

立法會
Legislative Council

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Finance Committee of the Legislative Council

**Minutes of the 67th meeting
held at Conference Room 1 of the Legislative Council Complex
on Wednesday, 15 July 2015, at 9:25 pm**

Members present:

Hon Tommy CHEUNG Yu-yan, GBS, JP (Chairman)

Hon CHAN Kin-por, BBS, JP (Deputy Chairman)

Hon James TO Kun-sun

Hon LEUNG Yiu-chung

Hon TAM Yiu-chung, GBS, JP

Hon Jeffrey LAM Kin-fung, GBS, JP

Hon Andrew LEUNG Kwan-yuen, GBS, JP

Hon WONG Ting-kwong, SBS, JP

Hon CHAN Hak-kan, JP

Dr Hon Priscilla LEUNG Mei-fun, SBS, JP

Hon WONG Kwok-kin, SBS

Hon IP Kwok-him, GBS, JP

Hon Paul TSE Wai-chun, JP

Hon LEUNG Kwok-hung

Hon Albert CHAN Wai-yip

Hon WONG Yuk-man

Hon Claudia MO

Hon Michael TIEN Puk-sun, BBS, JP

Hon NG Leung-sing, SBS, JP

Hon Steven HO Chun-yin, BBS

Hon YIU Si-wing, BBS

Hon Gary FAN Kwok-wai

Hon MA Fung-kwok, SBS, JP

Hon Charles Peter MOK, JP

Hon CHAN Chi-chuen
Hon CHAN Yuen-han, SBS, JP
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Alice MAK Mei-kuen, BBS, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon SIN Chung-kai, SBS, JP
Dr Hon Elizabeth QUAT, JP
Hon Martin LIAO Cheung-kong, SBS, JP
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen, BBS

Members absent:

Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon CHAN Kam-lam, SBS, JP
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, GBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon WONG Kwok-hing, BBS, MH
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN
Hon Ronny TONG Ka-wah, SC
Hon Cyd HO Sau-lan, JP
Hon Starry LEE Wai-king, JP
Dr Hon LAM Tai-fai, SBS, JP
Dr Hon LEUNG Ka-lau
Hon CHEUNG Kwok-che
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Alan LEONG Kah-kit, SC
Hon James TIEN Pei-chun, GBS, JP
Hon Frankie YICK Chi-ming, JP
Hon WU Chi-wai, MH
Hon CHAN Han-pan, JP
Dr Hon Kenneth CHAN Ka-lok
Hon Kenneth LEUNG

Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
Hon Dennis KWOK
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Dr Hon CHIANG Lai-wan, JP
Hon CHUNG Kwok-pan

Public officers attending:

Ms Elizabeth TSE Man-yee, JP	Permanent Secretary for Financial Services and the Treasury (Treasury)
Ms Esther LEUNG, JP	Deputy Secretary for Financial Services and the Treasury (Treasury)1
Mr Alfred ZHI Jian-hong	Principal Executive Officer (General), Financial Services and the Treasury Bureau (The Treasury Branch)
Ms Judy CHUNG Sui-kei	Principal Assistant Secretary for Transport and Housing (Transport) 5
Mr Jimmy CHAN Pai-ming, JP	Project Manager (Major Works), Highways Department
Mr Anthony LO Kam-yan	Chief Engineer 3 (Major Works), Highways Department
Mr SIU Kang-chuen	Chief Traffic Engineer (New Territories East), Transport Department

Clerk in attendance:

Ms Anita SIT	Assistant Secretary General 1
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Staff in attendance:

Mr Derek LO	Chief Council Secretary (1)5
Mr Daniel SIN	Senior Council Secretary (1)7
Mr Raymond SZETO	Council Secretary (1)5
Mr Frankie WOO	Senior Legislative Assistant (1)3
Ms Michelle NIEN	Legislative Assistant (1)5
Miss Yannes HO	Legislative Assistant (1)6

**Item No. 1 – FCR(2015-16)29
RECOMMENDATIONS OF THE
PUBLIC WORKS SUBCOMMITTEE MADE
ON 16, 24 AND 30 JUNE 2015**

PWSC(2015-16)22

HEAD 706 – HIGHWAYS

Transport – Roads

703TH – Dualling of Hiram's Highway between Clear Water Bay Road and Marina Cove and Improvement to Local Access to Ho Chung

The Committee continued deliberation on the item.

Impacts of the project on traffic safety

2. Referring to a submission from the Friends of Sai Kung, Ms Claudia MO was concerned whether the widening of the section of Hiram's Highway between Nam Pin Wai roundabout ("the Roundabout") and Pak Wai from a single two-lane carriageway to a dual two-lane carriageway would encourage dangerous driving, including speeding and overtaking, on the road section concerned. She called on the Administration to pay heed to local residents' views. Mr CHAN Chi-chuen echoed Ms MO's concern.

3. Chief Traffic Engineer (New Territories East), Transport Department ("CTE(NTE)/TD") advised that the project would not convert any road into an expressway. The speed limits of the roads covered by the project would remain unchanged at 50 kilometres per hour. It was not envisaged that the project would lead to more traffic accidents. On the contrary, traffic safety along the improved section of Hiram's Highway should be enhanced.

Environmental implications of the project

4. Ms Claudia MO expressed concern about the impacts of the proposed works on the local ecological habitat, and asked whether the Administration had conducted any relevant assessment. She enquired whether any on-site inspection had been conducted to examine if the works site covered the habitat of wild animals including buffaloes, cattle, wild boars, wild dogs and birds. Noting that 259 trees would be preserved in the project, Ms MO enquired about the cost of tree preservation and the criteria for determining which trees to be preserved. Mr Albert CHAN urged the Administration to plant more new trees in the project to compensate for the loss of felled trees.

5. Project Manager (Major Works), Highways Department ("PM(MW)/HyD") responded that the Environmental Study ("ES") and the Engineering Review ("ER") conducted for the project covered an ecological assessment. The consultant commissioned by the Administration had conducted on-site inspections. The findings of the ecological assessment that had been conducted according to a number of objective criteria were vetted and accepted by the Environmental Protection Department ("EPD"). It was found that except for two old and valuable trees, no important tree or protected wild animal was present in the work sites. Besides, the project would not cause any significant adverse impact to the habitat of wildlife. PM(MW)/HyD added that while some trees had to be felled, the actual impacts to the habitat would be limited as the area involved was relatively small. On the issue of tree preservation, PM(MW)/HyD advised that the Administration would preserve trees on site where possible. Most of the trees to be removed belonged to common plant species. Relevant planting proposals had been incorporated into the project. PM(MW)/HyD further remarked that while the project was not a designated project under Schedule 2 of the Environmental Impact Assessment ("EIA") Ordinance (Cap. 499), the Administration had conducted ES and ER similar to EIA procedures.

6. Ms Claudia MO enquired whether EPD had any reservation on the project's ES and ER reports, and whether the reports could be released to the public. PM(MW)/HyD responded that relevant reports of the review/study could be released to the public, and undertook to provide relevant copies after the meeting.

Need for provision of cycle tracks

7. Mr Albert CHAN expressed concern that no cycle track would be provided in the project. Ms Claudia MO shared Mr CHAN's concern and enquired which bureau/department was responsible for planning cycle tracks.

8. CTE(NTE)/TD responded that cyclists could use roads covered by the project. No cycle track would be provided in the two sections of Hiram's Highway covered by the project, namely the section between Clear Water Bay Road and New Hiram's Highway and the section between the Roundabout and Pak Wai, as the gradient of the former was too steep while the latter was too short for installation of a meaningfully long enough cycle track. CTE(NTE)/TD added that major new cycle track networks were being planned and constructed by the Civil Engineering and Development Department. Mr Albert CHAN was dissatisfied with the Administration's decision of not to provide any cycle track in the project, and criticized the Development Bureau for not carrying out its duties properly in this regard.

9. While supporting the proposal for its benefits in alleviating the traffic congestion problem in Sai Kung, Mr LEUNG Yiu-chung enquired whether it was contradictory for the Administration to allow cyclists to use roads covered by the project on the one hand and decline to provide cycle tracks for safety reasons on the other. He called on the Administration to assess whether roads covered by the project were safe for cycling, and restrict cycling in dangerous road sections as appropriate.

10. CTE(NTE)/TD responded that cycle tracks were subject to more stringent safety requirements as they were built by the Government for leisure and recreational purposes, and the target users would cover a wide range of age and skill levels. He added that since a bicycle was a type of vehicles, cycling was always permitted on roads except that it was prohibited on roads such as expressways with cycle tracks installed, or prohibited on certain sections of carriageways with evidence of serious concern on cycling safety.

11. Mr LEUNG Yiu-chung was concerned that the Administration would only consider restricting cycling upon the occurrence of fatal traffic accidents. CTE(NTE)/TD responded that the right of cyclists to use roads should not be unduly restrained without sufficient justifications. Mr LEUNG did not subscribe to his response and stressed that the Administration should accord higher priority to the safety of the public.

Provision of noise barriers

12. Ms Claudia MO sought details of the criteria for determining the need for providing noise barriers and the type of noise barrier to be installed. She also enquired about the estimated cost difference between the installation of a noise semi-enclosure and a full noise enclosure. Mr LEUNG Kwok-hung considered that the Administration should proactively consult relevant stakeholders on the provision of noise barriers in the project instead of merely gazetting such information in the road scheme for the proposed works of the project under the Road (Works, Use and Compensation) Ordinance (Cap. 370) ("the Ordinance").

13. PM(MW)/HyD responded that the Administration would implement mitigation measures (including provision of noise barriers) having regard to the reports of ES and ER so that the environmental impacts of the project could be controlled to within the established guidelines and standards. In general, a full noise enclosure would be considered if the noise sensitive receivers were in higher places nearby. Upon assessing the heights of buildings along the roads covered by the project, the Administration considered the provision of full noise

enclosures unnecessary. He added that the Administration would determine the type of noise barriers having regard to the prevailing circumstances. If there was genuine need, more sophisticated noise barriers would be provided. PM(MW)/HyD further advised that the Administration had consulted the relevant stakeholders regarding the provision of some of the proposed noise barriers.

14. Mr James TO expressed support for the proposal. He enquired about the reason for placing vertical noise barriers in the middle of the road near Hiram's Villa instead of along the side of Hiram's Highway for sections such as those around the Ho Chung Channel and Marina Cove.

15. PM(MW)/HyD responded that the Administration originally intended to install vertical noise barriers along the roadside of this section of Hiram's Highway. However, residents of Hiram's Villa objected the proposal and upon discussing with the stakeholders the proposed noise barriers were moved to the middle of the section of Hiram's Highway near Hiram's Villa. Responding to Mr James TO's further enquiry about whether there were other noise sensitive receivers near the road section concerned, PM(MW)/HyD advised that while the Cheng Chek Chee Secondary School ("CCCCS") was also a noise sensitive receiver on the other side of this section of road, it had taken noise mitigation measures including the installation of double-glazed windows and air-conditioners. Dr Fernando CHEUNG considered that noise barriers should also be provided for CCCCSS.

16. Dr Fernando CHEUNG was concerned about whether the vertical noise barriers installed in the middle of the section of Hiram's Highway near Hiram's Villa could keep the traffic noise level within the statutory limit set out in EIA.

17. PM(MW)/HyD responded that a noise barrier located in the middle of a carriageway could still mitigate the noise generated by road traffic. Nevertheless, he envisaged that the noise level for some noise sensitive receivers along the road section concerned would exceed 70 dB.

18. Noting that both vertical noise barriers and single-leaf cantilever noise barriers would be provided in the project, Mr James TO enquired why the former was provided at the road section above the Ho Chung Channel. PM(MW)/HyD advised that the choice of the types of noise barriers was based on results of noise assessment in the ES and ER reports. Mr TO was concerned whether the use of vertical noise barriers would be sufficient to reduce noise level at the Berkeley Bay Villa to an acceptable level. Moreover, he was concerned that the noise barriers which also blocked vision might make

it easier for crimes to take place in areas behind them particularly at night. PM(MW)/HyD advised that the lower portions of the noise barriers would be opaque while the upper portions would be translucent. He took note of Mr TO's suggestion of reducing the height of the opaque portions of the noise barriers concerned.

Facilities and accessibility of the reprovisioned public toilet

19. Mr LEUNG Yiu-chung sought details of the facilities of the public toilet to be re-provisioned in the project, including the number of cubicles for male, female and unisex users. Mr LEUNG was concerned that many public toilets in the rural areas were poorly managed and did not provide sufficient cubicles for their users.

20. PM(MW)/HyD responded that the reprovisioned public toilet would have two, four and one cubicle for male users, female users and the disabled respectively. The cubicle for the disabled could serve as a unisex toilet. Mr CHAN Chi-chuen considered it inappropriate for the cubicle for the disabled to serve as a unisex toilet and commented that a separate unisex toilet should be provided as it could be used by transgender persons and parents bringing small kids of opposing sexes.

21. Mr LEUNG Yiu-chung enquired whether proper parking spaces would be provided in the vicinity of the reprovisioned public toilet. PM(MW)/HyD advised that all existing parking spaces affected by the project would be reprovisioned. As for the reprovisioned public toilet, a lay-by would be provided nearby. CTE(NTE)/TD added that the purpose of the lay-by was to facilitate passengers pick-up/drop-off or loading/unloading of goods. It would be unlawful for the vehicle stopping at the lay-by but not engaged in loading / unloading activities.

22. Mr LEUNG Yiu-chung expressed grave concern that the present arrangement might cause drivers using the reprovisioned public toilet to commit illegal parking inadvertently. Mr CHAN Chi-chuen and Ms Claudia MO echoed that proper parking spaces should be provided near the reprovisioned public toilet, which would hardly be used otherwise. Principal Assistant Secretary for Transport and Housing (Transport) 5 ("PAS(T)(5)") said she would liaise with the Highways Department and try their best to see if parking spaces could be provided near the reprovisioned public toilet.

Implementation details of the project

23. Mr James TO questioned the need for widening Luk Mei Tsuen Road, which was not a main road. CTE(NTE)/TD responded that there were currently two junctions between the existing Ho Chung Road and Luk Mei Tsuen Road with the Hiram's Highway. The Ho Chung Road and Luk Mei Tsuen Roads were narrow and junctions with Hiram's Highway being substandard, and would from time to time cause traffic blockage that could possibly adversely affect traffic along the Hiram's Highway. The widening of the Ho Chung Road and Luk Mei Tsuen Road was thus necessary to avoid such adverse traffic impact upon the Hiram's Highway.

24. Mr James TO enquired why the Roundabout and part of the New Hiram's Highway were within the works boundary of the project. He was concerned that works conducted at the Roundabout might cause serious traffic congestion and urged the Administration to refrain from conducting any works there.

25. CTE(NTE)/TD confirmed that no road modification works would be required at the Roundabout. He explained that the Roundabout was included in the road scheme gazetted under the Ordinance. PAS(T)(5) added that certain temporary traffic arrangement ("TTA") implemented during the construction works might cover the Roundabout. PM(MW)/HyD supplemented that prior approval of the Transport Department and the Police was necessary for the implementation of any TTA. To minimize the adverse traffic impact of the works on the existing road network in the area, the Administration would maintain the same number of traffic lanes in each direction of the existing carriageway during construction in peak hours.

26. In response to Mr James TO's further enquiries regarding the project's works boundary, PM(MW)/HyD advised that the works boundary had included a piece of land by the side of Luk Mei Tsuen Road for the reprovisioning of a sitting out area affected by the project. He also confirmed that the village office, which was currently located near the junction between Ho Chung Road and Hiram's Highway, was affected by the project and had to be reprovisioned.

Survey on households affected by the project's land resumption and clearance

27. Noting that 12 families would be affected by the land resumption and clearance of the project and pointing out that the estimated cost of the project was huge, Dr Fernando CHEUNG considered that the Lands Department

("LandsD") should assess their needs thoroughly before submitting the funding proposal to the Finance Committee ("FC").

28. PM(MW)/HyD responded that under the prevailing policy, land resumption and clearance procedures would commence after the relevant funding proposal was approved by FC. LandsD had carried out preliminary assessment on the affected households and would conduct detailed surveys, including determining whether the affected households were eligible for compensation like offering of public housing or ex-gratia allowance, upon FC's approval of the funding proposal. PAS(T)(5) added that she would relay Dr Fernando CHEUNG's views to the Development Bureau. The Chairman remarked that Dr CHEUNG should pursue the issue at the relevant Panel of the Legislative Council.

Opposing views raised by the public

29. Noting that there were 47 unresolved objections to the proposed road scheme for the proposed works of the project gazetted under the Ordinance, Mr LEUNG Yiu-chung enquired whether it was lawful for the Administration to carry out the project. He stressed the importance for the Administration to continue its liaison with the objectors. Dr Fernando CHEUNG sought details of the 47 unresolved objections.

30. PM(MW)/HyD responded that while the Administration had explained the proposed works of the project to the objectors, some objectors maintained their opposition to the project. PAS(T)(5) added that under the Ordinance, a 60 days' statutory objection period would be provided for every proposed road scheme gazetted. If the Administration received objections during the statutory objection period, it had to try resolving the objections and submit the road scheme together with all the unresolved objections to the Chief Executive-in-Council for consideration within nine months upon the expiry of the 60 days' statutory objection period. The Chief Executive-in-Council could authorize the proposed works of the project under the Ordinance in spite of the presence of unresolved objections. As regards details of the 47 unresolved objections, PM(MW)/HyD advised that the reasons for the objections were mainly related to the need for the project, environmental impacts (like the need for providing noise barriers), land resumption (like request for reduction in the size of land resumption), access to land lots and impact on the objectors' businesses.

Second phase of improvement to Hiram's Highway

31. Mr Albert CHAN noted that the current proposal was the first phase of improvement to Hiram's Highway and in 2008, the Administration commissioned a consultancy study on the second phase. Noting the rising construction costs of capital works projects in recent years, Mr CHAN enquired whether the Administration had assessed in a holistic manner if the proposed works under the two phases were still cost-effective.

32. Mr LEUNG Kwok-hung considered that the Administration should consult stakeholders on the second phase of improvement to Hiram's Highway before implementation of the project. In his view, it would be more desirable to carry out the first and second phases of improvement to Hiram's Highway concurrently.

33. PAS(T)(5) responded that the Administration's previous intention was to carry out the first and second phases of improvement works to Hiram's Highway together. However, the second phase, which covered a section of Hiram's Highway of some 4.5 kilometres, involved a far greater number of stakeholders with diverse views. Further consultation was thus required before the relevant works could be taken forward. PAS(T)(5) stressed that the current proposal was necessary to alleviate the existing traffic congestion of Hiram's Highway. PM(MW)/HyD added that the Administration had conducted a preliminary study on the second phase of improvement works to Hiram's Highway and identified a number of options. As further consultation was required and the option to be adopted was not yet decided, it was premature in the meantime to assess the cost-effectiveness of the relevant works.

Accessibility for pedestrians

34. Mr CHAN Chi-chuen enquired whether pedestrians' accessibility of the roads to be widened in the project would be adversely affected. PM(MW)/HyD advised that a new footbridge with elevators would be constructed near the Roundabout at Nam Pin Wai and road-crossing facilities would be provided near the Marina Cove to facilitate pedestrians crossing the widened Hiram's Highway. It was not envisaged that the project would adversely affect the accessibility of the widened roads.

Gazetting of the road scheme

35. Mr James TO enquired why the road scheme for the proposed works of the project had been gazetted before the relevant funding proposal was approved by FC. PAS(T)(5) explained that the Administration gazetted the

road scheme for the proposed works of the project under the Ordinance in 2010. The Chief Executive-in-Council authorized the proposed works of the project under the Ordinance in 2011. It was proper for the Administration to gazette the road scheme before the relevant funding proposal was approved by FC. Authorization of the proposed works would enable the Administration to finalize the general road scheme, and then the Highways Department could conduct detailed study on the project and work out the estimated cost. PAS(T)(5) added that upon FC's approval of the funding proposal, no further gazettal of the project's road scheme would be made.

36. Dr Fernando CHEUNG relayed the concern of some local residents that the project might aggravate the existing traffic congestion problem at Sai Kung Town. On the other hand, Mr James TO disagreed with such view. PM(MW)/HyD advised that the traffic problem to/from Sai Kung Town would be tackled in the second phase of improvement to Hiram's Highway.

Construction waste

37. Referring to paragraph 27 of PWSC(2015-16)22, Mr WONG Yuk-man expressed doubt on the amounts of inert and non-inert construction waste arising from the project as stated in the paper and how the Administration could have calculated the figures before commencement of the actual construction works. He enquired about the source of the figures and expressed concern that the Administration might have underestimated the amount of non-inert construction waste, which had to be disposed of at landfills.

38. PM(MW)/HyD responded that the amount of construction waste was estimated scientifically based on the data collected from site survey and the design of the project. At the planning and design stage, the Administration had considered minimizing the generation of the construction waste through the design of road alignment. This together with the data collected from the site survey enabled the reliable assessment of the respective amounts of inert construction waste to be used on site and be delivered to public fill reception facilities for subsequent reuse as well as non-inert construction waste to be disposed at landfills.

39. There being no further question from members, the Chairman put the item PWSC(2015-16)22 to vote. At the request of members, the Chairman ordered a division. Twenty-four members voted in favour and three members voted against the question. The votes of individual members were as follows –

For:

Mr James TO Kun-sun
Mr WONG Ting-kwong
Mr CHAN Kin-por
Mr IP Kwok-him
Ms Claudia MO
Mr Steven HO Chun-yin
Mr Gary FAN Kwok-wai
Mr Charles Peter MOK
Miss Alice MAK Mei-kuen
Mr Martin LIAO Cheung-kong
Mr TANG Ka-piu
Mr Christopher CHUNG Shu-kun
(24 members)

Mr TAM Yiu-chung
Mr CHAN Hak-kan
Mr WONG Kwok-kin
Mr WONG Yuk-man
Mr NG Leung-sing
Mr YIU Si-wing
Mr MA Fung-kwok
Mr LEUNG Che-cheung
Dr Elizabeth QUAT
Mr POON Siu-ping
Ir Dr LO Wai-kwok
Mr Tony TSE Wai-chuen

Against:

Mr LEUNG Kwok-hung
Mr CHAN Chi-chuen
(3 members)

Mr Albert CHAN Wai-yip

40. The Chairman declared that the Committee approved the item and that the meeting be adjourned.

41. The meeting was adjourned at 11:20 pm.

Legislative Council Secretariat

6 January 2016