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Panel on Development

Meeting on 30 October 2012

**Updated Background brief on
Liantang/Heung Yuen Wai Boundary Control Point**

Purpose

This paper provides background information on the development of the Liantang/Heung Yuen Wai Boundary Control Point ("BCP") and summarizes the major views and concerns expressed by members of the Panel on Development ("DEV Panel"), the Public Works Subcommittee ("PWSC") and the Finance Committee ("FC") on the BCP project and related issues during the last two legislative sessions.

Background

2. In February 2006, the Chief Executive agreed with the Shenzhen ("SZ") Mayor to set up a joint study group to consider the development of a new BCP at Liantang/Heung Yuen Wai ("LT/HYW"). After various studies¹, the Hong Kong Government and the SZ Municipal Government ("SZMG") jointly announced the development of the LT/HYW BCP project on 18 September 2008. The detailed planning of the new BCP would proceed on the following basis --

- (a) the new BCP would adopt the separate-location model (兩地兩檢) but design of the control point facilities should maximize convenience to users;

¹ The study reports can be viewed at:
http://www.pland.gov.hk/pland_en/p_study/comp_s/LTHYW/en/e_lthyw_01.htm.

- (b) the new BCP would be designed for direct vehicular and pedestrian access²;
- (c) the new BCP on Hong Kong ("HK") side would require resumption of Chuk Yuen Village (竹園村) and a resite area for villagers affected by the project would be provided;
- (d) the connecting road with the new BCP on the HK side would adopt the preferred alignment leading to Tolo Highway in the eastern direction; and
- (e) the design and construction of the new BCP should be packaged with the improvement works of the LT section of the SZ River.

3. Currently, the overall distribution of cross-boundary vehicular traffic is mainly concentrated in the western part of the territory through the Shenzhen Bay Port and the Lok Ma Chau BCP. According to the Administration, improvement to the two existing BCPs in the east, i.e. Man Kam To and Sha Tau Kok BCPs, could hardly meet the current expectations of travelling convenience and comfort. Besides, the scope for comprehensive upgrading of these BCPs would be very limited due to various constraints.

4. The Administration foresees that by connecting with the Eastern Corridor (東部過境通道)³ in SZ, the new BCP will provide an efficient access to the eastern part of the Guangdong Province, Fujian and Jiangxi via Shenzhen-Huizhou (深惠高速) and Shenzhen-Shantou Expressways (深汕高速). This will significantly shorten the distance between HK and SZ and the nearby provinces, and greatly facilitate future regional cooperation and development.

² This design was adopted in November 2011 in response to public views received in 2010. (Source: LC Paper No. CB(1)346/11-12(04)).

³ The proposed Eastern Corridor aims to realize the SZ Municipal Government's transport planning principle of "East in-East out" for goods vehicles. It is a dual three-lane expressway, linking up the proposed BCP at LT/HYW with the existing Shenzhen-Huizhou Expressway (深惠高速) to Huizhou (惠州) and Shenzhen-Shantou Expressway (深汕高速) to Shantou (汕頭).

5. The new BCP is expected to be operational in 2018. Since 2009, FC has approved six funding proposals, involving a total amount of \$17.3 billion⁴ for the project, including: (a) investigation and preliminary design for the new BCP (\$89 million); (b) provision of a village resite area with supporting infrastructure at Ta Kwu Ling (\$51.3 million); (c) detailed design and ground investigation (\$265.8 million); (d) reprovisioning of a boundary patrol road and associated security facilities at (\$393.5 million); (e) site formation and infrastructure works for the development of the new BCP (\$16,253.2 million); and (f) provision of special ex-gratia allowance to households affected by land clearance (\$211 million).

Concerns raised by members

6. The major concerns raised by members of DEV Panel, PWSC and FC on the BCP project and related issues during the last two legislative sessions were summarised in the ensuing paragraphs.

Transport and access issues

7. Some members were concerned that the utilization of the proposed pedestrian subway linking the new BCP and Lin Ma Hang Road might be low and security problems might arise. It was suggested that the Administration should consider whether the provision of pedestrian bridges was a better option.

8. In view of the possible land development in the vicinity of the new BCP, some members urged the Administration to consider building a dual three-lane road, instead of two-lane, to connect the new BCP and the Fanling Highway. The Administration responded that the forecast vehicle/capacity ratio of the BCP connecting road would only be 0.78, hence a dual two-lane connecting road would have sufficient capacity to cater for future developments.

Compensation and rehousing arrangements

9. A village resite area will be provided at Ta Kwu Ling ("Village Resite Area") with supporting infrastructure for the indigenous villagers ("IVs") of Chuk Yuen Village. Works for the Village Resite Area started in August 2010 and were basically completed in April 2012. The

⁴ In money-of-the-day prices. Same for other funding proposals referred to in this brief.

Administration has offered, as an alternative to existing rehousing arrangements⁵, a "Cottage House Option" to "non-IVs" of the Village⁶. Furthermore, the Administration will provide special ex-gratia allowances to households affected by the clearance exercise for the BCP project⁷.

10. Some members asked if the special rehousing arrangements such as the "Cottage House Option" and the special ex-gratia allowances adopted in the case of Chuk Yuen Village would apply to other major development projects. The Administration advised that these arrangements would not automatically apply to other public works projects. Nonetheless, it admitted that there was room for improvement with the existing compensation and rehousing arrangements provided for clearances, and advised that a review in this regard had commenced.

11. As regards the ex-gratia compensation for owners of agricultural land affected by the project, there were concerns that the compensation, at a high rate of \$8,460 per square metre, might mostly go to the pockets of the developers who had purchased such land in the area, but not to the original land owners. The Administration was urged to review the compensation arrangements and ensure that they would be formulated and implemented in a fair and transparent manner.

Entrustment of part of the works to the Shenzhen Municipal Government

12. Four vehicular bridges and one pedestrian bridge will be constructed over the SZ River connecting the BCP of the HK and SZ sides to provide access for cross-boundary vehicles and travellers. Taking into account the problems associated with access to the site, the effectiveness of

⁵ Under the prevailing policy, non-IVs who are long-term residents alongside the IVs within the village environs of Chuk Yuen Village are only eligible for rehousing to public rental housing upon meeting the comprehensive means test, or interim housing, or Ex-gratia Allowance for Permitted Occupiers in lieu of interim housing, or in the case of genuine farmers, the agricultural resite arrangement.

⁶ Under the Cottage House Option, non-IVs may purchase suitable agricultural land in the Extended Village Area adjoining the Village Resite Area and apply to the Lands Department for building a 2-storey domestic structure with a maximum roofed-over area of 500 square feet per floor on their purchased private agricultural land by way of an in-situ land exchange, subject to their paying the full market value premium for the land exchange.

⁷ At the meeting of the Panel on Development on 24 April 2012, the Administration announced that it would provide qualified households affected by the clearance a special ex-gratia cash allowance ("EGCA") each at a maximum amount of \$600,000, subject to their satisfying the eligibility criteria. In addition, all households affected by the BCP project and covered by the pre-clearance surveys will be eligible for the domestic removal allowance ranging approximately from \$3,000 to \$12,000. The Secretary for Development has been authorized to determine whether the households that do not fully comply with the eligibility criteria will be offered a reduced EGCA.

contract administration, and the different standards and statutory requirements of the HK and SZ sides, the Administration has decided to entrust the design of the HK portion of the bridges to SZMG to be done in conjunction with the SZ portion of the bridges to ensure compatibility of design.

13. Some members were concerned whether the design and construction of the works entrusted to SZMG would meet the HK established standards and whether Hong Kong construction workers would be employed for the project. The Administration advised that the entrusted works would be subject to the monitoring of a Joint Working Group formed by the Government of the HKSAR and SZMG. SZMG would be requested to deliver the construction contract through an open tender, thus giving a fair chance for contractors and construction workers in Hong Kong to take part in the project.

Other issues

14. Given that the new BCP would be served by new transport networks, some members urged the Administration to explore the feasibility of developing housing in the vicinity of the new BCP. While agreeing that land development near the new BCP should be explored, the Administration said that public views supporting the conservation of the ecological environment in the area had to be taken into account.

Recent Developments

15. The Administration will consult DEV Panel on 30 October 2012 on the proposal to upgrade part of the project to Category A to carry out (a) design and investigations of buildings works and associated facilities of the BCP; and (b) river regulation works to upgrade the flood protection level of a section of SZ River between Ping Yuen River and Pak Fu Shan.

16. A list of relevant papers is shown in the **Appendix**.

Liantang/Heung Yuen Wai Boundary Control Point

List of relevant papers

Date	Meeting/Event	References
27 May 2008	Panel on Development	Administration's paper -- The work of Hong Kong-Shenzhen Joint Task Force on Boundary District Development (LC Paper No. CB(1)1273/07-08(06)) http://www.legco.gov.hk/yr07-08/english/panels/plw/papers/dev0422cb1-1273-6-e.pdf Minutes http://www.legco.gov.hk/yr07-08/english/panels/plw/minutes/de080527.pdf
2 July 2008	Council Meeting	Hansard -- oral question (No. 5) on "New Liantang-Heung Yuen Wai Boundary Control Point" http://www.legco.gov.hk/yr07-08/english/counmtg/hansard/cm0702-translate-e.pdf
18 September 2008	--	Legislative Council Brief issued by the Administration -- Development of Liantang/Heung Yuen Wai Boundary Control Point http://www.legco.gov.hk/yr07-08/english/panels/plw/papers/dev-dev080918-e.pdf
28 October 2008	Panel on Development	Administration's paper -- Development of Liantang/Heung Yuen Wai Boundary Control Point (LC Paper No. CB(1)90/08-09(05)) http://www.legco.gov.hk/yr08-09/english/panels/dev/papers/dev1028cb1-90-5-e.pdf

Date	Meeting/Event	References
29 October 2008	Council Meeting -- debate on the Policy Address	Hansard http://www.legco.gov.hk/yr08-09/english/counmtg/hansard/cm1029-translate-e.pdf
3 December 2008	Public Works Subcommittee	Administration's paper -- 13GB -- Liantang/Heung Yuen Wai Boundary Control Point and associated works (PWSC(2008-09)45) http://www.legco.gov.hk/yr08-09/english/fc/pwsc/papers/p08-45e.pdf Minutes http://www.legco.gov.hk/yr08-09/english/fc/pwsc/minutes/pwsc20081203.pdf
9 January 2009	Finance Committee	Minutes http://www.legco.gov.hk/yr08-09/english/fc/minutes/fc20090109.pdf
7 January 2010	House Committee	Administration's paper to the House Committee -- Planning for development of boundary areas between Hong Kong and the Mainland (LC Paper No. CB(2)1047/09-10(01)) http://www.legco.gov.hk/yr09-10/english/hc/papers/hc0107cb2-1047-1-e.pdf

Date	Meeting/Event	References
14 April 2010	Public Works Subcommittee	<p>Administration's paper on 13GB -- Liantang/Heung Yuen Wai Boundary Control Point and associated works (PWSC(2010-11)2) http://www.legco.gov.hk/yr09-10/english/fc/pwsc/papers/p10-02e.pdf</p> <p>Administration's follow-up paper (LC Paper No. PWSC59/09-10) http://www.legco.gov.hk/yr09-10/english/fc/pwsc/papers/pwsc0414pwsc-59-e.pdf</p> <p>Minutes http://www.legco.gov.hk/yr09-10/english/fc/pwsc/minutes/pwsc20100414.pdf</p>
30 April 2010	Finance Committee	<p>Minutes http://www.legco.gov.hk/yr09-10/english/fc/fc/minutes/fc20100430.pdf</p>
25 May 2010	Panel on Development	<p>Administration's paper -- Development-related Issues under the Framework Agreement on Hong Kong/Guangdong Cooperation (LC Paper No. CB(1)1919/09-10(09)) http://www.legco.gov.hk/yr09-10/english/panels/dev/papers/dev0525cb1-1919-9-e.pdf</p> <p>Minutes http://www.legco.gov.hk/yr09-10/english/panels/dev/minutes/dev20100525.pdf</p>

Date	Meeting/Event	References
21 October 2010	Panel on Development	<p>Administration's paper -- Initiatives of the Development Bureau in the 2010-2011 Policy Address and Policy Agenda (LC Paper No. CB(1)40/10-11(01)) http://www.legco.gov.hk/yr10-11/english/panels/dev/papers/dev1021cb1-40-1-e.pdf</p> <p>Minutes http://www.legco.gov.hk/yr10-11/english/panels/dev/minutes/dev20101021.pdf</p>
16 December 2010	Panel on Development	<p>Administration's paper -- 13GB -- Liantang/Heung Yuen Wai Boundary Control Point and associated works (LC Paper No. CB(1)735/10-11(06)) http://www.legco.gov.hk/yr10-11/english/panels/dev/papers/dev1216cb1-735-6-e.pdf</p> <p>Minutes http://www.legco.gov.hk/yr10-11/english/panels/dev/minutes/dev20101216.pdf</p>
17 January 2011	Public Works Subcommittee	<p>Administration's paper -- 13GB -- Liantang/Heung Yuen Wai Boundary Control Point and associated works (PWSC(2010-11)25) http://www.legco.gov.hk/yr10-11/english/fc/pwsc/papers/p10-25e.pdf</p> <p>Minutes http://www.legco.gov.hk/yr10-11/english/fc/pwsc/minutes/pwsc20110117.pdf</p>
23 March 2011	Finance Committee (Special Meeting)	<p>Report of the examination of the Estimates of Expenditure 2011-2012 (Chapter XII: Planning and Lands) http://www.legco.gov.hk/yr10-11/english/fc/minutes/sfc_rpt.pdf</p>

Date	Meeting/Event	References
11 May 2011	Council meeting	Hansard (motion debate -- "Improving ancillary facilities at various crossings for the convenience of residents travelling between Guangdong and Hong Kong") http://www.legco.gov.hk/yr10-11/english/counmtg/hansard/cm0511-1-1-translate-e.pdf (p. 10364 - p. 10381)
14 October 2011	Panel on Development	Administration's paper -- Initiatives of the Development Bureau in the 2011-2012 Policy Address and Policy Agenda (LC Paper No. CB(1)35/11-12(01)) http://www.legco.gov.hk/yr11-12/english/panels/dev/papers/dev1014cb1-35-1-e.pdf Minutes http://www.legco.gov.hk/yr11-12/english/panels/dev/minutes/dev20111014.pdf
22 November 2011	Panel on Development	Administration's paper -- Progress report on the development of Liantang/Heung Yuen Wai Boundary Control Point (LC Paper No. CB(1)346/11-12(04)) http://www.legco.gov.hk/yr11-12/english/panels/dev/papers/dev1122cb1-346-4-e.pdf Administration's follow-up paper (LC Paper No. CB(1)611/11-12(01)) http://www.legco.gov.hk/yr11-12/english/panels/dev/papers/dev1122cb1-611-1-e.pdf Minutes http://www.legco.gov.hk/yr11-12/english/panels/dev/minutes/dev20111122.pdf

Date	Meeting/Event	References
14 December 2011	Public Works Subcommittee	<p>Administration's paper -- Head 701 -- Land Acquisition -- Subhead 1100CA -- Compensation and ex-gratia allowances in respect of projects in the Public Works Programme/Head 705 -- Civil Engineering -- Support -- Boundary facilities (other than road works) -- 13GB -- Liantang/Heung Yuen Wai Boundary Control Point and associated works (PWSC(2011-12)37) http://www.legco.gov.hk/yr11-12/english/fc/pwsc/papers/p11-37e.pdf</p> <p>Minutes http://www.legco.gov.hk/yr11-12/english/fc/pwsc/minutes/pwsc20111214.pdf</p>
6 January 2012	Finance Committee	<p>Administration's paper -- Recommendations of the Public Works Subcommittee on Public Works Programme and Capital Subvention Projects (FCR(2011-12)63) http://www.legco.gov.hk/yr11-12/english/fc/papers/f11-63e.pdf</p>
24 April 2012	Panel on Development	<p>Administration's paper -- Liantang/Heung Yuen Wai Boundary Control Point and associated works -- Site formation and infrastructure works (LC Paper No. CB(1)1607/11-12(04)) http://www.legco.gov.hk/yr11-12/english/panels/dev/papers/dev0424cb1-1607-4-e.pdf</p> <p>Minutes http://www.legco.gov.hk/yr11-12/english/panels/dev/minutes/dev20120424.pdf</p>
25 April 2012	Council Meeting	<p>Hansard -- written question (No. 7) on "Removal and resite of Chuk Yuen Village" (p. 8645 - p. 8648) http://www.legco.gov.hk/yr11-12/english/counmtg/hansard/cm0425-translate-e.pdf</p>

Date	Meeting/Event	References
30 May 2012	Public Works Subcommittee	<p>Administration's paper -- Head 705 -- Civil Engineering -- Support -- Boundary facilities (other than road works) -- 13GB -- Liantang/Heung Yuen Wai Boundary Control Point and associated works (PWSC(2012-13)26) http://www.legco.gov.hk/yr11-12/english/fc/pwsc/papers/p12-26e.pdf</p> <p>Administration's paper -- Head 701 -- Land acquisition -- Civil Engineering -- Land acquisition -- 36CA -- Special ex-gratia payments in relation to the Liantang/Heung Yuen Wai Boundary Control Point Project (PWSC(2012-13)27) http://www.legco.gov.hk/yr11-12/english/fc/pwsc/papers/p12-27e.pdf</p> <p>Administration's follow-up paper on 13GB -- Liantang/Heung Yuen Wai Boundary Control Point and associated works (LC Paper No. PWSC75/11-12) http://www.legco.gov.hk/yr11-12/english/fc/pwsc/papers/pwsc0530pwsc-75-e.pdf</p> <p>Minutes http://www.legco.gov.hk/yr11-12/english/fc/pwsc/minutes/pwsc20120530.pdf</p>
13 July 2012	Finance Committee	<p>Administration's paper -- Recommendation of the Public Works Subcommittee on Public Works Programme and Capital Subvention Projects (FCR(2012-13)47) http://www.legco.gov.hk/yr11-12/english/fc/fc/papers/f12-47e.pdf</p> <p>Minutes http://www.legco.gov.hk/yr11-12/english/fc/fc/minutes/fc20120713.pdf</p>