

**立法會**  
***Legislative Council***

LC Paper No. CB(1)288/12-13  
(These minutes have been seen  
by the Administration)

Ref : CB1/PL/DEV/1

**Panel on Development**

**Minutes of meeting**  
**held on Tuesday, 30 October 2012, at 2:30 pm**  
**in Conference Room 3 of the Legislative Council Complex**

**Members present** : Dr Hon LAU Wong-fat, GBM, GBS, JP (Chairman)  
Hon Tony TSE Wai-chuen (Deputy Chairman)  
Hon James TO Kun-sun  
Hon CHAN Kam-lam, SBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Abraham SHEK Lai-him, SBS, JP  
Hon Frederick FUNG Kin-kee, SBS, JP  
Hon Cyd HO Sau-lan  
Hon CHAN Hak-kan, JP  
Hon CHAN Kin-por, BBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, JP  
Hon IP Kwok-him, GBS, JP  
Hon Mrs Regina IP LAU Suk-yee, GBS, JP  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Hon Albert CHAN Wai-yip  
Hon Claudia MO  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon James TIEN Pei-chun, GBS, JP  
Hon WU Chi-wai, MH  
Hon Gary FAN Kwok-wai  
Hon CHAN Chi-chuen  
Hon CHAN Han-pan  
Dr Hon Kenneth CHAN Ka-lok  
Hon CHAN Yuen-han, SBS, JP

Hon LEUNG Che-cheung, BBS, MH, JP  
Hon Alice MAK Mei-kuen, JP  
Dr Hon KWOK Ka-ki  
Dr Hon Fernando CHEUNG Chiu-hung  
Dr Hon CHIANG Lai-wan, JP  
Ir Dr Hon LO Wai-kwok, BBS, MH, JP

**Members attending** : Hon Ronny TONG Ka-wah, SC  
Dr Hon LAM Tai-fai, SBS, JP  
Dr Hon Elizabeth QUAT, JP

**Member absent** : Hon Kenneth LEUNG

**Public officers attending** : **Agenda item IV**

Mr Paul CHAN Mo-po, MH, JP  
Secretary for Development

Mr Thomas CHOW Tat-ming, JP  
Permanent Secretary for Development  
(Planning and Lands)

Mr Thomas CHAN Chung-ching, JP  
Deputy Secretary for Development  
(Planning and Lands) 1

Ms Brenda AU Kit-ying  
Principal Assistant Secretary for Development  
(Planning and Lands)5

Mr Raymond LEE Kai-wing  
Assistant Director of Planning / Territorial

Ms Amy CHEUNG Yi-mei  
Chief Town Planner/Studies and Research  
Planning Department

Mr WONG Ming-to, JP  
Project Manager (NTN & W)  
Civil Engineering and Development Department

Mr LAW Man-tim  
Chief Engineer / Project Division 2 (NTN & W)  
Civil Engineering and Development Department

**Agenda item V**

Mr WAI Chi-sing, JP  
Permanent Secretary for Development (Works)

Mr Enoch LAM Tin-sing, JP  
Deputy Secretary for Development (Works) 2

Mr IP Kwai-hang  
Deputy Head of Civil Engineering Office  
(Projects and Environmental Management)  
Civil Engineering and Development Department

Miss CHAN Hoi-ming  
Project Director 2  
Architectural Services Department

Mr YIU Wai-keung  
Chief Project Manager 203  
Architectural Services Department

Mr LUK Wai-hung  
Chief Engineer / Drainage Projects  
Drainage Services Department

**Agenda item VI**

Mr WAI Chi-sing, JP  
Permanent Secretary for Development (Works)

Ms Grace LUI Kit-yuk, JP  
Deputy Secretary for Development (Works) 1

Miss Kathy NG Tze-kwun  
Principal Assistant Secretary for Development (Greening,  
Landscape and Tree Management)

Mr Lawrence CHAU Kam-chiu  
Head of Tree Management Office  
Development Bureau

**Clerk in attendance** : Ms Sharon CHUNG  
Chief Council Secretary (1)6

**Staff in attendance** : Mr Anthony CHU  
Senior Council Secretary (1)6

Mr Fred PANG  
Council Secretary (1)6

Ms Christina SHIU  
Legislative Assistant (1)6

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Action

- I Confirmation of minutes**  
(LC Paper No. CB(1)62/12-13 -- Minutes of meeting on  
16 October 2012)

The minutes of the meeting held on 16 October 2012 were confirmed.

- II Information papers issued since the last meeting**  
(LC Paper No. CB(1)63/12-13(01) -- Letter dated 17 October 2012  
from the Housing and  
Building Management  
Committee of the Yau Tsim  
Mong District Council  
regarding safety issues  
arising from sub-division of  
flats

LC Paper No. CB(1)73/12-13(01) -- Letter dated 24 October 2012 from Dr Hon Kenneth CHAN Ka-lok on country park enclaves)

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)61/12-13(01) -- List of outstanding items for discussion

LC Paper No. CB(1)61/12-13(02) -- List of follow-up actions)

3. The Chairman said that he had received two letters, tabled at the meeting, from Dr Kenneth CHAN and Dr KWOK Ka-ki respectively on a media report about the discovery of possible historical remains at a construction site of the MTR Corporation Limited ("MTRCL") at Harcourt Garden. Dr KWOK proposed that the Panel should discuss with the Administration issues relating to the incident as soon as possible lest the ongoing works of MTRCL at the site would continue to cause damage to the historical remains. He sought clarification from the Administration on the present status of the remains. The Secretary for Development ("SDEV") explained that in response to public concern about the incident, the Antiquities and Monuments Office ("AMO") had contacted MTRCL and had inspected the reported remains on site. It was discovered that the remains were parts of an old sea wall which had been damaged in the past, and were not the remains of the Wellington Battery as reported. As AMO was monitoring the impact of the works at Harcourt Garden on any other remains, SDEV believed that no further damages would be made for the time being. As regards Dr Kenneth CHAN's queries about the incident raised in his letter, SDEV said he would provide a written response within a few days. The Chairman suggested and members agreed that the issues relating to the incident could be discussed at the next regular meeting to be held on 27 November 2012.

*(Post-meeting note: The letter from Dr Kenneth CHAN was circulated to members vide LC Paper No. CB(1)101/12-13(01) on 30 October 2012, while the Administration's response was circulated vide LC Paper No. CB(1)121/12-13(01) on 2 November 2012. The letter from Dr KWOK Ka-ki was circulated to members vide LC Paper No. CB(1)108/12-13(01) on 31 October 2012.)*

4. Members agreed that the meeting to be held on 27 November 2012 be extended for 30 minutes to end at 5:00 pm, and the following items, two of which had been proposed by the Administration, would be discussed --

- (a) PWP Item No. 111KA -- Government, Institution or Community facilities in the Kwun Tong Town Centre Redevelopment -- additional medical and health facilities;
- (b) PWP Item No. 163TB -- Kwun Tong Town Centre redevelopment -- provision of grade-separated pedestrian linkages (Yuet Wah Street Pedestrian Linkage); and
- (c) Policy and matters relating to the preservation of historical remains discovered at works sites.

(Post-meeting note: With the concurrence of the Chairman, two additional items, i.e. "Capital Works Reserve Fund Block Allocations for 2013-2014" and "PWP Item No. 334WF -- Expansion of Tai Po water treatment works and ancillary raw water and fresh water transfer facilities -- part 2 works" were added to the agenda for the meeting on 27 November 2012 and the meeting was further extended to end at 6:15 pm. Members were informed of the revised agenda on 20 November 2012 vide LC Paper No. CB(1)197/12-13.)

5. The Chairman reminded members that a joint meeting with the Panel on Housing would be held on 9 November 2012 to discuss the short- to medium-term housing and land supply measures announced by the Chief Executive on 30 August 2012.

#### **IV North East New Territories New Development Areas Planning and Engineering Study**

(LC Paper No. CB(1)61/12-13(05) -- Administration's paper on North East New Territories New Development Areas Planning and Engineering Study -- Public comments received from Stage 3 Public Engagement

LC Paper No. CB(1)61/12-13(06) -- Paper on New Development Areas in North East New Territories prepared by the Legislative Council Secretariat (Updated background brief))

6. At the invitation of the Chairman, SDEV briefed members on the progress of the Stage Three Public Engagement ("PE3") exercise under the North East New Territories ("NENT") New Development Areas ("NDAs") Planning and Engineering Study ("the P&E Study"). He highlighted the following points:

- (a) Since the commencement of the P&E Study in June 2008, the Administration had consulted the Panel on Development ("the Panel") in November 2008, November 2009 and June 2012 on the Study. Members' comments at the meeting of the Panel on 28 June 2012 covered a wide range of aspects, including the implementation approach, plans of preserving agricultural land and Long Valley, adequacy of compensation to landowners, extension of the PE3 consultation period, possibility of increasing development intensity, and impacts on designation of "Green Belt" and "Village Type Development" zonings in the NDAs.
- (b) The Administration was in the process of collating and analyzing the public comments on the P&E Study collected during the PE3 exercise, including about 10 000 written comments. It would consider and assess the comments carefully and examine from the planning and engineering feasibility perspectives whether and how to adjust the Recommended Outline Development Plans for the NENT NDAs ("the RODPs") to address the comments. Subject to the assessments, the Administration would amend the planning proposals as appropriate and publicize the amendments as soon as possible.
- (c) The Administration planned to publish the PE3 Report in the first half of 2013 before commencing the statutory planning procedures and other preparation work associated with the NENT NDAs development project, including communicating with stakeholders on the compensation and rehousing

arrangements for those who would be affected by land resumption and clearance.

7. SDEV stressed that the Administration had attached great importance to engaging the public in the planning process for NENT NDAs. Notwithstanding the closing of PE3 in September this year, the Administration would continue to communicate with stakeholders through suitable channels and would adjust the RODPs having regard to the public comments received.

8. With the aid of a powerpoint presentation, Assistant Director of Planning/Territorial ("AD/Planning/Territorial") briefed members on the major concerns raised by the public during the PE3 exercise and the Administration's initial responses.

*(Post-meeting note: A soft copy of the powerpoint presentation materials was circulated to members vide LC Paper No. CB(1)109/12-13(01) on 31 October 2012.)*

### Implementation Approach

9. In view of the great controversies aroused by the NENT NDAs proposals in recent months, Ms Emily LAU expressed grave concern on whether a consensus could be reached on the proposals before the Administration released the PE3 results in 2013 and commenced statutory planning procedures. She reiterated her views expressed in the motion debate on the P&E Study at the Council meeting of 24 October 2012 that the Administration should withdraw the proposals to allow a longer time for public discussion. As regards the implementation approach, she considered that the issue of whether the Conventional New Town Approach ("CNTA") should be adopted would be highly controversial and enquired how the Administration would handle the issue.

10. SDEV replied that during the PE3 exercise, the Administration had indicated that CNTA would be adopted for implementation of the NENT NDAs project. The Administration had briefed members on the details about the approach at the meeting of the Panel on 28 June 2012. Under CNTA, the Government would resume and clear all the private land planned for public works projects, public housing and private developments, carry out site formation works and provide infrastructure before allocating land for various purposes including disposal of the land planned for private developments in the market. In response to members' enquiries at the



meeting, the Administration had advised that whether some kind of flexibility could be built in for another approach, namely private-sector participation ("PSP") approach, in implementing the NDAs project would depend on whether it could address the need for timely provision of housing supply, including the supply of new Home Ownership Scheme ("HOS") units, and public perception of this approach. SDEV added that since there were diverse views on the issue in society, the Administration was still considering the approach to be taken. He assured members that the Administration would continue to communicate with the relevant stakeholders and carefully considered their views before making the final decision on the implementation approach.

11. Mr CHAN Hak-kan noted that there were objections against the adoption of CNTA on the grounds that the approach would likely be subject to legal challenges. He was concerned whether the development programme of the NENT NDAs project and hence the provision of housing in the areas would be affected if any litigations arose. Mr CHAN Kam-lam opined that although some people were inclined to regarding PSP as an implementation approach facilitating collusion between the Government and the business sector, PSP could be implemented with high transparency to minimize public suspicions. Both Mr CHAN Hak-kan and Mr CHAN Kam-lam held the view that it was paramount that the Administration adopt the implementation approach that could provide new housing supply in NENT within the shortest time.

12. In reply, Permanent Secretary for Development (Planning and Lands) ("PS/DEV(P&L)") said that CNTA would enable the Administration to have a better control of the time required for implementing the NENT NDAs project. He assured members that in deciding on the implementation approach to be adopted, the Administration would duly consider all comments received in PE3 including the views that CNTA would likely be subject to legal challenges. SDEV added that the Administration would not rule out at this stage any potential approaches for implementing the project and would consider each one of them carefully.

13. Mr James TIEN said that the Liberal Party supported the development of NENT NDAs to address the problem of housing shortage which was attributed to the failure of the Government of the previous term in ensuring adequate land supply. As regards the implementation approach, Mr TIEN opined that it would take considerable time for the Administration to resume and clear all private land in the development areas and then arrange disposal of the land planned for private developments by way of tender or open

auction. He considered that the implementation of NENT NDAs could be completed in a shorter time under PSP than CNTA because individual developers would be allowed to pursue development projects on their own pieces of land in full speed once the Administration decided to develop an area and provide supporting infrastructure. SDEV noted Mr TIEN's views.

14. Mr Abraham SHEK recalled that the Administration had initially proposed to adopt the approach of PSP for implementing the NENT NDAs project, but made a change on 28 June 2012, after PE3 had started, by indicating the adoption of CNTA. Given that the Government should resume private land under the Land Resumption Ordinance (Cap. 124) only when it was required for a public purpose, Mr SHEK was doubtful whether the land resumption under CNTA was legal and in compliance with the relevant articles of the Basic Law in respect of private property right. Citing the clearance of Choi Yuen Village for the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Hong Kong Section) project as an example, he pointed out that CNTA might cause controversies and delay in the development of an area. Mr SHEK concurred with Mr James TIEN's view that PSP would provide the fastest way to make available land for housing developments. He requested that the Administration should provide the following information to the Panel --

- (a) details and examples about how CNTA was to be implemented, in particular, how it would be different from the approach for developing new towns in the past allowing PSP and issuance of land exchange entitlements to affected landowners;
- (b) studies supporting that the adoption of CNTA for implementing the NENT NDAs project would achieve the Administration's housing targets in a more efficient and effective manner than the adoption of the PSP approach; and
- (c) details of and justifications for the estimated expenses on resuming private land under CNTA for developing NENT NDAs.

*(Post-meeting note: The Administration's response was circulated to members on 22 November 2012 vide LC Paper No. CB(1) 203/12-13(01).)*

15. PS/DEV(P&L) advised that PSP might not be a desirable approach for implementing the NENT NDAs project because private developments might

not synchronize with the Administration's development programme and provision of supporting infrastructure and public facilities, whereas under CNTA, the Administration could have greater certainty, ensure timeliness and take the lead in the implementation of a development project.

16. Referring to the change from PSP to CNTA, Mr Michael TIEN opined that while it was legitimate for the Administration to resume private land for public purposes, he was doubtful whether it could do the same for other purposes, such as reselling resumed land for private housing developments. He suggested that the Administration should consider only resuming those land parcels which would be needed for developing public housing or other public facilities, and leave the remaining private land in NENT for PSP developments.

17. PS/DEV(P&L) responded that private developers might encounter difficulties in amalgamating 100% of the private land within a development site designated in the RODPs for reasons such as the land was being held by a "Tso Tong (祖堂)", the landowner could not be contacted, or the land titles were defective. The Administration noted the view that private developers had a legitimate expectation that land exchange applications would be processed under the prevailing land policy and that the Administration's resale of resumed land for private development might be subject to legal challenges. The Administration was also mindful of the delay that might be caused by legal challenges, if any, in implementing the NENT NDAs project. Hence, it would carefully deliberate these comments before deciding on the final implementation approach.

18. Dr KWOK Ka-ki said that some major property developers in Hong Kong had already acquired a considerable amount of land in NENT since the late 1990's. He was concerned whether there would be "transfer of benefits" between the Government and these developers because the huge amount of public money to be committed for land resumption and compensation under CNTA, known to be around \$40 billion, might mostly go to the pockets of these developers. In his view, the Administration could make better use of the amount of \$40 billion by building public rental and subsidized housing units for those in need. He asked how much money each of the developers which had large quantity of land in NENT would be compensated with.

19. SDEV said that Hong Kong was in dire need of land resources to cater for housing demand. There was therefore an urgent need for the Administration to commit funding to resume developable land for provision of housing. He assured members that there would be no question of

"transfer of benefits" between the Government and private developers, as all landowners would be subject to the same compensation arrangements to be published in the Gazette. The Administration also did not have accurate information about the quantity of land that each developer had assembled in NENT.

20. Mr WU Chi-wai considered that the Administration should adopt CNTA and avoid making further changes. He held the view that the adoption of CNTA would allay the public concern about Government policies being tilted in favour of the private sector, and also discourage private developers from continuing to force the residents to leave their existing homes on the land they had assembled in NENT. SDEV took note of Mr WU's views.

#### Provision of housing

21. Mr CHAN Hak-kan opined that despite the controversies arising from the NENT NDAs proposals, there were views supporting that implementing the proposals would help alleviate the problem of housing shortage in Hong Kong. He considered that the Administration should strive to remove the suspicions among some members of the community that NENT NDAs were developed to provide a backyard for rich Mainlanders and that the project involved "transfer of benefits" between the Government and developers. Mr CHAN supported the Administration's latest suggestions about increasing the number of public rental housing and HOS units as well as the development intensity in the proposed NDAs. He urged the Administration to take forward the policy of "Hong Kong property for Hong Kong residents" in NENT NDAs as soon as possible.

22. Mr WU Chi-wai opined that the farming practices in the proposed Ping Che/Ta Kwu Ling NDA were relatively larger in scale than those in the proposed Fanling North NDA and Kwu Tung North NDA. He considered that instead of developing the three proposed NDAs in one scheme, the Administration could leave Ping Che/Ta Kwu Ling as a base for agricultural development and start with the proposed developments in Fanling North and Kwu Tung North. Mr CHAN Hak-kan suggested that the Administration might consider proceeding with the development of the three NDAs one by one and in phases. As regards the order, Mr CHAN said that as Kwu Tung North and Fanling North would provide most of the residential units in the three proposed NDAs under the RODPs and members of the public in general supported initiatives to address the problem of housing shortage, the Administration might accord priority to the development of these two areas.

SDEV took note of Mr WU's and Mr CHAN's views. He advised that the Administration had all along been keeping an open mind on whether the development of the three proposed NDAs were to be undertaken separately and in phases.

23. Sharing Mr CHAN Hak-kan's view that the Administration should develop the three proposed NDAs in phases, Mr CHAN Kam-lam stressed the importance to shorten the timeframe for implementing the NENT NDAs proposals so as to address the pressing housing need as quickly as possible. He further suggested that, in tandem with the population growth in Hong Kong, the development intensity in NENT NDAs should be suitably increased to provide more housing units, under the principle that a right balance should be struck between making land available for housing and conserving the environment. PS/DEV(P&L) assured members that the Administration would definitely consider increasing the development intensity in the proposed NDAs to make effective use of land resources, having regard to the planned capacities of the infrastructure and the facilities to be provided in the areas.

24. Recognizing that NENT NDAs would provide 53 800 housing units, of which 43% of them would be for public rental housing and 57% for private housing, Mr LEUNG Kwok-hung suggested that the areas of land to be allocated to these two types of housing should be 43:57. SDEV advised that the plot ratios for public housing developments, which would be located near the town centres, the railway station and public transport exchanges, would be higher than those for private housing. Most private housing units would be small and medium in size. To address the housing shortfall, the Administration was vigorously considering increasing the development intensity under the NENT NDAs proposals and allocating more land for public housing developments. He added that the preliminary study results showed that there was room to increase the percentage of public housing in the proposed NDAs to over 50%. However, the increase should be considered in a holistic manner, balancing such factors as efficient use of scarce land resources, sufficient supporting infrastructure, as well as public aspiration for a quality living environment.

25. Mr Albert CHAN strongly recommended that the Administration should draw up a rolling ten-year plan for supply of land for housing, with a view to ensuring a timely and steady supply of such land to meet the community's needs. With this plan in place, members of the public would have a clear idea about the land available for housing in future.

Impacts on existing residents and farmers

26. Referring to paragraph 24 of the Administration's paper that some squatter residents had raised concern about the delayed implementation of the development proposals, as they were worried that there would be no proper housing arrangements should the landowners took back their land, Mr CHAN Hak-kan enquired about the measures that the Administration would take to address such concern. Ms Emily LAU asked what actions the Administration would take if the residents in the areas covered by the development proposals were forced by developers who owned the land to move out. Mr James TIEN was concerned about how the Administration could address residents' request for local rehousing, given that the NENT NDAs project would take around 10 years to complete.

27. PS/DEV(P&L) advised that according to the preliminary findings of the consultants, about 1 700 households would be affected by the project. In response to the demand of affected residents for local rehousing, the Administration had reserved a site of about 3.2 hectares in the Kwu Tung North NDA for rehousing eligible affected households. The Administration was also reviewing the existing compensation and rehousing arrangements having regard to the past experience in major public works projects with a view to working out more desirable compensation and rehousing arrangements for residents affected by land resumption or site clearance. He advised that, under CNTA, not until a site was needed for carrying out engineering or construction works would the Administration commence the land resumption and clearance process. Existing residents were not required to move out at the current stage because the project was still under planning.

28. SDEV added that the NENT NDAs project had not entered the actual development and implementation stage. The actual numbers and circumstances of the affected households in the proposed development areas could only be confirmed after the completion of the pre-clearance surveys and eligibility screening which would be conducted nearer to the commencement of construction works in the areas. Residents who were under threat of land acquisition by developers could approach the Social Welfare Department or the Police for assistance.

29. Taking into account the large number of inhabitants of squatter huts in the areas covered by the development proposals, the long time that their families had been living there, and their request for retaining the rural living environment, Mr Ronny TONG opined that the Administration should consider granting cash compensation to these residents and rehousing them

in rural areas if the land on which they had built their homes would be resumed. If necessary, the existing rules and regulations for land resumption compensation should be amended.

30. PS/DEV(P&L) advised that, under the prevailing policy, when a squatter area was to be cleared, the squatters living in the affected structures would be offered rehousing, provided that they satisfied the prevailing eligibility criteria for either public rental housing or interim housing. Assuring members that the Administration would strive to minimize the impacts of land resumption on the residents, he reiterated that the Administration was reviewing the existing compensation and rehousing arrangements.

31. Miss CHAN Yuen-han said that the Hong Kong Federation of Trade Unions supported developing NDAs but stressed that such development must be "organic" and sustainable. She concurred with the proposal to designate the core area of Long Valley as a Nature Park and suggested that the proposal should act in synergy with the conservation initiatives being undertaken by some farmers and organizations in NENT. Concerned about the impact of the development project on existing farmers and residents, including those who had been living in the areas for a short time only and might be excluded from the Administration's offer of compensation or rehousing arrangements, she asked the Administration to provide information on (a) whether the farmers currently undergoing agricultural activities in the proposed NDAs would be allowed to continue farming in-situ, instead of being required to abandon the farmland which they had been cultivating for a long time and; (b) whether residents and farmers newly settled in the areas affected would be offered local rehousing.

*(Post-meeting note: The Administration's response was circulated to members on 22 November 2012 vide LC Paper No. CB(1) 203/12-13(01).)*

32. Dr KWOK Ka-ki and Dr Fernando CHEUNG said that some villagers, in particular non-indigenous villagers, were only aware of the development proposals and the effect on them at a very late stage. They cast doubt on whether the Administration had properly engaged these affected villagers in the planning process. Dr KWOK urged that the Administration should seriously consider the views of these villagers on the development of NENT NDAs, though these views were given only recently. Dr CHEUNG remarked that since the time when the Administration had indicated that it would develop NENT NDAs, a lot of agricultural land within the areas were

acquired and destroyed by developers and many villagers had been forced to move out. Noting that agricultural production in NENT supplied roughly one-third of vegetables produced locally, he expressed concern about the effect of the project on local vegetable production in the absence of a policy to support local agriculture. He also enquired about the estimated loss of agricultural land if the NENT NDAs project was to proceed. Mr WU Chi-wai was concerned that, with considerable land resources being reserved for development of low-density housing in NENT under the Administration's proposal, there would be a significant reduction of land for agricultural development.

33. AD/Planning/Territorial said that according to a site survey conducted by consultants, there were about 55 hectares of land in the proposed NDAs under active cultivation, of which some 22 hectares would be affected. Two pieces of land to the north and the south of the proposed Nature Park and a piece of land in Fu Tei Au in the Fanling North NDA would be maintained as "Agriculture" zones, providing 54 hectares of agricultural land, on which existing farming practices could continue. In response to Mr Ronny TONG's enquiry on whether the land within the "Agriculture" zones would be adequate for existing farmers to continue their farming practices, AD/Planning/Territorial admitted that part of the 54 hectares of agricultural land had already been occupied for farming. To allow all the farmers affected by the project to continue their farming practices, the Development Bureau ("DEVB") and the Planning Department were working closely with the Food and Health Bureau ("FHB") and the Agriculture, Fisheries and Conservation Department ("AFCD") to identify land suitable for agricultural rehabilitation in the vicinity of the proposed NDAs. PS/DEV(P&L) supplemented that under the prevailing agricultural resite policy, affected genuine farmers could purchase or rent farmland elsewhere to continue farming. They could apply for a short-term waiver for building on the land that they had secured a temporary domestic structure up to two storeys and 17 feet in height, and a roofed-over area of 400 square feet.

34. Mr Albert CHAN said that the controversies arising from the NENT NDAs project had reflected the lack of a due consultation process. The statutory consultation procedures under the Town Planning Ordinance only applied to the formulation of outline zoning plans but not strategic planning studies. To address the problem of executive hegemony, he opined that statutory public consultation procedures should be in place for the Administration to follow in undertaking strategic and territorial planning studies. As regards the Administration's proposals for developing NENT NDAs, Mr CHAN appreciated the incorporation of green initiatives into the



planning strategies and supported designating the core area of Long Valley as a Nature Park to conserve valuable resources. He stressed the importance for selecting the right species of plants for greening works and designing the NDAs with due regard to their unique characteristics. Referring to his suggestion made in 2008 about the development of organic and livestock farming in NENT, Mr CHAN suggested that apart from zoning lands for agriculture, the Administration should provide ancillary facilities and financial assistance to nurture the local agricultural industries.

35. SDEV replied that it was an established policy for the Administration to provide infrastructural facilities, technical support and low-interest loans to advance the agricultural industries. He advised that DEVB took the role of a resource bureau to develop land resources to cater for the need of other bureaux in pursuing their policy initiatives, such as the need of FHB in implementing agriculture-related initiatives.

#### Local employment opportunities

36. Mrs Regina IP said that the Savantas Policy Institute and New People's Party had given views to the Administration over the past few years about the need to reserve land in NENT for housing as well as the development of special industries and the industries where Hong Kong enjoyed clear advantages. She enquired whether the Administration would coordinate the development of certain leading local industries and introduce high-technology manufacturers from Shenzhen to Hong Kong to participate in research and development work. Pointing out that the development of new and high value-added industries would diversify the economy of Hong Kong and create more employment opportunities, she asked about the area of land that had been reserved in NENT NDAs for industries development. SDEV advised that the Commerce and Economic Development Bureau ("CEDB") coordinated the support for industries development. AD/Planning/Territorial said that about 10% of the developable land in the proposed NDAs had been reserved for industries development.

37. Ir Dr LO Wai-kwok opined that there was a lack of long-term policy for the development of industries in Hong Kong. Recognizing that one of the strategic roles of NENT NDAs was to support the development of the "Six Industries" where Hong Kong had clear advantages, he enquired about the strategy and measures that the Administration would adopt to meet this objective. PS/DEV (P&L) advised that taking into account the views given by the relevant policy bureaux/departments, the Administration had reserved a total of 24 hectares of land for "Commercial, Research and Development"

uses in the Kwu Tung North NDA and another 36 hectares of land for developing special industries in the Ping Che/Ta Kwu Ling NDA. He remarked that the relevant policy bureaux would consider the need for policy incentives to encourage industry players to move into these areas.

38. Miss CHAN Yuen-han highlighted that the problems arising from the over-concentration of housing and shortage of job opportunities in Tin Shui Wai and Tung Chung should not repeat in NENT NDAs, where adequate ancillary facilities must be put in place to support economic activities, such as research and development work to stimulate Hong Kong's economic development.

39. Referring to the 52 100 job opportunities to be provided in the proposed NDAs, including those at the special industries area in Ping Che/Ta Kwu Ling, Dr CHIANG Lai-wan enquired for the nature and details about the industries to be developed and the job opportunities to be generated from those industries. She opined that the special industries area in Ping Che/Ta Kwu Ling would only support 10 000 job opportunities at most and urged DEVB and CEDB to work closely to ensure that the target of 52 100 job opportunities be achieved. Furthermore, she suggested that the Administration might consider relocating the offices of a few Government departments to the proposed NDAs to stimulate the local economy.

40. AD/Planning/Territorial said that the planning of NENT NDAs had taken into account the views and comments received from the relevant policy bureaux including CEDB. According to the current plan, the 36 hectares of "special industries" land in the Ping Che/Ta Kwu Ling NDA would provide space for the development of high value-added and non-polluting industries, as well as the industries where Hong Kong enjoyed clear advantages, including testing and certification services, medical services, innovation and technology, cultural and creative industries, environmental industries and educational services. About 10 hectares of land in the Kwu Tung North NDA were designated for research and development uses to support the development of Lok Ma Chau Loop. Together with the land for "Commercial, Research and Development" uses in the Kwu Tung North NDA, the abovementioned development areas would provide about half of the 52 100 job opportunities.

41. Mr CHAN Kam-lam was concerned about the nature of the jobs to be provided for the residents of the proposed NDAs in future. Considering that the employment opportunities offered by special or high value-added industries would mainly be suitable for the working population at a higher

education level, he held the view that job opportunities for residents with lower education or skills should also be planned for. Anticipating that the residents who lived in public housing units in the proposed NDAs would generally receive low wages, Mr CHAN opined that it would be undesirable for these residents to pay high transport fares and travel a long way to work in the urban area. Dr CHIANG Lai-wan expressed similar concerns. She referred to the transport problems in Tin Shui Wai and urged the Administration to exercise due care in developing NDAs in order not to repeat the same mistake.

42. In response, AD/Planning/Territorial advised that while about half of the job opportunities would come from the "Commercial, Research and Development" sites and the special industries area in NENT NDAs, another half would be associated with the facilities supporting the residential developments in the areas, such as retail and community services.

43. Drawing reference to the lack of employment opportunities in Tin Shui Wai and Tung Chung, Mr WU Chi-wai held the view that whether or not the proposed NDAs would generate the planned number of job opportunities would largely rely on the development of the special industries area in Ping Che/Ta Kwu Ling, the success of which was unknown at this stage.

44. Dr Kenneth CHAN said that the development of special or high value-added industries in Hong Kong was very limited in the past. He said that there were public concerns that the sites reserved for these industries would become another white elephant if these industries did not move into NENT NDAs, and the Administration would subsequently change the use of these reserved areas to low density and luxurious residential developments. Dr CHAN considered that, to allay these concerns, the Administration should provide substantive information about the potentials and plans for developing special or high value-added industries in Hong Kong. Mr LEUNG Kwok-hung expressed similar concerns. He cited the Cyberport Project and the Science Park as examples and queried whether the Administration would rezone part of the land currently reserved for development of industries in NENT NDAs to residential zones for developing luxurious properties in future. Mr Michael TIEN enquired about the Administration's plan for the use of the industries areas in the event that the industries' response to moving into NENT was only lukewarm.

45. SDEV assured members that the Administration had no intention to convert the sites for special industries development in NENT NDAs to low-

density and luxurious residential developments. According to the current programme, it would take at least ten years to start the population intake for the housing units in the proposed NDAs, therefore it was not practicable for the Administration to forecast at this stage which special or high value-added industries would finally move into the areas. AD/Planning/Territorial supplemented that there was flexibility to adjust the use of individual sites to cater for different types of special industries in future, having regard to various factors such as infrastructural support and effective use of land resources.

### Railway development

46. Ir Dr LO Wai-kwok said that a railway development strategy should have formed part of the P&E Study. He opined that, an extension of the existing railway system to the proposed NDAs would strengthen their connectivity with other districts, hence supporting the industries development in NENT and increasing the employment opportunities in the areas. With railway connection in place, the development intensity of NENT NDAs could be increased. He enquired whether the Administration would conduct a comprehensive review on how the overall strategy for railway development in the territory would tie in with the development of NENT NDAs.

47. Pointing out that the proposed Northern Link had been on the drawing board for years, Mr Michael TIEN enquired about the timetable for realizing the project. Mr Albert CHAN also expressed disappointment on the delay of the construction of the Northern Link. Adding that there were only two heavy rail stations in Tuen Mun, he criticized the Administration for its failure to pay due regard to the transport need of residents in the New Territories, in particular New Territories West. Dr Kwok Ka-ki stressed that the principle of people-oriented planning should be observed and adequate transport facilities must be provided in the proposed NDAs to enable the residents to travel to their work places in the urban area at less cost and time.

48. Project Manager (New Territories North & West) / Civil Engineering and Development Department ("PM(NTN&W)/CEDD") said that the connection between the Kwu Tung North NDA and other parts of the territory would mainly rely on the railway as the backbone. The railway would be the main carrier under the external public transport strategy for the Kwu Tung North NDA. To reduce the transport need of residents in NENT NDAs and to help create a sustainable community, high-density residential zones would be centred within 500 metres of the proposed Kwu Tung North

railway station. PM(NTN&W)/CEDD further advised that the review and update of the Railway Development Strategy 2000 commissioned by the Highways Department was in progress. CEDD would maintain close liaison with the Highways Department to explore the proposals to enhance the railway connection to the proposed NDAs, including the Ping Che/Ta Kwu Ling NDA. While the proposals on the RODPs were based on the capacity of the currently planned infrastructure, there would be scope to increase the development intensity of the Ping Che/Ta Kwu Ling NDA should the proposed long-term extension of the Northern Link come into fruition in the light of the results of the review and update of the Railway Development Strategy. SDEV said that, in the light of public views received during the public engagement exercises supporting an increase in the development intensity of the Ping Che/Ta Kwu Ling NDA, a railway extension to this area would be considered.

#### Allegation of "Hong Kong-Shenzhen Unification" and "Selling Out Hong Kong"

49. Referring to the public comments received by the Administration during the PE3 exercise that NENT NDAs was mainly designed for "Hong Kong-Shenzhen unification" and that the Administration was "selling out Hong Kong", Mr Alan LEONG did not agree to the Administration's view expressed in paragraph 12 of the discussion paper that the comments were entirely groundless. Taking into account the various characteristics of NENT NDAs, such as the close proximity between the proposed NDAs and Shenzhen, the short time required to travel between the two places through the Liantang/Heung Yuen Wai boundary control point that would commence operation in 2018, the anticipated large number of Mainland students in the areas, the absence of a concrete plan on the types of industries to be developed in NENT, and the lack of implementation details about the implementation of the policy of "Hong Kong property for Hong Kong residents" in the areas, Mr LEONG cast doubt on whether NENT NDAs would genuinely be new towns for Hong Kong people or a backyard for rich Mainlanders.

50. Mr LEUNG Kwok-hung said that there were no objections to the Administration's plan to increase the provision of residential units for Hong Kong people or the employment opportunities for residents in the proposed NDAs. However, members of the public had strong suspicions over the NDAs proposals because they were worried that the implementation would lead to integration of NENT with Shenzhen. Mr Albert CHAN said that it was important to eliminate the external factors which aroused controversies

among the public and undermined the interest of Hong Kong people in pursuing a development plan.

51. Mr Gary FAN said that a considerable proportion of luxurious residential units in the North District had been sold to Mainlanders. To allay public suspicions that the proposed NDAs would become a backyard for rich Mainlanders, the Administration should make public the information about the area of land or number of units for private housing in the future NENT NDAs to be covered by the policy of "Hong Kong property for Hong Kong residents".

52. SDEV said that NENT NDAs were developed for Hong Kong people. He assured members that the Administration would incorporate, where appropriate, the clauses on "Hong Kong property for Hong Kong residents" in the future sale of private residential land in NENT NDAs. As there might be changes in the market conditions in the coming ten years before the first population intake in the NDAs, it was not practicable for the Administration to decide at this stage the proportion of residential units or housing land in the proposed NDAs that should be subject to the conditions of "Hong Kong property for Hong Kong residents". He added that it was reasonable for the Administration to develop land for industries to enhance Hong Kong's competitive edge in the region. It had been stated clearly in the digest for the PE3 exercise that a guiding principle regarding the strategic roles of the proposed NDAs was to reserve land for special industries and the industries with clear advantages in support of regional development and integration with the Pearl River Delta to promote the economic development of Hong Kong.

53. Dr KWOK Ka-ki disagreed that the Administration took public views about the NDAs proposals being "Hong Kong-Shenzhen Unification" and "Selling Out Hong Kong" as groundless allegation. He queried the justifications for putting aside some 2 100 hectares of unleased or unallocated government land in the territory which were zoned "Residential" and "Commercial/Residential" but proceeding with the controversial NENT NDAs project which would only provide 150 hectares of land for housing, not to mention that the first batch of residential units in NENT NDAs would only be available in 2022. Mr Alan LEONG made similar queries. He said that while there were roughly 200 hectares of developable land in the urban area which could house 400 000 people taking the density of Taikoo Shing as a yardstick, there was no imminent need for developing NENT NDAs, which could only accommodate 151 600 people, against the objections from a wide spectrum of stakeholders.

54. SDEV advised that the number of residential units that could be provided at a piece of land was restricted by the maximum plot ratio allowed. While there were growing public aspirations for a quality living environment, development of high-density residential buildings might not be a preferred option nowadays. He reiterated that it was necessary for the Administration, through conducting various planning and engineering studies, including that for NENT NDAs, to develop additional land to meet the medium- to long-term housing, economic and social development needs of Hong Kong.

Invitation for organizations/individuals to give views on the Planning and Engineering Study

55. The Chairman recalled that at the meeting on 16 October 2012, two members had suggested that a special meeting should be held to receive public views on the P&E Study. He invited members to give views on the suggestion. The meeting agreed that a public hearing on the subject be arranged.

*(Post-meeting note: With the concurrence of the Chairman, two special meetings were scheduled for 8 and 15 December 2012 to meet with deputations for views on the P&E Study. Members were notified of the relevant arrangements on 7 November 2012 vide LC Paper No. CB(1)146/12-13.)*

**V PWP Item No. 13GB -- Liantang/Heung Yuen Wai Boundary Control Point and associated works**

- (LC Paper No. CB(1)61/12-13(03) -- Administration's paper on Liantang/Heung Yuen Wai Boundary Control Point and associated works
- LC Paper No. CB(1)61/12-13(04) -- Paper on Liantang/Heung Yuen Wai Boundary Control Point prepared by the Legislative Council Secretariat (Updated background brief))

56. Permanent Secretary for Development (Works) ("PS/DEV(Works)") advised that since the announcement of the implementation of the

Liantang/Heung Yuen Wai Boundary Control Point ("the new BCP") project in September 2008, the Finance Committee ("FC") had approved relevant funding applications with a total sum of \$17,052.8 million. The main infrastructure works packages for the development of the new BCP, which was scheduled for commissioning in 2018, comprised three parts, namely:

- (a) site formation for the new BCP and construction of a connecting road;
- (b) BCP buildings and the associated facilities; and
- (c) improvement of the Shenzhen ("SZ") River and reprovisioning of the boundary patrol road.

57. PS/DEV(Works) briefly reported the progress of the project. The funding proposal for carrying out the new BCP site formation and infrastructure works was approved by FC in July 2012. The tender exercise was in progress with a view to commencing construction work in early 2013. The advance works of regulation of SZ River Stage IV, i.e. the reprovisioning of a section of the boundary patrol road and the associated security facilities commenced in March 2012 and the progress was satisfactory. He added that the proposals presented to the meeting were about upgrading two parts of PWP Item No. 13GB "Liantang/Heung Yuen Wai Boundary Control Point and associated works" to Category A at an estimated cost of (a) \$180 million for carrying out the design and site investigations of the building works and the associated facilities of the new BCP and (b) \$595.1 million for carrying out river regulation works to upgrade the flood protection standard of a section of SZ river between Ping Yuen River and Pak Fu Shan (regulation of SZ River Stage IV).

58. With the aid of a powerpoint presentation, Project Director 2/Architectural Services Department ("PD2/ArchSD") and Chief Engineer/Drainage Projects/Drainage Services Department ("Chief Engineer/DP/DSD") briefed members on the details of the two proposals.

*(Post-meeting note: A soft copy of the powerpoint presentation materials was circulated to members vide LC Paper No. CB(1)109/12-13(02) on 31 October 2012.)*

59. The Chairman reminded members that in accordance with Rule 83A of the Rules of Procedure ("RoP") of the Legislative Council ("LegCo"), they should disclose the nature of any direct or indirect pecuniary interests



relating to the subjects under discussion at the meeting before they spoke on the subjects. Under Rule 84 of RoP of LegCo, a member should not vote upon any question in which he had a direct pecuniary interest except under certain circumstances as provided for in Rule 84.

Buildings works and the associated facilities at the new Boundary Control Point

60. Mr IP Kwok-him enquired whether the proposed works would cover the design of the facilities in the passenger terminal building of the new BCP. PD2/ArchSD advised that subject to FC's approval of the funding proposal for carrying out the design and site investigations of the building works and the associated facilities at the new BCP, the Administration would proceed to engage consultants to prepare the designs, working drawings and tender documents for the buildings works and the associated facilities, including the facilities in the passenger terminal building.

61. Members noted that the new BCP on the Hong Kong ("HK") side was designed for direct access by both pedestrians and private vehicles. A public car park and pick-up/drop-off points would be provided for local, non-cross-boundary private vehicles. There would be a public transport interchange as well as pick-up/drop-off points for non-cross-boundary school buses. Mr Albert CHAN was concerned whether the local traffic could be well accommodated by the capacities of the public car park, the drop-off areas and the roads within the new BCP under the direct access arrangement. To address Mr CHAN's concern, the Administration undertook to provide the forecast peak hour non-cross-boundary traffic flows and the design guidelines for the new BCP relating to direct vehicular and pedestrian access to the passenger terminal building.

*(Post-meeting note: The Administration's supplementary information was circulated to members on 21 November 2012 vide LC Paper No. CB(1)198/12-13(01).)*

62. Noting that the public could self-drive their cars and park them in one of the 400 parking spaces in the public car park, Mr CHAN Han-pan enquired about the basis on which the number of parking spaces had been worked out. PS/DEV(Works) replied that in determining the handling capacity of the new BCP, the Administration had made reference to the relevant facilities of the Lok Ma Chau BCP. There were around 1 000 public car parking spaces provided by private operators adjacent to the Lok Ma Chau BCP which handled about 100 000 passenger trips daily. Comparing

the handling capacity of the new BCP of around 30 000 passenger trips a day and that of the Lok Ma Chau BCP, he believed that a total of 400 parking spaces at the new BCP should be adequate.

63. Mr CHAN Han-pan held the view that, since the new BCP would provide direct access, the usage of the new BCP's car park would not be lower than that of the other existing boundary control points which did not allow direct access. If the designed capacity of the new BCP was not adequate to meet the demand for car parking spaces, traffic congestion would arise. He enquired whether there was room to increase the number of parking spaces to cater for the growing demand for such upon the commissioning of the new BCP. PS/DEV(Works) replied that there was currently no plan to reserve land for the provision of additional parking spaces. He assured members that the Administration would review the demand for parking spaces after the commissioning of the BCP. If the parking spaces were full, motorists would be informed as soon as possible through electronic displays at appropriate locations along the connecting road.

#### Land development near the new Boundary Control Point

64. Ir Dr LO Wai-kwok noted that the new BCP was close to the proposed NENT NDAs. He expressed concern on whether the planned capacity of the road network near the new BCP could cater for the development of NENT NDAs as well as the commissioning of the new BCP. PS/DEV(Works) remarked that the new BCP was intended for serving mainly cross- boundary freight and passenger transport between HK and the eastern part of Guangdong. In conjunction with the development of the new BCP, a dual 2-lane road connecting the BCP with the Fanling Highway would be constructed to facilitate vehicular access to and from the urban area. He assured members that the Administration would keep in view the planned developments along the connecting road and the capacity of the road network to cope with such developments.

#### Shenzhen River regulation works

65. Noting that the Administration planned to entrust the proposed regulation works of SZ River Stage IV to the SZ Municipal Government ("SZMG") for implementation, Dr Kenneth CHAN expressed concern about the effectiveness in monitoring the project under the entrustment arrangements. With regard to the adoption of similar entrustment arrangements for the regulation works for SZ River Stages I, II and III,

Ir Dr LO Wai-kwok enquired whether there had been any major difference in opinions on the implementation of the projects between HK and SZ sides and whether a mechanism was in place to resolve the difference. He further asked whether qualified contractors in Hong Kong would be given a fair chance to take part in the Stage IV project.

66. Chief Engineer/DP/DSD said that since the proposed regulation works and the ancillary works for SZ River straddled HK and SZ sides, it was neither practicable nor cost-effective for each side to implement separately the proposed works falling within its own territory. Under the entrustment arrangements, the Shenzhen River Regulation Office of SZMG would be responsible for inviting tenders for the works contracts on the basis of the tender documents agreed between the HK Special Administrative Region Government ("HKSARG") and SZMG. Qualified contractors of both HK and SZ sides would be invited to submit tenders for the contracts. In response to Ir Dr LO Wai-kwok's further enquiry as to whether the proposed works would meet the established engineering standards of HK, Chief Engineer/DP/DSD advised that the standard adopted in the proposed river regulation works was the higher standard of the two sides.

67. With reference to the proposal to upgrade the flood protection standard of SZ River to withstand a rainstorm with a return period of one in 50 years, Mr IP Kwok-him stressed the importance for the Administration to minimize flooding risks. He enquired whether consideration would be given to a longer return period such as one in 100 years. Chief Engineer/DP/DSD advised that a return period of 50 years was the general flood protection standard adopted by both HK and SZ sides. To further reduce the risk of flooding, a water storage basin would be provided along SZ River to attenuate the peak flow and the site formation level of the BCP would be designed at a level higher than the river bank.

68. In response to Mr CHAN Han-pan's enquiry about the way in which the contaminated mud generated from the river regulation works would be treated, Chief Engineer/DP/DSD said that about 68 000 cubic metres of contaminated mud would be disposed of at East Sha Chau in accordance with the mitigation measures set out in the relevant Environmental Impact Assessment report.

#### Hong Kong-Shenzhen Joint Task Force on Boundary District Development

69. Recognizing that the Hong Kong-Shenzhen Joint Task Force on Boundary District Development ("Joint Task Force") had held a number of

meetings on the implementation of the new BCP project, Dr Kenneth CHAN was concerned about the lack of transparency in the deliberations and decisions of the Joint Task Force. In response, PS/DEV(Works) clarified that the Joint Task Force had issued press releases following its meetings to keep the public informed of the development of the new BCP project.

#### Designed capacity and operation of the new Boundary Control Point

70. Referring to the findings of the Shenzhen-Hong Kong Joint Preliminary Planning Study on Developing the Liantang/Heung Yuen Wai BCP conducted by the Planning Bureau of SZMG and the Planning Department of HKSARG published in September 2008 ("the Joint Study"), Dr Fernando CHEUNG enquired whether the designed capacities of 30 000 passengers trips and 17 850 vehicles trips daily of the new BCP were based on the Joint Study's stated assumption about visa-free entry of SZ residents to HK, whether there had been public discussions on the formulation of the designed capacities, and whether the assumption of visa-free entry had been realized. PS/DEV(Works) responded that the new BCP would operate on the model of "separate immigration and customs operations on both sides" and the SZ permanent residents had to obtain an exit endorsement before visiting HK.

71. Dr KWOK Ka-ki expressed doubt on whether the Administration had over-estimated the level of utilization of the new BCP, taking into account that the cross-boundary daily average vehicular traffic flow at the Shenzhen Bay Control Point was far below its designed capacity. In view of the total amount of \$17,052.8 million committed for the new BCP project, Dr KWOK expressed concern that the new BCP might become another white elephant if the numbers of vehicles and passengers using it turned out to be much lower than the forecast figures. He urged the Administration to exercise prudence in the spending of public monies and warned that the relevant officials should be held accountable for the estimated utilization.

72. Citing the low patronage of the Airport Express rail link and the low utilization rate of the HK-SZ Western Corridor as examples, Mr LEUNG Kwok-hung expressed similar concern about the future utilization of the new BCP. Noting that the Joint Study concluded that the estimated gross economic benefit to be generated from 2018 to 2030 by the operation of the new BCP would be around \$14.3 billion, which was below the total project costs of at least \$17 billion, Mr LEUNG enquired for the reason for taking forward the project. Dr Fernando CHEUNG asked for information about the basis on which the estimated amount of gross economic benefit had been

worked out.

*(Post-meeting note: The Administration's response was circulated to members on 21 November 2012 vide LC Paper No. CB(1)198/12-13(01).)*

73. PS/DEV(Works) advised that both the new BCP and the Shenzhen Bay BCP were designed based on forecast demand in their respective design year. It was expected that the traffic flow of the Shenzhen Bay BCP was on the low side in the early-stage commissioning and would gradually increase to its designed capacity in the long term. In response to Dr Fernando CHEUNG's and Mr LEUNG Kwok-hung's enquiries, PS/DEV(Works) undertook to provide the approach and its basic assumption on deriving the design handling capacity of the new BCP.

*(Post-meeting note: The Administration's supplementary information was circulated to members on 21 November 2012 vide LC Paper No. CB(1)198/12-13(01).)*

#### Residents affected by the new Boundary Control Point project

74. Mr Albert CHAN was concerned about the compensation and rehousing arrangements for residents affected by land resumption and clearance under the project. PS/DEV(Works) advised that the funding proposal on the compensation packages for affected land owners and residents had been approved by FC in July 2012 and the Lands Department had started processing the applications for compensation. In order to have a better picture of the numbers of different categories of land occupiers affected, Mr Albert CHAN requested that the Administration provide information about the respective numbers of owners of housing units on private land, occupants of licensed structures and inhabitants of squatter huts in the areas affected by the project vis-à-vis the respective total areas of land occupied by these three categories of residents.

*(Post-meeting note: The Administration's response was circulated to members on 21 November 2012 vide LC Paper No. CB(1)198/12-13(01).)*

75. Dr Kenneth CHAN said that although the Administration had consulted certain Rural Committees and Village Representatives on the compensation and rehousing arrangements for the residents affected by the new BCP project, there was no lack of residents who were aware of the

arrangements only at a very late stage. He enquired about the scope of the Administration's consultation in this respect. Dr Fernando CHEUNG expressed similar concern with regard to the dissatisfaction of individual residents of the affected areas with the compensation arrangements. He said that the new BCP project involved huge public expenditure and would receive much attention from the public. The commissioning of the new BCP would no doubt facilitate the integration of HK and SZ, resulting in increasing cross-boundary activities between the two sides. The implementation of the new BCP was also closely related to the development of NENT NDAs. Dr CHEUNG stressed the importance of engaging the public in the comprehensive discussions on the planning of the new BCP and related issues. He suggested that the Panel should hold a public hearing to receive public views on the project.

76. Mr IP Kwok-him said that there had been considerable discussions in LegCo regarding the development of the new BCP since 2008. As funds had already been committed for the implementation of the project, he considered that it might not be appropriate for the Panel to conduct a public hearing on the project at this stage. He understood that in the process of discussing the compensation and rehousing arrangements with the concerned Village Representatives, the Administration had engaged the representatives of both indigenous villagers ("IVs") and non-IVs and had strived to address their concerns as far as possible.

77. PS/DEV(Works) advised that the Administration had been updating the Panel on the progress of the new BCP project as well as consulted it on land resumption, rehousing and compensation matters. Deputy Head of Civil Engineering Office (Projects and Environmental Management)/Civil Engineering and Development Department added that since the announcement of the implementation of the new BCP project in September 2008, the Administration had consulted Heung Yee Kuk, North District Council, Tai Po District Council, the Rural Committees of Ta Kwu Ling, Sha Tau Kok, Sheung Shui and Fanling and residents of individual villages to be affected by the works of the new BCP and the connecting road. The Administration had also gazetted the proposed road scheme of the new BCP project under the Roads (Works, Use and Compensation) Ordinance (Cap. 370) and responded to the objections received under the road gazetting procedure. As the new BCP project was a designated project under Schedule 2 of the Environment Impact Assessment Ordinance (Cap. 499), the Administration had consulted the public, including the Advisory Council on the Environment, on the environmental implications of the project.

Submission of the proposals to the Public Works Subcommittee and the Finance Committee

78. The Chairman concluded the discussion. He said that, except Dr Fernando CHEUNG, Mr LEUNG Kwok-hung and Dr Kenneth CHAN, the Panel in general supported the Administration's submission of the two funding proposals to the Public Works Subcommittee ("PWSC") and FC for consideration, and he would report members' views on the proposals to PWSC.

**VI Tree management**

- (LC Paper No. CB(1)61/12-13(07) -- Administration's paper on progress report on the work of the Tree Management Office
- LC Paper No. CB(1)61/12-13(08) -- Paper on tree management prepared by the Legislative Council Secretariat (Updated background brief))

79. With the aid of a powerpoint presentation, Deputy Secretary for Development (Works) 1 ("DS/DEV(Works)1") briefed members on the work progress of the Tree Management Office ("TMO").

*(Post-meeting note: A soft copy of the powerpoint presentation materials was circulated to members vide LC Paper No. CB(1)109/12-13(03) on 31 October 2012.)*

### Tree risk management

80. Dr Kenneth CHAN referred to the recent fatal branch falling incident in Tai Po ("the incident") in which the collapsed tree was situated on an unallocated and unleased land under the management of the Lands Department ("LandsD"). As the tree concerned was not on the register of old and valuable trees and no complaint had been received from the public in relation to the tree, no inspection by LandsD had been undertaken. He opined that, if LandsD only took action upon receipt of referrals and complaints, this approach would be too passive. PS/DEV(Works) said that subsequent to the incident, LandsD had decided to review the situation and consider conducting a survey on the trees along village access roads. He continued to elaborate on the two-stage tree risk assessment approach, which had already been adopted by other tree management departments. In the first stage which involved an "area basis" assessment, the departments would first identify those areas with high pedestrian or vehicular flow under their management. In the second stage involving a "tree basis" assessment, the departments would, in accordance with the guidelines on tree risk assessment, carry out tree group inspections at locations with high pedestrian or vehicular flow, and identify trees e.g. dead trees and trees with major health or structural problems that might pose hazards to the public.

81. Mr IP Kwok-him said that he had some expectations on the establishment of TMO. However, in view of the re-occurrence of tree falling incidents, he was disappointed with TMO's work. He recalled that after the incident had occurred, LandsD had undertaken to step up inspections on trees on unallocated and unleased lands and to engage the service of outside contractors for tree inspection. He asked about the progress of LandsD's plan in strengthening its tree inspection work.

82. DS/DEV(Works)1 advised that LandsD was making preparation for the engagement of contractors for tree inspection and would take follow-up action as soon as possible. She added that, to engage the community in surveillance of trees, LandsD had written to rural committees appealing to them to report any problematic trees using the existing reporting mechanism, such as the "1823" Call Centre.

### The "Integrated Approach" to tree management and risk assessment

83. Mr WU Chi-wai said that the successful implementation of the "Integrated Approach" hinged on the manpower support for relevant departments and departments with more tree management professionals,



such as the Leisure and Cultural Services Department, might be more competent in taking this approach. For other departments which took up tree management as a secondary duty with a smaller tree management workforce, consideration might be given to assigning TMO to take over the tree management work of these departments. Frontline tree management staff in these departments could be deployed to TMO to take up daily tree management work and handle emergency situations. He called on the Administration to review the existing approach for tree management. Dr Kenneth CHAN considered that it was time to review the effectiveness of the "Integrated Approach" in view of the fragmentation of responsibilities on tree management among a number of Government departments. Mr Albert CHAN said that he supported the establishment of TMO as a central coordinating body among relevant departments to address the structural problems in individual departments in relation to tree management, which had caused delays in taking actions against tree failure. Nonetheless, he was disappointed that TMO was not playing an effective role in providing a "one-stop" service to handle tree-related complaints/reports.

84. PS/DEV(Works) explained that under the "Integrated Approach" for tree management, the Government department responsible for the maintenance of an area or a facility was also responsible for the maintenance of trees therein. The present organizational set-up with TMO under DEVB acting as a central authority to give policy steer and a focal point of coordination of departmental efforts, as well as a provider of arboricultural expertise, was appropriate considering the efficient use of resources. A similar approach had been adopted in Hong Kong's slope safety work which had been proven to be effective. He stressed that, to implement the "Integrated Approach" successfully, it was important to nurture a professional workforce capable of providing quality tree care service in individual tree management departments. In this connection, TMO was committed to enhancing the training of tree management personnel. DS/DEV(Works)1 supplemented that the "Integrated Approach" was generally efficient and cost-effective as it would be unrealistic for a single policy bureau or department to take charge of all tree management responsibilities due to the large number of trees in the territory.

Tree complaint mechanism

85. Mr Albert CHAN expressed concern about insufficient manpower support for individual tree management departments and the long time required for departments to handle referrals and complaints, in particular those cases where more than one department was involved. He was worried that the long time taken for processing tree-related complaints might be due to red tape and the large amount of paper work required. Mr CHAN suggested that specialist contractors be engaged in tree management work to improve the Administration's response to complaints.

86. In reply, DS/DEV(Works)1 said that emergency tree-failure cases involving injuries or damage to properties would be handled immediately by the Hong Kong Police Force and the Fire Services Department. For other complaints, they would be handled by relevant departments under the "Integrated Approach". She invited members to refer any unresolved problematic tree failure cases to her for follow-up. At the request of Mr CHAN, the Administration agreed to provide a flow chart to illustrate the various steps and timeframes in the process for handling the tree-related complaints/reports made by the public, in particular the process involving cross-departmental actions.

*(Post-meeting note: The Administration's supplementary information was circulated to members on 21 November 2012 vide LC Paper No. CB(1)198/12-13(02).)*

The fatal branch falling incident in Tai Po

87. In response to Dr Kenneth CHAN's enquiry on the progress of the investigation on the incident, DS/DEV(Works)1 advised that according to the Police, the investigation work would probably take around three months for completion.

**VII Any other business**

88. There being no other business, the meeting ended at 6:18 pm.