

**立法會**  
**Legislative Council**

LC Paper No. CB(1)2024/05-06  
(These minutes have been seen  
by the Administration)

Ref : CB1/PL/PLW/1

**Panel on Planning, Lands and Works**

**Minutes of meeting**  
**held on Tuesday, 23 May 2006 at 2:30 pm**  
**in Conference Room A of the Legislative Council Building**

**Members present** : Hon LAU Wong-fat, GBM, GBS, JP (Chairman)  
Hon James TIEN Pei-chun, GBS, JP  
Hon Albert HO Chun-yan  
Hon James TO Kun-sun  
Hon CHOY So-yuk, JP  
Hon Timothy FOK Tsun-ting, GBS, JP  
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  
Dr Hon KWOK Ka-ki  
Hon CHEUNG Hok-ming, SBS, JP

**Members attending** : Hon CHAN Yuen-han, JP  
Hon Audrey EU Yuet-mee, SC, JP

**Members absent** : Hon Patrick LAU Sau-shing, SBS, JP (Deputy Chairman)  
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP  
Hon WONG Yung-kan, JP  
Hon Daniel LAM Wai-keung, BBS, JP

**Public officers attending : Agenda item IV**

Mr Patrick LAU  
Director of Lands

Mr Robin IP  
Deputy Secretary for Housing, Planning and Lands  
(Planning and Lands) 1

Ms Angel LI  
Assistant Director/Legal  
(Port, Airport, Railway Development)  
Lands Department

**Agenda item V**

Mr Robin IP  
Deputy Secretary for Housing, Planning and Lands  
(Planning and Lands) 1

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

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

Ms Phyllis LI  
Chief Town Planner/Special Duties (1)  
Planning Department

Mr Lawrence KWAN  
Chief Engineer/Traffic Engineering (HK)  
Transport Department

**Attendance by invitation : Agenda item V**

Harbour-front Enhancement Committee – Sub-committee  
on Wan Chai Development Phase II Review

Mr K Y LEUNG  
Chairman

Maunsell Consultants Asia Limited

Mr Eric MA  
Director

Mr Peter CHEEK  
Associate

City Planning Consultants Limited

Ms Iris TAM  
Managing Director

**Clerk in attendance :** Ms Anita SIT  
Chief Council Secretary (1)4

**Staff in attendance :** Mr WONG Siu-yee  
Senior Council Secretary (1)7

Ms Christina SHIU  
Legislative Assistant (1)7

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Action

**I Confirmation of minutes**

- (LC Paper No. CB(1)1520/05-06 -- Minutes of special meeting on  
25 January 2006  
LC Paper No. CB(1)1521/05-06 -- Minutes of meeting on  
28 March 2006)

The minutes of the meetings held on 25 January 2006 and 28 March 2006 were confirmed.

**II Information papers issued since last meeting**

- (LC Paper No. CB(1)1375/05-06(01) -- Submission dated 26 April  
2006 from the Hong Kong Senior Government Officers  
Association on private certification of building  
submissions  
LC Paper Nos. -- Issues raised by Kowloon City  
CB(1)1457/05-06(01) and (02) District Council members at the  
meeting with Legislative

- LC Paper Nos.  
CB(1)1476/05-06(01) and (02) -- Council Members on 24 November 2005 on management of underground public utilities and the Administration's response
- LC Paper Nos.  
CB(1)1491/05-06(01) and (02) -- Issues raised by Kowloon City District Council members at the meeting with Legislative Council Members on 24 November 2005 on en suite units in private residential premises and the Administration's response
- LC Paper Nos.  
CB(1)1492/05-06(01) and (02) -- Issues raised by Kwun Tong District Council members at the meeting with Legislative Council Members on 2 March 2006 on redevelopment of Lower Ngau Tau Kok Estate and the Administration's response
- LC Paper No. CB(1)1502/05-06(01) -- Issues raised by Kwun Tong District Council members at the meeting with Legislative Council Members on 2 March 2006 on illegal building structures and the Administration's response
- LC Paper No. CB(1)1506/05-06(01) -- Letter dated 11 May 2006 from the Subcommittee on Harbour Plan Review of the Harbour-front Enhancement Committee on revised Harbour Planning Principles
- LC Paper No. CB(1)1507/05-06(01) -- Information paper on "325WF – Integration of Mount Davis Fresh Water Primary Service Reservoir with Central and Western Low Level Fresh Water Supply System" provided by the Administration
- LC Paper No. CB(1)1507/05-06(01) -- Information paper on "104CD – Drainage improvement in Northern Hong Kong Island – lower catchment improvement" provided by the Administration

LC Paper No. CB(1)1508/05-06(01) -- Information paper on “186WC – Replacement and rehabilitation of water mains, stage 3” provided by the Administration)

2. Members noted the information papers issued since last meeting.

### III Items for discussion at the next meeting

(LC Paper No. CB(1)1519/05-06(01) -- List of outstanding items for discussion

LC Paper No. CB(1)1519/05-06(02) -- List of follow-up actions)

3. Members agreed that the item on “Kai Tak Planning Review” proposed by the Administration would be discussed at the next regular meeting scheduled for 27 June 2006. At the suggestion of Mr Abraham SHEK, members also agreed to discuss at the meeting the need or otherwise for setting up a subcommittee under the Panel to study issues relating to urban renewal.

4. The Chairman referred to a letter from Ms Christine LOH et al. tabled at the meeting in which Ms LOH et al. requested to present to the Panel a 3-D model of an alternative master plan for the Central harbour-front and the Tamar site, and suggested that if members were interested in the presentation, an informal meeting would be arranged for the purpose. Mr Alan LEONG expressed support and suggested that the informal meeting should preferably be held before the meeting of the Public Works Subcommittee on 29 May 2006 at which the funding proposal for the Tamar development project would be considered. Members agreed that arrangements should be made for the informal meeting to be held as soon as possible.

*(Post-meeting note: The informal meeting was held on 26 May 2006, with the first session from 9:30 am to 11:00 am and the second session from 11:00 am to 12:30 pm.)*

### IV Review of lease modification to permit change of use for sites previously granted by private treaty

(LC Paper No. CB(1)1158/05-06(01) -- Information paper provided by the Administration on “Review of lease modification to permit change of use for sites previously granted by private treaty”

LC Paper No. CB(1)1261/05-06(01) -- Administration’s response to the concerns raised by members

on “Land grant policy and its impact on Government revenue” at the joint meeting of the Panel on Planning, Lands and Works and the Panel on Financial Affairs on 24 May 2005

- LC Paper No. CB(1)1296/05-06(01) -- Letter dated 10 April 2006 from the Administration setting out the differences between the old and new versions of two clauses in the Conditions of Grant for Private Treaty Grants
- LC Paper No. CB(1)1521/05-06 -- Minutes of meeting on 28 March 2006)

5. The Director of Lands (D of L) said that the Administration had provided members with information on measures to strengthen lease enforcement by tightening up the “commence to operate” and “cessation or diminution of user” clauses in new leases for private treaty grants (PTGs). The provisions were tightened up in order to strengthen the Administration’s power in the event of any need for future enforcement. The enhancement measures would facilitate the Administration in re-entering a PTG site when there was non-compliance.

6. Mr Albert HO considered that the Administration had not put in enough efforts in strengthening its position in enforcing lease conditions for existing PTGs. He opined that for cases where the grantee had changed the use of the site or ceased to use the site for its permitted use, the Administration should gain re-possession of the site and put up the site for sale at an auction. Under this arrangement, the Lands Department (Lands D) might first assess an appropriate premium to be used as the upset price. If the ex-grantee was successful in bidding for the site, he would only have to pay the difference between the auction price and the upset price. If another party was the successful bidder, the ex-grantee would be paid the upset price. Mr HO pointed out that the transaction price at an auction could better reflect the market value of a site than the premium assessed under the lease modification procedure, and that the arrangement of permitting the change of use through lease modification was not an open and fair arrangement.

7. Mr Albert CHAN pointed out that the community would continue to have an impression of possible transfer of benefits or collusion between the Government and developers unless the Administration took resolute actions to rectify the problems in respect of lease modification. Development of residential flats on land originally used for facilities such as fuel depots, warehouses, piers and container terminals would bring huge profits for developers. The existing lease conditions had many loopholes which could be exploited. Developers could also acquire agricultural sites and leave them idle for making applications for lease

modification in the future. Under such a situation, the land was not put into optimal use and environmental problems often arose at the sites. He considered that the Administration had double standards in lease enforcement and in specifying lease conditions for different PTGs and urged the Administration to adopt for future PTGs lease conditions which were similar to those used for the Tsuen Wan Slaughterhouse to ensure that the grantee concerned would have to return a PTG site to the Government if the site ceased to be used or was used to a diminished extent for the specified purpose and to make it clear that no lease modification would be allowed.

8. In reply, D of L said that members should not have the misunderstanding that the Administration would not enforce lease conditions. In cases where there was clear evidence that the grantee had changed or ceased the permitted use of a PTG site without the Government's consent, Lands D would take necessary actions to try to re-enter the land. It should however be borne in mind that clear evidence of non-compliance had to be presented to and accepted by the grantee and, if challenged legally, the court before the Administration could re-enter the land. The grantee had the right to apply to the Court of First Instance or petition the Chief Executive for relief against any re-entry under the Government Rights (Re-entry and Vesting Remedies) Ordinance (Cap. 126). Hence for the suggestion that the Government should consider taking back such a PTG site for open sale by auction or tender, the crux of the issue was whether the Government could gain re-possession of the site lawfully and within a reasonable period of time. Although a mechanism for voluntary surrender existed, it was unlikely that any grantee would be willing to surrender the land without compensation. This would require negotiation with the grantee concerning the surrender value, and the assessment of the surrender value might be subject to the same queries as those for the assessment of the premium under the lease modification procedure.

9. Mr Albert HO enquired whether the Administration would allow a grantee to sign a cooperative agreement with a third party for redeveloping a PTG site before the change of use of the site was approved. Mr Albert CHAN considered that it should be specified in the lease conditions for future PTGs that prior approval from Lands D had to be obtained before the grantee could negotiate with a third party about any proposed redevelopment of the land.

10. In reply, D of L explained that a PTG involved a contractual relation between the Government and the grantee. As long as there was no non-compliance with the lease conditions by the grantee, it was not appropriate for the Administration to intervene in any dealings between the grantee and a third party. On the other hand, Lands D would not agree to have any discussion with any third party about lease modification in respect of a PTG site. He also clarified that applying to the Town Planning Board (TPB) for rezoning a site to change its planned use and applying to Lands D for lease modification to change the use of a site were two different issues. While anyone could make an application for rezoning to the TPB, only the grantee could apply to Lands D for change of use of

a site under a land grant. Where the application for change of use of a site under a land grant involved rezoning of the site, Lands D would consider the application only after the TPB had approved the relevant rezoning request.

11. D of L also clarified that not all existing sites for facilities such as fuel depots were granted by private treaty. Some of those facilities were built on private land. The Administration had already strengthened the “commence to operate” and “cessation or diminution of user” clauses for new PTGs to strengthen its lease enforcement power. Under the new lease conditions, it was mandatory for the grantee not only to commence using the lot before a specified date, but also to continue using the lot for the purpose specified, failing which would constitute a breach of the lease conditions. For new PTGs, it was specified that the Administration could re-enter upon non-compliance, and the opinion of D of L on whether a lot had ceased to be used, or had been adequately used, for its intended purpose would be unfettered, conclusive and binding on the grantee. This was a forward-looking measure which should be able to address the problems associated with re-entry under existing PTGs.

12. Miss CHOY So-yuk expressed concern on applications for alteration of use of certain sites, such as the site specified for use as a liquefied petroleum gas (LPG) and oil products transit depot at Ap Lei Chau and the site for Sailors’ and Soldiers’ Home. She pointed out that the applications, if approved, would mean a deviation from the original intended uses of the sites. She considered that it should be the Government rather than the grantee of a site who should have control over the use of the site. Maintaining the existing policy whereby it would be up to the grantee to initiate change of use of a PTG site by way of lease modification implied that the Government was relegating its responsibility in land use control to PTG grantees. She echoed the view that it would only be fair and to the best interest of the public coffer to put an obsolete or under-utilized PTG site to public auction rather than make a re-grant by lease modification.

13. In response to Miss CHOY’s concern, D of L clarified that neither the grantee nor the developer involved in the site for the LPG and oil products transit depot in Ap Lei Chau had made any application to Lands D for lease modification. The application made was an application to the TPB for rezoning the site. For the case relating to Sailors’ and Soldiers’ Home, Lands D had not agreed to consider approving any request for lease modification. The Administration had requested the grantee to ensure that the needs of sailors and soldiers would continue to be met upon the proposed redevelopment of the site before Lands D would consider any request for lease modification. As regards the suggestion of putting an obsolete or under-utilized PTG site to public auction, he reiterated that the crux of the issue was how the Administration could gain re-possession of the site in a lawful way. Gaining re-possession of the site for public auction might not constitute public interest to justify resumption of the site. Requesting the grantee to surrender the site would involve lengthy negotiation on the surrender price. Only after resolving the difficulties involved in gaining re-possession of the site in a



lawful way could the Administration consider sale of the site through public auction.

14. Noting this, Miss CHOY So-yuk maintained that the present policy whereby the Administration took an evasive approach towards obsolete or under-utilized PTG sites and handled the change of use of the sites solely by way of lease modification was inappropriate as the public interest might be compromised. She asked whether the Administration would consider making it explicit in the lease conditions of future PTGs that no change of use would be allowed.

15. In reply, D of L pointed out that under the existing policy, applications for lease modification in respect of PTGs would be favourably considered only if certain conditions, i.e. those three conditions set out in paragraph 7 of the Administration's paper (LC Paper No. CB(1)1158/05-06(01)), were met and approval would not be given lightly. For sites granted under private treaty with nominal or concessionary premium, approval by the Executive Council would be required. As regards rezoning, the TPB would rezone an area if it was of the view that the current zoning was incompatible with the latest planning intention of the area. Alternatively, anyone, including the grantee, could also make an application to the TPB for rezoning. As for the suggestion of including in the lease conditions an explicit clause specifying that the grantee had to return the land to the Administration before change of use would be considered, he pointed out that it was inappropriate because that would imply incorrectly that change of use would be considered after the site had been granted for a certain period of time. This was contrary to the intended objective of the Administration to strengthen lease conditions to ensure the continued use of the PTG site for the specified purposes. Although the lease conditions for existing PTGs could not be changed unilaterally by the Administration under the current system, the Administration had been forward-looking in strengthening its lease enforcement power in respect of new PTGs.

16. While supporting the Administration's policy direction in strengthening its position in lease enforcement, Mr Alan LEONG commented that a PTG grantee should not have an exclusive right in negotiating for change of use and the re-grant of a PTG site by lease modification. He requested the Administration to consider specifying in the lease conditions of future PTGs that the grantee must return the site to the Government first before change of use would be considered, and that there would be no re-grant through lease modification. He also suggested that the Administration could consider negotiating with the grantee for an amount to be paid to the grantee for putting up the land for sale at an auction. Since the ultimate authority in approving the change of use of a site vested with the Government, there should be room for the Government to negotiate with grantees of existing PTGs on this arrangement. Besides, the grantee should have incentive to agree to this arrangement because making an application for lease modification implied that the site in question had development potential. He pointed out that the Administration should institute a proper mechanism to handle applications for

change of use of PTG sites because there were and would be many cases where the original intended use of PTG sites had become obsolete.

Admin

17. In reply, D of L said that the suggestion of Mr Alan LEONG would involve a negotiation on the surrender price and this might attract queries on whether the amount to be paid by the Government was appropriate. The Government would not wish to give an impression that it was paying a high price in gaining re-possession of a site. In addition, if there was a fall in the property market, the premium obtained through auction or tender of the surrendered site might be lower than the amount paid to the grantee. He added that as mentioned in the Administration's paper, there had not been many cases of lease modification for PTG sites. As the suggestion of Mr LEONG would have far-reaching effects on issues such as land administration, land development and developers' interest in initiating redevelopment projects, the Administration would need more time to consider the suggestion in detail.

18. Noting the response of D of L, Mr Alan LEONG said that the Administration could relieve itself of the risk arising from a possible fall in the property market by specifying that the agreed amount would only be paid to the grantee if the transaction price at the relevant auction was higher than the agreed amount. He also requested the Administration to provide a written response to his suggestion in due course.

19. Mr James TO was dissatisfied that the Administration only emphasized the difficulties in gaining re-possession and did not attempt to identify measures to overcome the complications involved. He considered that the use of existing PTG sites involved important public interest and urged the Administration to work out possible measures to address the complications. He pointed out that if necessary, legislative measures should be introduced to enhance lease enforcement and facilitate the process of re-entry, just like the recent proposal to lower the sale threshold for compulsory sale of land. He echoed the view that an explicit clause prohibiting change of use should be included in the lease conditions of PTGs.

20. In response to Mr TO's comments, D of L pointed out that the grantee had the right to apply to the Court of First Instance or petition the Chief Executive for relief against any re-entry. For the case involving the Ap Lei Chau school site, one of the reasons put forward by the grantee was that the grantee intended to use the site for other education-related purposes. The grantee had not negotiated with developers about redevelopment of the site. The Administration had to abide by the law in re-entry and it was not a matter of in-decisiveness. For existing PTGs, there might be difficulties in re-entering because the lease conditions were written a long time ago. For new PTGs, the Administration had tightened up the lease conditions to facilitate re-entry in the case of non-compliance.

21. Mr James TO considered that the Administration should in the first place further strengthen its position in lease enforcement for existing PTGs to facilitate

re-entry. The spirit of contract should be upheld and if necessary, the Administration should introduce legislative amendments to address the complications involved in re-entry. If no satisfactory solution was available after thorough consideration, the suggestion raised by Mr Alan LEONG of negotiating with the grantee for an amount to be paid to the grantee for putting up the site for sale at an auction could be considered. The suggested arrangement was preferred to the existing lease modification procedure, as the Administration would be able to sell the site at the best possible market price and the difference between the transaction price and the amount to be paid to the grantee would be retained by the Government. The suggested arrangement was also fairer because the site would be put up for sale at an auction in which any interested party could participate, while the existing lease modification procedure provided the grantee an exclusive right to obtain a re-grant of the site. He asked how far the Administration had investigated into possible solutions, including legislative measures, to strengthen its position in lease enforcement for existing PTGs.

22. In reply, D of L reiterated that the two new master clauses on “commence to operate” and “cessation or diminution of user” were already extremely stringent in that the opinion of D of L on whether there was non-compliance of the lease conditions would be unfettered, conclusive and binding on the grantee.

23. Mr James TIEN agreed that the existing lease conditions of PTG sites should be honoured and it was inappropriate to amend the legislation just because of a few individual cases. He said that the Liberal Party supported the Administration’s current policy. While the assessment of premium for lease modification carried out by the Administration might be fair, there should be increased transparency in the process so that the community could ascertain whether the premium was appropriate. He asked whether the Administration could announce the details on the calculation of the premium for each case of lease modification so as to allay concerns on the fairness of the premium and obviate criticisms of favouritism towards developers.

24. In reply, D of L said that the Administration had continuously reviewed the mechanism for assessment of premium and solicited input from the sector and professional bodies such as the Hong Kong Institute of Surveyors with a view to enhancing the transparency of the mechanism. As for the suggestion of announcing the details on the calculation of the premium, he pointed out there would be a lot of difficulties involved because the information was sensitive commercial information between the Government and the grantee, and it would be inappropriate for the Administration to disclose the information unilaterally. Even if it was possible to disclose the information, he doubted if any party would be in the best position to judge correctly whether the premium was at an appropriate level. Mr James TIEN commented that the community would have its judgment.

25. Dr KWOK Ka-ki was dissatisfied that the Administration had not made an effort to address members’ concerns raised during the previous discussion of the

subject. He shared the view that there should not be an exclusive right for a PTG grantee in applying for change of use and obtaining a re-grant of the site concerned. He also considered that the negotiation process for determining the premium for lease modification lacked transparency and there was no mechanism to assess whether the valuation was appropriate in order to protect public interest. He requested the Administration to identify further measures, including legislative ones, to address the pertinent issues. He suggested that the Administration should report to the Panel in about three months with a detailed response to members' concerns and suggestions.

Admin 26. D of L agreed to consult the policy bureau concerned on members' views and suggestions and provide the Panel with a progress report on the subject in due course. Members agreed that the Panel would further discuss the subject in the next legislative session.

**V Wan Chai Development Phase II Review – Harbour-front Enhancement Review – Wan Chai, Causeway Bay and Adjoining Areas: Outcome of Public Engagement at the Envisioning Stage**

(LC Paper No. CB(1)1519/05-06(03) -- Information paper provided by the Administration

LC Paper No. CB(1)1519/05-06(04) -- Background brief on “Wan Chai Development Phase II Review” prepared by the Legislative Council Secretariat

LC Paper No. CB(1)1552/05-06(01) -- Submission dated 20 May 2006 from Society for Protection of the Harbour)

27. The Deputy Secretary for Housing, Planning and Lands (Planning and Lands) 1 briefed members on the Administration's paper (LC Paper No. CB(1)1519/05-06(03)). He highlighted the following salient points –

- (a) in response to the TPB's request and in the light of the judgment of the Court of Final Appeal (CFA) on 9 January 2004 in relation to the interpretation of the Protection of the Harbour Ordinance (Cap. 531) (PHO), the Government decided to commence a planning and engineering review of the Wan Chai Development Phase II project (WDII Review) to ensure full compliance with the requirements of the PHO and the CFA judgment;
- (b) the Harbour-front Enhancement Committee (HEC) conducted a public engagement exercise titled Harbour-front Enhancement Review – Wan Chai, Causeway Bay and Adjoining Areas (HER Project) under the steer of the HEC's Sub-committee on WDII Review and in parallel with the WDII Review. Results of the Project

would provide input to the WDII Review;

- (c) there was a compelling need for constructing the Central-Wan Chai Bypass (CWB) to alleviate traffic congestion in the area. All schemes for the CWB alignment through the WDII project area would require reclamation at the east and west ends of the CWB;
- (d) the Government acknowledged the need to satisfy the “overriding public need test” in any reclamation and based on this principle, the consultants engaged by the Government for the WDII Review (the Consultants) had considered Tunnel and Flyover Options for the construction of the CWB. The Consultants suggested that the Tunnel Option should be taken forward as it would better protect and preserve the harbour because it would affect a smaller area of the harbour and cause less visual impact than the Flyover Option;
- (e) the Consultants considered Tunnel Variation 1 to be the most practical because it would require the least reclamation, cause minimal road diversions, need the shortest construction time, require the lowest construction cost and provide ample opportunities for enhancing the harbour-front; and
- (f) the Consultants recommended harbour-front enhancement ideas such as developing a marine basin at the ex-Public Cargo Working Area for water recreation uses, extending Victoria Park to the harbour-front and providing a boardwalk/floating bridge underneath the Island Eastern Corridor.

28. The Deputy Secretary for the Environment, Transport and Works (Transport) 1 briefed members on the following salient points –

- (a) the construction of CWB would complete a strategic trunk road connecting Hong Kong Island to Tseung Kwan O and Sai Kung in the northeast and the Hong Kong International Airport in the west;
- (b) at present east-west traffic along the northern shore of Hong Kong Island had to pass through the Connaught Road Central/Harcourt Road/Gloucester Road Corridor (the Corridor). Many vehicles not destined for Causeway Bay, Wan Chai and Central had to pass through the Corridor, leading to traffic congestion. Any accident on the Corridor would lead to serious traffic congestion;
- (c) there was a compelling and present need for constructing the CWB. The volume to capacity ratio of the Corridor already exceeded the acceptable level of 1.2 and there would be little improvement even if further traffic control measures could be put in place;

- (d) the Sub-committee on WDII Review appointed a Transport Expert Panel (Expert Panel) to review and make recommendations on, inter alia, the need for the CWB; and to solicit input from the public on relevant issues. The Expert Panel supported the construction of the CWB and the provision of two sets of planned slip roads to magnify the benefits of the CWB. The HEC and its Sub-committee on WDII Review had accepted the report prepared by the Expert Panel; and
- (e) the next step would be to decide on the form of construction of the CWB. A concept plan would be prepared for public consultation and it was hoped that the construction of the CWB could be implemented as soon as possible to alleviate traffic congestion.

29. The Chairman of the Sub-committee on WDII Review briefed members on the progress of the HER. He highlighted the following salient points –

- (a) the HER comprised the Envisioning Stage, the Realization Stage and the Detailed Planning Stage. The Envisioning Stage was completed in end 2005. Public engagement activities at the Envisioning Stage of HER included five public forums, two community design charrettes and opinion surveys. The Sub-committee on WDII Review conducted an Expert Panel Forum in September 2005 for the Expert Panel to discuss the related issues with the public, and a Consolidation Forum in November 2005 to share with the public ideas and proposals received from the public;
- (b) the Sub-committee on WDII Review accepted the report of the Expert Panel and the Public Engagement Report of the Envisioning Stage of HER in December 2005 and March 2006 respectively and held the view that there was a need to construct a CWB. How to construct the CWB and how to enhance the harbour-front were issues under consideration by the Sub-committee;
- (c) after studying the report of the Consultants, the Sub-committee on WDII Review accepted that the most reasonable and practical alignment was along the foreshore of Wan Chai and Causeway Bay. The Flyover Option was not preferred as it would unlikely be acceptable to the public. The Tunnel Option could provide five zones for harbour-front enhancement works and there were different variations for the Tunnel Option with different areas of reclamation and impacts on traffic. The requirements and constraints of the PHO had to be considered as to which option should be chosen; and
- (d) the Sub-committee on WDII Review would like to listen to the views of the TPB, Legislative Council and District Councils on the outcome

of the Public Engagement at the Envisioning Stage and the report of the Consultants before formulating its view. A concept plan would then be prepared for further public consultation.

30. The Project Manager (Hong Kong Island & Islands) of the Civil Engineering and Development Department (Proj Mgr/CEDD) briefed members on the following salient points –

- (a) the TPB was consulted on 21 April 2006 and there had been a view that the Flyover Option was not likely to be accepted by the public and given that Tunnel Variation 1 seemed to be the most feasible option, the Administration and the Consultants should explain the merits of the option to the public in order to solicit the wide support of the community;
- (b) the Administration and the Consultants consulted the Traffic Advisory Committee on 17 May 2006. The Traffic Advisory Committee re-affirmed that it supported the construction of the CWB and the slip roads, and hoped that the works could be completed as soon as possible. It considered that impact on traffic should be minimized during the construction stage and the opportunity should be taken to enhance the harbour-front. It also noted that while the Consultants had tried to minimize the need for reclamation in putting forward various options, a small amount of reclamation would still be necessary;
- (c) the Eastern District Council, Southern District Council and Wan Chai District Council were consulted on 11 May 2006, 15 May 2006 and 16 May 2006 respectively. Quite a number of District Council members urged for early completion of the CWB. The majority view of the Southern District Council supported Tunnel Variation 1. There were also opinions expressed by District Council members in the two other District Councils in support of Tunnel Variation 1. The Flyover Option received little support. Some District Council members expressed concern on traffic issues and considered that impact on traffic should be minimized. While some District Council members supported to take the opportunity to enhance the harbour-front, some considered that reclamation for the purpose of enhancing the harbour-front was unacceptable. The Administration acknowledged that reclamation for the sole purpose of enhancing the harbour-front might not constitute an “overriding public need”. The Central and Western District Council would be consulted on 25 May 2006; and
- (d) due to technical constraints, the most feasible alignment of the CWB would be along the foreshore of Wan Chai and Causeway Bay and a certain extent of reclamation would be inevitable. The Consultants

had considered various ideas proposed by the public. They recommended that the extent of reclamation should be kept to the minimum for fulfillment of the PHO.

31. The Chief Town Planner/Special Duties (1) of the Planning Department briefed members on the following salient points –

- (a) the WDII Review would form the basis for the TPB in preparing a revised draft outline zoning plan for Wan Chai North. Apart from transport considerations, the construction form of the CWB, which would probably require reclamation in the harbour, would need to be in compliance with the provisions of the PHO and the judgment of the Court of Final Appeal delivered on 9 January 2004;
- (b) the Tunnel Option would require less reclamation and it would have a smaller impact on the water surface and less visual impact along the northern shore of the Hong Kong Island when compared with the Flyover Option;
- (c) the Tunnel Option would provide an opportunity for creating a connected harbour-front with enhancements in meeting the aspirations of the public; and
- (d) the Administration hoped that a consensus would be reached on the concept plan to be prepared in the next stage so as to provide sufficient justifications for preparing the revised draft outline zoning plan for consideration by the TPB.

32. Mr Eric MA, Director of Maunsell Consultants Asia Limited, gave a PowerPoint presentation to brief members on the details of the subject. He highlighted the following salient points –

- (a) the rationale for constructing the CWB;
- (b) the Expert Panel supported the construction of the CWB, the slip roads and Road P2;
- (c) the short-term, medium-term and long-term traffic measures recommended by the Expert Panel;
- (d) the Public Engagement Report at the Envisioning Stage;
- (e) the Report of the Consultants on Trunk Road Alignments & Harbour-front Enhancement;
- (f) the constraints of the project, such as the presence of the tunnel of the



Tsuen Wan Line of the Mass Transit Railway;

- (g) the various alignments considered and the finding that the foreshore alignment was the most practicable;
- (h) the need for reclamation at connection points;
- (i) the construction of a breakwater in the “Shallow Water” idea would constitute reclamation under the PHO;
- (j) the Flyover Option would affect more area of the harbour, would have more visual impact and would limit harbour-front enhancement opportunities and accessibility;
- (k) the pros and cons of the three variations of the Tunnel Option and the finding that Tunnel Variation 1 was the most practicable; and
- (l) the most important consideration was to protect and preserve the harbour as far as possible.

33. Miss CHOY So-yuk sought clarification on which of the District Councils consulted had majority support to the construction of the CWB using Tunnel Variation 1. In reply, Proj Mgr/CEDD clarified that it was Southern District Council that had a majority view in supporting the construction of the CWB using Tunnel Variation 1.

Admin 34. Miss CHOY So-yuk requested the Administration to provide further details on the comparison among the various alignment and construction options for the CWB, and details and an analysis of the views of different parties on the various alignment and construction options for the CWB.

Admin 35. Ms Audrey EU requested the Administration to consider exhibiting drawings and models to illustrate to the public the planning ideas for the WDII Review, and if possible, for other harbour-front areas on the Hong Kong Island as well.

*(Post-meeting note: The Administration’s information paper (LC Paper No. CB(1)1706/05-06(01)) providing the requested information was issued to members on 8 June 2006.)*

36. In order to allow adequate time for discussion, Dr KWOK Ka-ki suggested holding a special meeting to further discuss the subject. Miss CHAN Yuen-han and Mr LEE Wing-tat echoed Dr KWOK’s suggestion. Miss CHOY So-yuk suggested and Dr KWOK Ka-ki concurred that the views of deputations should also be heard. Members agreed to hold two special meetings, with the first one for discussion between members and the Administration and the second one for

hearing the views of deputations and further discussion with the Administration.

*(Post-meeting note: The two special meetings had been arranged on 9 June 2006 at 10:45 am and 26 June 2006 at 4:30 pm respectively.)*

**VI Any other business**

37. There being no other business, the meeting ended at 4:45 pm.

Council Business Division 1  
Legislative Council Secretariat  
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