

立法會
Legislative Council

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LC Paper No. CB(1)1978/99-00
(These minutes have been
seen by the Administration
and cleared by the Chairman)

LegCo Panel on Planning, Lands and Works

**Minutes of meeting
held on Thursday, 18 May 2000, at 10:00 am
in Conference Room A of the Legislative Council Building**

Members present : Hon Edward HO Sing-tin, SBS, JP (Chairman)
Dr Hon TANG Siu-tong, JP (Deputy Chairman)
Hon HO Sai-chu, SBS, JP
Ir Dr Hon Raymond HO Chung-tai, JP
Hon LEE Wing-tat
Hon James TO Kun-sun
Hon WONG Yung-kan
Hon LAU Wong-fat, GBS, JP
Hon TAM Yiu-chung, GBS, JP

Non-Panel member attending : Hon Albert HO Chun-yan

Members absent : Hon Ronald ARCULLI, JP
Hon Timothy FOK Tsun-ting, SBS, JP

Public officers attending : **For item IV**

Mr Wilson FUNG
Principal Assistant Secretary for
Planning and Lands (Planning)

Mr George CHUNG
Assistant Director (Hong Kong)
Lands Department

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Mr J D BINKS
Chief Engineer/Islands
Territory Development Department

Ms Phyllis LI
District Planning Officer
(Sai Kung and Island) Planning Department

Mr C W LAM
Senior Engineer 1
Territory Development Department

Mott Connell Ltd

Mr K M YEUNG
Director

Shankland Cox (Asia) Ltd

Mr Julio FIGUEIRAS
Director

Maunsell Environmental Management
Counsultants Ltd

Mr Tim CRAMP
Director

Wilbur Smith Associates Ltd

Mr Alastair BURNS
Associate

For item V

Mr Bosco FUNG
Director of Planning

Mrs Ava NG
Deputy Director (Territorial)
Planning Department

Mr Wilson FUNG
Principal Assistant Secretary for
Planning and Lands (Planning)

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Mr Alfred LAU
Chief Town Planner (Strategic Planning)
Planning Department

For item VI

Mr CHAN Wing-sang
Deputy Secretary for Works (Works Policy)

Mr Raymond CHEUNG Tat-kwing
Director of Drainage Services (Acting)

Mr K R MURRELLS
Assistant Director (Operations & Maintenance)
Drainage Services Department

Mr KWONG Hing-ip
Chief Assistant Secretary for Works
(Technical Services)

Mr K Y LEUNG
Senior Engineer/Flood Control
Drainage Services Department

Mr Y K HO
Senior Engineer/Special Maintenance
Drainage Services Department

Kowloon-Canton Railway Corporation

Mr James Blake
Senior Director, Capital Projects

Mrs Irene YAU
General Manager, Corporate Affairs

Mr Gregory YUEN
Project Manager (North)

Attendance by invitation : For item IV

Sun Hung Kai Properties Ltd

Mr Thomas KWOK

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Vice Chairman & Managing Director

Mr Thomas CHAN
Executive Director

Mr Roger NISSIM
Manager

Swire Properties Ltd

Mr Keith KERR
Managing Director

Mr Gordon ONGLEY
General Manager - Development & Valuation

Mr Adrian TO
Senior Development Manager

Skidmore, Owings & Merrill International Ltd

Mr Toby BATH
Director of Far East Business Development

Ecosystem Ltd

Ms Mary FELLE
Director

Masterplan Ltd

Mr Ian BROWNLEE
Director

Clerk in attendance : Miss Odelia LEUNG, Chief Assistant Secretary (1)1

Staff in attendance : Miss Irene MAN, Senior Assistant Secretary (1)9

I Confirmation of minutes of meeting
(LC Paper Nos. CB(1)1384/99-00 and 1595/99-00)

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The minutes of the meetings held on 24 February and 9 March 2000 were confirmed.

II Date of next meeting and items for discussion

(LC Paper Nos. CB(1)1562/99-00(01) and (02))

2. The Chairman advised that the next regular Panel meeting would be held on 8 June 2000. The Administration proposed to discuss the revision of Government fees and charges under the respective purview of the Planning and Lands Bureau and the Works Bureau.

3. Members noted the lists of outstanding items and follow-up actions arising from discussions at Panel meetings.

III Information papers issued since last meeting

(LC Paper Nos. CB(1)1497/99-00 and 1567/99-00)

4. Members noted the Administration's information paper on "Proposal to revise rates of honoraria for new trainees under the Works Bureau Graduate Training Scheme with effect from 1 August 2000" and the Administration's response to the submission made by a concern group on the development plan for Hung Shui Kiu.

IV North Lantau development

(LC Paper Nos. CB(1)1562/99-00(03) and (04))

5. At the invitation of the Chairman, the Chief Engineer/Islands of the Territory Development Department (CE/TDD) made a video and slide presentation on the proposed development in North Lantau. He said that the Administration intended to seek funding approval for phase 3 developments in Tung Chung and Tai Ho engineering works from the Public Works Subcommittee (PWSC) in June 2000.

(Post-meeting note: The hard copy of the presentation materials were circulated to members vide LC Paper No. CB(1)1712/99-00(01).)

6. At the invitation of the Chairman, Mr Keith KERR, Managing Director of Swire Properties Ltd. made a powerpoint presentation on the Tai Ho Valley Ecological Park and Comprehensive Development Area (CDA) proposed jointly by Sun Hung Kai Properties Ltd and Swire Properties Ltd (the joint proposal).

(Post-meeting note: The script of the presentation was circulated to members vide LC Paper No. CB(1)1712/99-00(02).)

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7. Mr Thomas KWOK, Vice Chairman & Managing Director of Sun Hung Kai Properties Ltd emphasized that the joint proposal would require lesser reclamation of the Tai Ho Bay and provide an ecological park in North Lantau to link up with the Lantau North Country Park in future. The joint proposal would be practicable and be able to meet the criteria for sustainability development. The future ecological park would be four times the Victoria Park and the ecology of the region would not be affected by the rehousing arrangements in Pak Mong.

8. Mr LEE Wing-tat appreciated the joint proposal from the environmental angle. He said that the development of North Lantau must observe the principle of sustainability. In this respect, he sought the Administration's view on the preservation of scenery for Tai Ho South under the two proposals, the proposed development of an ecological park and the establishment of a management trust for operating the park under the joint proposal.

9. The Principal Assistant Secretary for Planning and Lands (Planning) (PAS/PL) said that the new town developments in Tung Chung and Tai Ho would be rail based to reduce the need for construction of roads. Nevertheless, roads would still be necessary for essential purposes, such as for handling of cargoes and the provision of emergency facilities like ambulances and fire engines. All these would be taken into account in the detailed design stage of the proposed developments. In planning the new town in Tung Chung and Tai Ho, the Administration had reserved wide landscape windows and view corridors from different directions. Addressing the Chairman's remarks that the joint proposal would preserve a wider view of the Tai Ho South than that proposed by the Administration, PAS/PL stressed that the angles from which the photographs were taken would affect the perception. For instance, the large-scale property developments on the hillside under the joint proposal would affect the view. Apart from the planned view corridors, the Administration's proposal made it possible to have an open view of the Tai Ho Bay from different spots in the town centre.

10. On the ecological development in Tai Ho, PAS/PL said that all areas of high ecological value in Tai Ho would be zoned as the Sites for Special Scientific Interest (SSSI) under the Administration's proposal. He noted the joint proposal to establish a management trust to operate an ecological park but pointed out that the management trust could not operate independently from the entire development plan, which necessitated the purchase of a lot of private land, the relocation of villages and the construction of large-scale residential blocks of high density in the town centre and in Pak Mong occupying about 17.2 hectares of land. There were uncertainties over the practicality of implementation of the joint proposal as the developers would have to make extensive land exchanges with the Administration.

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11. The Chairman considered that the discussion should be focused on the overall planning instead of implementation details. He remarked that the zoning of SSSI, as compared with the establishment of a management trust, was less proactive. Given that the joint proposal reclaimed 50 hectares less of the Tai Ho Bay, Mr LEE Wing-tat considered that the Administration should reduce the scale of reclamation. Mr HO Sai-chu, enquired whether the target population under the joint proposal was the same as that of the Administration's development plan and how the view and the environment could be preserved if there were property developments along the hillside of the Tai Ho South or if higher blocks were built.

12. In response, Mr Gordon ONGLEY, the General Manager/Development and Valuation of Swire Properties Ltd. admitted that the residential blocks would be slightly higher under their CDA proposal. After all, the height of buildings in North Lantau was primarily determined by the airport limit. Besides, the re-allocation of the population would help reduce reclamation with a more efficient layout. For instance, the town centre in Pak Mong would be a comprehensive development without the need for many public roads. They were confident that the joint proposal could accommodate the target population as planned by the Administration.

13. As for the impact on the environment, Mr ONGLEY said that ecologists had conducted studies on the proposed location of the town centre and considered it not an area of high ecological value. An ecological park would be developed adjacent to the Lantau North Country Park so that the whole of Tai Ho Valley would be proactively managed. The Administration's SSSI zoning and the Conservation Area zones were good but there was no active management; and with the potential of many village houses immediately adjacent to these zones, the Administration's objectives were difficult to be achieved. He believed that the villages could be relocated to avoid any adverse impact on the ecology of the area. Mr Thomas KWOK supplemented that villages were successfully relocated in Ma Wan some years ago and he did not foresee any insurmountable difficulties in the case of Tai Ho. In 1999, a development plan in North Western New Territories was approved in an SSSI zone by the Town Planning Board (TPB) where the developer proposed the creation of a fund to preserve the ecology of the area. He considered that the Administration should be consistent in respect of its policy.

14. Given that the joint proposal planned for the same target population and that residential blocks would be built near the future MTR stations to reduce the need for vehicles, Mr HO Sai-chu enquired about the number and the capacity of the stations and whether the concentration of pedestrian flow along the stations would have a negative impact on the environment. Mr Thomas KWOK explained that the residential blocks would be developed on both sides of the railway stations since most residents would prefer living near

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the MTR stations in the town centre. The MTR Corporation supported their plan for it was both pedestrian and environmental friendly. Furthermore, there would be a wider view of the Tai Ho Bay from the Tai Ho Valley.

15. Mr Thomas CHAN, Executive Director of Sun Hung Kai Properties Ltd. added that residents would prefer direct access to railway stations by pedestrian travelators than to taking a shuttle bus. They had sought the agreement of about 95% of the villagers to sell their land for the implementation of the CDA. He considered that the Administration's proposal still adopted the old design of a new town based primarily on reclamation.

16. Mr TAM Yiu-chung expressed appreciation towards the joint proposal in particular the rail based transit system, the location of residential blocks adjacent to MTR stations, the lesser scale of reclamation and the construction of the ecological park. He, however, was concerned about the implementation difficulties of the joint proposal as envisaged by the Administration. The Chairman pointed out that since the Administration's proposal had not been approved by the TPB, the approval of funding by LegCo at this stage could become a waste of resources if the planning design was subsequently revised as in the case of the South East Kowloon Development.

17. Addressing the members' concern, PAS/PL said that the Administration had conducted extensive public consultation in formulating the proposal for Tung Chung and Tai Ho. The parties consulted included green groups, the Advisory Council on the Environment and the TPB. Many consultees in particular the green groups objected to any major development Tai Ho South. As a matter of fact, the Administration had initially planned for property developments and the construction of a reservoir and a hospital in Tai Ho South but due to strong objection from the public, the Administration revised the plan withdrew all proposed developments in Tai Ho Bay South to preserve its high ecological value. Scientific research revealed that the value of Tai Ho Bay was no less than that of Mai Po Marshes; any high rise development in its vicinity would adversely affect the environment. Green groups also wrote to the Administration urging no development in Tai Ho South. This was a major difference on planning between the Administration's proposal and the joint proposal.

18. PAS/PL said that the second main difference between the two proposals was that under the joint proposal, three villages would be relocated to Pak Mong and residential blocks of high density would also be built there. According to the Antiquities and Monuments Office (AMO), Pak Mong village had great historical and archeological value. The earliest trace of human habitation in this village dated back to the West Han Dynasty. AMO advised against any development in the village. On this account, the Administration did not propose any large-scale property or infrastructure development in Pak Mong.

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19. As regards the extent of reclamation between the two proposals, PAS/PL explained that in order to accommodate the target population in the new town, reclamation would be necessary. However, the extent of reclamation could be further reviewed. He pointed out that the population density under the joint proposal, as compared with the Administration's proposal, was higher by 20% per hectare. The former had an average of 669 people per hectare, whereas the latter 554 per hectare. In the Administration's proposal, apart from the landscape windows and the view corridors in the town centre, lower rise blocks would be built along the water-front and the concept of stepped down building heights would be adopted in the new town to maximize sea views and air flow between buildings. Although the joint proposal recommended lesser reclamation, it would result in higher population density per hectare and the sea view would be obstructed by the high rise blocks along the waterfront. Relatively speaking, the lower the density, the better would be the air flow.

20. PAS/PL emphasized that the practicality of implementation of the joint proposal was a cause for concern. If the public view was taken in that no development should be allowed in Tai Ho South, the ecological park could not survive financially. As regards the relocation of villages, he advised that the Ma Wan case and the Tai Ho case was not a like-with-like comparison.

21. Addressing the Chairman's enquiry on the height of the buildings to be developed along the North Lantau Highway, the District Planning Officer (Sai Kung and Island) of Planning Department said that the concept of stepped down building heights would be adopted for the residential blocks all the way from the hillside down to the seaside. Subject to the height limit imposed by the airport, the blocks in Tai Ho Bay would be about 26 to 30 storeys high. There would be other developments of lower heights, such as sports centres, amid the high rise buildings for aesthetic purpose. Lower blocks would also be planned along the sea to preserve most of the sea view from the Valley. In order to preserve the entire view and the ecology of Tai Ho, the Administration was also prepared to expand the existing Lantau North Country Park.

22. Mr Thomas KWOK doubted the definition of Tai Ho Bay held by the Administration. He pointed out that the Administration did not regard the sea area of Tai Ho as Tai Ho Bay. He said that the development density in Pak Mong could be reviewed, although he had not received any objection to the joint proposal in this respect. Mr KERR said that the Administration had over-stated the implementation problems. Positive feedback had been received from at least two reputable green groups in support of reduced reclamation and there was also universal support for the set up of a proactively managed ecological park. The CDA had been planned carefully without any interference or damage to the Bay itself. They had also discussed with AMO and confirmed that the area of the highest archaeological value was within

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private land which was very close to Pak Mong Village. The best way to preserve those areas was through cooperation and discussion with both AMO and the villagers so as to avoid the threat of village expansion. He stressed that residential developments of Pak Mong would not encroach into areas of archaeological value.

23. Mr WONG Yung-kan objected to the Administration's proposal to reclaim about 138 hectares of land which was 50 hectares more than that of the joint proposal. He reiterated that reclamation would affect the ecology and the livelihood of fishermen of Tai Ho. He was disappointed at the adoption of out-dated design of new town development. In his view, the joint proposal was better in terms of preservation of sea view and enhancement of air flow. He also agreed with the deputations that Tai Ho Bay should include the sea area as well.

24. PAS/PL clarified that the two proposals were not in conflict and the Administration had taken into consideration public views in coming up with its development plans. Although criticism against the extent of reclamation had been received during the consultation period, he stressed that there was strong objection against development in Tai Ho.

25. The Chairman enquired whether the Administration had consulted the public and the green groups on both proposals. PAS/PL said that the Administration and the deputations conducted consultation separately on their own proposals. Organizations objecting to the proposed property development along the hillside of the Valley under the joint proposal copied their views to the Administration. That explained why the Administration amended its original development plan to exclude property development there.

26. Mr LEE Wing-tat said that he would object to the Administration's funding application to PWSC on 7 June 2000 regarding this development proposal because of the excessive extent of reclamation and the limited time allowed for members' consideration. He reiterated that every development proposal must meet the criteria of sustainable development.

27. The Chairman reiterated his concern that funding approval for detailed design and site investigation before the completion of the statutory objection procedure was not appropriate as public money might be wasted should there be significant change to the plan. In response, PAS/PL stressed that extensive public consultation had been conducted on the development proposals and amendments had been made to address public concerns. Besides, although the deputations had not presented their joint proposal in person to TPB, TPB had compared the two proposals. Nevertheless, he noted members' views and would consider whether the funding application would be submitted to PWSC as originally planned. He pointed out that if the whole statutory planning procedure had to be completed before applying for the funding, the

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implementation of the plan would be delayed for at least 15 months.

V Hong Kong 2030: Planning vision and the strategy
(LC Paper No. CB(1)1562/99-00(05))

28. At the invitation of the Chairman, the Director of Planning (D of P) briefed members on the new approach to update the Territorial Development Strategy (TDS). He said that TDS was started in 1991 and the last review was completed in 1996. The Administration considered it appropriate to start a new round of review to assess Hong Kong's future development needs in a wider regional perspective and for a longer time horizon, to be called "Hong Kong 2030: Planning Vision and Strategy" (Strategy 2030). The Administration wished to seek members' view on Strategy 2030 before seeking funding approval from FC in June 2000. The Chief Town Planner (Strategic Planning) of Planning Department then gave a powerpoint presentation on Strategy 2030.

(Post-meeting note: The powerpoint materials were circulated to members vide LC Paper No. CB(1)1712/99-00(03).)

29. Mr Albert HO said that in considering planning for the coming 30 years, the border between Shenzhen and Hong Kong must be considered. This was very important as it would have impact on the choice of living place and working place of Hong Kong residents, and on the location of infrastructures and facilities such as prisons and aged homes. D of P acknowledged the importance of the border concept. He said that there had been coordination in planning and infrastructure development between the Mainland and Hong Kong. For security consideration, there was a need for a border. The "one country two systems" concept also need to be respected.

30. The Chairman acknowledged the need for a border for Hong Kong at least up to 2047 while Hong Kong remained a Special Administrative Region. Nevertheless, the Chairman considered that immigration procedures could be simplified to facilitate movement between the Mainland and Hong Kong.

31. Mr TAM Yiu-chung shared Mr Albert HO's concern about cross-border development in planning for the 30 years ahead. He said that the Administration must endeavour to understand the Mainland's future developments and examine the feasibility of relocating facilities such as prisons and aged homes to the Mainland. Given the limited immigration control points at present, he suggested opening up more such points for travellers' convenience and promoting land development in regions near the border.

32. Dr Ir Raymond HO agreed with the Administration on a longer planning horizon. Since population growth would affect planning

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significantly, he suggested that the provision of facilities should be planned on the basis of a population forecast on the high side. As many industries had been relocated to the Mainland over the past decades, he called on the Administration to consider developing industries near the border so as to absorb the labour force of the two places. Environmental protection should also be taken into account in the overall planning study.

33. Mr LEE Wing-tat pointed out that human science had seldom been considered in infrastructure and planning development in the past. He suggested that Strategy 2030 should consider matters from human science and social development perspectives, otherwise, the planning would be fragmented. The Chairman added that the progress of technology, the future working modes and the living styles of people, as well as the means of transport would affect planning. All these factors must be taken into full consideration. Mr Albert HO said that different bureaux had to be involved in addressing issues like planning of manpower resources and educational development.

34. D of P advised that Strategy 2030 was not an all embracing study. It would be focused primarily on land and infrastructure planning. Human science would be considered at a later stage and in other context. There would be difficulties and limitations in preparing the Strategy 2030 as a lot of variable factors would have impact on the planning for the coming 30 years. The factors pointed out by members such as the development of technology, the working modes and the contacts between the Mainland and Hong Kong, would certainly be considered. The Administration would come up with different options to cope with different scenarios. Planning proposals would be reviewed regularly and amended as appropriate.

VI Flood control and prevention

(LC Paper No. CB(1)1562/99-00(06))

35. At the invitation of the Chairman, the Director of Drainage Services (Acting) (D of DS(Atg)) briefed members on the salient points of the information paper.

36. Whilst acknowledging the effort of the Administration in flood control and prevention in North Western New Territories by undertaking drainage projects, Mr TAM Yiu-chung said that effective management was important. Although the investigation of the Administration showed that the flood on 14 April 2000 had no direct relation with the West Rail (WR) works, many residents had reservations about the findings. The heavy rain carried away the mud and debris from the construction sites of WR which blocked the drainage channels, resulting in flooding; Lung Mun Road was a typical example. Mr TAM suggested that the responsible departments should take timely action in future to clear the debris and cover the mud in anticipation of heavy rain to

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prevent blockage of drainage channels. Mr TAM called on the departments concerned to establish a close liaison with the Hong Kong Observatory, inspect the drainage channels regularly and set up a special hotline so that residents could call up the departments for assistance.

37. D of DS(Atg) said that the Drainage Services Department (DSD) carried out regular inspections and clearance of drainage channels. Letters were issued to contractors and developers before rainy seasons to draw their attention to site management. DSD also produced a video to educate members of the public on prevention of the blockage of drainage channels. The major flood prevention measures focused on the overall drainage system of the New Territories (NT). Nevertheless, he agreed that there was room to strengthen the monitoring of construction sites.

38. Dr Ir Raymond HO was of the view that flood prevention had to be implemented from a macro level. He was concerned whether drainage and slope works had anything to do with the flooding in Northern New Territories and considered that contractors' performance should be assessed in this respect. He enquired about the present arrangements for the discharge from the Shenzhen Reservoir and whether the discharge would aggravate flooding in Northern NT if there were heavy rainfalls. The Deputy Secretary for Works (Works Policy)(DS for W) said that the Administration had stipulated the requirements for flood prevention in public works contracts. As for the discharge of the Shenzhen Reservoir, the agreed arrangement was that notification would be given to Hong Kong three hours in advance of the discharge. All departments concerned would then be informed accordingly. The Shenzhen authority had been cooperative under the present arrangement. He believed that the situation in Northern NT would improve with the gradual completion of the flood protection works in the lower and mid streams.

39. D of DS(Atg) supplemented that the Administration had already taken into account the likely quantity of discharge from the Shenzhen Reservoir in the design of the Shenzhen River Regulation Project. As Stage II of the Project was near completion, the effect of the discharge on the downstream areas of Northern NT was gradually reducing. At present, the discharge affected mostly the upstream areas of Shenzhen River from Lo Wu to Muk Wu and the situation would be improved upon completion of Stage III of the Project. He emphasized that although the upstream areas would be affected by a discharge from the Shenzhen Reservoir, the problem was not serious because the discharge was being controlled to an acceptable limit in terms of timing and rate of discharge by the Shenzhen authority. For example, the discharge on 14 April 2000 took place after the climax rain hours.

40. Mr Albert HO was disappointed that the information paper failed to indicate the responsibilities of the Territory Development Department (TDD) and WR for the flood on 14 April 2000 as far as their works were concerned.

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He criticized the Administration for avoiding the crux of the problem. As the drainage systems in Hong Kong were designed for rainfall of a return period of 200 years but the rainfall on 14 April 2000 had a return period of about 35 years, he queried why the drainage systems had failed to cope with the heavy rainfall that day. In his view, many drainage channels were blocked in Sheung Cheung Wai because there had been no effective clearance measures. Although the Administration claimed that electricity supply was suspended after 8 a.m. in the pump station, he did not consider it a cause for the flood because the water level had already reached up to four feet at 8 a.m. As other records showed that the electricity supply was suspended at 10 a.m. instead of 8 a.m., he doubted the accuracy and reliability of the Administration's saying. Since the blockage of drainage channels by the mud washed away from construction sites could be the direct cause for the flood, Mr HO considered that WR should reasonably compensate the affected villagers.

41. D of DS(Atg) explained that only the major drainage channels, not the whole drainage system, were designed for rainfall of a return period of 200 years. On 14 April 2000, flooding was found in the upstream areas near the villages because the old drainage system was not designed for rainfall of a return period of 200 years and the improvement works there had yet to be completed. As the catchment area in Sheung Cheung Wai was very large, the pumping scheme was designed only to alleviate flooding in the low-lying areas. According to the Administration's findings, the floodwater pumping station ceased operation from 8:03 a.m. to 8:23 a.m. which led to the slight increase of the water level in the region. Moreover, the floodwater draining from the whole catchment area exceeded the capacity of the pumping station. The situation in Sheung Cheung Wai would be improved through the completion of works under a village flood protection scheme, i.e. works item 227CL. The scope of the works included the building of a flood prevention bunds to stop floodwater flowing into the low-lying regions and the construction of drainage channels outside the bund to divert floodwater into the main drainage system. He pointed out that during heavy rains, many drainage channels were blocked not only by debris from nearby sites but also by mud washed from afar.

42. Mr Albert HO sought clarification on whether drainage channels would be blocked inevitably after heavy rains, whether the Administration kept drainage clearance records, whether DSD provided guidelines for WR or other departments about the prevention of drainage blockage and whether WR had any responsibility for the flood, at least for that in Sheung Cheung Wai.

43. D of DS(Atg) clarified that heavy rains did not necessarily lead to drainage blockage but heavy rains would carry mud and debris that blocked the drains easily. Construction works in the vicinity might aggravate the problem but these should not be the main cause for flooding since the bottom part of drainage channels were designed for accommodating a certain amount of mud. He stressed that the Administration had taken an objective approach in

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identifying the cause of the flooding in Sheung Cheung Wai. In fact, the low-lying topography of Sheung Cheung Wai, the unfinished village flood protection scheme, and the exceptionally heavy rainfall on 14 April 2000 all attributed to the rise of water levels in the region. It was thus difficult to lay the blame on one single party.

44. Referring to Annex C of the information paper, Mr LEE Wing-tat pointed out that the flooding in Sheung Cheung Wai, Castle Peak Road (near Kei Tei) and Tai Kiu Tsuen were said to be caused partly by WR works. That being the case, he was disappointed at the denial of responsibility of the part of both the Administration and WR. He urged the Administration to conduct an independent investigation on the cause of the flooding, otherwise he would suggest that an independent inquiry be made by the Legislative Council in the next term.

45. DS for W said that immediately after the flood on 14 April 2000, DSD had carried out a site inspection in NT, conducted objective technical analysis on the basis of the drainage records, and then came to the conclusion about the causes of the flooding. Since on-the-spot evidence was no longer available, it would be very difficult to conduct an independent investigation at this stage. He stressed that any claim for compensation should be pursued through the legal channel.

(The Chairman left at this juncture and the Deputy Chairman took over the chair.)

46. Mr LEE Wing-tat was not convinced of the credibility and the reliability of the investigation done by DSD since DSD might be one of the responsible parties for the flood. He reiterated the need to conduct an independent investigation. Dr TANG Siu-tong shared Mr LEE Wing-tat's concern. He was of the view that the Administration's findings were not revealing all the facts about the responsibilities of DSD and WR. As the information paper mentioned that the WR works did affect the upper streams, DSD should delineate the responsibility of WR clearly. He asked the Administration to apportion the liability of WR for the flood and how the affected parties could claim compensation. Besides, he doubted the effectiveness of the management of both DSD and WR. Villagers of Yick Yuen Tsuen complained that both the offices of DSD and WR did not answer their phone calls on 14 April 2000. He urged the Administration to strengthen the management of drainage channels especially before the rainy seasons to ensure they were free from blockage and review the design of the drainage system in Hong Kong, in particular its overall capacity. He said that some experts had suggested merging Kam Tin River, Shan Pui River, Tin Shui Wai River and Shenzhen River into Shenzhen Bay so that water might be released more efficiently.

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47. D of DS(Atg) pointed out the technical problems in ascertaining accurately the contribution of various causes of flooding. He said that the uneven rainfall distribution over a large region would affect the accuracy of the rainfall measurements. Based on those measurement, the Administration assessed the rise of water levels of the watercourses. There were also difficulties in knowing the exact conditions of the construction sites on 14 April 2000. The only way was to analyze the available information and make reasonable assumptions. The assessment revealed that the water levels had not been pushed up to a great extent. Owing to the low-lying nature of the old Yuen Long town, flooding would easily occur during heavy rainfall coupled with high tide level. It was difficult to replace the existing drainage system which was installed in the town centre. Improvement works, however, had been completed to widen the Shan Pui River and further improvements were being made by construction of a Yuen Long Bypass Floodway. Construction of the Floodway would soon commence pending the environmental assessment of the project. The Administration believed that the Floodway would further alleviate the flooding problem in Yuen Long town in future. As regards Yick Yuen Tsuen, he said that DSD had not received reports of flooding on 14 April 2000 but DSD did inspect Yick Yuen Tsuen on that day because it was a known flooding blackspot.

48. Dr TANG Siu-tong was not satisfied with the Administration's explanations. He reiterated the need to define the responsibility of WR for the flood and to assist the affected parties to claim compensation. DS for W advised that the causes for the flooding differed in different villages. The affected parties should pursue their claims for compensation through legal proceedings according to individual circumstances. Since the Administration had produced the investigation report on the flood, members of the public might refer to it in the legal process. D of DS(Atg) supplemented that should a contractor be proved to be responsible for the blockage of a drainage channel which caused flooding, damages might be claimed against him.

49. The Senior Director, Capital Projects of Kowloon-Canton Railway Corporation (SD/KCRC) said that WR and DSD had cooperated in the preparation of the investigation report. The causes of the flood on 14 April 2000 were due to the heavy rainfalls and the natural topography of the area. The WR works did not cause or aggravate the flooding. Individual locations where WR works had been suspected to have an indirect cause regarding the rise of water levels would continue to be investigated, and individuals who had suffered loss or damage because of flood level increase caused by WR works should provide the relevant evidence for KCRC to follow up. KCRC had received a total of 180 claims and each of them would be assessed in the light of the investigation report.

50. Dr TANG Siu-tong asked whether DSD would provide professional advice to villagers to assist them in pursuing their claims or complaints. D of

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DS(Atg) said that DSD would provide expert advice if required by legal proceedings relating to such claims.

51. Referring to paragraphs 16 to 19 of the information paper, Mr LAU Wong-fat pointed out that the Administration had tried to diffuse the seriousness of the flooding caused by WR works. As WR did not admit that their works had caused the flood, he enquired how the Administration had assessed the impact of the works, and it could assist villagers to seek compensation from WR. In response, DS for W said that DSD had assessed the impact by conducting site inspections and hydraulic analysis. DSD would give professional opinion if necessary when the claim for compensation was pursued in court.

52. Mr WONG Yung-kan pointed out that the vehicular passages were too low in some lower streams of villages, such as Tai Kong Po Tsuen and Yin Kong Tsuen. When water level increased, water from the upper streams would rush down flooding the lower streams. The Administration should strengthen the management of the construction of these vehicular passages. Besides, with the completion of part of the drainage works in River Indus, River Beas and Tsung Pak Long village, the Administration had overlooked the need of the farmers in these areas for irrigation as the water was diverted away to prevent flooding. The same situation occurred in Yin Kong Tsuen where over hundred villagers were affected. He requested the Administration to find ways to solve the irrigation problem.

53. D of DS(Atg) noted the member's concern and said that the Administration would strengthen its monitoring role during construction. He suggested that the member provide further details concerning the vehicular passages for follow-up. As regards irrigation, when DSD implemented the flood prevention schemes in NT, it had examined together with the Agriculture Fisheries and Conservation Department (AFCD) on the provision of irrigation facilities to the fields concerned. For example, special irrigation facility was provided in Ngau Tam Mei where pumps would be installed. Nevertheless, he undertook to look into the case of Yin Kong Tsuen and referred it to AFCD for follow-up action if necessary.

54. Mr James TO enquired about the objectives and the way in which the investigation report was compiled. He was concerned whether the evidence gathered during the investigation, including photographs and relevant measurements, could be made available for public inspection so that the affected parties might make use of them in claiming compensation. D of DS(Atg) explained that the objective of the investigation was to find out the causes of the flooding. The evidence gathered by the Administration after the flood included flood marks and surveys which could be released to the public upon request.

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55. Mr James TO considered that even if WR had very limited liability for the flooding, it should consider granting ex-gratia allowances to the affected villagers without their resorting to legal action. SD/KCRC said that the flooding on 14 April 2000 would have occurred whether WR works existed or not. Meanwhile, KCRC was prepared to make all the evidence gathered available to the public. Besides, any individuals who had suffered loss or damage because of the increase of flood levels caused by WR works could make a claim. Regarding ex-gratia allowance, it could only be made with clear evidence of a cause and had to go through the normal proceedings. Addressing members' enquiry about the extent of liability of WR in the flooding, SD/KCRC said that the investigation report had stated clearly that the direct cause of the flooding was not WR though there were some marginal effects in some specific areas.

56. Dr TANG Siu-tong did not accept the findings of the investigation report. He was of the view that DSD had under-estimated WR's liability for the incident and failed to monitor WR works effectively. He considered that DSD had not been fulfilling its duty properly. He urged DSD to assist the affected villagers to pursue their claims from WR and enquired how the Administration would prevent similar recurrence. Mr James TO requested the Administration to provide a progress report on the improvement measures taken after the flooding. DS for W advised that the Administration had already strengthened communication with KCRC, for instance, more site inspections had been carried out to ensure that KCRC had complied with the stringent conditions imposed by the Administration. He undertook to quantify the improvement measures taken and provide a progress report.

(Post-meeting note: the information was provided by the Administration and circulated to members vide LC Paper No. CB(1)1946/99-00.)

57. D of DS(Atg) did not agree that DSD was not fulfilling its duty properly. He pointed out that DSD had been following WR works closely. DSD did assess the effect of WR works on the flooding. Much of the concerned works were planned to be carried out in the dry season to avoid having temporary structures in main watercourses in the wet season. However, the intensity of the rainfall on 14 April 2000 was very exceptional. Normally heavy rainfall in Hong Kong began in May. The rainfall record on that day was the highest recorded by the Hong Kong Observatory for the same period since 1884. Nevertheless, the impact of WR works on the flooding was still within the Administration's prediction and there was no overflowing from the main drainage channels. As such, he did not consider that DSD had been defaulting its duties. DS for W supported the conclusions drawn by DSD and said that DSD had monitored WR works and implemented the flood prevention measures efficiently. SD/KCRC remarked that he would take members' views and comments seriously and would work closely with DSD to try everything possible to prevent the recurrence of flooding in future. He also welcomed

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members to visit the WR construction sites if members so wished.

VII Any other business

58. There being no other business, the meeting ended at 1:15 p.m..

Legislative Council Secretariat

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