

立法會

Legislative Council

LC Paper No. CB(2) 301/09-10

Ref: CB2/A/14

Paper for the House Committee meeting on 20 November 2009

Continuation of work of subcommittees on policy issues

Purpose

This paper invites Members to note the latest progress of work of five subcommittees on policy issues appointed under the House Committee and Panels and to endorse their proposed continuation of work beyond 12 months since their commencement.

Background

2. Under Rule 26(c) of the House Rules (HR), a subcommittee on policy issues should complete work within 12 months of its commencement and report to the House Committee or relevant Panel(s) as appropriate. Should such a subcommittee consider it necessary to work beyond 12 months, it should, after obtaining the endorsement of the relevant Panel(s), report to the House Committee and give justifications for an extension of the 12-month period.

Proposed continuation of work

3. In the 2008-2009 session, three subcommittees on policy issues had been appointed under the House Committee and eight subcommittees under Panels respectively. Of these 11 subcommittees:

- (a) the Subcommittee on Combating Fly-tipping has concluded its work in August 2009;
- (b) the Subcommittee on Police's Handling of Sex Workers and Searches of Detainees is expected to conclude its work after reporting to the Panel on Security in early December 2009;
- (c) the Subcommittee to Study Issues Arising from Lehman Brothers-related Minibonds and Structured Financial Products has

obtained the endorsement of the House Committee on 23 October 2009 to continue to work in the current session;

- (d) the following five subcommittees which commenced work in November or December 2008 have reviewed their work progress and consider it necessary to continue their work beyond 12 months since their commencement -
 - (i) Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions under the House Committee;
 - (ii) Subcommittee on Matters Relating to Railways under the Panel on Transport;
 - (iii) Subcommittee on Improving Air Quality under the Panel on Environmental Affairs;
 - (iv) Subcommittee on Harbourfront Planning under the Panel on Development; and
 - (v) Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project under the Panel on Home Affairs and Panel on Development; and
- (e) the remaining three subcommittees which commenced work in January or February 2009 will review their work progress and make proposals to the House Committee for continuation of their work if considered necessary.

The latest progress of work of the five subcommittees listed in (d) above and their proposed time frame for continuation of work are detailed in **Appendices I to V**.

Bills Committees and subcommittees in operation in the next three months and staff implications

4. When considering the proposals of the five subcommittees in paragraph 3(d) above, Members may wish to take into account the number of Bills Committees and subcommittees in operation as well as those which may be appointed in the coming months. At present, 11 Bills Committees and five subcommittees on subsidiary legislation are in operation. It is expected that another nine Bills Committees and five subcommittees on subsidiary legislation will likely be appointed in the coming three months, making a total of 55 committees operating at the same time, even after the maximum number of Bills Committees is maintained at 16. Notwithstanding the fact that the current staffing complement of the

Secretariat is only to cater for a maximum number of 48 committees, the Secretariat would try to absorb the servicing of these 55 committees (i.e. including the five subcommittees on policy issues seeking endorsement for continuation of work) through redeployment of the additional Council Secretaries recently recruited to strengthen the research support for committee teams. A position report on the existing and anticipated number of Bills Committees and subcommittees is in **Appendix VI**.

Advice sought

5. In accordance with Rule 26(c) of HR, Members are invited to note the latest progress of work of the five subcommittees on policy issues in paragraph 3(d) and endorse their proposal for continuation of work.

Council Business Division 2
Legislative Council Secretariat
18 November 2009

立法會
Legislative Council

LC Paper No. CB(1)202/09-10

Ref : CB1/HS/2/08

Paper for the House Committee meeting on 20 November 2009

**Continuation of work of the Subcommittee to
Examine the Implementation in Hong Kong of Resolutions of
the United Nations Security Council in relation to Sanctions**

Purpose

This paper reports on the progress of work of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions (the Subcommittee) and the need to continue its work in the 2009-2010 legislative session and the remaining sessions of the current term.

Background

2. Under section 3(5) of the United Nations Sanctions Ordinance (UNSO) (Cap. 537), sections 34 and 35 of the Interpretation and General Ordinance (Cap.1) shall not apply to Regulations made under UNSO. These Regulations are not subject to amendment by the Legislative Council (LegCo).

3. In the Third LegCo, a Subcommittee was formed under the House Committee to examine the legal and constitutional issues arising from the current arrangements for implementing in Hong Kong resolutions of the United Nations Security Council (UNSC) in relation to sanctions by Regulations made under section 3 of the UNSO. The Subcommittee submitted a report to the House Committee on 20 June 2008 recommending, among others, the setting up of a dedicated subcommittee under the House Committee in the Fourth LegCo to deal with Regulations made under the UNSO. Under this standing arrangement, future Regulations made and gazetted under the UNSO would be considered by Members at the House Committee meetings, and where necessary, the Regulations would be referred to the subcommittee for study.

4. In the Fourth LegCo, at the meeting of the House Committee on 7 November 2008, Members agreed in principle that a dedicated subcommittee should be set up in the light of the recommendation made by the former

Subcommittee. The Subcommittee was formed on 1 December 2008 to deal with Regulations made under the UNSO and follow up the recommendations made by the former Subcommittee. Chaired by Dr Hon Margaret NG, the Subcommittee has held five meetings in the 2008-2009 session. The membership list and the terms of reference of the Subcommittee are given in **Annexes I** and **II** respectively.

Progress of work of the Subcommittee

5. In the 2008-2009 legislative session, the House Committee has referred to the Subcommittee a total of eight Regulations (**Annex III**) made under UNSO and gazetted since October 2008. Apart from holding meetings with the Administration to understand the background of the Regulations, the Subcommittee has requested the Administration to provide mark-up copies of the Regulations to assist members to conduct clause-by-clause examination at the meetings. Members have subsequently made a number of suggestions to the Administration on the drafting and textual aspects of the Regulations to improve clarity and standards of law drafting. The Administration has agreed to consider the Subcommittee's suggestions for future Regulations made under the UNSO.

6. In the course of examining the Regulations made under UNSO, the Subcommittee has requested the Administration to explore with the Trade and Industry Department (TID) ways to disseminate information on UNSC resolutions in relation to sanctions to the respective trade as early as possible. The Administration has advised that in addition to notices promulgating new legislation or changes to legislation and a link to the relevant legislation posted on TID's website, the Commerce and Economic Development Bureau will continue to liaise with TID to establish routine channels (such as through newsletter, regular meetings with industry bodies) to disseminate information on UNSC resolutions in relation to sanctions to respective trade and industry. At the Subcommittee's request, the Administration will inform the Panel on Commerce and Industry in future the implementation of the UNSC resolutions that have direct relevance to and impact on trade and industry in Hong Kong, by way of a LegCo Brief providing information on the relevant UNSC resolution, the trade relation between the country under sanction and Hong Kong, and the implications on the economy of Hong Kong.

7. The Subcommittee has noted that while sanction measures, targets and subjects of the sanctions may differ in respect of different countries or places, the drafting approach adopted in most of the Regulations made under the UNSO is broadly similar. The Subcommittee is of the view that the use of a model law approach or developing different models for different scenarios is conducive to improving efficiency in the Administration's preparation and the Subcommittee's study of the Regulations, and will facilitate understanding by the public. The Administration has advised that while a model law approach can serve as a useful reference, the specific details of the sanction measures may differ in different

resolution, hence the wording is different. The Administration considers that it may not be possible to devise a standardized approach and "model clauses" that will be appropriate for universal adoption in all subsidiary legislation on UN sanctions. The Subcommittee will continue to pursue the matter with the Administration.

Need for continuation of work in the 2009-2010 legislative session and the remaining sessions of the current term

8. Given the background of the setting up of the Subcommittee (paragraphs 2 to 4 above) and that Regulations made under the UNSO will be submitted by the Government to LegCo from time to time, the Subcommittee may have to continue to study these Regulations referred by the House Committee. It is recommended that the Subcommittee should continue its work in the 2009-2010 session and the remaining sessions of the current term according to the existing terms of reference. However, the decision on the need for continuation of work by the Subcommittee should rest with the House Committee.

Advice sought

9. Pursuant to Rule 26(c) of the House Rules, members are invited to note the progress of work of the Subcommittee and endorse the proposal for the Subcommittee to continue its work in the 2009-2010 session and the remaining sessions of the current term.

Council Business Division 1
Legislative Council Secretariat
18 November 2009

**Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the
United Nations Security Council in relation to Sanctions**

Membership List

Chairman	Dr Hon Margaret NG
Members	Hon LAU Kong-wah, JP Hon Cyd HO Sau-lan Hon Tanya CHAN

(Total : 4 members)

Clerk	Ms YUE Tin-po
Legal Adviser	Mr Kelvin LEE

**Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the
United Nations Security Council in relation to Sanctions**

Terms of Reference

To examine the implementation in Hong Kong resolutions of the United Nations Security Council in relation to sanctions by Regulations made under section 3 of the United Nations Sanctions Ordinance (Cap. 537) and to follow up the recommendations made by the previous Subcommittee.

**Regulations studied by the Subcommittee
to Examine the Implementation in Hong Kong of Resolutions
of the United Nations Security Council in relation to Sanctions
in the 2008-2009 legislative session**

Regulation made under section 3 of the United Nations Sanctions Ordinance	Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council [Date of expiry]
1. United Nations Sanctions (Arms Embargoes) (Amendment) Regulation 2008	31 October 2008 (L.N. 236 of 2008)	August 2008	Resolution 1823 of 10 July 2008
2. United Nations Sanctions (Federal Republic of Yugoslavia) (Prohibition on Terrorist Activity) Regulation (Repeal) Regulation	31 October 2008 (L.N. 237 of 2008)	September 2008	Resolution 1367 of 10 September 2001
3. United Nations Sanctions (Côte d'Ivoire) (No. 2) Regulation 2008	12 December 2008 (L.N. 276 of 2008)	November 2008	Resolution 1842 of 29 October 2008 <i>[31 October 2009]</i>
4. United Nations Sanctions (Democratic Republic of the Congo) Regulation 2009	13 March 2009 (L.N. 37 of 2009)	January 2009	Resolution 1857 of 22 December 2008 <i>[30 November 2009]</i>
5. United Nations Sanctions (Liberia) Regulation 2009	13 March 2009 (L.N. 38 of 2009)	January 2009	Resolution 1854 of 19 December 2008 <i>[The following provisions expire at midnight on 18 December 2009: the definitions of "arms or related material", "Commissioner", "master", "operator", "person connected with Liberia", "pilot in command", "prohibited goods",</i>

Regulation made under section 3 of the United Nations Sanctions Ordinance	Date of gazettal	Date of receipt of instruction from the Ministry of Foreign Affairs	Resolution of the United Nations Security Council [Date of expiry]
			<i>"Resolution 1854" and "UNMIL" in section 2; paragraphs (a) and (b) of the definition of "licence" in section 2; sections 3, 4, 5, 7, 8, 9 and 10; and Part 5]</i>
6. United Nations Sanctions (Liberia) Regulation 2008 (Repeal) Regulation	13 March 2009 (L.N. 39 of 2009)	January 2009	[Consequential to the making of the United Nations Sanctions (Liberia) Regulation 2009, there is no need for Cap. 537AI, which is therefore repealed by this Regulation.]
7. United Nations Sanctions (Somalia) Regulation	27 March 2009 (L.N. 58 of 2009)	December 2008	Resolutions 1356, 1425, 1725, 1744, 1772 and 1844 made between 2001 and 2008
8. United Nations Sanctions (Arms Embargoes) (Amendment) Regulation 2009	27 March 2009 (L.N. 59 of 2009)	March 2009	Resolution 1844 of 20 November 2008

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Legislative Council

LC Paper No. CB(1)367/09-10

Ref : CB1/PS/1/08

Paper for the House Committee meeting on 20 November 2009

Continuation of work of the Subcommittee on Matters Relating to Railways

Purpose

This paper reports on the progress of work of the Subcommittee on Matters Relating to Railways (the Subcommittee) formed under the Panel on Transport and the need for the Subcommittee to continue its work in the 2009-2010 legislative session.

Background

2. A Subcommittee on Matters Relating to the Implementation of Railway Development Projects (later renamed as Subcommittee on Matters Relating to Railways) was formed under the Panel on 15 December 2000 to monitor the development and implementation of railway projects in Hong Kong as well as the operation of existing railways. The Subcommittee continued its work in the last two terms. In the current term, the Subcommittee was again set up in October 2008 to oversee matters relating to railways. The terms of reference and membership list of the Subcommittee are given in **Annexes I and II** respectively. The latest progress report of the Subcommittee on its work was submitted to the Panel in June 2008 (LC Paper No. CB(1)2065/08-09).

Progress of work of the Subcommittee in following up railway projects

3. Based on the first Railway Development Strategy formulated in 1994 and the new Railway Development Strategy 2000 endorsed by the Chief Executive-in-Council in May 2000, the following component schemes have been identified to meet the railway network expansion needs up to 2016 -

A. Railway projects completed or under construction

(a) MTR Tseung Kwan O Line (TKL) - commissioned in August

- 2002
- (b) West Rail - commissioned in December 2003
 - (c) KCR Extension from Hung Hom to Tsim Sha Tsui (TST Extension) - commissioned in October 2004
 - (d) Ma On Shan to Tai Wai Rail Link (MOS Rail) - commissioned in December 2004
 - (e) Disneyland Resort Line (DRL) - commissioned in August 2005
 - (f) Sheung Shui to Lok Ma Chau Spur Line - commissioned in August 2007
 - (g) MTR Tseung Kwan O Extension (Phase II) - commissioned in July 2009
 - (h) Kowloon Southern Link (KSL) - commissioned in August 2009
 - (i) West Island Line (WIL) - under construction for commissioning for 2014

B. Railway projects under planning or review

- (a) Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) - plan to start construction before end of 2009
- (b) Shatin to Central Link (SCL) - under planning
- (c) South Island Line (East) (SIL(E)) - under planning
- (d) Northern Link (NOL) - under planning
- (e) North Hong Kong Island Line - under planning
- (f) Port Rail Line - being reviewed

4. The Subcommittee formed in the last two terms had actively followed up the planning, financing and implementation of various railway projects in Hong Kong, including the TKL, West Rail, Sheung Shui to Lok Ma Chau Spur Line,

TST Extension, MOS Rail, KSL, SCL, DRL, NOL, XRL (Hong Kong Section), WIL, and SIL(E). For these projects, the Subcommittee had reviewed the station designs, alignment options, pedestrian connectivity of railway stations with neighbouring area and relevant funding proposals. The Subcommittee was also concerned about the operation and performance of railway systems, and it had reviewed Light Rail service, railway incidents, preventive and response measures for emergency incidents, and progress of retrofitting platform screen doors at MTR stations.

5. In the 2008-2009 session, the Subcommittee has continued to follow up the planning, financing and implementation of new railway projects including KSL, WIL, the Hong Kong Section of XRL, SIL(E), and SCL. As regards railway operation, the Subcommittee has discussed the Kwun Tong Line service disruption incident, the installation of platform screen doors and review of the MTR By-laws and North-west Railway By-laws.

6. According to its terms of reference, the Subcommittee will monitor the planning, financing and implementation progress of railway projects and address problems of railway operation.

Need for continuation of work in the 2009-2010 session

7. Given the number of new railway projects in the pipeline (paragraph 3), it is not envisaged that the Subcommittee can complete its work within a short period. The Panel discussed and agreed at its meeting on 15 October 2009 that the Subcommittee should continue its work according to the existing terms of reference in the 2009-2010 session.

Advice sought

8. Pursuant to Rule 26(c) of the House Rules, members are invited to note the progress of work of the Subcommittee and endorse the proposal for the Subcommittee to continue its work in the 2009-2010 session.

Panel on Transport

Subcommittee on matters relating to railways

Terms of Reference

To follow up various issues relating to the planning and implementation of new railway projects, and the operation of existing railways as follows:

Planning and implementation of new railway projects

- (a) planning and financing of new railway projects;
- (b) environmental impact assessment of new railway projects;
- (c) resumption of land arising from the implementation of new railway projects under the Railways Ordinance (Cap. 519);
- (d) progress update on the implementation of new railway projects;
- (e) provision of supporting public infrastructure for new railway projects; and
- (f) co-ordination of public transport services arising from the commissioning of new railway lines.

Railway operation

- (a) performance of existing railway lines including train service performance and safety management;
- (b) maintenance programme; and
- (c) train service disruptions and breakdowns, and arrangements for handling emergency situations.

Matters relating to corporate governance of the post-merger corporation and fares should be dealt with by the Panel on Transport.

**Legislative Council
Panel on Transport**

Subcommittee on Matters Relating to Railways

Membership list for 2009-2010 session

Chairman	Hon Miriam LAU Kin-ye, GBS, JP
Members	Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP Hon LAU Kong-wah, JP Hon Andrew CHENG Kar-foo Hon Abraham SHEK Lai-him, SBS, JP Hon LI Fung-ying, BBS, JP Hon Albert CHAN Wai-yip Hon WONG Kwok-hing, MH Hon LEE Wing-tat Hon Jeffrey LAM Kin-fung, SBS, JP Hon LEUNG Kwok-hung Hon CHEUNG Hok-ming, GBS, JP Hon Ronny TONG Ka-wah, SC Hon KAM Nai-wai, MH Hon WONG Sing-chi Hon IP Wai-ming, MH Hon Mrs Regina IP LAU Suk-ye, GBS, JP
	(Total: 17 members)
Clerk	Ms Joanne MAK
Legal Adviser	Mr Kelvin LEE
Date	22 October 2009

立法會
Legislative Council

LC Paper No. CB(1) 366/09-10

Ref : CB1/PS/3/08

Paper for the House Committee meeting on 20 November 2009

Continuation of work of the Subcommittee on Improving Air Quality

Purpose

This paper reports on the progress of work of the Subcommittee on Improving Air Quality during the 2008-2009 session, and the need for continuation of its work in the 2009-2010 session.

Background

2. The ambient air pollution problem has all along been a public concern. It not only has a significant bearing on public health and the quality of life, but also on the long-term development of Hong Kong. Multinational enterprises are reluctant to set up their regional headquarters in Hong Kong due to the deteriorating air quality. The problem is compounded by a combination of factors, including high population density, high concentration of vehicles, as well as air pollution in the Pearl River Delta (PRD) Region. On the regional front, the Hong Kong Special Administrative Region Government (HKSARG) and the Guangdong Provincial Government (GPG) have jointly formulated the PRD Regional Air Quality Management Plan (Management Plan), which aims at achieving specific emission reduction targets by 2010. On the local front, the Administration is reviewing the Air Quality Objectives (AQOs) taking into account the World Health Organization (WHO)'s Air Quality Guidelines (AQGs). Other measures, including imposing emission caps on power plants, providing financial incentives to encourage early replacement of pre-Euro and Euro I diesel commercial vehicles, banning idling vehicles with running engines, promoting energy conservation and saving, are being undertaken or contemplated.

3. To enable more focused discussion on Government's efforts in addressing air pollution, the Panel on Environmental Affairs (the Panel) decided at its meeting on 27 October 2008 to set up a subcommittee to monitor and study policies as well as public concerns on improving air quality. The terms of reference and membership of the Subcommittee are given in **Annexes I and II** respectively.

Progress of work of the Subcommittee

4. In the 2008-2009 legislative session, the Subcommittee has studied a number of issues, including Government efforts in addressing climate change, progress of measures to achieve the emission reduction targets under the Pearl River Delta Regional Air Quality Management Plan beyond 2010, and progress of review of Hong Kong's Air Quality Objectives.

Government efforts in addressing climate change

5. The Subcommittee has noted that alongside some other 20 Asia-Pacific Economic Co-operation (APEC) member economies, Hong Kong has adopted the APEC Leaders' Declaration on Climate Change, Energy Security and Clean Development to achieve a reduction in energy intensity of at least 25% by 2030 (with 2005 as the base year). In this connection, the Administration has commissioned an 18-month consultancy study on climate change to assess its impact on Hong Kong, and to recommend suitable strategies to further enhance the adaptation and mitigation measures. The Subcommittee has questioned the need for consultancy studies on initiatives, such as energy wastage of external lighting and phasing out of incandescent light bulbs, given the availability of abundant reference materials from overseas.

Progress of measures to achieve the emission reduction targets under the Pearl River Delta Regional Air Quality Management Plan beyond 2010

6. The Subcommittee has noted that while the emission levels of nitrogen oxides (NO_x), respirable suspended particulates (RSP) and volatile organic compounds (VOC) in Hong Kong have dropped when compared with those in 1997, the emission level of sulphur dioxide (SO₂) has increased by 3% due to a rise in the use of coal in power generation in the past few years. The Subcommittee has expressed concern about the efficacy of emission reduction measures taken by the Administration in achieving the 2010 emission reduction targets. The same also applies to GPG which has to take on board additional control measures targeting at major emission sources as revealed in the Mid-term Review of the Management Plan.

7. On the local front, the Subcommittee has noted that road vehicles are the second largest source of air pollution, and the main source of roadside air pollution in Hong Kong. To reduce vehicular emission, the Administration has introduced additional measures, inter alia, a \$3.2 billion one-off grant scheme to encourage early replacement of pre-Euro and Euro I diesel commercial vehicles. The Subcommittee has expressed concern about the lukewarm response to the scheme, which may be mainly attributed to the fact that many vehicle owners in the trades are facing financial difficulties in continuing their businesses, let alone replacing their vehicles. To optimize the use of the one-off grant to keep polluting vehicles off the roads, consideration could be given to increasing the amount of subsidy in order to enhance the attractiveness of the scheme, providing a grant to vehicle owners who scrap their old vehicles without replacement or with replacement by second-hand vehicles with a

higher emission standard, or extending the scheme to cover franchised buses and other types of vehicles, including motorcycles.

8. Given that franchised buses are a major and visible source of roadside air pollution at busy corridors, the Subcommittee agrees that reducing the number of bus trips and bus stopping activities at these corridors, and restricting older buses from entering busy corridors will go a long way towards improving the roadside air quality. It therefore supports the Administration's initiatives on low emission zones (LEZ), rationalization of bus routes, and bus-bus interchange schemes.

9. On LEZ, the Subcommittee has examined the parameters and details of the feasibility study, and the possible locations of LEZ. Apart from franchised buses, the Subcommittee holds the view that all vehicles with higher exhaust emissions should be restricted from entering LEZ. In addition to the types of vehicles, consideration should also be given to imposing a restriction on the minimum number of passengers on board of vehicles entering LEZ. On bus service rationalization plan, the Subcommittee has studied the number of bus routes which have been cancelled, amalgamated and truncated, as well as the number of buses which have been scrapped as a result.

10. Apart from vehicles, vessels are also a major source of air pollution. To reduce the emissions of local ferries, the Government has decided to launch a trial of local ferries using ultra low sulphur diesel (ULSD). While not opposing to the trial, the Subcommittee has pointed out that the proposed switch to ULSD may not be practical because ferry operators are experiencing financial difficulties under the present state of economy. Any policy on the use of ULSD by ferries should be worked out in consultation with the Transport Branch of the Transport and Housing Bureau.

Progress of review of Hong Kong's Air Quality Objectives

11. In October 2006, WHO released a new set of AQGs which provide a scientific basis for supporting the development of air quality policies and management strategies in various parts of the world to protect human health. In response to WHO AQGs, the Administration commissioned a consultancy study in 2007 to recommend a new set of AQOs for Hong Kong and an air quality management strategy to achieve the new AQOs. An Advisory Panel comprising members from various sectors with different background and interests, such as transport, energy and power, as well as from districts, medical, air science, planning, community health etc, has been set up to steer the review.

12. The Subcommittee has noted that the consultant recommends a progressive and forward-looking approach in determining the new AQOs taking into account the local situation, technological developments and international practices. To achieve the new AQOs, the consultant has preliminarily identified a total of 36 improvement measures to be implemented in three Phases. These measures include increasing the proportion of natural gas in the fuel mix for local electricity generation, advancing the

replacement of more polluting vehicles (including franchised buses) and promoting the use of more environment-friendly vehicles, further tightening the control of emissions from vessels and other sources, introducing traffic management measures (including LEZ) to reduce roadside emissions, expanding rail network, and promoting energy efficiency. The consultant also recommends that regular reviews should be conducted to ascertain the extent to which the new AQOs have been achieved, the progress of the air management strategy, as well as the need and practicality to further tighten AQOs.

13. The Subcommittee has studied the implementation plan of these measures, particularly the two Phase I measures with the highest emission reduction potential viz. increasing the share of local electricity generation by natural gas to 50% or more, and early retirement of aged/heavily polluting vehicles, and the basis upon which the cost-benefit analysis for the proposed improvement measures is arrived at. The Subcommittee has questioned that the Administration is trying to use the high costs to discourage the public from demanding for more vigorous measures to improve air quality. Noting from the cost-benefit analysis that there will be medical savings due to better air quality, the Administration is urged to consider ploughing back the medical savings to cover the anticipated increase in cost/tariffs such that this will not be passed onto consumers.

14. The Subcommittee has also examined the feasibility of imposing penalty on service providers who insist to use polluting production methods despite the availability of cleaner options. Given that air quality in Hong Kong is greatly affected by regional air quality, the Subcommittee considers that concerted efforts from the Guangdong side are necessary.

Need for continuation of work of the Subcommittee in the 2009-2010 session

15 In view of the many measures and initiatives being contemplated by the Administration in improving air quality, the Subcommittee has provided a platform for more focused discussion of these measures and initiatives. Hence, the Panel decided at its meeting on 15 October 2009 that the Subcommittee should continue its work in the 2009-2010 session

Advice sought

16. Pursuant to Rule 26(c) of the House Rules, members are invited to note the progress of work of the Subcommittee, and endorse the proposal for the Subcommittee to continue its work in the 2009-2010 session.

Panel on Environmental Affairs
Subcommittee on Improving Air Quality

Terms of Reference

To monitor and study policies as well as public concerns on improving air quality.

Panel on Environmental Affairs

Subcommittee on Improving Air Quality

Membership list

Chairman Hon Audrey EU Yuet-mee, SC, JP

Members Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon Miriam LAU Kin-yee, GBS, JP
Hon LEE Wing-tat
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon CHAN Hak-kan
Hon CHAN Kin-por, JP

(Total : 9 Members)

Clerk Miss Becky YU

Legal Adviser Miss Kitty CHENG

Date 14 May 2009

立法會
Legislative Council

LC Paper No. CB(1)362/09-10

Ref : CB1/PS/2/08

Paper for the House Committee meeting on 20 November 2009

**Continuation of work of the Subcommittee on Harbourfront Planning
under the Panel on Development**

Purpose

This paper invites members to note the latest progress of work of the Subcommittee on Harbourfront Planning and the need for the Subcommittee to continue its work in the 2009-2010 legislative session.

Background

2. The Subcommittee was appointed by the Panel on Development in November 2008 to monitor and study the planning, land use and related issues in respect of the harbourfront areas on both sides of the Victoria Harbour. The membership list of the Subcommittee is in the **Annex**. The major areas of the Subcommittee's study, as agreed by the Panel, include the following --

- (a) short-term, medium-term and long-term initiatives to enhance the environment and accessibility of harbourfront areas for public enjoyment;
- (b) development of continuous promenades along the harbourfront;
- (c) planning control in respect of development projects at harbourfront sites; and
- (d) institutional arrangements for the planning and management of harbourfront areas.

Work of the Subcommittee

3. Under the chairmanship of Prof Hon Patrick LAU Sau-shing, the Subcommittee has held six meetings and conducted a round-the-harbour tour on 21 February 2009. The Subcommittee has studied the following major issues --

- (a) major strategies adopted by the Administration in formulating and implementing harbourfront enhancement initiatives;
- (b) planned harbourfront enhancement measures on government land and private land in the short term, medium term and long term;
- (c) connectivity of the harbourfront areas for pedestrian access; and
- (d) major harbourfront issues discussed by individual District Councils, and the updated position of those issues.

4. In the course of deliberations, the Subcommittee has made reference to relevant overseas experience. Having regard to the research findings of the Research and Library Services Division of the Legislative Council (LegCo) Secretariat and the Administration, the Subcommittee decided on 26 June 2009 to conduct a duty visit to Vancouver, New York, Boston and Baltimore, as these cities are well known for their successful experiences in waterfront planning and management.

5. The duty visit was originally scheduled to take place from 25 September to 3 October 2009. However, due to unforeseen commitments, three members of the delegation informed the LegCo Secretariat that they could not take part in the duty visit. After consulting the other members of the delegation, the Chairman of the Subcommittee advised that the duty visit should be rescheduled. The Subcommittee will further consider the timing and arrangements for the duty visit in the 2009-2010 session.

Need for continuation of work in the 2009-2010 session

6. Having regard to the policy pledges and ongoing work of the Administration on harbourfront matters, the Subcommittee has planned to study the following issues --

- (a) urban design framework for the new Central harbourfront and implementation arrangements¹; and
- (b) institutional arrangements for the planning, implementation and management of existing and new harbourfront areas².

Apart from these issues, the Subcommittee may further examine strategies adopted by the Administration in formulating and implementing harbourfront enhancement initiatives, in particular the strategies to overcome or mitigate the constraints imposed by existing land uses on harbourfront enhancement.

7. In examining these issues, the Subcommittee may conduct site visits, meet with the Administration and solicit views from relevant parties and the general public. It is anticipated that the study to pursue the issues in paragraph 6 may take about six to nine months.

8. At the meeting of the Panel on Development held on 15 October 2009, Panel members agreed that the Subcommittee should continue its work in the 2009-2010 session.

Advice sought

9. Pursuant to Rule 26(c) of the House Rules, members are invited to note the latest progress of work of the Subcommittee and endorse the proposal for the Subcommittee to continue its work in the 2009-2010 session.

Council Business Division 1
Legislative Council Secretariat
18 November 2009

¹ At its meeting on 9 November 2009, the Subcommittee discussed the revised design concepts and proposals for the key sites in the Urban Design Study for the New Central Harbourfront and the revised Master Layout Plan for the new Central harbourfront. The Subcommittee will solicit views from interested parties and members of the public on the subject.

² The Task Group on Management Model for the Harbourfront of HEC is drawing up its recommendation report for submission to HEC within the next six months. It is expected that the Administration will put up relevant proposals to the Subcommittee after it has considered the recommendations of the Task Group and the relevant advice of HEC.

Panel on Development

Subcommittee on Harbourfront Planning

Chairman Prof Hon Patrick LAU Sau-shing, SBS, JP

Deputy Chairman Hon Tanya CHAN

Members Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon James TO Kun-sun
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
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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, GBS, JP
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon Starry LEE Wai-king
Dr Hon Priscilla LEUNG Mei-fun
Hon IP Kwok-him, GBS, JP

(Total: 16 members)

Clerk Ms Anita SIT

Legal Adviser Miss Winnie LO

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Legislative Council

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Paper for the House Committee meeting on 20 November 2009

Continuation of work of the Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project

Purpose

This paper reports on the progress of work of the Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project (the Joint Subcommittee) and the need for the Joint Subcommittee to continue its work in the 2009-2010 legislative session.

Background

2. At the joint meeting of the Panel on Home Affairs and Panel on Development on 14 November 2008, members agreed that pursuant to the enactment of the West Kowloon Cultural District Authority Ordinance (Cap. 601) and the establishment of the West Kowloon Cultural District Authority (WKCDA), the Legislative Council (LegCo) should continue to monitor the West Kowloon Cultural District (WKCD) project, having regard to the high expectation of the community on the project, the important impact of WKCD on Hong Kong's long term development especially on the cultural life of the populace, and the significant resources involved. The Joint Subcommittee was appointed by the two Panels in December 2008. The membership list of the Joint Subcommittee is in the **Annex**. According to its terms of reference, the Joint Subcommittee would monitor issues relating to the implementation of the WKCD project, including the work of WKCDA, the project's interface with arts and cultural development, and other related matters. The Joint Subcommittee would focus on monitoring the WKCD project and work of WKCDA in the following areas -

- (a) preparation of the development plan for WKCD;
- (b) planning and construction of core arts and cultural facilities and other associated facilities;

- (c) the institutional and procedural arrangements of WKCDA, such as appointment of the Chief Executive Officer (CEO) and other senior staff of the Authority, appointment of committees set up by the Authority, arrangements for enhancing the transparency of meetings of WKCDA and public access to information on its operations;
- (d) financial management and procurement procedures;
- (e) public engagement arrangements; and
- (f) development of cultural software which has a direct bearing on the planning or financing of the arts and cultural facilities in WKCD.

Progress of work of the Joint Subcommittee

3. Under the chairmanship of Hon IP Kwok-him, the Joint Subcommittee has held six meetings with the Administration and members of the WKCDA Board, and received views of deputations/individuals at two of these meetings. The Joint Subcommittee has studied the following major issues in relation to the implementation of WKCD -

- (a) Development of WKCD
 - (i) preparation of the Development Plan for WKCD, including the planning approach for WKCD, selection of the three Conceptual Plan Consultants and the Project Consultant, public participation in the process;
 - (ii) planning of M+, including the theme of M+, appointment of curatorial professional, building up of collection items, promotion of public knowledge on M+, and implementation of the interim M+;
 - (iii) planning of the Core Arts and Cultural Facilities (CACF), including the design competitions for and development schedule of CACF, and realignment of the existing cultural facilities with those in WKCD; and
 - (iv) WKCD's connectivity with adjoining districts and the community and use of the WKCD site as a temporary performing and exhibition venue.

- (b) The work of WKCDA
 - (i) appointment of members to the WKCDA Board and six committees of WKCDA;
 - (ii) recruitment of CEO and other senior executives of WKCDA;
 - (iii) public engagement for WKCD, including the establishment of the Consultation Panel (CP), the function and role of CP, arrangements for the three-stage public engagement (PE) exercise;
 - (iv) accessibility of meeting papers and minutes of meetings of WKCDA to the public; and
 - (v) use of the upfront endowment of \$21.6 billion to WKCDA.

- (c) WKCD's interface with arts and cultural development
 - (i) measures to promote the development of cultural software to complement the WKCD project, including nurturing of young artists, building of audience, training and development of arts administrators/stage management professionals; and
 - (ii) resource allocation for software development and timeframe for WKCDA to implement programmes and activities for such purpose.

Need for continuation of work in the 2009-2010 session

4. Most of the issues highlighted in the preceding paragraph, such as the masterplanning of WKCD and its CACF, institutional and procedural arrangements of WKCD, PE exercise, and development of cultural software, are ongoing issues the development of which will have a significant bearing on the implementation of the WKCD project. There is a need for the Joint Subcommittee to continue to monitor these issues.

5. In addition, the work of WKCDA has reached/will soon reach some important landmarks: WKCDA has commissioned three Conceptual Plan Consultants and the Project Consultant in July 2009 for the preparation of the three Conceptual Plan options and Development Plan for WKCD; the Authority

has rolled out Stage One of its PE exercise in October 2009 to gauge the public's expectations and inspirations for the WKCD project and stakeholders' requirements for the facilities in the arts and cultural venues; it has embarked on the recruitment of the CEO and other senior executives in September 2009 pursuant to the completion of the consultancy study on the organizational structure for WKCD in May 2009; and the first annual report of the Authority which includes, among others, the audited statement of accounts and the work and activities of WKCD for the past financial year has been tabled at LegCo in October 2009. The Joint Subcommittee will also need to continue to monitor the development of these issues, which are within the purview of its terms of reference.

6. Having regard to the considerations stated in paragraphs 4 and 5 above, the Panel on Home Affairs and Panel on Development agreed at their meetings on 15 October 2009 that the Joint Subcommittee should continue its work according to the existing terms of reference in the 2009-2010 session.

Advice sought

7. Pursuant to Rule 26(c) of the House Rules, Members are invited to note the progress of work of the Joint Subcommittee and endorse the proposal for the Joint Subcommittee to continue its work in the 2009-2010 session.

Council Business Division 2
Legislative Council Secretariat
18 November 2009

Panel on Home Affairs and Panel on Development

**Joint Subcommittee to Monitor the Implementation of the
West Kowloon Cultural District Project**

Membership list

Chairman	Hon IP Kwok-him, GBS, JP
Deputy Chairman	Hon LEE Wing-tat
Members	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 Alan LEONG Kah-kit, SC Hon CHEUNG Hok-ming, GBS, JP Prof Hon Patrick LAU Sau-shing, SBS, JP Hon Cyd HO Sau-lan Hon Starry LEE Wai-king Dr Hon LAM Tai-fai, BBS, JP Hon CHAN Hak-kan Hon Tanya CHAN Dr Hon Priscilla LEUNG Mei-fun Hon CHEUNG Kwok-che Hon WONG Yuk-man Hon Mrs Regina IP LAU Suk-yeet, GBS, JP Hon Paul TSE Wai-chun Dr Hon Samson TAM Wai-ho, JP (Total : 25 members)
Clerk	Ms Betty FONG
Legal Adviser	Miss Kitty CHENG Miss Winnie LO

Existing and anticipated number of Bills Committees and subcommittees
(position as at 17 November 2009)

<i>Estimated number of Bills Committees (BCs) within the next three months</i> <i>(a)+(b) = (11 + 9), i.e. 20</i> <i>(The maximum number of BCs in operation is limited to 16; BCs formed exceeding this number will be put on a waiting list)</i>		<i>Estimated number of subcommittees (SCs) on subsidiary legislation in action within the next three months</i> <i>(c)+(d) = (5 + 5), i.e. 10</i>		<i>Estimated number of subcommittees (SCs) on policy issues in action within the next three months</i> <i>= 9</i>
BCs <i>(Maximum number in operation: 16)</i>		SCs on subsidiary legislation <i>(Notional maximum number : 2)</i>		SCs on policy issues <i>(Maximum number : 8)</i>
(a) BCs in action	(b) BCs expected to be formed in the next three months	(c) SCs on subsidiary legislation in action	(d) Subsidiary legislation expected to be gazetted in the next three months and on which SCs are expected to be formed	(e) SCs on policy issues in action
Total : 11	9	Total : 5	5	Total : 9
Please refer to List A of the Position Report on Bills Committees and subcommittees (the Position Report) (LC Paper No. CB(2)302/09-10) for details of the BCs.	(i) Bills on the Legislative Programme Of the 21 bills in the Administration's 2009-2010 Legislative Programme which have not yet been introduced into the Legislative Council, seven BCs are expected to be formed in the next three months. Sub-total : 7	Please refer to Lists D and E of the Position Report for details of the SCs.	1. Statutes of The Chinese University of Hong Kong (Amendment) Statutes 2009 2. Code of Practice under the United Nations (Anti-Terrorism Measures) Ordinance and the Organized and Serious Crimes Ordinance 3. Subsidiary legislation relating to the introduction of Euro V standard for motor vehicle fuel 4. Subsidiary legislation and code of practice under the Waste Disposal Ordinance relating to the Clinical Waste Control Scheme 5. Subsidiary legislation under the Land (Compulsory Sale for Redevelopment) Ordinance to implement proposals to facilitate private redevelopment	(i) Under House Committee Please refer to List F of the Position Report for details of the SCs. Sub-total : 3
	(ii) Members' Bills 1. The University of Hong Kong (Amendment) Bill 2009 2. The Hong Kong Polytechnic University (Amendment) Bill 2009 Sub-total : 2			(ii) Under Panels Please refer to List G of the Position Report for details of the SCs. Sub-total : 6*
				*Excluding the Subcommittee on Police's Handling of Sex Workers and Searches of Detainees which is expected to complete work after reporting to the Panel on Security in early December 2009.