# Legislative Council Panel on Development Progress Report on the Development of Liantang/Heung Yuen Wai Boundary Control Point

## PURPOSE

This paper updates Members on the latest development of Liantang/Heung Yuen Wai (LT/HYW) Boundary Control Point (BCP) and seeks Members' support on our proposal to part-upgrade a PWP item **13GB** to Category A, at an estimated cost of \$393.5 million in money-of-the-day (MOD) prices, for reprovisioning the boundary patrol road and associated security facilities between Ping Yuen River and Pak Fu Shan for the development of a new BCP at LT/HYW.

## BACKGROUND

2. On 18 September 2008, the Hong Kong and the Shenzhen (SZ) Governments jointly announced the implementation of a new BCP at LT/HYW. Subsequently, both sides agreed on the work schedule to commence the engineering works in 2013 with a target of commissioning the new BCP in 2018. The new BCP is designed to handle 30,000 passengers and 17,850 vehicles trips daily. In March 2011, the project was included as one of the seven major items of Hong Kong and Guangdong Co-operation under the National 12<sup>th</sup> Five-Year Plan.

3. The proposed main works packages for the development of the BCP comprise –

(a) site formation for the BCP and construction of connecting road;

- (b) BCP buildings and associated facilities;
- (c) improvement of SZ River and reprovisioning of boundary patrol road; and
- (d) reprovisioning of Chuk Yuen Village.

A plan showing the location of the proposed BCP and the main works packages is at **Annex 1**.

# LATEST DEVELOPMENT

## Site formation for the BCP and construction of connecting road

4. In December 2010, we obtained support from the Panel on Development<sup>1</sup>(the Panel) for the funding application for the implementation of the detailed design and ground investigation for the site formation and infrastructures of the new BCP, and the improvement of SZ River at an estimated cost of \$265.8 million. Detailed design of the BCP site formation and the connecting road is in progress for completion in the first half of 2012. To resolve objections to the gazetted connecting road scheme and to incorporate the public car parking facilities at the BCP as mentioned in paragraph 5 below, amendments to the road scheme were gazetted on 9 September 2011 with a view to obtaining the authorization under the Roads (Works, Use and Compensation) Ordinance in March 2012. We plan to seek support from the Panel for funding application of site formation for the BCP and construction of connecting road in April 2012. The works are scheduled to commence in 2013 with a view to commissioning the BCP in 2018.

5. At the Panel meeting in December 2010, we briefed Members that we had embarked on a study on the provision of parking facilities, pick-up and drop-off points for private cars at the BCP, as well as a pedestrian access to the BCP in response to the requests for direct and more convenient access to the BCP received from the public. The study has confirmed the feasibility to provide the above direct access facilities. To

<sup>&</sup>lt;sup>1</sup> LC Paper No. CB(1)735/10-11(06)

meet the public aspiration and for the convenience of the public, we plan to provide the aforesaid facilities comprising a public carpark with no less than 400 car parking spaces, pick-up/drop-off points for private cars and a pedestrian subway linking the BCP and the adjacent Lin Ma Hang Road. In addition, a public transport interchange with pick-up/drop-off points for school buses will be provided near the passenger terminal building (PTB) to serve the passengers and cross-boundary students. The conceptual layout plan of the BCP is at **Annex 2**.

## BCP buildings and associated facilities

6. In order to arouse creativity and public participation, an International Design Ideas Competition (the Competition) for LT/HYW BCP PTB was jointly organised by the Hong Kong and SZ Governments in December 2010. Over 170 entries from more than ten countries and Three winning entries from each of the Professional regions were received. Group and the Open Group were selected. The Competition results were jointly announced by the Hong Kong and SZ Governments in a prize award ceremony on 1 September 2011. The first prize winning design of the Professional Group entitled "Fluid Light Stripes" is shown at Annex 3. Hong Kong and SZ Governments have agreed to make reference to the design ideas excerpted from the winning design taking account of several key principles, viz. (i) the design of the PTB should duly consider the buildability; (ii) the design ideas of the first winner will be used as the reference for the design of a unified style of the PTB outlook; and (iii) ideas of the winning design will be enhanced and simplified to meet the functional requirements of the PTB. We plan to commence the detailed design of the works for the PTB and associated facilities in the BCP in 2013.

### Improvement of SZ River and reprovisioning of boundary patrol road

7. In order to cater for the development of the LT/HYW BCP, we plan to upgrade the flood protection level of the section of SZ River between Ping Yuen River and Pak Fu Shan. Detailed design of the river improvement works is now in progress.

8. As the river improvement works will encroach upon the land occupied by the existing boundary patrol road alongside the SZ River, it is necessary to reprovision the boundary patrol road and the associated security facilities on a shifted alignment to make way for the river improvement works. The reprovisioning works have to commence in advance at this stage so that the space required for the river improvement works will be made available timely to suit the construction programme of the river improvement works. We propose to part-upgrade PWP item **13GB** entitled "Liantang/Heung Yuen Wai Boundary Control Point and associated works" to Category A in December 2011 at an estimated cost of \$393.5 million in MOD prices for the reprovisioning works. The works are scheduled to commence in February 2012 for completion in February 2015. Works will be completed in phases to tie in with the commencement of the river improvement works scheduled in 2013. Members are requested to support our funding application. Details of the proposed works are at Annex 4.

## Reprovisioning of Chuk Yuen Village

9. Implementation of the LT/HYW BCP requires resumption and clearance of the whole Chuk Yuen Village which is a pre-1898 recognized village within the Frontier Closed Area (FCA). We fully appreciate the impact and disruption to the life of the villagers caused by this clearance and have been engaging the affected villagers for over three years since the announcement of the BCP project on 18 September 2008 with the participation and assistance of Heung Yee Kuk<sup>2</sup>. Under the established New Territories Village Removal Policy, where land resumption is required to facilitate implementation of public works, the affected IVs who own building lots, or non-IVs who have owned building lots pre-war (prior to 25 December 1941) or by succession, may be provided with village resites

<sup>&</sup>lt;sup>2</sup> Accompanied by Chairman of the Heung Yee Kuk, the Secretary for Development briefed the villagers of Chuk Yuen Village about the LT/HYW BCP project in a community hall meeting in the evening of 18 September 2008. Since then, apart from numerous working meetings that the departments concerned have had with the villagers, the Secretary for Development and the Chairman of the Heung Yee Kuk met the village representatives and members of the Residents Village Removal Committee on five other occasions to listen to their concerns and explain to them the arrangements for the resumption of the Village. During our discussions with them, we have identified two categories of villagers whom we consider would warrant special compassionate considerations. They are indigenous villagers (IVs) of Chuk Yuen Village who had submitted Small House applications to Lands Department (LandsD) well before the announcement of the BCP project; and non-IVs who are long-term residents alongside the IVs within the village environs (VE) of Chuk Yuen Village.

when their building lots are resumed. The resite house entitlements, taking into account the site area involved, would either be in the form of resite houses built by Government or a site (without a house on it) plus a building allowance equivalent to the building costs of a Government-built resite house, or in cash which is equivalent to the full market value of a resite house. Thus, as we informed the Panel<sup>3</sup> in March 2010, a village resite area would be provided at Ta Kwu Ling with supporting infrastructure to resite those in Chuk Yuen Village who are eligible for village removal terms. A capital cost of \$51.3 million was subsequently approved by the Finance Committee for the provision of the village resite (Village Resite Area). Works for the Village Resite Area started in August 2010 and are on schedule for completion by the first quarter of 2012.

10. Before the announcement of the BCP project on 18 September 2008, LandsD had received 15 applications for construction of Small Houses within the VE of Chuk Yuen Village ("the 15 outstanding Small House applications"), some dating back to 14 years ago. Among them, 14 were applications for Government land by way of Private Treaty Grant (PTG) and the remaining one was an application for Free Building Licence (FBL) on private agricultural lot within Chuk Yuen Village. If not for the BCP project, these 15 outstanding Small House applications would have been further processed and approved under the established policy. Having regard to the special circumstances, we have come to the view that it would be reasonable to deal with these 15 Small House applications under a special arrangement: LandsD would reserve for each of them a site in the Village Resite Area for them to build a Small House and require them to pay the same concessionary land premium which would have been the case had their applications within the VE of the existing Chuk Yuen Village been approved.

11. As for the situation of the non-IVs within the VE of Chuk Yuen Village, we acknowledge that they and their ancestors have been living there in the same community with the IVs of the Village for a long time. Since they are non-IVs and do not own any building land, they are not entitled to the New Territories Village Removal Policy and are only eligible for rehousing to public rental housing upon meeting the comprehensive means test, or interim housing (IH), or an Ex-gratia Allowance for Permitted Occupiers in lieu of IH, or in the case of genuine farmers, the agricultural

<sup>&</sup>lt;sup>3</sup> LC Paper No. CB(1)1446/09-10(01)

resite arrangement. At the outset, both the IVs and non-IVs have expressed to us their strong wish to continue to live in the same community after the Village has been relocated. In view of the unique circumstances of Chuk Yuen Village<sup>4</sup>, we consider it justifiable to offer, as an alternative, a "Cottage" House Option" to these non-IVs on a 'structure-for-structure' basis. In brief, under this added option, they may purchase suitable agricultural land in the Extended Village Area adjoining the Village Resite Area and apply to LandsD for building a 2-storey domestic structure of 17 feet high with a maximum roofed-over area of 500 square feet per floor on their purchased private agricultural land by way of an in-situ land exchange, subject to their paying full market value premium for the land exchange. A non-alienation clause for a period of three years<sup>5</sup> after the issuance of Certificate of Compliance under the lease conditions upon completion of the building will be included in the land exchange conditions. To avoid double benefits, the non-IVs who opt for the "Cottage House Option" would not be entitled to rehousing and ex-gratia allowance under the prevailing policy. We should add that the "Cottage House Option" is justified to provide an alternative to the non-IVs residing within the VE of Chuk Yuen Village in satisfying their rehousing needs such that the special circumstances of a closely knitted village community located in the remote FCA can be preserved. It will not apply to non-IVs outside the VE of Chuk Yuen Village also affected by the BCP project, nor to IVs of Chuk Yuen Village who may exercise their once-in-a-lifetime right for Small House grant by acquiring private agricultural land and applying to **Government for FBL.** 

<sup>&</sup>lt;sup>4</sup> The unique circumstances comprise (i) Chuk Yuen Village being a pre-1898 recognized village located within the FCA with entry restrictions; (ii) the need to clear the whole Chuk Yuen Village for the construction of the BCP; (iii) the IVs and non-IVs who have been living there together in a closely-knitted community for a long time have expressed a strong wish to continue living together after relocation of the Village; and (iv) the availability of suitable agricultural land adjoining the Village Resite Area for village type development.

<sup>&</sup>lt;sup>5</sup> The non-alienation clause is to restrict the transaction of the subject land and cottage house built thereon for a period of three years after the issuance of Certificate of Compliance. This restriction is on par with the 3-year absolute alienation restriction applicable to Small House applicants applying for PTG in the Village Resite Area.

# **ADVICE SOUGHT**

12. Members are invited to note the latest progress on the development of LT/HYW BCP and provide support to our funding proposal as mentioned in paragraph 8 above, so that funding application can be made to the Public Works Subcommittee and the Finance Committee in December 2011 and January 2012 respectively.

Development Bureau November 2011







# 13GB – Liantang/Heung Yuen Wai Boundary Control Point and associated works

### **PROJECT SCOPE AND NATURE**

The part of 13GB that we propose to upgrade to Category A comprises –

- (a) reprovisioning of approximately 4.3 kilometres (km) long and 3.5 metres (m) wide boundary patrol road (BPR) between Ping Yuen River and Pak Fu Shan;
- (b) reprovisioning of approximately 4.3 km long primary boundary fence (PBF) with associated lighting and Fence Protection System<sup>1</sup>;
- (c) reprovisioning of the Hong Kong Police Force (HKPF) Lo Fong Bridge Post;
- (d) ancillary works including drainage and landscaping works; and
- (e) associated environmental mitigation measures.

A site layout plan is at **Enclosure**.

2. Subject to the funding approval of the Finance Committee, we plan to commence the proposed works in February 2012 for completion in February 2015.

### JUSTIFICATION

3. The Hong Kong Special Administrative Region (HKSAR) Government and the Shenzhen Municipal Government jointly announced at the second meeting of the Hong Kong-Shenzhen Joint Task Force on Boundary District Development on 18 September 2008 the implementation of the Liantang/Heung Yuen Wai Boundary Control Point (BCP) for operation in 2018.

<sup>&</sup>lt;sup>1</sup> The Fence Protection System comprises Video Motion Detectors, a sensor alarm system and closed circuit television (CCTV) cameras, which are connected to a centralized monitoring and control system for monitoring round the clock at the Boundary Command Centre situated at Man Kam To Police Operational Base.

4. The Shenzhen River is the boundary river between the HKSAR and the Shenzhen Municipality. In order to provide flood protection for the proposed BCP and to alleviate flooding in the associated river section, a feasibility study jointly commissioned by the HKSAR Government and the Shenzhen Municipal Government was completed in December 2009, which concluded that a section of Shenzhen River between Ping Yuen River and Pak Fu Shan has to be upgraded to a flood protection level of 1 in 50 year return period<sup>2</sup> rainstorms to cater for the development of the BCP. We plan to commence the recommended river improvement works under Stage 4 of the Regulation of Shenzhen River project in 2013 to tie in with the implementation programme of the BCP. The river downstream of the above river section has been similarly upgraded under Stages 1, 2 and 3 of the Regulation of Shenzhen River project completed in 1997, 2000 and 2006 respectively.

5. As the river improvement works will encroach upon the land occupied by the existing BPR alongside the river, it is necessary to re-provide the BPR and the associated PBF on a shifted alignment to make way for the river improvement works. The reprovisioning works have to commence in advance in February 2012 so that adequate space required for the river improvement works will be made available timely to suit the construction programme of the river improvement works.

### FINANCIAL IMPLICATIONS

6. We estimate the capital cost of the proposed works to be \$393.5million in money-of-the-day prices.

7. We estimate that the proposed works will create about 195 jobs (170 for labourers and another 25 for professional/technical staff), providing a total employment of 5 640 man-months.

## PUBLIC CONSULTATION

8. We consulted the Ta Kwu Ling District Rural Committee and the North District Council on 8 April 2011 and 14 April 2011 respectively. Members generally supported the implementation of the proposed works.

9. We gazetted the proposed roadworks under the Roads (Works, Use and Compensation) Ordinance (Cap. 370) on 13 August 2010 and received a total of eight objections to the proposed road scheme. Two of the objections were mainly related to the access to and from a warehouse. Upon our confirmation that

<sup>&</sup>lt;sup>2</sup> "Return period" is the average number of years during which a certain severity of flooding will occur once statistically. A longer return period means a rarer chance of occurrence of a more severe flooding.

the concerned access would be maintained both during and after construction, one of the two objections was withdrawn without condition. Another objection was mainly related to the impact on a boundary wall of a structure. While we confirmed that the boundary wall affected by the project would be reinstated, the objector maintained his objection. The remaining five objections were mainly related to compensation for resuming their lots. We explained to the objectors the prevailing land resumption policy and their statutory rights, but none of the objectors withdrew their objections. We will continue to discuss with them on further development.

10. On 31 May 2011, the Chief Executive in Council overruled the seven unresolved objections and authorized the road scheme. The authorisation notice was gazetted on 17 June 2011.

### ENVIRONMENTAL IMPLICATIONS

11. The proposed works form part of the Shenzhen River improvement works between Ping Yuen River and Pak Fu Shan, which is a designated project under Schedule 2 of the Environmental Impact Assessment (EIA) Ordinance (EIAO)(Cap. 499) and an environmental permit is required for the construction and operation of the project. In March 2011, the EIA report for the project was approved by the Director of Environmental Protection with conditions under the EIAO. The EIA report concluded that the environmental impact of the project can be controlled to within the criteria under the EIAO and the Technical Memorandum on EIA Process.

12. We will implement the mitigation measures and the environmental monitoring and audit programme during the construction and operation stages of the project as set out in the approved EIA report, such as landscape planting, watering of the site, covering of materials on trucks, and use of silenced construction plant. We estimate the cost of the mitigation measures to be \$4.5 million. We have included this cost in the overall project estimate.

13. At the planning and design stages, we have considered ways to optimise the design and construction sequence in order to reduce the generation of construction waste where possible. In addition, we will require the contractor to reuse inert construction waste (e.g. use of excavated materials for filling within the site) on site or in other suitable construction sites as far as possible, in order to minimize the disposal of inert construction waste at public fill reception facilities<sup>3</sup>. We will encourage the contractor to maximize the use of recycled /

<sup>&</sup>lt;sup>3</sup> Public fill reception facilities are specified in Schedule 4 of the Waste Disposal (Charges for Disposal of Construction Waste) Regulation. Disposal of inert construction waste in public fill reception facilities requires a license issued by the Director of Civil Engineering and Development.

recyclable inert construction waste, and the use of non-timber formwork to further reduce the generation of construction waste.

14. At the construction stage, we will require the contractor to submit for approval a plan setting out the waste management measures, which will include appropriate mitigation means to avoid, reduce, reuse and recycle inert construction waste. We will ensure that the day-to-day operations on site comply with the approved plan. We will require the contractor to separate the inert portion from non-inert construction waste on site for disposal at appropriate facilities. We will control the disposal of inert construction waste and non-inert construction waste at public fill reception facilities and landfills respectively through a trip-ticket system.

15. We estimate that the project will generate in total about 207 500 tonnes of construction waste. Of these, we will reuse about 170 000 tonnes (81.9%) of inert construction waste on site and deliver 30 000 tonnes (14.5%) of inert construction waste to public fill reception facilities for subsequent reuse. We will dispose of the remaining 7 500 tonnes (3.6%) of non-inert construction waste at landfills. The total cost for accommodating construction waste at public fill reception facilities and landfill sites is estimated to be \$1,747,500 for this project (based on a unit cost of \$27 per tonne for disposal at public fill reception facilities and \$125 per tonne<sup>4</sup> at landfills).

### HERITAGE IMPLICATIONS

16. The proposed works will not affect any heritage site, i.e. all declared monuments, proposed monuments, graded historic sites/buildings, sites of archaeological interest and Government historic sites identified by the Antiquities and Monuments Office.

### LAND ACQUISITION

17. We have to resume about 51 499  $m^2$  of agricultural land for the proposed works. Among the 48 structures affected by the project, only one domestic structure was found which has been abandoned without occupancy and is in dilapidated condition. As such, no re-housing commitment is required. The cost of land acquisition and clearance is about \$511 million comprising \$503 million for resumption of land and \$8 million for clearance, and will be charged to **Head 701 - Land Acquisition**.

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<sup>&</sup>lt;sup>4</sup> The estimate has taken into account the cost for developing, operating and restoring the landfills after they are filled and the aftercare required. It does not include the land opportunity cost for existing landfill sites (which is estimated at \$90 per m<sup>3</sup>), nor the cost to provide new landfills (which is likely to be more expensive) when the existing ones are filled.



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