

立法會
Legislative Council

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**Panel on Economic Services and
Panel on Planning, Lands and Works**

**Minutes of joint meeting held on
Monday, 25 July 2005, at 9:30 am
in the Chamber of the Legislative Council Building**

Members present : Members of the Panel on Economic Services

Hon James TIEN Pei-chun, GBS, JP (Chairman)
* Hon Abraham SHEK Lai-him, JP (Deputy Chairman)
* Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP
Hon Fred LI Wah-ming, JP
Dr Hon LUI Ming-wah, SBS, JP
Hon CHAN Kam-lam, SBS, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon TAM Heung-man

Members of the Panel on Planning, Lands and Works

Hon Patrick LAU Sau-shing, SBS, JP (Deputy Chairman)
Hon Timothy FOK Tsun-ting, GBS, JP
Hon LI Kwok-ying, MH
Hon Daniel LAM Wai-keung, BBS, JP

*also a member of the Panel on Planning, Lands and Works

Members attending : Hon Martin LEE Chu-ming, SC, JP
Hon WONG Kwok-hing, MH

Members absent : Members of the Panel on Economic Services

Dr Hon David LI Kwok-po, GBS, JP
Hon SIN Chung-kai, JP
Hon Howard YOUNG, SBS, JP
Hon LAU Chin-shek, JP
Hon Miriam LAU Kin-yee, GBS, JP
Hon WONG Ting-kwong, BBS
Hon Ronny TONG Ka-wah, SC
Hon CHIM Pui-chung
Hon KWONG Chi-kin

Members of the Panel on Planning, Lands and Works

Hon LAU Wong-fat, GBM, GBS, JP (Chairman)
Hon James TO Kun-sun
Hon WONG Yung-kan, JP
Hon CHOY So-yuk, JP
Hon Albert CHAN Wai-yip
Hon LEE Wing-tat
Hon Alan LEONG Kah-kit, SC
Hon CHEUNG Hok-ming, SBS, JP

Public Officers attending : Agenda item II

Mr Wilson FUNG
Deputy Secretary for Economic Development and Labour
(Economic Development)

Mr Darryl CHAN
Principal Assistant Secretary for Economic Development and
Labour (Economic Development)

Mr LEUNG Yu-keung
Deputy Director-General of Civil Aviation
Civil Aviation Department

Captain West WU
Senior Pilot
Government Flying Service

Ms Manda CHAN
Principal Assistant Secretary for Security

Mr MA Lee-tak
Project Manager (HK Island & Islands)
Civil Engineering and Development Department

Ms Christine TSE
Acting District Planning Officer (Hong Kong)
Planning Department

Clerk in attendance : Mr Andy LAU
Chief Council Secretary (1)2

Staff in attendance : Ms Anita SIT
Senior Council Secretary (1)9

Miss Winnie CHENG
Legislative Assistant (1)5

Action

I Election of Chairman

The meeting started at 9:43 am when a quorum was present at this juncture. Mr James TIEN was elected Chairman for the meeting.

II Proposed domestic heliport development

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| (LC Paper No. CB(1)2099/04-05(01) | - | Information paper provided by the Administration |
| LC Paper No. CB(1)2099/04-05(02) | - | Submission from the Hong Kong Regional Heliport Working Group |
| LC Paper No. CB(1)1013/04-05 | - | Minutes of joint Panel meeting on 31 January 2005 |
| LC Paper No. CB(1)1124/04-05 | - | Minutes of joint Panel meeting on 28 February 2005) |

2. The Chairman recapitulated that at 9:34 am, in the absence of a quorum for the joint Panel meeting, members present decided that the Administration should be invited to brief members in the form of an informal meeting. During the informal meeting, the Deputy Secretary for Economic Development and Labour (Economic Development) (DS/ED) had briefed members on the site search for a commercial heliport undertaken since the last joint Panel meeting on 28 February 2005 and the latest proposal of converting the existing ferry pier at the north-eastern corner of the Hong Kong Convention and Exhibition Centre (HKCEC) to a Government helipad to accommodate both government and commercial uses. The details were set out in the Administration's paper provided for this meeting.

Action

3. The Chairman informed members that the Hong Kong Regional Heliport Working Group (the Working Group) had requested to present its views at this meeting. As the scheduled meeting time might not be sufficient to allow presentations by the Working Group and other interested parties, he had not acceded to the Working Group's request. However, he had invited the Working Group to forward written submissions, including a comparison between the Government's proposal and the Working Group's proposal, to the Panels. Members noted that the comparison table provided by the Working Group which was tabled at the meeting. The comparison table was subsequently issued vide LC Paper No. CB(1)2139/04-05 on 26 July 2005.

4. Mr Fred LI said that he was delighted to note that the Administration heeded the common view of Panel members and the Central & Western District Council that the site in front of the Western Park Sports Centre in Sheung Wan was not a desirable site for development of a heliport. He also concurred with the Administration that reclamation in the Victoria Harbour should not be pursued for the purpose of providing a heliport. With regard to the Administration's present proposal to convert the existing ferry pier, which measured 2 700 square metres (m²), outside HKCEC into a permanent helipad for both government and commercial uses, he sought details on the demand for commercial domestic helicopter services and the design capacity of the helipad.

5. Mr Fred LI noted that the surface area of the helipad at the HKCEC site under the Working Group's proposal was 2 600 m² and no reclamation was required, but four landing/taking-off pads would be available, while only two landing/taking-off pads would be available under the Administration's proposal. He sought clarification on the respective site area and the capacity of the helipads under the two proposals.

6. DS/ED explained that the surface area of the existing pier at HKCEC measured 2 700 m². The Administration's plan was to accommodate two landing/taking-off pads and the ancillary facilities including passenger waiting rooms, a service room and car parking spaces within this site, without any reclamation in the Harbour. Regarding the Working Group's proposal, the helipad would be built above waters either by the construction of a piled deck or as floating pontoons. The surface area of the helipad was 2 600 m² which could accommodate four landing/taking-off pads. The ancillary facilities would be accommodated separately in a heliport terminal converted from the existing pier. In other words, the 2 600 m² surface area did not include the site area for the heliport terminal. The Working Group's present proposal was similar to its previous proposal presented to the Panels on 31 January 2005, but having regard to members' concern about reclamation, the Working Group had revised its proposal such that the formation of an offshore island through reclamation was replaced by a piled deck or floating pontoons.

7. DS/ED further said that the Working Group's proposal would entail the coverage of a harbour area by certain structures for a very long period, making the area not available for normal maritime uses. The Administration therefore assessed that the use of pilings or pontoons to provide a surface area of 2 600 m² for use as a helipad as proposed by the Working Group would unlikely be supported by the public and

Action

might be subject to legal challenge under the Protection of the Harbour Ordinance (Cap. 531) (PHO). For these reasons the Administration did not support the Working Group's proposal.

8. The Project Manager (HK Island & Islands), Civil Engineering and Development Department, advised that the existing pier at HKCEC was being used by New World First Ferry Services Limited for operation of harbour tours. If a Government helipad was to be provided at the site, the existing structures at the pier would be demolished. If needed, the ferry operator might use other existing piers to operate the service.

9. As regards the capacity of the proposed Government helipad at HKCEC, DS/ED advised that the slots that could be made available to commercial operation would be in the region of 20 000 movements per year, which was about 2.4 times of the traffic volume recorded in 2004. As Government emergency and essential flying services were not expected to have substantial growth, the Administration believed that the proposed Government helipad should at least be able to meet the demand for commercial domestic helicopter services in the short to medium term.

10. Mr CHAN Kam-lam said that although the Administration assessed that the Working Group's proposal might not be able to stand a legal challenge under the PHO, he found that the proposal had some merits. He asked whether the Administration would consider submitting the Working Group's proposal to the court for a judgment. He also enquired about the Administration's assessment of the future development of commercial helicopter services in Hong Kong.

11. DS/ED responded that on the legality issue, the Working Group's proposal would have to be assessed on the basis of whether it would result in part of the harbour being lost and, if so, whether it would meet the "overriding public need" test required under the PHO. Putting the legal issue aside, the first and foremost question was whether the Working Group's proposal, which involved covering part of the harbour, was supported by the public and all relevant parties, including the relevant District Councils, the Harbour-front Enhancement Committee (HEC) and the relevant Legislative Council Panels. He understood that the Working Group had submitted its proposal to the HEC in response to the public engagement exercise of the HEC in the Envisioning Stage of the "Harbour-front Enhancement Review - Wan Chai, Causeway Bay and Adjoining Areas". After this Panel meeting, the Administration would consult HEC, the Town Planning Board, Wan Chai District Council (WCDC) and the Islands District Council (IsDC) on the Government helipad project. If the Working Group's proposal was not supported by these parties, there would then be no need to look into the legal issue arising from the proposal.

12. As regards the demand for commercial domestic helicopter services, DS/ED advised that as set out in a previous paper for the Panels, the Administration estimated that the domestic helicopter services would grow by an average of 6.3% per year up to 2020. Based on this growth rate, the number of domestic commercial helicopter flights would be increased to 20 000 movements per year in 2020. The proposed

Action

Government helipad with two landing/taking-off pads would be able to meet this level of demand. In this connection, he advised that the growth of commercial domestic helicopter services had slowed down in the past year or so.

13. Mr CHAN Kam-lam commented that the Administration should aim at providing a permanent heliport that could cater for the long term development needs of the helicopter services market. The Administration should not rule out the Working Group's proposal at this stage.

14. DS/ED clarified that the Administration had not ruled out the Working Group's proposal. He recalled that at the previous two joint Panel meetings, some members had stated that they would not support any heliport development scheme that would require reclamation in the Harbour. HEC had also indicated that it would not support any heliport development that required reclamation in the Harbour. Recently, WCDC had also passed a motion expressing objection to the development of a fully-fledged heliport at HKCEC for commercial uses, as the District Council were very concerned about the noise impact of such a heliport. However, if it subsequently turned out that the Working Group's proposal received support from the various concerned parties, the Administration would be willing to consider the proposal.

15. Mr LAM Wai-keung said that IsDC was mainly concerned that the shared-use arrangement might adversely affect the emergency operations of the Government Flying Service (GFS). IsDC had noted that under Government's proposal, there would be two landing/taking-off pads and Government emergency and essential flying services would have priority at all times in using the helipad. Under the Working Group's proposal, there would be four landing/taking-off pads, with one pad designated for use by GFS. If both proposals did not require reclamation, IsDC preferred the proposal with four landing/taking-off pads, since there was a smaller risk that Government emergency operations would be affected by commercial helicopter operations. In this connection, Mr LAM conveyed the request of IsDC for the Administration to give special attention to the coordination between helicopter and ambulance emergency services during rescue operations in planning the helipad development.

16. DS/ED assured members that irrespective of which scheme was finally adopted, the Administration would ensure that Government emergency and essential flying services would not be adversely affected by commercial uses.

17. Ir Dr Raymond HO said that he was delighted to note that the Administration had heeded the motion passed by the Panels at the meeting on 28 February 2005 and agreed to accommodate both government and commercial uses at the proposed Government helipad at HKCEC. He pointed out that pontoons were not permanent structures and were removable, and thus from an engineering viewpoint, placing pontoons in the Harbour should not be regarded as reclamation. He was not entirely satisfied with the Government's proposed scheme, as it would disrupt the harbour-front promenade around the existing pier. He questioned whether this proposed scheme was concordant with Article 128 of the Basic Law, which provided

Action

that “The Government of the Hong Kong Special Administrative Region shall provide conditions and take measures for the maintenance of the status of Hong Kong as a centre of international and regional aviation.”. Referring to the Administration’s projection that the domestic helicopter services would grow by an average of 6.3% per year up to 2020, he asked whether the projection had taken into account the potentially huge demand for regional helicopter services with the increasing economic co-operation among the Pan-Pearl River Delta (Pan-PRD) provinces/regions.

18. The Chairman pointed out that the Working Group had all along advocated the development of a regional heliport to meet the long-term development needs of both domestic and cross-boundary helicopter services. He asked the Administration to confirm its stance in this regard.

19. Mr Jeffrey LAM said that there were discrepancies between the Administration and the community in the assessment of the future demand for commercial helicopter services. He asked whether the matter had been discussed in the context of the Pan-PRD development and cooperation.

20. Mr Abraham SHEK said that given the increasing economic cooperation of Hong Kong with Pan-PRD provinces/regions, the Administration should consider the heliport development from a broader perspective taking into account Article 128 of the Basic Law and should not rule out the idea of developing a regional heliport. The Administration also should not presume that reclamation for the heliport development would necessarily contravene PHO.

21. DS/ED said that the Administration had commissioned a consultancy study on Helicopter Traffic Demand and Heliport Development in Hong Kong a few years ago. The study recommended a two-phased development plan to cope with increase in demand for cross-boundary helicopter services. The Administration had briefed the Panel in early 2004 its plan to expand the existing heliport on the rooftop of the Macau Ferry Terminal (MFT) to cater for the anticipated increasing demand in cross-boundary helicopter services. Panel members had indicated support to the proposed development. In 2002, the heliport handled about 18 000 movements. The consultancy study projected that the overall cross-boundary passenger trips would grow at an average rate of about 9.4% per annum to about 45 000 movements per year in 2015. This projection was made on the assumption that destinations in PRD would be opened progressively. When the expansion project was completed, the MFT heliport would be able to handle some 55 000 movements each year. Thus, the expanded heliport could cope with the demand at least up to 2015 under an optimistic scenario. The Administration was working on the project and the current schedule was to launch a tendering exercise for the project by the end of 2005. Regarding the longer-term development of heliports in the territory, the consultancy study also recommended that the rooftop of the proposed cruise terminal in the Southeast Kowloon Development could be an option for further examination. The Administration would pursue this separately. Hence, at the infrastructure level, the Administration already had a comprehensive plan to meet medium and long-term demands for cross-boundary helicopter services.

Action

22. Regarding cross-boundary helicopter service between Hong Kong and destinations in PRD, DS/ED advised that this market was yet to be opened up at present. Hence, the first task in this regard was for Hong Kong to reach agreement with the relevant Mainland authorities to open PRD destinations for operation of the service. Over the past two years, the Administration had been pursuing this proactively and the discussions with Guangdong authorities on this matter had attained some substantive progress. Apart from aviation related issues, the main issue needed to be addressed was the provision of customs, immigration and quarantine services at the target destinations.

23. Mr Jeffrey LAM said that although there was a plan to expand the existing heliport on the rooftop of MFT to cater for the anticipated increasing demand for cross-boundary helicopter services, the rapid economic development and integration of the Pan-PRD region might give rise to tremendous growth in the demand for cross-boundary helicopter services. Hence, it might be prudent to review the need for additional heliport facilities for cross-boundary helicopter services.

24. Mr Abraham SHEK opined that the Government should facilitate the development of necessary infrastructure facilities for the overall benefit of the community, and in this case, he asked whether the Administration had considered providing an alternative site for government uses and let the private sector use the helipad at the HKCEC site to operate commercial helicopter services.

25. DS/ED responded that as explained at a previous meeting, the helipad at the HKCEC site was planned for various types of government uses, and one major usage was to support police operation, emergency and search and rescue exercises, and for this purpose, it was necessary for the GFS helipad to be close to the Police Headquarters in Admiralty.

26. On the issue of whether pontoons should be regarded as reclamation, DS/ED said that the main consideration was that the piled deck or pontoons would need to be placed at the surface level in order to meet the relevant civil aviation safety requirements for single-engine helicopters, thus taking up part of the sea area which would otherwise be available for normal maritime uses. He reiterated that the first and foremost issue was whether the Working Group's proposed project scheme was supported by all concerned parties.

27. Ir Dr Raymond HO considered that the Administration's comments were rather misleading, implying that the Working Group's proposed scheme in effect involved reclamation. DS/ED clarified that he was making general remarks based on preliminary legal advice and that he did not mean to give a definitive legal opinion as to whether the Working Group's proposed scheme involved reclamation. Each case would have to be assessed on its individual merits. He further said that at this stage, the Working Group had only put up a conceptual plan. More technical details would be required for proper assessment. The Working Group might further explain its proposal to the WCDC and HEC. If these bodies supported the proposal, the Administration would be prepared to consider the proposal.

Action

28. Mr LAU Sau-sing considered that there was a need to examine whether pontoons would be regarded as reclamation from the legal viewpoint rather than just from the engineering viewpoint. He recalled that the Town Planning Board had examined this issue in the past and was advised that pontoons or similar structures that were of fairly permanent nature could be considered as reclamation.

29. The Acting District Planning Officer (Hong Kong), Planning Department, advised that the interpretation of the term “reclamation” in PHO did not include any reference to engineering aspects. According to the ruling of the Court of Final Appeal, any harbour reclamation must satisfy the “overriding public need” test.

30. The Chairman requested the Administration to make a more in-depth study of whether placing pontoons for use as a helipad might contravene the PHO. DS/ED said that instead of focusing on the question of whether pontoons should be regarded as reclamation, it might be prudent to first consider whether there was any feasible alternative solution which did not require reclamation. In this regard, the proposed Government helipad at HKCEC could at least meet the short to medium term demand. Furthermore, the site in front of the Western Park Sports Centre in Sheung Wan, which was previously recommended by the Administration, was another feasible alternative.

31. Mr LAU Sau-sing asked whether it was feasible to locate the ancillary facilities of the proposed Government helipad in the area adjacent to the existing pier site, say by locating them on a podium to be built above the existing bus terminal, so that the pier site could accommodate three landing/taking-off pads. DS/ED said that the Administration had made a detailed study of the site conditions. Taking into account the relevant safety and operational requirements, the existing pier site could at most accommodate two landing/taking-off pads. In reply to Mr LAU’s further enquiry, DS/ED advised that in view of the extensive implications on safety and the environment, it would unlikely be feasible to provide additional surface area for the helipad by taking up some site area of the existing bus terminal.

32. On Mr CHAN Kam-lam’s concern about the safety and environmental impacts of the proposed Government helipad to users of HKCEC and the Golden Bauhinia Square, DS/ED advised that if the proposed Government helipad was supported by the relevant LegCo Panels and other concerned parties, the Administration would conduct a technical feasibility study for the project and the safety and environmental impacts would be examined in the study.

33. Mr WONG Kwok-hing and Mr Jeffrey LAM sought explanation on the arrangements to accommodate both government and commercial uses at the proposed Government helipad at HKCEC, while ensuring that Government emergency and essential flying services would have priority at all times in using the helipad.

34. DS/ED said that in parallel with the technical feasibility study for the project, the Civil Aviation Department would, in collaboration with the GFS, draw up detailed operational procedures for the proposed helipad. The present thinking was that the northern landing/taking-off pad would mainly be used by GFS while the southern one

Action

would mainly be used for commercial services. The operational procedures would ensure that Government emergency and essential flying services would have priority at all times in using the helipad and would minimize possible conflicts between government uses and commercial uses.

35. Mr WONG Kwok-hing sought the Administration's response to the Working Group's comment that the Administration's proposal would have substantial adverse impact on the Golden Bauhinia Square, with removal of public viewing area and promenade as well as public lavatories. DS/ED responded that the helipad would inevitably have some impact on the Golden Bauhinia Square, but the Administration's preliminary assessment was that the impact would not be unacceptable. The technical feasibility study would include impact assessments and recommend appropriate mitigation measures to minimize the impact. Mr WONG Kwok-hing remained unconvinced of the Administration's reply and considered that further information would be required.

36. In reply to WONG Kwok-hing's enquiry about the feasibility of using roof-top of buildings for helicopter operations, DS/ED advised that the option of using roof-tops of buildings for landing and taking off was not feasible as most of the helicopters being used in Hong Kong were single-engine helicopters. For safety reasons, they could only be operated at dedicated surface level helipads.

37. Noting that the Administration planned to consult in the coming few months WCDC, IsDC, HEC and the Town Planning Board on the proposed Government heliport project at HKCEC, the Chairman requested the Administration to revert to the Panels after the consultations. The Chairman also suggested and members agreed that when the Panels further discussed the matter in the next legislative session, the Panels would also invite the relevant DCs, the Working Group and other relevant parties to take part in the discussion.

38. Ir Dr Raymond HO requested the Administration to provide more details on its assessment of the medium and long term demand for cross-boundary helicopter services, taking into account the economic development and cooperation of the Pan-PRD region. The Administration should also confirm whether the planned heliport facilities could cope with the projected demand for cross-boundary helicopter services.

39. The Chairman said that although the subject under discussion was "proposed domestic heliport development", in view of some members' concerns about the provision of facilities to meet future demand for cross-boundary helicopter services and the question of whether the Administration's plan was concordant with Article 128 of the Basic Law, he requested the Administration to provide a written response on the issues when the Panels further discussed the matter.

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40. Mr CHAN Kam-lam requested the Administration to also provide details on its assessment of the environmental impact of the proposed Government helipad and the recommended mitigation measures.

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III Any other business

41. There being no other business, the meeting ended at 10:30 am.

Council Business Division 1
Legislative Council Secretariat
5 September 2005