

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

**Information provided by the Administration in response to
the Clerk to Select Committee's letter of 18 December 2008**

		Document No.
(C) Development Bureau ("DEVB")		
(a)	<i>Exercise of discretionary power by the Building Authority in respect of land and planning matters in the development of Grand Promenade</i>	
1.	<p>Chronology of events on the approval of the Grand Promenade development, including the granting of gross floor area ("GFA") exemption, with dates and parties involved.</p> <p><i>DEVB's Response:</i> Please see attached the chronology of events (DEVB-1).</p>	D5 DEVB-1(E/C)
2.	<p>Copies of the General Conditions and the Special Conditions applicable to the Grand Promenade site.</p> <p><i>DEVB's Response:</i> Please see attached copies of the General and Special Conditions applicable to the Grand Promenade site at DEVB-2.</p>	D6 DEVB-2(E)
3.	<p>Correspondence between Lands Department and other relevant Departments relating to the drawing up of the Special Conditions applicable to the site and reasons for not specifying whether the public transport terminus (PTT) was to be included or excluded from GFA calculation.</p> <p><i>DEVB's Response:</i> Lands Department is responsible for drawing up the land sale conditions taking into account comments of</p>	

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<p>departments concerned particularly Planning Department, Buildings Department, Transport Department, Government Property Agency and Architectural Services Department. Please see attached relevant correspondence for details (DEVB 3(1)-(40)).</p> <p>Members of the Public Accounts Committee ("PAC") were briefed at the public hearings the reasons for not specifying in the land sale conditions on whether the public transport terminus (PTT) was to be included or excluded from GFA calculations. The relevant paragraph (No. 62) is at DEVB 3(41).</p> <p>Correspondence concerning calculation of GFA for the PTT is included under DEVB 4.</p> <p>An index is provided at DEVB 3.</p>	<p>DEVB 3(1)-(40) (E)</p> <p>DEVB 3(41)(E)</p> <p>DEVB 4(E)</p>
<p>4. Correspondence between the Buildings Department and other relevant Departments relating to the granting of exemption areas (e.g. public transport terminus and public passage) and the granting of exemption in relation to the "green features" (e.g. balconies and utility platforms) to the Grand Promenade development under Building (Planning) Regulations ("B(P)R") and the Buildings Ordinance ("BO") and a summary of the discussion between the above Departments leading to the granting of the above exemptions with dates.</p> <p><u>DEVB's Response</u> : Please see attached the relevant correspondence between the Buildings Department and other Departments (DEVB 4(1)-(12)).</p> <p>The discussion among the Departments is summarised in the three minutes of the Building Authority Conference meetings attached at DEVB 4(13)-(15) in Report No. 25 of the Public Accounts Committee (SC(2) Paper No. L37, Appendices 17, 18 and 29)</p> <p>An index is provided at DEVB 4.</p>	<p>DEVB 4(1)-(12) (E)</p> <p>DEVB 4(13)-(15)(E)</p>

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<p>5. The legal advice sought on the GFA exemption of the public transport terminus of the Grand Promenade development granted by Building Authority (“BA”) under regulation 23(3) of B(P)R.</p> <p><i>DEVB’s Response:</i> The Administration has previously provided the PAC of the LegCo with a copy of the legal advice sought. A copy of the letter from the then Secretary for Housing, Planning and Lands to the PAC dated 7 December 2005 with the legal advice is attached (DEVB-5).</p>	<p>D3(c) DEVB-5(E/C)</p>
<p>6. Documents and/or records relating to the enquiries of the lease conditions by real estate organizations received by relevant Government departments before the close of tender of the Grand Promenade site with information on the real estate organizations, department(s) and person(s) concerned.</p> <p><i>DEVB’s Response:</i> According to records available, 2 enquiries were received. One developer made a written enquiry on whether the Government Accommodation (including the public transport terminus) would be exempted from GFA calculation. Another developer made a verbal enquiry that there might be design difficulties to accommodate all facilities as required under the Technical Schedule in the designated area. Both developers were not the successful tenderer of the site. The documents and e-mail records documents are attached (DEVB-6(1)-(7)).</p> <p>An index is provided at DEVB-6.</p>	<p>D4(c) DEVB-6(1)-(7) (E)</p>

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<p>7. and 8. Relevant documents which the Authorized Person ("AP") of Henderson Land Development ("HLD") had submitted to the BA in relation to seeking exemption of the public transport terminus, the marine police operational areas and public passage from GFA calculation in the Grand Promenade site, in particular those submitted to BA at the Building Authority Conferences.</p> <p>Relevant documents submitted by HLD to the Buildings Department and the Lands Department relating to the application for exemption of "green features" (e.g. balconies and utility platforms) from GFA calculation.</p> <p><i>DEVB's Response: The relevant documents submitted by the Authorized Person/HLD in relation to seeking exemption of the public transport terminus, the marine police operational areas, public passage and green features from GFA calculation are attached at DEVB 7 and 8(1) to (16). (bulky documents)* (bulky documents)* An index is provided at DEVB 7 and 8.</i></p>	<p>DEVB 7(E) and DEVB 8(1)-(16) (E) (bulky documents)*</p>
<p>9. Documents relating to the exercise of discretionary power by BA for the granting of exemption areas (e.g. public transport terminus and public passage) and the granting of exemption in relation to "green features" (e.g. balconies and utility platforms) from GFA calculation of the Grand Promenade development in accordance with the B(P)R and section 42 of the BO (Cap. 123).</p> <p><i>DEVB's Response: The BA is guided by the provisions under the BO as well as conditions and requirements promulgated in practice notes in granting gross floor area concessions. The Grand Promenade case was also discussed at three Building Authority Conferences. The relevant documents are attached at DEVB 9(1)-(5). Df-D11 DEVB 9(1)-(5) (E)</i></p> <p><i>The Joint Practice Notes 1 and 2 issued in February 2001 and February 2002 respectively promulgated the further details</i></p>	<p>Df-D11 DEVB 9(1)-(5) (E)</p>

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<p>concerning green features for incorporation in new building developments. They are attached at DEVB 9(6) – (7).</p> <p>An index is provided at DEVB-9.</p>	<p>D12 - D13 DEVB 9(6)-(7) (E)</p>
<p>10. The policy of promoting green features in construction of buildings in Hong Kong and its implementation.</p> <p><u>DEVB's Response:</u> The Administration consulted the then LegCo Panel on Planning, Lands and Works about the policy on 21 November 2000 through the Panel paper [CB(1) 181/00-01(02)] entitled "Green Buildings – A ^{D17} Proposal to Enhance the Quality of Our Living" attached at DEVB-10.</p>	<p>D17 DEVB-10(E/C)</p>
<p>11. Background leading to the setting up of the Building Innovation Unit in the Buildings Department and the composition duties and functions of the Unit, as well as name(s) of the Unit Head since its inception in July 2000.</p> <p><u>DEVB's Response:</u> Please see attached a Note on the background information concerning the Building Innovation Unit prepared by the Buildings Department dated 30 December 2008 (DEVB-11).</p>	<p>D14 DEVB-11(E/C)</p>
<p>12. Relevant joint practice notes or any other documents issued since 2001 by the Buildings Department, Lands Department and Planning Department relating to the adoption of green and innovative buildings, with details on the major changes made and reasons for such changes.</p> <p><u>DEVB's Response:</u> The Joint Practice Note ("JPN") I was issued in February 2001. It was revised in October 2004 to clarify the requirement of provision of mechanical ventilation in common corridors and lift lobbies where natural ventilation is not provided.</p>	

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<p><i>JPN2 was issued in February 2002. It was revised in February 2006 to prohibit the combination of utility platform with any balcony in the same residential unit. The reason for such change is to prevent the unsightly townscape of clothes drying in the combined balconies which usually dominate the front elevation of buildings.</i></p> <p><i>The relevant versions of JPN1 and 2 issued by the three departments are attached at DEVB-12.</i></p>	<p><i>D15 - D16</i> DEVB-12(E)</p>
<p>13. The policy on assessment of the premium payment for exemption of green and innovation building features, and the relevant practice notes or any other documents issued since 2001 by the Lands Department relating to premium assessment for exemption of such features, with details on the major changes made and reasons for such changes.</p> <p><i>DEVB's Response: A short summary on policy of charging premium on provision of green and innovative features etc is attached at DEVB-13(1).</i></p> <p><i>Lands Department's Practice Notes, on how premium should be charged are also attached at DEVB-13(2)-(6).</i></p> <p><i>For land to be sold by auction or tender, the lease conditions have been amended to allow such exemption without payment of additional premium.</i></p> <p><i>Apart from the annual review of the standard rates for exemption of various green features as mentioned in Lands Department's Practice Notes, there were no major changes in policy on the method of assessment of these features.</i></p> <p><i>An index is provided at DEVB-13.</i></p>	<p><i>D17</i> DEVB-13(1) (E/C)</p> <p><i>D17 - D22</i> DEVB-13(2)-(6) (E)</p>

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<p>14. A comparison table outlining the GFA exemption of balconies and utility platforms granted to the Grand Promenade development and other development projects in accordance with B(P)R and BO from the year 2000 to 2005, with details on the reasons for granting the exemption, the premium for the exemption, name of the relevant developers and their parent companies, where applicable; and to provide reasons for cases where no premium was collected.</p> <p><i>DEVB's Response:</i> The Administration's reply to a LegCo written question asked by the Hon Fernando Cheung on 9 April 2008 containing relevant information is attached at DEVB 14^{D23}.</p>	<p>D23 DEVB 14(E/C)</p>
<p>15. Any other information which DEVB may consider relevant to the scope of inquiry as set out in the resolution passed by the Legislative Council.</p> <p><i>DEVB's Response:</i> We believe we have answered the above questions and provided copies of the relevant information. We would be happy to provide further information upon receiving requests from the LegCo Select Committee.</p>	
<p>(b) Other major housing or land policies which Mr LEUNG had taken part in their formulation or execution and decisions made pursuant to such policies</p>	
<p>1. A list of major housing or land policies formulated or executed from August 1999 to June 2002 by the then Planning and Lands Bureau and the departments under the Bureau when Mr LEUNG Chin-man was serving as Director of Buildings ("DB")(and the Building Authority by virtue of the Buildings Ordinance), with a highlight on the role and level of participation of Mr LEUNG.</p>	

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<p><i>DEVB's Response: The Administration has on various occasions reported to the LegCo Panel on Planning, Lands and Works on major building control policies. A table listing out the relevant LegCo Panel Papers, the policy matters covered and Mr LEUNG's involvement is attached at DEVB-15.</i></p> <p><i>Apart from the above, according to the Administration's records, Mr LEUNG also set up a Working Group on Incentives for Environmentally Friendly and Innovative Buildings with various meetings (all chaired by Mr LEUNG) held between 7 September and 29 October 2000 and resulted in the issue of JPNs 1 and 2 (attached at DEVB-9).</i></p>	<p style="text-align: center;">D14 DEVB-15(E/C)</p> <p style="text-align: center;">D12 - D13 DEVB-9(E)</p>
<p>2. A list of building projects approved by Mr LEUNG Chin-man when serving as DB (and the Building Authority by virtue of the Buildings Ordinance), with a highlight on projects by the New World Development Company Limited or its subsidiary companies.</p> <p><i>DEVB's Response: Mr LEUNG was the DB and the Building Authority. All building projects were approved by the BD under the Building Authority's power or his delegated authority. Hence, it is difficult to list out all projects approved by the Building Authority during Mr LEUNG's tenure. Nevertheless, we have identified a list of building projects in respect of which Mr LEUNG was personally involved as the then Building Authority at the Building Authority Conferences in making certain decisions leading to approval of plans under the Buildings Ordinance. The list prepared by the Buildings Department dated 30 December 2008 is attached at DEVB-16.</i></p>	<p style="text-align: center;">D5(c) DEVB-16(E/C)</p>

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<p>3. Major duties and responsibilities and statutory powers of Mr LEUNG in the position of DB and in the capacity of the Building Authority by virtue of the Buildings Ordinance.</p> <p><i>DEVB's Response:</i> Please see attached a Note on the major duties and responsibilities and statutory powers of Mr LEUNG in the position of DB and in the capacity of the Building Authority prepared by the Buildings Department dated 30 December 2008 (DEVB-17).</p>	<p style="text-align: center;">D 25 DEVB-17(E/C)</p>
<p>4. Organization charts of the relevant Bureaux and Departments when Mr LEUNG was in the position of DB and in the capacity of the Building Authority with information on the reporting lines of Mr LEUNG including his direct supervisor(s) and direct subordinates.</p> <p><i>DEVB's Response:</i> Please see attached organization charts (DEVB-18).</p>	<p style="text-align: center;">D 26 DEVB-18(E/C)</p>
<p>5. Any other information which DEVB may consider relevant to the scope of inquiry as set out in the resolution passed by the Legislative Council.</p> <p><i>DEVB's Response:</i> We believe we have answered the above questions and provided copies of the relevant documents. We would be happy to provide further information upon receiving requests from the LegCo Select Committee.</p>	

Note:

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