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致 行政長官

### 香港建築師學會就 2023-24 年度施政報告的建議

香港建築師學會對過去一年政府在 特首閣下領導之下所推行的種種政策，深表讚賞。特別是當局大刀闊斧進行改革，針對土地、房屋、人口等問題提出長遠策略，並取得一定成效，足以證明政府是個有心、有力、有為的政府。

鑑於現時政府就即將公布的施政報告諮詢公眾，本會收集屬下委員會和一眾會員的意見，憑著我們的專業知識，歸納出以下 5 個建議：

1. 拆牆鬆綁·匯聚人才·推動創科應用；
2. 建設可持續發展城市和優質生活空間；
3. 房屋政策；
4. 文化藝術及康體氛圍；及
5. 旅遊設施。

建議詳情請參閱附上的建議書及附件，希望 特首閣下可以參考並採納在施政報告當中。本會樂意與當局探討我們的建議，大家一同攜手共建美好香港。

此致

陳澤斌 建築師 會長  
香港建築師學會  
2023 年 8 月 30 日

## 香港建築師學會《2023-24 年度施政報告》建議書

### (1) 拆牆鬆綁·匯聚人才

香港建築師學會支持政府推行的策略性基建項目，包括北部都會區，交椅洲人工島等等，以解決困擾香港多年的土地供應嚴重短缺狀況。然而，這些項目需要大量的建築師以及其他建造界相關專業人才，但是現時業界卻面臨嚴重的人手不足問題，未必能夠應付這些基建項目所需。

就舒緩業界人手短缺問題，本會有以下 3 個建議：

#### (a) 精簡程序·推動創科應用

首先是要精簡繁複的政府審批程序。香港建築師的日常工作均需要耗費大量的時間和精力，來應付政府繁複的審批程序。因此多年來本會都建議政府大幅簡化政府程序，讓業界專業人士可以把精力用在更有建設性的工作方面，例如掌握 MiC、BIM 以及人工智能等新技術，提升香港的專業水平。精簡程序也可以讓建築師，包括在私人事務所以及政府部門工作的建築師，在無須增加聘請額外人手的情況下，也可以應付更多工程，從而大大舒緩業界人手短缺的問題。精簡程序的目的是解放生產力，讓專業人士可以把精力放在真正的專業水平提升，而非應付填寫表格等行政措施。本會樂見政府早於上一個立法會年度，已完成了精簡城市規劃條例與其他相關條例下的程序。可是政府仍然有需要精簡屋宇署、消防處、地政處以及其他部門的程序，進一步拆牆鬆綁。

本會曾於 4 月 28 日就精簡這些部門的程序向發展局提交了一份詳盡的實質建議（附件一），希望政府可以考慮及盡快落實。

#### (b) 優化挑選顧問公司機制

其次是要優化政府的採購制度，解決因惡性競爭而造成顧問費用長期偏低的問題。顧問費用偏低令到建築事務所無法聘請足夠人數應付工作量，導致建築師一般工時過長，以及缺乏工作與生活平衡。不少年青人因而對加入專業建築師的行列感到猶豫，也促使一些年青建築師到外國尋找更理想的專業環境，令到香港業界人手短缺問題雪上加霜。這種工作環境也不利於吸引外國建築專才來港工作。提供有意義的、有使命感的工作，才可以挽留人才。

本會亦已於 7 月 3 日向發展局提交了優化採購程序的實質建議（附件二），希望政府可以考慮及採納。

假若顧問工程合約投標時需要提交技術建議的話，需要有適當的顧問酬勞。

### (c) 推行新政策前必須考慮對業界人手的影響

政府近期在業界推行的不少新措施，例如 NEC、BIM 和 SOPL，原本的構思是不錯的，但是新措施及程序往往需要更多或者不同專長的人去應付。在現時業界人手短缺的情況下，本會建議政府必須先考慮業界以及政府部門的人手緊張情況，再決定推出新措施時的緩急次序。

例如今年內將會立法推出的 SOPL 的原意是杜絕惡意拖數，比方項目的工料測量師已發出 payment certificate，但業主卻沒有在規定的期限內支付所需費用給承建商，這樣 SOPL 可以幫助承建商追討應收款項。然而，SOPL 其實無須涵蓋其他不相關範疇，以免不必要地增加額外的工作量，例如用料的質量以及工人的手工水平等，這些都有專業建築師把關，多年來行之有效，無須立法規管。

### (d) 增加政府資助專業學位

再其次本會建議政府增加資助建築課程大學學位，包括建築碩士課程學位。現時不少年青人有意攻讀建築課程，但是只有部份本地大學的建築碩士學位獲政府資助，而自資的碩士學位對很多基層學生來說是難以負擔的。增加政府資助的碩士學位可以幫助基層學生追尋夢想。

此外，當局也需要增加其他相關的資助學位，例如環境建築、文物保育、BIM (Building Information Modeling) 等等。

## (2) 建設可持續發展城市和優質生活空間

政府積極推行的策略性基建項目，包括北部都會區以及交椅洲人工島，不但可以逐步解決已經困擾香港多年的土地供應「量」嚴重短缺的問題，也是提升城市發展「質」素方面的契機。

改善香港的宜居性，除了可以改善市民的生活質素，亦都有利於吸引國際專才來港工作，增強香港的競爭力。就創造香港城市的優質生活空間，本會有以下建議：

### (a) 生態及傳統文化資源

以北部都會區為例，區內擁有豐富的生態環境資源、歷史建築、文化景觀以及非物質文化傳統。本會於 7 月 28 日已就新田科技城的規劃向發展局提交建議（附件三），並聯同其他六個專業學會於 8 月 9 日向發展局提交聯合建議，做好文化景觀的點、線、面的普查，然後把這些資源融入新發展區的規劃當中，透過城鄉共融的精神打造宜居、多元及富特色的社區。（附件四）

單是把不同的元素無關聯地拼湊在一起並非上策，真正的融合才是最有效的。你中有我，我中有你，發展區內保留一些生態境觀，保育區內有小建築，保留親水文化等等。針對不少位於偏遠地區無路可到的古老建築物日久失修，本會建議政府在可行的情況下加建道路，以便利建築物維修。

## (b) 文化氛圍

優質的宜居城市需要濃厚的文化氛圍，以及現代的體育及康樂設施，請參閱本會在第(3)段的建議。

以上只是以北部都會區為例子，其他項目例如交椅洲人工島及油旺重建等，都有各自的地區特色，必須善加利用，然後再加入現代元素為每區創造獨特的色彩，以改變過往香港新發展區缺乏特色的弊病，從而創造更優質的城市生活空間。

## (c) 健康城市

香港剛剛走出 Covid-19 疫情的陰霾，本會建議政府成立跨政策局及部門的「健康城市專責小組」，包括醫生、護士、建築師、規劃師、工程師、城市設計師、學者、社工等等，總結過去三年的防疫經驗，制定規劃、城市及建築設計的指引和標準，例如醫院及老人院的設計標準，以提高香港城市應對疫情的韌性。當局也需改善公共空間，例如公園、海濱、街道的設計、綠化率、景觀、通達性等等，以照顧市民的身心健康。

## (d) 新常態的契機

此外，疫情過後全球不少行業證實假如能夠善用現代的 IT 及互聯網功能的話，在家工作對員工的效率影響不大，無需天天上班工作已屬他們的新常態。這種模式有利於減少城市交通系統的負荷，減少碳排放之餘也可以方便員工照顧家庭，是不錯的生活及工作模式。但是對很多香港人來說，在家工作是甚為困難的，因為香港的人均居住面積狹窄，安排工作空間有一定難度。

本會建議的跨部門專責小組正正應該審視這種新的工作模式，對城市規劃和建築物設計的影響，例如有否需要修改城市規劃標準和準則 (HKPSG)，或者公屋的設計及人均居住面積的標準，從而作出政策調整。當局也須審視公務員的僱用條件，以及政府的顧問合約是否容許在家工作。

## (e) 社區安老

為了應對香港社會人口老化，本港的城市及建築物設計需要加強長者友善的元素，方便長者社區安老。同時也要改善香港整體的通達性，便利長者自主過健康的生活模式。

例如土木工程拓展署早前展開改善碼頭計劃，重建多個位於離島及偏遠地區的碼頭，改善碼頭的通達性，讓輪椅人士可以使用碼頭上落。然而，現時大多數服務離島的街渡都沒有供輪椅上落的設施，因此即使改善了碼頭的通達性，不少長者及輪椅人士還是沒法享用。本會建議政府推出措施，鼓勵這些街渡營運商更新渡輪，讓長者及輪椅人士可以享受到離島郊遊之樂。

## (f) 可持續發展

可持續發展是每一個國際大都會不可或缺的一環，政府應該制定政策，落實聯合國可持續發展 17 個目標 (<https://sdgs.un.org/goals>)，當中包括氣候行動、生物多樣性、潔淨能源等等。當局亦需要制定路線圖，確保 2050 年香港可以達到碳中和的目標。例如加強採用再生能源及循環再用物料，以及減少浪費能源和地球資源。除了需要進一步提

升新建築物的能源效益之外，更重要的是提升數以萬幢現有建築物的能源效益。碳中和不是容易達到的目標，需要各個政策局及部門通力合作。本會建議政府成立跨政策局及部門的「碳中和專責小組」統籌這方面的工作。

為了配合逐步全面取締汽油車的政策，政府應該立法規定新發展項目提供足夠的充電設施，也需要提供行政誘因，鼓勵現有的屋苑加設充電設施。在北部都會區等新發展區亦應該盡量探討設置單車徑的可行性，以減少市民使用消耗能源的巴士及汽車的需要。

有些外國普遍使用的低碳物料，由於香港現行的防火法例所限而無法使用。此外，也值得檢討已經實行多年的 PNAP 151 及 152 的一些規定。以及環保露台等措施的成效。

本會建議修例規管玻璃幕牆建築物安裝更多可開啟的窗，讓用戶可以減少開啟冷氣系統。舊樓維修時也應該酌情容許加建遮陽裝置，加強能源效益。

#### (g) 經濟多元化

充分而多元的就業機會是提升經濟活力的重要元素，因此政府的規劃需要配合產業規劃，經濟定位以及香港在大灣區的角色。除了創新科技之外，還需要滿足環保工業、MiC 廠房等行業的需要。不同的發展區，例如北部都會區及交椅洲人工島的定位是有分別的，其土地規劃需要作出相應的調整。

#### (h) 優質設計

優質生活需要優質設計。優質的城市及建築設計是宜居城市不可或缺的，更是吸引高端人才在港工作的重要條件之一。請參考（附件五）：「以香港建築推動文化、經濟及旅遊業」。

本會建議政府優化採購制度，改變「價低者得」為主導的聘請項目顧問的模式，改為主要衡量顧問公司的專業水平和設計質量。顧問費用其實只佔項目成本的很少份額，以合理的顧問費用水平獲得優質的設計是物有所值的。

#### (i) 公開設計比賽

本會建議挑選重點公共建築物進行國際性的公開設計比賽，例如博物館、劇院、政府辦公室等。除了可以為設施挑選出高質素的設計之外，也可以向國際推廣香港的新發展區，例如北部都會區和交椅洲人工島，以及讓香港的建築師和事務所在國際舞台上展現實力，一舉數得。

政府應該挑選一些規模較小的重點項目，進行本地的公開設計比賽，讓規模較小的事務所以及年青建築師，能夠有一展所長的機會，作為培育年青建築師以及小型事務所的渠道。而入圍的參賽作品需要有適當的酬勞，以確保設計質素。現附上（附件六）：「推動建築設計比賽文化」以供參考。

### (j) 舊樓維修

香港現時有數以萬幢的舊建築物，不少日久失修，嚴重威脅公眾安全。本會建議政府加快舊區重建的速度，以及教育市民維修私人物業的責任。

單靠市區重建局可能無法應付舊區老化的速度，本會建議政府提供誘因，吸引私人發展商參與那些利潤不高的舊區重建工作，淘汰過於殘舊的建築物。

當局也需教育市民維修私人物業的責任。其實不僅是樓齡達到四、五十年的舊樓才需要維修，一般樓宇都需要做好日常維修工作。這需要政府教育、以及立法規管物業管理公司肩負好維修樓宇的責任。對於那些「三無」舊樓，政府需為居民提供協助，幫助他們做好樓宇維修。當局亦應該考慮為年老及無法負擔高昂維修費用的市民提供資助。

### (3) 房屋政策

本會支持政府推出策略性基建項目，務求徹底解決香港土地供應不足的問題。相信長遠而言，在充足的土地供應之下，樓價會回復到合理水平，讓市民安居樂業，無需再承受住在納米樓或劏房之苦。本會也支持政府的過渡性房屋政策，作為盡快降低市民輪候公屋時間的臨時措施。

#### (a) 資助性房屋

本會支持房屋局推出的「私人興建資助出售房屋先導計劃(樂建居)」，利用私人發展商的資源興建資助性房屋，重建置業階梯。請參閱本會於 6 月 14 日發表的建議（附件七）。

此外，以往的「居者有其屋計劃」有其優越之處，本會建議政府適時重新推出這計劃。

#### (b) 公屋與私樓的比例

現時新發展區的規劃訂明公屋與私樓的比例為七比三，本會建議政府在土地規劃上容許這比例保持靈活性。假若將來樓價隨着政府長遠的土地供應政策成功而回落到合理水平的話，會刺激市民置業的意欲而導致私樓的需求上升。因此，七比三的比例需要隨着市場的情況轉變而作出調整。

#### (c) 人均居住面積

假若土地供應回復正軌，政府應該重新審視人均居住面積的政策。除了改善香港市民的生活質素之外，也正如第(2)(c)及(d)段的建議，需要提供應對日後疫情再度發生的韌性，以及滿足新常態下的工作及生活模式的需要。香港的城市規劃及人均居住面積，包括私樓及公屋，都需要重新審視。

#### (d) 公屋設計

香港現時的公屋設計已經採用了多年，正如第(2)(h)及(i)段的建議，設計是優質生活空間的重要元素，政府可以趁機檢視及提升公屋設計。本會建議政府挑選數個公屋項目進行公開設計比賽，讓年輕建築師發揮創意，尋找新世代的公屋設計。

#### (e) 重建與文物保育

就重建茶果嶺村、牛池灣村和竹園村為公營房屋的計劃，香港建築師學會於本年四月向房屋局提交了意見書（附件八），建議採取「發展與保育並重」的原則，保育村內含歷史價值的建築物、建築肌理、文化風貌和文化遺產，並融入新發展之中。

#### (4) 文化藝術及康體氛圍

國際大都會必需是優質的宜居城市，才能吸引國際專才到來，推動經濟發展。而濃厚的文化藝術氛圍，以及高水平的體育及康樂設施對於宜居城市來說是不可或缺的。有吸引力的城市才有競爭力和軟實力，才能說好香港的故事。

政府推行的策略性基建項目，包括北部都會區，交椅洲人工島以及 URA 油旺市區重建計劃等等，都應該包含多元的文化、藝術、體育及康樂設施，故此政府需要制定長遠的文化藝術以及康體政策。香港作為東西文化匯聚的城市這個角色，必須確保能夠承前啟後；承傳傳統文化的同時，也需要融入國際最新的藝術趨勢。

在文化藝術政策的框架之下，建築師可以着手設計文化藝術設施。文化藝術設施是一個城市的象徵，必須要有優質的建築設計。請參考第(2)(h)及(i)段有關優質設計的建議。

#### (5) 旅遊設施

本會認為香港可以定期籌辦文化盛事吸引遊客，例如香港建築師學會可以身先士卒籌辦建築節(Architecture Festival)，但是需要政府提供資金。

事實上，香港本身有豐富的生態環境資源，以及優質的世界地質公園，然而，本港多年來都忽視生態及地質旅遊的重要性。例如位於北部都會區的三寶樹濕地保育公園鄰近米埔自然保護區，是很好的生態旅遊地點。紅花嶺郊野公園也是很優質的天然林區，但是現時的旅遊設施仍是很簡陋，沒有好好善用香港的資源。

其次，許多郊野公園缺乏公廁，往往行山數小時也找不到公廁。本會建議政府增設在外地國家公園廣泛使用多年的環保廁所、無需使用食水的公廁，方便行山人士。

此外，有許多熱門的行山徑缺乏足夠及清晰的路牌。本會建議政府重新審視行山路牌的設計及內容，設計需要與時並進。行山人士亦都需要路牌顯示足夠的資訊，例如到達下一地點的距離及所需的步行時間等等。

香港很多偏遠地區及離島的景色優美，但是必須使用街渡才可到達。然而現時香港大部份的街渡都十分殘舊，而且使用柴油推動，排出的廢氣嚴重污染環境，影響香港的形象。正如第(2)(e)段所建議，政府需要推出行政措施，鼓勵街渡營運商現代化他們的船隊，改善香港的形象之餘，也可以確保街渡的通達性，讓長者以及輪椅人士都可以享受離島的美景。政府也可以考慮鼓勵營運商使用電動渡輪，減少碳排放之餘亦都避免污染離島的環境。





香港建築師學會  
The Hong Kong Institute of Architects

Our Ref.: HKIA/DEVB/BC/WC/NK\_20230428

28 April 2023

Mr LAM Chi Man, David, *JP*  
Under Secretary for Development  
Development Bureau  
18/F, West Wing, Central Government Offices  
2 Tim Mei Avenue, Tamar, Hong Kong

By email  
[sdevoffice@devb.gov.hk](mailto:sdevoffice@devb.gov.hk)

Dear Mr LAM,

**Proposal for Streamlining of Development Approval Process**

The HKIA supports the government's policy to streamline and shorten the statutory approval procedures to expedite development projects in Hong Kong. Our members have been participating actively in the Joint Sub-committee on Streamlining Development Control to provide comments on streamlining measures initiated by the government. The proposals implemented are well-received and effective.

A task force has been formed in the HKIA to explore further opportunities to streamline the statutory approval procedures. Our suggestion is attached in Appendix A for your consideration. Some of the suggestions have been discussed briefly with the departments. We would be most happy to have a meeting shortly to explain our proposals to you in greater detail.

Should there be any enquiries, please contact Mr Nick KONG of the HKIA Secretariat at 3155 0407 or email to [council@hkia.org.hk](mailto:council@hkia.org.hk).

I look forward to receiving your favourable reply.

Yours sincerely,

Benny CHAN Chak Bun, *FHKIA, R.A.*  
President

## Proposal for Streamlining of Development Approval Process

### 1.0 Need to review the current Centralised Processing System (CPS) by BD / Departmental Circulation of Building Plans by LandsD

The current Centralised Processing System (CPS) of Building Plans in Hong Kong was introduced in early 1990s to streamline submission process for building works. The CPS operates on a single co-ordination point, i.e., the Buildings Department (BD), for GBP submissions for all private building works. BD in turn makes referral to all other relevant government departments which return their comments back to the applicant via BD. However, with the ever-growing volume and complexity of GBP submissions as well as increasing control/requirements from Govt. Depts. on new building/alteration works, the approval process is often prolonged beyond the statutory period/performance pledge due to the need to resolve comments from various consulted departments who have no commitment to such statutory period/performance pledge. There is now a need to review this process with an objective to streamline/fast-track the submission/approval process.

#### The Pros and Cons of the current CPS in Hong Kong :

##### Pros:

- Pre-set time limit (officially 60 days) to control the review and processing period to cope with the statutory period committed by BD under the Buildings Ordinance.
- The referral process ensures all relevant Govt. Depts. have been consulted without relying on the applicant to approach them individually.
- 

##### Cons:

- Other departments each have their own duty priorities/unique processing procedures and time frame that may not cope with BD's 60-day statutory period.
- Lack of protocol for different departments to meet and discuss together with the applicant and BD in person.
- There is no party to screen the comments received as whether such comments are relevant to the GBP approval by BD, esp. when conflict comments are received from different Govt. Depts.
- Some Govt. Depts. (such as TD, HyD, CEDD, etc.) have different officers/divisions to process different aspects of the same GBP for a development proposal, that may end up with un-coordinated or even conflicting comments/requirements.
- Building plan re-submission is always required to address comments from various Govt. Depts., which may not be critical to the GBP approval by BD.

#### **Suggestion:**

##### **a. Setting up of Joint-departmental vetting meetings – making reference to approval authority in Mainland China**

The local authority in Mainland China adopts a similar centralised processing system where the Planning Department (规划局) is appointed as the single co-ordination point for all building works submissions. All relevant authorities then attend a joint review meeting in person to discuss and comment on the application proposal at schematic design stage. Additional joint review meetings may be held with trade experts from the industry for key/critical issues (專家會審) if required.

The application and review process is based on a single-round principle where the approval given is final and subsequent amendments are not encouraged. Once approved, the detailed design drawings are then submitted at later stage through online review system.

Based on the above, we propose to streamline the CPS by setting up joint-departmental vetting meetings to process building plans at the end of a statutory period/performance pledge period (with the project consultant and major vetting Govt. Depts. meeting face-to-face) so that consolidated comments can be issued right afterwards.

**b. Setting up of a Joint-departmental Office to coordinate/facilitate approval for major development projects**

Similar to Govt.'s proposal to set up a Northern Metropolis Co-ordination Office, we suggest Govt. to adopt the "one-stop-shop" concept by setting up of a joint-departmental development co-ordination office (may be led by BD and LandsD with seconded officers from relevant Govt. Depts.) to process all GBP submissions for major development projects with:

- i) high-level policy support; and/or
- ii) a high yield of flat supply.

**c. Relevant Govt. Depts. to assign/set up internal dedicated officers/units for processing of new development proposals**

We suggest Govt. Depts. to assign dedicated officers / set up dedicated units to focus on the processing of new development submissions. (such as TD, HyD, EPD, DSD, etc.)

**d. Adoption of Electronic Submission Hub (ESH) for CPS/Departmental Circulation**

Taking advantage of the Electronic Submission Hub (ESH) currently developed by BD, we believe the adoption of ESH (as an open submission processing platform) can speed up vetting processing by Govt. Depts. concerned. BD should expedite the application of ESH for Centralised Processing / departmental circulation of GBP.

## **2.0 Processing of Tree Preservation and Removal Proposals (TPRP)**

Processing of TPRP has become a major hurdle for most developments with existing trees on site obstructing construction works.

Normally a typical TPRP requires at least 2 to 3 rounds of submissions and comments with the concerned vetting department which takes at least 9 to 18 months to achieve TPRP approval. Very often sites with existing trees taking up a substantial part of the site area remain idle for a long period of time until the TPRP is approved.

### **Suggestion:**

- a. HKIA recently proposed to LandsD for the de-linking of TPRP approval from GBP approval by BD, which can contribute to reduce the waiting time for TPRP approval due to the time-consuming approval process of GBP by BD. It is hoped that LandsD will favourably consider such streamlining proposal.
- b. DevB's recent proposal to adopt a self-certification of Compliance (SCC) arrangement for deemed approval of TPRP is welcome. However, the minimum tree-to-site area ratio proposed by DevB should be carefully reviewed with industry stakeholders to ensure they

are reasonable/realistic in most development sites (esp. urban sites with high plot ratio and site coverage. where available space for tree planting may be scarce due to the high-density nature of the development)

- c. PlanD and LandsD should coordinate to clarify/elaborate their respective roles in the TPRP approval under JPN-3 regarding development projects involving planning application.
- d. LandsD should review the criteria set out in para. 7 of LAO PN 2/2020 so as to better define the TPRP approval criteria, hence save the processing time for back-and-forth submission of justification statements.
- e. LandsD should consider giving TPRP approval in stages to deal with those trees which will significantly affect the site progress but without approval dispute.

### **3.0 Planning Applications**

#### **3.1 Streamlining of departmental comments for planning applications**

Planning applications normally go through a few rounds of comments and Responses to Comments (R-to-C) with the relevant Govt. Depts. and very often result in repeated deferral of TPB's consideration. Also, a lot of comments provided by Govt. Depts. Are either minor/generic comments not specific to the planning application, or detailed comments that should be dealt with by the concerned Govt. Depts. under separate regimes subsequent to the approval of the planning application.

##### **Suggestion:**

PlanD should consider ways to streamline the departmental circulation, comments and R-to-C process so as to expedite TPB's consideration of planning applications. PlanD should screen out irrelevant or conflicting comments given by Govt, Depts. before passing to consultants for response to comments (R-to-C).

#### **3.2 Streamlining of development proposals subject to Planning Application / TPB approval**

Since approval of GBP is sometimes subject to TPB approval under s.16(1)(d) of BO, frequent needs for amended Section-16 Applications for development projects has prolonged the development process. Sometimes the issues in question are minor design issues NOT directly relating to any planning issues under the mandate of TPB.

##### **Suggestion:**

PlanD/TPB should review the criteria of Class A and Class B amendments in the TPB Guidelines No. 36B so as to minimize unnecessary Class B or amended S-16 Applications.

### **4.0 Processing of GBP under Lease**

#### **4.1 LandsD's Performance Pledge for processing of GBP under lease**

##### **Suggestion:**

LandsD should review their commitment on performance pledge for processing of GBP under lease.

Communication among LandsD, critical Govt. Dept. and the project consultant team should also be enhanced by means of more direct/face-to-face meetings, e.g., submission briefing sessions, etc. (refer to Item 1.0 above)

#### 4.2 LandsD's departmental circulation of GBP under lease

Apart from BD's Centralised Processing System of GBP, LandsD very often requests project AP to circulate the same set of GBP to Govt. Depts. for comments under the respective lease conditions, resulting the consulted Govt. Depts. having to vet the same set of GBP twice (1 referred by BD on approval under BO, and the other referred by LandsD on lease compliance).

##### **Suggestion:**

LandsD and BD should coordinate to streamline departmental circulation so as to enable each govt. Dept. to comment on the same set of GBP on both aspects in one goal.

#### 4.3 Further elaboration of JPN-4 on GFA non-accountable items

Since the introduction of the JPN-4 in Oct. 2021, front-line officers of LandsD and BD tend to adopt a very conservative approach when interpreting the provision of JPN-4 regarding GFA non-accountable items.

##### **Suggestion:**

LandsD and BD should review the items in the grouping of the JPN-4 so as to provide a better understanding of items excluding from GFA calculation and/or premium assessment.

### **5.0 Processing of GBP by BD**

#### 5.1 Processing of GBP by BD's internal Committees (BC-1, BC-2, etc.)

BD officers normally will not present the fundamental/critical issues to BC-1/BC-2 until and unless all other issues of the GBP are cleared. This implies critical issues requiring BC-1/2's processing/consideration will unlikely be cleared in the initial GBP submission stages.

##### **Suggestion:**

To minimise abortive design due to disapproval of fundamental/critical issues in later GBP submissions, BD should endeavour to process such fundamental/critical issues in initial GBP submissions through its internal committees (i.e. BC-1, BC-2, etc.) once sufficient info. is provided by the project AP.

#### 5.2 GBP involving Fire Engineering Approach

Fire Engineering submissions are typically time consuming and require several rounds of comments and responses before the case is presented to Fire Safety Committee (FSC) for consideration. Hence approval of fire engineering submissions often delays initial GBP approval, which in turn delay other submissions required for the project.

##### **Suggestion:**

BD should conduct a comprehensive review of the current Fire Safety Code with an objective of providing more certainty to specific designs which cannot meet the prescriptive FS Code requirements. FSC's processing of Fire Engineering submissions should also be streamlined to avoid subsequent delay of the GBP approval.

### 5.3 Comprehensive Review of SBDG

- a. The Sustainable Building Design Guidelines (SBDG) introduced by BD in 2011 is a tedious and complicated set of guidelines, which had resulted in considerable hardships in GBP approval (both under BO and under lease). In some cases, the prescriptive SBDG requirements even cause difficulties in realizing the full development potential of the site.

#### **Suggestion:**

With considerable project performance data gathering from approved/completed projects during the past 12 years, BD should conduct a comprehensive review of the SBDG, so as to assess the effectiveness of the prescriptive requirements, and at the same time identify ways to streamline and simplifying the guidelines.

- b. Throughout the past 12 years, there are yet to be clear and defined criteria for processing of A&A/extension submissions for sites where there are existing buildings of which the SBDG principles cannot be met. This has put owners/project proponents of existing properties in doubt of whether they should proceed with improvement/alteration works to their existing properties/buildings.

#### **Suggestion:**

BD should consider deriving clear and straightforward principles for compliance, relaxation or exemption of SBDG for existing buildings when processing A&A/extension project submissions.

- c. For some projects involving planning brief prepared by Planning Department, the SBDG in essence duplicates with such planning brief. Very often, the way to demonstrate compliance with SBDG and planning brief are quite different and may even be contradictory. For instance, Air Ventilation Assessment (AVA) prepared for Section-16 application is more scientific and site-specific, whilst BD's SBDG prescriptive requirements on building separation is less scientific and sometimes more restrictive.

#### **Suggestion:**

For projects requiring Section-16 application, BD should favourably consider waiving the corresponding SBDG prescriptive requirements if performance-based assessment such as the AVA (submitted as part of the Section-16 application) has already been accepted by Planning Department.

### 5.4 Review of proposed Performance-based GFA Concession Mechanism

BD's proposed Performance-based Mechanism to bundle the GFA Concession with BEAM Plus 2.0 Gold rating at OP stage will make the development process much more complicated with possible delay of OP issuance due to difficulties in securing BEAM Plus Gold Rating. This is contrary to Govt. latest policy to streamline statutory process in development projects.

#### **Suggestion:**

BD and DevB should critically review the latest proposal with an objective of keeping the mechanism simple, minimising risk of delaying OP application, and avoiding putting extra burden/uncertainty onto project proponents and practitioners in the development process.

## 5.5 Review of BA Forms

A lot of BA Forms have incurred administrative redundancy workload because of the wordings in the forms. An example being the current B(Admin)R requiring AP/RSE/RGE to submit Form BA21 when he is absent from duty in Hong Kong. With the increasing project opportunities in the Greater Bay Area (GBA) where HKSAR would want to take the lead, there are more and more “short trips” to/from the GBA that may require Project AP/RSE/RGE to be temporarily absent from Hong Kong. Current Form BA21 has no provision to cater for short-time absence of this nature, resulting in frequent and repeated submissions of Form BA21, thus increasing workload of both the project AP/RSE/RGE and BD.

### **Suggestion:**

With the advancement in mobile telecommunication technologies, project AP/RSE/RGE are readily reachable nowadays. BA can issue practice notes to spell out clearly if the project AP/RSE/RGE can be contacted and arrive on site within a reasonably short period of time, then there is no need to submit Form BA21. The logic supporting this is that even if the project AP/RSE/RGE is physically in Hong Kong, it does not imply that he/she is more readily available to attend to his/her statutory duties/emergency situations than if he/she is in the GBA. Alternatively, there should be a simplified on-line declaration system to assist the project AP/RSE/RGE to simplify the paper workload required.

In any case, the BA forms should be reviewed to streamline unnecessary administrative workload and be more relevant to the objective of their statutory roles.

## 6.0 Processing of submissions by FSD

### 6.1 Communication among BD, FSD and AP on FSD’s Processing of GBP

FSD’s way of processing of GBP is very inconsistent. In many cases FSD officers facilitate timely GBP approval by providing constructive guidance to the project AP for hand amendment. However, in many other cases, FSD officers do not facilitate communication with project AP and lead to last-minute GBP disapproval due to minor issues that can be rectified easily to enable approval of GBP by FSD.

### **Suggestion:**

FSD as a major statutory approval authority of GBP under s.16(1)(b) of the BO, should endeavour to provide comments/approval to BD in a timely manner so as to facilitate BD to honour its statutory obligation by issuing its approval/disapproval within the statutory period. FSD should formulate a more efficient system for liaison with BD and the project AP during the processing of GBP so as to facilitate timely approval of GBP.

### 6.2 Streamlining of procedures of FS-314 Submissions, Fire Engineering Report in relation to FS Inspections

Fire engineering reports, FS-314 submissions (e.g., smoke extraction systems, ventilation/air conditioning systems and staircase pressurization, etc.) require a long time to process by FSD and usually are submitted 6-to 12 months before the scheduled FS inspection. Subsequently, layout discrepancies with latest approved GBP are likely. Whether the discrepancies should trigger a fresh submission of fire engineering report and/or FS-314 submissions are subject to the interpretation of individual FSD officers. If re-submissions are required, FS inspection can easily be delayed for 3 to 6 months. There are also cases that FSD inspectors disagree with the FSI approved by FSD officers in New Projects Division.

### **Suggestion:**

FSD should promulgate a clear guideline when Fire Engineering and FS-314 res-submissions are required in case of minor discrepancies with latest approved GBP. Streamlining measures such as allowing the project AP to carry out hand-amendments of documents and drawings or priority approval for FS-314/fire engineering report (without major revisions) should be considered. Also, FSD inspectors should strictly follow the FSD approved GBP for FS inspection.

## **7.0 Processing of Environmental Impact Assessment (EIA) by EPD**

For projects subject to planning applications, submission of EIA/NIA to the satisfaction of EPD is normally one of the planning approval conditions. During initial GBP submission, EPD normally takes considerable time to vet the EIA/NIA submission. Hence approval by EPD and corresponding PlanD's issue of 'no objection' comments to BD is always beyond BD's 60-day statutory period. Withdrawal & resubmission of GBP becomes a common practice if EIA/NIA approval by EPD is a pre-requisite for GBP approval.

### **Suggestion:**

EPD should allocate additional/dedicated resources to expedite the vetting and approval of EIA/NIA submissions.

Alternatively, PlanD and EPD should explore ways to issue their "in-principle no objection" comment to BD so as to facilitate smooth approval of GBP by BD, prior to EPD's completion of detailed vetting of the EIA/NIA submission.

## **8.0 Government to establish a Performance Pledge for all Govt. Departments on processing of development submissions**

- 8.1 Relevant Govt. Depts should commit to a performance pledge on timely response/comment to GBP referred by BD/LandsD, which should enable BD/LandsD to honour their respective performance pledge.
- 8.2 Comments made by Govt. Depts. should be comprehensive/exhaustive on the submitted GBP, so as to enable project team/consultants to address comments in one consolidated re-submission.
- 8.3 Certain KPI should be established based on "approval" rather than the case being "handled". The commitment by BD/DPU to approve 80% of GBP in 2 submissions for major residential projects is a good attempt and example.

## **9.0 Government to advocate a "facilitator" mindset for processing development submissions**

- 9.1 Government should advocate a "facilitator" mindset among Govt. officers on development submissions, instead of a "goal-keeper" mindset. Govt. should also promote a partnering and collaborative approach with the project team members.
- 9.2 When processing development submissions, Govt. officers should be proactive to offer possible solutions to address disapproval issues, rather than solely pointing out contravention of building codes/regulations, etc.
- 9.3 Apart from written/formal correspondence with project team members, more informal and direct communication channels should be promoted so as to reduce time for back-and-forth written correspondence between vetting officers and project team members, such as submission workshops, discussion forums, subject-based technical committees, informal meetings, etc. (whether they be project-specific, subject-based or just periodic informal



exchange sessions). Some of these have been practiced by individual Govt. Dept. which have been proved to be very useful and effective.

## **10.0 Performance-based Requirements**

In the wake of manpower shortage in the industry, approval vetting should not be subject to arduous scientific proofing for properties/performance compliance. Performance-based compliance, under certain circumstances, is a form of procrastination and is prone to back-and-forth re-submissions, thus consuming a lot of manpower on both sides of the proponent-approver in the process. It is also very challenging for the approver who may feel distressed to give approval by his relative inexperience in the post.

### **Suggestion:**

In the building industry where the scales of the projects could vary from small A&A to large CDA site, the Government policies should, where possible, be reasonably changed to move away from the “one-size-fit-all” mindset of performance-based vetting, but to advocate for a “stepping scales” (say, 3 levels) prescriptive approach based on different levels of scales and intensities of the projects to cater for different situations. Materials previously approved under other projects, should be allowed to make reference for the current approval application and should be readily accepted by the Authorities. The “case-by-case” mindset for individual approval vetting consideration should be reasonably streamlined to avoid duplication of vetting processes.

**Prepared by HKIA Taskforce on Streamlining of Development Approval Process**

**The Hong Kong Institute of Architects**

April 2023



Our Ref.: HKIA/DEVB/BC/WC/NK\_20230703

3 July 2023

Mr LAM Chi Man, David, *JP*  
Under Secretary for Development  
Development Bureau  
18/F, West Wing, Central Government Offices  
2 Tim Mei Avenue, Tamar, Hong Kong

By email  
[sdevoffice@devb.gov.hk](mailto:sdevoffice@devb.gov.hk)

Dear Mr LAM,

### Proposal for Enhancement of Bidding Mechanism and Consultancy Contract Terms

The HKIA welcomes the government's policy to enhance the bidding mechanism to discourage consultants from submitting unreasonably low bids.

Our members have been participating actively in the Communication Meeting with DEVB and ArchSD to provide suggestions and comments on the enhancement of the bidding mechanism and also consultancy contract terms which may not be reasonable from the consultants' point of view.

To carry this forward in a more structured manner, a task force has been formed in the HKIA to formulate and list systematically our suggestions so far concerning the enhancement of both the bidding mechanism and contract terms of the AACSB contract. They are attached in Appendix A for your consideration. We would be most happy to have a meeting shortly to explain our proposals to you in greater detail.

Should there be any enquiries, please contact Mr Nick KONG of the HKIA Secretariat at 3155 0407 or email to [council@hkia.org.hk](mailto:council@hkia.org.hk).

I look forward to receiving your favourable reply.

Yours sincerely,

Benny CHAN Chak Bun, *FHKIA, R.A.*  
President

cc. Mr HO Ying Kit, Tony, *JP*, Dep Secy for Development (Works) 3, DevB ([dsw3@devb.gov.hk](mailto:dsw3@devb.gov.hk))  
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## Proposal on Enhancement of Bidding Mechanism and Consultancy Contract Terms

### A. Payments for Delay

#### Consultancy Requirement

*“Upon it becomes apparent to the Consultant that the contract works is due to overrun and additional fees are anticipated to be incurred, the Consultant shall give written notice to the DR informing such contract overrun prior to commencing additional Services.”*

#### Issue

This is quite a controversial and unreasonable provision to limit the Consultant’s risk in project delay resulting from the Contractor or other factors which are beyond their control, e.g. PWSC/ FC approvals. Unfortunately, according to members’ experiences, government departments as the Project Managers, are currently still negative and reluctant to approve such payment. It is said that, for instance, ArchSD has never paid for delay under this item under GCE Clause 35 and no consensus on such payment has been reached on approving such payment. The reluctance of the ArchSD officers to approve payments is simply because it is not budgeted in the first place and the officers might think that they would get blamed themselves because of poor project management as a result of payment of delays, ignoring the fact that delays in projects can be normal, neutral and are out of the control of any parties.

#### Recommendation

- We suggest that similar to construction contracts, AACSB consultancy agreements should include listed events, once these happened, prolongation costs will be granted to the Consultant automatically. The listed events set out solid grounds for the Consultant’s entitlements and would give the Liaison Officer, without having “guilty” feelings, a clear picture of when prolongation costs can be granted. Otherwise, he will tend to reject prolongation applications, which is a common situation encountered by most consultants.

Under GCE Clause 35 that the delay should not be “attributed to default on the part of the Consultant”. Riding on this principle, the following listed events are suggested to be included in the Consultancy agreements as valid reasons for payments of delays to the Consultant:

1. A disruption or prolongation of project activity which is unexpected and is outside the control of the Consultant. Examples are significant postponements of key milestones/activities. These may include postponement of PWSC/ FC approval, site possession, etc. when compared with the brief at the time of bidding;
2. An extension-of-time (EOT) granted to the Contractor in the main contract in which the cause of delay is not the fault of any parties. These include force majeure, inclement weather, insurance, strikes, unforeseeable material, and labour shortages, antiquities, etc.;
3. A delay caused by the Contractor where no EOT is granted.

- At the time of the award of a consultancy agreement, similar to the public works contracts, it is suggested that a 10% contingency of the consultancy fee should be included in the overall fee to cater to possible additional works in the course of the project delivery. It will help ease the pressure on the Liaison Officer to agree on additional payments for additional work. Otherwise, every additional payment for consultancy fees, in the present scenario, is a budget overrun.

### **Issue**

Under GCE Clause 35, the Consultant shall “notify the Director’s representative in writing within 28 days of such a delay occurring.....” which may be arguably not practical in every case. Application for additional payment of delay is constantly rejected because the Consultant fails to notify the delay within the specified time frame. This is quite an unreasonable and unfair pre-requisite for payments for prolongation as the exact date when the delay occurs is usually not clear-cut. Also, most consultants usually are cooperative and less claim-conscious and would only submit such notification when the delay cannot be mitigated. However, they will then be penalized for adopting such a partnering attitude.

It is often tied with the prerequisite under GCE Clause 35 that the delay should not be “attribute to default on the part of the Consultant”. As a general rule, the Employer will only be liable for the recoverable costs incurred by the Consultant which is direct but not consequential. This should include loss of productivity in work, standing time of resources, overtime working, and abortive work. Because of these, our members’ experience is that prolonged analysis is usually involved to justify the cause of delay, and such a process will last until the project completion.

### **Recommendation**

- The time bar of 28 days as a pre-requisite for additional payments for prolongation should be removed as it is not practical and unfair. So long as the Consultant gives such notification in a reasonable time frame and the prolongation is genuine, the applications of additional payments for prolongation should be processed and honored by the government departments.
- Being the contract administrator of the consultancy agreement, the Liaison Officer of the government departments should proactively assess the payments for prolongation even though full justifications have not been submitted by the Consultant.

## **B. Payment for Additional Services**

### **Consultancy Requirement**

*“(A) Where the Consultant considers that he is entitled to payment for additional Services pursuant to General Conditions of Employment Clause 33, the Consultant shall advise the Director’s Representative in writing of such claims before the Consultant commences performing the additional Services. (B) The notice provision in sub-clause (A) of this Clause shall be a condition precedent to payment for additional Services.”*

## **Issue**

It is our understanding that practices have put forward claims for additional services related to a change in scope, NOFAs, CFA, etc. However, as Clause 33 is rather open-ended, there is a need to define under some general principles or normal and common cases for claims to be handled expeditiously. Otherwise, similar to payments for delays, the Liaison Officer would tend to reject payments for additional services, a common situation encountered by most consultants.

## **Recommendation**

- Similar to our suggestion on payments for the delay, AACSB consultancy agreements should include listed events when instructions/ requests from government departments are deemed to be additional services.

The listed events should cover the following situations:

1. Any of the total NOFA, GFA, or CFA is 10% above those stated in the brief at the time of bidding;
  2. Additional services due to new legislations or policies which will induce additional inputs or resources by the Consultant not envisaged at the time of bidding. Some good examples of additional services resulting from enactments of new government policies after the award of consultancy services are Modular Integrated Construction (*Technical Circular (Works) No. 2/2020*) and Security of Payment Provisions in Public Works Contracts (*Technical Circular (Works) No. 6/2021*).
- With the listed events clearly spelled out, being the contract administrator of the consultancy agreement, the Liaison Officer of the government departments should proactively assess the payments for additional works even though full justifications have not been submitted by the Consultant, given that they have been involved in the drafting of the brief and therefore should be familiar with the scope of the consultancy.

## **Issue**

Charges rates for additional services in Appendix 10 of the AACSB handbook sets out the scenarios of negotiation by the Director's Representative for payments of additional services. Based on members' experience, the negotiation is always for a fee reduction of additional services.

ArchSD has guidelines on the maximum amount of additional fees for each project, ranging from 10% to 30% at different levels. It may limit the room for the consultants' right to recover their extra work carried out. Moreover, the maximum amount of additional fee seems to be considered together with the payment for delays. It is considered unfair to the Consultant as the Consultant may encounter significant delays not under their control, which may cause excessive resource input which should not be limited by any preset maximum figure.

## **Recommendation**

- Instead of asking for the Consultant to reduce the fee for additional services, the AACSB handbook should identify what special circumstances when negotiations for reduction are allowed and also the limit of the extent of the reduction. Otherwise, a reduction of additional fees is demanded without solid and valid reasons by the Liaison Officer merely for budget control.
- Guidelines on how to calculate the fee for additional services based on different situations should be established. For instance, the additional fee for the increase on NOFA, CFA, or GFA should be on a pro-rata basis based on the figures in the original brief.

### **C. Unclear/ Undefined Brief**

#### **Issue**

In the current AACSB, the consultants are required to include in the lump sum fee the scope of services that are substantial but the necessities of having them are not certain at the time of tender because they are contingent on the designs. However, the corresponding fees for these uncertain scopes are extremely substantial. Typical examples are fire engineering studies and environmental impact assessments. It is not reasonable for the consultants to include these uncertainties in their lump sum fee when the fee involved can easily be over a million dollars. The consultants are forced to gamble to exclude this part of the fee in their lump sum although there is no absolute certainty of not requiring it otherwise they will be priced out. Another example is that the façade consultant is often not included in the consultancy brief. It is preferable to have a specialist control the façade quality.

#### **Recommendation**

- The need for any specialist sub-consultancies should be clearly spelled out and listed during the consultancy tender stage. It is undesirable for the end-users that for a building that will stand for 50+ years, the Consultant would have to opt for designing inferior quality building systems/ designs just because he knows he will not be remunerated and has to bear the costs of his creation, and therefore compromises on the proposed design solutions.
- Scope of services that are not clear at the time of bidding, services such as fire engineering studies and full environmental impact assessment, etc., should be in the form of optional scope quoted at the time of bidding.
- Services/ inputs on dispute resolutions should also be in the form of optional scope quoted at the time of bidding.
- By the same token, the printing and reproduction cost of any extra documents, drawings, maps, and records requested by the Employer should not be included in the lump sum fee. It is suggested that the Consultant is to include a reasonable fixed number of free copies in the lump sum fee. Quantities exceeding the specified number should be reimbursable items based on a rate to be quoted at the tender.

### **Issue**

There were examples that the works scope of the consultancy is unclear or not certain at the time of the bidding. For instance, there was a precedent for the Consultant to submit a lump sum fee for a project where a 2-storey underground car park “may” be required. The construction period of a 2-storey underground car park, if or if not required, will have a significant difference of more than a year. Full-time TCPs for the RGE stream may also be involved. Such a big risk factor to be included by the Consultant as a lump sum proposal is undesirable.

### **Recommendation**

Works scope which is not certain at the time of bidding should not form the basis of a lump sum fee proposal. They should be in the form of optional work scope quoted at the time of bidding.

### **Issue**

In the current AACSB, the Consultant is required to include in the lump sum fee a cost for items for which they cannot obtain a quote at the time of bidding. A very good example is that the Consultant is required to provide a dedicated Common Data Environment (CDE) for storage, viewing, and sharing of BIM throughout the project delivery. However, in the market, the CDE can only be subscribed on a yearly basis and according to track records, the cost increment at the time of renewal is high. It is apparent that the risk of inflation is unreasonably shifted to the Consultant to bear.

### **Recommendation**

In the future, for which items the consultants cannot obtain a quote at the time of bidding, they should be included in the consultancy in the form of reimbursement for actual payment.

## **D. Timely Review and Approval of Design Stages/ Payment**

### **Consultancy Requirement**

*“The Consultant is required to obtain consent from the Director’s Representative before proceeding to the next Work Stage.”*

### **Issue**

Currently, in the ‘Indicative time frame for each Work Stage’ in the Consultancy Agreement, usually a tight timeframe is being set without the allowance of the necessary time for review, approval, presentation, and comment by ArchSD. For instance, a 4-month period is usually

allowed for Workstage 2 [Conceptual Design]. However, the arrangement of pre-vetting, comments & review up to the satisfaction of the Project Manager/ liaison professionals, the formal arrangement of the PQDVC presentation, and the post-presentation comments and responses could take up more than half of the Workstage period [more than 2 months].

### **Recommendation**

- The indicative time frame as set out in the Consultancy Brief during bidding should be realistic and fully reflect the time required by ArchSD, instead of just assuming it is negligible. Such time required shall be clearly set out in the Brief so that not only the Consultant team can allow a realistic time for actual design and production, but the ArchSD / Project Management team can also take it as a reference for their timely performance on the project management.
- Comments from ArchSD / Project Management team should be holistic and comprehensive; new comments shall not be further added upon Consultant's response-to-comments so that the comments can be cleared efficiently in the shortest time.
- The Performance Pledge for the ArchSD's team to review and comment shall be clearly set out so that the Consultant can allow adequate the time in the project programme precisely.

### **Issue**

There were examples that the Consultant was being requested to proceed with the work on the next work stage while the approval of the current work stage was being held up by the Project Manager without payment for the completed work. For example, after the PQDVC Stage 3 presentation, the Project Manager took a very long time to prepare the comments for the Consultant to respond despite he had already requested the Consultant to start the Stage 4 tender design and document preparation. Although the Stage 3 comments were only issued after weeks [sometimes months] from the presentation, (bearing in mind the subsequent clearance of comments may take months), the Project Manager refused to formally approve the Stage 3 work done and its corresponding payment whilst at the same time requested the Consultant to proceed with Stage 4 work.

### **Recommendation**

Both ArchSD and the Consultant shall respect the procedure and stick to the fact that 'written confirmation of a Workstage shall be sought before proceeding to the next Workstage'. If time is needed for the clearance of comments, it shall be properly reflected in the Programme. With a clear understanding that the clearance of comments after the PQDVC presentation is fundamental, both ArchSD and the Consultant shall work together to shorten such reviewing



period to ensure that the project can proceed to the next work stage, and the completed work stage should be paid to the Consultant without delay.

## **E. Employment of RSS vs TCPs**

### **Issue**

In the past, AACSB projects did not allow the resident site staff (RSS) to act as the Technical Competent Persons under the Building Ordinance for the project. Taking into account the suggestions of the industry, now the AACSB Handbook allows the RSS to satisfy the supervision requirements for the AP, RSE, and RGE, when necessary.

However, in some of the contracts, the contract provision is contradictory that the RSS “may” be appointed to take up statutory site supervision duties required under Building Ordinance. However, the Consultant shall take full responsibility to provide statutory site supervision including the provision of all full-time, part-time, and periodic site safety and quality supervisions, qualified (TCP T3, T5, etc.) site supervisions and inspections as required by the BD/ GEO. Whether to include a full-time TCP, especially for RSE/ RGE, during the construction of the foundation and sub-structures will have a significant cost implication. Whether the Consultant needs to set aside a fee for the employment of full-time TCPs and the number of staff to be employed must be confirmed at the time of bidding.

### **Recommendation**

- Full-time TCPs required for the project should be reimbursable, similar to the arrangement of RSS. It will also address the issue that the Consultant need to provide full-time TCPs out of their pocket for project delay which is at present a significant risk and unfair burden to the Consultant.
- The number and grade of RSS need to be clearly defined and agreed upon – if a project demands a certain level of RSS this must be fixed either at the consultancy tender stage. The key is not for the Consultant to make up for the shortfalls or gaps in skills from the lump sum fee.
- At present, the current system is quite unfair to the Consultant spending a substantial amount of time on employment issues of RSS. It is suggested that the Consultant should be reimbursed separately for all the HR and recruitment matters as an “Optional Service”.

## **F. Lead Consultant**

### **Issue**

There have been growing concerns about the current mechanism of a Lead Architectural Consultant in terms of bidding and project management:

- Structural and Building Services fee when added together is close to or more than the Architect fee. Architects would therefore have to pay a huge amount of fee particularly when Security of Payment is to be enacted;
- Architects will be liable and responsible for the work of the Structural and Building Services under their charge, particularly if their performance is not good;
- Engineers sometimes bid on the basis of the lowest fee and may not deliver a good and proper service expected of their technical and professional duties;
- Unresolved risks are offloaded to the lead consultant that they need to commit unlimited professional indemnity to the Government while major sub-consultants would only commit limited indemnity to the lead consultant;
- Separate consultancy is also supported by the Engineers, Association of Consulting Engineers HK (ACEHK) and Association of Registered Engineering Consultants (AREC) reason being that their fees do not need to have been screened and rejected by the architect.

### **Recommendation**

Major sub-consultants including but not limited to structural/ geotechnical engineers, and building services engineers should be separately engaged by the Employer under all government-funded projects as soon as possible.

## **G. Selection and Assessment of Consultants' Proposals**

### **Issue**

There have been growing concerns from the industry on the phenomenon of a fee-diving situation in the public consulting sector because of the stiff market competition. Owing to the above, the Government, in the past year, rolled out measures in view to enhance the bidding mechanism for EACSB and AACSB Consultancies by introducing measures such as an enhanced fee diving control mechanism and the adoption of referenced staff rates for additional services.

Whilst the effectiveness of the measures would need to be further observed, the following issues still remain as concerns:

- The current system cannot evaluate the reasonableness of the proposed fee. In the midst of the situation that every firm is bidding low due to stiff competition, a proposed fee not lower than 80% of the median fee may not be a reasonable fee. If the proposed fee is lower than the reasonable fee, we can foresee that insufficient resources by the Consultant would have resulted;
- Although the Consultants' fee proposal includes the technical and fee parts, by experience, the proposed fee is still the most determining factor for the assessment so that the whole exercise is still a very priced-based competition. In some cases, the technically most competent consultant, although with a reasonable fee, is not selected because there may be another consultant having a higher combined score because of a lower submitted fee. The current system does not encourage quality-based selection;

- The current system cannot fairly assess the manpower input of the proposals. The apparently-sufficient man hours may be disguised by unreasonably low hourly rates of professionals in a proposal;
- The breach of the Competition Ordinance is often quoted as the reason for not being able to revamp the assessment system because the Ordinance explicitly prohibits anti-competitive agreements. This misbelief ignores the nature of the creative industry and encourages the anti-competition of quality and creativity.

### **Recommendation**

The DEVB should set up a task force with stakeholders in the construction industry to study the following for the enhancement of the selection and assessment of consultants' proposals:

1. Share with the industry the data of awarded tender prices of consultancy agreements in the past 20 years and review objectively whether there has been a trend of fee diving or not;
2. Study the evaluation systems of consultants' fee proposals in other countries and explore the possibilities of adopting such good measures or alternative bidding systems in the future;
3. Study the assessment criteria and evaluation systems for the reasonableness of the consultants' fee;
4. Explore the alternative options of evaluation systems that promote quality-based competitions to change the fee-diving situation. Foreign examples such as quality-based selection with a negotiation or "Best Technical Bid with an affordable price" are good starting points.

**Prepared by HKIA Taskforce on Architectural Services**

**The Hong Kong Institute of Architects**

June 2023



4 August 2023

Ms. LINN Hon Ho, Bernadette, *JP*  
Secretary for Development  
Development Bureau

By Email  
[sdev@devb.gov.hk](mailto:sdev@devb.gov.hk)

Dear Ms. LINN,

### **HKIA's Views on San Tin Technopole RODP Consultation**

The HKIA supports the Government's efforts to establish the San Tin Technopole as an Innovation and Technology hub. We believe planning, designing, and implementing the Technopole itself can showcase Hong Kong's innovation by incorporating new planning innovations, urban design, and 3D planning and urban design. Together with streamlining statutory controls for building design and construction, this will encourage creativity, resulting in a unique living environment that attracts international and local talents and businesses, as well as facilitating the nurturing of the younger generation.

A task force has been formed in the HKIA to explore further opportunities to develop the Northern Metropolis into a sustainable, liveable, and healthy district that will benefit Hong Kong's economic future. Our suggestion is attached in Appendix A for your consideration. We would be most happy to have a meeting shortly to explain our views to you in greater detail.

Should there be any enquiries, please contact Mr. Nick KONG of the HKIA Secretariat at 3155 0407 or email to [council@hkia.org.hk](mailto:council@hkia.org.hk).

I look forward to receiving your favourable reply.

Yours sincerely,

Benny CHAN Chak Bun, *FHKIA, R.A.*  
President

Cc: Mr. Vic YAU, *JP*, Director of Northern Metropolis Co-ordination Office [vicyau@devb.gov.hk](mailto:vicyau@devb.gov.hk)

## HKIA's Views on San Tin Technopole RODP Consultation

### 1. Sustainability - Future Ecopolis

We support the Government's strategic initiative to develop the Northern Metropolis (NM) into a sustainable, liveable, and healthy district that will benefit Hong Kong's economic future. In view of the global climate challenges, the proposed infrastructure developments should be carbon neutral/negative in alignment with the Government's 2050 Carbon Neutral goals. High green and blue coverage, and passive design strategies should be applied to the NM. Sustainable energy, district cooling, smart mobility, and recycled water systems should be planned in advance and integrated into the blueprint.

### 2. Climate Resilience

San Tin is located in an area with historically highest temperatures in Hong Kong. To lessen the impact of global warming, the Technopole's design must ensure climate resilience and avoid intense heat island effect through appropriate urban design, building disposition, greening ratio, native tree species and biodiversity, etc.

The Recommended Outline Development Plan (RODP) should plan for potential severe rainfalls in the area with adequate drainage so that the development will not alter or negatively affect the surrounding wetlands and communities. We support to maintain and beautify the water networks between the San Tin Eastern and Western main drainage channels for the provision of diverting flooding water or surface water. The Sponge City Concept for development should be adopted, and both Climate Change Mitigation and Adaptation strategies should be applied.

### 3. Sam Po Shue Wetland Conservation Park

The RODP shows significant development in the planned conserved wetland area in the 2021 Northern Metropolis Development Strategy Report. The drastic increase in the proposed Innovation and Technology land use in the RODP is encroaching significantly into the Sam Po Shue Wetland Conservation Park area. The Government should conduct scientific research with quantifiable considerations to demonstrate that the environmental impact would be acceptable. For example, a comprehensive migratory bird flight paths survey in the whole NM and the adjacent Shenzhen area should be conducted, so that the impact of the encroachment into the Conservation Park could be ascertained. Locations of the ecological corridors in Shenzhen should also be taken into consideration as a truly integrated planning of the two cities should cover the ecological system as well. Location of part of the Innovation and Technology land use to alternative sites in the NM of less ecological and environmental significance should be explored so that the impact on the Conservation Park could be minimized.

### 4. Nature Conservation

We support a proactive conservation approach of the existing fish ponds similar to that of Long Valley Nature Park (壟原自然生態公園). This requires in-depth coordination of services between government bodies, local fish pond operators, and environmental groups to maintain operations as demonstration and integration. The wetland conservation areas must be respected within the NM development by clearly identifying and designating them with a long-term holistic management plan aiming to establish Hong Kong as an international accredited Wetland City. Existing ecological corridors should be carefully reviewed to avoid bottlenecks that could adversely affect wildlife migration. Sufficient buffers should be provided along sensitive boundaries of existing wetlands, which should be specified in the RODP based on

scientific research.

A more sensitive interface between any new development and the adjacent Sam Po Shue Wetland Conservation Park should be explored. Instead of an arbitrary curved or straight boundary along the conservation area that truncates many fish ponds, a bespoke boundary following the shapes of existing fish ponds could be considered. Some of the fish ponds in the San Tin Technopole could be retained as water bodies in terms of public open spaces for the district. The San Tin RODP should also incorporate and conserve existing landscapes and trees to form a new blue-green network with a high ratio to building infrastructure. Such subtle infiltration of the natural ecosystem in the urban area could create a community with a strong identity and good liveability.

## 5. Innovation

We support the Government's efforts to establish the San Tin Technopole as an Innovation and Technology hub. We believe planning, designing, and implementing the Technopole itself can showcase Hong Kong's innovation by incorporating new planning innovations (such as blue coverage and green plot ratio), urban design (optimizing existing blue and green resources in public open space), and 3D land uses (roof levels optimized with green community parks and interconnectivity). Together with streamlining statutory controls for building design and construction, this will encourage creativity, resulting in a unique living environment that attracts international and local talent and businesses, as well as facilitating the nurturing of the younger generation.

While we appreciate the need to allow maximum flexibility in planning to cater for ever-changing Innovation and Technology needs, effective administrative measures should be put in place to ensure good quality urban design and planning.

## 6. Urban & Rural Integration

The Technopole's development, as shown in the proposal, surrounds but ignores San Tin village. In fact, the Technopole can connect with existing communities and revitalize villages to enrich the Innovation and Technology hub's character with local history and culture. In a symbiotic relationship, village thoroughfares and public spaces can be improved, unified and connected to the Technopole. Villagers can be encouraged through land administration to develop their land for better integration with new developments and revitalized public domains. It would be a win-win situation that creates synergy with the new development while existing land owners and residents would benefit from the new development. Such planning should be explored to reflect appropriate land use and control in the RODP.

We recommend the Government to consider conducting heritage and cultural surveys to identify buildings and artefacts with heritage or historical values that should be preserved in the redevelopment. Preservation of historical linkage to the past and subtle integration with the adjacent wetland conservation area as discussed in para 4 would create a strong identity for the NM, and a community with special life-style that is attractive to innovation and technology talent.

## 7. Key Performance Index

Social, environmental and economical KPIs are needed to ensure that established goals can be achieved. We suggest the Government to consider forming an independent multi-disciplinary team comprising Architectural, Engineering, Landscape, Planning, Surveying, Urban Design and other related professionals, as well as Environmental Specialists, to advise on the development and implementation of the overall masterplan of the NM. The team could

be overseen by the Director of Northern Metropolis Co-ordination Office which is responsible for the strategic development and planning of the NM's architecture, urban design, and public spaces. It should work closely with other Government departments to ensure that new developments are harmonious with the existing urban fabric and that public spaces are designed to meet the needs of residents and visitors. This practice is generally adopted in many European cities, such as Copenhagen, London, Oslo and Barcelona.

#### 8. 3 Dimensional Planning

This is a great opportunity to plan the innovative Technopole with creative ideas instead of relying on traditional New Development Area (NDA) mindsets and principles. The Government should consider how smart cities can reduce land intake for roads and infrastructure, and apply 3D planning where land use can be stratified. As roads are supposed to connect instead of segregating local communities, the Government should consider integrating roads into developments to optimize land use for the Innovation and Technology Hub without sacrificing conservation areas.

## 香港建築師學會對新田科技城建議發展大綱圖的意見

### 1. 可持續發展 - 未來生態城市

我們支持政府的策略建議，把北部都會區發展成為一個可持續、宜居的健康區域，推動香港的未來經濟發展。考慮到全球氣候暖化帶來的挑戰，建議中的基礎設施應與政府的2050年碳中和目標保持一致，實現碳中和/負碳。北部都會區的規劃應該把高綠化率、藍綠基建系統、被動式節能策略、再生能源、區域冷卻系統、智能交通和污水循環再用等融入規劃草案中。

### 2. 應對氣候變化

新田向來屬於香港的高溫地區。為了減少全球暖化的影響，科技城的設計必須確保宜人的微氣候，透過適當的城市設計、建築佈局、綠化比例、本地樹種和生物多樣性等避免形成熱島效應。

建議發展大綱圖(RODP)應規劃適當的排水系統以應付該區可能出現的豪雨，及避免對附近的濕地和社區產生負面影響。我們支持保留並美化新田東部和西部主排水渠及其網絡，俾能及時排走洪水。也應採用海綿城市的概念，以及氣候變遷減緩與調適策略，來應對氣候變化。

### 3. 三寶樹濕地公園

建議發展大綱圖顯示，在2021年北部都會區發展策略報告中計劃保護的濕地區域中，有顯著的部 分用作發展創新科技園區，大幅佔用原本是三寶樹濕地保育公園的區域。政府應進行科學研究，以量化的客觀分析證明其對環境的影響是可接受的。例如，應進行全面的候鳥遷徙路徑調查，涵蓋整個北部都會區和相鄰的深圳，以確定對候鳥遷徙的影響。深圳生態走廊的位置也應納入考慮，因為真正的雙城整合規劃應涵蓋生態系統。亦應探索將部分創新科技土地用途轉移到北部都會區內生態和環境價值較低的替代地點，減小對濕地保育公園的影響。

### 4. 自然保育

我們支持類似塋原自然生態公園所採用，對現有魚塘的積極保育方法。這需要政府機構、當地魚塘經營者和環保團體之間進行深入的協調，維持營運以作為示範和整合。北部都會區的發展應尊重濕地保育區域，透過明確和長期的整體管理計劃，建立香港成為國際認可的濕地城市的地位。現有的生態走廊應該仔細審查，以避免出現對野生動物遷徙產生不利影響的瓶頸。在現有濕地的敏感邊沿應提供足夠的緩衝區域，並應根據科學研究在建議發展大綱圖中規定。

科技城與相鄰的三寶樹濕地保育公園彼此之間的關係，值得更深入的探討。可以考慮沿著現有魚塘的形狀設定邊界，而非隨意的曲線或直線邊界，這樣可以避免截斷魚塘。新田科技城中的一些魚塘也可以保留成為公眾休憩空間的水體，並保留現有的景觀和樹木，形成區內豐富的藍綠基礎設施網絡。讓自然生態系統不明顯地滲透入城市規劃中，創造出具有強烈個性的宜居社區。



## 5. 創新

我們支持政府努力把新田科技城建設成為創新科技中心。我們相信，透過將創新規劃（如藍色覆蓋率、綠地比例）、城市設計（優化現有的藍色和綠色資源在公眾休憩空間）和3D土地規劃（屋頂綠色社區和優化通達性）納入科技城的規劃、設計和實施，以展示香港的創新方式。再配合精簡法定樓宇設計及建造審批程序以鼓勵創新，形成一個吸引國際和本地人才和企業的獨特生活環境，有利培育年輕一代。

雖然我們理解需要在規劃上保留最大的靈活性，以應對不斷變化的創新科技需求，但應制定有效的行政措施，以確保優質的城市設計和規劃。

## 6. 城鄉共融

建議中的新田科技城環繞新田村發展，但缺乏足夠聯繫。事實上，科技城可以加強與現有社區的聯繫，讓村莊重現活力，豐富創新科技樞紐的特色，並融入當地的歷史和文化。在一個共生的關係中，村莊的道路和公共空間可以得到改善，與新的科技城融合起來。通過土地管理行政措施鼓勵地主發展土地，更好地與新發展和改善的公共設施融合，這將是一個雙贏的局面，既可以創造與新發展的協同效應，同時現有的土地業主和居民也能從中受益。政府可以探討以這種規劃概念，來制定建議發展大綱圖的適當土地用途和管制。

我們建議政府考慮進行全面的文化遺產測量和調查，以確定在發展過程中需要保育的具有文化遺產或歷史價值的建築和文物。與過去的歷史聯繫保育，和與相鄰的濕地保育區不明顯的融合（參考第4段），將為北部都會區打造獨特的角色和生活方式，有利吸引創新和科技人才。

## 7. 關鍵績效指標

當局需要訂定社會、環境和經濟方面的關鍵績效指標，以確保既定目標得以實現。建議政府應該考慮成立由包括建築、工程、園境、規劃、測量、城市設計、環境和其他專業人士組成的獨立跨專業團隊，就北部都會區的發展及落實提供意見，並向北部都會區統籌辦事處主任負責。北部都會區統籌辦事處負責北部都會區的建設、城市設計、公共空間等策略性發展及規劃事宜。該獨立跨專業團隊應與其他政府部門緊密合作，確保新發展與現有城市空間協調一致，而公共空間則可滿足居民和訪客的需求。這種做法在許多歐洲城市廣泛採用，如哥本哈根、倫敦、奧斯陸和巴塞隆拿等。

## 8. 三維規劃

這是一個難得的機遇，可以摒棄傳統的新發展區(NDA)的思維和原則，以創新的思維來規劃新田科技城。政府應考慮智慧城市如何減少道路和基礎設施所需的土地面積，並採用三維規劃來善用土地資源。道路應該連接而不是隔離當地社區，政府應把道路網絡融合到整體規劃中，以優化創新科技樞紐的土地利用，而不會犧牲保育區。

## 七個專業學會就新田科技城的綜合意見

2023 年 8 月 9 日

我們支持政府以嶄新思維，並充分考慮深港兩地情況，以打造北部都會區。除了可以大幅增加土地供應之外，《兩城三圈》的規劃概念也可以加強香港及深圳在基建、創新科技、人才、教育、生態及旅遊資源方面的協同效應，提升兩個城市的競爭力。

### 新舊交織、生機盎然，打造宜居及可持續城市

就政府六月公布的新田科技城的建議發展大綱圖，我們建議政府在發展的過程中，充分尊重及保育區內豐富的生態環境、歷史建築、文化景觀以及非物質文化傳統，並積極將這些珍貴資源融入發展草案中，透過城鄉共融的精神強化新發展區與現有社區、環境及本土歷史的聯繫，打造可持續、宜居、多元及富特色的新發展區，吸引世界各地的創科人才前來居住及工作。

### 規劃、土地及產業政策

為了因應創科需要的不斷轉變，在規劃下提供彈性，以及採用靈活的批地方式是有需要的，而且政府應該制訂公開透明、具原則性的產業及批地政策、整體規劃參數、城市設計指引，以及適當的行政審批措施以確保日後的發展不會偏離規劃原意及不會構成嚴重負面影響。

發展局需要與相關政策局緊密協作，透過清晰的產業策略，為創新科技園區作更詳細的規劃及制定發展時間表，包括適時提供基建社區配套。也可借鏡鄰近地區同類的創科發展區的做法，以及推行適當的土地政策確保地價合理，讓新田科技城更具國際競爭力。

### 生態景觀

現時政府的建議將影響超過 100 公頃魚塘，相較 2021 年北部都會區發展策略報告有所出入。政府需要遵守城市規劃委員會規劃指引編號 12C 的要求，進行生態影響評估，證明方案不會令濕地所發揮的功能出現淨減少的情況，或者帶來負面的干擾影響。也需要就影響濕地按指引提供濕地賠償。

此外，鄰近三寶樹濕地保育公園的創新科技園區提供的建築面積達七百萬平方米，政府應該提供原則性的指引，確保新發展區與濕地的和諧關係，並符合規劃指引 12C 在位於濕地緩衝區的發展的要求。

## 歷史及傳統文化

新田鄉約有 600 年歷史，區內有兩座法定古蹟，以及超過 18 座獲評級的歷史建築物，文化資源豐富。政府應在區內進行詳盡的文物資源普查及文物影響評估，並實行合適及合時的規劃措施，以確保有保育價值的歷史建築及文化景觀不會在發展過程中受到破壞。此外，區內保留了豐富的非物質文化遺產，不少已獲納入首份「香港非物質文化遺產清單」，政府也有需要採取適當的措施，讓非物質文化傳統得以保存及融入新發展區之中，締造獨特的生活模式吸引創科專才。

## 城市設計、城鄉共融

新田科技城環繞現有的新田鄉所在的鄉村式發展用地，但與之缺乏足夠聯繫。政府可以透過加強新、舊區的行人通道及單車徑網絡的連接，改善整區的通達性，並應該考慮制定詳細發展藍圖，達致更理想的城鄉共融。此外，亦建議透過「地方營造」手法，為科技城設計以人為本的公共空間，加強地區特色及市民對該區的歸屬感。

## 交通網絡、通達性

創新科技園區需要高效率的公共交通網絡，增加對用戶及其他使用者的吸引力。現時的鐵路線建議並沒有鐵路站設置於此園區內。政府宜就加入鐵路站的可行性作深入研究(尤其是園區的中心地帶)，藉此強化園區商業成功的要素。

## 應對氣候變化

新田科技城的設計必須確保宜人的微氣候，透過適當的城市設計、建築佈局、綠化比例和生物多樣性等避免形成熱島效應。

新田科技城也需要適當的措施，應對海平面上升的危機，並設有良好的排水系統以應付該區可能出現的豪雨，避免對附近的濕地和社區產生負面影響。也應採用海綿城市的概念，以及其他減緩與調適策略，來應對氣候變化。

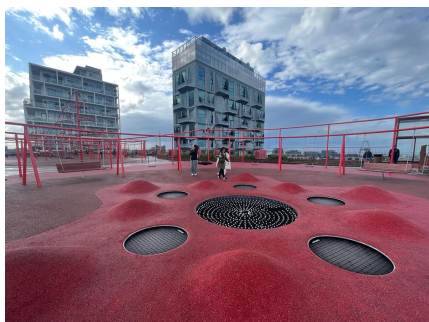
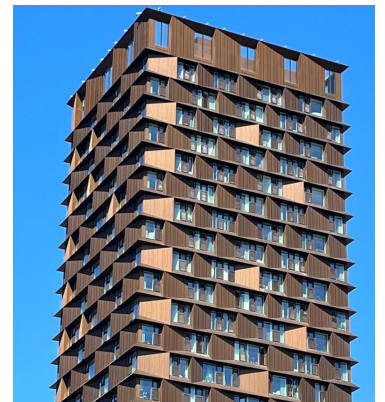
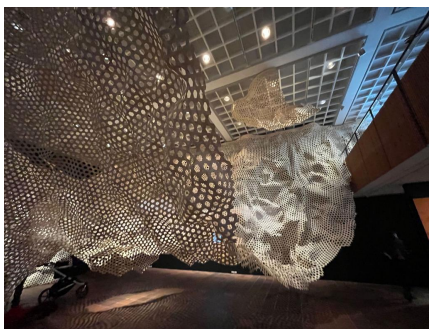
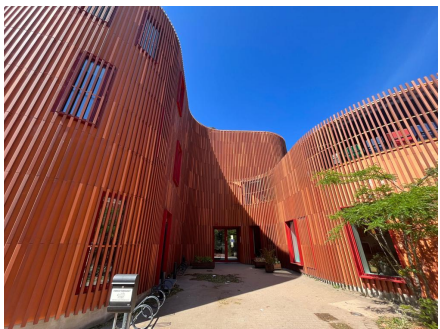
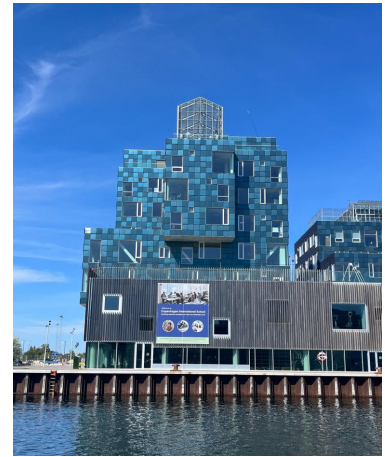
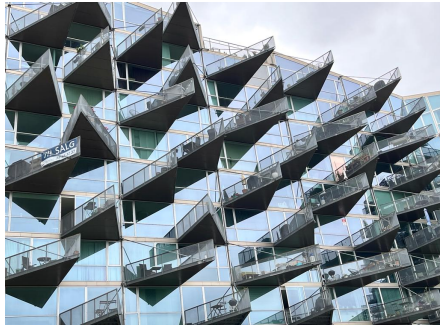
香港建築師學會  
香港園境師學會  
香港城市設計學會

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香港規劃師學會

香港工程師學會  
香港測量師學會

## 以「香港建築」推動文化，經濟及旅遊業

建築是文化的承體，包含著城市的記憶和故事。遊客們藉着參觀建築，能對城市的歷史，文化，經濟，科技...等有更深入的了解。不少國家亦以建築作為其經濟文化推手。丹麥哥本哈根於 2023 年成為世界建築之都，倫敦每年舉辦「倫敦建築節」。以建築為主題，吸引世界各地旅客到訪，從旅遊刺激消費及經濟增長。學會建議「文體旅局」舉辦兩年一度的「香港建築節」HK Architecture Festival, 藉著建築比賽，論壇，建築參觀及展覽，結合飲食，藝術，創意產業，以香港為基地，建築為軸，舉辦此國際盛事。既可宣傳香港文化，在亞洲作推動卓越建築領頭，亦可推動旅遊業，帶動經濟，支持本土建築業及其他創意產業。對於舉辦此國際盛事，學會在過去亦有相當經驗，如「兩岸四地」建築比賽及論壇，港深兩地建築城市雙年展。若舉辦「香港建築節」，學會亦會全力支持。



## 推動「建築設計比賽」文化

為了提升城市面貌的質素，優秀的建築及城市設計是重要的一環。「建築設計比賽」能提升城市的設計質素，亦讓有才能的年青建築師發揮的機會。建議政府訂立長遠支持建築的政策，推動更多的公共建築作設計比賽，讓建築事務所及年輕建築師有發揮的機會，亦能鼓勵創意，新思維，提昇城市及建築設計質素水平。國際建築師協會已認定建築比賽為城市帶來多方面的得益，而香港在過去亦舉辦了不同類型的建築比賽，例如 M+, 廁世代的公廁設計比賽，綠在灣仔設計比賽，成效十分之卓越。過往香港的大型國際建築設計比賽，在國際亦享有盛名。因此，建議政府在政策上支持舉辦不同類型的建築設計比賽，提昇城市的國際地位及設計水平。





## 新聞稿

### 香港建築師學會就《私人興建資助出售房屋先導計劃「樂建居」》的意見

香港建築師學會歡迎政府推出《樂建居》，恢復興建資助性房屋幫助基層市民置業，以及重建置業階梯。這也是學會多年來的主張。

《樂建居》提供誘因吸引私人發展商參與，可以善用私人市場的資源加快興建資助出售房屋以及解決市民置業困難的問題，也可以讓房委會可以集中資源興建出租公屋單位，相信有助政府可以盡快達到讓申請公屋的市民三年上樓的目標。這政策也能夠幫助有能力的公屋住戶置業，然後交出公屋單位讓輪候冊上的市民早日上樓。

這次先導計劃提供兩種渠道供私人發展商參與，包括「公開招標形式」及「私人土地形式」。發展商可以因應各自的情況而選擇適當的途徑參與，相信這種靈活性有助提升計劃的成效。



《樂建居》跟以往的居者有其屋計劃有數點主要分別，香港建築師學會有以下的建議：

(1) 單位售價的計算方法跟以往的居者有其屋有所不同。政府希望藉此提升資助性房屋的質素，讓市民多一個選擇，但樓價可能會較傳統居屋高。學會建議政府釐定單位的售價的機制，需要考慮合資格購買居屋的市民的負擔能力，畢竟是有入息限制的。

(2) 在以往的居者有其屋計劃之下，樓宇落成後是由房委會售賣給合資格的市民的。但在這次計劃之下，是由私人發展商負責售樓的，政府不會回購單位。若果有單位未能出售的話，發展商可以選擇補回差價之後，在公開市場上發售。學會希望政府設立嚴謹的機制，確保這機制不會被濫用，否則便無法達到計劃的原意。

3) 政府應該透過這次推出《樂建居》計劃的機遇，同步推出特別優惠政策給公屋富戶，鼓勵他們從正常途徑自置物業，並有序遷出公屋，騰空出來給社會上較有需要的人士入住，此舉能減少公屋輪候冊上的等候時間，藉此一舉兩得，幫助加快舒緩社會基層的住屋需求。



香港建築師學會  
The Hong Kong Institute of Architects

參考編號: HKIA/HB/BC/WC/20230419

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致房屋局局長:

香港建築師學會 (HKIA) 對最近媒體報道, 牛池灣村內一所未被評級的青磚中式建築可能被清拆表示關注。2020 年《施政報告》提出重建茶果嶺村、牛池灣村和竹園村三條舊村為高密度公營房屋。本會支持政府提速提效增加公營房屋供應, 並建議政府採取「發展與保育並重」的原則發展這三個公營房屋項目, 並且展開專業的全面性文物影響評估及研究, 以作為這些區域整體規劃的一部份。

本會一如既往憑藉會員的專業知識, 為政府出謀獻策, 共創美好明天。

謹啟

香港建築師學會會長  
陳澤斌建築師 香港建築師學會資深會員 註冊建築師  
2023 年 4 月 19 日

副本抄送  
發展局局長 甯漢豪女士 太平紳士 [sdev@devb.gov.hk](mailto:sdev@devb.gov.hk)





香港建築師學會  
The Hong Kong Institute of Architects

香港建築師學會就重建茶果嶺村、牛池灣村和竹園村的意見

1. 香港建築師學會 (HKIA) 對最近媒體報道，牛池灣村內一所未被評級的青磚中式建築可能被清拆(註 1)表示關注。2020 年《施政報告》提出重建茶果嶺村、牛池灣村和竹園村三條舊村為高密度公營房屋(註 2)。這三條舊村雖然在現行政策中被定義為「市區寮屋區」，但是其實卻是九龍開埠前已存在的傳統民間村落，而英國政府在 19 世紀接管九龍半島和新九龍地區的初期，仍然未有保留原地華人村落的政策，亦因戰後大量人口遷入市區舊村而演化成後來雜亂加建的狀態，令大眾忽略了這些九龍的舊村見證了英治之前的重要歷史以及之後整個九龍的發展故事。因此 HKIA 在 2020 年已經指出，簡單地將這些舊村歸納為寮屋而全面清拆是不理想的手法，應該展開專業的文物調查及評估，以作這些區域的整體規劃的部份(註 3)。
2. 歷史價值方面：根據本地學者研究，竹園村在十七世紀末清政府解除遷海令後便在九龍復居，村民在九龍定居的歷史更可追溯至宋代(註 4)(註 5)，而牛池灣村建成於清乾隆年間，即大約 18 世紀初(註 6)，茶果嶺則在清代開始有客籍石匠聚居成村，與鄰近的牛頭角、茜草灣及鯉魚門幾個石礦場並稱為「九龍四山」(註 7)。建築價值方面：竹園村擁有本地廣府村落的肌理，村內的中軸線還存在。而牛池灣村內的青磚屋根據學者研究乃建於 1927 年(註 8)，也是九龍市區中難得僅存精緻的傳統鄉村建築，青磚大屋擁有花崗石基座，立面設有凹斗式的正門，檐板有精緻的木雕圖案，用料、規格及裝飾反映屋主當年的社會及經濟地位。
3. HKIA 不贊成將村內其他蘊含歷史見證和社會記憶的建築肌理完全剷除，政府應採取「發展與保育並重」的原則發展這三個公營房屋項目。我們建議政府在村內進行全面性的文物影響評估及研究，在可行情況下加以保育各村遺留下來的歷史建築肌理、人文風貌和文化遺產，並融入新公營房屋發展之中。香港以往也有一些體現「發展與保育並重」之市區保育活化項目，例如太子 1936 酒店及西營盤餘樂里項目，可見保留之小型舊樓可以與旁邊的新發展項目互補，另外灣仔藍屋及大坑火龍文化館亦可體現活化市區中心舊樓可以與街坊生活共存等。又例如廣州市近年將西關騎樓街一帶活化，將一些保存而修復的歷史建築活化再用開放予公眾，融合在新的商業發展和文藝場館之中，值得政府及房協參考。

**備註**

註 1: 明報：牛池灣村百年青磚屋瀕拆 組織促評級 學者：市區僅存應保留 發展局：初步研究指價值較低(2023/03/26)

註 2: 2020 年《施政報告》提出重建茶果嶺村、牛池灣村和竹園村三個稱為「市區寮屋區」之舊村為高密度公營房屋，並由房協負責執行三個項目。茶果嶺村重建項目的法定改劃程序已完成，而牛池灣村和竹園村的法定改劃程序預計於 2023 年上半年完結，三條村內的居民最快於 2024 年下半年分階段遷出。

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註 3: 香港建築師學會在 2020 年時對當年施政報告之回應(英文): *The HKIA is particularly concerned about the future of the old urban settlements such as Cha Kwo Ling, Ngau Chi Wan and Chuk Yuen United Village. Being squatters, they were originally ancient folk villages and have evolved into their current state due to population migrations after the Second World War. It would be very undesirable to eradicate completely the historical testimonies and social memories embodied in the squatters. A comprehensive heritage investigation and analysis is recommended. Impact assessment should be carried out to explore the methodology of preserving the historical building textures, humanistic appearances, and the cultural heritage of such old communities prior to any planned re-development.*

註 4: 文匯報 - 書若蜉蝣: 沙埔鄉與竹園鄉 2006-05-07 (<http://paper.wenweipo.com/2016/05/07/OT1605070002.htm>)

註 5: 張瑞威: 《華南研究資料中心通訊》第 28 期 2002.7.15 《宗族的聯合與分歧: 竹園蒲崗林氏編修族譜原因探微》

註 6: 張瑞威: 《拆村: 消逝的九龍村落》三聯書局, 2013, P.140

註 7: 長春社《村梭茶果嶺: 城中村的回憶備份》P.12

註 8: 黃大仙區議會《黃大仙區風物誌》, 2002, P.41-44

註 9: 廣州市西關騎樓街活化, 保存而修復了的歷史建築活化再用開放於公眾, 包括與香港歷史關係密切的廣東八和會館、李小龍祖居、金聲電影院、陳廉伯大宅, 及許多古舊街巷中的青磚趟攏門排屋。

參考圖片



左上: 太子 1936 酒店(來源: 1936 酒店網頁)

右上: 西營盤第三街 / 餘樂里 / 正街項目 (星鑽) (來源: 市建局網頁)



左上: 大坑火龍文化館(來源: 中原地產《薈訊》網頁)

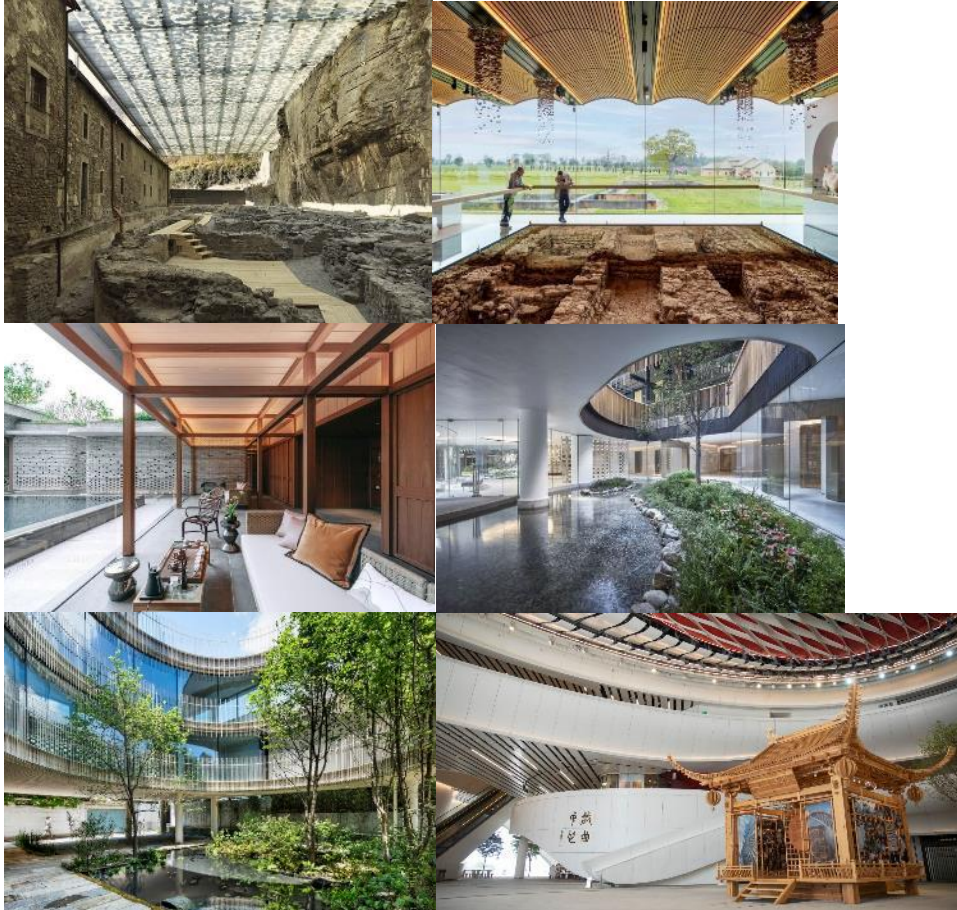
右上: 廣州永慶坊 (來源: 搜狐網 [https://www.sohu.com/a/344495311\\_100195567](https://www.sohu.com/a/344495311_100195567))

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左上: The Abbey of Saint Maurice, Switzerland (來源: Archello 網頁)

右上: Roman Villa Museum, UK (來源: Archdaily 網頁)

左中: 元朗臻頤項目 (來源: 香港綠色建築議會 網頁)

右中: 北角柏蔚山項目 (來源: 香港綠色建築議會 網頁)

左下: Brickwell Mixed Use Building, South Korea (來源: Archdaily 網頁)

右下: 西九龍戲曲中心 (來源: 香港旅遊發展局 網頁)



左上及右上: 廣州市近年亦將西關騎樓街一帶活化 (網上截圖)

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