

**立法會**  
**Legislative Council**

LC Paper No. CB(1)820/03-04  
(These minutes have been seen  
by the Administration)

Ref : CB1/PL/PLW/1

**Panel on Planning, Lands and Works  
and Panel on Environmental Affairs**

**Minutes of joint meeting  
held on Thursday, 27 November 2003, at 4:30 pm  
in the Chamber of the Legislative Council Building**

**Members present** : Members of the Panel on Planning, Lands and Works

Dr Hon TANG Siu-tong, JP (Chairman)  
\* Hon LAU Ping-cheung (Deputy Chairman)  
Hon James TIEN Pei-chun, GBS, JP  
Ir Dr Hon Raymond HO Chung-tai, JP  
Hon James TO Kun-sun  
\* Hon WONG Yung-kan  
Hon Timothy FOK Tsun-ting, SBS, JP  
Hon Abraham SHEK Lai-him, JP  
Hon Albert CHAN Wai-yip  
Hon IP Kwok-him, JP

Members of the Panel on Environmental Affairs

Hon CHOY So-yuk (Chairman)  
Hon Martin LEE Chu-ming, SC, JP  
Hon Miriam LAU Kin-yee, JP  
Hon Emily LAU Wai-hing, JP  
Dr Hon LAW Chi-kwong, JP  
Dr Hon LO Wing-lok, JP  
Hon Audrey EU Yuet-mee, SC, JP

(\* Also members of the Panel on Environmental Affairs)

**Members absent** : Members of the Panel on Planning, Lands and Works

\* Dr Hon David CHU Yu-lin, JP  
Hon LAU Wong-fat, GBS, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon WONG Sing-chi

Members of the Panel on Environmental Affairs

Hon Cyd HO Sau-lan (Deputy Chairman)  
Hon LAU Kong-wah, JP  
Hon Henry WU King-cheong, BBS, JP

(\* Also members of the Panel on Environmental Affairs)

**Public officers attending** : Mr Michael SUEN  
Secretary for Housing, Planning and Lands

Mrs Carrie LAM  
Permanent Secretary for Housing, Planning and Lands  
(Planning and Lands)

Ms Christine CHOW  
Principal Assistant Secretary for Housing, Planning and  
Lands (Planning and Lands)<sup>2</sup>

Ms Ernestina WONG  
Principal Assistant Secretary for Environment, Transport  
and Works (Transport)<sup>5</sup>

Mr CHEUNG Tai-yan  
Project Manager (Hong Kong Island & Islands)  
Territory Development Department

Ms Ophelia WONG  
Assistant Director of Planning (Board)  
Planning Department

Mr K K LAU  
Deputy Commissioner/Planning & Technical Services  
Transport Department

Mr Benny WONG  
Assistant Director (Waste & Water)  
Environment Protection Department

Mr Simon LEE  
Deputy Law Officer (Civil Law)  
Department of Justice

**Attendance by Invitation** : The Hong Kong Urban Design Alliance

Mr Vincent NG  
Chairman of Planning & Lands Committee,  
Hong Kong Institute of Architects

Save Our Shorelines

Mr John BOWDEN  
Chairman

Mr CHU Tak-chuen  
Council Member

Society for Protection of the Harbour Limited

Ms Christine LOH  
Chairperson

Mr Winston CHU  
Adviser

Town Planning Board

Dr CHAN Wai-kwan  
Vice-Chairman, Metro Planning Committee

Mr Christopher CHENG Wai-chee  
Vice-Chairman, Rural and New Town Planning  
Committee

The Hong Kong Institution of Engineers

Ir Dr Greg C Y WONG  
Vice President

Ir Francis W C KUNG  
Chairman, Civil Division

The Conservancy Association

Mr HUNG Wing-tat  
Director

Greenpeace

Mr Kevin MAY  
Toxics Campaigner

Mr Christopher FUNG  
Campaigner

Hong Kong Automobile Association

Mr Ringo LEE Yiu-pui  
Vice-president

Hong Kong and Kowloon Taxi Merchants' Joint  
Committee

Mr AU-YEUNG Kan  
Chairman

G.M.B. Maxicab Operators General Association Ltd.

Mr HIEW Moo-siew  
Chairman

Citizen Envisioning @ Harbour

Mr Albert LAI  
Member of Steering Committee

Prof Bernard LIM  
Member of Steering Committee

Hong Kong Institute of Planners

Mr Kenneth TO  
Council Member

New Century Forum

Mr YEUNG Pak-sing  
Member

HK, KLN & NT Grab-mounted Lorries Association Ltd.

Mr YEUNG Kai-kei

Rights of Taxi Owner & Driver Association

Mr LAU Kim-wan  
Chairman

Mr YU Chui-kan  
Vice Chairman

Urban Watch

Mr WONG Wah-sang  
Chairman

Mr CHIANG Hong-man  
Member

中重型貨車關注組

Mr LAI Kim-tak  
Chairman

The Hong Kong Institute of Surveyors

Mr Bernard CHAN  
Chairman, Town Planning and Development Committee

**Clerk in attendance :** Ms Anita SIT  
Chief Assistant Secretary (1)6

**Staff in attendance :** Ms Pauline NG  
Assistant Secretary General 1

Ms Bernice WONG  
Assistant Legal Adviser 1

Mrs Mary TANG  
Senior Assistant Secretary (1)2

Ms Rosalind MA  
Senior Assistant Secretary (1)8

Ms Christina SHIU  
Legislative Assistant

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Action

**I. Election of Chairman**

1. Dr TANG Siu-tong was elected Chairman for the joint meeting.

**II. Central Reclamation Phase III and Wanchai Development Phase II**

Opening remarks

2. The Chairman welcomed all public officers and representatives of deputations attending the meeting. He reminded members and all attending deputations that the purpose of the meeting was to receive views on the policy issues relating to Central Reclamation Phase III (CRIII) and Wanchai Development Phase II (WDII). As there were pending judicial proceedings, the Chairman drew the attention of all attendees that the provision of Rule 41(2) of the Rules of Procedures, as follows, applied to this meeting:

"Reference shall not be made to a case pending in a court of law in such a way as, in the opinion of the President or Chairman, might prejudice that case."

The Chairman said that members might refer to the following principles from the past application of Rule 41(2):

- (a) References to matters awaiting adjudication in a court of law should be excluded if there was a risk that they might prejudice its adjudication;
- (b) References would include comment on, inquiry into and the making of findings on such matters;
- (c) Matters awaiting adjudication would include matters in respect of which a charge had been laid or proceedings had been initiated by the filing of the appropriate documents; and

(d) Prejudice might arise from an element of explicit or implicit prejudgment in the proceedings of the legislature in two possible ways-

- The references might hinder the court in reaching the right conclusion or lead it to reach other than the right conclusion; and
- Whether the court was affected in its conclusion or not, the references might amount to an effective usurpation of the court's judicial functions.

3. The Chairman reminded all attending deputations that their written submissions and oral presentations at the meeting were not covered by the protection and immunity provided under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382). He also pointed out that as the Chairman of the meeting, he might exercise discretion in preventing references to be made to issues pending adjudication in the relevant appeal or judicial review case, in particular if such references was likely-

- (a) to generate a campaign of pressure so great that would reasonably be perceived as intending to exert or having the effect of exerting pressure on a judge; and/or
- (b) to be perceived by the public as an effective usurpation by LegCo of the Court's judicial functions.

#### Meeting with deputations

##### *Submissions from individuals/deputations not attending the meeting*

(LC Paper No. CB(1)413/03-04(08) -- Submission dated 17 November 2003 from 周淑梅女士

LC Paper No. CB(1)413/03-04(09) -- Submission dated 15 November 2003 from 李湛崙先生

LC Paper No. CB(1)413/03-04(10) -- Joint submission from 梁文爾先生、梁倩儀女士 and Mr James WONG with a list of signatures from members of the public

LC Paper No. CB(1)413/03-04(11) -- Submission from the Hong Kong Designers Association)

##### *Hong Kong Urban Design Alliance (HKUDA)*

(LC Paper No. CB(1)403/03-04(01))

4. Mr Vincent NG, representative of HKUDA, briefed members on HKUDA's submission. Apart from the points contained therein, he stressed the importance of the provision of harbourfront facilities which were well planned and easily accessible to the people of Hong Kong. In this connection, he suggested that

the Administration should conduct wide public consultation on the blueprint for the harbourfront.

*Society for Protection of the Harbour Limited (SPH)*  
(LC Paper No. CB(1)413/03-04(02))

5. Ms Christine LOH, Chairperson of SPH, briefed members on SPH's submission. With the aid of two conceptual plans tabled at the meeting, Ms LOH introduced the two alternative options to CRIII and WDII prepared by experts engaged by SPH, as follows:

- (a) Option one illustrated how there was tremendous scope for providing a magnificent public waterfront while reducing the amount of reclamation to the minimum needed for the construction of the Central-Wanchai Bypass (CWB); and
- (b) Option two illustrated the minimum extent of reclamation without the construction of CWB, but with the provision of a public waterfront with redesigned and enhanced facilities.

6. Ms LOH concluded that the Victoria Harbour was a valuable asset of the community and opined that a holistic approach should be adopted for planning of harbourfront development. It was worthwhile to spend more time in gauging the views of the public and experts in relevant fields on the overall design of the harbourfront.

7. Mr Winston CHU, Adviser of SPH, added that the three tests laid down in the judgment of the High Court on 8 July 2003 were important in ensuring the correct interpretation of the Protection of the Harbour Ordinance (Cap. 531). Referring to the example of the West Kowloon Cultural District development, Mr CHU commented that while the initial plan was to reserve 40 hectares of the reclaimed land for public amenities and cultural facilities, the Administration had changed the land use from "Specific Uses" to "Other Specified Uses" incorporating commercial and residential developments. This reaffirmed the need to stop reclamation other than those of minimum extent for the provision of necessary public facilities.

*(Post-meeting note: The further submission from SPH on the two alternative options and a booklet on "The Harbour Primer", which were tabled at the meeting, were circulated to members vide LC Paper Nos. CB(1)471/03-04(01) and (02) on 28 November 2003.)*



*Save Our Shorelines (SOS)*  
(LC Paper No. CB(1)413/03-04(01))

8. Mr John BOWDEN, Chairman of SOS, briefed members on SOS's submission.

*Town Planning Board (TPB)*  
(LC Paper No. CB(1)413/03-04(03))

9. Dr CHAN Wai-kwan, Vice-Chairman, Metro Planning Committee of TPB, briefed members on TPB's submission with the aid of a power-point presentation.

*(Post-meeting note: the power-point presentation material provided by TPB was circulated to members vide LC Paper No. CB(1)471/03-04(03) on 28 November 2003.)*

*The Hong Kong Institution of Engineers (HKIE)*  
(LC Paper No. CB(1)403/03-04(02))

10. Ir Dr Greg WONG, Vice President of HKIE, briefed members on HKIE's submission. Ir Francis KUNG, Chairman, Civil Division of HKIE, supplemented that during the process of TPB's consideration of the reclamation proposal of CRIII, which had resulted in the significant scaling down of the total area from 38 hectares to 23 hectares, HKIE had provided its views to TPB.

*Conservancy Association (CA)*  
(LC Paper No. CB(1)403/03-04(03))

11. Mr HUNG Wing-tat, Director of CA, briefed members on CA's submission. Apart from the points contained therein, Mr HUNG expressed CA's concern about the following:

- (a) The cost-effectiveness of CWB, in particular, CA was concerned about the basis of the estimated capital cost of CWB and the estimated cost of time saved as set out in Annex E to the Administration's letter dated 22 November 2003 (LC Paper No. CB(1)411/03-04); and
- (b) The Administration's assumptions in its prediction of traffic volume in Central, which was crucial to the analysis of cost-effectiveness of CWB. The predicted volume to capacity ratios set out in paragraph 6 of the Administration's paper (LC Paper No. CB(1)403/03-04(06)) did not provide a clear picture on the estimated traffic volume passing through the Central District.

Mr HUNG opined that as CRIII and WDII were pursued mainly for the purpose of the construction of CWB, the cost of reclamation in these two projects should be taken into account in calculating the capital cost of CWB.

*Greenpeace*

(LC Paper No. CB(1)413/03-04(04))

12. Mr Kevin MAY, Toxics Campaigner of Greenpeace, briefed members on Greenpeace's submission. Apart from the points contained therein, Mr MAY said that there was wide public concern about the environmental impact of reclamation and the protection of the Victoria Harbour. To his disappointment, the calls for protection of the marine environment had not been addressed by the Secretary for Housing, Planning and Lands and the Secretary for Environment, Transport and Works in a positive manner. He also took the opportunity to alert members of the adverse environmental impact that might be caused by the proposed South East Kowloon Reclamation, which was of a much larger scale compared with CRIII. Mr Christopher FUNG supplemented that the dumping and dredging activities related to the CRIII works were causing irreparable damage to the marine environment.

*Hong Kong Automobile Association (HKAA)*

(LC Paper No. CB(1)413/03-04(05))

13. Mr Ringo LEE, Vice-president of HKAA, briefed members on HKAA's submission.

*Hong Kong and Kowloon Taxi Merchants' Joint Committee (HK&KTMJC)*

(LC Paper No. CB(1)413/03-04(06))

14. Mr AU-YEUNG Kan, Chairman of HK&KTMJC, briefed members on HK&KTMJC's submission.

*G.M.B. Maxicab Operators General Association Ltd (GMB)*

15. Mr HIEW Moo-siew, Chairman of GMB, said that GMB supported reclamation for the provision of essential road infrastructure, including CWB, to relieve traffic congestion in Central. This would facilitate the operation of the GMB Maxicab lines running between Central and Wanchai.

*Citizen Envisioning @ Harbour (CEH)*

(LC Paper No. CB(1)403/03-04(04))

16. Mr Albert LAI, Member of Steering Committee of CEH, briefed members on CEH's submission. Prof Bernard LIM, Member of Steering Committee of CEH, referred to the planning process for reconstruction in New York after the 11 September incident and suggested that to facilitate the consensus building

process in urban planning, public participation should be encouraged through various interactive programmes.

*Hong Kong Institute of Planners (HKIP)*  
(LC Paper No. CB(1)403/03-04(05))

17. Mr Kenneth TO, Council Member of HKIP, briefed members on HKIP's submission. Apart from the points contained therein, Mr TO added the following:

- (a) In the process of planning and preparation of the Central District (Extension) Outline Zoning Plan (OZP), which had been approved and covered CRIII, extensive public consultation had been carried out, including public forums similar to those suggested by CEH;
- (b) HKIP supported the consensus building approach in urban planning to facilitate public participation in the process and therefore participated in both the submissions from HKUDA and CEH; and
- (c) The three tests for reclamation set out in the High Court judgment delivered on 8 July 2003 could not provide useful guidance for future planning of the harbourfront as changes in circumstances during the interim period between the planning and implementation of works projects would affect the assessment based on these three tests.

*New Century Forum (NCF)*  
(LC Paper No. CB(1)413/03-04(07))

18. Mr YEUNG Pak-sing, Member of NCF, briefed members on NCF's submission.

*HK, KLN & NT Grab-mounted Lorries Association Ltd (GLA)*

19. Mr YEUNG Kai-kei of GLA said that GLA supported the provision of additional road networks for the convenience of road users but this should not be done at the expense of the environment. He urged the Government to conduct wider public consultation and provide more information to the public during the process of policy formulation and development planning, to facilitate public consensus building and achieve win-win solutions.

*Rights of Taxi Owners & Drivers Association Ltd (RTODA)*

20. Mr LAU Kim-wan, Chairman of RTODA, said that RTODA objected to reclamation for the construction of CWB as this would bring about irreparable environmental damage to the harbour. The Administration should consider alternatives other than CWB to relieve the traffic congestion in Central. He said that reducing the number of bus stops along the main roads and restricting vehicles with certain registration numbers on designated days of the week could be

explored. He objected to the proposal of imposing taxi surcharge as one of the traffic restraint measures, as the measure was unfair to taxi operators who had already paid a high licence fee.

*Urban Watch (UW)*

(LC Paper No. CB(1)410/03-04(01))

21. Mr WONG Wah-sang, Chairman of UW, briefed members on UW's submission. Apart from the points contained therein, Mr WONG added that the Administration should review the need for reclamation, taking into consideration the slower growth in population in recent years as well as the change in public demand for amenities, with more emphasis on quality than quantity.

22. Mr CHIANG Hong-man, Member of UW, commented that while he had no doubt on the Administration's good intention in urban planning, the public could not trust the Administration on the details of implementation in the absence of information on the development plans. He urged the Administration to provide more information on its proposed developments to facilitate public understanding of the proposals. Moreover, he asked LegCo Members to put more emphasis on the detailed design of projects when considering the funding proposals for capital works projects.

*中重型貨車關注組*

23. Mr LAI Kim-tak, Chairman of 中重型貨車關注組, presented the following points:

- (a) The concern group supported the construction of CWB to relieve traffic congestion in Central and Wanchai, but considered that if reclamation was necessary for the construction of the Bypass, the extent of reclamation should be minimized;
- (b) The suggested traffic restraint measures set out in the Administration's paper would add to the burden of transport operators and road users;
- (c) Feasibility of alternative options to provide for additional road networks, such as construction of a flyover at Connaught Road Central, should be considered; and
- (d) The great difference in toll charges among the three cross harbour tunnels contributed to the existing traffic congestion problem. The Government could estimate the "true" demand for the tunnels through a trial scheme of toll-free days during different weekdays for all tunnels.

*The Hong Kong Institute of Surveyors (HKIS)*

24. Mr Bernard CHAN, Chairman, Town Planning and Development Committee, HKIS, made the following points:

- (a) The current reclamation plan had gone through due process in respect of statutory procedures and public consultation. However, in light of the High Court's judgment and strong views from the community, the Government should review the plan and encourage public participation in the review process; and
- (b) The extent and planning design of the reclamation could be determined on the basis of the Government's data. The Government should plan carefully the financial and other development arrangements to ensure effective implementation of an approved OZP.

*(Post-meeting note: HKIS provided a written submission after the meeting and this was circulated to members vide LC Paper No. CB(1)519/03-04 on 5 December 2003.)*

Meeting with the Administration

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|----------------------------------|---|
| (LC Paper No. CB(1)403/03-04(06) | -- Paper on "Traffic and Transport Justification for the Central - Wan Chai Bypass" provided by the Administration  |
| LC Paper No. CB(1)403/03-04(07)  | -- Paper on "Wanchai Development Phase II" provided by the Administration   |
| LC Paper No. CB(1)411/03-04      | -- Letter dated 22 November 2003 from the Administration providing information in response to members' request raised at the joint Panel meeting on 13 October 2003 |
| LC Paper No. CB(1)18/03-04(01)   | -- Background brief on Central and Wanchai reclamation  |
| LC Paper No. CB(1)18/03-04(02)   | -- Judgement concerning an application from the Society for Protection of the Harbour Limited for interim injunction in respect of Central Reclamation Phase III    |
| LC Paper No. CB(1)18/03-04(03)   | -- Judgement concerning an application for judicial review by the Society for Protection of the Harbour Limited in respect of Wanchai Reclamation Phase II          |
| LC Paper No. CB(1)58/03-04(01)   | -- Information paper provided by the Administration   |

- LC Paper No. LS 8/03-04 -- "Examination of the implications of the Sub Judge Rule for meeting with deputations on Central Reclamation Phase III or Wanchai Development Phase II" prepared by the Legal Service Division
- LC Paper No. CB(1)353/03-04 -- Minutes of the joint meeting with the Panel on Environmental Affairs on 31 October 2003
- LC Paper No. CB(1)390/03-04 -- Minutes of the joint meeting with the Panel on Environmental Affairs on 13 October 2003)

25. At the Chairman's invitation, the Secretary for Housing, Planning and Lands (SHPL) thanked the Legislative Council for organizing this meeting to hear views from the public. While he would not attempt to give at this meeting a detailed response to the concerns of the deputations, SHPL said that it was obvious that notwithstanding the different views expressed, there was a common consensus, i.e. the Victoria Harbour should be protected and preserved. SHPL said that the Government shared the same goal as the harbour was Hong Kong people's precious natural asset. Nevertheless, whether CRIII and WDII, being the last two of the five phases of the Central and Wanchai Reclamation, should be proceeded with was a practical issue that had to be resolved. The plans for the phased Central and Wanchai reclamation projects were drawn up through a series of planning studies completed in late 1980's. The main objective was to form land for the provision of strategic transport links and other associated road networks along the northern shoreline of Hong Kong Island. He pointed out that there were elaborate statutory and non-statutory procedures in place to ensure adequate public consultation on planning and development proposals. In the case of CRIII, the community input had resulted in a significant reduction in the scale of reclamation and the minimum reclamation option under the approved Central District (Extension) OZP was then considered acceptable by most objectors.

26. SHPL further affirmed that the three reclamation projects in Central, Wan Chai North and South East Kowloon were the last reclamation projects in the Victoria Harbour. The Government had already dropped earlier proposals of reclamation in Kowloon Point and Tsim Sha Tsui East and would take action to amend the relevant OZPs to remove the proposed reclamations in Tsuen Wan Bay and off Green Island.

27. SHPL said that the Government would continue to listen to views of the public and hold discussions with different sectors of the community on the matter. He reiterated that the Government was committed to preserving the harbour and shared the vision of the Town Planning Board of providing an easily accessible and lively waterfront for enjoyment of the public. He also pointed out that when the Administration briefed the Panel on Planning, Lands and Works on the "Hong Kong 2030 Planning Vision and Strategy" on 25 November 2003, the Permanent

Secretary for Housing, Planning and Lands (Planning and Lands) (PSHPL) had also highlighted the protection of the Victoria Harbour and enhancement of waterfront areas as a key planning framework for providing a quality living environment for local people.

28. Referring to the concerns raised by some deputations on the interpretation of the Protection of the Harbour Ordinance (Cap. 531), SHPL said that the Court of Final Appeal would hear the appeal case lodged by the Town Planning Board on 9 to 16 December 2003. The Government, as always, was law abiding and would abide by the decision of the Court of Final Appeal.

29. As to the concerns about the justification for CWB, SHPL referred members to the information paper prepared by the Environment, Transport and Works Bureau (LC Paper No. CB(1)403/03-04(06)). He said that the paper provided the latest traffic projections in 2003 and the Administration would be prepared to arrange experts for explanation of the calculations, if members and/deputations were interested.

30. PSHPL said that the Administration would prepare a consolidated response to the views expressed by the deputations after the meeting. Ms Emily LAU and Ms Audrey EU requested the Administration to provide detailed information on the following:

- (a) Elaboration on the cost-effectiveness of CWB and clarification of the basis of the estimated capital cost as well as the estimated cost of time saved as set out in Annex E to the Administration's letter dated 22 November 2003 (LC Paper No. CB(1)411/03-04);
- (b) Clarification as to whether and how the development/changes which had taken place after the Hong Kong Third Comprehensive Transport Study had been fully taken into account in the Administration's current analysis of the cost-effectiveness of CWB; and
- (c) Detailed analysis of the feasibility and cost-effectiveness of various alternatives to construction of CWB to solve the traffic congestion problem.

*(Post-meeting note: The Administration's response to the views expressed by the deputations and the required information on (a) to (c) above were circulated to members vide LC Paper Nos. CB(1)511/03-04(02) and CB(1)532/03-04(01) on 5 December 2003.)*

31. As the meeting had overrun and there was inadequate time for Members to discuss with deputations and the Administration, Dr Raymond HO suggested that another joint Panel meeting be arranged to continue the discussion. Ms CHOY So-yuk suggested that the attending deputations be invited to the meeting. Members agreed to the suggestions of Dr HO and Ms CHOY.

*(Post-meeting note: A joint Panel meeting was held on Monday, 8 December 2003 to continue discussion of the subject.)*

**III. Any other business**

32. There being no other business, the meeting ended at 6:45 pm.

Council Business Division 1  
Legislative Council Secretariat  
26 January 2004