

立法會交通事務委員會

鐵路事宜小組委員會

九龍倉之回應及澄清

二零零五年一月七日

環境運輸及工務局局長廖秀冬於二零零五年一月四日，即立法會交通事務委員會鐵路事宜小組委員會，於二零零五年一月七日進一步討論有關事宜之前，宣布放棄在海港城興建廣東道站。

九龍倉置業發展有限公司已公開表示僅以平常心面對。

惟廖秀冬局長在當日選擇採取「閉門簡報會」形式，單方面向傳媒宣佈放棄在廣東道建站。而翌日，傳媒廣泛引述「政府消息人士」對九龍倉作出若干指責，就此我們作出回應及澄清：

1. 九龍倉在談判最後階段突然向政府要求 60 萬平方呎額外樓面面積的「辛辣」條件。

1. 九鐵、九龍倉及環境運輸工務局 (運輸局) 自 2004 年 6 月至 9 月，研究和磋商的主題是在海港城現有地庫建站，不涉及重建。

自 9 月起三方因為「地庫方案」風險太高而轉為洽商「重建方案」。

約三個月前，九鐵在 2004 年 10 月 4 日雙方會議中向九龍倉提起建站可申請額外地積比率一事。

九龍倉在 10 月 7 日及 12 日給九鐵的函件及意向書中，已表明會按常規申請額外地積比率，並已說明這是一項先決條件，這先決條件已一早提出，卻在最後階段被政府否決。既然運輸局一直沒有建站的意向，那麼為何過去半年以來由運輸局主持的三方會談，各方面要為此事投放大量資源和時間？

這些信件均有抄送運輸局，並已清楚記錄在 10 月 12 日由運輸局主持的三方會議的正式會議記錄。九龍倉代表在會上向九鐵表示若有需要，樂意進一步闡述信件內的建議。九鐵當時並及後都未有提出要求。

如補償性樓面面積為放棄建站的關鍵性因素，為何運輸局當時並無即時否決，還要浪費三個月時間去再行商討，這實在令人難以理解。

2. 政府當局須給予有關建站的發展商估計約 60 萬平方呎，估值約 40 多至 90 多億元的額外樓面面積。港府不能輕易因為一個並非必要的車站，將得益輸送

2. 香港任何一家私人業主，由於「私地公用」而申請補償性樓面面積，皆可按屋宇署現行常規和先例辦理。該等常規已清楚地在屋宇署第 233 號「認可人士及註冊結構工程師專業指引」內列明，包括因私地公用而批准的補償性樓面面積，可按地面 5 倍，其他樓層 2 倍的方式計算。

予私人發展商。

九龍倉按此指引，根據擬建車站面積 28 萬平方呎，計算出補償性樓面面積約為 60 萬平方呎。按專業指引辦事，絕不是「非常規」要求，亦不是「辛辣」條件。如果因此被指為「獅子開大口」，實在有欠公允。

若果要求是「非常規」，才構成所謂「利益輸送」。九龍倉已多次公開表明，不會參予任何涉及利益輸送的協議。

屋宇署 1 月 4 日（運輸局宣布不建廣東道站的同一天），致函九龍倉，表示由於在海港城建站並非必需，所以無需受理九龍倉就補償性樓面面積的詢問申請。

亦即是說，由於運輸局表明不支持建廣東道站，屋宇署無需考慮九龍倉的申請是否符合正常申請條件，面積的計算是否正確。可見該申請成功與否，直接取決於運輸局不認為有需要建站的意向。

3. 我們的鐵路政策又是否可不計成本在不同的商場地下設立車站呢？

3. 是九鐵首先在 2003 年主動誠意接觸九龍倉要求研究在海港城建站，而非九龍倉要求把車站設於海港城內。九龍倉多月來一直強調樂於見到車站設於廣東道南段海港城以外的任何合適地點，以滿足此地區對公共交通的殷切需求。

4. 在廣東道南段建設車站，既沒有交通需要，財務上亦不能獲得樂觀回報率。

4. 政府決定不在海港城建站。此事已與九龍倉沒有直接關係。

九龍倉認同許多立法會議員、區議會和社區團體的想法，認為廣東道南段有需要建車站。

有立法局議員上次曾提出九鐵應考慮在海防道和九龍公園徑交界處的公共綠地建站。廣東道協會對此表示興趣，構想了一個初步設計，供各界參考。（請參看附圖）

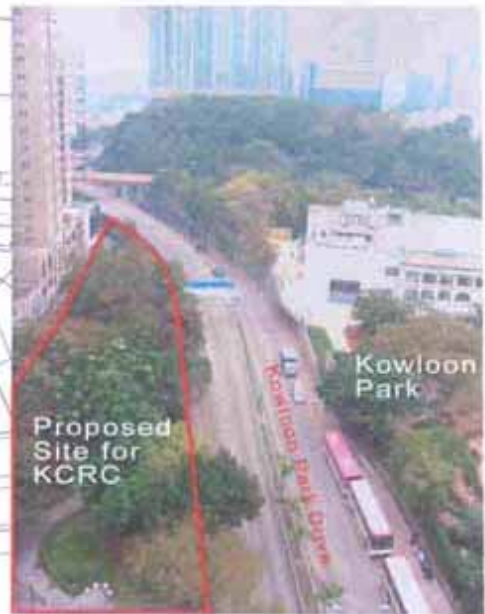
鐵路建設是否一定需要在財務上有樂觀回報率，可參看規劃署發表的〈香港 2030〉報告：“在落實「鐵路發展策略 2000」建議的鐵路計劃前，當局會根據最新的人口、規劃和經濟數據，檢討其發展需要、可行性和發展時間表。除了財務上的可行性外，我們亦會考慮包括經濟效益、土地用途規劃和跨界運輸的整合等因素。”

興建廣東道站會否為社會和公眾帶來經濟效益？就此廣東道協會委托顧問公司做的研究發現，答案是肯定的。(請參看附件)

*有關引述乃撮錄自廖秀冬局長於二零零五年一月四日在簡報會上的公佈，以及各傳媒翌日的報道。

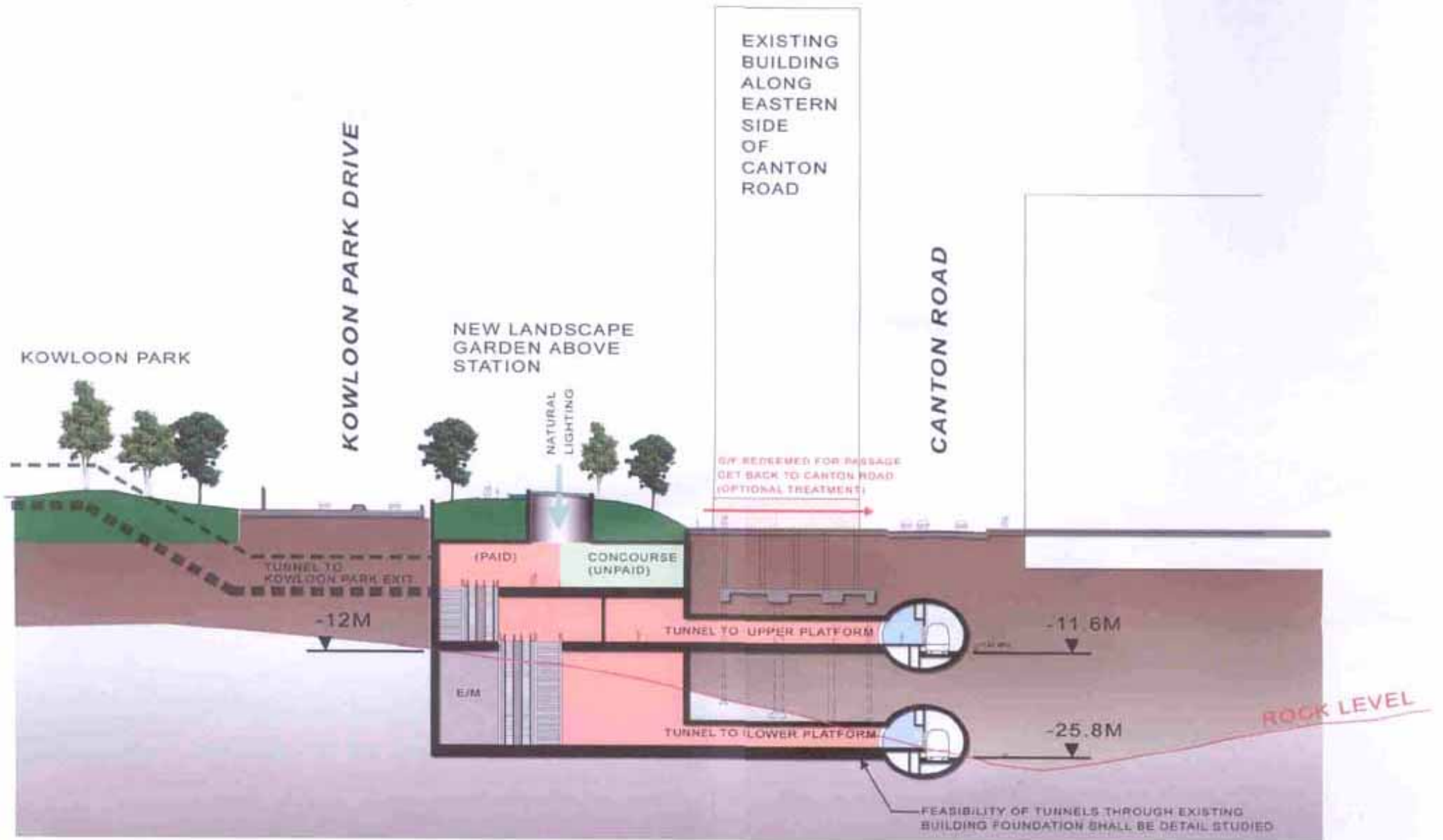
廣東道站的社會價值

| | |
|--------------------------------------|-----------|
| 1) 減少尖沙咀路面客運流量約每天 33,000 人次，佔總流量的 5% | |
| | <u>每年</u> |
| 2) 節省交通時間值 | 2.12 億 |
| 3) 節省路面車輛里程值 | 0.22 億 |
| 4) 巴士、的士及私家車營運成本節省 | 0.95 億 |
| | ----- |
| | 3.29 億 |
| 5) 減少路面交通意外 | 50 宗 |
| 6) 減低來自巴士及其他車輛造成的路邊空氣及噪音污染 | |



KCRC - CHILDREN PLAYGROUND SCHEME

GROUND FLOOR PLAN - (1:1000)



KCRC - CHILDREN PLAYGROUND SCHEME

SECTION - (1:500)

Dedication of Land/Area for Use as Public Passage

Purpose

This practice note sets out the general guidelines on proposals to dedicate land or area within a building for use as public passage and the concessions which the Building Authority (BA) may grant upon acceptance of such dedication.

Dedications

2. The BA has the discretionary power to grant concessions in the form of exemption of certain floor areas from the gross floor area (GFA) calculations and in the form of additional plot ratio and site coverage in exchange for dedication of land or area for use as public passage. Proposals for dedication usually fall into one of the following two categories:-

(i) **Dedication of set back area at street level for the purpose of public passage**

The permitted site coverage and plot ratio for the building may be exceeded to an extent calculated in accordance with Building (Planning) Regulations (B(P)R). The maximum additional plot ratio thus approvable is five times the area so dedicated or 20% of the permissible plot ratio, whichever is the less. In addition, the BA may exempt areas accepted as dedicated for use as public passage from GFA calculations.

(ii) **Dedication of an area within or through a building at ground level or other floor levels for public passage**

The BA may in return for this type of dedication allow the concessions by way of granting modifications of the relevant B(P)R provisions. The extent of the concessions, which may be granted by the BA according to individual merits, ranges from exempting the dedicated area from GFA calculations to allowing bonus plot ratio and site coverage for the development. Normally the bonus site coverage, if allowed, will be equivalent to the extent calculated in accordance with B(P)R 22(1). The maximum bonus plot ratio, in terms of additional GFA, generally will be at multiples of the dedicated area (five times for dedicated area at ground level and two times for areas at other floor levels) subject to the total bonus in return for the dedication not to exceed 20% of the permissible plot ratio with the dedicated area being exempted from accountable GFA.

/ General ...

General Guidelines

3. To provide a greater degree of certainty to authorized persons and developers when they submit applications for concessions in return for dedication of land or area within a building for use as public passage, the following guidelines on the provision of public passages are provided for general reference.
4. B(P)R 22(2) provides for additional plot ratio and site coverage in return for surrender for the purpose of street widening. Hence public passages intended for street widening shown on town plans or other street improvement plans would be considered in the context of B(P)R 22.
5. Where bonus plot ratio and site coverage are given in return for dedication of land for public passage, the resultant development intensity shall not exceed the restrictions, if any, stipulated in the statutory town plan unless otherwise provided in the said plan.
6. The Building Authority may accept dedication of land or area within a building for public passage if such dedication will lead to:
 - (a) alleviation of congestion problems of vehicular or pedestrian traffic on public roads or walkways;
 - (b) linkage with a footbridge/subway or proposed footbridge/subway which is or will be readily accessible to and used by the general public, and such linkage would significantly enhance public safety or convenience;
 - (c) improvement of road safety or significant enhancement of public convenience; or
 - (d) provision of suitable greenery compatible with the use of the proposed public passageway.
7. All applications for dedication should be accompanied by suitable justification to demonstrate that there is a genuine need by the public for such dedication and the dedicated areas are reasonable in the circumstances to cater for the need. In general, upon acceptance of a proposed dedication of land or area within a building for public passage as desirable, the BA may exempt such land or area from GFA calculations. However, bonus plot ratio and site coverage for the development will only be allowed if such dedication is considered to be essential by government, taking into account alternative public passages available in the vicinity.
8. Where the dedicated area within a building serves both the public and the users of the building, the amount of exempted GFA and/or bonus GFA will be assessed by taking into account the proportion of traffic generated by the public and the users of the building.

Display of Notices

9. In all cases, the responsibility for the provision, maintenance and repair of the dedication areas will rest with the building owners. For greater transparency, notices advising the public of the dedication of the area for use as public passage, the opening hours of such a public passage and the party responsible for the management of the area should be displayed in conspicuous locations of the area to the satisfaction of the BA. Such responsibility for the display of notices, maintenance and repair will be made a condition of dedication.

Deed of Dedication

10. A temporary occupation permit or an occupation permit will not be issued before the execution of a Deed of Dedication incorporating all the relevant terms and conditions and until all these terms and conditions have been fulfilled. APs should remind their clients for early preparation and execution of the required Deed.

(Marco M H WU)
Building Authority

Ref: BD GP/BREG/P/3(III)

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B(P)Reg 22