

1. The meeting was resumed at 9:03 a.m. on 11.12.2013.
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 Rock C.N. Chen

Professor P.P. Ho

Dr C.P. Lau

Mr Clarence W.C. Leung

Mr Roger K.H. Luk

Dr W.K. Yau

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Mr Stephen H.B. Yau

Director of Lands

Ms Bernadette H.H. Linn

Director of Planning

Mr K.K. Ling

Presentation and Question Session

[Open Meeting]

3. The following Government representatives, the commenters and the commenters' representatives were invited to the meeting at this point:

Miss Elsa Cheuk - Chief Town Planner/Special Duties (CTP/SD),  
Planning Department (PlanD)

Mr Timothy Lui - Senior Town Planner/Special Duties, PlanD

Mr C.B. Mak - Chief Engineer/Hong Kong (1) (CE/HK1),  
Civil Engineering and Development  
Department (CEDD)

C266 – Fung King Tak

Mr Fung King Tak - Commenter

C372 – Melanie Moore

Ms Melanie Moore - Commenter

C8572 – Iris Fong

Ms Iris Fong Wai Ming - Commenter

C8912 – Jing Hang Lai

Ms Yu Hin Pik - Commenter's Representative

C8941 – Phoenix Luk

C9050 – Ming Wong

Ms Katty Law Ngar Ning - Commenters' Representative

C9237 – Brandon Young Kwok Kin

Mr Brandon Young Kwok Kin - Commenter

4. The Chairman extended a welcome and explained the special arrangements for hearing the large number of representations and comments in respect of the 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. The Chairman then invited the representatives of PlanD to brief Members on the background to the case.

5. With the aid of a Powerpoint presentation, Miss Elsa Cheuk, CTP/SD, PlanD, 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.

[Professor P.P. Ho, Mr Patrick H.T. Lau, Mr H.W. Cheung and Mr Clarence W.C. Leung returned to join the meeting at this point.]

6. The Chairman then invited the commenters and the representers' and commenters' representatives to elaborate on their representations/comments. For the efficient conduct of the meeting, the Chairman asked the representers/commenters not to repeat unnecessarily long the same points that had already been presented by previous representers/commenters.

C8572 – Iris Fong

7. Ms Iris Fong said that she objected to the zoning amendment for the CMD site.

[Actual speaking time of C8572: 1 minute]

[Ms Bernadette H.H. Linn returned to join the meeting at this point.]

C8912 – Jing Hang Lai

8. Ms Yu Hin Pik made the following main points:
- (a) it was arbitrary, unfair and against procedural justice to set a 10-minute time limit for each representer/commenter as it was insufficient for them to fully express their views. As such, the 10-minute rule should be withdrawn;
  - (b) she objected to the zoning amendment for the CMD site. The waterfront was a common asset of Hong Kong people. The use of the site as a military dock was incompatible with the waterfront promenade. Handing over the management of the site to the Garrison was not in line with the public expectation of having a continuous waterfront promenade for public enjoyment. There would also be management issues especially as people strolling along the waterfront promenade had unintentionally intruded into the military dock;
  - (c) although the Garrison agreed that the CMD site would be open for public use when it was not in military use, there was no information available to the public on the opening hours and operational details of the site;
  - (d) the north-south military access from the military dock to the existing Central Barracks would interrupt the traffic along Lung Wo Road. The impacts on the traffic and pedestrians should be assessed;
  - (e) the Garrison should be requested to confirm the need and urgency for CMD. Any closing off the site for military use should be well justified. All such information including concrete proposals on the operational arrangements should be made known to the public and public views should be further gauged; and
  - (f) the Board should be a gatekeeper and the zoning of the CMD site should be reverted to “O”.

[Actual speaking time of C8912's representative: 7 minutes]

9. Ms Katty Law Ngar Ning (C8941 and C9050's representative) requested for an extension of time of 10 extra minutes in addition to her 20 minutes as she had some important points to make. Having considered the relevant circumstances, the Chairman agreed to her request.

C8941 – Phoenix Luk

C9050 – Ming Wong

10. Ms Katty Law Ngar Ning made the following main points:

- (a) she spoke on behalf of Central Harbourfront Concern Group. She objected to the setting of 10-minute time limit for each representer/commenter. She considered that the Chairman of the Board, being the Permanent Secretary for Development (Planning and Lands) in the Development Bureau (DEVB), had a conflict of role in chairing the meeting;
- (b) there was no legal basis for the rezoning of the 0.3ha waterfront area for military use. The rezoning was against public interest. DLA did not require the site to be rezoned to military use and the former Tamar Naval Basin had already been reprovisioned at Stonecutters Island. DLA only required that a 150m long waterfront be reserved for a military berth;
- (c) the Government had misled the public during consultation. All along the public was informed that there would be a public open space at the CMD site together with a continuous waterfront promenade. The site was zoned "O" on all previous versions of the OZP. The public had a legitimate expectation of such provision rather than the rezoning of the site to military use. The former Queen's Pier was closed occasionally for ceremonial use and berthing of vessels, e.g. for the Royal family visiting Hong Kong and other ceremonies, but it had never been zoned as

a military site. There was no reason why the same approach could not be adopted for CMD;

- (d) rezoning of the site to military use would lead to complicated management and enforcement problems. While PlanD claimed that the HKSAR Government would liaise with the Garrison on the details of the opening arrangement, no such information was available yet. Without detailed proposals, conflicts between the public and the Garrison might arise regarding the use of the site;
- (e) she read out a letter sent to the Garrison by the Central Harbourfront Concern Group expressing their concerns about CMD covering its operational details, the public use of the site as part of the waterfront promenade and the planning intention of the “O” zone, and requesting for a meeting with the Garrison to discuss the matter;
- (f) most of the public objected to the zoning amendment for the CMD site as reflected by the large number of adverse representations and comments received; and
- (g) prior to the resolution of the operational arrangements, the rezoning of the site for military use would induce concerns over public safety within the CMD site.

[Actual speaking time of C8941 and C9050’s representative: 14 minutes]

C9237 – Brandon Young Kwok Kin

11. With the aid of a Powerpoint presentation, Mr Brandon Young Kwok Kin made the following main points:

- (a) since the return of the sovereignty of Hong Kong to the People’s Republic of China in 1997, military vessels had only visited Hong Kong four times in the past 6,008 days. The utilisation rate of the military

berth was only 0.06658% which was very low. In view of the low utilization of the military berth, it was not justified to rezone the CMD site to a permanent military site which would restrict public access to the waterfront promenade and enjoyment of the precious Victoria Harbour;

- (b) the military site at Stonecutters Island, which was located in close proximity to the CMD site, was much larger and equipped with more military facilities. It had its open day each year. There was no need to have a permanent military dock on the Central waterfront which would impede the full enjoyment of Victoria Harbour by the general public;
- (c) there were alternative sites in other parts of Hong Kong which were suitable for berthing of military vessels. They included Ocean Terminal, Kai Tak Cruise Terminal and the container terminals in Kwai Chung. The military dock in the Central Business District would pose threats on the general public in enjoying the waterfront, and was not an optimal location for a military dock;
- (d) the zoning of the site should remain as “O” and the Garrison could use the site for the berthing of military vessels when required; and
- (e) the Board should note that its decision on the zoning of the site would have far reaching implications on future generations.

[Actual speaking time of C9237: 6 minutes]

C266 – Fung King Tak

12. Mr Fung King Tak made the following main points:

- (a) he objected to the zoning amendment for the CMD site;
- (b) according to DLA, the obligation was only to leave free 150m of the eventual permanent waterfront for the berthing of vessels. It did not

require the designation of a military site;

- (c) according to the Protection of the Harbour Ordinance (PHO), the Central harbourfront should be protected and preserved as a public asset and a heritage for Hong Kong people. The Government also committed that the Central waterfront should be used for a mixture of leisure, recreational, cultural and civic activities. There was no mention of military use. There was also no mention in the public documents that the site would be rezoned for military use;
- (d) in February 2013, the CMD site was rezoned to “OU(MU)1”. There was no proper public consultation. There was no disclosure on how the Garrison Law would be implemented within the CMD site; and
- (e) there was no legal basis and operational need for the site to be rezoned for military use. The provision of the military dock along the waterfront did not comply with PHO. The former Queen’s Pier was also closed occasionally for ceremonial use and berthing of vessels, e.g. when the Royal family visited Hong Kong. Such arrangement would be in compliance with DLA. The berthing of military vessels at CMD should tally with the arrangements for Queen’s Pier.

[Actual speaking time of C266: 6 minutes]

C372 – Melanie Moore

13. Ms Melanie Moore made the following main points:

- (a) she agreed with all the points made by the Society for Protection of the Harbour;
- (b) she objected to the 10-minute time limit as it was insufficient for the representers/commenters to express their views. As such, all applications for extension of time should be allowed by the Board. The



10-minute time limit should be withdrawn in all future hearings and each presenter/commenter should be allowed to speak without interruption;

- (c) the Chairman of the Board, being PSPL in DEVB, had a conflict of role in chairing the meeting. He should not chair the meeting;
- (d) the Government had committed that the waterfront promenade should be dedicated to the public as open space. It was believed that the Government would also keep its promise to provide a world-class harbourfront to the community. This promise was made by the Government when the reclamation was taking place. There was no need to rezone the whole site for military use. The site should be retained as "O" zone;
- (e) the provision for minor relaxation of building height restriction should be deleted as the permitted building height was already up to 10mPD. Any relaxation of the building height should be prohibited. Otherwise, public views to Victoria Harbour would be adversely affected;
- (f) only the as-built ancillary facilities should be regularised and no further structures on the site should be allowed;
- (g) military facilities could be provided in other parts of Hong Kong. It was not necessary to be located in the Central District; and
- (h) as the whole Central harbourfront was designed as open space for public enjoyment, more greenery and landscaping should be provided to further enhance its status as a world-class harbourfront. More planting with good quality trees should be considered by the relevant departments.

[Actual speaking time of C372: 5 minutes]

14. The Secretary said that an email dated 11.12.2013 was just received from Mr David Cheng (C8687). He was unable to attend the meeting due to some urgent matters.

The email was tabled at the meeting for Members' attention. In the email, Mr Cheng raised his objection to the zoning amendment for the CMD site mainly on the grounds that the Government had wrongly interpreted DLA and it would lead to judicial review; the Government had destroyed procedural justice as the ancillary facilities had already been constructed prior to obtaining the approval, which would set an undesirable precedent for other cases; and as it was all along agreed that the site would be open for public use, the Board had the responsibility to ensure that the right of the public for using the site would be protected.

15. As the presentation from the Government representatives, commenters and commenters' representatives had been completed, the Chairman invited questions from Members.

16. The Chairman first made clarifications on the setting of 10-minute time limit and the alleged conflict of role of the Chairman of the Board. The Chairman explained the special arrangements for the hearing of more than 19,000 representations and comments received in respect of the OZP, of which over 1,000 representers and commenters had indicated that they would attend the meeting. The Board was required by the Town Planning Ordinance (TPO) to complete the plan-making process within a statutory time limit and had already scheduled 16 days to hear the representations and comments even with the imposition of 10-minute limit on oral submission. According to section 2C(3) of TPO, the Board could determine its practice and procedure at the 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 for each representer/commenter. Nevertheless, flexibility was provided for the representers/commenters to use the cumulative time from other representers/commenters with authorisation and/or to apply for extension of time with justifications. So far, all applications for extension of time were approved by the Board. The longest speaking time granted was 2.5 hours.

17. The Chairman continued to say that regarding the allegation on the conflict of role of the Chairman of the Board, the Board was an independent and statutory body and did not work under the direction of DEVB. Members had already deliberated on the issue of whether the Chairman of the Board should chair the meeting, in the light of the legal

advice obtained. According to the legal advice, all official and non-official Members of the Board were appointed by the Chief Executive (CE) in exercising his authority under section 2 of TPO. Moreover, the Chairman of the Board was exercising his duties under TPO in chairing the Board meetings. The Board had the responsibility to act fairly in considering the representations and comments in respect of the OZP. When considering any matters submitted to the Board, the Board Members, including the Chairman, would comprehensively take into account all relevant planning factors, including but not limited to Government policies. Furthermore, upon consideration of the representations and comments, the Board only needed to decide whether or not to propose amendments to the OZP in question in the manner proposed in the representations or otherwise in the manner that, in the opinion of the Board, would meet the representations. Whether to approve the OZP or not was to be decided by the Chief Executive in Council (CE in C). In considering the representations and comments, the Board was not exercising judicial functions or similar functions, and its decision would not determine the rights or obligations of any person.

#### *Public Consultation*

18. Noting that some commenters alleged that the consultation on CMD was inadequate, the Government had misled the public to believe that the “O” zoning of the CMD site would remain unchanged during consultation, and the rezoning was only known to the public when the OZP amendments were gazetted in February 2013, the Vice-chairman asked PlanD to explain in detail the public consultation process undertaken.

19. In response, Miss Elsa Cheuk, with the aid of a Powerpoint presentation, made the following main points:

- (a) 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, exact location and size of the military dock had not yet 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 of the Board, for example,

in showing proposed roads under planning which would be subject to detailed design. As the detailed design and delineation of the boundary of the military dock had now been confirmed and the construction works were near their final stage, in accordance with the established practice, technical amendment was made to the OZP to reflect the final delineation and the land use of the military dock;

- (b) the military berth was one of the major facilities to be provided on the new Central harbourfront. As one of the uses within Site 7, the design concept of the military dock including its access to the Central Barracks to its south was made known to the public during the public engagement (PE) exercise of UDS commissioned by PlanD in 2007. The location and design of the military berth with the provision of ancillary facilities (i.e. the four ancillary structures) were shown on various plans in the consultation documents of UDS to gauge public views. A territory-wide PE exercise had been undertaken in Stage 2 PE of UDS conducted in 2008. During the PE, there were discussions on how the military dock at Site 7 could be integrated with the design of the waterfront and folding gates were proposed in UDS to facilitate opening of the berth area for the public when it was not in military use;
  
- (c) a two-stage PE programme had been undertaken for UDS. An independent consultant was engaged to specifically collect public opinions on the development concept for all key sites and conduct subsequent analysis during the Stage 2 PE. The Stage 2 PE consisted of a wide range of PE activities, including two large scale public exhibitions (about 13,000 visitors) complemented by seven exhibitions (about 11,000 visitors), a focus group workshop, a community engagement forum, nine guided tours and briefing sessions for the relevant public and advisory bodies, including the Board, the then Harbourfront Enhancement Committee and its Hong Kong Task Force, the LegCo Panel on Development and Panel on Home Affairs, Land & Building Advisory Committee, Antiquities Advisory Board, all 18 District Councils, and professional institutes and organizations. A

consolidation forum was also held in 2009. Public opinions were also collected via comment cards, face-to-face interviews, telephone polls, written submissions, etc. The conceptual design of CMD as part of the waterfront promenade and that it would be open for public access when it was not in military use were made known to the public at that time and included in the Stage 2 PE Consultation Digest (April 2008). Moreover, in the Information Digest and Final Report of the UDS (July 2011), there were also descriptions and plans showing clearly the broad area and location of CMD including the four ancillary structures. In the Final Report of the Stage 2 PE, there was a section specifically discussing the CMD as an issue raised by the public and the Government's response;

- (d) during the PE process, the design of CMD including its integration with the waterfront promenade and the folding gates hidden in the structures during opening of the military berth was discussed. Besides, the idea of providing the military berth offshore was also suggested by the public. In response, the point was made that the proposed offshore design for the military berth might not be viable as it would involve additional reclamation and might not satisfy PHO;
- (e) according to the recommendations of UDS, the 0.3ha CMD site would be designed to integrate with the 9.87ha waterfront promenade at the new Central harbourfront and the open area within the CMD site would be open to the public when it was not in military use. When CMD was closed for military use, the public could use the pedestrian walkway to the immediate south of the dock area as a continuous east-west connection along the waterfront. The design concept of the military dock including its access to the Central Barracks to its south was made known to the public during the PE exercise of UDS;
- (f) the Central and Western District Council (C&WDC) and Harbour Commission's Task Force on Harbourfront Developments on Hong Kong Island (HKTF) were briefed on the architectural design of the military dock as part of the advanced works of the promenade of the new

Central harbourfront in 2010. Perspectives of the military dock design with ancillary facilities were shown on the consultative documents; and

- (g) both statutory and administrative consultation procedures had been followed on the amendment to the OZP. The amendments were presented to HKTF, C&WDC and LegCo Panel on Development. The amendments to the OZP were published under TPO and any person could make representations to the Board in respect of the OZP.

[Mr P.P. Ho left the meeting temporarily at this point.]

20. In response to a Member's enquiry, Mr Fung King Tak (C266) commented that as shown on Plan 23 of the Final Report of UDS, the military dock fell within an area coloured green which was annotated as public open space instead of military use. Miss Elsa Cheuk, with the aid of the visualiser showing Plan 23 of the Final Report of UDS, responded that the plan was a design concept requirement plan for Site 7, with its main purpose being to show the location and design concept of the waterfront promenade including the military dock and its access to the Central Barracks to its south. It was not a land use plan.

21. Ms Katty Law Ngar Ling (C8941 and C9050's representative) said that as shown on the plan, there would only be four structures and the berth, and the remaining area was clearly marked as public open space. Besides, it was stated clearly in paragraph 8.8.2(c) of the Final Report of UDS that "the Waterfront Promenade is to provide a continuous harbourfront open space forming a green unifying edge to the harbour. It will be a major east-west pedestrian link along the northern shore of Hong Kong Island." The planning and development parameters of Site 7 were also provided. In terms of land use zoning, Site 7 mainly comprised "O", "Comprehensive Development Area", "Other Specified Uses" annotated "Waterfront Related Commercial and Leisure Uses". There was no mention of the military site or military use. On that basis, the public had no objection to have a military berth on the waterfront which would be used occasionally by the Garrison when needed. The public had never been told that there would be a change in the land use zoning for military use. There was a difference between a military berth and a military site. The present zoning amendment was not a technical amendment as it

would have significant legal implications. According to the Garrison Law, all military sites would be under the management of and for the use by the Garrison. The military sites should be used exclusively for military purposes and their use could not for purposes other than defence. Once rezoned, whether the military dock would be open for public use or not would be subject to the discretion of the Garrison. There would be a change of jurisdiction.

22. Miss Elsa Cheuk further explained that the plans, pictures and photos shown at the meeting were extracted from the Final Report of UDS, which was available on the website of UDS. Plan 23 of the Final Report was a design concept requirement plan for Site 7 which showed mainly the location and design concept of the waterfront promenade, including the military dock. The purpose of UDS was to refine the existing urban design framework for the new Central harbourfront. With the aid of the visualiser, Miss Cheuk drew Members' attention to paragraph 8.8.3(i) of the Final Report that "in accordance with the Defence Land Agreement in 1994, a 150m long military berth is reserved along the waterfront to the north of People's Liberation Army Hong Kong Garrison Headquarters. Some small-scale ancillary structures will be provided and constructed by the Government within the Site under a separate project. A 18m wide access should be provided from the military berth to Hong Kong Garrison Headquarters. Both the part of the berth used for open space and the access road will be open to the public when they are not in use." Plan 23 showed the ancillary facilities for the military berth to be constructed by the Government. In the Report, it was stated clearly that the area would be open for public use when it was not in military use. With the aid of a video produced for UDS shown at the meeting, Miss Cheuk said that the message that CMD would be open for public use as part of the waterfront promenade when it was not in military use was also publicized in the video.

23. In response, Mr Brandon Young Kwok Kin (C9237) pointed out that the consultation on the rezoning was conducted at a very late stage in February 2013. Once the site was rezoned for military use, the land ownership would be taken over by the Garrison. It meant that that part of the waterfront area would no longer belong to Hong Kong people. It should be noted that the Garrison was under the jurisdiction of the Central People's Government. The HKSAR Government would have no control on the site once rezoned.

24. Mr Fung King Tak (C266) also pointed out that although a series of public consultation activities had been conducted under UDS, the subject site was shown in green, i.e. public open space, but not military use, on the relevant plans. There was no intention to challenge the design in UDS. Mr Fung reiterated that in the relevant LegCo document for seeking funding approval for the reclamation works, it was not mentioned that CMD would be designated with a specific zoning for military use.

25. In response, Miss Elsa Cheuk said that in the LegCo Paper No. PWSC(2002-03)41 submitted to the Public Works Subcommittee of Finance Committee in 2002 to seek funding for the CRIII project, the military berth and its location were shown and the information that the military berth would be open for public use when it was not in military use was on page 6 of the relevant document. Mr Fung King Tak emphasised that the relevant LegCo Paper only mentioned about a facility but not a military zoning.

26. A Member pointed out that the documents presented/shown by PlanD's representative had indicated clearly that the planning intention of the CMD site was for a military dock and when the military dock was not in military use, it would be open to the public. In response, Mr Fung King Tak reiterated that he had participated in the public consultation process of UDS and the message he got in the process was that there would be only a military dock for berthing of military vessels at the Central waterfront.

#### *Former Queen's Pier*

27. Noting that some representers/commenters had queried why the arrangements for the former Queen's Pier could not be applied to the CMD site such that there was no need for the rezoning of the CMD site, the Vice-chairman requested PlanD to explain the differences between the former Queen's Pier and CMD. Miss Elsa Cheuk said that the former Queen's Pier was a public pier which was zoned "OU(Pier)" on the OZP previously. However, CMD was a military facility. The provision of the military dock would have to be in accordance with DLA. According to the Garrison Law, the defence functions and responsibilities that the Garrison should perform include, amongst others, controlling military facilities. CMD, being one of the military facilities, would be under the management of and for the use by the Garrison after the completion of construction works.



There were a total of 19 military sites in Hong Kong including the CMD site. Seven of them were not covered by any statutory plans. For the 12 military sites which were covered by the statutory plans, all except for the three sites zoned for residential use were under “OU” zoning. As the provision of the military dock was affected by the Central Reclamation, and the design and exact area of the military dock were not yet determined at that time, it was represented by a straight line annotated “150m Military Berth (subject to detailed design)” on the OZP. As the detailed design and delineation of the boundary of CMD had now been confirmed and its construction works were reaching the final stage, it was necessary to propose technical amendments to the OZP to reflect the final delineation and the land use of the military dock. The CMD site was therefore rezoned to “OU(MU)1” to reflect the planning intention for the development of a military dock. The “OU(MU)1” zoning of the CMD site was consistent with the Central Barracks in the vicinity which was zoned “OU(MU)”. Given the location of the CMD site in the midst of the Central waterfront promenade, a building height restriction was imposed under its zoning.

28. Mr KK Ling supplemented that the planning intention of the CMD site was for a military dock while that for the former Queen’s Pier as well as Central Piers 9 and 10 were public piers. A military dock and a public pier were different in terms of land use.

29. In response to the Chairman’s enquiry in relation to the facilities provided in the former Queen’s Pier and CMD, Miss Elsa Cheuk said that the former Queen’s Pier only provided landing facilities and it was not used as a military dock while the latter was a military dock which would be used for the berthing of military vessels, military ceremonies, military rehearsals and training, etc.

#### *Central Piers 9 and 10*

30. Noting that the Central Piers 9 and 10 on the same OZP had already been rezoned from “O” to “OU(Pier)” and “OU(Waterfront Related Commercial and Leisure Uses)” according to the usual practice of the Board, a Member asked the commenters why CMD could not be rezoned based on the same principle. Ms Katty Law Ngar Ning responded that Central Piers 9 and 10 were public piers with free public access, but CMD would be a restricted area once rezoned. The public access arrangements would be totally

different. Ms Law reiterated that the Government had committed to providing a continuous waterfront promenade for public enjoyment. She had no objection to the provision of a military berth but could not accept the rezoning of the site to military use. As the Government could not provide more information on the law enforcement and operational details, the zoning amendment should not be approved. This was against the legitimate expectation of the public for a continuous waterfront promenade at the new Central harbourfront.

31. Noting that Central Piers 9 and 10 were built offshore, a Member asked whether consideration had been given to the development of an offshore military dock. Mr C.B. Mak, CE/HK1, CEDD, said that Central Piers 9 and 10 were reprovisioned facilities, so they could meet the “overriding public need” test and be built on offshore involving reclamation.

#### *Land Ownership*

32. In response to the concern raised about the land status of the CMD site in the future, Miss Elsa Cheuk said that according to Article 7 of the Basic Law, “the land and natural resources within the HKSAR shall be State property. The HKSAR Government shall be responsible for their management, use and development and for their lease or grant to individuals, legal persons or organisations for use or development”. According to DLA, a number of military sites and military facilities including CMD were to be handed over to or reprovisioned for the Garrison. According to the Garrison Law, controlling military facilities was one of the defence functions and responsibilities of the Garrison. No land grant document was required between the HKSAR Government and the Garrison for the provision of military sites. CMD would be handed over to the Garrison for management after completion of the relevant works and procedures.

#### *Considerations of the Zoning Amendment*

33. In response to a Member’s enquiry, Mr Brandon Young Kwok Kin commented that the original reserved 150m waterfront in length had now been changed to a site. Once the rezoning was approved, the CMD site would be under the use and management of the Garrison. The HKSAR Government and even CE would have no control over the

site. Being a gatekeeper, the Board should take into account the large number of representations and comments received when making a decision on the zoning amendment. While the Garrison agreed that the land area of the military dock would be open for public use when it was not in military use, the decision to open CMD would be under the jurisdiction of the Garrison.

34. A Member noted that Ms Katty Law Ngar Ning was concerned about the zoning, land status and usage of the site. The Member said that in considering the zoning of the site, an undisputable fact was that the CMD site would be used as a military dock and waterfront promenade. The issue that needed to be resolved was how these two uses at the site could be provided under the OZP. On land status, it was clear that the site would be handed over to the Garrison for their use and management, though the details of the management had not yet been confirmed at this stage. This matter was outside the purview of the Board. Instead, the Board had to decide whether the zoning of “OU(MU)1” was appropriate to reflect the actual use of the site. This Member invited Ms Law to express her views, taking into account the above facts.

35. The Chairman asked Ms Katty Law Ngar Ning whether she would like to respond. Ms Law said that the Government had a responsibility to reflect the public views and aspirations to the Garrison but they had not done so. So, the Central Harbourfront Concern Group sent a letter to the Garrison to request for a meeting. Moreover, some representers/commenters had requested relevant Government bureaux/departments’ representatives to attend the meeting, and they were not invited. Ms Law further said that she did not have a chance to hear the views from relevant Government representatives, and it would be difficult for her to answer this type of hypothetical questions.

36. As all the commenters and commenters’ representatives attending the meeting had completed their presentations and Members had no further question to raise, and no more commenters had arrived to attend the session at the moment, the Chairman thanked the commenters, commenters’ representatives and the Government representatives for attending the meeting. They all left the meeting at this point.

[Closed Meeting]

37. As the Board had conducted 16 sessions to hear the representations and comments in respect of the OZP and the information involved, including the written submissions, oral submissions and all the presentation materials, was voluminous, the Chairman proposed that the meeting be adjourned and the video recordings of all the sessions of the meeting already held be provided to Members for their viewing prior to deliberation. Members agreed. The Secretary would inform Members of the date to resume the meeting in due course.

[Post-meeting note: On 16.12.2013, the video recordings of all the sessions of the meeting already held were provided to Members. Members were also informed that the meeting would be resumed at 9:00 a.m. on 18.12.2013.]

38. The meeting was adjourned at 11:30 a.m.