

立法會
Legislative Council

LC Paper No. CB(1)817/08-09
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by the Administration)

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Panel on Development

Minutes of meeting
held on Tuesday, 25 November 2008, at 2:30 pm
in Conference Room A of the Legislative Council Building

Members present : Hon LAU Wong-fat, GBM, GBS, JP (Chairman)
Prof Hon Patrick LAU Sau-shing, SBS, JP (Deputy Chairman)
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon James TO Kun-sun
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon WONG Yung-kan, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Albert CHAN Wai-yip
Hon LEE Wing-tat
Hon Alan LEONG Kah-kit, SC
Hon CHEUNG Hok-ming, SBS, JP
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon Starry LEE Wai-king
Hon Tanya CHAN
Dr Hon Priscilla LEUNG Mei-fun
Hon IP Kwok-him, GBS, JP
Dr Hon Samson TAM Wai-ho, JP

Member attending : Hon Frederick FUNG Kin-kee, SBS, JP

Members absent : Dr Hon Philip WONG Yu-hong, GBS
Hon Mrs Regina IP LAU Suk-ye, GBS, JP

Public officers attending : **Agenda item V**

Mrs Carrie LAM CHENG Yuet-ngor, JP
Secretary for Development

Mr Raymond YOUNG Lap-moon, JP
Permanent Secretary for Development
(Planning and Lands)

Mr Philip YUNG Wai-hung, JP
Deputy Secretary for Transport and Housing

Mr HON Chi-keung, JP
Project Manager (Hong Kong Island & Islands)
Civil Engineering and Development Department

Mr Bosco CHAN Bun-pui
Chief Engineer/Hong Kong
Civil Engineering and Development Department

Mr WAI Chi-sing, JP
Director of Highways

Mr CHOW Ying-shun, JP
Project Manager/Major Works
Highways Department

Mr Adam LAI Yu-wah
General Manager/Planning, Development & Port Security
Marine Department

Ms Phyllis LI Chi-miu
Assistant Director of Planning (Acting)
Planning Department

Mr Anthony LOO Khim-chung, JP
Assistant Commissioner for Transport

Agenda item VI

Mrs Carrie LAM CHENG Yuet-ngor, JP
Secretary for Development

Mr Raymond YOUNG Lap-moon, JP
Permanent Secretary for Development
(Planning and Lands)

Mr Philip YUNG Wai-hung, JP
Deputy Secretary for Transport and Housing

Mr HON Chi-keung, JP
Project Manager (Hong Kong Island & Islands)
Civil Engineering and Development Department

Mr LI Kam-sang
Chief Engineer/Hong Kong (Acting)
Civil Engineering and Development Department

Mr WAI Chi-sing, JP
Director of Highways

Mr CHOW Ying-shun, JP
Project Manager/Major Works
Highways Department

Mr Anthony LOO Khim-chung, JP
Assistant Commissioner for Transport

Agenda item VII

Mrs Carrie LAM CHENG Yuet-ngor, JP
Secretary for Development

Mr Raymond YOUNG Lap-moon, JP
Permanent Secretary for Development
(Planning and Lands)

Miss Ophelia WONG Yuen-sheung, JP
Deputy Director of Planning/District

Agenda item VIII

Mrs Carrie LAM CHENG Yuet-ngor, JP
Secretary for Development

Mr Raymond YOUNG Lap-moon, JP
Permanent Secretary for Development
(Planning and Lands)

Mr LING Kar-kan
Principal Assistant Secretary for Development

Mr Raymond WONG Wai-man
Assistant Director of Planning

Mr LAW Man-tim
Chief Engineer/New Territories North and West (Acting)
Civil Engineering and Development Department

Attendance by invitation : Agenda item V

Mr Eric MA
Managing Director
Maunsell Consultants Asia Limited

Mr Peter CHEEK
Director
Maunsell Consultants Asia Limited

Agenda item VII

Mr Steve YIU
Head of Town Planning
MTR Corporation Limited

Mr Simon CHAN Shui-yan
Senior Project Manager – Property
MTR Corporation Limited

Clerk in attendance : Ms Anita SIT
Chief Council Secretary (1)4

Staff in attendance : Mr WONG Siu-yee
Senior Council Secretary (1)7

Ms Christina SHIU
Legislative Assistant (1)7

Action

I Confirmation of minutes and matters arising

(LC Paper No. CB(1)233/08-09 -- Minutes of meeting on
22 October 2008)

The minutes of the meeting held on 22 October 2008 were confirmed.

II Information papers issued since last meeting

(LC Paper No. CB(1)207/08-09(01) -- Submission on handling of
rock carvings by the
Administration from
Mr William MEACHAM
dated 8 November 2008

LC Paper No. CB(1)225/08-09(01) -- Administration's paper on
45WS -- Salt water supply for
Northwest New Territories --
remaining works

LC Paper No. CB(1)225/08-09(02) -- Administration's paper on
237WF -- Mainlaying along
Fanling Highway and near
She Shan Tsuen

LC Paper No. CB(1)229/08-09(01) -- Administration's paper on
Capital Works Reserve Fund
Block Allocations for
2009-2010)

2. Members noted that the above information papers had been issued since the last meeting.

III Items for discussion at the next meeting

(LC Paper No. CB(1)232/08-09(01) -- List of outstanding items for
discussion

LC Paper No. CB(1)232/08-09(02) -- List of follow-up actions

LC Paper No. CB(1)232/08-09(03) -- Letter dated 14 November

2008 from Hon LEE Cheuk-yan on lift safety
LC Paper No. CB(1)232/08-09(04) -- Letter dated 14 November 2008 from Hon James TO Kun-sun and Hon LEE Wing-tat on lift safety)

3. Members agreed that a joint meeting of the Panel on Development and Panel on Housing would be scheduled for 8 December 2008 at 9:00 am to discuss "Lift safety".

4. Members agreed that "Public facilities in private developments" would be discussed at the special meeting scheduled for 8 December 2008 at 10:15 am. As regards the two items "Creation of a Principal Assistant Secretary for Development post and a Government Town Planner post in Planning and Lands Branch of Development Bureau" and "Creation of 2 time-limited Chief Engineers (D1) Directorate posts in the Civil Engineering and Development Department", Ms Emily LAU said that there should be a forum for discussing establishment proposals from various Government bureaux and departments so that Members could have an overall picture of the Government's staffing requirements. As such, she suggested that the Panel should not discuss the above two establishment proposals for the time being.

5. The Chairman said that the Establishment Subcommittee might be an appropriate forum for an overview discussion of Government establishment proposals. He directed the Clerk to check the relevant arrangements, after which he would consider the appropriate timing for discussion of the above two items.

6. Members agreed that the following items would be discussed at the regular meeting scheduled for 19 December 2008 and that the meeting would be extended to 6:30 pm to allow sufficient time for discussion --

- (a) PWP Item no. 5729CL "Disposal of contaminated sediment -- dredging, management and capping of sediment disposal facility at Sha Chau";
- (b) Heritage conservation -- an update on key initiatives;
- (c) Review of the Urban Renewal Strategy;
- (d) Measures to foster a quality and sustainable built environment;
and
- (e) Amendments to the Land Titles Ordinance

As regards item (b), at the invitation of the Chairman, the Clerk explained that the Administration had advised that the scope of the item was broader than that of the originally proposed item "Proposed revitalization of the original site of the Central School on Hollywood Road". The latter however would be covered under item (b).

7. The Chairman advised that the starting time of the regular meeting scheduled for 20 January 2008 would be changed from 4:30 pm to 2:30 pm.

IV Proposal for setting up a subcommittee to review the planning of harbourfront areas

(LC Paper No. CB(1)232/08-09(05) -- Paper on proposal for setting up a subcommittee to review the planning of harbourfront areas prepared by the Legislative Council Secretariat)

8. Mr LEE Wing-tat expressed support for setting up a subcommittee to review the planning of harbourfront areas because some issues related to the planning of the Central and Wan Chai harbourfront areas remained to be resolved. He hoped that the subcommittee could complete its work within several meetings, after which it could be dissolved.

9. Dr Priscilla LEUNG also expressed support for setting up the subcommittee, and said that the scope of work of the subcommittee should also include harbourfront areas in West Kowloon and the Kai Tak Development. The development of a continuous waterfront promenade should be viewed from a broader perspective. With proper division of labour, there could be coordinated discussion of the planning of the harbourfront areas in the West Kowloon Cultural District, the Kai Tak Development and other districts. Joint meetings of relevant subcommittees/Panels could be held if necessary to discuss topics of common interest.

10. The Chairman said that the proposed terms of reference covered harbourfront areas on both sides of the Victoria Harbour. The Clerk added that the planning of the harbourfront areas in the West Kowloon Cultural District and Kai Tak Development was part and partial of the overall planning of the two development areas. Consideration was being given to establishing a subcommittee to monitor the West Kowloon Cultural District project, and the Administration had indicated that it would update the Panel on the Kai Tak Development and the relevant works projects in due course.

11. Mr IP Kwok-him said that a joint meeting of the Panel on Home Affairs and the Panel on Development had been held and if the proposal to set up

a subcommittee under the House Committee to follow up the development of the West Kowloon Cultural District was approved, that subcommittee would follow up the overall planning of the West Kowloon Cultural District.

12. Mr CHAN Kam-lam said that the proposed scope of work of the subcommittee should be clearly specified because harbourfront planning was long-term work. As the planning of harbourfront areas in various districts would have to take into consideration the views and needs of the relevant District Councils, members should consider whether they should only play a monitoring role or involve themselves directly in how to plan those harbourfront areas. While agreeing that there should be coordinated planning of harbourfront areas, he considered that it would be more desirable for members to focus on policy issues and monitoring work.

13. Mr James TO expressed support for setting up a subcommittee and considered that the proposed scope of work of the subcommittee under the Panel should not include harbourfront areas in the West Kowloon Cultural District because a West Kowloon Cultural District Authority had already been established. As regards harbourfront areas in the Kai Tak Development, he remained neutral on whether they should be included in the scope of work of the subcommittee. If they were excluded, the scope of work of the subcommittee would be limited and it was doubtful whether such a subcommittee would still be needed. On the other hand, there was already overall planning of the Kai Tak Development.

14. Mrs Sophie LEUNG expressed support for setting up a subcommittee because waterfront promenades were an important ring in the planning of harbourfront areas. The exact scope of work of the subcommittee, such as whether to include harbourfront areas in the Kai Tak Development, could be further discussed later.

15. Mr WONG Yung-kan said that the planning of waterfront promenades should not be limited to harbourfront areas on both sides of the Victoria Harbour. Waterfront areas in new towns should also be included. Even if a subcommittee was not set up, the Administration should give due attention to planning when developing waterfront areas, such as South East Kowloon, so as to bring enhancements to those areas.

16. Mr Abraham SHEK expressed concurrence with Mrs Sophie LEUNG's views but considered that harbourfront areas in the Kai Tak Development should not be included in the scope of work of the subcommittee because there was already overall planning for the whole development area.

17. Mr Albert CHAN urged members to consider the matter carefully. Although he would not object to setting up a subcommittee, if it was formed, the

scope of work should be clearly specified, such as which harbourfront areas would be studied and whether the study would be limited to the design issues. Members had previously discussed the development of waterfront promenades and there was a suggestion that an international tender exercise should be conducted so as to come up with a design for a world-class harbourfront in Hong Kong. He considered that sometimes autocracy was needed in design work. Juggling many different ideas into a single design would only result in a mediocre design. The design should come from a recognized master's hands and be able to meet aesthetics standards and citizens' requirements.

18. Members agreed that a Subcommittee on Harbourfront Planning should be formed and endorsed its terms of reference as proposed in LC Paper No. CB(1)232/08-09(05).

19. The Chairman suggested and members agreed that the first meeting of the Subcommittee on Harbourfront Planning would be held at 2:00 pm on 5 December 2008 for election of the Chairman of the Subcommittee.

- V Central-Wan Chai Bypass and Wan Chai Development Phase II**
(LC Paper No. CB(1)232/08-09(06) -- Administration's paper on Central-Wan Chai Bypass and Wan Chai Development Phase II
-- temporary reclamation and reprovisioning arrangements for affected vessels in Causeway Bay Typhoon Shelter
LC Paper No. CB(1)232/08-09(07) -- Paper on Central-Wan Chai Bypass and Wan Chai Development Phase II prepared by the Legislative Council Secretariat (Background brief))

Introduction by Secretary for Development on agenda items V to VIII

20. With the concurrence of the Chairman, the Secretary for Development (SDEV) gave an overall introduction on agenda items V to VIII of the meeting. She said that the Administration would boost the economy and create job opportunities through the implementation of infrastructure projects amidst the financial tsunami. The Central-Wan Chai Bypass (CWB), Wan Chai Development Phase II (WDII) and Central Reclamation Phase III (CRIII) Protection Works had a total project estimate of \$37.2 billion. If those projects

were implemented, the said total project estimate would amount to half of the \$70 billion total project estimate of other projects to be submitted to the Public Works Subcommittee in the current legislative session. The CWB and WDII projects together would create 7 300 and 1 700 job opportunities for labourers and professional/technical staff respectively; while the figures for the CRIII Protection Works project were 1 130 and 260 respectively. These projects were important social infrastructure projects which would improve the employment situation in the construction sector. The total project estimate of minor works projects under the Capital Works Reserve Fund block allocations would increase from \$6.8 billion in 2008-2009 to \$7.6 billion in 2009-2010, and those projects would create 12 000 job opportunities.

21. On agenda item VII, SDEV said that the Administration was aware of citizens' concerns and would listen to their views so as to allay their worries and allow major public and private development projects to proceed. The Administration now put forward proposals for reducing the development densities of the developments at the West Rail Nam Cheong and Yuen Long Stations. The development density and height of Hopewell Centre II and development density of the Staunton Street redevelopment project would also be reduced. Through the above examples, Members should have confidence that the Administration was striving to strike a balance between development and conservation. As regards calls for further reduction in development density and height of the above projects, the Administration had to consider the effects on Government revenue and housing supply. She believed that the Administration had already struck the right balance.

22. As regards agenda item VIII, SDEV said that the implementation of New Development Areas (NDAs) was one of the 10 major infrastructure projects announced by the Chief Executive in his 2007 Policy Address. Implementation of the 10 projects should adopt a step-by-step approach. Hasty implementation for the sake of creating job opportunities was non-conducive to the long-term development of Hong Kong. As such, those projects would be implemented as planned. Nevertheless, the implementation process would be streamlined where possible and the Development Bureau would ensure that there would be no delay. She welcomed the appointment of a subcommittee on harbourfront planning by the Panel, and said that the Development Bureau was planning for a harbour tour to facilitate members' understanding of the harbourfront enhancement work.

Presentation on the temporary reclamation for CWB

23. Mr Eric MA, Managing Director, Maunsell Consultants Asia Limited delivered a Powerpoint presentation to brief members on the temporary reclamation for the construction of CWB and the reprovisioning arrangements for affected vessels in Causeway Bay Typhoon Shelter (CBTS).

(*Post-meeting note:* The soft copy of the presentation notes (LC Paper No. CB(1)302/08-09(01)) was subsequently issued to members on 26 November 2008.)

Legal and reclamation issues

24. Mr LEE Wing-tat expressed support for the Administration's proposal but pointed out that the crux of the issue was a matter of law rather than consultation. Whether the extent of the temporary reclamation was the minimum required and whether it complied with the Protection of the Harbour Ordinance (Cap. 531) were the core issues. He was worried that the matter would be taken to the courts again and in this regard, he asked whether the Administration had sought independent legal advice and communicated with the Society for Protection of the Harbour (SPH).

25. In response, SDEV said that before the judicial review, the Administration had sought legal advice which contained a strong view that the temporary reclamation was not reclamation. Implementation of major infrastructure projects was not a matter of law only. Apart from being lawful, the Administration had to be sensible and reasonable. With the proposed reprovisioning arrangements for affected vessels in CBTS, the extent of temporary reclamation would be reduced because there was no need to construct a temporary breakwater. Controversies on the project had diminished as a result. Some members of the SPH were present at the relevant meeting of the Harbour-front Enhancement Committee (HEC) and the HEC had unanimously supported the Administration's proposal. The Director of Highways (D of Hy) added that the courts had given clear guidelines, which the Administration had dutifully followed. The Administration had sought advice from three external legal advisers, and a professor of the University of Hong Kong had scrutinized the technical proposal. Therefore, the Administration was confident that the present proposal would meet legal requirements. Besides, SPH had written to express its support for the Administration's proposal.

26. Ir Dr Raymond HO expressed support for the Administration's proposal and commented the CWB would be an important east-west link to alleviate traffic congestion. The Administration had already heeded many views from the public and those who still objected to the proposal were disregarding the overall benefits of society. He believed that objections were from a few only and the silent majority supported the CWB project. If members objected to the temporary reclamation, they should have raised it when the Panel discussed the CWB project in May 2007.

27. Mr KAM Nai-wai expressed support for the CWB project and hoped that the project could be implemented as soon as possible. He said that although the Administration had assured members in the past that the project could meet legal requirements, it turned out that some of the Administration's claims could not withstand legal challenges. As revealed by the current proposal, the extent of temporary reclamation required as previously claimed by the Administration could in fact be reduced. The Administration should demonstrate why it was confident that the project could proceed.

28. In response, SDEV said that the Administration had confidence to proceed with the CWB project because through the relevant judgment, the Administration had obtained a clear understanding of the requirements on issues such as temporary reclamation and overriding public need test. The Administration had also disseminated relevant information on its proposal to parties concerned and conducted many public engagement activities to explain its proposal to the public.

29. In reply to Mr KAM's enquiry about the completion date of the CWB, D of Hy said that subject to members' support for the project, the Administration intended to publish the relevant Gazette notice in December 2008. Works would commence by phases in 2009 and the CWB was expected to be completed in 2017.

30. Miss Tanya CHAN said that Members of the Civic Party supported implementing the CWB project as soon as possible. She asked whether the judicial review currently in progress would affect the commencement date and progress of the project.

31. In response, SDEV said that the relevant judicial review was not directly related to the previous gazetting of the road works for the CWB. It was a judicial review against the Town Planning Board (TPB) on the Draft Wan Chai North and North Point Outline Zoning Plans. Approval by the Chief Executive in Council of the two plans was required for the CWB works to proceed. If the judicial review was not handled in time before commencement of works, the progress of the CWB project would be affected. TPB had decided to request the Secretary of TPB to negotiate with the applicant for a settlement of the judicial review.

32. Mr Albert HO expressed support for the Administration's proposal. He disagreed to the view that objection to temporary reclamation was a minority view. Protecting the harbour was an important value held by many people, especially in recent years. Legitimacy in the Administration's actions was the bottom line in taking the CWB project forward. As members' focus was on policy issues, they would not scrutinize legal aspects of the project in detail and would assume that the Administration had taken due care of the legitimacy of its

actions. As such, the Administration should assure members that the extent of temporary reclamation currently proposed was indeed the minimum. Nevertheless, he would not blame the Administration of making the wrong judgment in the incident because given that it did not previously envisage that temporary reclamation was reclamation, the need to meet the overriding public need test could have been overlooked. The Administration should have communicated with concern groups earlier and should continue to do so.

33. Ms Cyd HO said that she did not support the CWB project because more roads would lead to more vehicles, but she welcomed that the tunnel option was adopted instead of the flyover option. She asked whether the Administration's policy objective in considering whether to carry out reclamation was to protect the view from harbourfront areas towards the harbour or avoid structural changes to the marine ecology.

34. In response, SDEV said that the tunnel option had always been the preferred option for constructing the CWB and this was re-affirmed by the latest review. In ensuring that the temporary reclamation would meet the overriding public need test, the Administration had to take into consideration all relevant economic, environmental and social implications. The Project Manager (Hong Kong Island & Islands), Civil Engineering and Development Department (PM(HK&I)) added that the temporary reclamation for constructing the CWB would not have any major impact on the marine ecology. The odour nuisance of the CBTS would even be improved after removing the sludge on the sea-bed during the temporary reclamation process.

Traffic issues

35. Mr Albert CHAN said that CWB had been on the drawing board for over 10 years and past discussions were mainly related to the extent of reclamation and the need to alleviate traffic congestion. On the one hand, the Transport and Housing Bureau was slow in considering the buying-out of the Western Harbour Crossing by the Government to rationalize the usage of the cross-harbour tunnels. On the other hand, the Development Bureau was eager in implementing the CWB. This gave him an impression that the Administration lacked coordination on the issue. He expressed concern about whether the extent of reclamation proposed was the minimum.

36. In response, SDEV said that the Administration's paper was jointly prepared by two bureaux and two departments with concerted efforts. The Deputy Secretary for Transport and Housing (DS/T&H) said that issues related to the rationalizing the traffic flows at the three cross harbour tunnels had been discussed in detail during the motion debate of the Council in the previous week. The Secretary for Transport and Housing had explained the Administration's stance on the subject matter during the debate. DS/T&H also said that even if the

buying-out proposal could be materialized, CWB was still needed to provide sufficient road connection for the tunnels. As regards the extent of reclamation, PM(HK&I) said that the Administration had considered various options for CWB and was confident that the extent of reclamation proposed was indeed the minimum required to meet the overriding public need.

37. Mr Albert HO was worried about induced traffic arising from the construction of more roads and asked whether there would be comprehensive traffic management measures after completion of CWB, including rationalizing the usage of the cross-harbour tunnels and managing the traffic passing through the Central Business District.

38. In response, DS/T&H shared the view that there should be comprehensive traffic management measures, especially for the Central Business District. The commissioning of CWB would facilitate the implementation of such measures. The Administration would continue to consider traffic management measures in various districts.

39. Ms Cyd HO considered that there should be comprehensive traffic planning and enhancement of the mass transit railway system. She asked whether the Administration would pledge that CWB was the last trunk road to be constructed on the northern shore of Hong Kong Island.

40. In response, DS/T&H said that CWB could cater for traffic needs arising from increased population and new developments in the area at least up to 2020, by which time its volume to capacity ratio would only be 0.7. It was the last missing strategic link in the east-west direction and could alleviate traffic congestion along the northern shore of Hong Kong Island. As society would continue to develop, it was difficult to predict at present whether CWB would be the last trunk road on the northern shore of Hong Kong Island. The Administration would consult the public when there was a need for further roads.

41. Mr LEE Wing-tat expressed concern that there would be traffic congestion again before 2027 even after the completion of CWB in 2017. As constructing more roads could never meet the demands from increasing traffic, he asked whether the Administration would draw reference from London's experience and implement traffic management measures in parallel, such as restricting certain vehicles from passing through the central business district. CWB could serve as an alternative route for implementing electronic road pricing.

42. The Assistant Commissioner for Transport said that the Transport Department had been studying the effectiveness of electronic road pricing. The circumstances in London and Hong Kong were quite different. In London, private vehicles constituted 51% of the traffic flow passing through downtown

areas, whereas the corresponding figure for Hong Kong was 38%. In Hong Kong, 90% of the passenger trips in downtown areas were generated by public transport. The corresponding figure for London was only 50%. Therefore, London's experience in implementing electronic road pricing might not be applicable to Hong Kong.

Creating job opportunities

Admin 43. Ms Emily LAU thanked the Administration for making arrangements for the site visit to the Frontier Closed Area on 15 November 2008 and welcomed the idea of conducting a harbour tour. She was pleased to note that the CWB and CRIII projects would create some 10 000 job opportunities. However, she gathered that some local professionals were worried that many of those jobs would be taken up by non-local professionals admitted to work in Hong Kong. She asked whether this would be the case. If those worries were unwarranted, the Administration should provide figures to assure members that local professionals would benefit from the implementation of the proposed public works projects. In this regard, she requested the Administration to provide the respective numbers of local and non-local registered contractors awarded contracts for public works projects over the past three to five years, and the number of local and non-local professional staff the contractors had employed for the projects if available.

44. In response, SDEV said that Hong Kong had a reputation of providing equal opportunities for all parties. Non-local and local contractors often cooperated with one another in implementing public works projects. The Administration was mindful of the need to provide job opportunities for local workers and there were strict requirements for admitting non-local workers. When the number of works projects increased, the number of job opportunities for local workers would also increase. The Administration would provide the requested information as far as possible. D of Hy added that the Administration could not specify in tender documents for public works projects that local professionals must be employed because this would be in breach of the World Trade Organization Agreement on Government Procurement (WTO GPA). However, when assessing the tenders, additional marks would be awarded to contractors employing professionals with local experience.

45. Prof Patrick LAU considered it desirable if local contractors could be given an edge in the tender exercise for the CWB project. He asked which type of local contractors would be eligible to participate in the tender exercise for the construction of diaphragm walls.

46. In response, D of Hy said that many local contractors and consultancy firms had sufficient experience in constructing diaphragm walls. PM(HK&I) added that contractors on the Administration's lists of approved contractors for public works could participate in any tender exercise for the construction work.

Admin 47. Noting this, Prof Patrick LAU and Ms Emily LAU requested the Administration to provide the lists of approved local and non-local contractors for public works projects.

48. On tendering for public works projects, Ir Dr Raymond HO said that he heard that many companies of different scales had reservations on the need for the Government to continue to adhere to the WTO GPA. He urged the Administration to place emphasis on local experience and alleviating local unemployment instead of relying on brand names in assessing tenders.

49. Mr Albert HO asked whether it was possible to specify the use of locally manufactured pre-fabricated components in the tender document for the CWB project.

50. In response, SDEV said that for the Tamar Development Project, due to security reasons, the Government had specified in the tender document the use of locally manufactured pre-fabricated components and the performance of certain works procedures locally as an exceptional arrangement under the WTO GPA. The Administration would not be able to keep up with the current trend if it insisted on using these arrangements under other circumstances. The arrangements might affect the standards of the works and would not be cost-effective.

Other comments

51. Mr WONG Yung-kan expressed support for the Administration's proposal and said that the Administration had spent a lot of efforts on the project, including conducting consultation with users of affected vessels. As some 300 vessels would be affected, he urged the Administration to pay attention to the safety of those vessels in implementing the reprovisioning arrangements. As regards the ecology of the harbour, he urged the Administration to clear all the sea mud in CBTS. On construction works, he asked whether settlement problems like those occurring recently in Hangzhou would occur in Hong Kong.

52. In response, D of Hy shared the view that due attention should be given to the safety of the affected vessels. The Administration would arrange professionals to inspect the affected vessels before implementing the reprovisioning arrangements and strengthening works for those vessels would be carried out if necessary. As Hong Kong had ample experience in constructing diaphragm walls and veteran contractors would be engaged, settlement problems would unlikely occur during the construction works. The Administration would conduct sea mud clearing works within the whole CBTS.

- VI 7343CL -- Central Reclamation Phase III -- engineering works**
(LC Paper No. CB(1)232/08-09(08) -- Administration's paper on 7343CL -- Central Reclamation Phase III -- engineering works
LC Paper No. CB(1)232/08-09(09) -- Paper on Central Reclamation Phase III prepared by the Legislative Council Secretariat (Background brief))

53. SDEV said that the first part of the Administration's proposal was related to the implementation of Protection Works at the Central Reclamation Phase III (CRIII) in order to remove constraints to the development of the new Central harbourfront in light of delays to the implementation programme of the Central-Wan Chai Bypass (CWB) and Island Eastern Corridor Link. The second part of the proposal was related to the increase in the approved project estimate (APE). The increase in the APE was due to the implementation of the Protection Works as well as the higher-than-expected price fluctuation payment, the justifications for which were similar to those for the increases in APE for two batches of projects considered and endorsed by the Public Works Subcommittee recently.

54. PM(HK&I) delivered a Powerpoint presentation to brief members on the Protection Works.

(Post-meeting note: The soft copy of the presentation notes (LC Paper No. CB(1)302/08-09(02)) was subsequently issued to members on 26 November 2008.)

The Protection Works and the Central-Wan Chai Bypass

55. Mr LEE Wing-tat, Mr KAM Nai-wai and Mr Albert CHAN asked whether implementing the Protection Works would lower the construction cost of the CWB in future. Mr KAM Nai-wai further asked whether the Protection Works constituted a part of the construction works of the CWB and sought clarification on the relationship between these two works projects. He was worried that the Administration would face legal challenge if the Protection Works were preliminary works for the CWB. While expressing support for the Administration's proposal, he sought assurance from the Administration that the Protection Works were legally in order.

56. In response, PM(HK&I) explained that the Protection Works were not advanced works for the CWB project, but the vertical diaphragm walls of the

Protection Works could be reused as permanent works for supporting the future CWB tunnel structure. The Administration had sought legal advice on the matter, and it had been clarified that the Protection Works did not fall under the ambit of the Roads (Works, Use and Compensation) Ordinance (Cap. 370). The vertical diaphragm walls, which accounted for some 70% of the construction costs of the Protection Works, could be reused as permanent works when constructing the CWB at a later stage, and thus the costs of the diaphragm walls could be offset by the corresponding savings in the future CWB project. However, extra costs were required for constructing the top slab under the Protection Works. Therefore, the overall costs of constructing the CWB, taking into account the costs of the Protection Works and the future CWB project costs, would not be reduced. Implementing the Protection Works would however remove constraints to the development of the new Central harbourfront and avoid disturbance to the works yet to be constructed under the CRIII project because it would dispense with the need for digging up the reclaimed land in future when constructing the CWB.

57. SDEV added that the Protection Works would enable the public to enjoy a vibrant new Central harbourfront earlier. The risks of the Protection Works being subject to legal challenge should be relatively low. The Protection Works would become abortive works only if the CWB could not be constructed due to whatever reasons. It was after thorough consideration of the relevant efficiency and risk factors that the Administration decided to carry out the Protection Works.

58. Ms Emily LAU was worried that if the construction of the CWB could not proceed, the Protection Works, which require huge costs, would be wasted. She sought explanation on the consequences of not implementing the Protection Works.

59. Expressing a similar concern, Mr Alan LEONG also requested the Administration to explain the complications that would arise if the Protection Works were not implemented. He asked whether it was possible to implement Protection Works for individual affected facilities instead of the CWB.

60. On consideration of the need to minimize abortive works in the extreme case that the construction of the CWB could not proceed, Mr James TO enquired about the possibility of and the associated costs required for implementing Protection Works for individual sections of the CWB instead of its whole length within CRIII. He also enquired whether there was any flexibility in the design of the Protection Works to cater for future changes in the circumstances surrounding the construction of the CWB.

61. In response, PM(HK&I) explained that the Trunk Road, i.e. CWB and Island Easter Corridor Link, started from Rumsey Street in the west to the Island

Eastern Corridor Link in the east, passing under the CRIII, the existing water channel at the Hong Kong Convention and Exhibition Centre, the ex-Wan Chai Public Cargo Working Area and the CBTS. The temporary reclamation near the CBTS was the subject matter of the relevant judicial review. Whilst the originally proposed temporary breakwater to the north of the CBTS was no longer required, the Administration was of the view that the extent of temporary reclamation currently proposed could meet the overriding public needs test. He added that the Administration had further conducted public consultation activities with various stakeholders during the past few months and there were a lot of views supporting the implementation of the CWB as soon as possible. The risk of not proceeding with the CWB was therefore minimal. If the Protection Works were not implemented, the presence of underground utilities and structures yet to be constructed in CRIII would constrain the construction of the CWB in future. Part of the utilities and structures might have to be removed temporarily, resulting in disruption to the public. Road sections above the CWB would also need to be dug up, necessitating traffic diversions and causing possible adverse effects on the traffic. Without the Protection Works, most of the reclaimed land and affected road sections within CRIII would have to be dug up. As such, implementing Protection Works along the whole length of the CWB within CRIII would be a better option by providing a safe working environment for constructing the CWB entirely underground in future without affecting the overlying roads, facilities and services.

62. As regards Mr James TO's enquiry about the costs required for implementing Protection Works for individual sections of the CWB instead of its whole length within CRIII, PM(HK&I) said that the costs of the Protection Works for the whole length of the CWB within CRIII should not be compared with those for the Protection Works for individual sections of the CWB because the former offered protection for the entire reclamation. If authorisation for the CWB could be obtained earlier than envisaged, it might be possible to revert to constructing the CWB without constructing the top slab of the Protection Works because the construction sequence for the Protections Works would dictate building the vertical diaphragm walls first. However, whether this would be feasible and advisable would depend on the timing of authorisation and funding approval for the CWB project and it could only be considered by then after taking into consideration all relevant factors including the expected timing for developing the new harbourfront. The Administration would therefore consider maintaining as far as practicable flexibility in the implementation of the Protection Works.

63. Mr IP Kwok-him said that the four District Councils of Hong Kong Island supported the construction of the CWB as soon as possible. The community did not wish to have endless disputes on the project. He expressed support for the Administration's proposal because the Protection Works and the construction works for the CWB were inter-related, and the former would

facilitate the latter. He added that legal challenges could help clarify the legality of constructing the CWB and achieve a consensus in society on the need for the CWB. Noting that the increase in approved project estimate required was \$2.2 billion, he enquired about the additional costs required for the top slab and the time that could be saved in completing the CWB as a result of implementing the Protection Works.

64. In response, PM(HK&I) said that the costs of the diaphragm walls, and the top slab and other structures, were some \$1.1 and \$0.5 billion respectively. Thus in very rough terms, \$0.5 billion was the additional cost required. About \$0.1 billion would be required for the associated supervision and environmental monitoring and auditing expenses, giving a total of \$1.7 billion for the Protection Works. The provision for price adjustment was nearly \$1.0 billion. These additional costs were partly offset by some \$0.5 billion due to lower-than-expected tender outturn prices and drawdown from Contingencies, resulting in a net increase in APE of \$2.2 billion. Implementing the Protection Works would have no significant effect on the completion date of the CWB, which was expected to be in 2017, because the longest time would be for completing the section of the CWB at the CBTS location.

Admin 65. Mr Albert CHAN said that the percentage increase in APE was substantial. Although the Administration was confident that the project could proceed, it should be prudent so as to minimize the possibility of abortive works. He doubted whether the required increase in APE was attributed to many factors given the long time span and wide scope of the CRIII project, and asked whether there had been changes in the design of the project giving rise to extra costs. He thus considered that the Administration should provide more detailed explanation for and breakdown of the additional costs required for the project so as to provide a clear overall picture. As regards the 10 major infrastructure projects announced by the Chief Executive in the 2007-2008 Policy Address, he suggested that the Administration should provide implementation details in a manner similar to practice adopted for the Airport Core Programme projects so as to facilitate monitoring.

66. In response, SDEV said that the required increase in APE of \$2.2 billion was a net figure which was the result of three factors, two of which would increase the project cost and one would reduce it. The Protection Works and provision for price adjustment due to escalating construction and labour costs over the past few years necessitated an increase in the APE. She clarified that the increase was not due to any changes in the design of the CRIII project. She undertook to provide more detailed information on the cost increases before the funding proposal was submitted to the Public Works Subcommittee.

67. Ir Dr Raymond HO expressed support for the Administration's proposal because the Protection Works would enable the construction of the

promenade along the new Central harbourfront to proceed two years earlier and it could also avoid the digging up of completed road sections in future. The funds for implementing the Protection Works would not be wasted. He commended the Administration for its foresight and said that the Administration had provided a clear explanation on the Protection Works, the concept of which was not easy to understand.

The new Central harbourfront

68. Mr LEE Wing-tat considered that the Administration should not only focus on grand projects. He complained that works projects of a smaller scale requiring lower costs, such as constructing a continuous waterfront promenade along the northern shore of Hong Kong Island, were not implemented promptly.

69. In response, SDEV said that creating a continuous waterfront promenade along the Victoria Harbour was a common aspiration of Hong Kong people, and the Administration would make use of every opportunity to carry out such enhancement works, even if the promenade to be constructed could only be 200 metres in length or temporary in nature. Nevertheless, existing facilities and private developments located at harbourfront sites posed difficulties for such enhancement works. The Administration had to discuss with Members on how to overcome those difficulties, and thus welcomed the Panel's decision to set up a subcommittee on harbourfront planning. In this connection, she offered to arrange a round-the-harbour tour for Members to better understand the opportunities and constraints for construction of harbourfront promenades. She added that not all members of the public supported relocating existing facilities at harbourfront sites, such as the Cha Kwo Ling Public Cargo Working Area and Kwun Tong Public Cargo Working Area, because that would affect the employment and livelihood of those working in the trade.

70. Ms Cyd HO said that although the Administration had conducted a lot of consultation activities, there was still a possibility that it had to face legal challenge. As regards the new Central harbourfront, she considered that the site between Central Piers Number 9 and Number 10 was not an ideal place for the reassembly of the Queen's Pier because the frequent boarding and unboarding activities of vessels would deprive the Queen's Pier of a relaxing atmosphere. She also expressed concern about the area of and pedestrian accessibility to that site and enquired about the progress of the consultation on the reassembly of the Queen's Pier. She urged the Administration to adopt an open attitude on the matter. She also enquired about the locations of the proposed commercial developments near II International Finance Centre.

71. Mr Abraham SHEK expressed support for the Administration's proposal because it was a worthwhile investment for the benefit of Hong Kong. He shared the view that there should be a continuous waterfront promenade

along the northern shore of Hong Kong Island. He had previously raised objection to constructing a 30-storey office building near II International Finance Centre because this would hinder the creation of a continuous waterfront promenade. He considered that the site should be used for constructing a park for public enjoyment.

72. In response, SDEV said that the Panel on Development had discussed the Stage 2 Public Engagement of the Urban Design Study for the New Central Harbourfront in the last legislative session. The Administration had already indicated its plan to brief Members on the results of the Stage 2 Public Engagement, which would cover the planning issues related to the commercial developments near Two International Finance Centre. As the Panel had decided to set up a subcommittee on harbourfront planning, she believed that the subcommittee would provide a good forum for detailed discussion of the subject matter.

73. Prof Patrick LAU expressed support for the proposed Protection Works because the works would enable early release of the reclaimed land for harbourfront development. He enquired about the completion date of the development of the new Central harbourfront and asked whether the works could be expedited. He also enquired about the completion date of Road P2 and expressed concern about the alignment of Road P2 because it would hinder the in-situ reassembly of the Queen's Pier.

74. In response, SDEV said that without the Protection Works, the development of the new Central harbourfront could not commence before mid-2013. As the Protection Works were expected to be completed by mid-2011, the land for development of the new Central harbourfront would be made available two years earlier. As regards Road P2, its alignment had already been approved and it would only be altered if there was overwhelming community support for reassembling the Queen's Pier in-situ. PM(HK&I) said that the Administration would strive to complete the western section of Road P2, which would not be affected by the Protection Works, by the end of 2009 or early 2010. Funds had already been set aside for Road P2 under the APE for the CRIII project and the funds being sought for the Protection Works had no connection with the construction of Road P2.

75. Mr Alan LEONG asked whether the alignment of the diaphragm walls would constraint the extent for alterations to the alignment of Road P2 if the Queen's Pier was reassembled in-situ.

76. In response, PM(HK&I) explained that as the Protection Works would be carried out underground, no constraints on the alignment of Road P2 would be imposed as long as the Protection Works at the overlapping section with Road P2 were completed first. SDEV added that the analysis was based on the

assumption that the structure of the Queen's Pier were to be reassembled in-situ without re-instating its functions as a pier in the form of an inner harbour, for which many technical issues would have to be addressed.

VII Measures to prevent new developments from creating a wall effect and reduce development intensity in developed areas

(LC Paper No. CB(1)232/08-09(10) -- Administration's paper on measures to prevent new developments from creating a wall effect and reduce development intensity in developed areas

LC Paper No. CB(1)232/08-09(11) -- Paper on the "wall effect" of developments and measures to control development intensity prepared by the Legislative Council Secretariat (Background brief)

77. Mr Steve YIU, Head of Town Planning, MTR Corporation Limited delivered a Powerpoint presentation to brief members on the review of the property developments at the West Rail Nam Cheong and Yuen Long Stations, the proposed revised schemes, and various enhancement measures such as reducing development intensity, introducing open plazas and improving air ventilation and visual permeability.

(Post-meeting note: The soft copy of the presentation notes (LC Paper No. CB(1)302/08-09(03)) was subsequently issued to members on 26 November 2008.)

78. SDEV said that the MTR Corporation Limited was acting as the agent of the Government for the two development projects and she thanked the company for its hard work in revising and enhancing the two schemes.

79. Mr LEE Wing-tat said that the two revised schemes had responded to the aspirations of the public. He urged the Administration to review the developments at the West Rail Tsuen Wan West Station and other similar developments as well. With increasing high-rise developments in Tsuen Wan, he believed that reducing the development intensity in the area was a consensus of the public.

80. In response, SDEV said that in proposing the two revised schemes, the Administration had already conducted an internal assessment and it had no plan

to revise the schemes of property developments at other railway stations. Nevertheless, she noted the public's concerns and said that the hotel development at the West Rail Tsuen Wan West Station was being reviewed. As property developments at railway stations offered a steady housing supply, the Administration had no plan to reduce the development intensity of property developments at other railway stations. Otherwise, housing supply would be affected.

81. Miss Tanya CHAN said that the complainants of a relevant case being handled under the Redress System of the Legislative Council urged the Administration to release more information on the findings of the air ventilation assessment and daylight studies. She expressed concern about the accessibility to the open space on the podiums and the types of Government, Institution and Community facilities that would be provided, and whether the local community would be consulted on the facilities to be provided. She asked whether the development at Yuen Long Station would lead to settlement and affect the nearby walled village. She asked when the Administration would consult the residents of the two areas on the revised schemes.

82. In response, SDEV said that the subject of public facilities in private developments would be discussed at an upcoming meeting of the Panel. The Administration would consult various departments on the specific types of Government, Institution and Community facilities required to be provided in Yuen Long and the views of the local community would be taken into account. Mr Steve YIU said that further information on air ventilation assessment would be provided when consulting the relevant District Council and the local community. As regards settlement, the Permanent Secretary for Development (Planning and Lands) (PS(P&L)) said that the Buildings Department had taken this factor into consideration before approving the relevant building plans. The Administration would consult the relevant District Councils on the revised schemes and the exact timing would depend on the meeting schedules of those District Councils.

83. Mr James TO asked whether different options of the revised schemes had been put forward to the Administration for consideration during the review process and whether the Administration had set any bottom line on the government revenue or number of flats that would be reduced in reviewing the two property developments. He said that the scheme proposed by Green Sense for the development at Nam Cheong Station seemed to be a good one.

84. In response, SDEV said that the results of the review were not entirely based on scientific data because each development had its own characteristics. The Administration had conducted preliminary research and taken account of the views of local residents before arriving at the revised schemes. The Administration's revised schemes could not be compared with schemes proposed

by environmental groups because the Administration had to consider additional factors such as the effects on government revenue and housing supply and the locations of the piles that had already been put in place. Property developments at railway stations were one of the sources of affordable housing supply for the general public. The total gross floor areas of the developments at Nam Cheong Station, Yuen Long Station and Staunton Street and Hopewell Centre II had already been reduced by 18%, 15%, 45% and 31% respectively.

85. Ms Starry LEE declared that she was a member of TPB. She commended the Development Bureau for its efforts in tackling the relevant issues. On the two proposed revised schemes at Nam Cheong and Yuen Long Stations, she asked how the Administration would handle further views from the public. For the Nam Cheong Station property development, she asked whether the design of the podium could be refined to further enhance air ventilation. As some plans were approved by TPB years ago, she asked whether there was any mechanism to review those plans so as to meet current public aspirations.

86. In response, Mr Steve YIU explained that as the Nam Cheong Station was already in operation, further amending the design of the podium would require extensive alteration, thus seriously affecting the operation of the station. The podium bulk had already been reduced from 5-level to 3-level and setback had been introduced to enhance air ventilation. The wind performance in terms of velocity ratio at Fu Cheong Estate would improve by about 20% as compared with the approved scheme. The revised scheme was the most appropriate design under the existing constraints. PS(P&L) said that in adopting the revised schemes, amendments to the relevant master layout plans would be required. The Administration would consult the Sham Shui Po and Yuen Long District Councils within two to three months and seek approval from TPB under section 16 of the Town Planning Ordinance in the first quarter of 2009. The public could submit their views to TPB on the revised master layout plan within 3 weeks of the publication of the planning application. The Deputy Director of Planning/District (DD of Plan) added that the views of the District Councils and the public would be considered by TPB. Approved plans of private developments could not be changed unilaterally because the rule of law should be respected and contractual obligations should be honoured. For government sites on the Application List, even if TPB allowed a higher development intensity, the Administration would review each site, conduct air ventilation assessment, revise development parameters and impose additional restrictions where appropriate. The Administration had all along been making an effort to maintain development intensity at an optimal level.

87. Prof Patrick LAU considered that reducing the levels of the podiums and locating parking spaces underground were commendable measures. Nevertheless, he asked whether it was possible to plan the two developments afresh so as to bring about further enhancements. As regards imposing height

restrictions, he said that he and the architectural sector were dissatisfied with the measure because it would limit the flexibility in the design process.

88. In response, SDEV said that there were various constraints in planning afresh, such as the effect on housing supply and the existing locations of the piles. In fact, apart from reducing the number of buildings, the design and layout of some of the flats had also been amended so as to bring about further enhancements. As regards imposing height restrictions, DD of Plan said that in drawing up the height restrictions for an area, due regard would be paid to the characteristics of the district/area in question, the attainable gross floor areas permitted under the Outline Zoning Plan, recommendation of air ventilation assessments, the Harbour Planning Principles, and the urban design considerations and principles as stipulated under the Urban Design Guidelines in the Hong Kong Planning Standards and Guidelines which had undergone extensive public consultation. The public would be consulted on the height restrictions during the plan-making process. Under the existing town planning mechanism, provision was made to allow minor relaxation of the height restrictions as well as applications for amendments to the height restrictions in Outline Zoning Plans to cater for design flexibility and specific site consideration.

89. Mr Frederick FUNG said that the Sham Shui Po District Council had been paying close attention to the property development at Nam Cheong Station. It was given an impression that the Financial Services and the Treasury Bureau had the final say on the scale of the development. He pointed out that the streets in Sham Shui Po had a grid layout and the development at Nam Cheong Station would block air ventilation along Tonkin Street, Yen Chow Street and Nam Cheong Street, which ran in the northeast-southwest direction. In this regard, the Administration should pledge that air ventilation along the three streets would not be affected by the said development. Although wind performance in terms of velocity ratio at Fu Cheong Estate would improve by about 20% compared with the approved scheme, air ventilation would have been much better without the development. While the height of Fu Cheong Estate was some 120 mPD, the maximum height of the buildings under the revised scheme was some 180 mPD. He considered that the maximum height should be reduced to 120 mPD or below. If the revised scheme was the finalized scheme to be adopted, it would be superfluous to conduct further consultation.

90. In response, SDEV said that in putting forward the revised scheme, while the views and aspirations of the local community were very relevant, the Administration had to take into account other wider considerations. Therefore, the Administration had a responsibility to explain the revised scheme to the Sham Shui Po District Council and the local community.

91. Ms Emily LAU affirmed the efforts made by SDEV in reducing development intensity. She urged the Administration to take a step further and reduce two more buildings in the property development at Nam Cheong Station so as to further enhance air ventilation and provide a quality living environment for the residents. An improvement of 20% was far from satisfactory because air ventilation would have been much better without the development. Such high density developments should not emerge in this district nor in other districts.

92. In response, SDEV said that the revised scheme had already included many enhancement measures which she believed residents would reasonably accept. If the Administration could neglect all of its considerations, a lot of enhancement measures would have been possible. A responsible Government had to strike a proper balance and take into consideration various factors. As the development was an approved project, its planning could be enhanced but could not start afresh. Mr Steve YIU said that as the revised scheme would allow wind to pass through Fu Cheong Estate, wind performance in terms of velocity ratio at Fu Cheong Estate would improve by about 20% compared with the approved scheme. He added that from the town planning perspective, it was desirable to have a mix of different types of residential and commercial developments on a Comprehensive Development Area site.

93. Ir Dr Raymond HO said that if the development had been allowed to proceed on the basis of the approved scheme, the tender for the project would have been awarded, and works would have commenced providing many job opportunities. It was a desire for all to have properties with good view and air ventilation and without any visual blockage. As land was scarce and development density was high in Hong Kong, it was difficult for the Administration to satisfy all such aspirations. Air ventilation assessment had been conducted according to requirements for the project. It was becoming more and more difficult to identify suitable sites for development because it was practically impossible to obtain land through reclamation in the harbour, development of land in the New Territories involved many complications, and too many developments on slopes would be problematic. Encouraging more people to live in developments near railway stations would reduce private vehicles and road traffic through the use of the mass transit railway system and other public transport. The Administration had made a lot of efforts in putting forward the revised scheme and the MTR Corporation should be commended for the good revised design. It would be unfair to accuse the Administration on the matter. He expressed support for the Administration's proposal and he would object to further reducing the development density.

94. Mr Abraham SHEK expressed support for the Administration's proposal because developments along the West Rail would be conducive to developing North West New Territories and increasing patronage of the West Rail. He said that one of the reasons for terminating the tender exercise for the

development at Nam Cheong Station at that time was due to the economic situation after the outbreak of the Severe Acute Respiratory Syndrome. The development was an approved project and the Administration had already spent a lot of efforts to implement enhancement measures. He did not support the idea that plans approved by TPB should be subject to review. As regards imposing development restrictions through amendments to Outline Zoning Plans, he considered that it would affect private development rights. On the composition of TPB, he suggested that its chairman and secretariat should be independent of the Government.

VIII Planning and Engineering Study on North East New Territories New Development Area (Stage One Public Engagement)

(LC Paper No. CB(1)232/08-09(12) -- Administration's paper on North East New Territories New Development Areas -- Planning and Engineering Study -- Stage One Public Engagement

LC Paper No. CB(1)232/08-09(13) -- Paper on proposed New Development Areas in North East New Territories prepared by the Legislative Council Secretariat (Background brief)

95. The Assistant Director of Planning (AD of Plan) briefed members on the salient points of the Administration's paper and said that the Administration would consult the public with focus on the four topics of key issues/concerns, viz. strategic roles of New Development Areas (NDAs), people-oriented communities, sustainable living environment and implementation mechanisms in the Stage One Public Engagement.

96. Ms Cyd HO said that the implementation mechanism for NDAs would receive much attention from stakeholders concerned, such as land owners and developers, because of the interests involved. She considered that the consultation should be territory-wide and suggested that the Administration could consider including cross-boundary integration of Shenzhen and Hong Kong as one of the topics in the public engagement. A good start in the planning of the NDAs would help prepare the future generations for the integration of the two places. The Administration should explain the concept, characteristics, roles and functions of a boundary town to the general public during the public engagement. She thanked the Administration for making arrangements for the site visit to the Frontier Area held on 15 November 2008 because the visit could

provide Members with a direct experience which could not have been gained from reading papers.

97. In response, AD of Plan said that in Topical Note 1, the Administration had indicated that facilitating cross-boundary activities could be one of the strategic roles of the Three-in-one NDA in view of their locations. The Administration would explore the land uses of the NDA along this direction. As regards the concept of a boundary town, he said that in the early days, new towns in Hong Kong were districts in which residents lived and worked. As Hong Kong developed, many residents of new towns traveled to work in the urban business districts. The Three-in-one NDA might adopt a different mode of development because surveys showed that there had been an increasing trend in cross-boundary activities from Hong Kong to Shenzhen and vice versa. Some parts of the NDA could therefore be used for special commercial or industrial activities so that people from both sides could capitalize on and benefit from the development of the Three-in-one NDA.

98. SDEV shared the view that there should be cooperation between Hong Kong and Shenzhen, and said that both sides had developed closer cooperation over the past year. In this regard, Hong Kong needed to take forward the cooperation of the two sides from a project based approach to a strategic approach taking into consideration the perspectives of economic integration of the two places and contact between the citizens of the two places. The Administration was considering the most appropriate way of studying the topic of cross-boundary integration because several studies, such as those on the Closed Area and the Lok Ma Chau Loop, were in progress. As there was a suggestion of creating a Hong Kong-Shenzhen metropolis, cross-boundary integration could be studied under a more global perspective after the Administration had consolidated its findings from relevant studies.

99. Ms Emily LAU said that during the site visit on 15 November 2008, Members noted that the Shenzhen side of the boundary was developing rapidly while the natural environment was still maintained on the Hong Kong side. Ms LAU considered that there could be development in the area, but it should be under careful control so as to conserve the countryside. She asked whether the Administration would expect any conflict between nature conservation and land owners' aspirations for development. She hoped that the dilemma between conservation and development would not lead to disputes and urged the Administration to ventilate the emotions of parties concerned.

100. In response, SDEV said that it was indeed not easy to take forward nature conservation and development in parallel. Land owners had expectation in developing their land and the Administration had to manage such expectation. If society had a consensus on how to develop the area and a method could be identified to meet land owners' expectation, it could still be possible to handle

the matter. The Administration would be prudent in striking a balance in this regard.

101. Ir Dr Raymond HO said that how to strike a balance between development and conservation would be a challenge for SDEV. The aspirations of citizens living in urban areas could be different from those citizens living in rural areas. He considered that it was not necessary for Hong Kong to develop in a mode similar to that of the Shenzhen side. NDAs could be developed into a leisurely place where residents could enjoy nature, with railway serving as a transport means as far as possible. There was no need to expedite the implementation of NDAs just for the sake of creating more job opportunities because those opportunities could be provided elsewhere. The pace of public engagement could also be slower so as to fully gauge the aspirations of society on how best to implement the NDAs. He encouraged SDEV to continue with her efforts in her work.

IX Any other business

102. There being no other business, the meeting ended at 6:30 pm.