

立法會
Legislative Council

LC Paper No. CB(1)2291/04-05
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by the Administration)

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Panel on Planning, Lands and Works

Minutes of meeting
held on Tuesday, 28 June 2005 at 2:30 pm
in Conference Room A of the Legislative Council Building

Members present : Hon LAU Wong-fat, GBS, JP (Chairman)
Hon Patrick LAU Sau-shing, SBS, JP (Deputy Chairman)
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP
Hon James TO Kun-sun
Hon WONG Yung-kan, JP
Hon CHOY So-yuk
Hon Abraham SHEK Lai-him, JP
Hon Albert CHAN Wai-yip
Hon LEE Wing-tat
Hon LI Kwok-ying, MH
Hon Alan LEONG Kah-kit, SC
Hon CHEUNG Hok-ming, SBS, JP

Members attending : Hon CHAN Yuen-han, JP
Hon Emily LAU Wai-hing, JP
Dr Hon KWOK Ka-ki

Members absent : Hon Timothy FOK Tsun-ting, GBS, JP
Hon Daniel LAM Wai-keung, BBS, JP

Public officers attending : **Agenda item IV**
Mr Michael SUEN
Secretary for Housing, Planning and Lands

Mrs Rita LAU
Permanent Secretary for Housing, Planning and Lands
(Planning & Lands)

Mrs Ava NG
Deputy Secretary for Housing, Planning and Lands
(Planning & Lands)1

Mr Thomas CHOW
Deputy Secretary for the Environment, Transport and
Works (Transport)1

Mr Raymond HO
Principal Assistant Secretary for the Environment,
Transport and Works (Transport)7

Mr L T MA
Project Manager (Hong Kong Island & Islands)
Civil Engineering and Development Department

Mr Talis WONG
Chief Engineer/Kowloon
Civil Engineering and Development Department

Mr Anthony KWAN
Assistant Director of Planning/Metro & Urban Renewal

Mr K K LAU
Deputy Commissioner for Transport/
Planning & Technical Services

Agenda item V

Ms Olivia NIP
Deputy Secretary for Housing, Planning and Lands
(Planning & Lands) 2

Mr LAM Siu-tong
Assistant Director/Existing Buildings 1
Buildings Department

Mr Simon K M YU
Assistant Director (Estate Management)
Lands Department

Mr LAU Sing
Assistant Director of Planning/
New Territories North and Enforcement

Attendance by invitation : Agenda items IV

Mr K Y LEUNG
Chairman, Harbour-front Enhancement Committee -
Sub-committee on Wan Chai Development Phase II
Review

Dr W K Chan
Chairman, Harbour-front Enhancement Committee -
Sub-committee on South East Kowloon Development

Ms Iris TAM
Managing Director
City Planning Consultants Limited/
City Planning-Maunsell Joint Venture

Clerk in attendance : Miss Odelia LEUNG
Chief Council Secretary (1)4

Staff in attendance : Ms Sarah YUEN
Senior Council Secretary (1)6

Ms Christina SHIU
Legislative Assistant

Action

- I Confirmation of minutes**
(LC Paper No. CB(1)1876/04-05 -- Minutes of special meeting on
1 April 2005
LC Paper No. CB(1)1877/04-05 -- Minutes of meeting on 24 May
2005

The minutes of the meetings held on 1 April and 24 May 2005 respectively were confirmed.

II Information papers issued since last meeting

- (LC Paper No. CB(1)1695/04-05(01) -- Submission from Citizen Envisioning @ Harbour on the development of ex-Government supplies depot on Oil Street, North Point
- LC Paper No. CB(1)1727/04-05 -- Summary translation of Mr Ruy BARRETTO S.C.'s submission on the Concept Plan for Lantau (LC Paper No. CB(1)1040/04-05(01))
- LC Paper No. CB(1)1839/04-05(01) -- Information paper on 109CD – Drainage improvement works in Tai Po
- LC Paper No. CB(1)1840/04-05(01) -- Information paper on Feasibility Study for Further Development of Tseung Kwan O – Study Findings
- LC Paper No. CB(1)1849/04-05 -- Draft report of the Panel for 2004-05 for submission to the Legislative Council
- LC Paper No. CB(1)1866/04-05(01) -- Information paper on 125CD – Drainage improvement from Tung Kok Wai to San Wai, Fanling
- LC Paper No. CB(1)1879/04-05(01) -- Information paper on 135CD – Drainage improvement works at Yung Shue Long New Village in Lamma Island, Tseng Lan Shue in Sai Kung and Shui Lau Hang in Ta Kwu Ling
- LC Paper No. CB(1)1886/04-05(01) -- Submission from the Tai O Rural Committee on the Concept Plan for Lantau)

2. Members noted the above information papers issued since the last monthly regular meeting of the Panel on 24 May 2005.

III Items for discussion at the next meeting

- (LC Paper No. CB(1)1875/04-05(01) -- List of outstanding items for discussion
- LC Paper No. CB(1)1875/04-05(02) -- List of follow-up actions)

3. Members agreed to reschedule the next regular meeting originally scheduled for 26 July 2005 to 13 July 2005. They also agreed to discuss the following items at the meeting:

- (a) Implementation of Greening Master Plans;
- (b) Safety of aluminium windows; and
- (c) Certification of building plans by private professionals.

4. Members noted the submission from a District Councillor and some village representatives of Tai Po to the Panel concerning their request for the provision of a vehicular access to Kiu Tau, Kau Lung Hang, Yuen Long and Tai Wo. They concurred to examine if the subject should be included in the Panel's list of outstanding items for discussion.

(Post-meeting note: Noting that the Complaints Division had been handling the above case, the Chairman subsequently directed that the submission be referred to the Complaints Division for follow-up.)

5. At the request of the Administration, members agreed to discuss Wan Chai Development Phase II (WDII) Review and South East Kowloon Development (SEKD), the original agenda items IV and V, together.

**IV and Wan Chai Development Phase II Review and South East Kowloon
V Development**

- (LC Paper No. CB(1)1875/04-05(03) -- Information paper provided by the Administration
- LC Paper No. CB(1)1875/04-05(04) -- Updated background brief on "Wan Chai reclamation" prepared by the Legislative Council Secretariat
- (LC Paper No. CB(1)1875/04-05(05) -- Information paper provided by the Administration
- LC Paper No. CB(1)921/04-05(03) -- Background brief on "South East Kowloon Development" prepared by the Legislative Council Secretariat
- LC Paper No. CB(1)1117/04-05 -- Minutes of meeting on 22 February 2005)

6. Members noted the submission from the Society for Protection of the Harbour Limited (SPH) on Wan Chai Development Phase II Review.

(Post-meeting note: The submission was circulated to members vide LC Paper No. CB(1)1946/04-05(03) on 29 June 2005.)

7. The Secretary for Housing, Planning and Lands (SHPL) briefed members on the further progress of the public engagement exercise entitled “Harbour-front Enhancement Review – Wan Chai, Causeway Bay and Adjoining Areas” (HER) conducted by the Sub-committee on Wan Chai Development Phase II Review (the WDII Sub-committee) of the Harbour-front Enhancement Committee (HEC). With the aid of power-point, Ms Iris TAM, Managing Director of City Planning Consultants Limited/City Planning-Maunsell Joint Venture, briefed members on the progress of HER and the Kai Tak Planning Review.

(Post-meeting note: The hard copies of the power-point presentations were circulated to members vide LC Paper Nos. CB(1)1946/04-05(01) and (02) respectively on 29 June 2005.)

The general approach

8. Mr Alan LEONG Kah-kit showed appreciation for HEC’s efforts to engage the public in working out the preliminary planning concepts for WDII and SEKD. He considered the input of experts necessary to ensure public participation in this regard was meaningful. Mr Abraham SHEK Lai-him, however, found it inappropriate that laymen instead of experts should play a major role in planning decisions, which had far-reaching long-term implications, and that the results of opinion surveys should rank higher than Legislative Council (LegCo) Members’ views. He also considered that the Government should have its own stance and should not formulate plans on the mere basis of public views. Ms Emily LAU Wai-hing disagreed with him, and stressed the need to build consensus on the basis of the views of the public, stakeholders and experts. She thanked the WDII Sub-committee for meeting with The Frontier to discuss WDII and, expressing support for the present approach adopted by HEC’s two subcommittees, said that a similar approach should be adopted for the Concept Plan for Lantau. Ir Dr Raymond HO Chung-tai also welcomed the conduct of public forums and community charettes to gauge public views.

9. In response, Dr W K CHAN, Chairman of HEC’s Sub-committee on South East Kowloon Development (the SEKD Sub-committee), elaborated that since planning would affect the well-being of the society, HEC considered it important to ensure public participation during the process. In consideration that public views might be diverse, efforts would be made to provide a forum for public debate to sort out differences with the assistance of experts. For example, in the case of the proposed multi-purpose stadium in SEKD, the Home Affairs Bureau and the sports community should provide expert views. At the end, it was hoped that views from professionals, the public and stakeholders could all be taken into consideration in an open decision-making process to arrive at a correct decision. Mr K Y LEUNG, Chairman of the WDII Sub-committee assured members that public views gathered on WDII were of an unexpectedly high quality.

10. Ms Emily LAU enquired whether HEC was confident that a consensus could be achieved on the way forward for WDII and SEKD, and that the agreed plans would be accepted by the public and LegCo. In response, Dr W K CHAN explained that they were confident that the on-going public engagement initiatives could help to build consensus on the study proposals. Nevertheless, the decision on the way forward would be made by the Town Planning Board (TPB) with professional support by the Planning Department because the relevant outline zoning plan (OZP) had to go through the statutory planning procedure. It was hoped that closer liaison with TPB could be kept up while HEC engaged the public in narrowing the choices. Mr K Y LEUNG said that as judged from the response to HER, consensus could be achieved on most major issues.

11. Ms Emily LAU and Mr Alan LEONG requested details on how public views gathered would be screened, analyzed and consolidated, and how decisions on the policy direction would be made on the basis of them. In reply, Dr W K CHAN said that the HEC Sub-committee had taken the initiatives to organize a Kai Tak Forum to enable the study consultants and concerned bureaux/departments to discuss with the general public and stakeholder groups the public views collected and their preliminary responses/analysis. These would be incorporated into a public participation report for further promulgation to the general public and would serve as input to the preparation of options of Outline Concept Plan for the next stage of public participation. Mr K Y LEUNG explained that a preliminary list of sustainability principles and indicators would be compiled at the Envisioning Stage to guide subsequent work. Based on the findings of the Envisioning Stage, Concept Plans would be developed at the Realization Stage for evaluation with the public using the agreed sustainability principles and indicators with a view to arriving at a consensus on the preliminary development proposals. During the process, HEC would act as a middleman.

12. Noting the above, Mr Alan LEONG stressed the need to allow the public to play a role in making the final planning decision to ensure public consultation was meaningful. In response, the Permanent Secretary for Housing, Planning and Lands (Planning & Lands) said that the HEC public engagement exercise enabled public views to be fully expressed and given proper consideration and in the process clear explanations would be given on why certain views could not be taken on board. The public consultation process and its results would be fully reflected to the TPB which would make the final decision. The plan-making process had been greatly enhanced with the implementation of the Town Planning (Amendment) Ordinance. The draft OZPs would be published for public inspection and comments. The relevant meetings of the TPB meetings would also be open to public.

Wan Chai Development Phase II Review

The need to explore alternatives other than road construction to relieve traffic congestion

13. Dr KWOK Ka-ki stated opposition to reclamation to produce land for road construction to tackle traffic congestion because of grave public concern about reclamation. In support of his view, he highlighted the Protection of the Harbour Ordinance (PHO) (Cap.531), the Court of Final Appeal (CFA) judgement on reclamation, and the fact that around 53% of the respondents to the opinion survey conducted on WDII opposed to reclamation to achieve a continuous harbour-front.

14. In response, SHPL pointed out that the PHO did not expressly forbid reclamation although there was a presumption against reclamation. Likewise, the CFA judgement only sought to provide some objective criteria to help determine whether reclamation should proceed. Reclamation could be allowed if it could meet the “overriding public need test” stipulated by the CFA. He further pointed out various transport studies conducted by Government since the late 1980s had demonstrated the need for the Central-Wanchai Bypass (CWB) to connect the Rumsey Street flyover in the west to the Island Eastern Corridor in the east in order to relieve traffic congestion in the area. In fact, CWB and Island Eastern Corridor Link were the final and most vital road transport links missing on the northern shore of Hong Kong Island. On completion, they would allow formation of a continuous, strategic road link that would start at Chai Wan in the east and continue all the way to Hong Kong International Airport and Tuen Mun in the northwest New Territories. Although the PHO had yet to be enacted when the above strategic road links were planned at the time, the Administration would ensure that reclamation works would only be undertaken if they complied with the PHO and the CFA judgement. To ensure congestion along the northern shore of Hong Kong (the congestion problem) could be satisfactorily resolved with collective wisdom, special efforts had been made to conduct HER to gauge public views on the possible solutions. In particular, the Administration would endeavour to achieve consensus on the final options to be adopted. SHPL then clarified that the public engagement kit prepared for the Envisioning Stage (the Kit) had not indicated preference for any option apart from highlighting the urgent need to alleviate the congestion problem as perceived by many respondents to the opinion survey. He further proposed that a forum involving experts and academics should be conducted to debate on the possible solutions, so that a conclusion in this regard could be drawn.

15. Ms Emily LAU opined that the expert forum, if held, should be open to the public. Pointing out that the public and LegCo should be given a say in deciding on how to address the congestion problem, she enquired whether the public would be further consulted, and whether any voting would be conducted before making the final decision. In reply, Mr K Y LEUNG advised that public views should not be the sole basis on which to make a decision on such a technical

issue. The expert forum should therefore play a major role in deciding on the way forward. His views were shared by the Project Manager (Hong Kong Island & Islands), Civil Engineering and Development Department (PM(HKI&I)/CEDD).

16. Ir Dr Raymond HO agreed that the trunk road to complete the missing link of the strategic road network along the northern shore of the Hong Kong Island (the Trunk Road) should be provided to relieve the congestion problem, which would affect the economy and hence the well-being of the people. Moreover, many professionals, experts, academics and even the relevant District Council (DC) members had already indicated support for the Trunk Road. He considered it a waste of resources to conduct public consultation on the way forward again. In response, SHPL explained that following the CFA judgment on reclamation, the Administration had to carefully review all reclamation proposals to ensure they could comply with the criteria highlighted in the judgement. If not, the Administration might face judicial reviews.

17. Miss CHOY So-yuk urged the Administration to ascertain the need for CWB by conducting a survey on the number of vehicles having to go from the Eastern District to Tuen Mun via the Western Tunnel, and from the Western District to Tseung Kwan O via the Eastern Tunnel during the daily rush hours. In response, the Deputy Secretary for the Environment, Transport and Works (Transport)1 (DS/ETW(T)1) advised that existing figures had already shown that, of the vehicles using the Connaught Road Central/Harcourt Road/Gloucester Road Corridor (the Corridor), 40% involved through traffic. As such, if CWB would be constructed, these vehicles could be diverted from the Corridor.

18. In reply to Dr KWOK Ka-ki on efforts made in response to his earlier request to explore options involving “zero reclamation”, SHPL noted that no details on the reclamation needed had been included in the Kit. The relevant opinion survey had shown that there were respondents supporting and those opposing to the Trunk Road. There was therefore a need for the experts to advise through the forum on the best way forward. Dr KWOK expressed regrets that seemingly the Administration had not heeded to his request. Dr KWOK, Mr LEE Wing-tat, Ms Emily LAU, Mr CHEUNG Hok-ming and Mr Albert CHAN Wai-yip strongly urged the Administration to thoroughly explore alternatives other than reclaiming land to construct CWB to address the congestion problem. For example, by controlling further developments within Wanchai and Central Business District to avoid generating new transport demand in the areas, electronic road pricing (ERP), car pools, minimization of overlapping of bus routes, traffic management measures that restricted loading and unloading in Central and use of certain sections of the road network on certain days of the week, staggering working hours, equalization of the usage and tolls of the three cross-harbour tunnels, etc. Ir Dr Raymond HO, however, pointed out that ERP had already been found not feasible after the relevant bureau and department had spent nearly \$100 million and two decades studying it. He considered it undesirable to re-examine the option again. He also found some of the options proposed undesirable.

19. In response, DS/ETW(T)1 emphasized that a multi-pronged approach had already been adopted to address the congestion problem. However, all available alternatives put together could not achieve the same effect as the CWB. He further emphasized that while the Administration would continue to implement and improve existing traffic management measures, it was clear that the construction of CWB in parallel would still be required. He added that from another angle, there was also an urgent need to resolve the congestion problem in consideration of pending major maintenance works on the Corridor which had been in use for quite some time. Without CWB to facilitate rerouting, the congestion problem would become unbearable when the maintenance works were in progress. He then commented on the alternative options proposed by members as follows:

- (a) The restrictions on loading and unloading activities in Central could not be further tightened as it would affect the shop operators concerned;
- (b) The number of bus trips going through Central had already been reduced by 15% since 1999. Further reduction was difficult because of objection from relevant DCs. Notwithstanding, overlapping of bus routes would be further minimized, and the Administration would also introduce changes to road routings;
- (c) ERP would be one possible form of traffic management provided that the Trunk Road would be a prerequisite to provide an alternative route that would bypass the charging zone for vehicles not destined for the Central Business District. Otherwise, it would be unfair to impose charges on through traffic. ERP could therefore complement but could not replace the Trunk Road for relieving the congestion problem; and
- (d) While the equalization of tunnel tolls would be pursued as one of the many traffic management measures to ease the congestion problem, it could not replace CWB because the congestion problem was not solely caused by the traffic volume generated by the Cross Harbour Tunnel (CHT) but by heavy east- and west-bound traffic.

The public consultation exercises

20. Dr KWOK Ka-ki queried the validity of the views collected at the public forums and community design charrettes conducted, pointing out that half of the participants were reportedly staff of the consultants concerned or the relevant departments and bureaux. In response to him and Mr CHEUNG Hok-ming, PM(HKI&I)/CEDD elaborated that information on those activities were published in newspapers and disseminated in the community, and the public were free to participate in them without the need for prior registration. The participants, totalling 400, included DC members, the general public, professionals, academics, business groups, community groups, green groups and other stakeholders.

Government officials and consultants, numbering around 250, were present to facilitate discussion and provide assistance and information only. As shown in the videos of the activities, the public had ample opportunity to voice their views. He also pointed out that the majority views gathered in these activities supported minimal reclamation if necessary to resolve the congestion problem. He further explained that if it was considered that traffic from Causeway Bay and Wan Chai should have access to the Trunk Road through connection roads, reclamation was inevitable. The Administration was ready to listen to public views before making a decision in this regard.

21. Mr Patrick LAU Sau-shing asked whether in opting to build CWB in tunnel, the respondents to the opinion survey were informed of the financial implications thereof. Mr KY LEUNG replied in the negative, and explained that the implications, which included cost implications, extent of reclamation, the number of connection roads and hence the effect on solution of the congestion problem, would be available only at the Realization Stage, after technical and design studies on the various options had been conducted. Hence the need to conduct consultation on the concept plans again. In response to Mr LAU, Mr LEUNG confirmed that concept plans on other options not chosen by the public would also be prepared for consultation. Mr LAU opined that the costs and other details of CWB and each of the other alternatives should be provided for comparison to facilitate the making of an informed choice. Ms Emily LAU, Ir Dr Raymond HO and Miss CHOY So-yuk shared his view. In response, DS/ETW(T)1 assured members that the public would be provided with information on the pros and cons of each option as well as existing measures to address the congestion problem and whether they could be further strengthened.

22. Miss CHOY So-yuk considered it undesirable that public consultation had been conducted on the assumption that the construction of CWB and hence reclamation would proceed. She did not consider CWB necessary because it might not be required after the present improvement works to Causeway Bay were completed. Nor could it help relieve localized congestion such as that at the entrance to CHT, the Hong Kong Convention and Exhibition Centre, the ingress to Causeway Bay and Central, and the entrance to Aberdeen Tunnel. She called for efforts to resolve localized congestion first.

23. In response, DS/ETW(T)1 reiterated the points he made in paragraph 19 above. He further clarified that the purpose of the Envisioning Stage was to solicit as many views as possible and construction of the CWB had not been assumed. Mr KY LEUNG also confirmed that while public views gathered favoured construction of CWB, HEC had not decided on the way forward yet and was hoping to achieve a consensus in this regard through the proposed expert forum.

24. Mr James TO Kun-sun asked why the percentage of respondents favouring the use of elevated structures and tunnels to construct CWB was different in the kerb-side survey and in the telephone survey in HER. In reply, Ms Iris TAM explained that this might be because two-thirds of the respondents to the telephone survey did not live on Hong Kong Island and hence might not be aware of the alignment of CWB. On the other hand, respondents to the kerb-side survey were mostly interviewed in Wanchai and Admiralty and were more aware of the alignment.

Admin

25. Noting the above explanation, Mr James TO opined that the results of the above surveys should be analyzed prudently, and requested information on the relevant sample sizes. In reply to him on the percentage of respondents to the telephone survey who would rather tolerate congestion than to construct CWB, Ms Iris TAM said this question had not been put to interviewees of the telephone survey. Mr TO suggested that a further telephone survey putting the question to the interviewees be conducted. SHPL agreed to consider his suggestion.

26. In reply to Mr James TO on which of the above two surveys would be given greater weight when deciding on the way forward, SHPL said that his personal view was that the results of both surveys should be taken into consideration. This was because the kerb-side survey could reflect the views of those affected, whereas the telephone survey the views of the wider public.

27. Dr KWOK Ka-ki referred to the Administration's agreement to consider Mr James TO's suggestion in paragraph 25 above and opined that, to ensure credibility, the Administration should consult LegCo on how they intended to conduct the survey. In response, SHPL assured members that all along internationally recognized methods were adopted in conducting surveys. The questions asked were also made public thereafter.

Other views

28. At Mr Abraham SHEK's request to respond to paragraphs C and D of SPH's submission, SHPL said that paragraph C only listed the five elements of the "overriding public need test" highlighted in the CFA judgement on reclamation, which the Administration had already undertaken time and again to abide by.

29. In response to Mr CHEUNG Hok-ming on the recent rerouting in Causeway Bay, PM(HKI&I)/CEDD explained that it was necessary to facilitate local road improvement works alongside the Corridor. DS/ETW(T)1 supplemented that the rerouting could also shed light on the need to construct CWB because, if maintenance works were to be conducted on the section of the Corridor along the Hong Kong Convention and Exhibition Centre, rerouting might not be viable without CWB to provide an alternative route.

30. In reply to Ir Dr Raymond HO on the programme of HER, Mr K Y LEUNG elaborated that the HER project comprised three stages. At the present Envisioning Stage, the purpose was to engage the community at an early stage to solicit their visions on the types of harbour-front developments they aspired for at Wan Chai, Causeway Bay and the adjoining areas. There was already consensus on the need to enhance the harbour-front but the need to construct CWB remained to be ascertained. Hence the need to conduct the expert forum. He however pointed out that since most experts and academics would be out of town during the summer, the forum might not be held until September 2005. The report of the Envisioning Stage would therefore only be ready in late September 2005. Based on the findings of the Envisioning Stage, Concept Plans would be developed at the Realization Stage in late 2005, with details on whether to build CWB and if so, the form it would take, the financial implications, the extent of reclamation required, etc. for evaluation with the public with a view to arriving at a consensus on the preliminary development proposals. At the Detailed Planning Stage, the relevant OZP would be made ready in March/April 2006 for submission to TPB.

South East Kowloon Development

31. Mr Abraham SHEK opined that the option of “zero reclamation” should not apply to SEKD because the Administration should reclaim the Kai Tak Approach Channel to address the serious environmental problems there and to bring about social, economic and environmental benefits instead of spending money on mitigation measures. Miss CHAN Yuen-han, however, pointed out that there was already a consensus on “zero reclamation”. In her view, both the Channel and the previous runway of the Kai Tak Airport should be preserved as part of Hong Kong’s collective memory. While the Channel could cater for water sports after mitigation of the environmental problems, the runway could provide space for the proposed aviation museum, and fashion outlets to be served by shuttle ferry.

32. In reply, SHPL confirmed the understanding that there was a consensus to retain the runway as a landmark of SEKD to embody the Kai Tak spirit. As to the Kai Tak Approach Channel, mitigation measures were already being identified to tackle its environmental problems. Should they all fail, reclamation might be an option to consider. There was no final decision on reclamation yet. In this regard, Mr Patrick LAU commented that the public should be made aware of the need to put in significant resources to mitigate the environmental problems if they chose not to reclaim the Channel.

33. In response to Mr Abraham SHEK’s query as to why the planning review on SEKD had yet to arrive at a conclusion after it had been conducted for seven years, SHPL clarified that the Kai Tak (North) and (South) OZPs had already been approved. However, in the light of the CFA judgment, the Government had to comprehensively review the original OZPs, which involved reclamation, and to ensure full compliance with the requirements of the PHO and the CFA judgment.

34. Mr Albert CHAN considered it in the public interest to allow more time for thorough discussion on the way forward for SEKD, which was the last plot of large premium site for development in the urban area. He opposed to the proposal to build a multi-purpose stadium in SEKD because some 70 000 audience attending functions there would exert great pressure on the transport infrastructure in the neighbouring area. He also urged the Administration to explore and consult the public on his proposal of relocating all Government offices presently situated in Central to SEKD. In his view, his proposal could benefit future generations by helping to bring all Government bureaux and departments together to facilitate operation as well as vacating the sites in Central for more gainful use. In response, SHPL said that his proposal would be seriously examined.

35. Mr LEE Wing-tat opined that in planning for SEKD, consideration should be given to providing walking pleasure free from the interruption of vehicular traffic. In reply, Dr W K CHAN said that views collected at the Stage 1 Public Participation exercise of the Kai Tak Planning Review also pointed towards creating a green town to provide a hub of sports, recreation, tourism, entertainment and culture to facilitate public enjoyment. Nonetheless, there would still be housing and office development. At stage 2, Mr LEE's idea would be further examined to see how it could be applied in SEKD.

36. While glad to note the above, Miss CHAN Yuen-han was concerned that some of the good proposals in the original OZPs might be ruled out after further consultation. She also considered the proposals to construct a heliport and a cruise terminal undesirable because they would cause noise pollution, and have safety implications and visual impact. She urged the Administration to carefully consider the views put forward by the public, to preserve the heritage elements associated with the harbour and the runway, to exercise care in deciding on the scale of housing development in SEKD, and to refrain from blocking the ridgeline of the Lion Rock.

37. In reply, Dr W K CHAN advised that as gathered from the stage 1 Public Participation exercise, while there were diversified views on the heliport, there was support for the cruise terminal. As to the scale of housing development and thus the population level, the public views were to pursue quality housing development in this prominent waterfront site.

38. In response to members, SHPL agreed to advise the Secretariat on when the Administration could report on further progress of WDII and SEKD.

VI Review on the policy to handle major unauthorized building works on agricultural lots in the New Territories

(LC Paper No. CB(1)1875/04-05(06) -- Information paper provided by the Administration

LC Paper No. CB(1)1875/04-05(07) -- Background brief on "Major unauthorized building works

on agricultural lots in the New Territories” prepared by the Legislative Council Secretariat)

39. The Deputy Secretary for Housing, Planning and Lands (Planning & Lands)2 (DS/HPL(P&L)2) briefed members on the outcome of the Government’s review on the policy to handle major unauthorized building works (UBWs) on agricultural lots in the New Territories (NT) and on a proposed scheme to rationalize such UBWs.

Sites for logistics use

40. The Chairman considered it unfair to take enforcement action against individual sites in response to complaints because firstly, to facilitate the development of Hong Kong into a leading logistics centre, flexibility should be exercised to permit temporary use of agricultural lots for container storage and port back-up uses. Secondly, the emergence of container storage sites was owing to the shortage of such sites caused by forced relocation of such sites from Kwai Chung to the NT in the past to make available land for housing development. As such, Government should take steps to map out a long term solution to the problem through proper town planning and provision of proper infrastructural facilities to the logistics industry and other port back-up uses. Mr Alan LEONG also opined that in the long run the long-standing problem of illegal use of land in the NT should be tackled by improving overall planning, and that actions should be proactively taken against UBWs instead of in response to complaints. He also called upon the Administration to fully brief NT land owners on its long-term land policy for the NT.

41. In response, DS/HPL(P&L)2 clarified that the supply of land for logistics use was sufficient. Nevertheless, due to various reasons, including problem of land ownership, and the lack of access and infrastructural services, many warehouses or other operations were found outside the properly zoned areas in the form of major UBWs on agricultural lots. Some operators might also prefer leasing agricultural lots as the rents were cheaper. In recognition of these factors, the rationalization of certain pre-existing major UBWs on agricultural lots was generally accepted as a reasonable and pragmatic measure. Hence, the proposed scheme would allow major UBWs some degree of certainty to continue to exist on a temporary basis by the granting of a short-term waiver (STW), provided that certain criteria and safety conditions were met. In parallel, the Government would also map out a long-term solution to the warehouse-type UBW problem.

42. The Chairman pointed out that in conducting planning for the NT, land owners should be duly consulted and their concerns addressed. He also opined that since the issue of STW was subject to the payment of a fee, proper infrastructural facilities, such as drainage systems and road networks, and measures to mitigate any environmental problem so arising, should be provided

for the sites concerned. In reply, DS/HPL(P&L)2 explained that if sites zoned for the purpose were in the vicinity of new towns, infrastructural support for them would be planned in conjunction with the new towns. There was however difficulty in providing similar support for remote sites.

43. The Chairman recalled that in the eighties, land owners were allowed to apply for change of land use on condition that proper mitigation measures and infrastructural support would be provided. He considered such practice desirable because it could minimize disputes. Considering it important to ensure sufficient supply of cheap land for logistics use, he also proposed that as in the Mainland, consideration might be given to levelling hills to provide such land. Miss CHOY So-yuk cautioned that the proposal would have significant environmental implications.

44. In response, the Assistant Director of Planning/New Territories North and Enforcement (AD of Plan/NTN&EN) reported that as part of the government's planning to provide sufficient land for the logistic industry, there would be 55 ha of planned land for logistic and open storage uses in the New Development Area in Hung Shui Kiu with proper infrastructural and support services. The planning and development of the territory was being examined in the Hong Kong 2030 Study and the public were consulted on the options of development. When the strategy of development was firmed up, the LegCo and the public would be consulted further.

Environmental implications of the proposed scheme

45. While agreeing that development of the logistics industry should be facilitated, Miss CHOY So-yuk stated opposition to the proposed scheme. She was concerned that the environment would be compromised if operators were allowed to formally apply for temporary use of agricultural lots for container storage, especially as the applications might not be properly vetted with regard to the ecological value of the sites concerned because of the lack of a comprehensive conservation policy. She also expressed concern that the Administration had not consulted the Panel on Environmental Affairs (EA Panel) and green groups on the proposed scheme. She was worried that by targeting at major UBWs covering a floor area of 5 000 m² or above in the first phase, the proposed scheme might inadvertently encourage operators of the many sites with smaller UBWs to enlarge them to 5 000 m² so as to qualify for the proposed scheme. Mr Alan LEONG shared some of Miss CHOY's concerns.

46. In response, DS/HPL(P&L)2 emphasized that the proposed scheme would only apply to existing sites with major unauthorized building structures and the scheme was not targeted at container storage sites. With the requirement to renew the STW every three years, the scheme was also intended to be a transitional arrangement. The operators concerned were encouraged to move their operations to sites zoned for the purpose. AD of Plan/NTN&EN added that there would even be adequate control under the Town Planning Ordinance (TPO) (Cap. 131) as

workshop and open storage uses would need to obtain the planning permission from TPB. There would be no question of encouraging smaller UBWs to enlarge their areas under the proposed rationalization scheme.

47. Miss CHOY So-yuk was unassured. She was concerned that the proposed scheme purporting to be transitional might at the end become permanent because agricultural lots levelled with cement for container storage could not be reinstated. She therefore urged the Administration to send a clear message to the public that new UBWs would not be tolerated, and to consult green groups and the EA Panel on the proposed scheme. Mr Alan LEONG echoed her view on the need for a clear message.

48. In response, DS/HPL(P&L)2 reiterated that the proposed scheme would apply to existing sites only, and an aerial survey had already been conducted to ascertain their number and sizes. She also agreed to consult green groups and the EA Panel if members were interested, and assured members that vigorous enforcement actions would be taken against new or extension to existing UBWs once identified. AD of Plan/NTN&EN supplemented that statutory planning enforcement on unauthorized developments (UDs) in the rural NT was introduced in 1990. Any use that was in existence before the publication of the Interim Development Permission Area/Development Permission Area plans would not be construed as UD under the TPO even though it might not be conforming to the land use zoning and planning intention of the land use zones. As such, the Administration's rationalization scheme would only apply to those 'Existing Uses' (EUs) to ensure their structural safety. For UD, they could not take part in the scheme without first having obtained the necessary approval of the TPB.

49. In response to Miss CHOY So-yuk, AD of Plan/NTN&EN confirmed that the six major UBWs exceeding an area of 5 000 m² or above standing on agricultural lots in NT were either EUs that existed before 1990 and hence tolerated under the TPO, or permitted uses conforming to the land use zones or had secured planning approval. They were therefore not UD.

50. Addressing Miss CHOY So-yuk's concern that use of agricultural lots for container storage would have irreversible environmental implications, AD of Plan/NTN&EN explained that environmentally and ecologically sensitive areas were already protected by conservation zonings such as "Conservation Area" and there was no provision for open storage uses applications in these zones. Miss CHOY however pointed out that since only twelve areas had been so zoned, many agricultural lots which had high ecological value might not be covered. In response, AD of Plan/NTN&EN added that the filling of agricultural land exceeding 1.2 m would be put under statutory control under the revised Notes of "Agriculture" Zone. Also, under the TPB Guidelines No. 13C, applications for temporary open storage uses on agricultural lots in environmentally sensitive areas such as 'Green Belt', "Agriculture" zones etc. would normally not be allowed.

51. Commenting on Miss CHOY So-yuk's proposal to impose fines on new UBWs, DS/HPLB(P&L)2 said that to discourage the development of new UBWs, the operators concerned should be required to demolish the new UBWs instead.

52. The Chairman considered it important that Heung Yee Kuk (HYK) be consulted on the proposed scheme, in particular the fees charged for the STW. In response, DS/HPL(P&L)2 advised that subject to members' agreement to the proposed scheme, the Administration would further consult the relevant stakeholders including HYK, and relevant rural committees and DCs on the details.

VII Any other business

53. There being no other business, the meeting ended at 5:30 pm.

Council Business Division 1
Legislative Council Secretariat
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