

**Select Committee to Inquire into Matters relating to  
the Post-service Work of Mr Leung Chin-man**

**Further Information provided by the Administration in response to  
the Clerk to Select Committee's letter of 13 March 2009**

		Document No.
1(a)	<p><b>Building project at 9-12 Chun Fai Terrace</b></p> <p>(i) <b>The attendance list of the Building Committee I meeting held on 23 October 2001 with names and post titles of the officers and their capacities when attending the meeting.</b></p> <p style="text-align: right;">D18(C)</p> <p><i>DEVB's Response:</i> The attendance list is at <del>DEVB 36</del>.</p>	<p>D18(C)</p> <p><b>DEVB 36</b></p>
(ii)	<p><b>Meaning and interpretation of the term "immediate neighbourhood" used in section 16(1)(g) of the Buildings Ordinance (Cap. 123) ("BO").</b></p> <p><i>DEVB's Response:</i></p> <p><i>The term "immediate neighbourhood" used in section 16(1)(g) of the Buildings Ordinance (BO) is not defined in the BO and its subsidiary regulations. In 1973, the Appeal Tribunal (Buildings), in connection with an appeal case against the Building Authority's invocation of section 16(1)(g) to disapprove the building plans, held that:</i></p> <p><i>"a neighbourhood does have common features of identity, and is usually defined by roads, open spaces or other physical features. When the word 'immediate' precedes the word 'neighbourhood', it indicates a smaller, more compact unit having identifiable common features."</i></p>	

		Document No.
	<p><i>According to our understanding, the same interpretation as referred to above has been consistently followed in subsequent determinations of the Appeal Tribunal (Buildings).</i></p>	
(iii)	<p><b>How section 16(1) (g) of BO was applied to the building project at 9-12 Chun Fai Terrace?</b></p> <p><i>DEVB's Response: For the building plans submitted to the Buildings Department on 30 August 2001 for a proposed 40-storey domestic building, District Planning Officer/HK of Planning Department recommended that section 16(1)(g) of the BO should be invoked to reject the plans since the carrying out of the building works shown on the set of plans would result in a development differing in mass and height from buildings in the immediate neighbourhood.</i></p> <p><i>The case was considered by the Building Committee I (BCI) on 23 October 2001. BCI agreed not to invoke section 16(1)(g) of the BO to reject the plans noting the existence of high-rise buildings in the immediate neighbourhood. The case was then referred to the Building Authority Conference (BAC) for endorsement. At the BAC held on 24 October 2001, members having noted that the proposed development was adjacent to the 52-storey development at Tai Hang Road (I.L. 8972) and the previous BAC decision not to invoke section 16(1)(g) of the BO to reject the plans for that development, advised and the Chairman, Mr LEUNG Chin-man agreed not to invoke section 16(1)(g) of the BO to reject the plans.</i></p> <p style="text-align: right;"><i>D13(c) - D15(c)</i></p> <p><i>Detailed information is contained in <del>DEVB 30-32</del> previously submitted.</i></p>	

		Document No.
(iv)	<p>DPO/HK recommended rejection of the building plans for the 40-storey project at 9-12 Chun Fai Terrace because the tallest building nearby was a 31-storey building at no. 52A, Tai Hang Road and the project was “out of scale within the local setting”; CTP/TPO (Atg) also recommended rejection of the plans. However, the notes of the Building Committee I meeting indicated that there already existed some 37 to 40 storey buildings in the immediate neighbourhood. Please clarify if DPO/HK’s advice was wrongly based, and list out the names of buildings considered to be “in the immediate neighbourhood” of the above project for the purposes of section 16(1)(g) of BO, the number of domestic and non-domestic floors in each of these buildings, the dates of approval of the relevant building plans and the dates of completion of these buildings.</p> <p><i>DEVB’s Response: When commenting on the concerned building plans, DPO/HK had taken into account the existing residential buildings at 17-43 (odd numbers) and 52-54 (even numbers) Tai Hang Road and the Dragon Garden to the immediate south of the concerned site. The BCI meeting on 23 October 2001 agreed not to invoke section 16(1)(g) of the BO to reject the plans after noting the existence of 37-storey and 40-storey buildings at 19 and 25 Tai Hang Drive namely, Grandview Heights and Ronsdale Garden which were in the immediate neighbourhood of the site at 9-12 Chun Fai Terrace.</i></p> <p><i>Details of the developments at No. 19 and 25 Tai Hang Drive are provided in the table attached (<del>DEVB-37</del>). D19(c)</i></p>	<p>D19(c) <del>DEVB-37</del></p>

		Document No.
(v)	<p>The reason for recommending to the Building Authority not to invoke section 16(1)(g) of BO to reject the building plans for the project at 9-12 Chun Fai Terrace.</p> <p><i>DEVB's response: Please refer to DEVB's response to 1(a)(iii).</i></p>	
(b)	<p>Building project at Tai Hang Road, Hong Kong (I.L. 8972)</p>	
(i)	<p>A case summary of the building project from August 1999 until present , including the name of the developer of the project and its parent company, and the change of land title in respect of the site.</p> <p style="text-align: right;">D20(c)</p> <p><i>DEVB's response: The summary is attached at <del>DEVB-38</del>.</i></p>	<p style="text-align: right;">D20(c) <del>DEVB-38(E/C)</del></p>
(ii)	<p>An account of the decision made by Mr LEUNG Chin-man in his capacity as the Building Authority on the building and all documents and/or records relating to that decision, including the relevant information notes, minutes of Building Committee meetings(s) and minutes of the Building Authority Conference(s).</p> <p><i>DEVB's response: At the BAC held on 17 October 2001, members advised and the Chairman, Mr LEUNG Chin-man agreed to endorse the decision of BCI not to invoke section 16(1)(g) of the BO to disapprove the plans. The relevant documents are attached –</i></p> <ul style="list-style-type: none"> <li>• Papers for BAC 8/01(I.L.8972)</li> <li>• Notes of BCI 1 38/2001</li> </ul>	<p style="text-align: right;"><del>DEVB 39</del> D21(c) <del>DEVB 40</del> D22(c)</p>

		Document No.
	<ul style="list-style-type: none"> <li>• <i>Minutes of BAC 7/01</i></li> </ul>	<del>DEVB-41</del> D23(c)
(iii)	<p><b>Whether and how section 16(1)(g) of BO was applied to the building project.</b></p> <p><i>DEVB's response: Details of the application of section 16(1)(g) of the BO are set out in <del>DEVB-39</del>. D21(c)</i></p>	
(e)	<p><b>Building project at 1-4 West End Terrace and 11-11A Bonham Road, Hong Kong –</b></p> <p><b>An account of the decision made by Mr Leung Chin-man in his capacity as the Building Authority on the building project and all information and/or records relating to that decision, including the relevant information notes, minutes of Building Committee meeting(s) and minutes of the Building Authority Conference(s).</b></p> <p><i>DEVB's response: An account of the decision made by Mr Leung Chin-man is at <del>DEVB-42</del><sup>D24(c)</sup>, with the following 12 supporting documents –</i></p> <ul style="list-style-type: none"> <li>• <i>Notes of Building Conference (BC) I 3 4/2000</i></li> <li>• <i>Minutes of Building Authority Conference (BAC) 1/00 meeting</i></li> <li>• <i>Papers for BAC 1/00</i></li> <li>• <i>Notes of Matters Arising (MA) I 1 16/2000</i></li> <li>• <i>Minutes of BAC 2/00</i></li> <li>• <i>Papers for BAC 2/00</i></li> <li>• <i>Notes of MA I 1 31/2000</i></li> <li>• <i>Minutes of BAC 6/00</i></li> <li>• <i>Papers for BAC 6/00</i></li> <li>• <i>Notes of MA I 1 4/2001</i></li> <li>• <i>Minutes of BAC 1/01</i></li> </ul>	<p>D24(c)</p> <p><del>DEVB-42 (E/C)</del></p> <p><del>DEVB-43</del> D25(c)</p> <p><del>DEVB-44</del> D26(c)</p> <p><del>DEVB-45</del> D27(c)</p> <p><del>DEVB-46</del> D28(c)</p> <p><del>DEVB-47</del> D29(c)</p> <p><del>DEVB-48</del> D30(c)</p> <p><del>DEVB-49</del> D31(c)</p> <p><del>DEVB-50</del> D32(c)</p> <p><del>DEVB-51</del> D33(c)</p> <p><del>DEVB-52</del> D34(c)</p> <p><del>DEVB-53</del> D35(c)</p>

		Document No.
	<ul style="list-style-type: none"><li><i>Papers for BAC 1/01</i></li></ul>	<del>DEVB-54-</del> D36(C)

Note: Document Nos. which are shaded and bold are graded as "Confidential"