

1. The meeting was resumed at 9:10 a.m. on 29.11.2013.
2. The following Members and the Secretary were present at the resumed meeting:

Mr Thomas T.M. Chow Chairman

Mr Stanley Y.F. Wong Vice-chairman

Professor S.C. Wong

Mr Timothy K.W. Ma

Dr C.P. Lau

Mr Clarence W.C. Leung

Mr Roger K.H. Luk

Ms Anita W.T. Ma

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Patrick H.T. Lau

Mr F.C. Chan

Deputy Director of Environmental Protection  
Mr C.W. Tse

Assistant Director (2), Home Affairs Department  
Mr Eric K.S. Hui

Director of Lands  
Ms Bernadette H.H. Linn

Director of Planning  
Mr K.K. Ling

Presentation and Question Session [Open Meeting]

3. The following representatives of the Planning Department (PlanD) and the Civil Engineering and Development Department (CEDD), and commenter were invited to the meeting at this point:

Miss Elsa Cheuk	Chief Town Planner/Special Duties (CTP/SD), PlanD
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Mr Timothy Lui	Senior Town Planner/Special Duties (STP/SD), PlanD
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Mr Lam Chun Tak	Senior Engineer/Hong Kong (SE/HK), CEDD
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C1691 (Kwok Sun Tam)

Mr Tam Kwok Sun	Commenter
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4. The Chairman extended a welcome and explained the special arrangements for hearing the large number of representations and comments in respect of the Outline Zoning Plan (OZP). Each representer/commenter was allocated a total of 10 minutes' speaking time. If an authorised representative was appointed by more than one representer/commenter of the same session to represent them, that authorised representative might use the cumulative time allotted to all the persons he represented to make his oral submission. Request for further time for oral submission from a representer/commenter or his authorised representative would be considered by the Board. If his request was allowed by the Board, he would be either given further time in the same allotted session to make his submission (if time permitted), or notified of the date when he would be invited to return for such purpose.

5. Mr Tam Kwok Sun (C1691) questioned the legality of the 10-minute time limit for oral submissions. The Planning and Lands Branch of the Development Bureau had issued a letter to the Legislative Council on 20.1.2011 saying that every member of the public would be given sufficient time to present views on an OZP. The Town Planning Ordinance (the

Ordinance) also required the allowance of sufficient time for representers and commenters to make oral submissions. Mr Tam considered that the Board would breach the law if time restrictions were imposed on making oral submissions.

6. In response to the Chairman's question on his request for extension of time for his oral submission, Mr Tam indicated that around 30 to 45 minutes would be required and his submission would confine to an elaboration of the grounds already made to the Board.

7. The Chairman said that 45 minutes would be allowed for the oral submission of Mr Tam Kwok Sun. For the efficient conduct of the meeting, the Chairman asked the commenters not to repeat unnecessarily long the same points that had already been presented by previous representers/commenters.

8. In response, Mr Tam Kwok Sun did not agree that the Chairman had the power to set time limit and to grant extension of time as he should have a right under the law to provide sufficient time for making oral submissions to the Board under the Ordinance.

9. The Chairman further explained the special arrangements for the hearing of about 19,000 representations and comments received in respect of the draft Central District (Extension) OZP No. S/H24/8, of which over 1,000 representers and commenters had indicated that they would attend the meeting. The Board was bound by the Ordinance to complete the plan-making process within a statutory time limit and had to schedule 16 days to hear the representations and comments even with the imposition of a 10-minute time limit on oral submissions. According to section 2C(3) of the Ordinance, the Board could determine its practice and procedure at its meeting. Having taken into account all relevant circumstances and matters, the Board collectively decided to impose a 10-minute time limit on the oral submission of each representer/commenter. Nevertheless, flexibility was provided for the Board to exercise its discretion to extend the speaking time of individual representer/commenter upon request with justifications.

10. The Chairman said that an additional 35 minutes which made up a total of 45 minutes were allowed for the oral submission of Mr Tam Kwok Sun (C1691). He then invited the representatives of PlanD to brief Members on the background to the case.

[Mr C.W. Tse returned to join the meeting at this point.]

11. With the aid of a Powerpoint presentation, Miss Elsa Cheuk, CTP/SD, repeated the presentation that was made in the hearing session on 4.11.2013 as recorded in paragraph 21 of the minutes of 4.11.2013.

[Ms Anita W.T. Ma, Mr Clarence W.C. Leung and Ms Bernadette H.H. Linn returned to join the meeting at this point.]

12. The following commenter and commenter's representative arrived to join the meeting at this point:

C1366 (Shu Wing Lam)

Mr Tsang Lok Him

Commenter's Representative

C1665 (Ng Pui Yuen)

Mr Ng Pui Yuen

Commenter

13. The Chairman extended a welcome to Mr Tsang Lok Him (C1366) and Mr Ng Pui Yuen (C1665) who had just arrived to join the meeting and briefly explained the procedure of the hearing to them. He then invited the commenters and the commenter's representatives to elaborate on their comments.

14. In response to a question from Mr Tam Kwok Sun (C1691), Miss Elsa Cheuk clarified that the responses to the major grounds of representations/comments and the representers' proposals as presented in the PowerPoint presentation were the consolidated responses of the relevant Government departments to those grounds and proposals.

C1665 (Ng Pui Yuen)

15. Mr Ng Pui Yuen made the following main points:

(a) the amendment to the OZP for rezoning the 0.3 hectare representation site

from open space to military use was not supported. The site should be retained as an open space;

- (b) a military dock for the use of the People's Liberation Army (PLA) Hong Kong Garrison (the Garrison) at the Central harbourfront in order to respect the Sino-British Defence Land Agreement (DLA) was acceptable;
- (c) the representation site would be under the jurisdiction of PLA if it was turned into a military site, and the activities of Hong Kong people within the site would no longer be governed by and protected under the laws of Hong Kong. It would be a problem in particular if Hong Kong people assembled or went for strike or protest within the site and were arrested by the Garrison;
- (d) the Central harbourfront in Victoria Harbour was a world-class harbourfront bringing great sense of belonging to Hong Kong people and attracting many tourists every year. The integrity and continuity of the entire Central harbourfront would be lost if the subject site was rezoned from open space to military use, and it would not be favoured by Hong Kong people;
- (e) PLA could declare the representation site, and even any other land in Hong Kong, for military use if there was genuine military need for defence purpose. However, in time of peace, the administration and management of the site should be vested in the HKSAR Government and the site should be for the use of Hong Kong people;
- (f) the HKSAR Government only had the obligation to fulfil the British part of DLA by reserving a 150m coastline in the Central harbourfront for a military berth of PLA. As Hong Kong was not a sovereign state, it should not do more than what had been agreed by the UK under DLA. There was no justification to rezone the subject site from open space to military use; and
- (g) the nearly 20,000 representations and comments received in respect of the OZP amendments conveyed a clear message that the majority view was against

the rezoning of the subject site from open space to military site. The HKSAR Government should hear and respect the public opinions and shelve the rezoning proposal.

[Actual speaking time of C1665: 10 minutes]

[Mr Ng Pui Yuen left the meeting at this point.]

C1691 (Kwok Sun Tam)

16. Mr Tam Kwok Sun made the following main points with the aid of a PowerPoint presentation:

- (a) commercial use was the most sensible land use in the Central District in view of the high land value and good accessibility there. Military use in the Central Business District (CBD) was illogical from the economic point of view and was not conducive to economic development. The reason for locating the military sites in the CBD of Hong Kong during the previous colonial period was merely to signify the military significance of British sovereignty in Hong Kong. As Hong Kong was no longer a British colony, there was no need for the Central Government to have military sites in the Central District for signifying its sovereignty over Hong Kong people. The military sites in Central District might make the CBD vulnerable to attacks by enemies during wartime, which was unwise. There must be an overriding public interest if land in the Central District was not put for commercial use;
- (b) Mr Anthony Neoh had stated that according to DLA signed in 1994, the then Hong Kong Government was required to leave free 150m of the eventual permanent waterfront in the plans for the Central and Wanchai Reclamation for the construction of a military dock after 1997. However, the then Hong Kong Government was unable to reserve a location for the military dock before the reunification. The Central Government should only demand the British Government for fulfilling its obligation under DLA but not the

HKSAR Government as it was not a party to DLA;

- (c) DLA only required the reservation of 150m of coastline in the eventual permanent Central waterfront for the construction of a “military dock” but did not mention the designation of a “military site” on the Central harbourfront;
- (d) on the first OZP covering the new Central Reclamation in 2000, the entire Central harbourfront was zoned “Open Space” (“O”). The military dock was only represented by a straight line annotated ‘150m Military Berth (subject to detailed design)’ on the OZP. In the submission made to the LegCo in 2002 seeking funding for the Central Reclamation Phase III project, including the construction of the military dock, it did not mention that a “military site” would be designated on the Central harbourfront. The Government all along stated that the Central harbourfront would be opened for the use of the public and the military dock would only be used by PLA occasionally. The designation of a military site on the Central harbourfront was against the vision of making Victoria Harbour a harbour for the people;
- (e) in the amended OZP of 2012, the whole Central harbourfront was still zoned “O”. However, construction of the four structures for the military dock commenced by the end of 2012 without approval of the Board. On 15.2.2013, without prior public consultation, the Government published the amended OZP and designated 0.3 hectare of land on the Central harbourfront as a permanent military site. The Secretary for Development also indicated on 21.4.2013 that CMD would be under the management and use by the Garrison through the Garrison Law. There was legal uncertainty on whether the Garrison could open up a military site for the public’s daily use;
- (f) even if CMD could be opened for public use when it was not in military use, there could be legal and management problems as citizens would not be protected by the laws of Hong Kong within the military site and the HKSAR Government would not be responsible for the daily management of the site;

- (g) the setting up of a military site on the Central harbourfront would damage the integrity and continuity of the waterfront promenade and impede people's access to the harbour. The military site was not compatible with the harbourfront environment and it would bring adverse psychological impacts on people. The ancillary structures of CMD also affected the view to the harbour;
- (h) the assertion of some people that the military dock could become a tourist attraction at the waterfront promenade was not agreeable;
- (i) the designation of a 0.3-hectare military site on the Central harbourfront was illogical, illegal and irrational. The land concerned should be retained as an open space; and
- (j) the consultation of the zoning amendment was poorly done and the setting of a time limit on hearing was unreasonable. The consultation should be conducted by the Government again.

[Actual speaking time of C1691: 45 minutes]

C1366 (Lam Shu Wing)

17. Mr Tsang Lok Him showed a video of Mr Lam Shu Wing (C1366) who made the following main points:

- (a) as an ordinary Hong Kong resident, the amendment to the OZP for rezoning the representation site on the Central harbourfront from open space to military use was not supported. The site should belong to Hong Kong people but not PLA; and
- (b) PLA should make application to the HKSAR Government if it needed any land for military use since Hong Kong was protected by the Basic Law and the Basic Law should not be overridden by the Garrison Law.

18. Mr Tsang Lok Him went on to say that it was not a good practice to impose a time limit on the oral submissions of the representers and commenters in the meeting, and the public should be consulted again on the amendment of the OZP.

[Actual speaking time of C1366: 5 minutes]

19. The Chairman drew Members' attention that a letter from Mr Au Fung Kwan (C1028), who was unable to attend the last hearing session held on 27.11.2013, stating his grounds of opposition to the OZP amendments was tabled at the meeting for Members' reference.

20. As the presentation from the Government representatives, commenters and commenter's representative had been completed, the Chairman invited questions from Members.

[Mr Tsang Lok Him left the meeting at this point.]

21. In response to the questions from a Member, Mr Tam Kwok Sun (C1691) made the following main points:

- (a) he had no further comment on Item 5 of Annex III of DLA other than views already expressed in oral submission;
- (b) he decided not to respond whether he had attended any public consultation forum of UDS in the past; and
- (c) he confirmed that he had already read the legal viewpoints in the submission of Mr Anthony Neoh on CMD.

22. A Member pointed out that Mr Anthony Neoh had wrongly quoted Item 5 of Annex III of DLA in his submission by missing out the word of 'construction' of a military dock after 1997. Mr Tam said that although Mr Neoh had made a mistake in quoting that Item, the

construction of a military dock on the harbourfront should not be interpreted as that the piece of harbourfront land should be turned into a military site. The military dock was only a 150m long coastline according to the original plan and it should not be extended to cover the inland area.

23. In response to a Member's question on how a pier/dock would be shown on the OZP conventionally, Miss Elsa Cheuk said that the pier/dock would occupy some land area for its related ancillary facilities and they would normally be zoned as "Other Specified Uses" ("OU") on the OZP. To the northwest of the CMD site on the same OZP, Central Piers 9 and 10 and their adjoining area were zoned "OU" annotated "Pier" and "Waterfront Related Commercial and Leisure Uses" to reflect their uses.

24. In response to a Member's question on why the military dock required under DLA was shown only as a line in the previous versions of the OZP but not designated with a clear land use zone, Miss Elsa Cheuk said that the public had been fully consulted on the location of the military dock at the Central harbourfront in the past when the Board prepared the OZP, leading to the approval of the OZP in 2000. As the design and area that it would occupy had not been decided at that time, the proposed military berth was represented by a straight line annotated '150m Military Berth (subject to detailed design)' on the OZP. This was in line with the established practice in showing some proposed works on the OZP which were under planning and subject to detailed design, such as the pedestrian walkways. The location of the present Central Piers 9 and 10 was also annotated 'subject to detailed design' on the previous OZP approved in 2000. CMD with its four ancillary structures and folding gates had been made known to the public during the consultation of UDS. As the detailed design and delineation of CMD had been confirmed and the construction works were near their final stage, technical amendment was made on the OZP in accordance with established practice to reflect the final delineation and land use of CMD.

25. In response to the same Member's question on how to reflect the implemented project on the OZP which were previously annotated as 'subject to detailed design', Miss Elsa Cheuk cited Central Piers 9 and 10 as an example and said that the location of the piers was previously indicated by a dotted circle covering the land area zoned "O" and the adjoining waters with the annotation of 'Piers and Waterfront Related Commercial and Leisure Uses

(subject to detailed design)' on the OZP. Upon confirmation of the boundaries and design of the two piers, the concerned piers were zoned "OU" annotated "Pier" and "Waterfront Related Commercial and Leisure Uses" respectively with the deletion of the annotation 'subject to detailed design'. The present amendment to the OZP was to reflect the final delineation and land use of CMD.

26. In response to a Member's question, Miss Elsa Cheuk said that the final delineation and boundaries of Central Piers 9 and 10 had already been confirmed and reflected in the OZP when UDS commenced in 2007. Hence, the details were shown in the UDS consultation documents.

27. As Members had no further question to raise, the Chairman thanked the remaining commenter and the Government representatives for attending the meeting. They all left the meeting at this point.

28. The meeting was adjourned for a break of 5 minutes.

29. As no more commenters or their representatives had arrived to attend the session, the meeting was adjourned at 11:10 a.m.