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**Public Works Subcommittee of the Finance Committee
of the Legislative Council**

**Minutes of the 10th meeting
held in the Conference Room A of Legislative Council Building
on Wednesday, 23 May 2007, at 8:30 am**

Members present:

Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP (Chairman)
Hon Alan LEONG Kah-kit, SC (Deputy Chairman)
Hon Fred LI Wah-ming, JP
Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon CHAN Yuen-han, JP
Hon CHAN Kam-lam, SBS, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon LAU Kong-wah, JP
Hon Miriam LAU Kin-yee, GBS, JP
Hon CHOY So-yuk, JP
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon LEE Wing-tat
Hon LI Kwok-ying, MH, JP
Hon Daniel LAM Wai-keung, SBS, JP
Hon CHEUNG Hok-ming, SBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon TAM Heung-man

Member absent:

Hon Albert CHAN Wai-yip

Members attending:

Dr Hon YEUNG Sum
Dr Hon KWOK Ka-ki

Public officers attending:

Mr Joe C C WONG	Deputy Secretary for Financial Services and the Treasury (Treasury) ³
Mr MAK Chai-kwong, JP	Permanent Secretary for the Environment, Transport and Works (Works)
Mrs Rita LAU, JP	Permanent Secretary for Housing, Planning and Lands (Planning and Lands)
Ms Anissa WONG, JP	Permanent Secretary for the Environment, Transport and Works (Environment)
Mr Davey CHUNG	Principal Assistant Secretary for Financial Services and the Treasury (Treasury) (Works)
Mrs Carrie LAM CHENG Yuet-ngor, JP	Permanent Secretary for Home Affairs
Miss Annie TAM Kam-lan, JP	Deputy Secretary for Housing, Planning and Lands (Planning and Lands) ¹
Mr Philip YUNG Wai-hung, JP	Deputy Secretary for the Environment, Transport and Works (Transport) ¹
Mrs Ava NG TSE Suk-ying, JP	Director of Planning
Mr John CHAI Sung-veng, JP	Director of Civil Engineering and Development
Mr MA Lee-tak, JP	Project Manager (Hong Kong Island and Islands), Civil Engineering and Development Department
Mr LAU Ka-keung, JP	Deputy Commissioner (Planning and Technical Services), Transport Department
Mr WAN Man-lung, JP	Principal Government Engineer (Railway Development), Highways Department
Dr Louis NG Chi-wa	Assistant Director (Heritage and Museums), Leisure and Cultural Services Department

Clerk in attendance:

Ms Rosalind MA Senior Council Secretary (1)⁸

Staff in attendance:

Ms Pauline NG Assistant Secretary General 1
Mr Anthony CHU Council Secretary (1)²

Ms Alice CHEUNG
Mr Frankie WOO

Senior Legislative Assistant (1)1
Legislative Assistant (1)2

Action

Arrangements of additional meetings in June 2007

The Chairman informed members that according to the Administration's latest estimation, about 29 items would be ready for submission to the Public Works Subcommittee (PWSC) for funding support in June 2007. To allow sufficient time for members to consider the funding proposals, the Chairman sought members' views on the arrangement of additional PWSC meetings on Friday, 15 June 2007 and Wednesday, 27 June 2007 at 8:30 am. Members raised no objection to the proposed arrangement. Members also noted the Chairman's advice that where possible, the Administration would try to submit all the items for consideration at the three meetings on 6, 15 and 20 June 2007 and the additional meeting on 27 June 2007 would only be held if necessary.

(Post meeting note: Members are informed of the arrangements of additional meetings on 15 and 27 June 2007 vide LC Paper No. PWSC77/06-07 on 25 May 2007.)

Head 707 - New Towns and Urban Area Development

PWSC(2007-08)23 728CL Preservation of Queen's Pier

2. The Chairman advised members that this was a re-submitted item, which was withdrawn by the Administration at the last PWSC meeting held on 9 May 2007. He also drew members' attention that to address members' concern about the historical value of the Queen's Pier (the Pier), the Administration had provided in paragraphs 15, 23 and 24 relevant information on the assessment of the Antiquities Advisory Board (AAB) as a Grade I historical building made at AAB's meeting on 9 May 2007.

3. Dr YEUNG Sum was concerned that the current proposal sought to dismantle the Pier without any commitment from the Administration for reassembly at its original location. Dr YEUNG was of the view that unless the public consultation on the preservation of the Pier would be conducted by a committee or organization independent of the Government, the chance for its reassembly at the original location would be slim. As such, he said that Members of the Democratic Party would not support the current proposal. He also called on the Administration to respond to public aspiration for heritage preservation instead of sticking to the traditional top-down approach in policy making and implementation.

4. Miss CHAN Yuen-han was also concerned that the Administration had not undertaken to reassemble the Pier at its original location in the current proposal.

Referring to an illustrative graph provided by a group of young architects on their preservation proposal by constructing an artificial lake near the Pier, Miss CHAN urged the Administration to give serious consideration to the valuable views of professional bodies so that the Pier could be reassembled at its original location with aesthetic design compatible to the surrounding environment.

5. Mr CHEUNG Man-kwong cautioned that as the Administration had not made any commitment to reassembling the Pier at its original location, members would be assisting the Administration in an irreversible act of dismantling the Pier if funding support was granted to the current proposal. Mr CHEUNG stated his objection to the current proposal as it did not provide any alternative preservation options for the choice of the community. He questioned whether the Administration had carefully assessed the consequences of taking forward the current proposal to dismantle the Pier despite strong public calls for its preservation.

6. In response, the Deputy Secretary for Housing, Planning and Lands (Planning and Lands)1 (DS(P&L)1) stressed that the Administration had met the professional bodies for intensive discussions on feasible ways to preserve the Pier and the most recent meeting, with the Hong Kong Institute of Architects, took place on 18 May 2007. On members' concern about an undertaking from the Administration for reassembly of the Pier at its original location, the Permanent Secretary for Housing, Planning and Lands (Planning and Lands) (PS(PL)) stressed that the Administration was fully aware of the concerns of the community and Members of the Legislative Council (LegCo) about preservation of the Pier and had all along been making efforts to this end. PS(PL) pointed out that the current proposal was to dismantle the above-ground structure of the Pier for preservation and store it for reassembling at a suitable location to be identified. The preservation option had been proposed after intensive discussion with the LegCo, professional bodies and concerned groups and had the support of the Panel on Planning, Lands and Works before the funding proposal was submitted to PWSC. Under the current proposal, the possibility of reassembling the Pier at its original location would not be ruled out. In examining the suitable location for reassembly of the Pier, the Administration would give due regard to the views of the community at large as well as the need to plan and develop the Central waterfront in the best public interest.

7. Prof Patrick LAU pointed out that professional bodies including architects and town planners had devoted much efforts and resources in working out the best feasible option for preservation of the Pier. In this connection, Prof LAU appreciated the Administration's efforts made in communicating with professional bodies and hoped that it would keep up with the efforts in this regard. Prof LAU pointed out that he had gathered the views of professionals who considered in-situ preservation of the Pier technically feasible with the re-alignment of Road P2. He therefore would not agree that the preservation option proposed by the Administration represented the best efforts to preserve the Pier and pointed out that he could hardly support the current proposal if the Administration did not make any revision and/or compromise. He also recapped

his view that preservation of the Pier should be examined in the context of its spatial relation with the City Hall and the Edinburgh Place as a group and his concern about the high cost involved for the Administration's proposed preservation option.

8. Miss CHOY So-yuk said that she had been facing lobbying from both the supporting and the opposing sides recently and had experienced the most depressed period in her political life. She would readily give her support to the preservation proposal with the Administration's firm undertaking for reassembly of the Pier at its original location. In this connection, Miss CHOY enquired about the benchmark for the Administration to assess the majority view on the suitable location for reassembly during the public consultation in progress. She also doubted whether the Administration would take forward the majority preference for reassembly at the Pier's original location and would not give up the location on grounds of factors such as costs and time implications. Moreover, Miss CHOY expressed concern about details of the preservation option proposed by the Administration, including measures to ensure the structures of the Pier would be properly preserved throughout the dismantling and reassembling process and further consideration or otherwise of in-situ preservation of the Pier by rolling of the above-ground structures.

9. In response, PS(PL) assured members that the Administration attached great importance to the views of the public in taking forward the preservation of the Pier. She pointed out that the public should be provided with relevant information on the implications (including costs and time) of different preservation options and locations for reassembly to facilitate them in making informed choices during the public consultation. She also advised that the entire public participation programme was planned for completion in late 2007, with its first stage to complete in June 2007.

10. Referring to AAB's assessment of the Pier as a Grade I historical building, Dr YEUNG Sum queried whether the Antiquities Authority (the Authority) should be obliged to seek the approval of the Chief Executive (CE) to declare the Pier as a monument under the Antiquities and Monuments Ordinance (AMO) (Cap. 53). He requested the Administration to provide information on past practices of preserving Grade I historical buildings and circumstances under which these buildings would be declared as monuments under AMO.

11. In reply, the Permanent Secretary for Home Affairs (PSHA) clarified that there was no automatic linkage between graded buildings and monuments. She explained that the grading system adopted by AAB was an administrative mechanism to assess the heritage value of historical buildings which was different from the statutory mechanism under AMO to declare a building as a monument. PSHA referred members to section 3(1) of AMO that "the Authority may, after consultation with the Board and with the approval of the Chief Executive, by notice in the Gazette, declare any place, building, site or structure, which the Authority considers to be of public interest by reason of its historical, archaeological or palaeontological significance, to be a monument, historical

building or archaeological or palaeontological site or structure.” She advised that among the 607 buildings graded by AAB in the past, 151 had been accorded with Grade I historical building status, while only 28 of these Grade I historical buildings were declared as monuments under AMO.

12. Dr YEUNG Sum referred to the comment of Mr Edward HO, Chairman of AAB, about the need to assess the value of the Pier from a historical rather than a technical perspective. In this connection, Dr YEUNG queried why the Authority, i.e. the Secretary for Home Affairs (SHA), had not sought CE’s approval to declare the Pier as a monument, despite the grading by AAB and the heightened public sentiment towards heritage preservation. Dr YEUNG doubted whether political and/or administrative considerations were involved in SHA’s decision.

13. PSHA explained that the statutory power under AMO only provided for SHA to declare buildings/sites as monuments on grounds of their historical, archaeological or palaeontological significance, without having regard to other factors such as political considerations or implications on works projects. She pointed out that the thresholds of historical, archaeological or palaeontological significance qualifying a building as a monument were very high. Up to now, only a total of 63 historical buildings had been declared as monuments, all of which were pre-war buildings. PSHA advised that not all Grade I historical buildings would ultimately be declared as monuments under AMO while some declared monuments did not go through a grading process.

14. Dr KWOK Ka-ki expressed great dissatisfaction towards the Administration’s rude approach in preservation of the Pier, without giving due recognition to the calls of experts and the public for heritage preservation. Despite AAB’s assessment of the Pier as a Grade I historical building, Dr KWOK was disappointed that the Administration did not make any adjustment to the proposal of dismantling and reassembling of the Pier. He commented that a people-oriented government should not be so irresponsible to the community’s sentiment. As the Administration had re-submitted the funding proposal well before the completion of the public consultation on the preservation of the Pier, Dr KWOK doubted the commitment of the Administration to heritage preservation.

15. In reply, PSHA explained that the role and functions of AAB was to give advice to the Authority on the historic value of buildings and sites through an administrative grading system, while SHA as the Authority would consider whether a building reached the threshold to merit a monument status. She further advised that a Grade I status was accorded to buildings of outstanding merit which every effort should be made to preserve if possible. The Administration was of the view that the preservation option under the current proposal represented the best possible effort to preserve the Pier and was not incompatible with the status of the Pier as a Grade I historical building.

16. Miss TAM Heung-man noted with concern that despite strong views expressed by LegCo Members at the meeting on 9 May 2007 and the public sentiment against the Administration’s proposed preservation option, the

Administration had not made any revision to the preservation option of the Pier in this re-submitted proposal. Pointing out that the Administration had requested late addition of this item to the agenda with the paper provided only on 22 May 2007, Miss TAM queried whether the Administration simply wished to obtain immediate funding support for dismantling the Pier, thereby creating an irreversible circumstance against in-situ preservation of the Pier. In this connection, Miss TAM enquired whether SHA had reached a final decision that the Pier should not be declared as a monument under AMO in the light of AAB's latest assessment made at its meeting on 9 May 2007. In response, PSHA confirmed that SHA had thoroughly considered the latest developments and the assessment of the historical value of the Pier conducted by the Antiquities and Monuments Office (AMOf) and decided that the Pier did not possess the requisite historical, archaeological or palaeontological significance for it to be declared as a monument under section 3 of AMO.

17. Mr Andrew CHENG and Mr Alan LEONG also expressed disagreement with the late addition of the item and queried the urgency of the current proposal for its re-submission without adequate notice. Mr LEONG was of the view that contrary to the Administration's claim on the urgency of the item, funding support to any preservation option should not be decided at the present stage given a number of outstanding issues to be resolved before the best preservation option could be identified. These included: the public consultation in progress on the suitable location for the Pier to be completed in end 2007; a planning application to the Town Planning Board on the Central waterfront area where the Pier was located to be gazetted on 25 May 2007 and the new preservation option proposed by a group of young architects referred to by Miss CHAN Yuen-han earlier on. Mr LEONG urged senior government officials to do away with the outdated practice of elitist leadership with policy decisions made without public consultations and to re-examine the preservation of the Pier in the light of AAB's assessment.

18. The Chairman pointed out that at the last PWSC meeting on 9 May 2007, members had requested the Administration to withdraw the proposal so that they could consider it when the grading of AAB on the same day was available. The Administration had indicated its intention to re-submit the item at this meeting following the withdrawal of the item upon members' request. Mr Abraham SHEK shared the Chairman's view and commented that as the discussion paper for the current proposal mainly provided supplementary information in response to members' concern about AAB's grading of historical buildings, he considered the late addition of the item to the agenda acceptable.

19. Miss TAM Heung-man and Mr LEE Wing-tat expressed dissatisfaction that the Administration did not give any information on the considerations and justifications underlying the decision of SHA that the Pier fell short of the requirements to be declared as a monument under AMO despite its Grade I historical building status assessed by AAB. Mr LEE questioned whether the work of AAB was meaningful if the Administration had a pre-determined stance for dismantling the Pier regardless of AAB's assessment. He considered that SHA as the Authority should explain his decision to the LegCo in person. Mr LEE was

disappointed to note that the Administration did not learn from the incident of the demolition of the Star Ferry Pier and its clock tower and had failed to realize CE's undertaking during his election campaign for the creation of a harmonious society through policy making from bottom-up. He therefore called upon members to object to the current proposal so that the Administration would discuss further with the community and professional bodies on the best way to preserve the Pier.

20. PSHA reiterated that SHA's decision that the Pier did not possess the requisite historical, archaeological or palaeontological significance for it to be declared as a monument under AMO was made after having thoroughly considered all relevant papers and the latest developments related to the assessment of the historic value of the Pier. She further explained that the paper for the current proposal seeking funding to preserve the Pier had already taken account of AAB's assessment as set out in paragraphs 23 and 24.

21. Noting that SHA had decided that the Pier should not be declared as a monument, Mr James TO enquired about the timing of SHA's decision. In response, PSHA said that AMOf had participated in discussions on the heritage value of the Pier all along and was instructed by SHA following the grading by AAB on 9 May 2007 to review the position and to make recommendation on whether AMOf's previous position that the Pier should not be declared to be a monument was still valid. Having thoroughly considered all the relevant information, SHA had come to view on 22 May 2007 that while the Pier possessed certain historical significance, it fell short of the requirements for it to be declared as a monument under AMO (SHA's decision on the Pier). She advised that SHA would explain to the public his decision on the Pier later on the day of the meeting.

22. As SHA had made a decision on 22 May 2007 against declaring the Pier as a monument, Mr James TO queried why the Secretary for Housing, Planning and Lands (SHPL) had told the public on 9 May 2007 that the Administration would continue with the proposal to dismantle the Pier. Mr TO was of the view that there was inconsistency between the two policy bureaux in handling of the preservation of the Pier. Mr TO pointed out that SHA's decision on the Pier was crucial and might be subject to judicial review by concerned groups. He therefore questioned why relevant information on SHA's decision on the Pier had not been provided in the current proposal.

23. PSHA explained that the AMOf had participated in discussions of the heritage value of the Pier for some years back in the early 2000s in the context of the CRIII project and had not taken any action to seek to declare the Pier as a monument. SHPL's statement on 9 May 2007 was made with the understanding that SHA had not taken any action to declare the Pier as a monument throughout past discussions. If the current preservation proposal represented the best possible effort to preserve the building, it was not incompatible with AAB's assessment of the Pier. PSHA pointed out that under special circumstances, sometimes for the protection or preservation of the monument, a permit could be granted by the Authority to allow excavation, removal or demolition of declared monuments under section 6 of AMO. In response to Mr Alan LEONG's comment that the

Authority should consult AAB before deciding against the declaration of the Pier as a monument, PSHA clarified that the Administration's legal advice was that under section 3 of AMO, the Authority was required to consult AAB if the Authority considered that a building/site should be declared as a monument but not when he considered otherwise.

24. Mr CHEUNG Man-kwong queried why SHA did not conduct public consultation before arriving at the conclusion that the Pier fell short of the requirements to be a declared monument. In response, PSHA explained that the statutory requirements under section 3 of AMO set out in clear terms the factors for consideration by the Authority in deciding whether any building, site or structure should be declared as monuments, which included its historical, archaeological or palaeontological significance. PSHA reiterated that under AMO, the statutory process of consulting with AAB and then seeking CE's approval for declaration of monuments would only be triggered when the Authority considered that a building should be declared a monument. .

25. Pointing out that members could hardly vote on the current proposal without adequate information on SHA's decision on the Pier, Mr James TO indicated his intention to move a motion to adjourn the discussion on this item in accordance with paragraph 33 of the PWSC Procedure. The Chairman suggested and members agreed that the motion to be moved by Mr TO should be dealt with after all interested members had expressed their views or raised questions for the first round.

26. Mrs Selina CHOW pointed out that there were spilt views in the community on how the Pier should be preserved. While some stressed the need for in-situ preservation of the Pier, some felt that the costs and time implications on the planned infrastructures in conflict with the Pier should be considered in deciding the preservation option. In this connection, Mrs CHOW called on members not to politicize the subject by labeling members in support of the current proposal as assisting the Administration against preservation of the Pier. Whilst appreciating the sentiment for in-situ preservation of the Pier, Mrs CHOW considered that the costs and other implications of further delay in the planned infrastructures under the Central Reclamation Phase III (CRIII) project should be taken into account in examining options for preservation of the Pier, as these would have to be borne by the community as a whole. She sought information from the Administration in this regard.

27. In reply, DS(P&L)1 referred to paragraph 12 of the discussion paper and pointed out that under the terms of the CRIII contract, the Administration was required to hand over the portion of the site occupied by the Pier to the contractor by 23 February 2007. The delay in handing over the Pier site would lead to a delay in completing the reclamation works and the construction of the planned infrastructures at the Pier site. The resultant delay to the overall completion of the CRIII contract could give rise to contractual claims in the order of several hundreds thousand dollars per day.

28. PS(PL) supplemented that the Administration had been taking forward the current proposal with public interest in mind. She pointed out that the CRIII project was needed to provide land for essential transport infrastructure including the Central-Wan Chai Bypass and Road P2 network and a waterfront promenade for public enjoyment. The original funding approval for implementation of CRIII had included the reprovisioning of the Pier with preservation of the plaque with the Pier's Chinese and English names only. Appreciating the nostalgic feelings attached to the Pier and the wish for its preservation, the Administration had worked out the current proposal which represented the best feasible option to preserve the Pier and a balance between the needs for development of transport infrastructures and heritage preservation.

29. Mr Andrew CHENG disagreed with Mrs Selina CHOW's view on the impact of preservation of the Pier on infrastructure development and pointed out that as evident in many European major cities, higher priority accorded to heritage preservation would not have any adverse impact on their economic development. He was of the view that the preservation of the Pier should not be taken forward from an economic perspective. Mr CHENG said that some members had pointed out during the discussion at meetings of the Panel on Transport that construction of the proposed Central-Wan Chai Bypass could be deferred provided that traffic congestion of the Cross Harbour Tunnel could be addressed through better toll setting arrangements for the three road harbour crossings. With the public sentiment towards heritage preservation and the Grade I historical building status assessed by AAB, Mr CHENG said that the Administration should not stick to its executive-led approach in taking forward the preservation of the Pier.

30. Mr Abraham SHEK expressed support to the current proposal to enable the development of necessary infrastructures for the benefits of the community and would not mind being labeled as assisting the Administration in dismantling the Pier. He pointed out that members would have to make a decision by balancing the need for infrastructure development and in-situ preservation of the Pier in considering the current proposal. Mr SHEK was of the view that the historic value of a building/site should not be determined by its years of history but the incidents associated with it.

31. Ms Miriam LAU said that some members might have misinterpreted the view of Members of the Liberal Party and clarified that they were in support of preservation of the Pier while not objected to its preservation by dismantling and reassembling. Ms LAU was of the view that the proposed road network, which had been long overdue, was indispensable for resolving the traffic congestions in Central and Wan Chai areas for the benefit of the community. She supported public consultation to identify the suitable location for reassembly of the Pier.

Motion to adjourn discussion on the item

32. As the first round of questions from members had been raised and responded to, the Chairman advised that the Subcommittee could proceed to deal with Mr James TO's motion to adjourn discussion on this item as agreed earlier on

at the meeting. The Chairman then invited Mr James TO to move his motion in accordance with paragraph 33 of the PWSC Procedure.

33. Mr James TO was of view that SHA should attend a PWSC meeting to explain to members in person the considerations and justifications underlying his decision that the Pier would not be declared as a monument under AMO. As the Administration had not provided information on SHA's decision on the Pier in the current proposal and PSHA was not in a position to respond to members' queries on behalf of SHA, Mr TO opined that discussion on this item should be adjourned. He therefore moved a motion to adjourn the discussion on this item in accordance with paragraph 33 of the PWSC Procedure. Mr TO further pointed out that SHA's decision on the Pier was crucial to whether the Pier could be dismantled, thereby affecting the propriety of the current proposal for dismantling and reassembling the Pier. Hence, funding support to the current proposal should not be given in a hasty manner before members' concerns related to the recent developments in the assessment of the Pier's historic value were addressed.

34. Mr LEE Wing-tat supported the motion moved by Mr James TO. Mr LEE shared Mr TO's view that a number of queries raised by members at the meeting had yet to be clarified by the Administration. Pointing out that SHA's decision on the Pier was a subject of wide public concern, Mr LEE criticized the Administration's failure to inform the public and the LegCo of the decision earlier before the meeting and only had provided PWSC members with such a crucial piece of information upon members' enquiry. Mr LEE was of the view that as AMO was enacted many years ago, the legislation might have become outdated in terms of the statutory protection given to historical buildings/sites and the excessive power conferred on the Authority. He considered that the Administration had not handled the case with adequate transparency and had failed to take forward the proposal in accordance with the need for due process and the need to respond to public sentiment for heritage preservation.

35. While stating support for the motion, Mr Alan LEONG pointed out that under the Administration's proposal, the Pier would be reassembled at a location to be finalized having regard to public views expressed during the consultation to be completed around end 2007. Mr LEONG expressed grave concern that even if the Pier would be reassembled at its original location, the timeframe for completion of the reassembly would be extremely long (possibly over 10 years), as this would be subject to the implementation schedules of infrastructures in conflict of the Pier such as the Mass Transit Railway North Hong Kong Island Line, of which a firm decision had yet to be made. Mr LEONG shared the view of Mr James TO that SHA, in his capacity as the Authority, should personally explain to the LegCo his decision on the Pier. Mr CHEUNG Man-kwong also supported the motion moved by Mr James TO. Mr CHEUNG was dissatisfied that SHA, being a politically appointed principal official, had apparently left the difficult tasks of answering queries from LegCo Members to his permanent secretary while only taking up tasks like meetings with visiting astronauts and gold medal-winning athletes. Mr CHEUNG considered that SHA had not performed his role properly under the accountability system and was just a political opportunist.

36. Mr LAU Kong-wah held a different view. He considered that the current proposal had been discussed intensively by the LegCo and members had not put forward any new issues of concern at the meeting. Mr LAU opined that the item should be put to vote at the meeting instead of adjourned for further discussion later.

37. In response to Prof Patrick LAU's enquiry, the Chairman advised that if the motion was carried, the discussion on the item would be adjourned and it would be up to the Administration to decide on the date for re-submission of the funding proposal.

38. The Chairman put the motion to vote. Mr LEE Wing-tat requested a division. Mr Andrew CHENG voted for the motion by expressing his choice verbally as the electronic voting device at his seat could not function at that moment. Of the members present, seven members voted for the motion, ten members voted against and two members abstained. The individual results were as follows:

For:

Mr Fred LI
Mr James TO
Mr CHEUNG Man-kwong
Mr Andrew CHENG
(7 members)

Mr LEE Wing-tat
Mr Alan LEONG
Miss TAM Heung-man

Against:

Mrs Selina CHOW
Mr CHAN Kam-lam
Mr Jasper TSANG
Mr LAU Kong-wah
Ms Miriam LAU
(10 members)

Mr TAM Yiu-chung
Mr Abraham SHEK
Mr LI Kwok-ying
Mr Daniel LAM
Mr CHEUNG Hok-ming

Abstentions:

Miss CHOY So-yuk
(2 members)

Prof Patrick LAU

39. The motion was negated by the Subcommittee.

Further discussion on the proposal

40. As the motion to adjourn discussion on the item had been negated, the Chairman advised that the Subcommittee would continue to discuss the proposal and then invited further questions from members.

41. Prof Patrick LAU said that he could not support the proposal to dismantle the Pier in view of the split views of professionals belonging to the architectural, surveying and planning constituency of which he represented. Prof LAU pointed out that while some professionals, mainly surveyors, supported the proposal, others, mainly architects, opposed to dismantling of the Pier and requested him to vote against the proposal. Given the inadequate time for conducting further consultation with professionals of his constituency with a view to reaching a consensus on the preservation proposal, Prof LAU indicated that he would have to abstain from voting.

42. Whilst appreciating Prof LAU's decision to abstain from voting given the spilt views of professionals belonging to his constituency, Mr Abraham SHEK re-stated his support for the proposal and opined that the proposal was put forward as a positive response to public wish for preserving the Pier. Mr SHEK believed that the Administration would finalize the reassembly arrangements for the Pier having due regard to public views during the consultation in progress and noted that reassembly at the Pier's original location was one of the options that the Administration had undertaken to pursue under the Central Reclamation Urban Design Study. He was of the view that a decision should be made by PWSC on the current funding proposal having regard to the time and cost implications on planned infrastructures in conflict of the Pier.

43. Responding to the enquiry of Miss CHOY So-yuk and Mr Alan LEONG about the schedule for reassembly of the Pier if this would be done at the Pier's original location, DS(P&L)1 referred to information provided in the discussion paper and advised that if the Pier was to be reassembled at its original location, advance works for the proposed Airport Railway Extended Overrun Tunnel would be required. The advance works would take about two years to complete. In this connection, the strengthening works and reassembly of the Pier would be started around December 2011 for completion around December 2012.

44. Miss CHOY So-yuk was disappointed that the Administration did not undertake to reassemble the Pier at its original location. To inspire public confidence in the independence and impartiality of the public consultation, Miss CHOY urged the Administration to commission an independent committee/organization to conduct the consultation on the option for preservation of the Pier.

45. Mr James TO questioned whether SHA was aware of the arrangement for discussion of the current proposal at the PWSC meeting and if so, when and why he had decided not to attend the meeting to explain to members in person his decision on the Pier.

46. Referring to certain provisions in the Public Order Ordinance (Cap. 245) backed in the 1970s, Mr LEE Wing-tat pointed out that outdated legislation might contain unreasonable provisions and urged the Administration to review AMO, a piece of legislation enacted in the 1970s without major reviews since then. He

considered that when SHA made a decision on the Pier in accordance with the power conferred to him under AMO, due consideration should have been given to the common values of the community on heritage preservation. He enquired about the considerations underlying SHA's decision on the Pier and the exact timing on 22 May 2007 when SHA arrived at the decision. Mr LEE reiterated the need for SHA to be accountable to the public for his decision and queried that SHA was trying to evade questions from the public by choosing not to make any public announcement of his decision before the PWSC meeting.

47. Noting members' concern about SHA's decision on the Pier, PSHA pointed out that AMOf, the executive arm of the Authority, had been involved in the discussions and assessments of the historic value of the Pier and other buildings/sites affected by the CRIII project since 2000s. The decision of SHA was made on the basis of relevant information and views related to the historical, archaeological or palaeontological significance of the Pier and SHA was only given the power under AMO to declare a building/site as a monument having regard to these factors. PSHA reiterated that there was no automatic mechanism for declaration of Grade I historical buildings as monuments, and so far only 28 of these buildings had been declared as monuments under AMO. Given the calls from some quarters of the public for the consideration that the Pier should be declared a monument immediately after AAB's Grade I status decision on 9 May 2007 and noting the arrangement for the current proposal to be re-submitted to PWSC at the meeting, SHA found it appropriate to make a formal decision on the matter before this meeting to remove any uncertainty pertaining to the historical significance of the Pier so as to facilitate members' consideration of the proposal at the meeting. PSHA however pointed out that the exact timing on 22 May when SHA made the decision on the Pier was irrelevant to the discussion of the proposal at the meeting. She reiterated that SHA would give a public statement on his decision later in the afternoon. PSHA further advised that it was the normal practice for permanent secretaries and other officers in the civil service who provided support to the principal officials to attend PWSC meetings and answer members' questions on the funding proposals.

48. Mr CHEUNG Man-kwong and Mr James TO reiterated their view that SHA should attend the meeting of PWSC to explain his decision on the Pier in person. Mr CHEUNG was dissatisfied that members were only advised of this important decision through PSHA upon enquiries made on the declaration of the Pier as a monument or otherwise. Mr CHEUNG criticized the irresponsible and non-transparent approach adopted by SHA in exercising his power under AMO and doubted whether SHA had been under pressure of senior government officials in making a decision of not declaring the Pier as a monument.

49. Mr LEE Wing-tat stressed that the considerations and justifications underlying SHA's decision on the Pier was crucial to the discussion on the current funding proposal and of wide public interest. Mr James TO expressed similar concern. They requested the Administration to provide detailed information in this regard.

50. PSHA said that the Administration had documents on the considerations and justifications of SHA's decision on the Pier but she had not been given adequate opportunity to provide a detailed explanation to members at the meeting.

51. Mr LEE Wing-tat and Mr James TO expressed great dissatisfaction towards PSHA's response. They were astonished to note that the Administration had documents/written information on SHA's decision but had not provided any of them to members before or at the meeting. Mr LEE considered that PSHA should apologize to members for her unfair statement implying that members had not read through the papers provided by the Administration before the meeting. Mr TO also asked PSHA to withdraw her statement.

52. PSHA clarified that she was only referring to the documents for internal reference within the Government and not any formal discussion papers or written information prepared for the consideration by the LegCo. She was simply trying to explain to members that the Administration could brief members on the considerations and justifications underlying SHA's decision at the meeting, yet there had not been sufficient time for the Administration to do so.

53. Mr LEE Wing-tat registered his protest against PSHA's statement that the Administration had not been given sufficient time to explain SHA's decision on the Pier. He pointed out that the Administration could provide a paper before the meeting or even table supplementary information at the meeting.

54. PSHA responded that as SHA's decision on the Pier was not part of the current proposal, the Administration had not prepared separate written information in this regard for the PWSC meeting. She reiterated that SHA's decision on the Pier was consistent with the assessments and considerations on the historical significance of the Pier all along during past discussions.

55. Mr LEE Wing-tat said that the declaration of the Pier as a monument following its rating as a Grade I historical building was crucial to members' consideration of the current proposal. Mr LEE was therefore of the view that the Administration should provide all relevant information considered by SHA in arriving at the decision on 22 May 2007 and questioned why the Administration had not done so promptly when the decision was made. Mr James TO also requested the Administration to provide more information underlying SHA's decision on the Pier, such as an advance copy of the press release on the speech of SHA to be given in the afternoon, to facilitate members' understanding of the rationale behind the decision before voting on the current proposal.

56. At the request of Mr LEE Wing-tat, the Administration undertook to provide supplementary information setting out considerations and justifications underlying SHA's decision on the Pier (in his capacity as the Authority), despite the fact that AAB had rated the Pier as a Grade I historical building at its meeting on 9 May 2007, before the relevant Finance Committee (FC) meeting.

(*Post meeting note:* The supplementary information provided by the Administration was circulated to members vide LC Paper No. PWSC81/06-07 on 31 May 2007.)

57. Mr Abraham SHEK and Mrs Selina CHOW were of the view that SHA's decision on the Pier was not part of the current proposal. Mrs CHOW considered that members' support or otherwise to the proposal should not hinge on the information related to SHA's decision on the Pier. Given that members had had intensive discussion on the proposal, they requested that the Subcommittee should proceed to vote on the item. In this connection, Mrs CHOW sought to move that the Subcommittee should vote on the item immediately.

58. The Chairman advised that he also considered that members already had had very thorough discussion on the proposal and the item should be put to vote. Nevertheless, he would like members to give an indication if the item should be put to vote immediately. He asked members to raise their hands to indicate their preferences. Mr LEE Wing-tat asked for a division. The division was called. At this juncture, Mr LEE queried if members should be allowed to speak on Mrs Selina CHOW's motion in the first place. Assistant Secretary General 1 advised that apart from the adjournment motion, there was no rule in the PWSC Procedure to provide for other procedural motions such as a motion to put the item immediately to vote. It was the Chairman's discretion to decide on the way to handle the motion having regard to past practices.

59. After voting, the Chairman noted the following results:

For:

Mrs Selina CHOW
Mr CHAN Kam-lam
Mr Jasper TSANG
Mr LAU Kong-wah
Ms Miriam LAU
(10 members)

Mr TAM Yiu-chung
Mr Abraham SHEK
Mr LI Kwok-ying
Mr Daniel LAM
Mr CHEUNG Hok-ming

Against:

Mr Fred LI
Mr James TO
Mr CHEUNG Man-kwong
Mr Andrew CHENG
(7 members)

Mr LEE Wing-tat
Mr Alan LEONG
Miss TAM Heung-man

Abstention:

Miss CHOY So-yuk
(1 member)

60. In view of the fact that the majority of members were in favour of putting the item immediately to vote, the Chairman advised that he would put the item to vote. The item was put to vote. Mr LEE Wing-tat requested a division. Of the members present, ten members voted for the item, seven members voted against and one member abstained. The individual results were as follows:

For:

Mrs Selina CHOW
Mr CHAN Kam-lam
Mr Jasper TSANG
Mr LAU Kong-wah
Ms Miriam LAU
(10 members)

Mr TAM Yiu-chung
Mr Abraham SHEK
Mr LI Kwok-ying
Mr Daniel LAM
Mr CHEUNG Hok-ming

Against:

Mr Fred LI
Mr James TO
Mr CHEUNG Man-kwong
Mr Andrew CHENG
(7 members)

Mr LEE Wing-tat
Mr Alan LEONG
Miss TAM Heung-man

Abstention:

Miss CHOY So-yuk
(1 member)

61. The item was endorsed by the Subcommittee. Mr LEE Wing-tat requested that this item be voted on separately at the relevant FC meeting. He also requested that the Directors of the relevant bureaux, i.e. SHA and SHPL, should attend the relevant FC meeting to answer members' questions on the item.

62. Due to time constraints, the Chairman proposed and members agreed that the remaining five items on the agenda, i.e. PWSC(2007-08)17, 18, 20, 21 and 22 would be deferred to the next PWSC meeting scheduled for 6 June 2007.

63. The meeting ended at 10:45 am.