

5 January 2006

The Hon Miriam Lau Kin-yee, GBS, JP  
Chairman of House Committee  
Legislative Council  
Legislative Council Building  
8 Jackson Road  
Central  
Hong Kong

Dear Miriam,

**Legal Notice 233 of 2005 – Road Traffic (Traffic Control) (Designation of Prohibited and Restricted Zones) (Amendment) Notice 2005 (“Notice”)**

I am writing to you regarding the captioned Notice which was published in the Gazette of the Government of the Hong Kong Special Administrative Region on 16 December 2005 and took effect on the same date.

I very much regret that the Gazette Notice has caused considerable concerns among Honourable Members of the Legislative Council and would appreciate an opportunity to explain to the Members through the House Committee on the background of the Notice.

As you are well aware, the Notice was made under the Airport Authority (AA) Bylaw (Cap. 483) to provide legal basis for the designation of the new roads in SkyCity, which form part of the infrastructure of AsiaWorld-Expo (“AWE”). The Notice also covers the road traffic regulations regarding pick-up and drop-off activities on these roads.

As the road in question is a new road not previously open to the Public, it was in the interests of the Public that these traffic regulations had to be put in place before the opening of AWE on 21 December 2005 such that the AA and the relevant authorities are empowered to regulate and manage the road transportation in the new SkyCity area.

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Members may wish to know that AWE was completed three months ahead of schedule from March 2006 to December 2005. Given its scale of operation, any change in the construction plan would inevitably have a cascading effect on our internal planning, coordination, approval and ultimately the gazettal process. In the case of AA, we are required under the AA Bylaw to go through the Board, which meets every two months, before arranging for publication of any public or legal notices in the Government Gazette. When we were informed of AWE's latest opening schedule in early October 2005, we could only seek the Board's approval for the Notice at the meeting scheduled for 29 November 2005. If we sought to implement the traffic arrangements 49 days after gazettal, the consequence would be that there would be no traffic regulations governing the new roads leading to AWE in the interim.

It should also be noted that there was a large-scale public event at AWE involving 10,000 people just three days after its opening. Our primary objective at that point in time was to ensure smooth operations of the new exhibition and convention facility for the convenience of the commuters who had to travel to and from AWE for the first time. Under the circumstances and in view of public convenience, we arranged for the Notice to take immediate effect instead of waiting 49 days after the gazettal.

Notwithstanding the above, we are prepared to make any necessary amendments to the Notice subject to Members' comments during the 49-day period in full compliance with the legislative process.

With the benefit of hindsight, I must say we could have managed the process better. A LegCo Brief should have been submitted to the Council well in advance, setting out the rationale for the Notice for Members' information and consideration.

Miriam, I wish to assure you that we fully respect the powers and functions of Members of the Legislative Council. We will tighten up our internal procedures to avoid recurrence of similar incidents in future. Your understanding would be much appreciated.

In the meantime, please let us know should you require any further details or clarifications.

Yours truly,



David J Pang

cc Secretary for Economic Development and Labour  
Secretary for the Environment, Transport and Works