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11 July 2006

Ms Joanne MAK
Clerk to Panel
Legislative Council
Legislative Council Building
8 Jackson Road
Central, Hong Kong

BY FAX: 2509 9055

Dear Madam,

Panel on Home Affairs

Minutes of Meeting on 12 May 2006

I refer to your letter dated 26 May 2006 addressed to the Secretary for Home Affairs, attaching draft minutes of the captioned meeting. At para. 57 of the minutes of meeting, Hon. Miss CHOY So-yuk urged the Administration to give a written explanation regarding resumption of a private street next to the site of Carson Mansion. Please note the area in question is not a private street falling within the Private Street Resumption Programme and the Director of Home Affairs has recently requested me to respond to you directly on this issue.

When the Hon. Miss CHOY So-yuk refers to a private street next to the site of Carson Mansion, it is understood that she is referring to a triangular area comprising an open carpark between Carson Mansion and Kings Road, together with an open passageway between the carpark area and Carson Mansion. This whole area is private land. At the time Carson Mansion was developed, the Administration anticipated that this triangular area would be required by the Mass Transit Railway Corporation in connection with the construction of a station for the Island Line. Building plans for Carson Mansion were approved in 1976 including the benefit of the triangular area for the purposes of calculating the development potential of the whole site.

No bonus plot ratio was given in the development of Carson Mansion in respect of the triangular area. However, some bonus plot ratio was granted in respect of an area on the ground floor and basement level inside Carson Mansion, which was to be reserved for a MTR station entrance. This station entrance area has been assigned to Government.

Subsequently, due to a revision of the Mass Transit Railway alignment, the triangular area was not required for railway purposes.

Lease conditions for the lot currently used as a carpark are virtually unrestricted. Thus, the current use as a carpark is not a breach of the lease conditions.

The Administration is not empowered to resume land unless it is required for a public purpose. As no Government department has proposals to use this area, resumption by Government would be inappropriate and indeed unlawful.

I trust the above comments assist Members in understanding the background to this case.

Yours faithfully,

(R.C. Baram)
for Director of Lands

c.c.	HAD	(Attn: Mr Gary YEUNG, DD(1))	2574 8638
	HyD	(Attn: Mr NG Kam-chi, AD/Development)	2714 5216
	HyD	(Attn: Mr Terry YEUNG, SE/HK 1, HyD)	3188 3418
	BD	(Attn: Mr LAM Siu-tong, AD/Existing Buildings 1)	2840 0451
	BD	(Attn: Mr SO Kin-por, SBS/D4)	2840 0451
	HAD	(Attn: Mr Herman CHO, DO/EDO)	2568 7295

Internal
SES/A2
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