

立法會
Legislative Council

LC Paper No. CB(1)2717/08-09
(These minutes have been seen
by the Administration)

Ref : CB1/PL/DEV/1

Panel on Development

Minutes of meeting
held on Tuesday, 26 May 2009, at 2:30 pm
in Conference Room A of the Legislative Council Building

Members present : Hon LAU Wong-fat, GBM, GBS, JP (Chairman)
Prof Hon Patrick LAU Sau-shing, SBS, JP (Deputy Chairman)
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon James TO Kun-sun
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon LEE Wing-tat
Hon Alan LEONG Kah-kit, SC
Hon CHEUNG Hok-ming, SBS, JP
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon Starry LEE Wai-king
Hon Tanya CHAN
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Dr Hon Samson TAM Wai-ho, JP

Members attending : Hon LAU Kin-ye, Miriam, GS, JP
Hong WONG Kwok-hing, MH

Members absent : Hon Albert CHAN Wai-yip
Dr Hon Priscilla LEUNG Mei-fun

Public officers attending : **Agenda item IV**

Mrs Carrie LAM CHENG Yuet-ngor, JP
Secretary for Development

Ms Eva CHENG, JP
Secretary for Transport and Housing

Mr Philip YUNG Wai-hung, JP
Deputy Secretary for Transport and Housing (Transport) 1

Mr Esmond LEE Chung-sin, JP
Deputy Secretary for Transport and Housing (Transport) 4

Mr David LAU Kam-kuen
Principal Assistant Secretary (Security) A
Security Bureau

Mr CHOW Ying-shun, JP
Project Manager/Major Works
Highways Department

Mr Daniel CHUNG Kum-wah
Deputy Project Manager/Major Works
Highways Department

Mr HON Chi-keung, JP
Project Manager(Hong Kong Island and Islands)
Civil Engineering and Development Department

Mr Bosco CHAN Bun-pui
Chief Engineer/Hong Kong
Civil Engineering and Development Department

Ms Phyllis LI Chi-miu
Assistant Director of Planning/Special Duties
Planning Department

Mr Adam LAI Yu-wah
General Manager/Planning, Development and Port
Security
Marine Department

Mr CHENG Hung-leung
Chief Traffic Engineer/Hong Kong
Transport Department

Mr Michael CHAN Chi-pui
Controller
Government Flying Service

Agenda item V

Mrs Carrie LAM CHENG Yuet-ngor, JP
Secretary for Development

Mr Raymond YOUNG Lap-moon, JP
Permanent Secretary for Development
(Planning and Lands)

Miss Diane WONG Shuk-han
Principal Assistant Secretary for Development
(Planning and Lands) 1

Miss Annie TAM Kam-lan, JP
Director of Lands

Mrs Ava NG TSE Suk-ying, JP
Director of Planning

Agenda item VI

Mrs Carrie LAM CHENG Yuet-ngor, JP
Secretary for Development

Mr MAK Chai-kwong, JP
Permanent Secretary for Development (Works)

Mr YUE Chi-hang, JP
Director of Architectural Services

Mr LEUNG Koon-kee
Assistant Director of Architectural Services
(Property Services)

Mr Parrish NG Ching-man
Principal Assistant Secretary for
Financial Services and the Treasury (Treasury)(E)

Ms Cindy YAU Sau-ling
Senior Assistant Law Officer (Civil Law) (Acting)
Department of Justice

Mr Stephen FISHER, JP
Director of Social Welfare

Mrs Barbara LAI FUNG Po-kun
District Social Welfare Officer
(Kowloon City / Yau Tsim Mong)

Agenda item VII

Miss Jennifer MAK
Director of Administration

Miss Shirley YUNG
Deputy Director of Administration (1)

Miss Winnie WONG
Assistant Director of Administration (1)

Mr Henry CHOI
Project Director 1
Architectural Services Department

Mrs Sylvia LAM
Chief Project Manager 103
Architectural Services Department

Attendance by Invitation : Agenda item VI

Ms YUE Mui-ying,
Principal Social Services Secretary
Po Leung Kuk

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

Staff in attendance : Ms Pauline NG
Secretary General

Mrs Percy MA
Assistant Secretary General (Special Duties)

Mr IP Ching-wan
Consultant Architect

Mr WONG Siu-yee
Senior Council Secretary (1)7

Ms Christina SHIU
Legislative Assistant (1)7

Action

I Confirmation of minutes and matters arising
(LC Paper No. CB(1)1633/08-09 -- Minutes of meeting on
24 February 2009)

The minutes of the meeting held on 24 February 2009 were confirmed.

II Information papers issued since last meeting
(LC Paper No. CB(1)1479/08-09(01) -- Referral from the Complaints
Division dated 27 April 2009
regarding views on the Land
(Compulsory Sale for
Redevelopment) Ordinance
from a deputation (金國大廈
小業主)

LC Paper No. CB(1)1523/08-09(01) -- Booklet on the Land
(Compulsory Sale for

- Redevelopment) Ordinance provided by The Hong Kong Institute of Surveyors
- LC Paper No. CB(1)1602/08-09(01) -- Administration's paper on 705CL – Hang Hau Tsuen Channel at Lau Fau Shan
- LC Paper No. CB(1)1616/08-09(01) -- Administration's paper on revision of fees and charges under the purview of the Lands Department
- LC Paper No. CB(1)1645/08-09(01) -- Administration's paper on PWP Item No. 70CD -- Yuen Long bypass floodway
- LC Paper No. CB(1)1659/08-09(01) -- Submission on measures to foster a quality and sustainable built environment from Chris LEE Cheuk-wah dated 14 May 2009
- LC Paper No. CB(1)1667/08-09(01) -- Administration's paper on 43WS – Updating of Wan Chai salt water supply system
- LC Paper No. CB(1)1694/08-09(01) -- Submission on measures to foster a quality and sustainable built environment from The Association of Architectural Practices Ltd. dated 18 May 2009)

2. Members noted that the above information papers had been issued since the last meeting.

III Items for discussion at the next meeting

- (LC Paper No. CB(1)1634/08-09(01) -- List of outstanding items for discussion
- LC Paper No. CB(1)1634/08-09(02) -- List of follow-up actions)

3. Members agreed that the following items would be discussed at the regular meeting scheduled for 23 June 2009 --

- (a) Progress of work of the Urban Renewal Authority;
- (b) Proposals to facilitate redevelopment by the private sector: application threshold under the Land (Compulsory Sale for Redevelopment) Ordinance; and

(c) Building (Construction) (Amendment) Regulations.

IV Central-Wan Chai Bypass, Wan Chai Development Phase 2 and related works

(LC Paper No. CB(1)1634/08-09(03) -- Administration's paper on PWP Item 579TH – Central-Wan Chai Bypass and Island Eastern Corridor Link

LC Paper No. CB(1)1634/08-09(04) -- Administration's paper on PWP Item 677CL – Wan Chai development phase II, engineering works

LC Paper No. CB(1)1634/08-09(05) -- Administration's paper on development of a permanent government helipad at the Hong Kong Convention and Exhibition Centre

LC Paper No. CB(1)1634/08-09(06) -- Paper on Central-Wan Chai Bypass and Wan Chai Development Phase II prepared by the Legislative Council Secretariat (Background brief)

LC Paper No. CB(1)1634/08-09(07) -- Paper on proposed development of a government helipad near the Hong Kong Convention and Exhibition Centre prepared by the Legislative Council Secretariat (Background brief)

4. Members noted the submission from the Hong Kong Construction Industry Employees General Union tabled at the meeting.

(Post-meeting note: The soft copy of the submission (LC Paper No. CB(1)1750/08-09(01)) was issued to members by email on 27 May 2009.)

5. The Secretary for Development (SDEV) said that the Administration had previously briefed Members on the Central-Wan Chai Bypass (CWB) and Island Eastern Corridor (IEC) Link (the Trunk Road) project, the amendments to the

temporary reclamation, the Wan Chai Development Phase 2 (WDII) and Central Reclamation Phase III (CRIII) projects at the Panel meeting on 25 November 2008, during which Members expressed support for the protection works in the CRIII to facilitate future construction of the CWB and early creation of a new Central harbourfront. Members also urged the Administration to implement the Trunk Road project as soon as possible to create the much needed job opportunities. In this regard, the unemployment rate of the construction sector in the latest quarter had reached 12.7%. The total cost of \$32.8 billion of the three proposed projects (i.e. the Trunk Road, WDII and the Permanent Government Helipad at the Hong Kong Convention and Exhibition Centre (the Helipad)) would amount to about one-third of the anticipated \$100 billion provision for public works projects approved/to be approved in the current legislative session, and the projects would create about 8 700 job opportunities. The Chief Executive-in-Council had approved the relevant Outline Zoning Plans and authorized the reclamation and road schemes, and issues related to the relevant judicial review had been resolved. While reclamation issues had led to some disputes in recent years, the Administration appreciated the calls of organizations and individuals on protecting the harbour, which reflected the aspirations of the public. The Administration would cooperate with the Legislative Council and the Harbour-front Enhancement Committee in carrying out enhancement works to create a vibrant and accessible harbourfront for citizens and tourists. She solicited Members' support for the Administration's proposals.

6. The Secretary for Transport and Housing (STH) said that the Administration had been striving to implement the Trunk Road project as soon as possible to alleviate the serious traffic congestion along the northern shore of the Hong Kong Island. Upon completion of the project in 2017, a trip between Central and the IEC could take as little as about five minutes. The current project proposal was the result of years of rigorous public engagement and preparation work, including consultation with the Legislative Council, relevant District Councils, Harbour-front Enhancement Committee, professional organizations and the public. There was clear and strong community wide support for the project. The Administration would coordinate the works of the Trunk Road project with those of the proposed MTR Shatin to Central Link (SCL). As regards the latter, taking into account the time required for conducting further public consultation and handling objections after the railway scheme had been gazetted, the construction was expected to commence at least one and a half years later than the Trunk Road project. During the implementation of the Trunk Road project, protection works would be carried out in the Causeway Bay Typhoon Shelter (CBTS) to reduce the temporary reclamation required for the SCL. To this end, flexibility would be built into the works contracts for the Trunk Road to allow for the variation of works. The Trunk Road project would create about 6 400 job opportunities and meet public aspirations for expediting the implementation of infrastructure projects. She hoped that Members would support the funding applications for the Trunk Road project and related works.

7. The Project Manager/Major Works, Highways Department (PM/MW) and the Project Manager (Hong Kong Island and Islands), Civil Engineering and Development Department (PM(HKI&I)) delivered powerpoint presentations on the details of the proposals on the Trunk Road, WDII and the Helipad.

(Post-meeting note: The soft copy of the presentation materials (LC Paper No. CB(1)1756/08-09(01)) was issued to members by email on 2 June 2009.)

The Trunk Road

General issues

8. Mr WONG Kwok-hing referred to the submission from the Hong Kong Construction Industry Employees General Union (the Union), and said that the Union urged the Administration to implement the Trunk Road project as soon as possible to create job opportunities because a survey conducted by the Union indicated that the unemployment rate and under-employment rate in the construction sector were 21.5% and 58.2% respectively. He enquired about the job opportunities that would be created by the proposed projects and urged the Administration to ensure that the job opportunities would be taken up by local workers as far as possible.

9. SDEV responded that the number of job opportunities to be created by the Trunk Road, WDII and Helipad projects were 6 403, 2 260 and 34 respectively, giving a total of nearly 8 700 job opportunities. Although the Administration had to adhere to the requirements of the World Trade Organization Agreement on Government Procurement, it had strict control on import of foreign workers and local workers would have priority in employment.

10. Mr IP Kwok-him urged the Administration to implement the Trunk Road project as soon as possible. He asked whether the cost of the project could be reduced and whether its future maintenance cost would be high. STH responded that the works for the Trunk Road project were complicated and the cost required was therefore higher. For example, to facilitate the construction of the tunnel of the Trunk Road, temporary reclamation in the CBTS would be carried out. To comply with the Protection of the Harbour Ordinance (Cap. 531) and keep reclamation to the minimum, such temporary reclamation had to be done in phases, and removed after the completion of the works. The cut-and-cover method had been established to be the only possible way to build the tunnel. Substantial protection works would also be needed to avoid causing damage to the nearby Cross Harbour Tunnel, the tunnel of the Tsuen Wan Line of the Mass Transit Railway and gas pipes. As regards future maintenance, PM/MW said that the Administration would engage a company to manage the Trunk Road and the

estimated cost was about \$250 million, covering items such as tunnel operation, traffic management and utilities. The details would be provided in the relevant funding proposal.

11. Mr KAM Nai-wai asked how residents' objections to the Trunk Road project, such as the location of the vent shaft near Harbour Heights, would be handled. The Deputy Secretary for Transport and Housing (Transport) 1 (DS(T)1) said that the Administration had listened carefully to the views of all parties concerned and explained in detail to them during the public engagement exercises. Objections had been handled in accordance with the relevant statutory procedures. Approval had been given by the Chief Executive-in-Council. The distance between the vent shaft and Harbour Heights would be greater than 300 metres and the Administration would install an electrostatic precipitator system for the tunnel exhaust system at the East Ventilation Building. The relevant Environmental Impact Assessment Report for the project had been approved.

12. Ir Dr Raymond HO expressed support for the three project proposals in principle. He said that the Trunk Road project was long overdue and the economic losses were difficult to assess. He considered the current design of the project ideal and the protection works would reduce the implementation time of other works projects in the same area and the need for road digging. He noted that the cost for the noise semi-enclosures was substantial and asked what materials would be used. He hoped that they would not block the sea view. PM/MW responded that the cost of the noise semi-enclosures was high because they would be about one kilometre long and would span across six to seven lanes at the widest part. They would be constructed using transparent panels with greening facilities installed.

13. Ms Starry LEE found it miserable that the Trunk Road project would take 30 years to complete since its first feasibility study, and society should reflect on this situation. She was saddened to hear that some parties would consider seeking judicial review on the project again. Stating that she had been a member of the Harbour-front Enhancement Committee, she said that she considered the project necessary. It would also create job opportunities and should be implemented as soon as possible. She asked whether the Administration could compress the implementation timeframe.

14. STH responded that the temporary reclamation in the CBTS she had already mentioned would have to be carried out in stages having regard to the Protection of the Harbour Ordinance. PM/MW added that for a project of such a large scale, an implementation timeframe of six years was already a tight one. The Administration would discuss with the contractor concerned to see whether it would be possible to further compress the timeframe.

15. Prof Patrick LAU asked whether the cost for the landscaping works under the Trunk Road project would cover the cost for enhancing the harbourfront areas. He enquired about the progress of developing the new Central harbourfront and construction of Road P2 and urged the Administration to expedite the construction of the waterfront promenades at the new Central harbourfront and Wan Chai. He also enquired about the archaeological deposit at the Kellett Island Archaeological Site and asked whether archaeological work would be completed within the Trunk Road project period.

16. PM/MW responded that a container containing antique coins was discovered at the Kellett Island Archaeological Site. As the deposit was located near the land surface and the works of the Trunk Road project would be carried out underground at a depth of about 30 metres, the Administration had contacted the Antiquities Advisory Board which considered that the project would not affect the deposit. Harbourfront enhancement works would be carried out on land reclaimed under the WDII project. PM(HKI&I) advised that the landscaping works included in the associated WDII project were short-term enhancement upon completion of the reclamation works. On the new Central harbourfront and Road P2, SDEV said that the CRIII project was in full swing and it included the cost for construction of the section of Road P2 in the project area. The Administration would strive to report the findings of the Urban Design Study for the New Central Harbourfront to Members as soon as possible and the Administration had not yet applied for funding for the design of the waterfront promenades at CRIII and WDII.

17. Mrs Regina IP requested the Administration to confirm that the Trunk Road project would not affect the residents at Quarry Bay. SDEV responded that residents at Quarry Bay would not be affected and the Administration had taken up with the Eastern District Council the idea of extending the waterfront promenade at Quarry Bay.

Reclamation issues and interface with other projects

18. Mr WONG Kwok-hing considered that the Administration should implement the Trunk Road project based on the less controversial amount of reclamation of 3.3 hectares off the coast of North Point. The Eastern District Council and residents in the district would likely object to proposals which would increase the amount of reclamation at the above location.

19. STH responded that the Administration had consulted the relevant District Councils and the proposed extents of permanent and temporary reclamation had already been reduced to the minimum, and were in compliance with the law.

20. Miss Tanya CHAN and Prof Patrick LAU enquired about the amount of temporary reclamation needed. Miss Tanya CHAN further enquired about the

duration of the temporary reclamation and the effect of the interface between the Trunk Road project and the SCL project in this regard. She also asked whether the Administration would continue to communicate with the Society for Protection of the Harbour Limited.

21. PM/MW responded that the total amount of temporary reclamation required in the CBTS was 6.4 hectares. The works would be carried out in four stages, and the maximum amount at any one time was 3.7 hectares. The temporary reclamation would be removed and the seabed would be reinstated after completing the works in each stage. The Trunk Road project and SCL project could have shared use of the temporary reclamation located at the crossing point of the CWB and SCL and protection works would be carried out under the Trunk Road project. The temporary reclamation works concerned would only have to be carried out once. For non-overlapping areas, temporary reclamation for the Trunk Road project could not be used by the SCL project. The amount of temporary reclamation at the overlapping area would be about 0.9 hectares and the temporary reclamation at that location would last for two to three years, including the time required for carrying out the protection works. The works for the Trunk Road project and the SCL project could proceed in the CBTS in parallel and the Administration had been discussing with the MTR Corporation Limited on the matter. Any reclamation to be carried out under the SCL project had to comply with the relevant legislation. The Administration had been in close contact with relevant concern groups in implementing the Trunk Road project and had provided them and the general public with the justifications for the project.

22. Mr IP Kwok-him asked whether the Trunk Road project would affect the redevelopment of the swimming pool at the Victoria Park. PM/MW responded that the Trunk Road project and the swimming pool redevelopment project would be implemented at different sites and the Highways Department would coordinate with the Architectural Services Department to minimize any inconvenience to the public.

23. Mr KAM Nai-wai said that in the past, the Administration had not given due regard to public concern over reclamation and this had led to delay in the implementation of the Trunk Road project. The Administration should confirm that the reclamation currently proposed would comply with the Protection of the Harbour Ordinance. STH responded that the overriding public need for the Trunk Road and the reclamation (both permanent and temporary) had been firmly established following in-depth engineering study and extensive public consultation. The Administration's current proposal complied with the relevant legislation.

24. Mr Albert HO asked whether the alignment of the SCL and the crossing point of the CWB and the SCL could be finalized earlier, and whether the

alignment of the SCL would affect the Trunk Road project. He also asked how the seabed would be reinstated after completing the temporary reclamation works.

25. Expressing a similar concern, Mr LEE Wing-tat asked when the alignment of the SCL would be finalized and whether there was a possibility for temporary reclamation to be carried out twice if the alignment was not finalized before a certain time.

26. STH responded that the planned implementation timeframe of the SCL was a feasible one. The Administration had already started to consult the relevant District Councils. The railway scheme to be gazetted in due course would be one that had taken into account the views of the public. While there would be at least an 18-month time gap between the commencement of the construction of the CWB and the SCL, the Administration would leave flexibility in implementing the Trunk Road project and implement protection works in the CBTS at the location where the CWB and SCL would cross over each other. PM/MW added that subject to funding approval, the Administration would commence construction of the CWB by the end of 2009. For the SCL project, public consultation on the alignment would have commenced by then, followed by gazettal of the relevant scheme. Works for the Trunk Road project in the CBTS would last for about six years. If the SCL project could proceed as planned, the Administration could implement protection works accordingly because the alignment of the SCL and the crossing point of the CWB and SCL would have been known by then. The Administration would coordinate with the MTR Corporation Limited on the interfacing works between the two projects in the CBTS. After completing the works inside each temporary reclamation site, the seawalls would be removed to allow sea water to flow in and the seabed would be reinstated.

Traffic issues

27. Mr IP Kwok-him asked whether the Administration would have any measures to alleviate traffic congestion before the completion of the Trunk Road project in 2017. STH responded that the Administration would continue to implement appropriate traffic management measures to alleviate the congestion. In addition, Victoria Park Road would be widened to ease the westbound traffic in the vicinity.

28. Ir Dr Raymond HO asked when the volume to capacity (v/c) ratio of Connaught Road Central/Harcourt Road/Gloucester Road would reach 1.3 before the completion of the Trunk Road. The Chief Traffic Engineer/Hong Kong, Transport Department (CTE/HK) responded that without the Trunk Road, the v/c ratio along the said roads would be approaching 1.3 by 2012 or 2013 and traffic congestion would deteriorate with time.

29. Mr Albert HO asked why the v/c ratio of Connaught Road Central/Harcourt Road/Gloucester Road would remain at 1.3 in 2017 and 2021. CTE/HK explained that the v/c ratio would remain at 1.3 because each road had a specific capacity and could not handle a greater volume of traffic after reaching full capacity. As demand increased beyond this level, longer queues would result but the v/c ratio would remain at 1.3.

30. Mr CHEUNG Hok-ming welcomed the Trunk Road project because it would create job opportunities. He had confidence that traffic would improve after its completion. He asked whether the project would affect the area near the Central Ferry Piers and whether the bus terminus thereat would be retained in-situ. As regards construction and demolition materials, he asked whether they would be transported by sea or by land.

31. PM/MW said that the works near the Central Ferry Piers, such as road modification works and modification of the Rumsey Street Flyover, would be carried out in stages. The Administration would only occupy roads for carrying out the necessary works during non-peak hours and holidays. The modification of the bus terminus would be carried out at the final stage and bus services would be maintained during the period. The Administration's current plan was to retain the bus terminus in-situ. Construction and demolition materials would mostly be transported by sea. The Assistant Director of Planning/Special Duties, Planning Department (AD of Plan) added that the Administration was reviewing the long-term design concepts for the new Central harbourfront, including the site of the bus terminus, under the Urban Design Study for the New Central Harbourfront. There were public calls for making the harbourfront more pedestrian friendly.

32. Mr CHAN Kam-lam enquired about the location for constructing the noise mitigation facilities and asked whether there would be special traffic arrangements during their construction. PM/MW said that the noise mitigation facilities would be constructed to the south of the IEC near North Point. The Administration would construct a temporary flyover to divert traffic and create the necessary space for the Trunk Road project and the existing number of traffic lanes would be maintained. Works would be carried out at night and during non-peak hours and there was no need to use King's Road for accommodating the diverted traffic.

33. Ms Miriam LAU welcomed the Administration's proposal and said that she had all along expressed support for the Trunk Road project. She was concerned about the effects of the project on traffic along the northern shore of the Hong Kong Island and the bus terminus near the Central Ferry Piers. She requested the Administration to provide details of the specific measures that would be adopted to minimize the impact on traffic during the construction of the Trunk Road. She enquired about the noise mitigation facilities and how it was possible to construct those facilities under the current proposal, because the Administration

had indicated in the past that it was impossible to construct noise mitigation facilities for the IEC.

(Post-meeting note: The Administration's supplementary information (LC Paper No. CB(1)1833/08-09(01)) was issued to members on 5 June 2009.)

34. STH responded that the Administration would set up a Traffic Management Liaison Group and consult the relevant District Councils on the proposed major traffic control measures during the construction of the Trunk Road. As regards noise mitigation facilities, PM/MW said that there were no noise mitigation facilities at IEC at present and the construction of different types of noise mitigation facilities was made possible under the current proposal because part of the IEC would be reconstructed.

35. Mrs Regina IP asked whether the Administration would rationalize the usage of the Western Harbour Crossing. STH responded that the Administration was currently undertaking a consultancy study on the rationalization of the usage of the cross-harbour tunnels, including the Western Harbour Crossing.

36. Mr LEE Wing-tat asked whether the Trunk Road and other proposed roads had already taken into account the additional traffic volume to be generated by Phase III of the Hong Kong Convention and Exhibition Centre.

37. STH responded that the projected v/c ratio of the Trunk Road would only be 0.7 by 2017. There should still be capacity to cater for traffic volume arising from some new developments in Wan Chai. SDEV added that while the proposed roadworks in Wan Chai had not taken into account the traffic volume arising from the possible implementation of Phase III of the Hong Kong Convention and Exhibition Centre, they would increase the capacity of the roads in the area. If materialized, the expansion of the Hong Kong Convention and Exhibition Centre would need an independent traffic impact assessment.

Wan Chai Development Phase 2

38. Miss Tanya CHAN expressed support for the WDII project and hoped that the arts and culture precinct would be near the Hong Kong Academy for Performing Arts and the Hong Kong Arts Centre as planned. She noted that water features would be the theme for one of the precincts and urged the Administration to accomplish the goal of bringing the harbour to the people.

39. Mr KAM Nai-wai asked whether the Administration had solicited the views of the relevant District Council on the effects of the roadworks under the WDII project on the Wan Chai Sports Ground and the possible future expansion of the Hong Kong Convention and Exhibition Centre (HKCEC). PM(HKI&I)

responded that after implementing the road schemes under the WDII and Trunk Road projects, traffic in the Wan Chai North area would improve. The planning of the proposed expansion of the HKCEC would however need to address any traffic impact arising from the proposal. During 2007 to 2008, the Administration had consulted four District Councils of Hong Kong Island and they generally urged the Administration to implement the Trunk Road and WDII projects as soon as possible.

40. As regards the cooling water pumping stations at the harbourfront to the north of the Hong Kong Convention and Exhibition Centre, Mr CHAN Kam-lam enquired about their height and asked whether they would affect the sea view. PM(HKI&I) clarified that they were existing facilities and no additional alteration works would be carried out to those facilities.

The Helipad

41. Mr KAM Nai-wai asked whether the Wan Chai District Council had any views on the Helipad project and whether reclamation was needed for the project. The Deputy Secretary for Transport and Housing (Transport) 4 (DS(T)4) confirmed that the project did not involve any reclamation. He further clarified that the Wan Chai District Council had been consulted on 18 March 2008 and had not objected to the shared-use proposal. The Administration would consider the views of the District Council members when drawing up the design of the Helipad and the operational procedures..

42. Ir Dr Raymond HO welcomed that the Helipad could be used for the provision of domestic commercial helicopter services because Article 128 of the Basic Law stipulated that the Government "shall provide conditions and take measures for the maintenance of the status of Hong Kong as a centre of international and regional aviation".

43. Ms Miriam LAU also expressed support for shared use of the Helipad. As the Government would have priority in using the Helipad, she asked whether the Helipad could cater for the demand arising from domestic commercial helicopter services. She further asked how the Administration would monitor the demand and whether future expansion of the Helipad was possible.

44. DS(T)4 responded that after taking into account the views of the helicopter industry and Members of the Legislative Council, the Administration had agreed that the Helipad could be used for the provision of domestic commercial helicopter services provided that the Government's emergency and essential flying services would not be affected. It was projected that the Helipad would provide sufficient capacity to meet the forecast demand for domestic commercial helicopter services up to at least 2020. The Administration would continue to maintain a dialogue with the helicopter industry and would review a

proposal for a larger helipad as and when demand warranted it. Any in-situ expansion would be subject to the statutory town planning process.

45. The Chairman said that Members' views would be reported at the relevant meeting of the Public Works Subcommittee.

V Public facilities in private developments

- (LC Paper No. CB(1)1634/08-09(08) -- Administration's paper on provision of public facilities in private developments -- The way forward
- LC Paper No. CB(1)1392/08-09(01) -- Letter dated 21 April 2009 from Hon LEE Wing-tat on public facilities in private developments in Tung Chung
- LC Paper No. CB(1)1634/08-09(09) -- Paper on public facilities in private developments prepared by the Legislative Council Secretariat (Background brief)
- LC Paper No. CB(1)1634/08-09(10) -- Summary of views of various organizations and individuals on public facilities in private developments expressed at the special meeting on 16 February 2009 and the Administration's response)

46. Noting that the Administration had failed to provide its discussion paper on time, Mr LEE Wing-tat enquired about the reasons for the delay. SDEV explained that when the discussion paper was almost ready, a case relating to public access to some public facilities in Shatin came to the Administration's attention. To make the discussion paper more comprehensive, the Administration decided to add an annex to cover the case. As the Administration needed to take some time to retrieve relevant floor plans and information on land leases, the discussion paper could only be provided after the deadline. She would appreciate members' understanding for the delay.

47. SDEV said that the Administration had discussed with the Panel on the provision of public facilities in private developments over the past year and views from deputations were received at two special meetings of the Panel. She considered it the right time to put forward and seek members' views on the Administration's proposals. The Administration's paper (LC Paper No. CB(1)1634/08-09(08)) set out the proposed policy framework for the provision of

public open space (POS) in future developments and possible approach for addressing a few existing cases in private developments. Some proposals involved issues beyond the purview of the Development Bureau (DEVB) and might have resource implications for other bureaux and departments. Subject to the views of members and the relevant District Councils (DCs), the Administration would take forward the proposals and proceed to deal with the outstanding cases along the line of the proposed approach. Lastly, she pointed out that the Administration had devoted considerable resources in enhancing public access to relevant information. Information on public facilities in private developments had been systematically released on the relevant departments' websites and a channel for enquiries and complaints had been in place.

Handling of POS cases

48. Mr LEE Wing-tat said that in the case of Citygate in Tung Chung, the Administration had indicated earlier that the developer concerned had breached the lease conditions as the POS had not been opened to the public, but the Administration did not take timely action, which gave the public an impression that it was reluctant to take action against developers. Meanwhile, for land leases which were granted years ago, small owners might not be aware of the lease conditions relating to the provision of POS, such as the case in Shatin. He suggested that the Administration should have detailed discussions with small owners to find a way forward.

49. In response, SDEV said that the Administration was not reluctant to take action against developers. Given that some old land leases were not so clearly written by present-day standards, the Administration needed to adopt a prudent approach to clarify relevant issues before taking any action. Otherwise, the Administration's position might be challenged. On the other hand, she agreed that even if individual cases could meet the proposed criteria set out in the paper, the Administration should adopt an open mind and take a flexible approach to deal with such cases.

50. Ms Miriam LAU expressed support for the Administration to enhance the transparency in disclosing information on public facilities in private developments and agreed that the Administration should take a flexible approach to handle the existing POS in private developments. The proposed policy framework would be a good starting point. She enquired whether the Administration would provide the lists of concluded cases and outstanding cases for members' reference. For the case in Shatin, she noted that the lease conditions were out of time and asked whether the case would be handled exceptionally.

51. SDEV thanked Ms Miriam LAU for her views and said that the Administration had yet to make a decision on how to handle individual cases. After seeking members' views on the proposed policy framework, the

Administration would take forward the proposals and work on individual cases accordingly. Meanwhile, she said that the Administration would take into consideration the special circumstances of the case in Shatin.

Guidelines and criteria for grant of waiver

52. Mr IP Kwok-him was concerned that loopholes and ambiguities in land leases would be exploited by owners and developers to avoid opening up POS. He was also concerned that the Administration did not provide guidelines and criteria to DCs for reference. In the case of the Grand Millennium Plaza, the Central and Western DC was consulted on the application for a waiver to use a portion of the ground floor POS for alfresco dining purposes. However, without any guidelines and criteria, the Central and Western DC had difficulty in making a decision as to whether the application should be supported.

53. Mr KAM Nai-wai also said that there should be guidelines and criteria for DCs to make their decisions. Meanwhile, he asked whether there were other similar cases in Central and Western District, and enquired about the latest situation of the case of Hollywood Terrace.

54. SDEV responded that the discussions and follow-up actions arising from the provision of POS were constructive. Since then, the Town Planning Board (TPB) had taken a new approach not to require or accept the provision of POS in private developments, unless there was a shortfall of open space in the district or special circumstances justifying the provision of such POS. Moreover, the Administration would set out lease conditions even more prudently because it might have to allocate resources to take up the management and maintenance of POS eventually. As regards the case of Grand Millennium Plaza, SDEV explained that in 2003, a waiver was granted to temporarily allow a small portion of about 40 square metres (m²) of the POS to be used for alfresco dining purposes, out of the total POS of about 800 m² and the public access of over 1 000 m². The Administration recently sought the views of the Central and Western DC on the application for extension of the waiver. In principle, the Administration did not encourage any commercial use of POS but there might be circumstances justifying such use, for example, to add vibrancy to a local area. Hence, if the relevant departments found no technical problems such as fire safety and raised no objection to the application, the Administration would seek the relevant DC's support to extend the waiver. She considered it important to respect the views of the relevant DCs because they had a better understanding of the needs of the local community and economy. To help DCs provide such inputs, the Administration would issue the design and management guidelines for POS a few months later.

55. The Director of Lands (D of L) confirmed that a waiver was granted for the case of Grand Millennium Plaza and there was no similar case in Central and Western District. For the case of Hollywood Terrace, she said that although the

owners only provided public access through a staircase and left the lift unused, this did not breach the relevant lease conditions.

56. As regards whether the application for extension of waiver for the POS at Grand Millennium Plaza should be granted, Miss Tanya CHAN said that the operation of the restaurant at the POS did not cause any nuisance to the public and the furniture of the restaurant at the POS was made available for public use. The Administration should take these factors into consideration in considering the application.

Proposed policy framework

57. Mr Alan LEONG referred to Annex C to LC Paper No. CB(1)1634/08-09(08) and asked whether the Administration would take an indiscriminate approach to restrict the future provision of POS in private developments. For POS at Home Ownership Scheme (HOS) estates and Tenants Purchase Scheme (TPS) estates, he enquired about the Administration's policy. He also enquired whether any discretionary waivers would be granted to small owners who were misled by the property sales brochures and suffered a loss in maintaining the POS in their private developments.

58. SDEV clarified that it was the line taken by TPB that the provision of POS in private developments should only be required or accepted under specific circumstances so as not to create management problems in the future, particularly involving small owners. The Administration would still uphold the policy on the provision of public facilities in private developments where justified. By way of illustration, the future purchaser of the ex-North Point Estate site was still required to provide POS in the form of a waterfront promenade to ensure timely provision and integrated design. As HOS estates were on private land, POS in HOS estates would be handled like other POS in private developments. For POS at TPS estates, as there had been a change in ownership, DEVB needed to discuss with relevant bureaux and departments on the way forward. This subject area fell under the purview of the Transport and Housing Bureau. As for the affected small owners of private developments, unless they had special reasons for applying to waive the requirements stipulated in the leases, they were contractually obliged to continue to manage and maintain the POS in their development.

59. Mr James TO noted that the Administration would promulgate management guidelines applicable to the POS in private developments and requested the Administration to clarify whether the management guidelines would be binding on owners. Meanwhile, he enquired whether it was feasible to grant partial waivers by way of limitations on opening hours and areas of POS to be opened up to the public. He also enquired about the delineation of districts when assessing the adequacy of open space and public facilities in certain districts.

60. SDEV explained that the management guidelines would be applicable to POS in private developments for compliance and reference by private owners. She agreed that for some cases, it might be suitable for the Administration to grant waivers to set out the conditions for public accessibility to POS, but the details of implementation needed further study. The Hong Kong Planning Standards and Guidelines provided the criteria for assessing whether there was sufficient open space in certain districts. Other considerations like the locations and distributions of open space would be taken into account in the planning process.

61. Prof Patrick LAU said that he generally supported the Administration's proposals. He considered that the Administration should not be too rigid in handling applications for waivers. Provided that the provision of POS could help revitalize local communities, the Administration should take a more flexible approach.

62. Expressing a similar view, Mrs Sophie LEUNG said that members should at least express support for the Administration to take forward its proposals in Annex C of its paper. It would be a waste of resources to dig into past cases. She opined that the Administration should give incentives and ideas to owners for carrying out improvement works to POS in private developments. The provision of POS in private residential developments could still be encouraged if the environment could be beautified as a result.

63. Mr Abraham SHEK declared that he was involved in the design of the Grand Millennium Plaza. Many tourists liked to visit the place. The Grand Millennium Plaza and The Center had improved the quality of the open space in the district. Cooperation between private developers and the Administration in the provision of open space in many districts had brought benefits to society. He supported the Administration's proposals and agreed that the Administration should uphold its policy on the provision of public facilities in private developments. The policy should not be terminated just because of a few black sheep. The crux was how to manage those public facilities well in the public interest. The views of DCs should be solicited, but they were sometimes too narrow in their perspective and failed to look at the issue of provision of POS globally.

64. SDEV noted and thanked members' views. She had reservations on the provision of POS in private residential developments on private land because it would lead to problems such as security and privacy issues. Nevertheless, she would welcome developers to provide POS on Government land. She confirmed that the development and revitalization of the local community would be taken into consideration in the formulation of design guidelines and management guidelines.

VI Issues arising from the fatal falling gate incident at the Hang Ngai Manufacturing and Hostel in Hung Hom

(LC Paper No. CB(1)1634/08-09(11) -- Administration's paper on management of maintenance and repair works in Government premises

LC Paper No. CB(1)1533/08-09(01) -- Letter dated 5 May 2009 from Hon LEE Wing-tat on the fatal falling gate incident

LC Paper No. CB(1)1703/08-09(01) -- Letter dated 23 May 2009 from Hon LEE Wing-tat on the fatal falling gate incident)

65. Members noted the letter from Hon LEE Wing-tat tabled at the meeting.

(Post-meeting note: The letter (LC Paper No. CB(1)1749/08-09(01)) was issued to members on 27 May 2009.)

66. SDEV expressed regret about the fatal incident at the Hang Ngai Manufacturing and Hostel of the Social Welfare Department (SWD) in Hung Hom on 5 May 2009. She assured members that SWD would take care of the welfare needs of the family concerned. She noted that this incident had raised public concern about maintenance and repair works in Government buildings and facilities, which were undertaken by the Architectural Services Department (ArchSD). The Administration's paper (LC Paper No. CB(1)1634/08-09(11)) provided an overview of the current minor works delivery system administered by ArchSD. A factual account of the incident was also provided in the annex to the paper, which was based on reports compiled by ArchSD and SWD. Given that the Police investigation was still going on and the result of it would be submitted to the Coroner's Court to decide whether a death inquest should be held, the legal advice from the Department of Justice (D of J) was that the Administration should not disclose further details at this time.

Time taken for gate replacement

67. Mr LEE Wing-tat queried why the Administration could not replace the gate at an earlier stage. He noted that the Administration took over six months for the replacement and considered it unacceptable.

68. SDEV said that she could not comment on this particular case. In general, ArchSD undertook to timely complete 99% of minor repair works, but there were a few exceptional cases which could not meet the performance pledge for various reasons. The Administration would review the current minor works delivery system to improve its efficiency.

Assistance to the family

69. Mr LEE Wing-tat expressed concern about the welfare needs of the family and doubted whether SWD and the Po Leung Kuk (PLK), the employer of the deceased, had offered necessary assistance to the family.

70. The Director of Social Welfare (DSW) said that immediately after the incident, a social worker was assigned to help the family. On 7 May 2009, the Director of Architectural Services and he himself met with the family separately. In his meeting with the family, it was agreed that SWD would take care of the funeral arrangements. For the deceased's elder daughter who was currently studying in Taiwan, SWD was liaising with a local university in order to arrange a place for her. If she wished, she could stay in Hong Kong to continue her studies. Meanwhile, SWD would arrange after-school care services for the younger children. In respect of financial assistance, SWD had collected donations of \$400,000, which included an ex-gratia payment of \$130,000 from PLK, for the family to cover their living and educational expenses.

71. Ms YUE Mui-ying, Principal Social Services Secretary, PLK said that the deceased was their staff member and they felt sorry for the incident. Immediately after the accident, PLK had been offering necessary assistance to the family. In addition to an ex-gratia payment and donation of \$200,000, PLK gave \$140,000 to the family as advance partial compensation. PLK also took the initiative to set up an education fund to meet the future education needs of the children. The financial assistance offered to the family would not be less than \$500,000.

72. Mrs Sophie LEUNG enquired about the amount of the education fund to be set up by PLK. Ms YUE Mui-ying, Principal Social Services Secretary, PLK said that the board of directors of PLK planned to set up an education fund of not less than \$200,000.

Disclosure of information

73. Mr LEE Wing-tat commented that the legal advice of not disclosing the full report of the Administration had failed to take into account the public's right to know. Mr James TO expressed a similar view and considered it unfair for the family to receive only part of the factual information, i.e. the summary of incident in the annex to the Administration's paper.

74. The Permanent Secretary for Development (Works) (PSW) explained that the case had been taken up by the Police and relevant persons would be interrogated for taking formal statements. As the case was being investigated, it was inappropriate for the Administration to release the full report at this stage.

75. Mr Alan LEONG said that he would not request the Administration to comment on the incident, but the Administration had the responsibility to provide all the factual information to members for consideration. Given that the Coroner's Court would make its judgment independently, there was no point for the Administration to release only part of the factual information. He enquired about the legal basis for not disclosing all the information. Moreover, he considered that if the gate could be replaced at an earlier stage, the incident would not have happened. Looking forward, he asked how the Administration could prevent the recurrence of similar incidents.

76. SDEV agreed that the Administration should look forward and endeavour to avoid the recurrence of similar incidents. She said that the Administration was currently reviewing the monitoring system with a view to ensuring that the future repair works would be completed in a timely manner. She also said that once the case was settled, the Administration would produce all relevant information to Members.

77. The Senior Assistant Law Officer (Civil Law) (Acting) said that the summary of incident was based on the agreed facts of SWD and ArchSD. If the facts under dispute were also released, it would inevitably raise public concern and discussion, which might prejudice the Police investigation and the future hearing of the Coroner's Court. Furthermore, apart from Government departments, other parties were also involved in the incident. It would be unfair to these parties if the Administration disclosed its full report to the public when these parties did not yet have a chance to comment on or respond to the report.

78. Mr Alan LEONG appreciated the explanation given, but stressed that the same principle should also be applied to the departments concerned. ArchSD's report should not be disclosed to SWD and vice versa. Otherwise, the departments concerned might have a chance to rehearse what they were going to say. PSW assured members that ArchSD and SWD had only submitted their reports to DEVB and the Labour and Welfare Bureau respectively, and the two departments did not have access to each other's report.

79. Noting that D of J had previously advised the Administration not to disclose any information, Mr LEE Wing-tat queried why D of J changed its mind to advise that a summary of the incident could be provided. The Senior Assistant Law Officer (Civil Law) (Acting) clarified that D of J had previously advised the Administration not to disclose its full report, but raised no objection to releasing a summary of the incident to the public.

Other issues

80. Mr James TO referred to paragraph 7 of the summary of the incident and enquired about the basis to conclude that "during the period (from late March to

May 2009), the gate was working properly". He considered it inappropriate to jump to that conclusion without providing any supporting information. Mrs Sophie LEUNG said that a possible interpretation was that as the relevant departments had received no complaint about the gate, the gate was considered to be working properly.

81. PSW explained that the statement was based on the maintenance record provided by SWD, and in so phrasing the statement, the Administration had no intention to make any judgment or conclusion on the incident. After all, the judgment should be made by the Coroner's Court.

82. Mr James TO enquired about the programme of regular checks on the government buildings and facilities. The Assistant Director of Architectural Services (Property Services) said that depending on the conditions, age and maintenance record of the government buildings, ArchSD would conduct a regular check every one to six years. The regular check covered building facilities including metal gates. Meanwhile, ArchSD would arrange annual check on metal gates.

VII Tamar Development Project - Legislative Council Complex

(LC Paper No. CB(1)1634/08-09(12) -- Administration's paper on Tamar Development Project -- Legislative Council Complex)

83. The Director of Administration (D of Adm) said that in 2006, the Finance Committee (FC) of the Legislative Council (LegCo) approved funding for the Tamar Development Project and then in 2008, a design-and-build contract was awarded to Gammon-Hip Hing Joint Venture (GHHJV). The Legislative Council Commission (LCC) had recently made a request for additional area at the LegCo Complex for various communal facilities such as the LegCo Library, LegCo Archives and the Secretariat's offices. As the provision of additional areas required certain preparatory works, a decision as to whether to proceed with such preparatory works had to be made by the end of May 2009. LCC was advised of the latest situation recently and it indicated full support for proceeding with the preparatory works. Subject to members' views, the Administration would order the preparatory works for the expansion of the LegCo Complex Low Block and follow up with other necessary procedures to seek planning permission from TPB and funding approval from FC.

Timing of expansion works

84. Ms Emily LAU declared that she was a member of LCC. For the timing of the expansion works, she enquired whether the expansion works should be

carried out at this stage or after the completion of the first phase of the Tamar Development Project.

85. D of Adm said that both timings were feasible. If the expansion works proceeded at present, the completion of the Tamar Development Project could still be on schedule. Given that there was a reserved area of 9 200 square metres on the site for future expansion, the expansion works could also be carried out after the completion of the first phase of the Tamar Development Project.

Planning permission

86. Ms Emily LAU asked why the Administration needed to seek planning permission for the expansion works from TPB, given that the Tamar Development Project had been approved by TPB and it was a project with several development phases. She was concerned about the need to seek TPB's approval for every development phase in future. She also asked whether there was any negligence on the part of government officials.

87. D of Adm responded that GHHJV had previously sought planning permission from TPB in 2007 because its tender design had deviated from the original Outline Zoning Plan. In accordance with the terms of the tender requirements, GHHJV was required to apply for the necessary planning permission before it could be awarded the contract. Since the contract did not include the construction of expansion works for the LegCo Complex, the planning application in 2007 did not cover such works. Furthermore, since there was no implementation timetable or detailed design for the expansion area, it would be difficult for GHHJV to seek planning permission for such area. The need to seek further planning permission was not due to negligence of any party. The Administration would seek planning permission from TPB for all future development phases in one-go to eliminate the need for submitting separate planning applications.

Cost of expansion works

88. Mr LEE Wing-tat noted that the total cost incurred for the expansion works was about \$113 million. He enquired whether the cost would be lower if the expansion works were carried out after completion of the first phase of the Tamar Development Project and considered that the Administration should make a comparison of the costs. D of Adm responded that it was difficult to estimate the costs of the expansion works under the two scenarios at present. The figures quoted in the Administration's Paper (LC Paper No. CB(1)1634/08-09(12)) were very rough estimates only, which were being verified by ArchSD and would be subject to further negotiations with GHHJV.

89. The Chairman solicited members' views on the Administration's proposal of ordering the preparatory works at an estimated cost of around \$3 million. Members agreed to the proposal.

VIII Any other business

90. There being no other business, the meeting ended at 6:40 pm.

Council Business Division 1
Legislative Council Secretariat
5 October 2009