

**立法會**  
***Legislative Council***

LC Paper No. CB(2)1081/04-05  
(These minutes have been  
seen by the Administration)

Ref : CB2/PL/HA

**Panel on Home Affairs**

**Minutes of meeting  
held on Friday, 4 February 2005 at 10:45 am  
in the Chamber of the Legislative Council Building**

<b>Members present</b>	: Hon Tommy CHEUNG Yu-yan, JP (Chairman) Hon TAM Heung-man (Deputy Chairman) Hon Albert HO Chun-yan Hon James TO Kun-sun Dr Hon Philip WONG Yu-hong, GBS Hon WONG Yung-kan, JP Hon LAU Wong-fat, GBS, JP Hon Emily LAU Wai-hing, JP Hon CHOY So-yuk Hon Andrew CHENG Kar-foo Hon Albert CHAN Wai-yip Hon LI Kwok-ying, MH Hon Daniel LAM Wai-keung, BBS, JP Dr Hon Fernando CHEUNG Chiu-hung Hon CHEUNG Hok-ming, SBS, JP Hon WONG Ting-kwong, BBS Hon Patrick LAU Sau-shing, SBS, JP
<b>Member absent</b>	: Hon Timothy FOK Tsun-ting, GBS, JP
<b>Public Officers attending</b>	: <u>Item IV</u> Dr Patrick HO Secretary for Home Affairs

Mr Stephen FISHER  
Deputy Secretary for Home Affairs (1)

Mrs Hedy CHU  
Principal Assistant Secretary for Home Affairs (3)

Item V

Dr Patrick HO  
Secretary for Home Affairs

Mr Peter KWOK  
Principal Assistant Secretary for Home Affairs (Culture)2

Mr CHUNG Ling-hoi  
Deputy Director of Leisure and Cultural Services (Culture)

Dr Joseph TING  
Chief Curator (Museum of History), Leisure and  
Cultural Services Department

Mr Eddie POON  
Principal Assistant Secretary for Home Affairs  
(Recreation and Sport)

Mr Eddy YAU  
Assistant Director (Leisure Services)3, Leisure and  
Cultural Services Department

Mrs Celina KWOK  
Chief Project Manager, Architectural Services Department

**Attendance by invitation :** Item IV  
Equal Opportunities Commission

Mr Raymond TANG Yee-bong  
Chairperson

Mr Michael CHAN Yick-man  
Director (Planning and Administration)

**Clerk in attendance :** Miss Flora TAI  
Chief Council Secretary (2)2

**Staff in attendance** : Ms Joanne MAK  
Senior Council Secretary (2)2

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**I. Confirmation of minutes**

[LC Paper No. CB(2)787/04-05]

The minutes of the special meeting held on 3 January 2005 were confirmed.

**II. Information paper(s) issued since the last meeting**

[LC Paper Nos. CB(2)730/04-05(01), CB(2)733/04-05(01),  
CB(2)734/04-05(01), CB(2)776/04-05(01) and (02)]

2. Members noted that the following papers had been issued since the last regular meeting –

- (a) supplementary paper on “Capital works project on Tseung Kwan O Sports Ground” provided by the Administration;
- (b) referral from the Complaints Division on the Albert House case;
- (c) paper entitled “Computer programme for calculation of interest and surcharge on arrears of maintenance” provided by the Administration; and
- (d) paper entitled “Revision of fees and charges for services not directly affecting people’s livelihood under the purview of Home Affairs Bureau (HAB)” provided by the Administration.

**III. Items for discussion at the next meeting**

[Appendices I and II to LC Paper No. CB(2)777/04-05]

3. Members agreed to discuss the following items at the next regular meeting on Friday, 11 March 2005 –

- (a) provision of leisure and cultural services facilities;
- (b) revision of fees and charges for services not directly affecting people's livelihood under the purview of the HAB; and
- (c) Report of the Independent Panel of Inquiry on the Incidents Relating to the Equal Opportunities Commission (EOC).

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4. In order to allow adequate time for the discussion of the above items, members agreed to advance the starting time of the next regular meeting from 10:45 am to 9:00 am. Members also agreed to invite all non-Panel Members to attend the meeting for the discussion of Report of the Independent Panel of Inquiry on the Incidents Relating to EOC. The Chairman requested members to notify the Clerk of any person that they suggested to be invited to attend the meeting for the discussion of the Report.

[*Post-meeting note:* the regular meeting of the Panel was subsequently rescheduled from 11 March to 21 March 2005 from 9:00 am to 12:30 pm.]

5. Referring to item 20 on the List of outstanding items for discussion, Ms Emily LAU expressed concern that the second report of the Hong Kong Special Administrative Region (HKSAR) under the International Covenant on Civil and Political Rights (ICCPR) had long been overdue. The Chairman requested the Clerk to enquire with the Administration about the current position of the report.

[*Post-meeting note:* the Administration informed the Panel in writing on 8 February 2005 that the HKSAR's second report under ICCPR had been submitted to the United Nations on 14 January 2005. The Administration's letter was circulated to members vide LC Paper No. CB(2)874/04-05(01).]

**IV. Appointment of the Chairperson of the Equal Opportunities Commission (EOC) by the Government and the work of EOC**  
[LC Paper Nos. CB(2)773/04-05(01), CB(2)777/04-05(01) and (02)]

6. The Chairman welcomed the Secretary for Home Affairs (SHA), EOC Chairperson Mr TANG Yee-bong and other representatives of the Administration and of EOC to attend the meeting. The Chairman informed members that the Administration had indicated that it was also ready to brief members and answer any question concerning the newly published Report of the Independent Panel of Inquiry on the Incidents Relating to EOC at this meeting.

7. SHA and Mr TANG Yee-bong invited members to note the papers submitted by the Administration and EOC respectively for this item.

Discussion

*Appointment of the EOC Chairperson*

8. Dr Fernando CHEUNG requested the Administration to explain the

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selection criteria for the appointment of the EOC Chairperson and why Mr TANG Yee-bong's tenure of office was much longer than that of the past EOC Chairpersons. Dr CHEUNG pointed out that while Mr TANG was appointed for five years, the last EOC Chairperson Mrs Patricia CHU was only offered a seven-month extension of her contract a few days before the expiry of her one-year term.

9. SHA responded that the Sex Discrimination Ordinance (SDO) contained provisions in relation to the establishment of EOC, and the terms and conditions of appointment of its Chairperson and members. SHA explained that under SDO, the Chairperson of EOC was appointed by the Chief Executive (CE). The law also provided that the EOC Chairperson would be appointed on a full-time basis, would not be a public officer and the term of each office would not exceed five years. SHA added that as in all appointments to advisory and statutory bodies, the Government's policy was to appoint the most suitable candidate.

10. SHA said that the past EOC Chairpersons in general had served a three-year term. He explained that the tenure of office of an EOC Chairperson depended on the preference of the appointees and the circumstances. SHA pointed out that the appointment of the last EOC Chairperson Mrs Patricia CHU had been made in the special circumstances that her predecessor Mr Michael WONG had suddenly resigned, which had given rise to a vacuum period, and Mrs CHU was then offered a one-year contract. SHA said that when Mrs CHU's contract was coming to an end, the Administration intended to identify a person suitable for appointment for a longer term.

11. SHA further said that Mrs Patricia CHU had expressed interest in serving as the EOC Chairperson for one more year. The Administration had offered to Mrs CHU that her current appointment be extended to end of July 2005 taking into consideration the fact that the Report of the Independent Panel of Inquiry was due to be released in February 2005 and the tenure of office of most of the current EOC members, including that of Mrs CHU as EOC member, were due to expire in end of May or in mid-July 2005. SHA said that the Administration had intended to review the composition of EOC, including its Chairperson and members altogether, in mid-July 2005. SHA added that as Mrs CHU declined the Government's offer of re-appointment, the Government decided to appoint Mr TANG Yee-bong as the EOC Chairperson.

12. SHA pointed out that the appointment of Mr TANG Yee-bong as the EOC Chairperson for a term of five years was permissible under the law and was aimed at stabilising the morale of EOC staff. SHA said that as two reviews had shown, many areas of EOC's internal management were in need of improvements. The Administration therefore considered it necessary to appoint an EOC Chairperson for a longer term so that the new Chairperson could have more time to implement necessary improvements. SHA further said

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that the Administration also considered that the spate of incidents surrounding EOC in the past year had, to a certain extent, adversely affected the credibility of EOC and that the operations of EOC could also be affected if the Chairpersons of EOC changed too frequently. The Administration considered it necessary to appoint the new EOC Chairperson for a longer term in order to enhance EOC's credibility.

13. SHA further said that at the international level, the appointment of the new EOC Chairperson for such a long term would reflect that the Government attached great importance to EOC and would enhance EOC's position in the international arena. SHA added that the Administration had also taken into account the fact that the tenure of office of both of the Privacy Commissioner and the Ombudsman was five years as stated in the law.

14. Dr Fernando CHEUNG further enquired about the selection mechanism for the appointment of the EOC Chairperson. He considered that in selecting a person for appointment as the EOC Chairperson, consideration should be given to candidates' expertise and experience in human rights work. He added that the appointment of Mr TANG Yee-bong, who was the former Privacy Commissioner, to head EOC had cut almost two years off his term of office as the Privacy Commissioner. He considered that if the Government frequently made such arrangement, the statutory tenure of office of the Privacy Commissioner or the Ombudsman would serve no purpose.

15. SHA responded that the present mechanism was that CE appointed the EOC Chairperson upon the recommendation of SHA, who would look for a suitable candidate in various sectors of the community. SHA said that open recruitment for the post of the EOC Chairperson had also been launched in the past. SHA pointed out that it was not specified in the law what experience that the EOC Chairperson was required to possess. SHA said that while he agreed that it would be useful if the EOC Chairperson was familiar with EOC's work, some people took the view that a person with high caliber and good management skills could also take up the post of the EOC Chairperson. These people considered that it was important for the EOC Chairperson to have balanced consideration of the interests of different stakeholders and be able to accommodate different opinions. SHA said that the Administration would take into consideration these different views. It would also actively follow up the recommendations on the appointment of the EOC Chairperson made by the Independent Panel of Inquiry in its report.

16. Mr TANG Yee-bong said that speaking from his experience as the former Privacy Commissioner, the Privacy Commissioner's tenure of office which was stipulated to be five years in the law could convey the message that the Privacy Commissioner's Office (PCO) was an independent body as its management could not be changed all the time. Mr TANG pointed out that it was also stated in the law that CE could not remove the Privacy Commissioner

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from office unless the Legislative Council, by resolution, approved CE to do so on those grounds as specified in the law. Mr TANG further said that EOC and PCO were the only two statutory bodies in Hong Kong backed up with statutory powers to deal with human rights issues and, from a regulator's point of view, consistent arrangements should be made for the two organisations.

17. Mr TANG Yee-bong pointed out that the existing three anti-discrimination ordinances and the Personal Data (Privacy) Ordinance, which all aimed at protecting the rights of the individuals, had many common attributes. He said that he disagreed that only those with relevant experience in anti-discrimination work should be considered suitable for the job of implementation of the anti-discrimination ordinances.

18. Mr Albert HO said that he did not dispute the merits of giving the EOC Chairperson a five-year term of office. He said that the problem was why it seemed that the Government had done so selectively. SHA reiterated that the tenure of office of each EOC Chairperson depended on the preference of the appointee and the circumstances, and the final decision rested with CE.

19. Mr Albert HO queried that the Government had actually pre-empted the implementation of some of the recommendations of the Report of the Independent Panel of Inquiry in making the appointment of the new EOC Chairperson shortly before the release of the Report. He asked why the Government no longer conducted open recruitment for the post of the EOC Chairperson.

20. SHA responded that the Government had intended to appoint the new EOC Chairperson around July 2005. However, it had to change its plan when Mrs Patricia CHU declined the Government's offer of re-appointment and as a result, it had to appoint Mr TANG Yee-bong as the EOC Chairperson in January to replace Mrs CHU upon expiry of her term. SHA said that the appointment of the new Chairperson did not preclude the recommendations of the Report from being implemented.

21. SHA pointed out that open recruitment and internal selection had both been adopted by the Government in the past for the post of the EOC Chairperson and both approaches had proved to be successful in identifying suitable candidates. He said that both approaches had their pros and cons and he disagreed that selection of candidates through internal selection was retrogression.

22. Mr Albert CHAN considered it inappropriate for the Government to have appointed the new EOC Chairperson for a five-year term at a time when the Report of the Independent Panel of Inquiry was going to be released soon and when there were only 2.5 years left within CE's current term of office. Mr CHAN pointed out that the future CE, when assumed office, could not have

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the opportunity to decide on the choice of person for appointment as the EOC Chairperson but would have to wait for 2.5 years later. Mr CHAN also asked whether the appointment of Mr TANG was aimed at concealing any past records unfavourable to SHA.

23. SHA responded that he did not have anything to hide or anything that needed the EOC Chairperson to help him conceal. He pointed out that the Government would have been very short-sighted if it had only looked at CE's 2.5 years' remaining term in planning anything. Mr Albert CHAN clarified that what he referred to were details of the private gathering of SHA with the former EOC Chairperson Mr Michael WONG and other persons, which SHA might want the new EOC Chairperson to conceal.

24. Mr Andrew CHENG said that the lack of objective and clear criteria for the appointment of the EOC Chairperson was a main factor which adversely affected the credibility of EOC and people's perception of its independence. He criticised the Government for mishandling the appointment of past EOC Chairpersons and their contract renewal matters. He also queried why the Government did not accede to Mrs Patricia CHU's request for renewal of her contract by one year instead of only seven months if the Government really intended to enhance stability of EOC and ensure continuity of its work.

25. SHA disagreed that the Government had mishandled the appointment of EOC Chairpersons. Responding to Mr CHENG's comments, SHA pointed out that EOC was a statutory body empowered by the law to operate independently. Moreover, EOC had a proven track record and its credibility had been well built up in the community. As to the former EOC Chairperson's contract term, SHA explained that had Mrs Patricia CHU's contract been extended by one year, its duration would have continued beyond her tenure of office as an EOC member. He pointed out that when the Government appointed Mrs CHU as the EOC Chairperson in 2003, the Government was of the view that the one-year appointment was a transitional arrangement and there was no undertaking on re-appointment. He added that the Government was grateful to Mrs CHU's dedication and hard work during her term of office.

26. SHA further said that SDO clearly provided that CE was vested with the power to appoint the EOC Chairperson and it would need to amend the ordinance if the existing appointment mechanism was to be changed. He added that the Administration would, in collaboration with the new EOC Chairperson, look at the detailed recommendations in the Report of the Independent Panel of Inquiry on the appointment of EOC Chairpersons and work out their implementation.

*The new EOC Chairperson*

27. Mr Albert HO asked Mr TANG Yee-bong about his aspirations as the

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EOC Chairperson and his views on the New Territories Small House Policy, which had been given exceptions from the discriminatory provisions under SDO.

28. Mr TANG Yee-bong said that he would perform the role of the EOC Chairperson in accordance with the law and duly perform the responsibilities imposed on him under the three anti-discrimination ordinances. Mr TANG further said that his ideal was to achieve a level-playing field upon which a harmonious society could be built. Mr TANG pointed out that there were discussions within EOC on the Small House Policy, and he agreed that the principles behind the policy were not very consistent with that of equal opportunities. Mr TANG said that the issue, however, involved well entrenched concepts which could not be changed within a short time. He added that when introducing any changes, acceptance of such changes by parties concerned would be necessary in order to maintain a harmonious society.

29. Mr Albert HO said that the EOC Chairperson was not expected just to implement the anti-discrimination ordinances but to have a clear vision in promoting equal opportunities. He further said that this was a wrong approach to consider the need for enacting legislation or introducing measures to protect basic human rights based on the majority view since people who suffered from discrimination were very often the minority group.

30. Mr TANG Yee-bong responded that as a statutory body, EOC had its powers and functions clearly stated in the law which prescribed that the primary function of EOC was to deal with complaints on infringements on those rights protected under the three anti-discrimination ordinances. Mr TANG said that the role of advocacy groups was, rather, played by non-governmental organisations (NGOs) and concern groups, and EOC was to work with these NGOs/concern groups and the community to promote expanding the scope of protection of any human rights which had not yet been given adequate protection within existing legal framework.

31. Referring to Mr Albert HO's remarks in paragraph 27 above, Mr Daniel LAM clarified that Heung Yee Kuk always supported the principle of equal opportunities for women and men and permitting a female person to be an eligible applicant also under the Small House Policy. In response to Mr WONG Yung-kan, SHA said that in accordance with Article 40 of the Basic Law, the lawful traditional rights and interests of the indigenous inhabitants of the New Territories would be protected by the Government.

32. Mr Albert CHAN said that Mr TANG Yee-bong did not have a solid track record of human rights work and the public was also not familiar with him. He requested Mr TANG to give an account of his past experience in fighting for the rights of ethnic minorities or any minority groups.

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33. Mr TANG Yee-bong said that his experience had been in the area of implementation of laws and working in regulatory bodies established under the law. He said that he had worked as a lawyer for 40 years and he certainly had experience in working for ethnic minorities in Hong Kong and also in the United Kingdom. Mr Albert CHAN pointed out that Mr TANG Yee-bong, however, did not seem to have a track record of working on a voluntary basis for ethnic minorities.

34. Ms Emily LAU also considered that the EOC Chairperson should have a track record of human rights work and be familiar with various international human rights treaties. She requested Mr TANG Yee-bong to explain what had prompted him to resign from the post of the Privacy Commissioner and to take up the post of the EOC Chairperson. She also asked Mr TANG whether he would again quit his present job before the end of his term for another better offer.

35. Mr TANG Yee-bong said that he had accepted the offer of the position of the EOC Chairperson mainly because he felt that it was a very challenging and meaningful job. He pointed out that PCO had become a well-established body and was auto-piloted already, and he was interested in EOC's work as he considered that there was still much room for promoting equal opportunities. He said that the higher pay of the position was not a consideration. He further said that no one could say what would happen in the next five years and he would only concentrate on his work as the EOC Chairperson. He added that he had identified a number of job priorities such as those set out in Annex B to the paper submitted by EOC.

36. Ms Emily LAU further asked whether Mr TANG had been approached by SHA who offered him the position of the EOC Chairperson or he had applied for the job himself. Mr TANG Yee-bong replied that he had not applied for the job but when he was offered the position, he felt that it was a meaningful job and decided to accept the offer.

37. Referring to Annex B to EOC's paper, Mr WONG Yung-kan requested Mr TANG Yee-bong to further explain his job priorities. Mr TANG said that he would follow up 169 recommendations of two internal reviews of EOC to enhance its operations and embark on a number of other initiatives, such as examining the feasibility of setting up an Equal Opportunities Tribunal and implementing educational programmes, which would have to be carried out on a long-term basis.

*Breach of the six-year rule*

38. Ms Emily LAU expressed concern that the re-appointment of seven incumbent EOC members for one year made by the Government in May 2004 had actually breached the six-year rule. She urged the Administration to take

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action to rectify the situation. SHA explained that the Government had made the re-appointment of the seven EOC members out of special circumstances of EOC in that period of time. He said that in normal circumstances, the Government would strive to strictly follow the six-year and six-board rules. He added that the Administration was considering the next round of appointments of EOC members and it considered that the special circumstances of EOC no longer existed.

*Report of the Independent Panel of Inquiry on the Incidents Relating to EOC*

39. Miss CHOY So-yuk considered that the EOC controversy should come to an end with the release of the Report of the Independent Panel of Inquiry. She said that she accepted the findings and recommendations of the Report and urged the Administration to learn from the EOC-related incidents. SHA said that the Administration would study the Report and its recommendations and see how these could be taken forward.

40. Miss TAM Heung-man asked whether the recommendation that the posts of the EOC Chairperson and of the Chief Executive Officer (CEO) be separated would be endorsed and if this was accepted, which post Mr TANG Yee-bong would take up.

41. SHA pointed out that the post of CEO was deleted in 2000 and the EOC Chairperson had since assumed the functions of CEO. He explained that it only required going through administrative procedures to reinstate the post of CEO. He further said that SDO provided that the EOC Chairperson should be appointed on a full-time basis. Therefore, if it was decided that the EOC Chairperson should change to be a non-executive position appointed on a part-time basis and CEO should be responsible for daily executive responsibilities, the law would have to be amended to remove the requirement for the EOC Chairperson to be appointed on a full-time basis.

42. Mr TANG Yee-bong said that it was a good idea to reinstate the post of CEO but EOC would need to conduct further studies to see how it should take the recommendations forward. SHA supplemented that the Government had appointed Mr TANG to be the EOC Chairperson and not CEO. In the future, if the post of CEO was reinstated, the appointee for the post would be recruited by EOC but for the post of the Chairperson, it was CE to make the appointment as stipulated in the law.

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43. In response to the Chairman, SHA undertook that the Administration would provide a paper on the implementation plan of the recommendations of the Report of the Independent Panel of Inquiry for the next regular meeting of the Panel.

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**V. Financial proposals on two capital works items: Dr Sun Yat-sen Museum and District Open Space in Area 35 Tsuen Wan (Phase II) [LC Paper Nos. CB(2)777/04-05(03)-(04) and CB(2)794/04-05(01)]**

44. The Chairman invited members to note that the Administration intended to submit these two financial proposals on capital works items to the Public Works Subcommittee (PWSC) for endorsement on 16 February 2005.

*Conversion of Kom Tong Hall for use as the Dr Sun Yat-sen Museum*

45. At the Chairman's invitation, Chief Curator (Museum of History) (CC(M)) of the Leisure and Cultural Services Department (LCSD) gave a presentation on the proposal to establish the Dr Sun Yat-sen Museum at Kom Tong Hall (KTH). He informed members that the Administration planned to start the construction works in September 2005 for completion of works in December 2006 and full opening of the Museum in 2007.

46. Referring to the layout plan of the proposed Dr Sun Yat-sen Museum, Mr Patrick LAU said that the Administration should try to reinstate KTH to its original appearance. He asked whether the Administration was going to adopt the "Design-and-Build" (DB) approach for the implementation of the project or to conduct design competitions for it.

47. CC(M) said that the restoration works for KTH was to reinstate the building to its original appearance as far as possible and the provision of museum facility would minimise any alteration and intervention to the building. Responding to Mr Patrick LAU's comments, CC(M) said that the Administration planned to remove all the glasses and the wooden flooring at the balcony of KTH so that the original floor tiles which were very beautiful would be exposed.

48. CC(M) informed members that the Architectural Services Department (ArchSD) would be responsible for the conversion works of the proposed Museum whereas LCSD would be responsible for the exhibitions to be featured therein. Chief Project Manager (CPM) supplemented that ArchSD had much experience in restoration of heritage. Moreover, as the conversion works would be carried out by in-house staff, the works could commence earlier without having to go through the consultant selection procedures.

49. Referring to paragraph 17 of the Administration's paper, Ms Emily LAU noted that the total projected revenue of \$0.636 million would only make up for 9.7% of the Museum's recurrent expenditure. She asked whether the expected heavy subsidies of the Government for the Museum would be more or less the same as with other LCSD museums. In response, SHA explained that the Government subsidised all public museums at more or less the same level. He pointed out that the income generated from admission charges of museums

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was limited and it was not Government's policy to manage such cultural facilities from a profit-making point of view. He added that as the proposed Museum would also perform educational functions, the Administration would try to attract more students to visit the Museum and it did not expect to generate much income from admission charges.

50. Ms Emily LAU suggested that the Administration should consider boosting the income generated from admission charge by featuring attractive displays in the Museum. She also asked the Administration to note that the souvenirs to be sold at the gift shop of the Museum should be something special and of good taste and to be relevant to the displays. Deputy Director of Leisure and Cultural Services (Culture) responded that only souvenirs which were related to the themes of displays in the Museum would be sold at its gift shop. He agreed that income generated from admission charge of a museum could be increased by featuring special displays in the museum and he further briefed members on past experience of staging special exhibitions at various museums which had been very well-received.

*District Open Space in Area 35 Tsuen Wan (Phase II)*

51. Principal Assistant Secretary for Home Affairs (Recreation and Sport) (PAS(HA)(R&S)) said that ASD had revised the conceptual layout taking into account PWSC members' concerns raised at their meeting on 27 October 2004 and the views of Tsuen Wan District Council (TWDC) during subsequent consultation with them on 13 December 2004. The views and comments of TWDC were summed up in the two motions passed by the DC, which were set out in enclosure I to the Administration's paper.

52. PAS(HA)(R&S) said that the proposed District Open Space in Area 35 Tsuen Wan - Phase II (the Project) was recommended to be implemented through the DB approach. PAS(HA)(R&S) further said that when the Administration received the proposed detailed design from the DB contractor, it would consult TWDC to seek their views. PAS(HA)(R&S) undertook that the Administration would consider any views received on the detailed design of the proposed open space in its consultation with TWDC. He added that the construction works were planned to start in November 2005 for completion in November 2007.

53. Mr Albert CHAN said that although the revised conceptual plan was better than the previous one, the planning of the Project remained in need of improvements e.g. active and passive recreational facilities should be suitably separated, a coherent design theme should be adopted for development of the waterfront area along Tsuen Wan Bay, and better planning should be made for the children adventure area, etc. Mr CHAN stressed that as the Project would be an important waterfront facility in Tsuen Wan, the Administration should make better planning for it. He added that the Administration should learn

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from the failure in the design of the existing Tsuen Wan Park (phase 1) and consideration should be given to swapping some recreational facilities in the existing Tsuen Wan Park with those planned for the Project where necessary.

54. PAS(HA)(R&S) responded that in revising the conceptual plan, the Administration had tried to suitably separate the active recreational facilities from the passive ones in order not to block the view. Assistant Director (Leisure Services)3 (AD(LS)3) said that the proposed rock climbing area would be located next to the existing Tsuen Wan Park so that more passive recreational facilities would be provided in phase 2 of the Tsuen Wan Park. He further said that subject to members' and TWDC's views, consideration would be given to removing the active recreational facilities planned for phase 2 to phase 1 of the Tsuen Wan Park. As to the design of the waterfront area along Tsuen Wan Bay, AD(LS)3 said that ASD had been asked to consider adopting the same or similar design theme for any future development of other parts of the waterfront area so as to achieve an open space framework with coherent design.

55. In response to Mr Albert CHAN's enquiry, AD(LS)3 said that after the completion of phase 2 of the Tsuen Wan Park, the Administration was not going to allow people to cycle there. The position would be reviewed when the planned cycling track between Tuen Mun and Tsuen Wan was completed. Mr Albert CHAN pointed out that since cycling was a popular leisure activity, prohibition of cycling in the future park would certainly give rise to disputes. He urged the Administration to reconsider this point.

56. Mr Patrick LAU was concerned about the DB approach and asked whether TWDC members would take part in the selection of the DB contractor. CPM of ASD briefed members on the procedures involved in the implementation of works projects through the DB approach. She said that according to established procedures, only Government officials would sit on the tenderer selection panel. She added that however, the Administration had already undertaken that when it received the proposed detailed design from the DB contractor, it would consult TWDC to seek their views on the design.

57. Miss CHOY So-yuk said that she hoped that the Project could be implemented as soon as possible and measures should be put in place to ensure that there would not be red fire ants in the future park.

*Panel's views on the two financial proposals*

58. In conclusion, the Chairman said that members in principle supported these two financial proposals and submission of them to PWSC at its meeting on 16 February 2005.

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59. The meeting ended at 1:00 pm.

Council Business Division 2  
Legislative Council Secretariat  
18 March 2005