

立法會
Legislative Council

LC Paper No. CB(1)56/13-14
(These minutes have been seen
by the Administration)

Ref : CB1/PL/DEV/1

Panel on Development

Minutes of meeting
held on Tuesday, 28 May 2013, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex

Members present : Dr Hon LAU Wong-fat, GBM, GBS, JP (Chairman)
Hon Tony TSE Wai-chuen (Deputy Chairman)
Hon James TO Kun-sun
Hon CHAN Kam-lam, SBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Cyd HO Sau-lan
Hon CHAN Hak-kan, JP
Hon CHAN Kin-por, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun, JP
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon Albert CHAN Wai-yip
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon James TIEN Pei-chun, GBS, JP
Hon WU Chi-wai, MH
Hon Gary FAN Kwok-wai
Hon CHAN Chi-chuen
Hon CHAN Han-pan
Dr Hon Kenneth CHAN Ka-lok
Hon CHAN Yuen-han, SBS, JP
Hon LEUNG Che-cheung, BBS, MH, JP

Hon Alice MAK Mei-kuen, JP
Dr Hon KWOK Ka-ki
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kwok, BBS, MH, JP

Members attending : Hon Starry LEE Wai-king, JP
Hon TANG Ka-piu

Members absent : Hon Emily LAU Wai-hing, JP
Hon Kenneth LEUNG

Public officers attending : **Agenda item IV**

Mr LIU Chun-san
Principal Assistant Secretary (Works) 2
Development Bureau

Mr CHENG Hung-leung
Assistant Director/Projects & Development
Drainage Services Department

Mr TAI Wai-man
Chief Engineer/Project Management
Drainage Services Department

Agenda item V

Mr Jimmy CHAN Pai-ming
Principal Assistant Secretary (Works) 3
Development Bureau

Mr LEUNG Wing-lim
Assistant Director/New Works
Water Supplies Department

Mr YEUNG Sek-kui
Chief Engineer/Design
Water Supplies Department

Agenda item VI

Mr Paul CHAN Mo-po, MH, JP
Secretary for Development

Mr Thomas CHAN Chung-ching, JP
Deputy Secretary for Development
(Planning & Lands) 1

Mr Eric YUE Chi-kin
Chief Town Planner/Housing & Office Land
Supply & Acting Assistant Director of
Planning/Special Duties
Planning Department

Mr Bosco CHAN Bun-pui
Deputy Project Manager (HK Island & Islands),
Hong Kong Island and Islands Development
Office
Civil Engineering and Development Department

Agenda item VII

Mr Paul CHAN Mo-po, MH, JP
Secretary for Development

Mr Rex CHANG Wai-yuen, JP
Deputy Secretary for Development (Planning and
Lands) 2

Ms Winnie SO Chui-ying
Principal Assistant Secretary (Planning and
Lands) 4
Development Bureau

Ms Karen CHAN Pui-yee
Assistant Director (Valuation)
Lands Department

Ms Winnie YEUNG Su-jung
Housing and Quartering Officer
Civil Service Bureau

Agenda item VIII

Mr Thomas CHAN Chung-ching, JP
Deputy Secretary for Development
(Planning & Lands) 1

Mr Wilson SO Ying-leung
Assistant Director of Planning/New Territories
Planning Department

Mr Ivan CHUNG Man-kit
District Planning Officer/Sai Kung & Islands
Planning Department

Mr Bosco CHAN Bun-pui
Deputy Project Manager (HK Island & Islands),
Hong Kong Island and Islands Development
Office
Civil Engineering and Development Department

Mr David LO Kwok-chung
Chief Engineer/Islands
Civil Engineering and Development Department

Clerk in attendance : Ms Sharon CHUNG
Chief Council Secretary (1)6

Staff in attendance : Mr Anthony CHU
Senior Council Secretary (1)6

Mr Fred PANG
Council Secretary (1)6

Ms Christina SHIU
Legislative Assistant (1)6

I Confirmation of minutes

(LC Paper No. CB(1)1078/12-13 -- Minutes of meeting on 26 February 2013)

The minutes of the meeting held on 26 February 2013 were confirmed.

II Information papers issued since the last meeting

(LC Paper No. CB(1)1035/12-13(01) -- Issues raised at the meeting between Legislative Council Members and Heung Yee Kuk members on 21 February 2013 relating to the small house policy and difficulties in obtaining approval for constructing small houses and the Administration's response

LC Paper No. CB(1)1035/12-13(02) -- Issues raised at the meeting between Legislative Council Members and Heung Yee Kuk members on 21 February 2013 relating to land use planning policy and land development in the New Territories and the Administration's response

LC Paper No. CB(1)1035/12-13(03) -- Issues raised at the meeting between Legislative Council Members and Heung Yee Kuk members on 21 February 2013 relating to the New Territories North East New Development Areas project

LC Paper No. CB(1)1069/12-13(01) -- Letter dated 15 May 2013 from Hon James TO Kun-sun on HKSAR Government's work in support of reconstruction in the Sichuan earthquake stricken areas

LC Paper No. CB(1)1069/12-13(02) -- Letter dated 15 May 2013 from Dr Hon KWOK Ka-ki and Dr Hon Kenneth CHAN Ka-lok on the Administration's monitoring of use of public open space in private developments

LC Paper No. CB(1)1113/12-13(01) -- Letter dated 20 May 2013 from Hon Gary FAN Kwok-wai on purchase of "small house" interests by property developers)

2. Members noted that the above information papers had been issued since the last meeting on 23 April 2013.

III Items for discussion at the next meeting

(LC Paper No. CB(1)1077/12-13(01) -- List of outstanding items for discussion

LC Paper No. CB(1)1077/12-13(02) -- List of follow-up actions)

3. Dr KWOK Ka-ki proposed and the meeting agreed that the subject of "Regulation of Use of Public Open Space in Private Developments" would be discussed at the next regular meeting scheduled for 2:30 pm, 25 June 2013, Tuesday. Together with "the Work of the Urban Renewal Authority", a discussion item proposed by the Administration, there would be two items for the next regular meeting.

(At the request of some members and with the concurrence of the Chairman, "Revision of Fees and Charges under the purview of the Water Supplies Department" had been added to the agenda of the next meeting and the meeting was extended to end at 5:15 pm. Members were informed of the revised agenda vide LC Paper No. CB(1)1294/12-13 issued on 13 June 2013.)

4. The Chairman reminded members that a special meeting had been scheduled for 1 June 2013 to receive views from deputations and members of the public on "Enhancing Land Supply Strategy: Reclamation outside Victoria Harbour and Rock Cavern Development -- Stage 2 Public Engagement". He said that as more than 150 deputations/individuals had indicated their interest in attending the special meeting by the registration

deadline of 21 May 2013, the special meeting would be extended to end at 7:00 pm.

IV PWP Item No. 159CD -- Reconstruction and rehabilitation of Kai Tak Nullah from Tung Kwong Road to Prince Edward Road East
(LC Paper No. CB(1)857/12-13(01) -- Administration's paper on PWP Item No. 159CD -- Reconstruction and rehabilitation of Kai Tak Nullah from Tung Kwong Road to Prince Edward Road East)

5. Principal Assistant Secretary (Works) 2, Development Bureau ("PAS(Works)2/DEVB") briefed members on the proposal to upgrade part of PWP Item No. 159CD to Category A at an estimated cost of \$1,244.3 million for the reconstruction and rehabilitation of the mid-stream section of Kai Tak Nullah ("KTN") from Tung Kwong Road to Prince Edward Road East. He said that, to engage the public on the planning of KTN, the Administration had conducted a two-stage public engagement exercise on "Building our Kai Tak River" in December 2010 and June 2011. According to the outcome of the exercise, there were strong public aspirations for revitalizing KTN into an attractive green river and townscape feature to enhance its visual quality and image, in addition to its prime objective for flood protection purpose. Subject to members' support, the Administration planned to seek the endorsement of the Public Works Subcommittee ("PWSC") for the proposal in June 2013 with a view to seeking funding approval from the Finance Committee ("FC") in July 2013.

6. With the aid of a powerpoint presentation, Assistant Director/Projects & Development, Drainage Services Department ("AD(P&D)/DSD") briefed members on the details of the proposed works.

(Post-meeting note: A soft copy of the powerpoint presentation materials was circulated to members vide LC Paper No. CB(1)1162/12-13(01) by email on 29 May 2013.)

7. The Chairman reminded members that in accordance with Rule 83A of the Rules of Procedure ("RoP") of the Legislative Council ("LegCo"), they should disclose the nature of any direct or indirect pecuniary interests relating to the subjects under discussion at the meeting before they spoke on the subjects. Under Rule 84 of RoP of LegCo, a member should not vote

upon any question in which he had a direct pecuniary interest except under certain circumstances as provided for in Rule 84.

Upgrading Kai Tak Nullah to Kai Tak River

8. Ms Claudia MO and Mr LEUNG Kwok-hung cast doubt on whether the Administration should rename KTN as "Kai Tak River" given that KTN was a drainage channel. PAS(Works)2/DEVB explained that KTN was the current name. Based on public views collected during the two-stage public engagement exercise conducted in 2010 and 2011, the Administration planned to reconstruct and rehabilitate the entire length of KTN into a green river corridor and to rename it as Kai Tak River upon completion. With improved water quality, KTN had become the habitat of fishes and birds. AD(P&D)/DSD added that the Administration would introduce aesthetic, greening, landscaping and ecological elements at the sides and bottom of KTN to create a pleasant and vibrant environment for public enjoyment. In response to the Chairman's enquiry, PAS(Works)2/DEVB advised that the Drainage Services Department would be responsible for the management and maintenance of Kai Tak River upon the completion of reconstruction and rehabilitation works.

Water flow and water level at Kai Tak Nullah

9. The Deputy Chairman, Ir Dr LO Wai-kwok and Ms Cyd HO were concerned how the Administration would maintain a steady water flow along KTN all year round. PAS(Works)2/DEVB advised that not only the rainwater collected in East Kowloon would flow into KTN, treated effluent from the Tai Po sewage treatment works ("TPSTW") and the Sha Tin sewage treatment works ("STSTW"), conveyed through tunnel, also ran through KTN before it was discharged to Victoria Harbour. Therefore, dry-up did not happen in KTN during the dry seasons.

10. Ms Cyd HO enquired about the sources of water at Po Kong Village Road, which, according to the Administration's paper, was where KTN originated. Chief Engineer/Project Management, Drainage Services Department ("CE(PM)/DSD") advised that two box culverts were installed upstream of Wong Tai Sin Police Station to collect rainwater from the catchments of Po Kong Village and the former Tai Hom Village via tributary drains in the upstream areas. The water collected by the culverts was then conveyed to KTN via small nullahs.

11. In response to the Deputy Chairman's enquiry on how to control the water level at KTN during heavy rain to prevent flooding, CE(PM)/DSD

advised that it was part of the proposed works to improve KTN's drainage capacity so as to meet the current flood prevention standard and to withstand flooding.

Quality of water at Kai Tak Nullah

12. The Deputy Chairman was concerned about the quality of the water at KTN. He enquired about the measures that the Administration would take to block sewage from polluting KTN. AD(P&D)/DSD replied that the Administration had all along blocked sewage and polluted water from flowing into KTN during dry weather by intercepting and diverting them to the nearby sewerage for treatment and disposal. As part of the proposed works, the intercepting facilities would be enhanced.

13. Ms Claudia MO opined that, in view of the high purchase price of Dongjiang water supplied to Hong Kong, consideration should be given to separating the treated effluent from the natural water collected, both conveyed to KTN, so that the natural water would be free from pollution and could be reused. In response, PAS(Works)2/DEVB advised that the natural water running down from the hill would be mixed with other materials on its way to KTN and would not be suitable for use as fresh water. The conveyance of treated effluent from TPSTW and STSTW provided better flushing effect to KTN, hence improving the water quality of KTN. He added that the primary purpose of discharging the treated effluent to KTN was to safeguard the water quality in Tolo Harbour.

Disposal of construction waste

14. In response to Mr James TIEN's concern about the disposal arrangements for the construction waste generated from the proposed works, AD(P&D)/DSD explained that as part of the proposed works was to deepen KTN, construction waste would be generated. CE(PM)/DSD supplemented that the project would generate about 30 882 tonnes of construction waste. Of these, about 306 tonnes of non-inert construction waste would be disposed of at landfills. Of the inert construction waste, 34% would be reused on site and 65% would be delivered to public fill reception facilities including the fill banks at Tuen Mun Area 38 and Tseung Kwan O Area 137 for subsequent reuse.

15. Mr James TIEN was concerned that the disposal of waste at public fill reception facilities would create nuisances to residents living in nearby areas. Taking into consideration that the Administration's proposal to enhance land supply by reclamation outside Victoria Harbour had met some

resistance, he was worried that inert construction waste would continue to accumulate at public fill reception facilities, turning these facilities from temporary to permanent. In response, PAS(Works)2/DEVB assured members that the Administration had all along made its best efforts in reusing as much inert construction waste as possible. He acknowledged that the public fill reception facilities were nearly saturated and could only accommodate construction waste in the short term. As there was a lack of reclamation projects to absorb such waste, the Administration would continue to deliver the public fill to Taishan. As such, he invited members to support the Administration's reclamation proposal.

16. Mr LEUNG Kwok-hung enquired whether the delivery of public fill to Taishan was a standing arrangement. PAS(Works)2/DEVB advised that the delivery arrangement had been implemented since 2007 following an agreement made between the Administration and the relevant Mainland authority. The agreement was subject to annual review. So far, the waste delivered to Taishan had been reused to create around 400 hectares of reclaimed land in Taishan.

Relocation of Lee Kau Yan Memorial School

17. Dr Kenneth CHAN noted that the construction of the proposed curvilinear footbridge linking Tung Wui Estate, Yuk Kwan Street and Prince Edward Road East to enhance the connectivity of the adjoining areas to KTN might no longer be necessary upon the relocation of Lee Kau Yan Memorial School ("LKYMS") and the change in land use of the existing LKYMS site. He enquired about the Administration's position in respect of the proposed relocation of LKYMS. PAS(Works)2/DEVB responded that the Education Bureau ("EDB") had received LKYMS' application for relocation. As the proposed footbridge construction would no longer be necessary if the application was approved, the Administration had temporarily shelved the proposal. Subject to the decision of EDB on the relocation of the school, the Development Bureau would allocate land resources accordingly. Dr Kenneth CHAN urged the Administration to review the issue timely and provide an update in due course.

Cost of the project

18. In response to Ms Claudia MO's question of how the Administration would ensure that the actual expenditure of the proposed works would not exceed the estimated cost, AD(P&D)/DSD advised that in working out the estimated cost, the Administration had made reference to the prevailing market situation as well as the estimates previously made for the reconstruction and rehabilitation works at the upstream section of KTN. He assured members that the Administration would closely monitor the expenditure on the proposed works.

Submission of the proposal to the Public Works Subcommittee and the Finance Committee

19. In concluding the discussion on the item, the Chairman said that members in general supported the Administration's proposal to seek the recommendation of PWSC for upgrading the project (part of PWP Item No. 159CD) to Category A.

V PWP Item No. 96WC -- Water supply to Pak Shek Kok reclamation area, Tai Po -- Stage 2

(LC Paper No. CB(1)835/12-13(01) -- Administration's paper on PWP Item No. 96WC -- Water supply to Pak Shek Kok reclamation area, Tai Po -- Stage 2)

20. Principal Assistant Secretary (Works) 3, Development Bureau ("PAS(Works)3/DEVB") briefed members on the proposal to upgrade the remaining part of PWP Item No. 96WC to Category A at an estimated cost of \$162.7 million for carrying out mainlaying works to cope with the anticipated fresh water demand arising from developments in the Pak Shek Kok ("PSK") reclamation area. Subject to members' support, the Administration would seek the endorsement of PWSC for the proposal in June 2013 with a view to seeking funding approval from FC in July 2013.

21. The Chairman reminded members that in accordance with Rule 83A of RoP of LegCo, they should disclose the nature of any direct or indirect pecuniary interests relating to the subjects under discussion at the meeting before they spoke on the subjects. Under Rule 84 of RoP of LegCo, a member should not vote upon any question in which he had a direct

pecuniary interest except under certain circumstances as provided for in Rule 84.

Timeframe for the completion of the proposed works

22. Noting that according to the Administration, the transfer capacity of the existing fresh water supply system would not be adequate to meet the projected fresh water demand by late 2016 having regard to the latest anticipated rate of population intake in the PSK reclamation area, Mr CHAN Hak-han was concerned whether the Administration could complete the proposed works as scheduled by December 2016. In response, PAS(Works)3/DEVB advised that the proposed project timeframe had already included a reasonable time buffer for meeting unforeseen circumstances such as inclement weather conditions. Fallback options would be available if the proposed works could not be completed on time.

Traffic impact of the proposed works

23. Given that the proposed works included laying of water mains at busy road junctions, Mr CHAN Hak-kan enquired about the traffic impact of the project on the residents in the vicinity such as Villa Castell and Cheung Shue Tan Village. PAS(Works)3/DEVB replied that the Administration had paid due regard to the impact of the proposed works on local residents and had consulted their views when working out the alignment of the water mains. To minimize the possible traffic impact caused by the proposed works, the Administration would implement appropriate traffic management schemes, such as carrying out works at busy road sections during non-peak hours only.

Submission of the proposal to the Public Works Subcommittee and the Finance Committee

24. In concluding the discussion on the item, the Chairman said that members in general supported the Administration's proposal to seek the endorsement of PWSC for upgrading the project (the remaining part of PWP Item No. 96WC) to Category A.

VI Provision of a military dock at the New Central Harbourfront

(LC Paper No. CB(1)1077/12-13(03) -- Administration's paper on amendments to the Central District (Extension) Outline Zoning Plan in relation to the Central Military Dock

LC Paper No. CB(1)1077/12-13(04) -- Paper on the provision of a military pier at the new Central harbourfront prepared by the Legislative Council Secretariat (Background brief)

Relevant papers

(LC Paper No. CB(1)824/12-13(01) -- Letter dated 5 April 2013 from Dr Hon Kenneth CHAN Ka-lok on issues relating to the provision of a military pier at the New Central Harbourfront

LC Paper No. CB(1)898/12-13(01) -- Administration's response to the letter dated 5 April 2013 from Dr Hon Kenneth CHAN Ka-lok on issues relating to the provision of a military pier at the New Central Harbourfront (LC Paper No. CB(1)824/12-13(01))

LC Paper No. CB(1)1077/12-13(05) -- Submission from Mr WONG Pei-chung dated 18 April 2013)

25. The Secretary for Development ("SDEV") briefed members on the background for the provision of the Central Military Dock ("CMD") and the proposed amendments to the Central District (Extension) Outline Zoning Plan ("CD(E) OZP") in relation to CMD. Referring to the Chief Executive's statement made in a recent Chief Executive's Question and Answer Session of LegCo, SDEV reiterated that the Hong Kong Special Administrative Region ("HKSAR"), as part of China, should support and facilitate the provision of CMD for national defence. CMD was included in the Defence Land Agreement ("DLA") between the Government of the United Kingdom of Great Britain and Northern Ireland ("UK") and the Government of the

People's Republic of China, and was one of the Hong Kong Garrison's military facilities for defence purposes after the reunification.

26. SDEV continued that the HKSAR Government ("HKSARG") had proposed technical amendments to the CD(E) OZP a few months ago to complete the decade-long procedures for establishing CMD. Some individuals however raised unsubstantiated allegations to oppose the amendments and some even disregarded the nature, origin, process and history of the proposed amendments. He pointed out that the Headquarters of the British Garrison before the reunification used to have a naval basin and dock facilities, with direct access to Victoria Harbour, which were affected by the Central reclamation works after the reunification. It was hence required under DLA that a naval base be reprovisioned on the south shore of Stonecutters Island and a military dock be reprovisioned near the Central Barracks. HKSARG was responsible for taking forward the construction of CMD and associated facilities at the Central harbourfront after the reunification.

27. Regarding the location and design of CMD, SDEV said that the public, LegCo and the District Council had previously discussed on many occasions over the past 15 years its planning, funding applications for the works, the Urban Design Study for the New Central Harbourfront, the architectural design of CMD and its integration with the waterfront promenade. LegCo Members from different parties had also participated in the discussions which were all recorded in the official records.

28. SDEV stressed that it was legitimate for the Garrison to have a military dock at the new Central harbourfront from the historical, legal and procedural points of view. According to the Garrison Law, the defence functions of the Garrison included the control of military facilities. Like other military facilities, CMD would be under the control and use of the Garrison. Questioning whether the Garrison should have the concerned military site at this stage would be disregarding the history of the reunification, the national sovereignty to station the Garrison in HKSAR and the arrangement of the Garrison Law.

29. SDEV further pointed out that the Garrison, on the request of HKSARG, expressed its agreement in 2000 that it would open the area of the military dock site to the public as part of the promenade when it was not in military use, having regard to its operation and the need for protecting the military dock. This arrangement was an expression of goodwill to Hong Kong.

30. SDEV emphasized that there were dedicated dock facilities in front of the Headquarters of the British Garrison before the reunification. The relevant harbourfront areas were military restricted zones and were not open to the public irrespective of whether military vessels were berthed there. After the reunification, due to the reclamation projects for the development needs of Hong Kong, the People's Liberation Army ("PLA") Hong Kong Garrison Headquarters was no longer accessible by sea. It would be legal, sensible, reasonable and out of defence need to have a military dock reprovisioned at the harbourfront that would enable sea access to the PLA Hong Kong Garrison Headquarters and allow berthing of vessels. Since the Garrison had already agreed that it would open the area of the military dock site to the public as part of the promenade when it was not in military use, the arrangement should have addressed the need and expectation of various parties.

31. SDEV said that while the current design of CMD had integrated with the waterfront promenade and catered for appropriate opening arrangement for the public, the fact that CMD as one of the Garrison's military facilities for defence purposes should not be overlooked. He further clarified that the site area of the whole CMD was about 0.3 hectare ("ha") with only four small single-storey structures of about 220 square metres in size as opposed to 30 000 square metres with three-storey massive structures obstructing the harbour view as alleged by some parties.

32. In conclusion, SDEV said that the establishment of CMD at the new Central harbourfront was the result of formal diplomatic agreement and out of the need for national defence. The Garrison had made a solemn undertaking to open the area of the military dock site to the public as part of the promenade when it was not in military use. As compared with the waterfront of the Tamar site before the reunification, the current arrangement and design was much more open. Unlike passenger or cargo terminals built with massive structures of two storeys or more, CMD only had four small buildings, which were single-storey structures of about four metres high and without any large mechanical facilities. What could be seen in the military dock at present would be the form of the dock site to be handed over to the Garrison in future. The Garrison had no plan to and would not erect additional buildings at CMD. He hoped to clear the air and that the public would not approach the proposed amendments to the CD(E) OZP with mistrust, suspicion and hostility.

33. The Chairman drew members' attention to a motion, tabled at the meeting, proposed by Dr Kenneth CHAN on the proposed amendments to the CD(E) OZP.

Need for the Central Military Dock

34. Dr KWOK Ka-ki said that the purpose of the Central Reclamation project was to provide open space for public enjoyment. By handing over the CMD site to the Garrison, the Administration had deceived the supporters of the project. Given that the naval vessels had only visited Hong Kong for a few times since 1997, he asked if the Administration had reconfirmed with the Garrison about the need for CMD. He said that handing over the site to the Garrison for its use and management would create law enforcement issues for both the Garrison and the Administration. In reply, SDEV confirmed the Garrison's need for CMD as a military facility.

35. Mr CHAN Chi-chuen said that although the provision of CMD had been raised publicly in the past since 2000, the public might not have much knowledge about it. Even for those who were aware that CMD would be located at the Central Harbourfront, they might not be aware of the implications. He queried the defence functions and military value of CMD and whether there was any alternative to the provision of CMD.

36. SDEV confirmed that CMD and its related facilities were necessary for defence purposes. The site would be handed over to the Garrison after all necessary procedures were completed. The detailed arrangements for opening CMD to the public would be announced in due course. Responding to Mr CHAN Chi-chuen's question on whether the Administration would further negotiate with the Garrison on the provision of CMD, SDEV said that the Garrison was well aware of the aspiration of Hong Kong people for access to the waterfront promenade. The Garrison had shown goodwill by agreeing that CMD would be open to the public when it was not in military use.

37. Mrs Regina IP declared that she was the Secretary for Security at the time when the Security Bureau liaised with the Garrison on the provision of a military dock at the Central Harbourfront. She stated support for the Administration's proposal to amend the CD(E) OZP. Mrs IP said that there was consensus in LegCo at that time about the arrangement and queried why members raised the subject again. She had visited some overseas military sites which were constructed at beautiful waterfront with the support of the people. She understood that some Hong Kong people might query the need for provision of land for military use during peaceful times. In fact, the

Garrison had constantly conducted drills and collected intelligence in Hong Kong to protect the territory. For instance, some ten years ago, when a Taiwan legislator claimed that missiles could be deployed to attack Hong Kong if necessary, she was informed by the Garrison that it would protect Hong Kong from any such attack. As Hong Kong had not experienced war for a long time, the public had little concept and understanding about crises. She felt sad that some members of the public did not have a sense of obligation to support the Garrison in its performance of defence functions for Hong Kong.

Amendments to the Central District (Extension) Outline Zoning Plan

38. Dr Kenneth CHAN appealed to the public to raise their objections to the Town Planning Board ("TPB") on the proposed amendments to the CD(E) OZP in relation to CMD. While some public officers had explained that the amendments were only technical in nature, the issue in question was that after rezoning, the CMD site, which was part of the new Central harbourfront, would be handed over to and controlled by the Garrison. Any decision to allow public access to the CMD site would then rest solely on the Garrison. According to the Garrison Law, any land used by the Garrison had to be exclusively for military purposes and all such lands were restricted areas not accessible by the public. The right to use the military sites should not be transferred to other party for other uses. In light of such restrictions, he queried whether the public could have access to the site in future if it was zoned under the CD(E) OZP as a site for military use. Dr CHAN pointed out that it was public understanding that the new Central harbourfront was constructed for the enjoyment of Hong Kong people and would be managed by the Administration. A 150-metre long military berth along the waterfront to the north of the existing PLA Hong Kong Garrison Headquarters would be provided for the use of the Garrison's naval vessels from time to time only when necessary. He opined that there was no need to amend the CD(E) OZP.

39. Mr CHAN Hak-kan sought clarification from the Administration on whether the Garrison could build additional structures at the CMD site in future. SDEV said that one of the proposed amendments to the Notes of the CD(E) OZP was to add the remarks for the imposition of a building height restriction ("BHR") of 10 metres above Principal Datum ("mPD") for the CMD site. It should be noted that the ground level of the waterfront was already 4.2mPD and hence 10mPD BHR would mean that any building thereon could not be taller than 5.8 metres. The Garrison had also indicated that it had no plan to build any new structures at the site.

40. Mr Albert CHAN said that the discussion about CMD should focus on

urban planning and the use of land resources. He pointed out that the previous discussion in LegCo on the subject had been limited to the provision of a military dock for the use of the Garrison. For instance, in the paper for the Public Works Subcommittee ("PWSC") meeting on 5 June 2002, it was stated that the funding proposal included the design and construction of a 150-metre long berth and the associated facilities for use by the Garrison, but this did not mean that the CMD site would be handed over to the Garrison. Furthermore, the public had not been consulted on such an arrangement. It was neither shown in the conceptual plans for the new Central harbourfront submitted to LegCo in 2006 and 2008 that part of the land at the new Central harbourfront would be handed over to the Garrison. It had always been the public's understanding that the new Central harbourfront would be returned to Hong Kong people. In response, SDEV requested to put on record that Mr CHAN had only mentioned part of the information in the Administration's papers and represented only part of the picture.

41. Mr LEUNG Che-cheung said that DLA signed in 1994 had included the provision of a military dock at the Central waterfront. LegCo had discussed the subject on a few occasions. Some members who had participated in the past discussion now made the claim that handing over the CMD site to the Garrison was unacceptable. He opined that making such claim would be equivalent to denying the defence role of the Garrison in the territory. He enquired about the consequence of disapproval of the proposed amendments to the CD(E) OZP.

42. In reply, Chief Town Planner/Housing & Office Land Supply & Acting Assistant Director (Special Duties), Planning Department ("AD(SD)/PlanD") said that TPB had already received the representations in respect of the proposed amendments during the exhibition period. The representations had been published for public comments from 7 May 2013 for three weeks. Any person might make comment to TPB in respect of the representations. TPB would hear the representations and comments in accordance with the Town Planning Ordinance (Cap. 131), and decide whether or not to propose amendments to the draft OZP to meet the representations. SDEV added that as the statutory town planning process for the proposed amendments had started, he would not comment on any hypothetical scenarios.

43. Dr Fernando CHEUNG asked whether it was necessary to obtain the consent of TPB if the Garrison wished to construct additional structures at the CMD site in future. AD(SD)/PlanD said that changes directly related to the land use of the site, i.e. military use, did not require the approval of TPB. Given that the CMD site was currently zoned as "Open Space", Dr CHEUNG asked whether the existing structures for the military dock were incompatible with the current land use. While he and the public would not oppose the use of a berth at the Central harbourfront by the naval vessels of the Garrison, he was against the Administration's proposal to rezone the site into military use and hand it over to the Garrison for management. He considered that the entire waterfront promenade should be an open space for the use of the public.

44. Deputy Secretary for Development (Planning and Lands)1 ("DS/DEV(P&L)1") said that the CD(E) OZP first approved in 2000 showed the location of the military dock by a straight line annotated '150m Military Berth (subject to detailed design)' and military dock was a permitted use under the OZP. As facilities directly related to a permitted use were always permitted and no separate planning permission from TPB was required, there was no question of the construction works for the military dock being unauthorized. He further explained that one of the proposed amendments to the CD(E) OZP was to delineate the strip of land of about 0.3 ha along the waterfront as "Other Specified Uses" annotated "Military Use (1)" and the Explanatory Statement for the OZP had been updated to reflect that the site would be used as a military dock.

45. Mr CHAN Kam-lam said that the Administration should honour its obligations under DLA by the reprovisioning of a military dock at the new Central harbourfront. The subject had been discussed in LegCo and the Central and Western District Council ("C&WDC"). He agreed that the Administration's proposed amendments to the CD(E) OZP were necessary and appropriate to reflect the land use of CMD as a military dock, which was one of the military facilities in the territory. As such, he would not support Dr Kenneth CHAN's motion. Pointing out that some members of the public and some media organizations had disregarded the historical background of the subject and presented some incorrect statements to the public, he said that they had misled those Hong Kong people who might not be knowledgeable about the subject and such conduct should be condemned. He suggested that, to enhance public understanding on the matter, the Administration should provide the public with correct information. As some media organizations had frequently made incorrect reporting causing conflicts in society, the Administration should inform the public about the names of these media

organizations and the mistakes they had made.

Use of the Central Military Dock by the Garrison

46. As the UK and Chinese Governments had signed DLA in 1994 and it stipulated the reprovisioning of CMD, Mr Michael TIEN queried the reasons for raising the subject again at the meeting. As far as he knew, since 1997, the naval vessels of the Garrison had only visited Hong Kong for a few times. As such, he asked if arrangements could be made so that the CMD site would normally be open to the public unless the Garrison required it for official use, in case of which a notice would be put up to inform the public a few days in advance.

47. Mr James TIEN said the Liberal Party held the view that while the chance of Hong Kong being invaded was slim, it was still necessary for the Central Government to station PLA in Hong Kong to proclaim national sovereignty. The Liberal Party was in support of the Administration's proposal to amend the CD(E) OZP. He said that Hong Kong people should not ignore that while the Garrison performed defence functions in Hong Kong, taxpayers did not have to bear any military expenditures, thereby making more public money available for other public purposes. He agreed to the suggestion of Mr Michael TIEN that the CMD site should be open to the public in normal times. When the Garrison required the use of CMD, the Administration should put up a notice in advance to inform the public about the date and time of closure. He believed that such an arrangement would be more acceptable to the public. He enquired about the Administration's estimation of the frequency of the use of CMD by naval vessels.

48. DS/DEV(P&L)1 advised that according to the Garrison Law, all military facilities were to be controlled by the Garrison. CMD would be handed over to the Garrison in future as one of the military facilities. The Administration would liaise with the Garrison on the detailed arrangements for opening the area of the military dock site to the public as part of the promenade when it was not in military use. However, the Administration was not in a position to estimate how frequent CMD would be used for military purposes. SDEV added that the frequency might hinge on a number of factors and vary in different periods.

49. Mr CHAN Hak-kan sought details about the meaning of "military use" given that the naval vessels of PLA had only visited Hong Kong for a few times since 1997. DS/DEV(P&L)1 replied that "military use", as advised by the Garrison, might include conducting military training, berthing military vessels, holding ceremonies and carrying out maintenance

works, etc.

50. Ms Claudia MO said that the Administration was misleading the public in its replies to members' enquiries at the meeting. The public were not opposed to the Garrison's use of the dock at the new Central harbourfront. The controversy lay on the zoning and management of the CMD site against the background that the site was currently an open space under the OZP and the Administration had undertaken to make available the new Central harbourfront to the public for their enjoyment. She regretted that any view against the rezoning of the site had been criticized as a challenge to the sovereignty of the People's Republic of China. As the naval vessels of PLA had only visited Hong Kong for a few times since 1997, she agreed with some members' view that the CMD site remained an open space but it would be closed for the Garrison's use occasionally and when necessary.

51. DS/DEV(P&L)1 said that CMD was by its nature a military site and handing over CMD to the Garrison was in accordance with DLA and the Garrison Law, and did not involve any land document or agreement to be entered into between the Garrison and the Administration. He added that the technical amendments to the CD(E) OZP were necessary to reflect the final delineation of CMD as military use.

52. In response to Mr LEUNG Che-cheung's enquiry on whether it was the Administration who had initiated the discussion with the Garrison on allowing public access to the CMD site when it was not in military use, SDEV said that the Garrison had reiterated on a number of occasions that CMD would open the area of the military dock site to the public as part of the promenade when it was not in military use.

53. Mr Frederick FUNG stressed that the public were not against the provision of a military dock at the new Central harbourfront for the Garrison to berth their naval vessels. He considered that the provision of a military dock and the rezoning of the CMD site into military use were two different matters. Referring to the facilities provided at the dock as given in paragraph 12 of the Administration's paper, i.e. office facilities, fire services pumphouse and electricity supply facilities, he considered that those were ordinary facilities for a pier and of low military value. As such, he believed that the rezoning of the CMD site into military use was not necessary but more of a symbolic nature. The PLA Hong Kong Garrison Headquarters was already a symbol of the presence of PLA in Hong Kong. From the perspective of the Garrison, he considered it desirable to make the arrangement that the CMD site would normally be open to the public but be closed for the Garrison's use whenever they needed it instead of taking over

the site, so as to cool down the fierce contention over the rezoning of the CMD site.

Law enforcement at the site

54. Ms Cyd HO suggested that a comprehensive review on the need for the existing military sites be conducted and the Administration should discuss with the Central Government the return of the sites which were no longer used for defence purposes to HKSARG under Article 13 of the Garrison Law. As regards the CMD site, she said that in the context of town planning, the term "military use" had its specific meaning. If the CMD site was designated for military use, any new structures directly related to such use would not require the approval of TPB and Mainland law would apply on the site. She considered that it inappropriate for a site of military use on which Mainland law would apply to be located in the new Central harbourfront. Given the contentious nature of the issue, it was understandable why the past two terms of the Government had only mentioned that a military dock would be provided and not that a part of the Central harbourfront would be zoned as a site for military use. She enquired about the applicability of law at the CMD site if it was rezoned into military use and whether the Garrison or the Hong Kong Police could take law enforcement actions thereat.

55. Mr Michael TIEN and Mr James TIEN also asked about law enforcement at the CMD site after it was handed over to the Garrison.

56. DS/DEV(P&L)1 said that the defence functions and responsibilities of the Garrison included the control of military facilities under the Garrison Law, and CMD was one of the military facilities in the territory. Irrespective of the management responsibility of the CMD site and whether it was a public or private place, the Hong Kong Police and other law enforcement agencies of Hong Kong were empowered to enforce law at the site when it was open for public use. The Hong Kong Police would liaise with the Garrison regarding law enforcement arrangements at the CMD site when it was open to the public.

57. Given that CMD, as a military facility, would be controlled by the Garrison and it could enforce its own rules, Mr WU Chi-wai asked the Administration to clarify the operational arrangements to be made between the Hong Kong Police and the Garrison on law enforcement at the site. In reply, DS/DEV(P&L)1 said that CMD as a military facility was to be controlled and used by the Garrison for military use in accordance with the Garrison Law, and when CMD was not in military use and open for public

use, the Police were empowered to take law enforcement actions at the CMD site according to the relevant ordinances. The Police would coordinate with the Garrison about the arrangements for such actions, whereas the Development Bureau would liaise with the Garrison on the arrangements for opening the CMD site to the public when it was not in use.

Access to the Central Military Dock

58. Mr CHAN Hak-kan said that some members of the public were concerned whether they could easily access the CMD site when it was not in military use. SDEV reiterated that noting the need of the public to access the promenade, the Garrison had agreed in 2000 to open the area of the military dock site to the public as part of the promenade when it was not in military use. The design of CMD had integrated with the new Central harbourfront and the public had been consulted on the subject in the past.

59. Mr WU Chi-wai sought clarification on whether any member of the public, not limited to specific groups, could have access to the CMD site when it was not in military use. DS/DEV(P&L)1 replied that the Garrison had agreed to open the area of the military dock site to the public as part of the promenade when it was not in military use. Therefore, the design of it had integrated with the promenade. The folding gates for fencing off the site could be folded and stored in the ancillary building structures when the military dock was not in use and the site would be open to public access as part of the promenade.

60. Referring to paragraph 17 and Annex B of the Administration's paper, Mr CHAN Kin-por asked whether public access to the waterfront would be impeded when the CMD site was closed for military use. He sought confirmation from the Administration that a continuous connection along the waterfront would still be available to the public even when CMD was not open. DS/DEV(P&L)1 confirmed that there was a pedestrian walkway adjacent to the dock site to provide a continuous connection when the CMD site was closed for military use. Mr CHAN opined that such an arrangement would minimize the impact of the closure of the CMD site on the public's use of the waterfront. As the subject had been discussed by the public and LegCo for several times in the past, he supported the Administration's proposal.

Consultation on the provision of a military dock at the Central harbourfront

61. Dr KWOK Ka-ki asked whether the Administration had consulted Hong Kong people on rezoning the CMD site to "Other Specified Uses"

annotated "Military Use (1)". DS/DEV(P&L)1 said that CMD had been discussed in LegCo and in public in the past, details of which were given in paragraph 5 of the Administration's paper.

62. Mr IP Kwok-him said that DLA had specified the provision of a military dock near the Central Barracks (the PLA Hong Kong Garrison Headquarters). The subject had been discussed in LegCo and C&WDC. C&WDC had agreed to the provision of a military dock at the Central harbourfront and recently negated a motion opposing the provision of the military dock at a DC meeting. He added that on 6 June 2007, a question had been raised at a LegCo meeting about the construction of a military dock at the waterfront promenade and the Administration had advised LegCo Members on the arrangement when the military dock was not in military use. He believed there had been sufficient discussion on the subject in the past and the public was in support of the provision of CMD. He did not agree to the view that the handing over of the CMD site to the Garrison was equivalent to selling out Hong Kong to PLA. This had created a conflict between the public and the Garrison.

63. Mr Gary FAN expressed concern about the inadequacy of public consultation on the provision of CMD, in particular, whether the Administration had provided all the relevant information to the public. Referring to a leaflet produced by the Development Bureau and PlanD in 2006 on the new Central harbourfront, he said that it had not been mentioned in the leaflet that a military dock would be located at the harbourfront. He suggested that the Administration should consult the public afresh on the issue. As the new Central harbourfront was developed and zoned as an open space for public enjoyment, he considered it undesirable and unnecessary to have a military dock on the promenade.

64. DS/DEV(P&L)1 said that he did not know which leaflet was being referred to by Mr FAN, but the information digest for the public consultation on the Urban Design Study of the New Central Harbourfront ("UDS") conducted in 2008 had stated clearly that there would be a military berth at the waterfront promenade and that its design would be integrated with the new Central harbourfront. An extract of the relevant information was available in the Administration's paper issued earlier in response to a member's enquiry (LC Paper No. CB(1)898/12-13(01)).

65. Ir Dr LO Wai-kwok said that members should respect the past discussion of LegCo on the provision of a military dock at the new Central harbourfront. Referring to the question on the military dock raised by Mr LEE Wing-tat at the LegCo meeting of 6 June 2007 in view of public

concerns about the visual impact of the structures of the dock, he said that LegCo Members were then aware of the military dock and the related structures at the new Central harbourfront. He pointed out that in June 2002, PWSC had discussed the funding proposal for Central Reclamation III, which included the construction of a military dock and related structures for the use of PLA. As regards public consultation, according to the information digest for UDS, it was public aspiration to integrate the PLA berth with the waterfront promenade and for public access. In response to public expectation, CMD had been designed as part of the waterfront promenade and would be open for public access when it was not in military use. Ir Dr LO opined that, based on these records, it was unreasonable to say that it had only been agreed that the Garrison could berth their vessels at the waterfront without the provision of basic facilities at the dock. In his view, the existing space and facilities were only minimal for a military dock. Noting that the issue had been discussed since 2000, he saw no reason to oppose the Administration's proposal. As a former member of TPB, he said that it was natural to rezone land with military facilities as a site for military use. He asked the Administration to provide information in due course on what facilities would be open to the public when the CMD site was not in military use.

66. Mr Albert CHAN said that he spoke from the perspective of the public. Although the public did not have complete information about DLA, they were not opposed to the provision of CMD. However, he was concerned that a part of the new Central harbourfront, which was constructed for public enjoyment, would be handed over to the Garrison for management. He pointed out that during the public consultation between 2006 and 2008, the CMD site was planned as an open space and the relevant documents did not contain any information about the zoning of the site as one for military use. He said that the Administration should have informed the public at an early stage about the need to rezone the site to military use to facilitate public discussion. In response, SDEV said that CMD was a military facility and the present proposed amendments to the CD(E) OZP aimed to reflect the land use of the site.

Procedural matter

67. Responding to Mr James TIEN's enquiry about extending the discussion time on the subject, the Chairman advised that, according to the House Rules, he had the power to extend the whole meeting for 15 minutes. The discussion time allocated for each agenda item could be flexibly adjusted.

Motion

68. Dr Kenneth CHAN said that he had proposed a motion opposing the rezoning of the CMD site and sought members' support. He added that the proposed amendments to the CD(E) OZP were undergoing statutory town planning procedures. While the public should have no strong views against the use of the new Central harbourfront by the Garrison, the issue under discussion was rezoning the CMD site to military use and the application of Mainland law at the site. According to the Garrison Law, all military land should be for defence purposes and should not be transferred to others for other uses. He queried whether it was contrary to the Garrison Law to make the CMD site open to the public. Separately, he pointed out that DLA had set out a list of military sites which would be handed over to the Garrison but the CMD site was not included therein.

69. SDEV replied that when the list of military sites to be handed over to the Hong Kong Garrison was drawn up, the Central waterfront reclamation works had not yet been completed, and the details about CMD had not yet been finalized, therefore the list did not specify the details of CMD. In 2000, when the CD(E) OZP was first approved, the location of the military dock had clearly been shown on the OZP by a straight line annotated '150m Military Berth (subject to detailed design)'.

70. Dr Kenneth CHAN moved a motion opposing the rezoning of the CMD site. The wording of the motion was as follows:

"本委員會反對將解放軍駐港總部以北的一幅海旁土地由「休憩用地」地帶修訂為「其他指定用途」註明「軍事用途(1)」地帶。"

(Translation)

"That this Panel opposes amending the zoning of a strip of waterfront site to the north of the People's Liberation Army Hong Kong Garrison Headquarters from 'Open Space' to 'Other Specified Uses' annotated 'Military Use (1)'."

71. The above motion was put to vote. Dr Kenneth CHAN requested a division and the voting bell was rung for five minutes. Of the 23 members present, 22 voted. Nine members voted for and 13 members voted against the motion. The voting results were as follows:

For

Mr Frederick FUNG
Mr Albert CHAN
Mr WU Chi-wai
Mr CHAN Chi-chuen
Dr Fernando CHEUNG
(9 members)

Mr Alan LEONG
Ms Claudia MO
Mr Gary FAN
Dr Kenneth CHAN

Against

Mr Tony TSE
Mr CHAN Hak-kan
Mr IP Kwok-him
Mr Michael TIEN
Mr CHAN Han-pan
Miss Alice MAK
Ir Dr LO Wai-kwok
(13 members)

Mr CHAN Kam-lam
Mr CHAN Kin-por
Mrs Regina IP
Mr James TIEN
Mr LEUNG Che-cheung
Dr CHIANG Lai-wan

72. The Chairman declared that the motion was negated.

VII Redevelopment of civil servants' quarters developed under the Civil Servants Co-operative Building Society Scheme

(LC Paper No. CB(1)849/12-13(01) -- Administration's response to the letter dated 18 March 2013 from Dr Hon CHIANG Lai-wan, Hon Starry LEE, Hon CHAN Hak-kan, Hon LEUNG Che-cheung and Hon Christopher CHUNG on the

redevelopment of civil servants' quarters developed under the Civil Servants Co-operative Building Society Scheme (LC Paper No. CB(1)751/12-13(01))

LC Paper No. CB(1)1077/12-13(06) -- Paper on Civil Servants' Co-operative Building Society Scheme prepared by the Legislative Council Secretariat (Background brief))

Relevant paper

(LC Paper No. CB(1)751/12-13(01) -- Letter dated 18 March 2013 from Dr Hon CHIANG Lai-wan, Hon Starry LEE, Hon CHAN Hak-kan, Hon LEUNG Che-cheung and Hon Christopher CHUNG on the redevelopment of civil servants' quarters developed under the Civil Servants Co-operative Building Society Scheme)

73. SDEV said that the Administration was exploring possible solutions for facilitating the redevelopment of the buildings developed under the Civil Servants Co-operative Building Society ("CBS") Scheme ("CBS Scheme) in a multi-faceted approach. He highlighted the Administration's preliminary observations on the issues related to the subject as follows:

- (a) According to the information of the Lands Department ("LandsD"), as at end-March 2013, of the buildings under the 177 dissolved CBSs (covering 4 640 flats), about 46% of the property owners had applied to LandsD for removal of the alienation restriction. Of these owners, some 67% had already paid the assessed land premiums to remove the restriction on alienation of their flats. The above statistics showed that the requirement on land premium payment should not be a major factor that hindered the transfer of CBS flats. The Administration considered that private-sector initiative in

redeveloping CBS buildings was an approach that should not be overlooked.

- (b) Apart from redevelopment by private developers, the property owners of dissolved CBSs might consider applying to the Urban Renewal Authority ("URA") for redevelopment under the "demand-led" redevelopment pilot scheme after they had acquired the legal titles to their flats. Under the pilot scheme, URA would identify suitable redevelopment projects from applications received, based on a uniform set of assessment criteria, which included the proportion of property owners who had indicated consent to the redevelopment, conditions of the building, size of the land lot where the building was located, etc.
- (c) The Administration had received views suggesting that it should grant land premium concession or waive the land premiums that the property owners of dissolved CBSs should pay so as to expedite the redevelopment of CBS buildings to release the under-utilized floor area of the land lots concerned, with a view to increasing housing land supply. The Administration considered that to exempt these property owners from the land premium payment was tantamount to providing them with subsidy from the public purse and this must be justified on public interest grounds. Whilst noting that community views were divided on the subject, the Administration remained open-minded over how to facilitate the redevelopment of CBS buildings and would continue to communicate with all stakeholders with a view to exploring feasible solutions to fully utilize land resources.

Threshold for dissolving a Civil Servants Co-operative Building Society

74. The Panel noted that CBSs were set up under the Co-operative Societies Ordinance (Cap. 33) ("CSO"). Under the CBS Scheme, which had been launched in 1952, eligible civil servants formed CBSs and were granted land by the Administration at a concessionary premium to build residential buildings for self-accommodation. The legal title of the land and the buildings was held by the CBS, which was responsible for building management and maintenance. The dissolution of a CBS and the transfer of the legal titles from a CBS to individual CBS members were allowed subject to the consent of 75% of its members. Mr Frederick FUNG said that most CBS members who wished to sell their flats were unable to do so because it

was difficult to obtain the consent of 75% of the members to dissolve the CBS. He urged the Administration to relax the threshold of 75%.

75. In reply, Housing and Quartering Officer, Civil Service Bureau, advised that the 75% requirement was the threshold for dissolving co-operative societies under CSO and was applicable not only to CBSs, but also to other co-operative societies registered under the Ordinance. Before making any changes to the requirement, the Administration had to conduct an extensive consultation to ensure that the changes were widely supported by those who would be affected.

Redevelopment of buildings developed under the Civil Servants Co-operative Building Society Scheme

76. Noting that so far only 13 out of the 177 dissolved CBSs had paid the land premiums for the removal of the restriction on alienation, and of these 13 dissolved CBSs, 11 had their buildings redeveloped, Mr Frederick FUNG was concerned about the obstacles to the redevelopment of CBS buildings. Deputy Secretary for Development (Planning and Lands) 2 ("DS/DEV(P&L)2") advised that the Administration had not conducted a study on why the property owners of dissolved CBSs had not paid the outstanding premiums for the redevelopment of their buildings. He added that there could be many different reasons why the owners did not proceed to pay off the outstanding premiums, including the absence of approach by developers to them for redevelopment of the sites concerned.

77. Ms Starry LEE, Dr CHIANG Lai-wan and the Deputy Chairman considered that as many CBS buildings were situated in premier locations in the urban areas and the Administration had been working hard to increase land supply to tackle the housing shortage problem, it was in the public interest to redevelop the buildings so as to release the development potentials of the land lots concerned. Ms LEE pointed out that most CBS flat owners were very keen to redevelop their buildings but were constrained by the rigid policy. To provide a way out for them, the Administration should work out a pilot scheme, as part of the new policy initiatives for 2014, to help expedite the redevelopment of CBS buildings. Dr CHIANG said that most CBS buildings were not provided with lifts, hence posing access problems to aged occupants who could no longer walk up and down the staircases.

78. SDEV responded that according to preliminary assessment, there might not be a one-size-fits-all solution to the redevelopment of CBS buildings, as the case would differ with the location of the CBS building, the scale and intensity of the existing development, etc. The Administration

would need some time to study carefully the issues involved. He assured members that the Development Bureau was studying the matter in conjunction with the Civil Service Bureau, LandsD as well as URA, adopting a problem-solving approach.

79. The Deputy Chairman said that most CBS flat owners were retired civil servants who had made great contributions to the society. Given that the conditions of CBS buildings had been deteriorating as a result of ageing, and private developers so far had not shown much interest in redeveloping the buildings, the Administration should consider making changes to the existing policy. It was important that the solution to be put up by the Administration must be fair and impartial to CBS members as well as the general public, and should not lead to transfer of benefits to consortia.

Land premium

80. Dr CHIANG Lai-wan conveyed the view of some CBS members that they had paid half of the land value as the premium in early years when the land was granted to them for developing CBS buildings, not one-third of the land value as claimed by the Administration. DS/DEV(P&L)2 clarified that as far as the CBS Scheme was concerned, the land value of the site, at the time of land grant, was assessed on the basis of its "upset" price, which was two-thirds of the market value of the site. As such, half of the "upset" price paid by a CBS member was in fact one-third of the market value of the land.

81. Ms Starry LEE considered that the comparatively small number of successful cases of redevelopment of CBS buildings was attributable to the high land premiums payable for removal of alienation restriction and site redevelopment. Mr Frederick FUNG opined that if the Administration would not accept the suggestion to reduce the amount of the land premium to be paid by CBS flat owners for redevelopment of their building, it should consider allowing them to redevelop the building first and pay the necessary premium later. He remarked that if CBS flat owners were allowed to redevelop its land lot in a higher development intensity than the original one, they could raise proceeds through the redevelopment to settle the unpaid land premium. DS/DEV(P&L)2 replied that the Administration was aware of the views in some quarters on the deferment of premium payment for the redevelopment of CBS buildings. As there were no provisions for payment deferment in the lease conditions of the CBS sites, the suggestion raised both technical and policy issues which had to be carefully examined within the Administration.

82. Mr LEUNG Kwok-hung opined that since CBS members and former CBS members had enjoyed the benefit of concessionary land prices in the past, the Administration should be prudent in considering whether further concession on land premiums for redeveloping CBS buildings would be in line with the prevailing policies, such as those related to the prevention of double housing benefits. He considered it necessary for the Administration to justify the grant of further land premium concession to CBS flat owners. In response, DS/DEV(P&L)2 reiterated that CBS members who wanted to sell their flats had to pay the land premiums for removal of the alienation restriction in their underleases.

83. Dr CHIANG Lai-wan and Ms Starry LEE pointed out a case where a flat owner of a CBS building at Shun Ning Road, Cheung Sha Wan, had been informed by LandsD in 2010 that the premium for the removal of the alienation restriction was HK\$1.27 million, based on the "existing use value" assessment. However, in 2012, the owner was told that based on the "redevelopment value" assessment, the premium he had to pay was HK\$3.3 million. Some flat owners were furious to learn that the land premium assessment method had been changed arbitrarily and felt that the change was unfair to them given that some former CBS members had already sold their flats by paying the premium according to the "existing use" value. In reply, SDEV explained that the lease modification letter signed at the time when the flats were assigned to the then CBS members had stipulated the arrangements for the land premium payment for the removal of the alienation restriction. In other words, whether the premium was calculated according to the "existing use value" or the "redevelopment value" was based on the conditions stated in the land lease. He advised that the Administration was studying whether the premium assessment methods might have hindered the redevelopment of CBS buildings and how the hindrance might be removed justifiably. He invited Dr CHIANG to refer the specific case mentioned to him for further study.

84. Mr Frederick FUNG raised another case, a CBS building in Sham Shui Po, where the former members of a dissolved CBS had found a developer and negotiations had started on redeveloping the building. Eventually, the developer had not taken up the redevelopment project because LandsD had refused to provide information on the land premium to be charged for the redevelopment. He considered that the Administration should make such information available to the concerned property owners in a timely manner to facilitate their discussion with interested developers on redevelopment plans, which should proceed without unnecessary delay. SDEV noted Mr FUNG's suggestion.

Meeting to receive views from deputations

85. Dr CHIANG Lai-wan proposed that a public hearing of the Panel be held to receive deputations' views on issues related to the redevelopment of CSB buildings. The Chairman invited members to give views on the suggestion. The meeting agreed to Dr CHIANG's suggestion.

(Post-meeting note: With the concurrence of the Chairman, the public hearing was held on 15 July 2013. Members were notified of the relevant arrangements on 17 June 2013 vide LC Paper No. CB(1)1325/12-13.)

VIII Tung Chung New Town Extension Study -- Stage 2 Public Engagement

(LC Paper No. CB(1)1077/12-13(07) -- Administration's paper on Tung Chung New Town Extension Study -- Stage 2 Public Engagement

LC Paper No. CB(1)1077/12-13(08) -- Paper on Tung Chung New Town Development Extension Study prepared by the Legislative Council Secretariat (Background brief))

86. With reference to the Administration's paper on "Tung Chung New Town Extension Study -- Stage Two Public Engagement" (LC Paper No. CB(1)1077/12-13(07)), DS/DEV(P&L)1 briefed members on the progress of the Tung Chung New Town Extension Study ("the Study"). With the aid of a powerpoint presentation, District Planning Officer/Sai Kung & Islands, Planning Department introduced the initial land use options formulated for the Tung Chung New Town extension under the Stage 2 Public Engagement ("PE") of the Study.

(Post-meeting note: A soft copy of the powerpoint presentation materials (LC Paper No. CB(1)1162/12-13(02)) was circulated to members by email on 29 May 2013.)

Planning for the Tung Chung New Town extension

87. Mr CHAN Han-pan said he was pleased that the Administration had taken on board some of the suggestions of the Democratic Alliance for the

Betterment and Progress of Hong Kong on the development of Tung Chung. Referring to the proposed reclamation in Tung Chung East and Tung Chung West, he said that as the Stage 2 PE for proposed reclamation outside Victoria Harbour was still in progress, more discussion between the Administration and the community on the subject was needed. Mr CHAN asked if the Administration would set up a committee to oversee the planning and development of Lantau, as he had proposed earlier to ensure that a coordinated and balanced development in Lantau would be achieved. In reply, DS/DEV(P&L)1 said that when formulating the plan for further development in Tung Chung, the Administration had made reference to the Revised Concept Plan for Lantau, which was released in 2007. The major objective of the Stage 2 PE of the Study was to present to the public the initial land use options for the further development in Tung Chung and to seek broad consensus on the planning direction, scale and area of development for subsequent formulation of the Outline Development Plan for the Tung Chung New Town extension. The Administration did not have any concrete plan at this stage to set up a committee to coordinate the planning and development in Lantau but would consider the best way for taking forward the various development projects in Lantau in a coordinated manner in due course.

88. The Deputy Chairman highlighted the importance for the further development of Tung Chung to dovetail with the development of North Lantau. The Administration should ensure that Tung Chung would be well connected internally and externally. Moreover, there should be an adequate supply of local job opportunities. DS/DEV(P&L)1 reiterated that the planning of Tung Chung had taken into account the overall development of Lantau. One of the objectives of the Study was to map out the way for the extension of Tung Chung to help address territorial housing demand. Connectivity and job opportunities were among the issues to be studied and planned. In response to the Deputy Chairman's enquiry, DS/DEV(P&L)1 added that the Administration had no plan at this stage to develop a container terminal at North Lantau.

89. Noting that a proposed Lantau Logistics Park ("the Park") would be located in the vicinity of the Tung Chung New Town, the Deputy Chairman was concerned about the impact of the operation of the Park on the existing communities in the Tung Chung New Town and future residents in the proposed extension areas. The Administration was requested to provide information on the Park, including whether it would be developed by the Administration, the development timeframe and the progress of the project.

(*Post-meeting note:* The Administration's supplementary information was circulated to members vide LC Paper No. CB(1)1323/12-13(01) on 17 June 2013.)

90. Dr KWOK Ka-ki pointed out that the existing Tung Chung New Town was considered a planning blunder with no emergency ward service, no market provided by the Food and Environmental Hygiene Department and, and high transportation costs for the residents. He expressed disappointment that the Administration had not addressed the concerns of Tung Chung residents over the years. In response, DS/DEV(P&L)1 said that in planning the Tung Chung New Town extension, the Development Bureau and the Planning Department would coordinate with other relevant bureaux/departments to ensure adequate provision of community, transportation and recreational facilities to meet the needs of the future residents.

Housing developments in Tung Chung

91. Noting that a mix of public and private housing would be adopted for housing developments in the Tung Chung New Town extension, Mr CHAN Han-pan enquired about the future ratio for public rental housing ("PRH"), home ownership scheme ("HOS") and private housing in the extension areas. Assistant Director of Planning/New Territories, Planning Department ("AD(NT)/PlanD") advised that the existing public to private housing ratio in terms of population in the Tung Chung New Town was about 60:40 and there were public views expressed during the Stage 1 PE that the further development of Tung Chung should strike a balance between private and public housing. To take on board the public views, it was tentatively proposed in the initial land use options that the new housing developments in Tung Chung East and Tung Chung West would adopt a public to private housing ratio of 40:60 with a view to attaining a balanced housing mix for the overall new town development. The Administration would solicit public views on the housing mix. The final housing mix in the Tung Chung New Town extension would be further reviewed when formulating the Outline Development Plan.

92. On the mix of private and public housing, the Deputy Chairman cited the planning of Tin Shui Wai as an example and cautioned that over-concentration of any type of housing in an area might create social and economic problems. Dr Fernando CHEUNG opined that more PRH units should be provided in newly developed areas, taking into consideration that, as reported by the media, more than 170 000 people were residing in sub-divided flats with poor living conditions. He queried the justifications

for providing more private housing units than public housing units in the Tung Chung New Town extension areas. Mr WU Chi-wai suggested that the Administration should conduct an analysis, based on the take-up of PRH units in Tung Chung, on whether people would be willing to move into new housing developments in Tung Chung and then to map out an appropriate ratio of public to private housing. He stressed that the Administration should not repeat the mistake of moving too many grassroots-level people to a new town where there were inadequate infrastructure facilities and employment opportunities. In response, AD(NT)/PlanD said that the Administration would closely liaise with concerned bureaux/departments and also collect relevant information from the Hong Kong Housing Authority to know more about the preference of PRH applicants for the locations of the PRH units allocated to them.

93. Mr LEUNG Che-cheung commended the proposed stepped building height design for the housing developments along the waterfront, which would maximize the views towards the sea from the vantage points. Noting that a maximum plot ratio of 6 was adopted for some sites, he asked about the heights of the buildings at these sites and their impact on the environment. Referring to the proposed development of a marina under one of the initial land use options, he asked if the Administration intended to provide private housing rather than public housing at the residential sites near the marina. AD(NT)/PlanD advised that during the Stage 1 PE, the Administration had received public views that given its coastal location, Tung Chung had great potentials for the development of marina, which would stimulate economic activities and bring benefits to the local community. As such, a marina was proposed under the land use option themed "Economic Vibrancy" for Tung Chung East for public consultation.

94. Mr TANG Ka-piu declared that he was a member of the Islands District Council ("DC"). Pointing out that the Stage 2 PE had not been discussed by the Islands DC, he said that it was more desirable for the Administration to first consult the local DC on a development proposal before discussing it at LegCo. Concerned about the supply of housing to meet the pressing demand, he asked if the Administration had a separate plan, other than the reclamation projects proposed under the Study, for providing residential sites on Government land in Tung Chung.

95. Mr Gary FAN queried for whom the Tung Chung New Town extension was developed and enquired about the number of residential sites in the extension areas to which the "Hong Kong Property for Hong Kong People" ("HKPHKP") measure would apply. DS/DEV(P&L)1 responded that all new towns were developed for Hong Kong people. He supplemented

that the Hong Kong 2030 Planning Vision and Strategy Study had concluded that land was required in the long run to meet future population growth and various demands of the community including economic development. Given that there had been a shortage in the supply of land which would hinder the development of Hong Kong, the Administration had adopted a multi-pronged approach in increasing land supply, including the Study. Regarding the application of the HKPHKP measure on the future residential sites, he advised that it would be considered individually for each site when the sites were ready for sale, taking into account the market situation and other relevant considerations prevailing at that time. Given that the development of the Tung Chung New Town extension was still at a planning stage, the Administration would listen to public views on how the land resources in the extension areas should be used.

96. Mr FAN disagreed that the application of HKPHKP measure in the Tung Chung New Town extension should only be determined at the time when the residential sites was ready to be put up for sale. He opined that, for a long-term planning project like the development of the Tung Chung New Town extension, the provision of housing should follow a population policy and be well planned in advance. He further remarked that, according to his observation, it was the public's aspiration that all new residential sites for private housing should adopt the HKPHKP measure to solve the pressing housing shortage problem.

Connectivity for Tung Chung

97. Noting that the total population for Tung Chung could be increased to more than 270 000 with the new extension, Mr LEUNG Che-cheung opined that the external connectivity of the new extension areas should be railway-based, to be complemented by feeder bus service connecting various housing developments to the railway stations. To achieve a green living environment in the new extension areas, he suggested that low emission vehicles, such as electric buses, might be used for providing feeder service. AD(NT)/PlanD said that the Administration was mindful of the need to provide adequate infrastructural facilities and connectivity for the future extension of Tung Chung. Two new MTR stations had been proposed in Tung Chung East and Tung Chung West respectively in the initial land use options to cater for the need of the future population of the new extension areas and enhance the connectivity of Tung Chung to other parts of Hong Kong. The Administration would also take into account the development of North Lantau when conducting traffic impact assessments for the new extension areas.

98. Mr TANG Ka-piu enquired, in case the proposed reclamation at Tung Chung West was found unacceptable under the Environmental Impact Assessment ("EIA") process, whether the provision of new MTR stations and MTR extension in Tung Chung would be implemented. AD(NT)/PlanD advised that the Tung Chung West Station had been included in the review and update of the Railway Development Strategy 2000, a consultation on which was being conducted from February to May 2013. Given the latest planned population for the proposed PRH at Area 39 of Tung Chung and the need of the existing residents of Yat Tung Estate, as well as the development planned for Tung Chung West, he believed that the proposed Tung Chung West Station had its merits and would not necessarily hinge on the EIA of the proposed reclamation works in Tung Chung West.

99. Miss Alice MAK shared other members' view about the importance of connectivity for future residents in the Tung Chung New Town extension. She urged the Administration to ensure that adequate transport infrastructure, including a railway network, would be provided in the extension areas. Given that the proposed waterfront promenade in Tung Chung East and Tung Chung West could easily connect the areas to other parts of North Lantau, she suggested that the Administration should promote cycle tourism in Tung Chung and construct a ferry pier for cyclists. Mr WU Chi-wai proposed that consideration could be given to encouraging the use of the bicycle as a major means of transportation within Tung Chung.

100. AD(NT)/PlanD advised that, under the present proposal, there would be two new railway stations, complemented by road and pedestrian networks and waterfront promenades. The Administration would also carefully plan the cycle track network to enhance the connectivity within Tung Chung in the Outline Development Plan stage.

Employment opportunities

101. Mr LEUNG Che-cheung expressed concern about the employment opportunities for the new population in the Tung Chung New Town extension and suggested that high-technology industries be developed in the extension areas to attract middle-class professionals to move in.

102. Mr WU Chi-wai pointed out that the provision of sufficient employment opportunities was essential for the new population intake. He asked if the Administration would introduce measures to boost the number of job opportunities in Tung Chung. If a majority of the residents would have to travel outside of Tung Chung daily for work, good connectivity between Tung Chung and other parts of Hong Kong would be pivotal. Dr

Fernando CHEUNG and Miss Alice MAK urged the Administration to provide sufficient job opportunities for the new population in Tung Chung. Miss MAK added that it was important to create economic vibrancy in Tung Chung, including the extension areas, for generating job opportunities for the local population. She pointed out that there was a misunderstanding among the public that the Hong Kong International Airport had created lots of job opportunities for residents of Tung Chung. In fact the high transportation costs for travelling from Tung Chung to the Airport were not affordable to most of the residents. Besides, many jobs at the Airport required employees to work on shifts, which might not be preferred by the residents. She requested the Administration to update the Panel regularly about the progress of the project, in particular the plans to provide sufficient local job opportunities.

103. AD(NT)/PlanD said that under the two initial land use options local shopping and retail facilities would be provided to bring in economic activities and generate job opportunities. Under the option themed "Economic Vibrancy", more land would be reserved for commercial development; a higher non-domestic plot ratio would be adopted at the Metro Core Area to help create more job and business opportunities; and about 450 000 square metres of floor area would be planned in Tung Chung East for office/regional retail/hotel uses.

Environmental impact

104. Mr TANG Ka-piu expressed concern about the impact of the proposed reclamation in Tung Chung East on Tai Ho Wan, a place of high ecological value. As regards the proposed limited reclamation of 14 hectares at Tung Chung West, he was worried that the buildings at the new reclamation area would cause an adverse impact on the breezeway at Area 39 near Yat Tung Estate.

105. AD(NT)/PlanD advised that in preparing the land use proposals for the Stage 2 PE, the Administration had ensured that reclamation in Tung Chung East would not encroach upon Tai Ho Wan in view of its ecological value. For Tung Chung West, the proposed reclamation should not have any adverse impact on the breezeway and hence air ventilation of the area, since the scale of reclamation had been reduced and limited to the north-eastern part of Tung Chung Bay. He assured members that various technical assessments including EIAs would be conducted to ensure that the new town extension including reclamation proposals would not result in adverse impacts on the environment, ecology and air ventilation.

[To allow sufficient time for discussion, the Chairman directed the meeting be extended for 15 minutes.]

106. Noting that the scale of reclamation in the present proposal was quite significant, Dr Fernando CHEUNG expressed grave concern about the adverse impact of reclamation on the environment. He pointed out that the land beside Tung Chung River had already been damaged by flooding and was worried that reclamation works might worsen the situation. On the air quality in Tung Chung, he said that it was well known that it was among the worst in Hong Kong. He expressed doubt on whether Tung Chung was a suitable place for further housing developing and asked the Administration about the measures to improve the air quality.

107. Deputy Project Manager (HK Island & Islands), Hong Kong Island and Islands Development Office, Civil Engineering and Development Department advised that the extent of the proposed reclamation in Tung Chung West had been reduced to 14 hectares in view of the ecological value of the area. As for Tung Chung East, a maximum reclamation of about 120 hectares was proposed but the works would avoid altering the water flow and preserve the existing biodiversity of Tai Ho Inlet, which was the primary water inlet for Tai Ho Wan with high ecological value. Members' concern on air quality in the extension areas would be duly addressed in the EIAs to be conducted as it was one of the issues to be studied. He added that the Administration would adopt enhanced air quality objectives in 2013 to better protect public health.

108. Miss CHAN Yuen-han said that the Administration should ensure that places of high ecological value would be well protected when developing Tung Chung West. In Tung Chung East, the beautiful Tai Ho Stream should be preserved. She was concerned that the current plan to preserve the areas of high ecological value in Tung Chung East and Tung Chung West might change after the Stage 2 PE. Miss CHAN requested the Administration to report the progress of the Tung Chung New Town extension project to the Panel regularly and said that members belonging to the Hong Kong Federation of Trade Unions would closely monitor the project.

109. AD(NT)/PlanD advised that the objective of the Stage 2 PE was to seek broad consensus on the planning direction, scale and area of further development of Tung Chung. The proposals under the initial land use options, if supported by the public, would form the basis for preparing the Outline Development Plan for the Tung Chung New Town extension. He assured members that no reclamation had been planned at Tai Ho Wan as the area was scenic and of high ecological value. The Administration would

preserve the water inlet of Tai Ho Wan in Tung Chung East and ensure that the area would not be affected by reclamation works. EIAs would duly be carried out to study the impact of reclamation on the environment in detail. When formulating the Outline Development Plan for the Tung Chung New Town extension, the Administration would take into account the EIA findings. The public would be consulted on the Outline Development Plan at a later stage.

110. Dr KWOK Ka-ki expressed concern that any works in Tung Chung West would affect the water flow to the mangroves in the area. AD(NT)/PlanD advised that the works under the current proposal would not affect the mangroves in Tung Chung West. As to Tung Chung River, conservation-related uses would be provided on both sides of it to preserve the ecology. Responding to Dr KWOK Ka-ki's enquiry on whether the Administration would consider developing the fallow agricultural land in Tung Chung West to reduce the extent of reclamation, AD(NT)/PlanD said that the Administration had proposed developing low-density housing units on some of the fallow agricultural land in Tung Chung West taking account of the rural and village context of the area. Besides, to capitalize on the improved accessibility due to the proposed construction of the Tung Chung West Station, two sites near Area 39 of Tung Chung and further south along Tung Chung Road were proposed for high-density housing developments up to domestic plot ratios of 5 to 6.

111. With reference to the proximity of the Tung Chung New Town extension to the Airport and other transport infrastructures, the Deputy Chairman enquired about the noise impact on the future residents of the extension areas and the mitigation measures. Miss CHAN Yuen-han also pointed out that the noise pollution problem in Tung Chung was serious due to its location. AD(NT)/PlanD replied that appropriate buffers would be provided for the new extension areas to minimize potential noise impact. Moreover, the potential impact of the noise exposure forecast 25 had also been taken into account in the initial land use options and was already shown on the map on page 9 of Annex 2 to the Administration's paper.

IX Any other business

112. There being no other business, the meeting ended at 6:46 pm.

Council Business Division 1
Legislative Council Secretariat
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