

立法會
Legislative Council

LC Paper No. CB(1)547/14-15
(These minutes have been seen
by the Administration)

Ref : CB1/PL/DEV

Panel on Development

Minutes of meeting
held on Tuesday, 25 November 2014, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex

Members present : Hon Tony TSE Wai-chuen, BBS (Chairman)
Hon James TO Kun-sun
Hon CHAN Kam-lam, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, GBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Cyd HO Sau-lan, JP
Hon CHAN Hak-kan, JP
Hon CHAN Kin-por, BBS, JP
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Alan LEONG Kah-kit, SC
Hon Albert CHAN Wai-yip
Hon Michael TIEN Puk-sun, BBS, JP
Hon James TIEN Pei-chun, GBS, JP
Hon WU Chi-wai, MH
Hon YIU Si-wing
Hon Gary FAN Kwok-wai
Hon CHAN Chi-chuen
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 Fernando CHEUNG Chiu-hung
Dr Hon Elizabeth QUAT, JP
Ir Dr Hon LO Wai-kwok, BBS, MH, JP

Members attending : Hon Starry LEE Wai-king, JP
Dr Hon Helena WONG Pik-wan
Dr Hon CHIANG Lai-wan, JP

Members absent : Dr Hon LAU Wong-fat, GBM, GBS, JP (Deputy
Chairman)
Hon Paul TSE Wai-chun, JP
Hon LEUNG Kwok-hung
Hon CHAN Han-pan, JP

Public officers attending : **Agenda item III**

Ms Jasmine CHOI Suet-yung
Principal Assistant Secretary for Financial Services and the
Treasury (Treasury) (Works)
Financial Services and the Treasury Bureau

Mr John KWONG Ka-sing
Chief Assistant Secretary (Works)1
Development Bureau

Ms Joyce NG Suet-yee
Chief Estate Surveyor (Acquisition)
Lands Department

Mr CHAN Ho-yin
Chief Property Services Manager (3)
Architectural Services Department

Mr Daniel CHUNG Kum-wah, JP
Director of Drainage Services
Drainage Services Department

Mr HON Chi-keung, JP
Director of Civil Engineering and Development

Dr Ellen CHAN Ying-lung, JP
Assistant Director (Environmental Infrastructure)
Environmental Protection Department

Mr Samson LAI Yiu-kei
Assistant Director (Waste Management Policy)
Environmental Protection Department

Mr Elvis AU Wai-kwong, JP
Assistant Director (Nature Conservation and Infrastructure
Planning)
Environmental Protection Department

Mr CHUI Wing-wah
Deputy Director of Highways
Highways Department

Mr Raymond KONG Tai-wing
Chief Engineer (1) (Major Works)
Highways Department

Mr Eric HUI Kwok-sun, JP
Assistant Director (2)
Home Affairs Department

Ms Charmaine WONG Hoi-wan
Assistant Director (6)
Home Affairs Department

Mr Frankie CHOU Wing-ping
Chief Engineer (Works)
Home Affairs Department

Ms Eva YAM Ya-ling
Deputy Secretary-General (1)
University Grants Committee Secretariat

Mr LEE Kam-yuen
Chief Maintenance Surveyor (School Premises
Maintenance)
Education Bureau

Mr Samuel FAN
Senior Property Services Manager (School Works Section)
Education Bureau

Dr LAI Shu-ming
Head of Estates, Health and Safety Division
Vocational Training Council

Mr KOK Che-leung
Assistant Director (Subventions)
Social Welfare Department

Mr Kenneth WOO Chi-man
Chief Executive Officer (Subventions/Planning)
Social Welfare Department

Mr Enoch LAM Tin-sing, JP
Director of Water Supplies
Water Supplies Department

Mr LO Kwok-kong
Acting Chief Civil Engineer (Public Works Programme)
Transport and Housing Bureau

Agenda item IV

Mr WONG Chung-leung
Principal Assistant Secretary (Works)³
Development Bureau

Mr CHUI Wing-wah
Assistant Director/Technical
Highways Department

Ms Trevina KUNG Chui-wan
Chief Estate Surveyor/Estate Management
Lands Department

Agenda item V

Mr Eric MA Siu-cheung, JP
Secretary for Development (Acting)

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

Agenda item VI

Mr Eric MA Siu-cheung, JP
Secretary for Development (Acting)

Mr WAI Chi-sing, JP
Permanent Secretary for Development (Works)

Mr Albert LAM Kai-chung, JP
Deputy Secretary for Development (Works)1

Miss Vivian KO
Commissioner for Heritage
Development Bureau

Mr YAU Shing-mu, JP
Under Secretary for Transport and Housing

Ms Rebecca PUN Ting-ting, JP
Deputy Secretary for Transport & Housing (Transport)1

Mr Raymond CHENG Nim-tai
Principal Assistant Secretary for Transport & Housing
(Transport)7

Ms Fione LO Sau-lai
Executive Secretary (Antiquities & Monuments)
Leisure and Cultural Services Department

Mr Eric FUNG Kit Wing
Government Engineer/Railway Development 1
Highways Department

Mr YEUNG Kong-sang
Chief Engineer/Railway Development 1-3
Highways Department

**Attendance by
Invitation**

: **Agenda item V**

Mr Nicholas BROOKE, SBS
Chairman of the Harbourfront Commission

Mr Vincent NG, JP
Chairman of the Harbourfront Commission's Core Group
for Public Engagement

Miss Christine AU Wing-yan
Secretary of the Harbourfront Commission

Agenda item VI

Mr Clement NGAI
Chief Design Manager -- Shatin-to-Central Link
MTR Corporation Limited

Mr Peter IP
Construction Manager -- Shatin-to-Central Link (Civil)
MTR Corporation Limited

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

Staff in attendance : Mr Fred PANG
Senior Council Secretary (1)8

Mr Raymond CHOW
Council Secretary (1)6

Ms Christina SHIU
Legislative Assistant (1)6

Action

- I Information papers issued since the last meeting**
(LC Paper No. CB(1)235/14-15(01) -- Referral memorandum dated
5 November 2014 from the
Public Complaints Office of
the Legislative Council
Secretariat regarding lifting
the development moratorium
at the south of Pok Fu Lam
for public housing

development and the future redevelopment of Wah Fu Estate (Restricted to members)

LC Paper No. CB(1)253/14-15(01) -- Administration's paper on progress update of the proposed amendments to the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123I)

LC Paper No. CB(1)253/14-15(02) -- Administration's paper on revision of fees and charges for services under the purview of the Lands Department under the Land Survey (Fees) Regulation (Cap. 473A))

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

II Items for discussion at the next meeting

(LC Paper No. CB(1)241/14-15(01) -- List of outstanding items for discussion

LC Paper No. CB(1)241/14-15(02) -- List of follow-up actions)

2. Members agreed that "PWP Item No. 13GB -- Liantang/Heung Yuen Wai Boundary Control Point and Associated Works -- Construction of Boundary Control Point Buildings and Associated Facilities", proposed by the Administration, would be discussed at the next regular meeting scheduled for Friday, 19 December 2014, at 9:00 am.

3. The Chairman said that the Administration had earlier on submitted to the Panel two information papers on legislative proposals, namely "Revision of Fees and Charges for Services under the Purview of the Lands Department under the Land Survey (Fees) Regulation (Cap. 473A)" and "Progress Update of the Proposed Amendments to the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123I)". He suggested that, as some members had expressed the views that these proposals should be discussed at a meeting of the Panel, the

meeting on 19 December would be extended to end at 12:30 pm and that the two legislative proposals be discussed. Members agreed to the suggestion.

(Post-meeting note: The notice of the meeting on 19 December 2014 and the agenda were issued to members on 26 November vide LC Paper No. CB(1)298/14-15.)

Special meeting on 3 December 2014

4. The Chairman reminded members that a special meeting had been scheduled for Wednesday, 3 December 2014 from 9:00 am to 10:35 am to discuss two items, namely "Revitalization of Bridges Street Market, Former Fanling Magistracy and Haw Par Mansion under the Revitalizing Historic Buildings Through Partnership Scheme" and "Tung Chung New Town Extension Study - Stage 3 Public Engagement". He advised that the agenda for the meeting had been issued to members on 11 November 2014.

Items for discussion

5. Referring to item 12 on the Panel's "List of Outstanding Items for Discussion" (LC Paper No. CB(1)241/14-15(01)), i.e. "Review of the Functions of the Town Planning Board and Related Issues", Dr Kenneth CHAN suggested that matters related to amendments to the Town Planning Ordinance, functions of the Town Planning Board, the town planning procedure, etc. be discussed by the Panel as soon as possible having regard to the fact that two court judgments (CACV 127/2012, CACV232/2012 and 233/2012) related to these matters had been handed down in November 2014. Dr CHAN said that he had written to the Chairman on the suggestion. The Chairman advised that he had received the letter a few hours before. He would instruct the Clerk to circulate the letter to members and would follow up the matter with the Administration.

(Post-meeting note: The letter from Dr Kenneth CHAN was circulated to members vide LC Paper No. CB(1)299/14-15 on 26 November 2014.)

6. Miss CHAN Yuen-han was concerned about the over-concentration of implementation of capital works projects at present vis-à-vis the possible sharp decrease in the volume of construction outputs in the public sector in the next few years due to the slow progress of endorsement/approval of funding proposals concerning capital works projects at the Public Works Subcommittee ("PWSC")/Finance Committee ("FC") in 2014. She opined

that undertaking many capital works projects within a short time had pushed up project costs and led to the cost overruns of a number of capital works projects recently. A possible decline in the volume of construction outputs in future would affect the livelihood of construction workers. Miss CHAN considered it important for the Administration to appropriately adjust the volume of capital works projects having regard to, inter alia, the delivery capacity of the construction industry to ensure a sustainable capital works programme. She suggested that the matter be discussed at a meeting of the relevant committee such as the Panel.

7. Mr LEUNG Che-cheung said that while the Administration should review the implementation schedule of capital works projects in view of the concerns about shortage of construction workers, Members should consider suitable ways to deal with the filibusters at the meetings of the relevant committees, which had obstructed the endorsement/approval of funding proposals concerning capital works projects and hence given rise to uncertainty over whether and when the projects would commence.

8. Mr YIU Si-wing shared the concern about the volume of construction outputs in the public sector in the next few years having regard to the current situation of approval of funding proposals for capital works projects. He suggested that the Administration should provide information, preferably in the form of a table, about the changes, if any, to the implementation schedules for capital works projects under planning.

9. The Chairman said that members had expressed views on issues about the implementation of capital works projects at some previous meetings. In light of members' concern, he would request the Administration to provide updated information on the matter.

(Post-meeting note: On the instruction of the Chairman, the Clerk sent a written request to the Administration on 26 November 2014 for a paper on the subject. The paper (LC Paper No. CB(1) 375/14-15(01)) was circulated to members on 22 December 2014.)

III Capital Works Reserve Fund Block Allocations for 2015-2016

(LC Paper No. CB(1)241/14-15(03) -- Administration's paper on Capital Works Reserve Fund Block Allocations for 2015-2016)

10. Principal Assistant Secretary (Treasury) (Works), Financial Services and the Treasury Bureau ("PAS(Tsy)(W)/FSTB") briefed members on the funding proposal to be submitted to PWSC and FC for the Capital Works Reserve Fund ("CWRF") block allocations for 2015-2016, the details of which were given in the Administration's paper (LC Paper No. CB(1)241/14-15(03)).

11. 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.

12. Ir Dr LO Wai-kwok enquired about a comparison of the approved funding and the actual expenditures for the block allocations under CWRF in the past two years. PAS(Tsy)(W)/FSTB advised that the Administration proposed to seek FC's approval for a total allocation of \$12,204.7 million for 2015-2016 for CWRF block allocations and the amount was comparable to the annual approved funding in the past two years. As regards the comparison of the approved funding and the actual expenditures, the Administration would provide the information after the meeting.

(Post-meeting note: The Administration's supplementary information was circulated to members on 4 December 2014 vide LC Paper No. CB(1)327/14-15(01).)

Submission of the funding proposal to the Public Works Subcommittee

13. In concluding the discussion, the Chairman said that the Panel supported the Administration's proposal to seek PWSC's endorsement of the funding proposal for CWRF block allocations as set out in LC Paper No. CB(1)241/14-15(03).

(As the proceeding of the meeting was well ahead of schedule and the public officers for the next discussion item had not yet arrived, the Chairman ordered that the meeting be suspended for five minutes.

The meeting resumed at 3:06 pm.)

IV Revision of fees under Builders' Lifts and Tower Working Platforms (Safety) (Fees) Regulation (Cap. 470A) under the purview of the Electrical and Mechanical Services Department; revision of fees and economic costs for excavation on streets maintained by the Highways Department under Land (Miscellaneous Provisions) Regulations (Cap 28A); and revision of fees for excavation in unleased land other than streets maintained by the Highways Department under Cap. 28A

(LC Paper No. CB(1)1773/13-14(01) -- Administration's paper on revision of fees under Builders' Lifts and Tower Working Platforms (Safety) (Fees) Regulation (Cap. 470A) under the purview of the Electrical and Mechanical Services Department

LC Paper No. CB(1)1773/13-14(02) -- Administration's paper on revision of fees and economic costs for excavation on streets maintained by the Highways Department under Land (Miscellaneous Provisions) Regulations (Cap. 28A)

LC Paper No. CB(1)241/14-15(04) -- Administration's paper on revision of fees for excavation in unleased land other than streets maintained by the Highways Department under Land (Miscellaneous provisions) Regulations (Cap. 28A))

14. At the invitation of the Chairman, Principal Assistant Secretary (Works)3, Development Bureau ("PAS(Works)3/DEVB") briefed members on the Administration's proposals to revise: (a) the fees under Builders' Lifts and Tower Working Platforms (Safety) (Fees) Regulation (Cap. 470A) under the purview of the Electrical and Mechanical Services Department; (b) the fees and economic costs for excavation on streets maintained by the Highways Department under Land (Miscellaneous Provisions) Regulations (Cap 28A); and (c) the fees for excavation in unleased land other than streets

maintained by the Highways Department under Cap. 28A. The details of the proposals were given in the Administration's papers, i.e. LC Papers Nos. CB(1)1773/13-14(01), CB(1)1773/13-14(02) and CB(1)241/14-15(04).

15. Members raised no questions about the proposals.

16. The Chairman suggested that, as the proceeding of the meeting was well ahead of schedule and the public officers for the next discussion item had not yet arrived, the meeting be suspended until 3:30 pm.

17. Mr Gary FAN asked whether a meeting might be cancelled under the relevant rules and procedures in the event that public officers were late for a discussion item and had not arrived at the meeting after it had been suspended for a period. Miss CHAN Yuen-han remarked that public officers were not late for the next discussion item, and the meeting was to be suspended for a short period because the proceeding was well ahead of schedule. The Chairman said that he was not aware of cases where a panel's meeting had to be suspended for a long time because public officers had yet to arrive to join the meeting. At the invitation of the Chairman, the Clerk responded to Mr FAN's question. She said that for the present case the public officers were not late and the cancellation of a meeting due to the lack of a quorum had to make reference to the number of members present at a meeting. Members agreed that the meeting be suspended for 15 minutes until 3:30 pm.

(The meeting resumed at 3:30 pm.)

V Proposed establishment of a Harbourfront Authority -- Phase II Public Engagement exercise

(LC Paper No. CB(1)241/14-15(05) -- Administration's paper on Proposed establishment of a Harbourfront Authority – Phase II Public Engagement Exercise

LC Paper No. CB(1)241/14-15(06) -- Paper on the proposal of establishing a harbourfront authority prepared by the Legislative Council Secretariat (Updated background brief))

18. When the meeting resumed, at the invitation of the Chairman, Secretary for Development (Acting) ("SDEV(Atg)") briefed members on the Phase II Public Engagement Exercise ("Phase II PE") jointly launched by the Development Bureau ("DEVB") and the Harbourfront Commission ("HC") for the proposed establishment of a Harbourfront Authority ("HFA"). Chairman of HC ("Chairman/HC") highlighted the guiding principles for the proposed establishment of HFA. Chairman of HC's Core Group for Public Engagement ("Chairman(CGPE)/HC") elaborated on the detailed framework for the operation of the proposed HFA, including its functions, composition, accountability measures, financial arrangements and harbourfront sites to be allocated to HFA. Chairman(CGPE)/HC went on to highlight major public views received so far during Phase II PE.

The existing harbourfront management model and the proposed framework of the Harbourfront Authority

19. Mr WU Chi-wai asserted that while HC had made valuable harbourfront enhancement suggestions to the Administration, the internal problems within the Administration had rendered the implementation of some of these suggestions infeasible. These problems included the lack of a governing will, the diffusion of responsibilities among Government departments, a bureaucratic and inflexible approach to park management, and a narrow interpretation of the Pleasure Grounds Regulation (Cap. 132, sub. leg. BC). He considered that if these undesirable practices were not rectified, the same problems would still persist to challenge HFA even if it was established. The Administration should, as a pilot scheme prior to the establishment of HFA, implement HC's suggestions on harbourfront management at some selected sites currently managed by the Leisure and Cultural Services Department ("LCSD"). The Administration should also ensure that LCSD would adopt a "people-oriented" approach to park management.

20. SDEV(Atg) explained that the Pleasure Grounds Regulation provided a uniform and equitable basis for LCSD to manage all the parks within the territory. Nevertheless, the Administration had endeavoured to adopt a flexible approach to park management wherever possible and justified. For instance, to enhance public enjoyment, LCSD managed the Kwun Tong Promenade in a way that was considerably different from the conventional approach. HFA, when established, could make suitable regulations/by-laws regarding the management of harbourfront sites allocated to it to better respond to the various needs of users.

21. Mr IP Kwok-him opined that the Administration had placed more emphasis on developing the harbourfront for commercial use than on public enjoyment. He indicated his support in-principle for the establishment of an HFA to develop and manage the harbourfront and urged that the positioning of HFA be clearly defined.

22. SDEV(Atg) said that Victoria Harbour had long been a working harbour and the harbourfront sites had been developed for various purposes. While the Administration had taken actions to spare the harbourfront for public enjoyment by relocating public facilities to non-harbourfront sites in recent years, the relocation process required a close interface between the relevant Government departments and would take time to complete.

23. Mr CHAN Kam-lam expressed concern about the lack of details in the proposed framework of HFA, including its remit, management model to be adopted and the amount of recurrent expenditure required. He asked the Administration to work out a clear and detailed proposal on the establishment of HFA after analyzing the public views collected during Phase II PE on the proposed framework. Dr Elizabeth QUAT expressed similar concerns.

24. SDEV(Atg) advised that taking into account the public views on the establishment of HFA collected during Phase I PE between October 2013 and January 2014, including the public's aspiration for a new harbourfront development and management model, DEVB and HC had drawn up a proposed framework of HFA, as detailed in the Administration's paper and in the public engagement consultation digest, for further discussion in Phase II PE.

Powers and functions of the proposed Harbourfront Authority

25. Mr Albert CHAN recalled that the Subcommittee on Harbourfront Planning established under the Panel on Development had conducted an overseas visit to study waterfront developments in some cities in the United States and Canada in 2011. The Subcommittee observed that in these cities, dedicated authorities vested with adequate power and financial support had been established to undertake waterfront development projects. He urged the Administration to make reference to these overseas experiences when pursuing the establishment of an HFA.

26. Dr Kenneth CHAN said that the Civic Party supported the establishment of an HFA. Given that the establishment of an HFA would not affect the scope of existing laws and derogate from the existing powers and functions of relevant Government departments and statutory bodies, he enquired whether the proposed HFA would have adequate power to fulfil its ambitious vision and meet high public expectations.

27. Dr Fernando CHEUNG considered that HFA would have conflicting roles in exercising the executive, monitoring, advisory and advocacy functions simultaneously. There would also be a conflict of interest for the proposed HFA to seek a balance between maximizing commercial return and safeguarding public interest in undertaking harbourfront development projects.

28. Mr IP Kwok-him opined that there was an overlap of functions between the proposed HFA and those Government departments which were currently managing the harbourfront sites. He called on the Administration to delineate the responsibilities of the various parties in respect of harbourfront management. Chairman/HC said that the management responsibilities of Government departments in allocated harbourfront sites would be transferred to HFA. For other general matters related to harbourfront development (e.g. approval of building and town planning applications), the Government departments concerned would continue to exercise their existing powers and perform their functions.

29. Mr CHAN Kam-lam said there were views that, to deliver a vibrant harbourfront for public enjoyment, the Administration should better coordinate the work of various concerned departments and strengthen the advisory and advocacy roles of HC, rather than granting HC with executive powers. Chairman/HC stressed that the proposed establishment of HFA was intended for creating a quality harbourfront for Hong Kong people and it was not the intention of HC to expand its power.

Board composition

30. The Panel noted the proposal that the HFA Board would have about 20 members, including senior public officials from relevant bureaux and departments, head of the HFA executive arm, Legislative Council ("LegCo")/District Council members from harbourfront districts and non-official members with a mix of professional expertise and experience. Board members would be appointed by the Chief Executive on a personal basis except the ex-officio members. Ms Emily LAU opined that the Chief

Executive should appoint independent-minded individuals who would express different views to the HFA Board instead of political cronies. Mr Frederick FUNG expressed concern that members, including District Council members were only to be appointed in their personal capacities. Miss Alice MAK suggested that HFA should establish committees under the Board to engage members of the public in harbourfront development.

31. Chairman/HC said it was recommended that different stakeholders would be represented in the proposed HFA through board representation in the Board. He said that reference would be drawn to the existing composition of HC, which included members with diverse backgrounds to reflect the views of the local communities, interest groups and professionals, etc. SDEV(Atg) added that there would be a Chairman and a Vice-Chairman in the HFA Board with one being a public official and the other a non-official. The public official concerned would help monitor HFA to ensure its proper functioning.

32. Mr Albert CHAN indicated his objection to the proposed composition of the HFA Board and opined that the proposed HFA should resemble the former Municipal Council to have its members returned from election. He suggested that, to enhance its legitimacy and representativeness, the HFA Board should be elected from among the directly elected Members of LegCo and the District Councils as well as professionals nominated by these Members. Mr IP Kwok-him concurred with the view that HFA should undertake measures to enhance its transparency and representativeness but considered Mr CHAN's suggestion of introducing an electoral system to the HFA Board impractical.

33. SDEV(Atg) took note of members' suggestions and advised that the Administration would consolidate all the views received after the end of Phase II PE in considering the way forward.

Public accountability measures

34. Mr LEUNG Che-cheung said that the Democratic Alliance for the Betterment and Progress of Hong Kong had been supportive to the proposal of establishing an HFA, but was worried that HFA would have too much power and become an "independent kingdom". Mr CHAN Kam-lam and Dr Elizabeth QUAT raised similar concerns. Mr LEUNG opined that the proposed HFA, when established, should enhance its operational transparency.

35. Ms Emily LAU was worried about collusion between the Government and the business sector in the process of harbourfront development. She asked if the Administration would put in place any measures to enhance the transparency and public accountability of HFA.

36. SDEV(Atg) advised that the Administration had implemented measures to ensure an open and transparent harbourfront planning. For example, the Outline Zoning Plans ("OZPs") would have specified the land uses, development densities, etc. of the harbourfront sites. Concerns about public accountability of HFA were noted. The Administration would consider these views when taking forward the proposal of establishing an HFA.

37. Chairman/HC added that HFA would introduce measures to enhance its transparency, for example, Board meetings would be conducted openly and regular reporting of its works to LegCo would be made. He welcomed suggestions from Panel members on enhancing the transparency of HFA.

Staffing arrangement for the Harbourfront Authority

38. Mr CHAN Kin-por asked if the work of the proposed HFA could be undertaken by civil servants with the assistance of talents recruited from the private sector, rather than by setting up an independent authority. In reply, Chairman/HC said that to press ahead with harbourfront development with an innovative mindset and a more flexible management approach, talents coming from a wide spectrum of backgrounds with expertise not readily available in the civil service were needed.

39. Miss Alice MAK sought elaboration from the Administration on how to determine the timing for phasing out the Government officers seconded to the proposed HFA and replacing with talents recruited from the private sector. SDEV(Atg) explained that HFA would need the support of civil servants during the initial setup stage as there would be many infrastructure projects to be launched. The experience of civil servants would facilitate a close collaboration between the Administration and HFA, and hence an effective planning and implementation of these projects. It was proposed that, when the operation of HFA and its development of projects were on track with experience accumulated, HFA could start building its own independent executive team with the Government officers to be gradually phased out. At this stage, there was no timetable to phase out the civil servants to be seconded to HFA.

Allocation of land to the proposed Harbourfront Authority

40. Mr Alan LEONG queried whether the Administration had any development priority for the 73-km long Victoria Harbourfront and pre-determined position on the harbourfront sites to be allocated to HFA as well as the land uses of these sites.

41. Chairman(CGPE)/HC responded that it was the vision of the proposed HFA to develop a continuous promenade along Victoria Harbour for public enjoyment. However, as many harbourfront areas had been occupied by public facilities or held by private developers, it would be more feasible for HFA to implement "quick-win" harbourfront enhancement projects and make long-term development planning in the five selected harbourfront sites, i.e. the new Central Harbourfront, the Wanchai-North Point Harbourfront, the Kwun Tong Harbourfront, the Hung Hom Harbourfront and the Quarry Bay Harbourfront, as a start. SDEV(Atg) advised that the land uses of the harbourfront sites were specified in the relevant OZPs and the proposed HFA would develop and manage the sites according to the agreed planning parameters.

42. Dr Elizabeth QUAT enquired about the ownership of the harbourfront sites to be allocated to the proposed HFA. The Chairman asked whether HFA would be allowed to sell these sites to finance harbourfront development.

43. SDEV(Atg) said that the sites to be allocated to the proposed HFA for development and management would be Government-owned land. HFA could develop these sites for commercial use (e.g. restaurants and retail stores) in order to generate income to sustain its operation according to the respective planning parameters but it would not be allowed to sell the allocated sites. The Administration would provide a funding with the intention to cover the operation costs of the proposed HFA at the onset as well as the capital costs of harbourfront facilities.

44. Mr CHAN Chi-chuen enquired about the criteria for selecting the five harbourfront sites to the proposed HFA for development and management at the initial stage. SDEV(Atg) replied that the five selected sites to be allocated to the proposed HFA would mainly be newly reclaimed land available for development in the next few years or areas already zoned as open space in the relevant OZPs. It was hoped that HFA could immediately capitalize on its creativity and flexibility in developing these sites, which did not involve complex land issues. For other harbourfront sites (e.g. those

in Yau Ma Tei), they involved more complex issues and could be considered to be taken up by HFA at a later stage.

45. Mr LEUNG Che-cheung asked whether the remit of the proposed HFA covered the waterfront sites outside Victoria Harbour. Miss Alice MAK enquired if the waterfront in Tsing Yi would fall under the remit of HFA.

46. SDEV(Atg) advised that the harbourfront area within the statutory harbour limit would all fall within the advisory function of the proposed HFA. Having regard to the sizable harbourfront area and the amount of harbourfront development works to be involved, it would be prudent for HFA to adopt an incremental approach by developing the five selected harbourfront sites at the initial stage.

Engagement with the local community

47. Mr Frederick FUNG asked whether the proposed HFA would engage District Councils in organizing activities and boosting local economy. Chairman/HC said that HFA would collaborate with the District Councils to work out district-based harbourfront enhancement plans. SDEV(Atg) supplemented that HFA would set up working groups to assist itself in specific areas of focus. District Council members would be invited to participate in these groups as co-opt members.

48. Miss CHAN Yuen-han expressed her support for a dedicated HFA to develop and manage the harbourfront. While agreeing to take a place-making approach in developing the harbourfront, she asked if the Administration had adopted other creative measures in harbourfront development. She further suggested that the proposed HFA should devolve its powers to the local community for developing the harbourfront.

49. SDEV(Atg) advised that the Administration had been working closely with HC and its predecessor to enhance the harbourfront for public enjoyment over the past decade. To meet public aspirations for a more vibrant harbourfront, the Administration had proposed the establishment of an HFA to enhance both the hardware and software for harbourfront planning, i.e. the provision of facilities and organization of activities.

50. Chairman/HC added that the dedicated HFA would be empowered to make its own by-laws and would have greater discretion to implement regulations that suited the needs of harbourfront users instead of following

the "one-size-fits-all" model currently adopted by LCSD in managing the parks. Chairman(CGPE)/HC considered that HC had tried its best to create a vibrant harbourfront under the existing framework. Yet, the existing framework was not conducive to the development of a world-class harbourfront, which should contain features different from just an ordinary pleasure ground/park to be managed by LCSD. Unlike other world-class harbourfront cities, currently there was no dedicated Government department in Hong Kong to undertake a holistic approach in the planning, design, operation, management and promotion of the harbourfront (as a one-stop shop). Therefore, HC held the view that a dedicated HFA should be set up in Hong Kong to take forward harbourfront development holistically with an innovative mindset and a more flexible management approach.

Financial arrangements

51. Miss Alice MAK opined that the proposed HFA should not follow the practice of the West Kowloon Cultural District Authority to which a one-off upfront endowment was granted. Mr IP Kwok-him held a similar view and considered that LegCo should play a role in approving the funding of the proposed HFA.

52. SDEV(Atg) replied that, instead of providing an upfront endowment, it was proposed that the Administration would set aside a dedicated fund within the Administration and HFA could, subject to LegCo's approval, apply from the fund for funding, which would include capital costs and operating costs covering, say, the first five years of its operation.

53. Given the anticipated difficulty for the proposed HFA to generate enough income, Mr CHAN Kin-por was worried that the projects to be undertaken by the authority would incur cost overrun and become "white elephants". He questioned whether the authority could be financially self-sustainable after five years of operation and sought information about the size of the dedicated fund to be earmarked for HFA. Mr WU Chi-wai enquired about the estimated annual recurrent expenditure of HFA.

54. SDEV(Atg) responded that a financial consultancy study would be conducted to assess the estimates of funding required for the proposed HFA. The study was expected to be completed by early 2015. He advised that some of the sites to be allocated to the proposed HFA would be developed for commercial use, hence the authority would be able to generate income from commercial activities to support its operation.

55. Mr Albert CHAN suggested that, to secure an independent and stable source of income, the proposed HFA should be financially supported by government rates collected on properties located at the harbourfront areas and revenues generated from the harbourfront sites used for commercial development. SDEV(Atg) responded that in making the financial arrangement for the operation of the proposed HFA, there was a need to strike a balance between the concern that HFA would become an "independent kingdom" and the need for HFA to be financially sustainable.

56. Dr Fernando CHEUNG opined that, while commercial elements should not be excluded from harbourfront development, the proposed HFA should introduce measures to encourage the operation of social enterprises and small businesses in the harbourfront areas. He was worried that if the proposed HFA was required to operate on a self-financing basis, it would become profits-oriented and compromise its vision of creating a harbourfront for public enjoyment. He considered that the operation of the proposed HFA should be financed by the Administration based on the actual need of the authority. Dr Kenneth CHAN expressed concern that HFA might either be short of sufficient funding to fulfil its ambitious vision or become over-commercialized in order to sustain its operation.

57. Chairman/HC said that any commercial development in the harbourfront could only take place in accordance with the planning parameters as set out in the OZPs. Under the relevant OZPs, only a limited amount of gross floor area within the proposed allocated sites would be allowed for commercial use. Moreover, the sites for commercial uses allowed would not be all developed as shopping centres, offices or residential blocks, but would leave room for the development of small shops. SDEV(Atg) elaborated that, instead of profit maximization, HFA would ensure a balanced mix of commercial uses in the allocated sites to cater for the needs of the local community as well as to bring vibrancy.

58. Mr CHAN Chi-chuen held the view that the proposed establishment of HFA was a trial with no guarantee of success. He questioned how the Administration would evaluate the performance of HFA and whether it would inject further funds into it in the event that it failed to achieve fiscal balance within the first five years of its operation.

59. Chairman/HC explained that HFA would strive to maintain a balance of commercial return and social objectives. To measure its performance, HFA would draw up key performance indicators with set targets and

benchmarks. It was proposed that HFA would be required to report its work to LegCo regularly. Chairman(CGPE)/HC further advised that, while the proposed establishment of HFA was some sort of a pilot scheme, HFA was well poised for success with lots of successful overseas precedents. He believed that the adoption of the one-stop holistic approach in the planning, development and management of the harbourfront sites, and an incremental development strategy to accumulate its experience would also help contribute to the success of HFA.

Other issues

60. The Chairman asked if there would be any development plan on the waterbody of Victoria Harbour. Ms Emily LAU suggested that water transportation in Victoria Harbour should be promoted to enhance passenger convenience and alleviate the traffic congestion on the roads.

61. Chairman(CGPE)/HC advised that the proposed framework of HFA as set out in Phase II PE mainly focused on the development and management of the harbourfront sites. Nevertheless, it was proposed that HFA would perform an advocacy role in advising the Administration on the holistic and strategic development of the harbourfront and associated water-land interface issues. SDEV(Atg) said that the Administration would explore the feasibility of providing water transportation and continue to organize activities such as dragon boat and cross-harbour swimming races in Victoria Harbour.

VI Archaeological features discovered at To Kwa Wan Station of the Shatin to Central Link and their proposed preliminary conservation and interpretation plans

(LC Paper No. CB(1)241/14-15(07) -- Administration's paper on archaeological features discovered at To Kwa Wan Station of the Shatin to Central Link and their proposed preliminary conservation and interpretation plans

LC Paper No. CB(1)241/14-15(08) -- Paper on policy relating to preservation of historical remains discovered at works sites and archaeological

discoveries at To Kwa Wan Station prepared by the Legislative Council Secretariat (Background brief))

62. SDEV(Atg) briefed members on the archaeological features discovered at the works site of To Kwa Wan Station of the Shatin to Central Link ("SCL") and the proposed preliminary conservation and interpretation plans for the archaeological discoveries. With the aid of a powerpoint presentation, Executive Secretary (Antiquities & Monuments), Leisure and Cultural Services Department ("ES(AM)/LCSD") highlighted the four conservation options for Well J2 and the associated water channel, and the two conservation options for the stone structures in Adit C. All the conservation options were proposed by the MTR Corporation Limited ("MTRCL").

63. Construction Manager -- Shatin-to-Central Link (Civil), MTRCL ("Construction Manager/SCL (Civil)/MTRCL") went on to elaborate on the construction risks of the various conservation options, the associated modification of station design and construction method, and the overall impact of the archaeological work on the SCL project. Under Secretary for Transport and Housing ("USTH") advised the Panel that the Administration was consulting the Antiquities Advisory Board ("AAB") on the proposed conservation options for the archaeological discoveries with a view to confirming the conservation plan as soon as possible. The Administration aimed to facilitate the conservation of the discoveries without giving rise to further delays and additional costs to the continual implementation of the SCL works.

(Post-meeting note: A soft copy of the powerpoint presentation materials was circulated to members vide LC Paper No. CB(1)293/14-15(01) by email on 26 November 2014.)

Conservation options for Well J2 and the stone structures in Adit C

64. Mr CHAN Kam-lam held the view that the Administration should protect the archaeological features discovered at the works site of To Kwa Wan Station, while minimizing the impact of the archaeological work on the progress of the SCL project and the additional costs to be incurred. He considered that the "removal by hand after recording" option (i.e. Option 1) for Well J2 and the associated water channel and the "preservation by

record" option (i.e. Option 2) for the stone structures in Adit C could meet the above goals. SDEV(Atg) said that Mr CHAN's view would be conveyed to AAB for its consideration.

65. Mr Michael TIEN noted that the Administration had decided to preserve most of the archaeological features discovered at the works site of To Kwa Wan Station in-situ while considering a number of conservation options for Well J2 and the associated water channel as well as the stone structures in Adit C. He queried whether this was due to the lower heritage value of Well J2 and the stone structures.

66. ES(AM)/LCSD explained that it was an international practice to apply different methods to the preservation of relics in accordance with their heritage value. She advised that the heritage value of Well J2 was lower than the other stone wells found at the works site of To Kwa Wan Station due to the fact that the upper part of the well was truncated by a later-dated water channel.

67. Noting that the archaeologist engaged by the MTRCL contractor had only submitted the interim report on the archaeological work to the Antiquities and Monuments Office with the final report still pending, Dr Kenneth CHAN considered that it was too early for the Administration to decide on which conservation options should be adopted for Well J2 and the stone structures in Adit C. He opined that all the archaeological features discovered at the works site of the station should be preserved in-situ as far as possible, while further studies and discussions would be required to determine the most appropriate conservation plan for these features and the way to display them.

68. SDEV(Atg) explained that the archaeological fieldworks at the works site of the station had been substantially completed by September 2014 and on-site recordings had been completed in October 2014. ES(AM)/LCSD added that following the completion of the archaeological fieldworks, it was time for the Administration to put forward the conservation options for public discussion as the relics unearthed at the second and third archaeological work areas had been fully explored. She further advised that it would take time for the archaeologist to process the large amount of relics unearthed in the three archaeological work areas within the works site of To Kwa Wan Station. The final report on the archaeological work in the first archaeological work area was expected to be available by the end of 2014, while the findings of the other two archaeological work areas were under

processing. In deciding on which conservation options to adopt, the Administration would consider the information in hand.

69. The Chairman enquired about the timing for the Administration to finalize the conservation plans for the archaeological discoveries. SDEV(Atg) advised that the Administration strived to ensure an early confirmation of the conservation plans so as to minimize the impact of the delay in the construction of SCL. The Administration briefed AAB and relevant committees of LegCo on the conservation options soon after they had been worked out, and at the same time arranged site visits to the works site of To Kwa Wan Station for members of AAB and the Kowloon City District Council. The next step was for AAB to discuss the conservation options and make its recommendation to the Administration.

Consultation and discussion on the conservation options

70. Ms Starry LEE relayed the concerns of To Kwa Wan residents that the conservation options to be adopted by the Administration should minimize the impact on the progress of the SCL project at To Kwa Wan Station. She urged the Administration to consult the District Councils of the districts to be served by SCL on the conservation options. The Chairman enquired if the Administration had consulted any organizations or professional groups on the conservation options.

71. SDEV(Atg) said that the Administration had invited members of the Kowloon City District Council to visit the works site of To Kwa Wan Station. ES(AM)/LCSD supplemented that the Administration had consulted the relevant local, Mainland and overseas archaeological experts on the heritage value and preservation methods for the archaeological discoveries and forwarded their views to AAB for consideration.

72. Dr Helena WONG suggested that LegCo Members should conduct a visit to the works site of To Kwa Wan Station and exchanged views with AAB members regarding the merits of various conservation options. The Chairman advised that the Panel on Transport and some other LegCo Members had paid a visit to the works site in June 2014 and a further site visit could be organized if members considered it necessary. SDEV(Atg) said that members who were interested in joining the site visits to be conducted on 26 November for AAB members or on 1 December for the Kowloon City District Council were welcome to contact Deputy Secretary for Development (Works)¹ ("DS/DEV(W)¹").

73. Mr WU Chi-wai considered that AAB should exercise its professional judgment when deciding on which conservation options should be adopted. He enquired if the decision of AAB would be affected by the views of LegCo Members. Dr Helena WONG asked whether AAB had made any recommendation to the Administration on how to preserve Well J2 and the associated water channel.

74. ES(AM)/LCSD responded that AAB had been briefed on the four conservation options proposed by MTRCL but had not discussed these options at its meeting on 20 November 2014, as its members had yet to visit the works site of To Kwa Wan Station and listen to the views expressed by the public on the subject. After conducting the site visit and hearing public views, AAB would consider the options based on the heritage value of the archaeological features concerned and make a recommendation to the Antiquities Authority (i.e. the Secretary for Development). DS/DEV(W)1 supplemented that AAB meetings were open to the public. The discussion papers and minutes of the meetings were also posted on AAB's website for public information.

Display of the archaeological features

75. Mr WU Chi-wai enquired why the display of Well J2 and the associated water channel would be difficult if Option 3 or Option 4 was adopted, and whether in-situ preservation of these two features would be impossible if they were to be displayed for public appreciation. Dr Kenneth CHAN asked whether AAB had studied ways to allow the public to view these features, if to be preserved in-situ, from the ground level.

76. ES(AM)/LCSD replied that, while the public could appreciate the incomplete upper part of Well J2 under all conservation options, the internal structure of the stone well, embedded underground and surrounded by loose soil, could only be displayed under Option 1, i.e. removal of the features by hand after recording, to be followed by reassembling. This conservation option would also enable the archaeologist to dissect Well J2 so as to better understand the construction method at that time.

77. In response to Dr CHIANG Lai-wan's enquiry about the impact of the archaeological work on the proposed carriageway of Road L9 in Kai Tak Development, SDEV(Atg) advised that the Administration had changed the alignment of the proposed carriageway, i.e. to divert the carriageway from the location of the stone wells discovered to facilitate their future display.

Alternative conservation options

78. Miss CHAN Yuen-han opined that the stone wells discovered at the works site of To Kwa Wan Station might be associated with the Maritime Silk Road in ancient China. These relics, coupled with the remnants of the Lung Tsun Stone Bridge found in Kai Tak Development, should be preserved as part of a heritage cluster in order to reflect the historical characters of the area. In view of the importance of these archaeological features, she urged the Administration to further consult expert advice and work out alternative conservation options (such as construction of the station above the archaeological features) instead of rushing into a decision at this stage. Dr CHIANG Lai-wan requested the Administration to study the relationship between these archaeological features and the Maritime Silk Road.

79. SDEV(Atg) assured members that the Administration would consider Miss CHAN's view of preserving the archaeological features concerned as a heritage cluster when formulating the display and interpretation plans for these features. ES(AM)/LCSD added that the Administration had been studying the relationship between the relics discovered and the maritime trade in ancient China, with reference to the study on the relics carried out by the archaeologist of the SCL contractor. According to the preliminary findings, the unearthed relics included ceramics originated in Zhejiang and Fujian, which was a key commodity exchanged along the Maritime Silk Road during the Song-Yuan Period.

80. In view of the large amount of relics discovered at the works site of To Kwa Wan Station, Dr CHIANG Lai-wan enquired about their heritage value and suggested that the Administration should consider relocating all of them to a designated place and reinstate them for public viewing.

81. ES(AM)/LCSD replied that, while there were over 60 places in Hong Kong where Song-Yuan remains had been discovered, the extent and integrity of the relics found at the works site of To Kwa Wan Station had rendered them a rare collection of archaeological discoveries in the territory. Moreover, the remnants unearthed were within walking distance from one another. They would be displayed in the future Sung Wong Toi Park.

(At 6:25 pm, the Chairman directed that the meeting be extended for 15 minutes.)

Impact of the conservation of the archaeological features on the commissioning of the Shatin-to-Central Link

82. Mr Michael TIEN asked, if the Administration adopted Option 1 to remove Well J2 and the associated water channel and reassemble them afterwards, whether MTRCL could shorten the delay in the works of the Tai Wai to Hung Hom section of SCL and have SCL to be commissioned by mid-2019. Ms Starry LEE sought clarification on whether the delay in the construction of SCL would be limited to about 11 to 15 months under the four conservation options for Well J2 and the associated water channel.

83. Construction Manager/SCL (Civil)/MTRCL said that the conservation method of Option 1 (i.e. removal by hand after recording) was relatively simple with low construction risks. If Option 1 was adopted, MTRCL could rearrange the works sequence in order to catch up the delay but it would be difficult for MTRCL to guarantee the commissioning date of SCL at this stage. For Options 2, 3 and 4, they involved complicated construction works with certain risks arising from the construction.

84. To minimize the impact of delay caused by the archaeological work, Mr Michael TIEN, Mr WU Chi-wai and Miss CHAN Yuen-han enquired whether the Tai Wai to Hung Hom section of SCL could be commissioned with To Kwa Wan Station skipped. Mr WU Chi-wai and Dr Helena WONG further suggested that SCL could be commissioned by phases, such as commissioning the Tai Wai to Kai Tak section at the initial stage.

85. Chief Design Manager -- Shatin-to-Central Link, MTRCL explained that the stabling sidings of SCL would be located at Hung Hom Station, meaning that nearly all trains had to go to Hung Hom Station through the tunnel between To Kwa Wan Station and Ho Man Tin Station. However, the tunnel construction between To Kwa Wan Station and Ho Man Tin Station had been delayed by the archaeological work. Moreover, the archaeological work related to Wells J1 and J2, which were located within the boundary of To Kwa Wan Station, had affected the construction works of the station. Therefore, it would be technically difficult for SCL to be commissioned by phases or to skip To Kwa Wan Station.

VII Any other business

86. There being no other business, the meeting ended at 6:41 pm.

Council Business Division 1
Legislative Council Secretariat
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