

立法會
Legislative Council

LC Paper No. CB(1)2211/03-04
(These minutes have been seen
by the Administration)

Ref : CB1/PL/PLW/1

Panel on Planning, Lands and Works

**Minutes of meeting
held on Tuesday, 27 April 2004 at 2:30 pm
in Conference Room A of the Legislative Council Building**

Members present : Dr Hon TANG Siu-tong, JP (Chairman)
Hon James TIEN Pei-chun, GBS, JP
Dr Hon David CHU Yu-lin, 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 TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon Albert CHAN Wai-yip
Hon WONG Sing-chi
Hon IP Kwok-him, JP

Members attending : Hon Albert HO Chun-yan
Hon CHAN Yuen-han, JP
Hon CHAN Kam-lam, JP

Members absent : Hon LAU Ping-cheung (Deputy Chairman)
Hon LAU Wong-fat, GBS, JP

**Public officers
attending**

: Agenda item IV

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

Mr LI Ho-kin
Chief Assistant Secretary for Housing, Planning and
Lands (Planning and Lands) (Planning) 5

Mr KWAN Pak-lam, JP
Project Manager (Kowloon)
Territory Development Department

Mr FUNG Hao-yin, Vincent
Principal Assistant Secretary for Home Affairs
(Culture) 1

Ms TANG In-kwan, Agnes
Assistant Director for Leisure and Cultural Services
(Performing Arts)

Ms WONG Yuen-sheung, Ophelia
Assistant Director of Planning/Board

Agenda item V

Mr James S O CHAN
Principal Assistant Secretary for the Environment,
Transport and Works (Works) 3

Mr C K HON
Chief Engineer/Project Management
Drainage Services Department

Mr Y T CHEUNG
Chief Engineer/Consultants Management
Drainage Services Department

Mr K W MAK
Senior Engineer/Consultants Management
Drainage Services Department

Mr Y F KAN
Senior Engineer/Project Management
Drainage Services Department

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

Staff in attendance : Mr Jimmy MA
Legal Adviser

Mr LEE Yu-sung
Senior Assistant Legal Adviser 1

Ms Rosalind MA
Senior Council Secretary (1)8

Ms Christina SHIU
Legislative Assistant

Action

I. Confirmation of minutes and matters arising

1. The minutes of the following meetings were confirmed -
 - (a) Minutes of the joint meeting with the Panel on Housing on 17 February 2004 (LC Paper No. CB(1)1223/03-04);
 - (b) Minutes of meeting on 23 March 2004 (LC Paper No. CB(1)1573/03-04); and
 - (c) Minutes of special meeting on 23 March 2004 (LC Paper No. CB(1)1574/03-04).

II. Information papers issued since last meeting

2. Members noted the following information papers issued since last meeting -
 - (a) Issues raised by Islands District Council members at the meeting with Legislative Council Members held on 22 May 2003 (LC Paper No. CB(1)1412/03-04(01) and (02)); and
 - (b) Information paper on "Start-up loan to the proposed Construction Workers Registration Authority" (LC Paper No. CB(1)1474/03-04(01)).

III. Items for discussion at the next meeting

- (LC Paper No. CB(1)1572/03-04(01) -- List of outstanding items for discussion
- LC Paper No. CB(1)1572/03-04(02) -- List of follow-up actions
- LC Paper No. CB(1)1588/03-04(01) -- Letter dated 20 April 2004 from Ir Dr Hon Raymond HO Chung-tai on "Reprovisioning of Sha Tin Water Treatment Works"
- LC Paper No. CB(1)1588/03-04(02) -- Letter dated 20 April 2004 from Clerk to Panel to the Secretary for the Environment, Transport and Works on "Reprovisioning of Sha Tin Water Treatment Works"
- LC Paper No. CB(1)1596/03-04(01) -- Letter dated 22 April 2004 from the Secretary for the Environment, Transport and Works regarding the reprovisioning of Sha Tin Water Treatment Works)

In-situ reprovisioning of Sha Tin Water Treatment Works

3. The Chairman informed members that in response to Ir Dr Raymond HO's request for discussion on the subject of "Proposed in-situ reprovisioning of Sha Tin water Treatment Works", the Administration had advised that having regard to the preparation work required, the earliest time for briefing the Panel would be at the next regular meeting scheduled for 25 May 2004. He sought members' views on the appropriate timing for discussion of the subject.

4. Ir Dr Raymond HO pointed out that as the Administration planned to procure the project through Public Private Partnership (PPP), the engineer profession as well as staff unions of the Water Supplies Department had raised concerns about the propriety of operating water treatment facilities through PPP. As the quality of water supply was vital to public health and in the light of the experience of relevant PPP cases overseas, Ir Dr HO said that the proposed adoption of the PPP approach in financing and operating important public services, such as water supply, should be carefully considered. Given that the Administration planned to submit a funding proposal to the Public Works Subcommittee (PWSC) in June 2004, Ir Dr HO opined that the subject should be discussed by this Panel at an earliest possible date. He also suggested that relevant staff unions and professional bodies should be invited to the special meeting to present their views on the subject.

5. Dr David CHU also expressed concern about the practicability of PPP for the delivery of public services, in particular, the impact of PPP on the employment opportunities in the local labour market. He opined that the Administration should not introduce PPP during the present economic climate when the unemployment rate was high. He supported discussion of the subject at a Panel meeting.

6. After discussion, members agreed that a special meeting be arranged as soon as possible for discussion of the subject.

(Post-meeting note: The subject on "Proposed in-situ reprovisioning of Sha Tin Water Treatment Plant" was scheduled for discussion at the meeting on Tuesday, 18 May 2004 at 2:30 pm. Members were informed of the meeting arrangements vide LC Paper No. CB(1)1670/03-04 on 29 April 2004.)

Draft research report on "Regulation of Public-Private Partnerships in Overseas Places"

7. The Chairman informed members that the draft research report on "Regulation of Public-Private partnerships in Overseas Places" was being prepared by the Research & Library Services Division. Subject to the completion of the draft report and members' views, the Panel might arrange discussion of the report at an informal meeting in May 2004.

4126CD - Drainage improvement in East Kowloon

8. Members noted that the Administration planned to submit the project "4126CD - Drainage improvement in East Kowloon" to PWSC at its meeting on 23 June 2004 and was prepared to brief the Panel on the project at its next regular meeting on 25 May 2004. Members agreed to consider whether the Panel should discuss the project after the Administration had provided the information paper on the project.

(Post-meeting note: The information paper provided by the Administration was issued to members vide LC Paper No. CB(1)1812/03-04 on 13 May 2004.)

IV. West Kowloon Cultural District

(LC Paper No. CB(1)495/03-04(01) -- Letter dated 27 November 2003 from the Chairman of the Panel on Planning, Lands and Works to the Financial Secretary concerning the funding arrangements for the West Kowloon Cultural

	District project
LC Paper No. CB(1)736/03-04	-- Letter dated 19 December 2003 from the Financial Secretary providing response to issues concerning the funding arrangements for the West Kowloon Cultural District project
LC Paper No. LS47/03-04	-- Paper on the funding arrangements for West Kowloon Cultural District prepared by the Legal Service Division of the Legislative Council Secretariat
LC Paper No. CB(1)1353/03-04(01)	-- Information paper on "Progress Report on Development of the West Kowloon Cultural District" provided by the Administration)

Funding arrangements for the development project

9. The Chairman advised members that the Clerk to Panel had liaised with the Financial Secretary (FS)'s Office about the need for FS or his representative to attend the Panel meeting for discussion of the subject. FS explained that the Administration's position regarding the funding arrangements for the development of the West Kowloon Cultural District (WKCD) had been set out in his reply to the Panel Chairman dated 19 December 2004 (LC Paper No. CB(1)736/03-04). That being the case, the representatives from the Housing, Planning and Lands Bureau, under whose purview the project fell, would address any further questions that might arise at the meeting.

10. At the invitation of the Chairman, the Senior Assistant Legal Adviser 1 (SALA1) briefed members on the paper on the funding arrangements for WKCD prepared by the Legal Service Division of the Legislative Council Secretariat (LC Paper No. LS47/03-04).

11. Mr Abraham SHEK said that while not objecting to the WKCD development, he considered the proposed mode of financing the development project inappropriate. He pointed out that although the successful proponent would be financing the development of WKCD, public resources would be involved indirectly through the provision of valuable land asset for the commercial and/or residential developments at the site. He opined that while it was not unlawful for the Government to make such an executive decision to adopt the single package approach for the development of WKCD, it should satisfy the

LegCo and the public that its decision was reasonable and was in the interest of the community at large.

12. In reply, the Permanent Secretary for Housing, Planning and Lands (Planning and Lands) (PSPL) explained that as set out in the paper prepared by the Legal Service Division of the LegCo, the decision on whether to use public funds to finance the project was an executive one, i.e. a policy decision and the question was one of the Administration explaining the case to the legislature. The proposed development approach was neither in contravention of the Government's usual accounting practice nor had circumvented the normal procedure of seeking approval for public expenditure. The Government had endeavoured to explain to Members the implementation plan for the WKCD development with a view to soliciting Members' support to the project. As stated clearly by the Chief Secretary for Administration and the Secretary for Housing, Planning and Lands in public, the Administration's vision was to see WKCD developed into a world class integrated arts, cultural and entertainment area. Given the stringent financial position of the Government and many other competing claims, the prospect of securing the required amount of public funds (which amounted to about \$20 billion) was remote. The Administration also considered it appropriate to break away from the conventional practice and to draw on the commercial know-how of the private sector to implement the project. The proposed new mode of delivery was to facilitate the development of the 40-hectare site in an integrated manner.

13. Pointing out that the arts and cultural facilities to be developed at WKCD were similar in nature to many other facilities built and managed by the Government, Mr Abraham SHEK doubted why the WKCD development was not considered as a public works project. PSPL explained that the scope of the Public Works Programme (PWP) was defined by the source of funding rather than the nature of the facilities to be provided through the project. The Invitation for Proposals (IFP) for the WKCD project did not envisage public funding of works within the scheme area and was therefore not treated as a project coming within the PWP. She said that there were recent examples of leisure and recreational facilities hitherto funded as public works projects through the voting of funds by LegCo being procured through mobilizing the resources of the private sector, such as the development of a park in Tseung Kwan O and a swimming pool in Kwun Tong. While the WKCD development would not involve public expenditure, the IFP for the WKCD project required that the proponents should include in their financial proposals details on the form and projected amount of payment, e.g. land premium, to the Government. Any such payment by the successful proponent would be accounted for as general revenue in keeping with section 3 of the Public Finance Ordinance (Cap. 2).

14. Mr Abraham SHEK opined that despite the Government's repeated claim that this development was not a property development project, given the vast area of land likely to be dedicated to residential, commercial and hotel developments, the public could hardly be convinced that this was not a property development

project. He called on the Government to come clean and admit to the public that the WKCD development was in fact a property development project. He also opined that the Government should fund the arts and cultural facilities through the proceeds from the sale of land zoned for commercial and residential developments in the WKCD site. He considered that this latter approach would benefit the community more than the single package approach.

15. PSPL responded that the Administration had all along stated its clear intention of using resources from the private sector in the provision of community services. In August 2003, the Efficiency Unit published a booklet entitled "Serving the Community by using the Private Sector—An Introductory Guide to Public Private Partnership", addressing issues on the alternative ways of involving the private sector in the delivery of public services through PPP. She said that the idea of private sector involvement was generally welcomed by LegCo Members, and some Members had even urged the Administration to pursue more projects through this mode of project procurement. It was against this background that the PPP approach was adopted in the delivery of the WKCD development. Given also the considerations that the Government was facing a serious deficit problem and that private enterprises were more sensitive to market changes, the Administration after careful consideration of various alternatives, found the single package approach best suited for the WKCD development.

16. Noting that the WKCD site would be awarded to the successful proponent with a land grant for a term of 50 years, Mr WONG Sing-chi opined that the site would probably turn out to be a property development project with a substantial portion of the site occupied by commercial and residential developments. Miss CHAN Yuen-han shared Mr WONG's view and pointed out that the Administration should address public concern about WKCD turning out to be a replica of the Cyberport, i.e. a property development project in disguise.

17. The Chief Assistant Secretary for Housing, Planning and Lands (Planning and Lands) (Planning)⁵ advised that within the term of the land grant the successful proponent would be required to operate, maintain and manage the core arts and cultural facilities for a period of 30 years. The core arts and cultural facilities would be handed over at no cost to the Government after expiry or early termination of the operation period. For the proper management of these arts and cultural facilities, proponents were required to propose in their Proposals the mode of governance, which include the setting up of a managing authority with reputable and experienced representatives of the relevant sectors as members.

18. The Project Manager (Kowloon), Territory Development Department (PM/TDD) added that the term of land grant was not longer than that granted in normal land sales. He pointed out that while the successful proponent would be able to generate income from the sale of the property developments on the WKCD development, he had to bear the costs and risks for the construction, operation,

management and maintenance of the core arts and cultural facilities for a period of 30 years.

The single package approach and the selection exercise

19. Mr Albert CHAN said that he had been in support of the Administration's proposal of breaking away from the conventional approach in the delivery of the WKCD development through the PPP approach and was expecting a truly competitive procurement process in the selection of the successful proponent. However, taking note of the analysis by the Legal Service Division of the LegCo and in the light of the development of the project in the past few months, he was disappointed with the lack of transparency in the procurement process. He opined that the Administration had been taking forward the project in an inappropriate manner which departed from the normal procedures and was inconcordant with the wish and the interest of the community at large. He was worried that the proposed mode of delivery would end up as a project to the advantage of one or a few consortia but at the expense of the public. He requested to put on record that he would not support the Administration's proposed land and financial arrangements for the WKCD development any more.

20. PSPL said that following the motion debate on 26 November 2003, the Administration had been working in full gear to address the concerns of LegCo Members and the public on the WKCD development. The deadline for submission of proposals for the development had been extended by three months to 19 June 2004 and the Administration had carried out substantial consultations with the relevant professional bodies, the arts and cultural sector and the public on the project. She stressed that the Administration was committed to conducting the selection exercise in a fair and open manner. The assistance of the Independent Commission Against Corruption (ICAC) had been enlisted in drawing up the assessment criteria and giving advice on the selection process. To ensure fairness in the assessment process and confidentiality of information, a special office had been set up for the exclusive use by officers of the assessment panel. PSPL also drew members' attention to the proposals set out in paragraphs 5 to 12 of the progress report on the WKCD development (LC Paper No. CB(1)1353/03-04(01)), which outlined the measures to enhance the planning control of the Town Planning Board (TPB) over the future development of the site and to increase public involvement in the selection process.

21. Mr Albert CHAN maintained his view that the selection exercise of the WKCD development lacked transparency and was concerned whether there was a level playing field for all intending proponents. While not objecting to the involvement of the private sector in the project, Mr CHAN objected to the single package approach under which the project involving a vast and important site in Hong Kong would finally be monopolized by one single consortium. He considered that in adopting the single package approach, the Administration was conspiring with the consortia and sacrificing the interest of the community.

22. PSPL responded that Mr CHAN's allegation against the Administration was groundless and if left un-refuted, would seriously undermine the Government's integrity. She affirmed that the procurement process had been and would be conducted in a transparent and fair manner, and the Administration had never entered into any backdoor deals with private developers/consortia. Responding to the further enquiry of Mr Albert CHAN and Mr James TO, PSPL explained that while Government officers might have contacts with representatives of potential consortia interested in the project under different formal and informal occasions in their regular work dealings, they had not had any exchanges in relation to the WKCD development, except for answering enquiries from intending proponents in relation to the details of the IFP. PM/TDD added that all relevant information provided to intending proponents upon enquiries would be uploaded to the project web site for public information to ensure fairness and transparency.

23. Referring to paragraph 6 of the Administration's paper, Mr WONG Sing-chi asked whether the Administration would seek the agreement of the LegCo on the preferred scheme and make modifications to the scheme in accordance with views of the LegCo. Miss CHAN Yuen-han shared Mr WONG's concern and expressed grave concern about the transparency of the assessment exercise. As the WKCD development was not a public works project, the Administration was not required to seek funding approval from the LegCo for the implementation of the project.

24. PSPL explained that the views of the LegCo would be sought at different stages of the assessment exercise. The Administration would inform the LegCo on the number of proposals received after the deadline for submission of proposals, i.e. 19 June 2004. Moreover, during the public exhibition of the proposals received, the Administration would also brief the LegCo on the proposals and Members' views would be taken into account in the selection of a preferred proposal. When a preferred proposal had been identified after going through the assessment and negotiation process, it would be presented to the LegCo for comments before a final package was submitted to the Chief Executive in Council for approval.

25. In response to Miss CHAN's further enquiry about the arrangements set out under paragraph 5 of the progress report, PSPL explained that the zoning of the WKCD site under "Other Specified Uses" was only intended to give flexibility to the intending proponents in coming up with an optimal scheme for the Administration's consideration. Once a preferred scheme was adopted, its development parameters would be incorporated into the relevant Outline Zoning Plan (OZP). The final Project Agreement would not be submitted to the Chief Executive in Council for approval until all statutory procedures, including the approval of the OZP, had been duly completed. Any future change to the development parameters would require going through the statutory process,

thereby ensuring TPB's control over as well as public monitoring of the development as the WKCD project progressed.

26. Miss CHAN Yuen-han was concerned that the successful proponent might be given too much flexibility in the development of the WKCD site, thereby putting the public interests at risk. Quoting the example of the Hammer Hill Road Park, in which the Administration finally submitted to the public request for entrusting the design and construction to the Chi Lin Nunnery, Miss CHAN called on the Administration to give full consideration to the views of the public on the WKCD development and take forward the development project in a transparent manner to safeguard the interest of the public.

27. PSPL assured Members that in pursuing the WKCD development, the Administration had always worked towards the best interest of the public. As explained earlier on at the meeting, under the present stringent fiscal condition, a new mode of delivery was needed to involve the private sector in the provision and operation of public facilities and services. On this occasion, the Administration took the initiative to update Members on the progress made on the project since the motion debate on 26 November 2003 by providing a progress report to the Panel in March 2004 and attending this meeting to provide further up-to-date information. She stressed that the Administration had taken into consideration Members' views on the project. It would continue to report to the LegCo on the project and consult Members at various key stages of the project development.

28. While expressing full confidence to the integrity of the civil servants involved, Mr Abraham SHEK was concerned that as the assessment panel was only consisted of senior Government officers who lacked experience of commercial operations, the selected proposal might not be the one that could best serve the interest of the public, both in terms of financial arrangements and design. In his view, the Administration should work out a master layout plan for the WKCD site first and use the proceeds from land sales to fund the construction of the intended arts and cultural facilities.

29. In reply, PSPL advised that the assessment panel would examine the proposals received in three aspects, namely, the technical aspects, the operation, management, and maintenance aspects of the provision of arts and cultural facilities, and the financial aspects based on proposals made by the proponents. She assured Members that the Administration was accountable to the public in selecting a financially viable proposal which would be a fair deal to both parties to the Agreement. PM/TDD pointed out that a number of consortia had expressed interest in the project since the issue of the IFP, showing that this was a really competitive exercise. The public interest would be safeguarded through the maintenance of a level playing field for all intending proponents as well as an impartial and transparent selection process.

Public consultation

30. Mr WONG Sing-chi expressed doubt on whether the Administration had provided comprehensive information on the proposed mode of delivery of the project when consulting the public on the project. Mr WONG opined that the public should be consulted on the adoption of the single package approach as this would result in granting the right of development of valuable land asset to a single developer. Miss CHAN Yuen-han shared Mr WONG's concerns.

31. In reply, PSPL said that extensive consultation had been carried out in the past few months. Apart from discussions with various professional bodies and a large number of arts and cultural organizations, the Administration had tried to gauge the views of the general public through various means, including broadcasting messages on Roadshows, visiting schools and collecting views through activities of youth centres etc.

32. PM/TDD supplemented that the Administration had detailed discussions with 10 representative professional bodies in the last four months. A summary of their views and the other views received was available on the project web site. Members of the public might also access to the full text of their written submissions through hyperlinks. While there were diverse views on the single package approach for the development of WKCD, many suggestions of these professional bodies were heeded by the Administration in taking forward the project.

33. Mr WONG Sing-chi expressed dissatisfaction with the scope of the consultations undertaken by the Administration and the very brief account of the consultations in the Administration's paper. He was doubtful whether the Administration had taken serious consideration of the views expressed by interested sectors and organizations. It was evident that the Administration had insisted on adopting the single package approach despite the serious criticisms and objections expressed by the public.

Participation of the arts and cultural sector

34. Mr Timothy FOK said that while the arts and cultural sector supported the Administration's vision to develop WKCD into a world-class arts, cultural and entertainment centre in principle, they wished to participate in the development of the core arts and cultural facilities in WKCD, in addition to being consulted on the assessment criteria and the proposed development schemes. He pointed out that the arts and cultural facilities to be provided in WKCD would be crucial to the cultural development in the decades to come. In this connection, he urged the Administration to consider the establishment of an independent statutory authority for the operation and management of the arts and cultural facilities in WKCD.

35. In response, the Principal Assistant Secretary for Home Affairs (Culture)¹ said that in the past few months, the Home Affairs Bureau had conducted very

extensive consultation in different forums, to gauge the views of the arts and cultural sector on the WKCD development. In brief, the arts and cultural sector was of the view that there were inadequate arts and cultural facilities in the territory and they welcomed the provision of additional facilities. As such, they were generally supportive to the proposed development of WKCD. He assured members that the Administration attached importance to the participation of the arts and cultural sector in the WKCD development and would take their views into account in taking forward the project.

36. Miss CHAN Yuen-han opined that participation of the community, in particular experts in the arts and cultural sector, in the assessment panel for selection of the preferred development scheme would ensure wide public support to the selected scheme. She was disappointed that the Chief Secretary for Administration had turned down this proposal on grounds of possible conflict of interest of certain groups or individuals. She pointed out that the arts and cultural sector had expressed concern about the possible problems in developing WKCD as an arts and cultural centre in the absence of a comprehensive cultural policy.

37. PSPL responded that the assessment panel would be formed by selected senior civil servants and the process would accord with the normal practice adopted for Government procurement exercises emphasizing on fairness and the maintenance of a level playing field. She reiterated that the participation of ICAC was invited in the preparation of the assessment criteria and the assessment exercise. In view of the scale of the WKCD project, Government officers involved in the assessment exercise were required to exercise the greatest caution in performing the duties in relation to the assessment panel. During the consultation with the arts and cultural sector, the Administration was given to understand that they agreed to the composition of the assessment panel in general and did not make any explicit request for participation in the panel.

The canopy

38. Referring to the canopy design, Mr Abraham SHEK queried the justifications of the Administration in adopting the design as a key feature of the WKCD development despite that there was no public consensus on the provision of the canopy, in particular when its high construction and maintenance costs were taken into consideration. In response, PM/TDD pointed out that the canopy was a signature feature of the Foster Scheme which was the first price winning concept plan as a result of an international competition. While the IFP document required proponents to submit detailed design for the canopy, the cost related to its construction and the maintenance plan, the Administration would have to see the proponents' proposals before knowing how much the canopy would cost and to assess it in the overall financial scheme. If the community had a consensus that the canopy was too costly to build and/or maintain, it might ultimately be possible to consider dispensing with the canopy requirements should it become necessary in future to revisit/repackage the whole development scheme.

39. The Legal Adviser pointed out that one of the mandatory requirements set out in the IFP was that proponents were required to include, in the formulation of the preliminary masterplan, the canopy as the signature design feature covering at least 55% of the development area to create a singular waterfront landmark. He was not aware of any change to this requirement after the launch of the IFP. Mr Albert CHAN doubted whether the remarks by PM/TDD implied that the Administration would no longer insist on having the canopy as a mandatory requirement for the development proposal for WKCD. PM/TDD clarified that while the canopy design was one of the mandatory requirements stated in the IFP, proponents were also required to provide analyses on the construction and maintenance costs of the canopy. The Administration would take into consideration the financial aspects of the canopy requirements in deciding the preferred design for the development.

(Post-meeting note: A press release entitled "No change to single package approach and canopy requirement in West Kowloon Cultural District" issued by the Administration on 28 April 2004 was circulated to members vide LC Paper No. CB(1)1679/03-04 on 29 April 2004.)

Motion moved by Mr Albert CHAN

40. Mr Albert CHAN reiterated his grave concern about the single package approach adopted by the Administration in taking forward the WKCD development. He opined that the current land and financial arrangements proposed by the Administration were inappropriate and not in the wider public interest. He moved the following motion -

"就政府所提出西九龍文娛藝術區的土地及財務安排，本事務委員會表示反對。"

41. The Chairman put the motion to vote. All the four members present voted for the motion. The Chairman declared the motion passed. He directed the Clerk to invite the Administration to provide a written response to the motion in due course.

(Post-meeting note: The motion was forwarded to the Secretary for Housing, Planning and Lands for written response. It was also circulated to members vide LC Paper No. CB(1)1666/03-04 on 28 April 2004. The Administration's response was circulated to members vide LC Paper No. CB(1)1905/03-04 on 21 May 2004.)

V. **4110CD - Drainage improvement in Tsuen Wan, Kwai Chung and Tsing Yi**
(LC Paper No. CB(1)1572/03-04(03) -- Information paper provided by

the Administration on 110CD
-- Drainage improvement in
Tsuen Wan, Kwai Chung and
Tsing Yi -- urban drainage
improvement works

LC Paper No. CB(1)1596/03-04(01) -- Information note provided by
the Administration on three
proposed drainage tunnels)

42. At the invitation of the Chairman, the Principal Assistant Secretary for the Environment, Transport and Works (Works)3 (PAS/W3) briefed members on the proposed drainage improvement works under the project "110CD — Drainage improvement in Tsuen Wan, Kwai Chung and Tsing Yi — urban drainage improvement works" (Drainage project 110CD). The Administration intended to submit the proposal to PWSC in June 2004 for consideration. PAS/W3 also drew members' attention to the information note on three proposed drainage tunnels (LC Paper No. CB(1)1596/03-04(02)). He advised that subject to the availability of more information from the investigation study, the alignments for the three tunnels might be finalized in around mid 2005 and the Administration would seek Members' comments before proceeding to undertaking the detailed design for the tunnels. Subject to the availability of funds, the construction of the tunnels was scheduled to commence in 2007/08 for completion in 2011.

43. Referring to the Enclosure to the paper on the Drainage project 110 CD, Mr Albert CHAN expressed strong concern about the impacts of the construction works on the vehicular and pedestrian traffics at Tai Wo Hau Road, Texaco Road and Tai Ha Street. In reply, the Senior Engineer/Consultants Management, Drainage Services Department (SE/CM, DSD) said that the construction works to be conducted on these roads would be done in short sections and during off-peak hours (from 10:00 am to 4:00 pm) for some busy locations to minimize the impacts on the vehicular and pedestrian traffics. He advised that the proposed construction arrangements had been worked out in consultation with the Tsuen Wan District Council and the Police. At the request of Mr CHAN, SE/CM, DSD undertook to provide details with relevant drawings/maps on the traffic and works arrangements before submission of the proposal to PWSC.

(Post-meeting note: The supplementary information provided by the Administration was circulated to members vide LC Paper No. CB(1)1897/03-04 on 21 May 2004.)

44. Mr WONG Sing-chi said that the Democratic Party supported the project proposal for improvement of the urban drainage systems. He sought information on the flood protection standard of the existing drainage systems in the areas concerned and whether the Administration would take any interim flood control measures before the completion of the proposed drainage improvement works. SE/CM, DSD advised that the existing drainage systems could cope with

rainstorms of about 1-in-10-years return period and after the improvement works to be completed in 2006, the drainage systems would be able to cope with a rainfall level of a 1-in-50-years storm. He explained that the proposed works comprised upgrading of existing drains by replacement with larger drains or by addition of new drains. He assured members that proper construction arrangements would be made to ensure that flood protection in the areas would not be affected, such as scheduling the drains replacement works during the dry seasons.

VI. Any other business

45. There being no other business, the meeting ended at 4:25 pm.

Council Business Division 1
Legislative Council Secretariat
28 June 2004