consultation in May 2017.
- (g) After receiving the outcome of the consultation, the DLO would refer the public views to professional departments for reference and comments. The DLO would also check the public views against those collected during the public consultation on the planning application to see if similar views had been received, and pass the supplementary information submitted by the applicant to members of the public concerned.
- (h) It was believed that majority of the views received by the DLO had been received and considered by the TPB when processing the planning application.

TD

Action

- (i) The TD had provided its comments to the PlanD on the traffic and transportation aspects of the TIA report submitted by the applicant. The applicant had revised the TIA report in response to the TD's comment on the traffic and transportation aspects, and had proposed relevant traffic mitigation measures, such as setting back the building blocks to widen the pavement on Chai Wan Road and provide additional traffic lanes on Sheung On Street near Chai Wan Road. Thereafter, the TD had also indicated to the PlanD that it had no comment on the revised TIA report.

EDO

- (j) The EDO had received a total of 32 submissions during the public consultation period, including 3 in support, 4 with no comment and 25 in opposition to the aforementioned land exchange project. The opposing views mainly focused on concerns on aspects such as landscape, ventilation, traffic, open space, etc.

MVA

- (k) Since obtaining TPB's approval in 2013, the developer had maintained close contacts with the TD and had revised the TIA report in light of the latest development in the area.
- (l) In order to alleviate the traffic impact of the project, the developer would provide additional traffic lanes on Sheung On Street and set back the construction site to reduce the site area. The developer would also set back the building blocks to widen the pavement on Chai Wan Road.

26. The Chairman made the following declaration:

“We object to the Government's disregard of the EDC views and public opinion and approval of the land exchange application of the developer without consulting the EDC, putting public interest into serious jeopardy.”

All Attendees

27. After discussion, the PWHC reiterated its objection to the land exchange project.

VIII. Request to Review the Effectiveness of the Mandatory Window

Inspection Scheme

(PWHC Paper No. 7/19)

28. The Chairman welcomed Mr KO Po-leung, Senior Structural Engineer/Mandatory Building Inspection 1-E and Mr CHOI Hok-hoi, Structural Engineer/Mandatory Building Inspection 1-E1 of the BD to the meeting. Mr Stanley HO briefed Members on Paper No. 7/19. Mr KO Po-leung of the BD responded.

29. The views and enquiries of 7 Members about the issue were summarised as follows:

- (a) Mr Patrick WONG was pleased to see that the BD had provided more information on the internet to allow members of the public to select appropriate contractors and make reference to the project cost. He also asked whether the number of accidents caused by dilapidated windows had reduced in the recent years, and hoped the BD would provide relevant statistics for reference.
- (b) Mr KU Kwai-yiu said that deception cases by unscrupulous contractors occurred from time to time, therefore he supported the BD for providing more information to protect the interests of owners. He also asked whether the BD would select buildings under the Home Ownership Scheme (HOS) and Tenants Purchase Scheme (TPS) as target buildings.
- (c) Mr Stanley HO remarked that there were many aging buildings within the district, but some owners adopted a “wait-and-see” position and would not take the initiative to examine the condition of windows before receiving the Mandatory Window Inspection Scheme (MWIS) notice, which increased the risk of accidents. He did not wish to see that there would be casualties caused by falling windows again, and asked the BD about the number of buildings within the district that mandatory window inspection had not been completed, and suggested the BD deploy additional manpower and consider taking the initiative to carry out investigation to learn about the window conditions of the buildings within the district.
- (d) Mr Eddie TING said that illegal practices of contractors were often found within the district, but the BD had not instigated any prosecution

Action

or taken any disciplinary actions. He hoped the BD would step up monitoring and consider increasing the penalty to effectively deter illegal practices.

- (e) Mr LAM Sum-lim said that different contractors had different window inspection standard, and the works recommended were also different, which might easily give rise to doubts about overcharging and the owners might suffer from financial losses. He hoped the BD would strengthen monitoring of the trade and formulate relevant operation guidelines to protect the interests of the public.
- (f) Mr LAU Hing-yeung said that the public lacked professional knowledge of window inspection, and might feel helpless after receiving the MWIS notice. Also, the works proposed by different contractors might vary greatly, it would be difficult for the public to judge whether the contractors had overcharged or not. He suggested the BD deploy additional manpower and strengthen communication with owners, so as to assist owners in tackling the problems effectively.
- (g) Mr Andrew CHIU praised the BD for the satisfactory results of the publicity campaigns and thanked the BD for its efforts.

30. Mr KO Po-leung of the BD and Miss Rose CHAN of the HD responded to the views and enquiries of Members as follows:

BD

- (a) Apart from publishing pamphlets to explain to the owners their rights and the points to note when engaging Qualified Persons (QPs) for carrying out window inspection, the BD would also compile cost information for window inspection and repair items under MWIS obtained from the quotations/advertising pamphlets provided by QPs/contractors, and would upload the information to the BD's website. The information would be updated half-yearly in June and December for owners' reference when considering the quotations of QPs. In addition, the BD had compiled the "Layman's Guide on Mandatory Window Inspection Scheme (the Guide)" in March 2017 to explain to owners the mandatory inspection components requiring

Action

repair/replacement and non-mandatory repair/replacement components under MWIS. Meanwhile, the Guide provided guidelines for reporting the malpractices of QPs or Registered Contractors to facilitate owners in dealing with window inspection matters. Also, the BD had produced and uploaded the Announcements of Public Interest to the BD's website to provide owners with information about MWIS to protect the interests of owners.

- (b) The BD would organise briefings from time to time and attend residents' meetings to provide MWIS information upon requests of members of the public or DC Members.
- (c) As at 31 December 2018, the BD had issued MWIS notices to 777 private buildings in Eastern District, representing around half of the buildings of age in Eastern District in general.
- (d) The BD had a mechanism in place to collect statistics on the window conditions of the buildings within the district, and adopted a risk-based approach. Apart from selecting a certain number of target buildings for Mandatory Building Inspection Scheme and MWIS according to the established selection criteria every year, the BD would also select buildings with frequent incidents of falling windows or dilapidated windows for MWIS.
- (e) The BD would deal with reports regarding contraventions of the Buildings Ordinance (BO), and would take the initiative to conduct random checks. If any non-compliance of service provider was found, the BD would consider instigating prosecution and/or taking disciplinary actions against it. The BD would also announce to the public through press releases in the hope of improving the trade's performance.
- (f) The target buildings under the HOS and TPS would be selected by the Independent Checking Unit (ICU) directly under the Office of the Permanent Secretary for Transport and Housing (Housing).

HD

Action

- (g) Authorised by the Building Authority (BA) (i.e. the Director of Buildings), the ICU exercised control under BO to properties developed by the Hong Kong Housing Authority that had been sold or divested, in accordance with the BO and the policies and guidelines of the BA, including MWIS.

BD 31. After discussion, the Chairman asked the departments concerned to note Members' views.

IX Progress Report of Matters Arising from Previous PWHC Meetings

(PWHC Paper No. 8/19)

All Attendees 32. After discussion, the PWHC agreed to note the progress report of matters arising from previous PWHC meetings and the improvement works at Heng Fa Chuen Playground and Siu Sai Wan Sports Ground proposed by the Leisure and Cultural Services Department.

X. Date of the Next Meeting

33. The meeting ended at 8:00 pm. The 8th meeting of the PWHC would be held at 2:30 pm on 9 April 2019 (Tuesday).

Eastern District Council Secretariat
March 2019