

LCQ10: Expediting implementation of public housing projects

Following is a question by the Hon Shiu Ka-fai and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (June 23):

Question:

Regarding the reply by the Secretary for Development (SDEV) to my question raised on June 2 this year, will the Government inform this Council:

(1) given that the SDEV has cited the rezoning of a single land parcel for the development of public housing as an example to illustrate the procedures involved in transforming a piece of "primitive land" into a "spade-ready site", of the details of the specific work involved in each of the following procedures:

(i) conducting a technical feasibility study to assess the impact on transport, environment, etc (taking around two years),
(ii) rezoning under the Town Planning Ordinance (Cap. 131) (the Ordinance) (normally taking 11 months in accordance with the Ordinance),
(iii) carrying out detailed engineering and architectural designs (normally taking 18 to 24 months),
(iv) (in the event that any private lot is involved) arranging the gazettal of land resumption and works area under the Lands Resumption Ordinance (Cap. 124) and other ordinances as well as handling objections,
(v) (in the event that any private lot is involved) resuming the land,
(vi) (in the event that any private lot is involved) providing rehousing compensation for the affected tenants or operators,
(vii) clearing the land, and
(viii) carrying out site formation and infrastructural works (taking around two to three years depending on site conditions);

(2) of the respective time normally taken for each of the procedures mentioned in (1)(iv) to (vii);

(3) which of the procedures mentioned in (1) can be proceeded with in parallel; whether it has, from time to time, explored means to enable more procedures to be proceeded with in parallel;

(4) as the SDEV has indicated that the building of public housing flats takes at least around four to five years, of the details of the specific work involved in the construction works; and

(5) as the SDEV has indicated that, as estimated in the light of the procedures mentioned in (1), it normally takes more than 10 years from the initial conduct of a technical feasibility study to the completion of public housing flats, whether it has assessed if such a housing construction speed

is desirable and acceptable; if it has assessed and the outcome is in the affirmative, of the justifications; if the assessment outcome is in the negative, the improvement plans in place?

Reply:

(1) and (2) (i) The main purpose of conducting an engineering feasibility study for rezoning a land parcel for public housing development is to ascertain the feasibility of using the site for public housing development, and to delineate the preliminary works area for site formation and related infrastructure works.

In the course of the study, on the basis of the proposed development parameters (e.g. plot ratio, building height, etc) and the geographical situations, we will formulate the site formation plan, and conduct technical impact assessments regarding various aspects including environment, traffic, drainage, sewage treatment, water supply, geotechnical engineering, vegetation, ventilation and visual impact. We will then devise the necessary mitigation measures and plan for the relevant infrastructure facilities based on the assessment results. Moreover, we will commence the preliminary ground investigation and preliminary design for the proposed works so as to establish its technical feasibility.

The above work has to be conducted in accordance with the relevant professional requirements, and are inter-related with one other. For instance, the environmental impact assessment needs to take into consideration the existing developments and those still in planning stage in the surrounding areas, and incorporate assessments in a number of other aspects, such as ecology, noise, water quality and air. In addition, the noise assessment can only be conducted when data from the traffic impact assessment (such as vehicular flow) are available. If the results of individual assessments exceed the prevailing standards, we will have to draw up effective mitigation measures.

(ii) The Town Planning Ordinance (Cap. 131) (the Ordinance) provides clear statutory time limits for the making of town plans. According to the Ordinance, all relevant plans, whether in the process of making or amendment, will be exhibited for two months for public inspection and representation. The Town Planning Board (TPB) is required to submit the plans and amendments, together with the relevant representations and comments, to the Chief Executive in Council (CE-in-Council) for approval within nine months after the expiry of the plan exhibition period. In case of special circumstances where approval of the Chief Executive (CE) has to be sought to extend the time limit, only a maximum extension of six months can be allowed.

The work of plan making include specifically the following: after the expiry of the two-month plan exhibition period, the TPB will publish the representations received for three weeks for public comments. Then the TPB will hold a hearing for the representations and comments received to decide whether to propose amendments to the draft plan to meet or partially meet the representations. Any amendment proposed by the TPB will be published for three weeks, during which any member of public (other than the persons who

have submitted representations and comments related to the proposed amendments) may make further representation in respect of them. If opposing further representations are received, the TPB will hold a further hearing and decide whether to amend the draft plan, either on the basis of the proposed amendments or in other manner that the TPB considers appropriate. Such amendments will form part of the draft plan, which will be submitted together with the relevant representations, comments and further representations to the CE-in-Council for approval. All the above work is carried out in accordance with the statutory requirements.

Generally speaking, most of the plans so made can be submitted to the CE-in-Council for approval within 11 months (i.e. nine months after the expiry of the two-month plan exhibition period).

(iii) During the detailed design stage, we need to conduct more comprehensive ground investigation in respect of the preliminary works scope and carry out the detailed design work for the proposed site formation and infrastructure works with reference to the geological information obtained. For public housing developments, the necessary site formation and infrastructure works generally include geotechnical works (such as construction of retaining walls and slopes), road works (such as construction of footbridges/flyovers, public transport interchanges and improvement of road junctions), drainage/sewerage/water supply works (such as laying underground services and building pumping stations), environmental mitigation measures (such as installation of noise barriers), landscaping works, etc. We need to prepare working drawings and contract documents in respect of these works to facilitate the tender process.

Apart from the detailed design work, we need to consult relevant departments and stakeholders (such as the district council and the Advisory Committee on the Appearance of Bridges and Associated Structures) on the works projects at this stage. We also need to work out the project estimates and prepare the tender documents for the works contracts, and to commence the tendering procedure for the works contracts in a timely manner.

(iv) When the Government implements public projects such as road scheme, subsidised housing development or any item in the Public Works Programme, the Lands Resumption Ordinance (Cap. 124) (LRO) or other applicable legislations (such as the Roads (Works, Use and Compensation) Ordinance (Cap. 370)) may need to be invoked to resume private land for the above-mentioned public purpose. The Government will consult stakeholders by appropriate forms and means having regard to the circumstances of the development project concerned. If a development project involves road or sewerage works, the Government is also required to publish a Gazette notice for the proposed works and the land to be resumed in accordance with the relevant legislations for public inspection and views.

Regardless whether the works are required to be gazetted, the Government is required to deal with any objection received in accordance with the applicable procedures. Once the boundary of a development project is confirmed, the land resumption proposal together with the objection(s) received will be submitted to the CE-in-Council for consideration. When

authorised by the CE-in-Council in accordance with the LRO or other applicable legislations to resume private land, the Government will issue land resumption notice advising that the affected private land would revert to the Government.

The time required for the above-mentioned procedures depends on the nature of the works, the requirement of applicable legislations (such as whether road or sewerage works are involved, and whether gazettal is required), the scale of the development projects, and the number of objections received, hence could not be generalised.

(v) When a works project is approved by the CE-in-Council in accordance with the LRO or other applicable legislations and funding approval is obtained from the Legislative Council (LegCo) (or is supported by the relevant Panel), the Government will publish in the Gazette the land resumption notice in accordance with the relevant legislations. A copy of the Gazette notice will be affixed on the affected property or in its vicinity as well as sent to the registered owner of the relevant land by mail. When the period specified in the notice expires (normally three months after the publication of the land resumption Gazette notice), the ownership of the affected private land will revert to the Government.

(vi) Once the planned land use, development boundary and implementation plan are confirmed, the Government will conduct pre-clearance survey (i.e. freezing survey) in order to capture the current occupation and status of existing structures within the development areas, information of which will serve as one of the bases for assessment of eligibility for rehousing and/or ex-gratia allowances in future. Thereafter, the Lands Department (LandsD) will conduct eligibility screening for affected persons timely. In the process of planning development projects, the relevant departments will maintain close contact with affected persons, and the LandsD will explain to affected residents the compensation and rehousing arrangements.

When invoking the relevant legislation to resume private land, the Government is required to provide compensation to persons with legal interest in accordance with the law (i.e. statutory compensation). Apart from this, the Government has put in place an ex-gratia compensation system as an administrative alternative to statutory compensation. For those persons without any legal interest, such as squatter structure occupants, although they are not eligible for statutory compensation, the Government will still offer applicable compensation and rehousing arrangements to those that are eligible, so as to relieve the inconvenience brought to them by the development exercises. In fact, to address the concern of those affected by development clearance and to smoothen land resumption and clearance with a view to expediting development projects, the Government made substantial enhancements to the ex-gratia compensation and rehousing arrangements in 2018, whereby non-means tested rehousing arrangement was introduced for eligible squatter occupants, and the eligibility criteria of ex-gratia allowances for eligible squatter occupants and business undertakings were relaxed, as well as the amount of the allowances was increased.

When a proposed development project and its funding are approved by the

LegCo, the Government will thereupon arrange ex-gratia compensation and rehousing for those eligible persons, including allocation of rehousing units and release of allowances to those eligible occupants and business undertakings. The processing time of each case depends on individual circumstances and the preference of affected persons. The relevant departments and units will nonetheless endeavour to cope with the timetable of development programme when processing the cases, and provide assistance to affected persons as far as practicable. As reiterated in many occasions, the Government strives to properly rehouse eligible households prior to the commencement of clearance works in accordance with the Government's commitment to its objective of "rehousing before clearance".

(vii) Upon expiry of the period specified in the land resumption notice published in the Gazette by the Government in accordance with relevant legislation, the ownership of the affected private land will revert to the Government. Afterwards, the LandsD will suitably inform affected persons to depart from the development boundary by a specified date according to the requirement of works department and their development programme, and starting from the day of clearance, demolish the affected structures, clear the land and pass the cleared land to the works department for commencing works. Depending on the progress of the works project and the situation of individual household, the LandsD may clear and pass the land to works department by phases, so that works can commence as soon as possible, while suitable buffers can also be provided if needed for affected persons without affecting the works programme.

(viii) In general, contractors will immediately commence site clearance works (including removal of trees and topsoil, demolition of squatter structures, etc) when the site under their works contracts is handed over to them. Moreover, if the site concerned includes private land where access was previously denied during the design stage, ground investigation, tree survey and land contamination investigation will be conducted after the resumption of such land.

Upon completion of land clearance, contractors will proceed with the geotechnical works (including construction of slopes and retaining walls), excavation or filling works, and removal or treatment of land contaminants as appropriate for the purpose of carrying out the site formation for the proposed development. Concurrently, contractors will conduct road and drainage/sewerage/water supply works, environmental mitigation measures, landscaping works, etc. In the course of the above works, contractors are also required to coordinate with the utility undertakers on the laying of other necessary infrastructure facilities for the proposed development, such as electricity cables, gas pipes and telephone lines, etc.

(3) In order to expedite land and housing supply, quite a number of the above-mentioned procedures are carried out concurrently. For example, the detailed design of the site formation and infrastructure works is carried out in parallel with the related statutory procedures (such as the gazettal procedures under the LRO, the Roads (Works, Use and Compensation) Ordinance (Cap. 370) and the Water Pollution Control (Sewerage) Regulation (Cap.

358AL)) and the handling of objections. In addition, the Civil Engineering and Development Department will as far as possible implement the site formation and infrastructure works in phases in order to hand over the completed parts of the site to the Hong Kong Housing Authority (HA) for housing development, and arrange the works of the remaining parts to be conducted in parallel with the building construction works.

Meanwhile, in order to save time, it has been the HA's practice to carry out part of the preparatory work for public housing development projects, including formulating planning brief, conducting detailed design, site investigations, tender preparation, etc, concurrently during the above "land production" stage by the Government such that the construction works can commence as soon as the sites are handed over to the HA by the Government.

(4) General speaking, the HA takes about four to five years to complete the piling and construction works of a public housing development project after the site is handed over to the HA by the Government. However, the time required for construction varies depending on the conditions of individual sites, including the ground and geological conditions of the sites, and unforeseeable factors such as inclement weather, etc. Moreover, in line with the principle of "optimising land use" to address the keen public demand on increasing flat production and providing additional social welfare and car parking facilities, etc, many projects need to further enhance the site potential. This entails providing podiums and basements, or even requiring the construction of refuge floors as the domestic floors exceed 40 storeys. While all the above designs will inevitably lengthen the construction time, the HA will continue to liaise with relevant government departments to improve project design wherever practicable so that the construction time can be shortened as far as possible.

According to the HA's well established precast concrete construction method, for a typical domestic block with over 20 flats per floor, we can now in general complete the concrete works for a floor in six days. While ensuring site safety and construction quality, the HA will continue to improve its construction technologies and workflow and facilitate the use of other innovative construction methods, such as proactively selecting suitable projects for use of the Modular Integrated Construction, with a view to further enhancing productivity.

(5) In addition to the above measures, as announced by the CE in the 2020 Policy Address, the Steering Group on Streamlining Development Control under the Development Bureau (DEVB) has expanded its composition and remit to include vetting departments other than those under the DEVB, with a view to reviewing more comprehensively the development approval processes for both Government and private projects, and rationalising the development-related requirements imposed by different bureaux. In order to further expedite the land and housing supply, apart from the administrative vetting procedures of individual departments, we are also examining whether there is any room for accelerating or streamlining the development process under respective legislation, including the town planning process and procedures related to road works. This also includes the review of the timeframe for processing

development applications and the procedure for handling representations under the existing legislation, etc.