

**HEC Sub-committee on
Wan Chai Development Phase II Review**

First Meeting

Date : 11 August 2004 (Wednesday)
Time : 2:30 p.m.
Venue : Conference Room, 15/F, North Point Government Offices,
333 Java Road, North Point.

Agenda

1. Election of Chairperson [Annex A - updated membership]
2. Terms of Reference [Paper No. WD 1/2004]
3. House Rules [Paper No. WD 2/2004]
4. Guiding Principles and Approach for Enhanced Public Participation
[Paper No. WD 3/2004]
5. Submission from Society for Protection of the Harbour Ltd
[Paper No. WD 4/2004]
6. Any Other Business

Secretariat,
HEC Sub-committee on
Wan Chai Development Phase II Review
August 2004

**HEC Sub-committee on
Wan Chai Development Phase II Review**

Membership (as at 5 August 2004)

- | | | |
|--|---|-------|
| 1. Mr Leung Kong-yui | Chartered Institute of Logistics & Transport in Hong Kong | |
| 2. Dr Ng Mee-kam | Citizen Envisioning @ Harbour | |
| 3. Dr Alvin Kwok/Ms Betty Ho | Conservancy Association | |
| 4. Dr Greg Wong/Dr. W K Lo | Hong Kong Institution of Engineers | |
| 5. Mr Hardy Lok | Society for Protection of the Harbour Limited | |
| 6. Mr Charles Nicholas Brooke | | |
| 7. Mr Steve Chan | | |
| 8. Mr Chan Tak-chor | | |
| 9. Dr Chan Wai-kwan | | |
| 10. Mr Patrick Lau | | |
| 11. Mr Thomas Tso, DS(PL)1/Miss Christine Chow, PAS(PL)2 | | HPLB |
| 12. Mr Thomas Chow, DS(T)1/Ms Ernestina Wong, PAS(T)5 | | ETWB |
| 13. Mr Anthony Kwan, AD(Metro)/Ms Christine Tse, DPO(HK) | | PlanD |
| 14. Mr L T Ma, PM(HKI&I)/Mr S K Lam, CE(HK)2 | | CEDD |
| 15. Mr K K Lau, DC for T(P&TS)/Mr Thomas Thumb, AC/Urban | | TD |
| 16. Miss Pauline Wong, DO(WC)/Mr Donald Wong, ADO(WC) | | HAD |
| 17. Mr Adrian Ng, PM(MW)/Mr WAN Man-leung, DPM(MW2) | | HyD |

Secretary

Mr Bosco Chan, Senior Engineer, CEDD

Secretariat,
HEC Sub-committee on
Wan Chai Development Phase II Review
August 2004

**HEC Sub-committee on
Wan Chai Development Phase II Review**

Terms of Reference

PURPOSE

This paper seeks Members' comments and endorsement on the proposed terms of reference of the HEC Sub-committee on Wan Chai Development Phase II Review.

TERMS OF REFERENCE

To assist HEC in monitoring and giving advice on the Planning and Engineering Review of Wan Chai Development Phase II (the Review).

Specifically, the Sub-committee will –

- (a) Provide comments on and monitor the planning, design and development issues including land use, transport and infrastructure, landscaping and other matters relating to the implementation proposals under the Review;
- (b) Advise on the public involvement strategy at various stages of the Review; and
- (c) Report to HEC on its findings and recommendations on a regular basis.

Secretariat,
HEC Sub-committee on
Wan Chai Development Phase II Review
August 2004

**House Rules for
the Harbour-front Enhancement Committee ("HEC")
and its Sub-committees**

At its meeting on 8 July 2004, the HEC Chairman and Members requested the HEC Secretary to prepare a set of house rules on the operation of the HEC and its Sub-committees for Members' consideration. The following house rules covering the major issues are proposed.

Individual Sub-committees may, in line with the following principles, map out rules specific or suitable to the contexts of their own operations.

1. Chairmanship

If the Chairman cannot attend a meeting or part of a meeting, Members present shall elect among themselves a Member to preside at the meeting.

2. Membership

- (a) Each of the non-official member organizations of the HEC can designate one alternate Member. The alternate representation system does not apply to non-official members who are appointed in their personal capacity.
- (b) The HEC shall not have co-opted members.
- (c) At the Sub-committee level, each non-official member organizations can designate one alternate Member. The alternate Member should be the same as in the HEC. The alternate representation system does not apply to non-official members who are appointed in their personal capacity.
- (d) Co-opted Members are allowed in the Sub-committees. They shall be appointed by the Chairman of the HEC. The number of co-opted Members in the Sub-committee shall not exceed one-third of the Sub-committee membership. The co-opted Members shall have voting rights, but they shall not have any alternate.

3. Quorum

The quorum for any HEC meeting shall be no less than half of the membership, one of whom must be the Chairman or the Member Presiding.

For any meeting of the Sub-committees, the quorum shall be no less than half of the membership (co-opted members inclusive), one of whom must be the Chairman or the Member Presiding.

4. Voting

- (a) Any matters put to the HEC for voting shall be decided by a majority of the votes of the Members present and voting. The Chairman or the Member Presiding shall, if the votes be equally divided, have a casting vote in addition to his/her original vote.
- (b) All matters put to the Sub-committee for voting shall be decided by a majority of the votes of the Members present and voting. The Chairman or the Member Presiding shall, if the votes be equally divided, have a casting vote in addition to his/her original vote.

5. Request for submission of views to the HEC

The HEC Secretariat shall give a regular progress report on all submissions and requests to the HEC. Only subject matters falling within the terms of reference of the HEC will be further processed. The Secretariat will arrange for the circulation of all such submissions to the HEC members for perusal. The Chairman may, at the request of any Member, include such submissions onto the agenda.

The secretariat(s) of the Sub-committees shall give a regular progress report on all submissions and requests to the Sub-committees. Only subject matters falling within the terms of reference of the HEC and the respective Sub-committee will be further processed. The secretariat(s) will arrange for the circulation of all such submissions to the Sub-committee members for perusal. The Chairman may, at the request of any Member, include such submissions onto the agenda.

The following categories of requests / submissions shall not be accepted for presentation or discussions at the HEC or any of its Sub-committees –

- (a) submissions involving private / commercial interests; or
- (b) projects which have completed the due process of project authorization and funding approval for construction works.

6. Declaration of Interests

- (a) If a Member (including the Chairman or the Member Presiding) has any pecuniary interest in any matter under consideration by the HEC, a declaration has to be made and be recorded.
- (b) The Chairman (or the Member Presiding) or the meeting shall decide whether the Member should withdraw his/her participation in the discussion.

7. Frequency and mode of meetings

- (a) The HEC shall meet about once every two months. Other meetings may be arranged as necessary. All HEC meetings shall be open to the public and the press. Press briefing after the meetings by the Chairman or the Member Presiding may be held as necessary. The agenda, papers for discussion and minutes of meetings shall be uploaded onto the HEC website for public information.
- (b) The Sub-committees shall meet once every two months, or as Members consider necessary. The Sub-committee meetings shall be open to the public and the press. Press briefing after the meetings by the Chairman or the Member Presiding may be held as necessary. Further press enquiries should be referred to the Sub-committee secretariats. The Sub-committees should make regular progress reports to the HEC on its major findings and recommendations. The HEC shall have the final decision on the major recommendations made by the Sub-committees. The agenda and minutes of the Sub-committee meetings will be uploaded onto the HEC website. The Sub-committees shall have the right to decide whether all discussion papers have to be uploaded to the HEC website for public information.

Secretariat,
HEC Sub-committee on
Wan Chai Development Phase II Review
August 2004

**Harbour-front Enhancement Committee
Sub-committee on Wan Chai Development Phase II Review**

**Guiding Principles and
Approach for Enhanced Public Participation**

PURPOSE

This paper seeks Members' suggestions and advice on the guiding principles for assessing the alternative Trunk Road alignment options and the associated land use proposals of the planning and engineering review of Wan Chai Development Phase II (WDII Review) and the approach for enhancing public participation.

BACKGROUND

2. In light of the judgment of the Court of Final Appeal (CFA) related to the interpretation of the Protection of the Harbour Ordinance (PHO), the Government undertook to conduct the WDII Review on the development and reclamation proposals for the Wan Chai Development Phase II (WDII) project. The WDII Review commenced on 11 March 2004 and Members were briefed on its scope, approach, methodology and programme on 6 May 2004 (Paper No. 4/2004). The PHO, and in particular the "overriding public need test" laid down by CFA, must be observed in the WDII Review and the extent of any proposed reclamation should not go beyond the minimum of that which is required by the overriding need.

3. The Citizen Envisioning @ Harbour (CE@H) proposed, in the submission to the Harbour-front Enhancement Committee (HEC) that was discussed at the meeting held on 8 July 2004 (Paper No. 7/2004), to examine the economic, environmental and social implications of carrying out the WDII project and to engage different stakeholders, including the general public, in the review process.

4. The HEC supported the overall principle of enhancing public participation and directed the Sub-committee on Wan Chai Development Phase II Review to consider CE@H's proposal further.

OBJECTIVES OF WDII

5. There is a compelling and present need to alleviate the heavily congested traffic conditions along the northern shore of Hong Kong Island. The main objective of WDII is therefore to make provision for building the Trunk Road which comprises the Central – Wan Chai Bypass (CWB) and the Island Eastern Corridor Link (IECL), and the associated connecting roads.

6. The Trunk Road is the final and most vital road link that is currently missing on the northern shore of Hong Kong Island. This conduit is needed to divert through traffic away from the Central Business District, to cater for anticipated traffic growth beyond 2006 and to alleviate congestion on existing road networks (already operating at capacity) that feed into Central from the east to the west, and vice versa. At the HEC meeting held on 8 July 2004, Transport Department has explained to Members the compelling and present need and the gain to be achieved in building the Trunk Road.

7. In making provision for building the Trunk Road, an opportunity will arise for the development of an attractive waterfront promenade, on land formed for the Trunk Road, for the enjoyment of the public. By optimising the design and landscaping of both the existing and planned public open spaces, enhancing pedestrian connection to the adjoining areas, providing more supportive and participatory facilities/functions at the waterfront, and introducing wider variety of land-based and water-based activities, the vision to create a vibrant harbour-front and to bring people to the harbour and the harbour to the people can be attained.

GUIDING PRINCIPLES

8. Having satisfied that there is a compelling and present need for the Trunk Road and that some reclamation is required for the Trunk Road due to constraints such as MTR Tsuen Wan Line immersed tube tunnel, Cross Harbour Tunnel, Hong Kong Convention and Exhibition Centre and its Extension and other existing developments and facilities in Wan Chai North,

the Trunk Road, and the associated land uses, have to be planned for attaining sustainable development. Ensuring sustainability is a principle entrenched in the planning of all development projects. For assessing alternative Trunk Road alignment options and the associated land uses, all considerations, including the social, environmental and economic implications of the planning options, have to be examined. In this respect, guiding principles from the perspectives of society, environment and economy have to be formulated.

9. For the Trunk Road and the associated connections, the social guiding principles should include the ability to meet the functional requirements of alleviating the heavily congested traffic conditions along the northern shore of Hong Kong Island by the target date of 2012, having minimal impact on existing facilities and other planned projects and least disruption to existing traffic arrangements during construction.

10. As for the waterfront promenade and other planning matters, the opportunity to provide a continuous, attractive, vibrant, active and accessible waterfront with sufficient and quality open space and equipped with alternative transport modes for people from afar should be considered under the social perspective of the guiding principles.

11. Minimizing environmental impacts both during construction and on completion must be included in the list of environmental guiding principles. Emphasis should be placed on minimizing potential visual, noise, air quality and water quality impacts.

12. As for the economic aspect, effective resource deployment, such as capital and recurrent costs, and economic costs have to be considered.

13. The guiding principles when agreed will be followed in assessing recommendations and proposals from the WDII Review. The application of all these guiding principles should not depart from the overriding requirement provided under section 3(1) of the PHO that the Harbour is to be protected and preserved as a special public asset and a natural heritage of Hong Kong people.

APPROACH FOR ENHANCED PUBLIC PARTICIPATION

14. It is recommended that the HEC through this Sub-committee should steer the enhanced public participation programme with the Government and

its consultant providing the necessary inputs. For achieving balanced and effective results, a multi-partner approach is suggested. CE@H and other professional institutions and interested groups represented in the HEC and the relevant District Councils will be valuable partners, and should be invited to participate in the programme.

15. For successful consensus building, CE@H opined that the planning gains to be achieved through the project should be fairly distributed to the entire spectrum of the community and a comprehensive understanding of the issues, problems, evaluations and solutions surrounding the project is needed.

16. As preparatory work, Government's consultant will identify the objectives, planning gains and various constraints of the WDII project, and formulate possible conceptual schemes for the project, with different Trunk Road alignment options, for consideration and deliberation by this Sub-committee and the partners through workshops/charrettes.

17. The outcome of the above preparatory process will be compiled into a digest for the public participation programme. Computer animated 3-D models illustrating the conceptual schemes will be prepared for easy comprehension of the proposals.

18. The principal aim of the public participation programme is to build consensus and to select the preferred development scheme for the WDII project. This is to be achieved through activities such as exhibitions, public forums, town meetings etc. The kind of activity that suits a specified sector of the community has to be worked out.

PROGRAMME

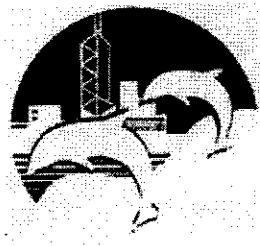
19. Necessary preparation work will start immediately so as to enable the conduction of workshops/charrettes in November 2004 for this Sub-committee and the partners to consider and deliberate on the preparatory work mentioned in paragraph 16 above. The digest for the public participation programme will then be complied with the view of rolling out the public participation programme by end 2004. The community will be engaged in deliberating the guiding principles and the conceptual schemes and in making their choice.

20. The community will be engaged again by about mid 2005 as part of the procedures for statutory gazettal of the project.

ADVICE SOUGHT

21. Members are invited to consider and advise on the guiding principles and approach for enhanced public participation as outlined above.

Secretariat,
Sub-committee on
Wan Chai Development Phase II Review
August 2004



Paper No. WD 4/2004

For discussion
on 11 August 2004

保護海港協會有限公司

Society for Protection of the Harbour Ltd

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Comments on Wanchai Development Phase Submission

(for the forthcoming HEC Meeting to be held on 8th July 2004)

Paper 4/2004 asked members to comment on the scope methodology and programme of the Review now being carried out in relation to Wan Chai Development Phase II.

The SPH would like to make the following comments on the paper and the consultants Inception Report.

Fundamental Comments

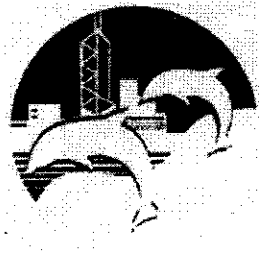
(a) Need for a New Approach

One effect of the CFA judgment was to require that proposals which may involve reclamation of the harbour, or may impinge on the long term enjoyment of the harbour by the people of Hong Kong, must be investigated and justified in a different way to the way they were done in the past. The Inception Report and the Paper are totally inadequate in this respect and represent a continuation of a narrow engineering approach which has been found to be grossly inadequate. A total change in approach is required.

(b) Scope

The Scope of the Review as outlined in the paper and Inception Report is inadequate and unacceptable.

The whole basis for the study is to "Confirm the optimal layout with respect to the functionality and traffic pertaining to the CWB and IECL Trunk Road and, where there may be consequential reclamation, meeting the CFA's "overriding public need test".



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Comments on Wanchai Development Phase Submission

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This is wrong. The starting point must be an assessment of the need for the CWB in relation to other alternatives for transportation, in the context of the PHO. As this will not be carried out in this study the whole basis of the Review cannot be considered to be in accordance with the PHO and the requirements of the CFA. In view of this the SPH cannot endorse the study as a matter of principle and urges the HEC to confirm this view.

Should the Review continue in the manner proposed it leaves itself open to challenges as having been carried out inadequately. This point is made so that in future there is no unnecessary waste of public money or time.

(c) Need for CWB

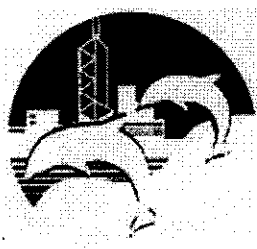
In paragraph 2.4.4 of the Inception Report it is stated:-

"The need for the Trunk Road has been established by Transport Department, who will provide substantiation in this regard for the Trunk Road project in compliance with the Overriding Public Need Test. For the purpose of this Review, the Trunk Road shall be deemed to include the slip roads from the Trunk Road up to or down to ground level."

It is clear from this statement that the need for CWB has not been re-assessed or justified in accordance with the CFA decision. It is also considered entirely inadequate for the need for the CWB to be justified separate from this Review. Logically, they must be closely related in this process and done as one project.

The process by which the CWB is to be justified must be open and transparent and cannot be a matter decided by Transport Department. It is also a matter which must be carefully considered and debated by the HEC.

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Comments on Wanchai Development Phase Submission

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(d) No Harbour-front Enhancement, No Consideration of Creating a Public Amenity

The whole approach in the Review is dominated by the need to accommodate roads and this approach is no longer consistent with public requirements. It is also inconsistent with the Town Planning Board's Vision for the Harbour. The only reference to the intention for the waterfront promenade is a negative one:-

Para. 3.3.8 "It is important to note that proposals for the waterfront promenade must be confined to land formed by reclamation for the transport infrastructure and associated reprovisioning of affected facilities or engineering infrastructure."

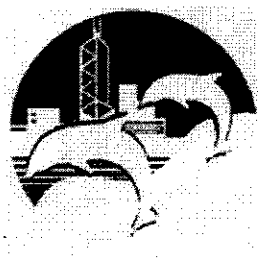
Public usage of a high level of amenity along the waterfront must be the over-riding priority in this study, and it is not even mentioned. Public amenity remains an after-thought following massive engineering infrastructure.

The SPH would like to record that the provision of public pedestrian access and use of the harbour-front should be able to meet the "Over-riding Public Need Test" more easily than the need to fill in the harbour for roads and cars. The "minimum impairment" criteria must be applied to ensure that the amount of such "amenity" reclamation is within acceptable limits.

It is therefore essential that the brief for the Review be re-written and to start with the objective of creating a continuous and better public waterfront. As part of this process the use of existing areas of public land along the waterfront should be reviewed and inappropriate Government uses removed.

Detailed Comments

There are many points of detail, such as the approach to be taken when assessing costs, which could be made, but it is proposed that these should be considered after the Fundamental Points have been addressed.



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Comments on Wanchai Development Phase Submission

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Conclusion

In view of the comments made above the SPH would like to summarize its views as follows:-

1. The starting point of the Review is fundamentally wrong as the prime objective must be to enhance the harbour-front for public use;
2. The Review must be integrated with the justification for the CWB as one study. If this is not done the Review will not be able to meet the CFA test.
3. The SPH cannot endorse the Review and Inception Report in its present form and wishes that this be recorded.
4. The HEC is requested to advise the Government that the Review is not acceptable in terms of scale, methodology and program and that a revised scope be submitted for consideration of the Committee taking account of the above comments and others that may be raised by members.

- End -