

1. The meeting was resumed at 9:10 a.m on 14.2.2014.
2. The following Members and the Secretary were present in 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

Professor P.P. Ho

Professor Eddie C.M. Hui

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Roger K.H. Luk

Dr W.K. Yau

Professor K.C. Chau

Mr H.W. Cheung

Dr Wilton W.T. Fok

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

Mr F.C. Chan

Director of Lands

Ms Bernadette H.H. Linn

Director of Planning

Mr K.K. Ling

Deliberation

[Closed Meeting]

3. The Chairman recapped that the Board had completed the hearing of the representations and comments in respect of the draft Central District (Extension) Outline Zoning Plan No. S/H24/8 in 16 sessions during the period from 4.11.2013 to 11.12.2013. The Board commenced the deliberation part on 18.12.2013 and decided not to uphold the adverse representations. For the purpose of the minutes of meeting, the Secretariat was requested by Members to draft the reasons for not upholding the adverse representations based on the discussion held on 18.12.2013 for the Board's consideration. This was a resumed session for completion of the deliberation. The draft minutes of the deliberation session held on 18.2.2013 had been circulated to Members, and the draft rejection reasons were tabled at the meeting for Members' consideration.

4. The Chairman said that upon further checking by the Secretariat, there were some grounds/proposals in the representations which had not yet been specifically considered by Members at the deliberation session held on 18.12.2013. He invited Members to consider and deliberate them first before proceeding to consider the draft reasons for not upholding the adverse representations.

Grounds/Proposals in the Representations to be further deliberated

Connectivity to the Waterfront

5. The Chairman asked Members to consider the following grounds relating to connectivity to the waterfront:

- (a) the military dock and the connection between the Central Barracks and the People's Liberation Army (PLA) Dock would cut off the waterfront promenade and interrupt the east-west connectivity. The continuous waterfront promenade as committed by the Government would be lost;

- (b) the north-south military corridor would interrupt the traffic at Lung Wo Road and its need was doubtful. There should be concrete proposals for the future traffic arrangement and pedestrian safety system. As traffic would be affected by the temporary closure of Lung Wo Road, the Government should assess the traffic impact and disclose the assessment result; and
- (c) the design of the corridor between the PLA Hong Kong Garrison (the Garrison) Headquarters at Central Barracks and the military dock should be reviewed, for example, the said corridor should be opened for public use when the military pier was not in military use or the said corridor should be constructed underground.

6. Members noted that the grounds in paragraph 5(a) and 5(b) had been generally covered in the deliberation session on 18.12.2013. In particular, it was noted that when the Garrison required temporary direct access between Central Barracks and CMD via Lung Wo Road, the HKSAR Government would make temporary traffic arrangement to facilitate such access while minimising the disturbance to pedestrians/road users and public enjoyment of the harbourfront. Pedestrians could use the pavements on both sides of the access road to access the waterfront.

7. A Member said that some representers' concern was that the CMD site would cause disruption to the east-west continuous access along the waterfront. In this regard, the Chairman said that PlanD's representative had explained at the hearing sessions that the public could use the walkway and the open space to the immediate south of the CMD site as a continuous east-west connection along the waterfront.

8. With regard to the proposal that the corridor between the Garrison Headquarters and the military dock site should be opened for public use when CMD was not in military use, Members noted that the said corridor had already been opened

and was accessible to the public.

Proposals for Other Land Uses

9. The Chairman said that some representers had requested the Board to reconsider the land use of the site as well as its nearby areas for other uses, including residential (public or private housing), commercial, tourism, community, cultural, arts, recreational and greenery uses, e.g. promenade, park, alfresco dining, cycle track, bazaar, pet garden, stadium, green belt, “London Eye”, “Eden Project”, etc.

10. In this regard, Members noted and agreed that under UDS, in which an extensive public engagement exercise was carried out, the Central harbourfront was designed as a green oasis and would provide a great variety of facilities for the public to enjoy the harbourfront and appreciate the harbour. The location of CMD at the Central harbourfront was also made known to the public in UDS. The proposals of reconsidering other land uses for the CMD site and the nearby areas were not considered appropriate.

Grounds/Proposals Applicable to Specific Representations

Pollution

(R11, R40, R1853, R5167, R6139 to R6158, R6160 to R6164, R6797, R7156, R7215, R7253, R7263, R7278, R7282, R7294, R7299, R7305, R7316, R7404, R7433, R7475, R7486, R7493 and R8034)

11. The Chairman said that some representers had raised concerns that the use of the site for CMD would have various pollution impacts, in particular, the berthing of military vessels would cause air pollution; military drills would cause noise pollution; and it would also cause water and land pollution.

12. In this regard, Members noted that under the Garrison Law, the Hong Kong Garrison should abide by the laws of HKSAR, including the pollution control ordinances.

Marine Traffic

(R1834, R1865, R1900, R3653, R4214, R5098, R6893, R7102, R7157, R7192, R7197, R7249, R7296, R7327, R7361, R7561, R7606, R7629, R7715, R7820, R7866, R7875, R7881, R7903, R7938 and R9688)

13. The Chairman said that some representers had indicated that the marine traffic in Victoria Harbour was very busy. Hence, the use of CMD by military vessels would have adverse impact on the marine traffic and increase the risk of marine accident in Victoria Harbour. In this regard, Members noted that it was indicated in the Paper that the impact arising from military vessels on the marine traffic in Victoria Harbour would not be significant and that Marine Department had been consulted on this aspect.

Queen's Pier/Star Ferry Clock Tower

(R339, R3252, R3253, R3266, R3267, R5478, R5535 to R5564, R5566 to R5699, R5701 to R5722, R5724 to R5736, R5738 to R5740, R5742 to R5758, R5760 to R5778, R5780 to R5839, R5840, R5841 to R6042, R6044 to R6101, R6103 to R6135, R6136 to R6138, R7262, R7557, R7853, R7988, R8005, R8006, R9746, R9751, R9752 and R9809)

14. The Chairman said that some representers had indicated that the simple concept to “demolish a pier to facilitate another pier” was unimaginable and if the zoning amendment for CMD was to be approved, it would be evident of the ill-planned nature of this government action. Some representers indicated that the demolition of Queen's Pier was to pave the way for building a military dock and the Government had cheated the public. Changing the Queen's Pier site from open space to military use was a disrespect of the collective memory of Hong Kong.

15. Members agreed that the allegation of demolishing Queen's Pier for the construction of CMD could not be substantiated. It was a fact that the reprovisioning of CMD on the Central waterfront was in accordance with Annex III to DLA while the demolition of Queen's Pier was to make way for the construction of the essential transport infrastructure (e.g. the Central-Wanchai Bypass, Road P2,

North Island Line, etc.) and to re-provision existing waterfront facilities which would be affected by the reclamation under the CRIII project.

16. The Chairman said that some representers proposed to reassemble Queen's Pier and relocate the old Star Ferry Clock Tower at the site. On these two proposals, Members noted that according to UDS, Queen's Pier would be reassembled between Central Piers No. 9 and 10 to revive its pier function and the old Star Ferry Clock Tower would be reconstructed at its original location.

Matters outside the Purview of the Board

17. The Chairman said that some representers had raised the following matters that were outside the purview of the Board:

- (a) the military dock was prone to be attacked in wartime and the Central District would be seriously affected; (R2021, R6951, R7157, R7288, R7354, R7361, R7544, R7726, R7754, R7903, R7973 and R8010)
- (b) military vessels with weapons and explosives were highly dangerous and should not be berthed at the city centre; (R40, R6775, R6779, R6786, R6800, R6804, R6987, R7022, R7665, R7780 and R7935) and
- (c) military vessels, vehicles and the Garrison would not be covered by insurance such that for accidents involving such vehicles, vessels and people with the civilians, there would not be sufficient legal remedy. (R7715)

18. Members agreed that the above matters fell outside the purview of the Board.

Matters Irrelevant to the Amendments

19. Members noted the following grounds and considered that they were all irrelevant to the amendments to the draft Central District (Extension) OZP:

- (a) to demolish/relocate Central Barracks and the Garrison to return the vacant military sites (e.g. the Kowloon Tong Barracks) for other uses; (R1807, R1856 to R1859, R1997, R6512 to R6519, R6761, R6808, R6963, R7038, R7157, R7416 and R9685)
- (b) to build more public housing (but it was not specified whether the proposal was for building public housing at the site); (R6954 and R7041)
- (c) to re-launch the ferry service from Central to Hung Hom, and other ferry lines to reduce land traffic flow; (R1854)
- (d) to provide more lawns for sitting and lying down would be welcomed by citizens and tourists. The male-female toilet provision ratio, user-friendliness of handicapped toilets, rubbish sorting and recycling, multi-lingual instructions, building materials, etc. should match with international standard. In addition, there should be adequate safety measures such as rain shielding, lightning proof, protection against hitting of backshore big boats during storms, lightning, etc.; (R6691) and
- (e) to provide a travelator between Admiralty and Star Ferry Pier in Central. (R7308)

Irrelevant Planning Consideration (R7504)

20. Members noted a presenter's ground that the military dock would have adverse impact on the fung shui of Hong Kong and considered that the issue relating to fung shui was not a relevant planning consideration.

Letter from the Central Harbourfront Concern Group

21. Members noted that a letter from the Convener of Central Harbourfront Concern Group (R29) (Ms Katty Law) dated 13.2.2014 was tabled at the meeting. As requested by the Chairman, the Secretary briefed Members and highlighted the key concerns raised in the letter, as follows:

- (a) PlanD had misrepresented the content of the previous public consultation process for the new Central harbourfront by saying that the public acknowledged the ‘military use’ zoning of the site. In fact, the public was informed in the UDS public engagement exercises (which many members of the concern group attended in person) that the site would be zoned “O” and would only be used when PLA needed it;
- (b) the TPB Paper did not cover the Garrison Law and it had not made it clear that if the site was zoned “OU(MU)1”, then the site would no longer be under the jurisdiction of the HKSAR Government;
- (c) the rezoning from “O” to “OU(MU)1” would contravene the Government’s commitment to Hong Kong people and would create legal problems. Members were urged not to agree to the “OU(MU)1” zoning for the site; and
- (d) the site that was all along designated as “O” should be opened as soon as possible for use by the public.

22. Members noted that the matters raised in paragraphs 21(a) and 21(c) were already deliberated by the Board at the session on 18.12.2013. In particular, regarding the matter in paragraph 21(a), Members noted that extensive consultation had been carried out for the CRIII project, and the public engagement exercise for UDS which some Members had participated in personally, and consultations with the

Central and Western District Council and the Harbourfront Commission's Task Force on Harbourfront Developments on Hong Kong Island. The Government had made known to the public the location and conceptual design of CMD and its integration with the new Central harbourfront in those public engagements. Members had agreed in the deliberation session on 18.12.2013 that the "OU(MU)1" zoning was appropriate for the site to reflect the primary use of the site for military purpose. Furthermore, Members considered that the matter raised in paragraph 21(b) was not an issue of concern as the Garrison Law was included in the folders tabled at all sessions of the meeting for Members' reference and Members were aware of that. Regarding the matter in paragraph 21(d), Members noted that the CMD site would in due course be opened for public use when it was not in military use.

23. Based on the above, Members requested the Secretariat to reply to the letter accordingly.

Consideration of Draft Rejection Reasons

24. The Chairman said that at the deliberation session held on 18.12.2013, the Board requested the Secretariat to draft the reasons for not upholding the adverse representations for its further consideration. The Chairman then invited Members to consider the draft rejection reasons tabled.

Defence Land Agreement (DLA) - Rejection Reason (a)

25. The draft rejection reason (a) was "The Defence Land Agreement (DLA) between the United Kingdom and the People's Republic of China Governments in 1994 requires, among other matters, leaving free 150m of the eventual permanent waterfront in the plans for the Central and Wanchai Reclamation at a place close to the current Central Barracks for the construction of a military dock after 1997. After the reunification, the Hong Kong Special Administrative Region (HKSAR) Government confirmed the People's Liberation Army Hong Kong Garrison (the Garrison)'s need for the Central Military Dock (CMD) for defence purposes and took up the construction of the CMD near the Central Barracks after the completion of the

statutory plan-making process in 2000 and funding approval by the Legislative Council (LegCo) in 2002. The detailed design and delineation of the CMD is now confirmed and the construction works are reaching their final stages. It was against this historical background that amendments were made to reflect the final delineation and the land use of the CMD on the Central District (Extension) Outline Zoning Plan (the OZP). On the issue that the HKSAR Government has no obligation to comply with the DLA, while it is not a matter for the Town Planning Board (the Board) to rule, the historical background relating to the reprovisioning of the military dock is relevant.”

26. Members went through rejection reason (a) and considered that it was appropriate.

Planning Process and Public Consultation - Rejection Reason (b)

27. The draft rejection reason (b) was “The military berth at the Central waterfront was deliberated by the public at length when the draft OZP was gazetted in 1998. After going through a due process of public objections and hearing of public objections under the Town Planning Ordinance (TPO), the military berth was represented by a straight line annotated “150m Military Berth (subject to detailed design)” on the OZP which was approved by Chief Executive in Council on 22.2.2000. The LegCo on 21.6.2002 approved the funding for building the CMD and associated facilities for use by the Garrison, as part of the Central Reclamation III (CRIII) project. The Government had made known to the public the location and conceptual design of the CMD and its integration with the New Central Harbourfront in the extensive public engagement exercises under the Urban Design Study for the New Central Harbourfront (UDS) in 2008, and the architectural design was presented to the Central and Western District Council and the Harbourfront Commission’s Task Force on Harbourfront Developments on Hong Kong Island on 13.5.2010 and 6.10.2010 respectively. The Government has all along made it clear that the concerned land area is for use as a military dock and that the Garrison has agreed to open it to the public when it is not in military use. The construction of the CMD has now been largely completed and the OZP was duly amended to reflect the as built condition. The OZP was exhibited and published for public representations and

comments in accordance with the provisions of the TPO. The statutory and administrative procedures in consulting the public on the OZP amendments have been duly followed”.

28. Members went through rejection reason (b) and considered that it was appropriate.

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

Protection of the Harbour Ordinance (PHO) - Rejection Reasons (c)

29. The draft rejection reason (c) was “The reclamation limit of the CRIII project followed strictly the presumption against reclamation principle under PHO. It was determined by the need for provision of the essential transport infrastructure and re-provisioning of affected waterfront facilities and had passed the overriding public need test. The CMD site was located on land formed for such purposes and the OZP amendments by themselves should not engage PHO as they do not cause or give rise to any additional reclamation of the Harbour.”

30. A Member asked whether the second sentence in the rejection reason, i.e. “ It was determined by the need for provision of the essential transport infrastructure and re-provisioning of affected waterfront facilities and had passed the overriding public need test” should be deleted. The main reason was that the Board had not considered in detail the extent of the CRIII reclamation nor how it had passed the overriding public need test in the subject hearing. Members noted that the second sentence was to reflect the Government’s review on the CRIII project.

31. After some discussion, Members agreed to amend the first and second sentences to “The reclamation limit of the CRIII project, which was determined by the need for provision of the essential transport infrastructure and re-provisioning of affected waterfront facilities, followed strictly the presumption against reclamation principle under PHO, and had passed the overriding public need test. The CMD site was located on land formed for such purposes and the OZP amendments by

themselves should not engage PHO as they do not cause or give rise to any additional reclamation of the Harbour.” Members considered that the revised rejection reason (c) was appropriate.

Construction of the Ancillary Facilities - Rejection Reason (d)

32. The draft rejection reason (d) was “The construction of the facilities ancillary to the CMD is part of the public works coordinated and implemented by the Government as part of the CRIII project. The LegCo Public Works Subcommittee paper states clearly that as part of the CRIII project, the CMD works included the berth and ancillary facilities. The military berth use as shown on the first approved OZP in 2000 is a permitted use. The four single-storey structures supporting the military dock are ancillary facilities directly related to the permitted use and no separate planning permission from the Board is required. There is no question of the construction works for the military dock being unauthorised.”

33. Members went through rejection reason (d) and considered that it was appropriate.

Law Enforcement and Operational Details - Rejection Reason (e)

34. The draft rejection reason (e) was “The CMD, being one of the military facilities of the Garrison, will be under the management and use by the Garrison after the completion of works. The Garrison has, on the request of the HKSAR Government, agreed in 2000 that it would open the area of the military dock site to the public as a part of the promenade when it is not in military use, having regard to its operation and need for protecting the military dock. The OZP amendments will not affect the arrangement agreed by the Garrison. The management and detailed operational arrangement of the military dock are outside the purview of the Board. The Government will further liaise with the Garrison on the detailed arrangement for opening the area of the military dock site to the public and has undertaken to inform the public of the future arrangement.”

35. A Member asked whether the Garrison’s agreement to open the area of the military dock to the public as part of the waterfront promenade when it is not in

military use had been recored in any public documents. In response, the Secretary said that the Garrison's agreement was stated in the LegCo Panel on Development paper (28.5.2013). PlanD's representative had shown the relevant extract from that LegCo paper during various sessions of the meeting.

36. With regard to the above comment, the Chairman suggested that the phrase "As mentioned in the LegCo Panel on Development paper (28.5.2013)," be added at the beginning of the second sentence. Members agreed and considered the revised rejection reason (e) appropriate.

Connectivity of the Waterfront - Rejection Reason (f)

37. The draft rejection reason (f) was "The CMD has been designed to integrate with the waterfront promenade and the ancillary structures have been set back from the waterfront. It will be open to the public when it is not in military use. When the CMD is closed for military use, the public can use the walkway to the immediate south of the military dock and continuous east-west connection along the waterfront will be maintained. The area to the south of the walkway is zoned 'Open Space' and will be developed into a public open space within which public access would also be provided. When the Garrison requires temporary direct access between the Central Barracks and the CMD via Lung Wo Road, the HKSAR Government will make temporary traffic arrangement to facilitate such access while minimising the disturbance to pedestrians/road users and public enjoyment of the harbourfront. Pedestrians can use the pavements on both sides of the access road to access the waterfront".

38. Members went through rejection reason (f) and considered that it was appropriate.

Zoning and Related Matters - Rejection Reasons (g) and (h)

39. The draft rejection reason (g) was "The amendments incorporated into the OZP are to reflect the land use of the CMD. They are within the statutory function of the Board and are in compliance with TPO."

40. Members went through rejection reason (g) and considered that it was appropriate.

41. The draft rejection reason (h) was “The CMD is needed by the Garrison for defence purposes. The site is intended for a military dock while the Garrison has committed to open it to the public as a part of the promenade when it is not in military use. The current “Other Specified Uses” annotated “Military Use (1)” (“OU(MU)1”) zoning and its boundary on the OZP is considered appropriate to reflect such planning intention and the primary use of the site. It is also consistent with the zoning of the Central Barracks that is directly associated with the CMD.”

42. A Member said that it might be clearer if the first sentence was amended to reflect that according to the DLA, CMD was needed by the Garrison for defence purpose. Another Member said that it was unnecessary to make reference to the DLA as it was clear that all military facilities (including CMD) handed over to the Garrison must be for defence purpose. One other Member said that it was necessary to add reference to the DLA in this rejection reason to avoid any doubts. The CMD was not a military facility in existence and was not ‘handed over’ per se, it was written in Annex III to the DLA in form of an undertaking.

43. In response to the Member, the Secretary explained that the third sentence in the draft rejection reason actually reflected the view of Members in the deliberation session held on 18.12.2013 that the “OU(MU)1” zoning was appropriate because it could clearly reflect the primary use of the CMD site for military use. In addition, the last sentence of the rejection reason was to respond to a number of proposals for different types of annotations for the “OU” zone, which was to reflect the view of Members that the adoption of the “OU(MU)1” zoning was consistent with the zoning of the Central Barrack that was directly associated with CMD.

44. Members went through rejection reason (h) and considered that it was appropriate and needed not be amended.

Development Scale - Rejection Reasons (i) and (k)

45. The draft rejection reason (i) was “The area of the “OU(MU)1” zone, occupying about 0.3ha, only accounts for a minor portion of the waterfront promenade of the new Central harbourfront which is about 9.87ha.”

46. Members went through rejection reason (i) and considered that it was appropriate.

47. The draft rejection reason (j) was “A building height restriction of 10mPD is imposed for the “OU(MU)1” zone which is intended for a military dock. The restriction respects the waterfront setting and avoids creating visual intrusion to the developments behind. It is also in line with the proposed height of 10mPD as recommended under UDS. The building height restriction of 10mPD will only allow structures with an absolute building height up to 5.8m which is compatible with the waterfront setting. Inclusion of a minor relaxation clause is a standard practice of the Board to all zonings with building height restrictions to cater for specific site circumstances and the Board will scrutinise each application for minor relaxation on its own merits.” The Chairman said that rejection reason (j) made it clear that the maximum building height of any structures that was allowed under the building height restriction of 10mPD would only be 5.8m.

48. Members went through rejection reason (j) and considered that it was appropriate.

49. Members noted that some representers had argued that the building height restriction of 10mPD was insufficient to avoid a “box-like” development with very high site coverage to be built on the site. The Secretary said that at the deliberation session on 18.12.2013, Members agreed that no additional development restrictions should be imposed on the site to allow some flexibility in case there were unforeseen needs for defence purposes. Member might wish to consider whether rejection reason (j) was sufficient to cover this point.

50. The Chairman said that Members had to consider whether rejection reason (j), which provided explanation about the building height restriction, was

sufficient to respond to those representations asking for imposing more development restrictions on the site. In this regard, a Member proposed to add a rejection reason to reflect Members' view that it was not necessary to add more development restrictions as flexibility should be allowed for the defence purpose at the CMD site.

51. After deliberation, Members agreed to add a new rejection reason (k) that would read "No additional development restrictions should be imposed for the "OU(MU)1" zone to allow flexibility in case there were unforeseen needs for defence purposes."

Proposals for Other Land Uses - Rejection Reason (l)

52. The draft rejection reason (l) was "Under UDS, in which extensive public engagement exercises were carried out, the Central harbourfront is designed with a park setting and will provide a great variety of facilities for the public to enjoy the harbourfront and appreciate the harbour. The proposals of reconsidering other land uses for the CMD site and the nearby areas are not considered appropriate."

53. Members went through rejection reason (l) and considered that it was appropriate.

Pollution - Rejection Reason (m)

54. The draft rejection reason (m) was "Under the Garrison Law, the Hong Kong Garrison should abide by the laws of HKSAR, including the pollution control ordinances."

55. Members went through rejection reason (m) and considered that it was appropriate.

Marine Traffic - Rejection Reason (n)

56. The draft rejection reason (n) was "The impacts arising from the military vessels on the marine traffic in Victoria Harbour would not be significant."

Members went through rejection reason (n) and considered that it was appropriate.

Queen's Pier/Star Ferry Clock Tower - Rejection Reasons (o) to (q)

57. Members went through the following rejection reasons regarding the Queen's Pier/Star Ferry Clock Tower and considered that they were appropriate:

- (a) the draft rejection reason (o) was "The allegation of demolishing Queen's Pier for the construction of the CMD is factually incorrect. The reprovisioning of the CMD on the Central waterfront is in accordance with Annex III to the DLA while the demolition of Queen's Pier is to make way for the construction of the essential transport infrastructure under the CRIII project";
- (b) the draft rejection reason (p) was "According to UDS, Queen's Pier will be reassembled between Central Piers No. 9 and 10 to revive its pier function"; and
- (c) the draft rejection reason (q) was "according to UDS, the old Star Ferry Clock Tower will be reconstructed at its original location".

Outside the Purview of the Board - Rejection Reasons (r) to (t)

58. Members went through the following rejection reasons regarding matters outside the purview of the Board and considered that they were appropriate:

- (a) the draft rejection reason (r) was "The issue relating to the chance of attack on the CMD falls outside the purview of the Board";
- (b) the draft rejection reason (s) was "The issue relating to defence matters fall outside the purview of the Board"; and
- (c) the draft rejection reason (t) was "The issue relating to insurance

matter falls outside the purview of the Board”.

Irrelevant to the Amendments - Rejection Reasons (u) to (y)

59. Members went through the following rejection reasons regarding matters irrelevant to the amendments to the OZP and considered that they were appropriate:

- (a) the draft rejection reason (u) was “The issue relating to other military facilities is irrelevant to the amendments to the draft Central District (Extension) OZP”;
- (b) the draft rejection reason (v) was “The issue relating to public housing is irrelevant to the amendments to the draft Central District (Extension) OZP”;
- (c) the draft rejection reason (w) was “The issue relating to ferry services is irrelevant to the amendments to the draft Central District (Extension) OZP”;
- (d) the draft rejection reason (x) was “The issues relating to the provision of public facilities, lawns and safety measures are irrelevant to the amendments to the draft Central District (Extension) OZP”; and
- (e) the draft rejection reason (y) was “The issue relating to provision of travelator between Admiralty and Star Ferry Pier is irrelevant to the amendments to the draft Central District (Extension) OZP”.

Irrelevant Planning Consideration - Rejection Reason (z)

60. The draft rejection reason (z) was “The issue relating to fung shui is not a relevant planning consideration”. Members went through the rejection reason (z) and considered that it was appropriate.

Amendment to the Explanatory Statement

61. The Chairman said that Members had agreed at the last session held on 18.12.2013 to revise paragraph 8.5(a) of the Explanatory Statement relating to the “OU” zone to state the fact about the Garrison’s agreement to open the area of the military dock as part of the waterfront promenade when it was not in military use. It was agreed that the wording should be along the line mentioned in the relevant LegCo Panel on Development paper.

62. The draft amendment to paragraph 8.5(a) of the Explanatory Statement was to include “The Garrison has confirmed that it would open the area of the military dock (except for the ancillary structures and landing steps) to the public as part of the waterfront promenade when it is not in military use, having regard to its operation and need for protecting the military dock” at the end of that paragraph.

63. The Secretary said that the wording generally followed that in the LegCo Panel on Development paper (28.5.2013), with the addition of words in brackets, i.e. “(except for the ancillary structures and landing step)”. A Member considered that the wording should be exactly the same as that indicated in the LegCo paper and proposed to delete those words in the brackets. In this regard, the Chairman asked Members to consider whether the additional words would provide clearer information to the public that the ancillary structures and landing steps would not be opened to the public, and this could avoid disputes due to different interpretations of which areas in the CMD site would be opened or not.

64. A Member asked whether the latter part of the last sentence i.e. “having regard to its operation and need for protecting the military dock” should be deleted as it was not possible to ascertain what would constitute the operation and need for protecting the military dock for the Garrison. Another Member said that deleting the latter part of the last sentence might alter the original intention of the Garrison’s agreement and proposed that the subject sentence should be kept. The Chairman said that when considering this matter, Members might wish to note that while many representers had mentioned about the opening of CMD when it was not in military use,

there seemed to be no contention about what would constitute “the operation and need for protecting the military dock”.

65. In this regard, three other Members were of the view that the latter part of that last sentence should be retained as the amendment to the Explanatory Statement was only to state the fact about the Garrison’s agreement to open the CMD site when not in military use, and that agreement was clearly stated in the LegCo paper. Following the exact wording in the Legco Paper would avoid unnecessary misinterpretation. A Member said that the latter part of that last sentence, “having regard to operation and need for protecting the military dock” would in effect cover the meaning that some areas, such as those covered by the words in brackets, would not be opened.

66. After deliberation, Members agreed that the sentence to be added at the end of paragraph 8.5(a) of the Explanatory Statement should be amended to follow the exact wording in paragraph 16 of the LegCo Panel on Development paper (28.5.2013). It should read “The Garrison has, on the request of the HKSAR Government, agreed in 2000 that it would open the area of the military dock site to the public as a part of the promenade when it is not in military use, having regard to its operation and need for protecting the military dock”.

Decision

67. The Chairman concluded that the Board noted the support of Representations No. R1 to R10. The Board agreed not to uphold representations No. R11 to R9815 (representations No. R3379, R6487 and R8379 had been skipped as the concerned representers indicated that they did not submit the representations) for the following reasons:

“ *Defence Land Agreement (DLA)*

- (a) the DLA between the United Kingdom and the People’s Republic of China Governments in 1994 requires, among other matters, leaving

free 150m of the eventual permanent waterfront in the plans for the Central and Wanchai Reclamation at a place close to the current Central Barracks for the construction of a military dock after 1997. After the reunification, the Hong Kong Special Administrative Region (HKSAR) Government confirmed the People's Liberation Army Hong Kong Garrison (the Garrison)'s need for the Central Military Dock (CMD) for defence purposes and took up the construction of the CMD near the Central Barracks after the completion of the statutory plan-making process in 2000 and funding approval by the Legislative Council (LegCo) in 2002. The detailed design and delineation of the CMD is now confirmed and the construction works are reaching their final stages. It was against this historical background that amendments were made to reflect the final delineation and the land use of the CMD on the Central District (Extension) Outline Zoning Plan (the OZP). On the issue that the HKSAR Government has no obligation to comply with the DLA, while it is not a matter for the Town Planning Board (the Board) to rule, the historical background relating to the reprovisioning of the military dock is relevant;

Planning Process and Public Consultation

- (b) the military berth at the Central waterfront was deliberated by the public at length when the draft OZP was gazetted in 1998. After going through a due process of public objections and hearing of public objections under the Town Planning Ordinance (TPO), the military berth was represented by a straight line annotated "150m Military Berth (subject to detailed design)" on the OZP which was approved by Chief Executive in Council on 22.2.2000. The LegCo on 21.6.2002 approved the funding for building the CMD and associated facilities for use by the Garrison, as part of the Central Reclamation III (CRIII) project. The Government had made known to the public the location and conceptual design of the CMD

and its integration with the New Central Harbourfront in the extensive public engagement exercises under the Urban Design Study for the New Central Harbourfront (UDS) in 2008, and the architectural design was presented to the Central and Western District Council and the Harbourfront Commission's Task Force on Harbourfront Developments on Hong Kong Island on 13.5.2010 and 6.10.2010 respectively. The Government has all along made it clear that the concerned land area is for use as a military dock and that the Garrison has agreed to open it to the public when it is not in military use. The construction of the CMD has now been largely completed and the OZP was duly amended to reflect the as built condition. The OZP was exhibited and published for public representations and comments in accordance with the provisions of the TPO. The statutory and administrative procedures in consulting the public on the OZP amendments have been duly followed;

Protection of the Harbour Ordinance (PHO)

- (c) the reclamation limit of the CRIII project, which was determined by the need for provision of the essential transport infrastructure and re-provisioning of affected waterfront facilities, followed strictly the presumption against reclamation principle under PHO, and had passed the overriding public need test. The CMD site was located on land formed for such purposes and the OZP amendments by themselves should not engage PHO as they do not cause or give rise to any additional reclamation of the Harbour;

Construction of the Ancillary Facilities

- (d) the construction of the facilities ancillary to the CMD is part of the public works coordinated and implemented by the Government as part of the CRIII project. The LegCo Public Works Subcommittee

paper states clearly that as part of the CRIII project, the CMD works included the berth and ancillary facilities. The military berth use as shown on the first approved OZP in 2000 is a permitted use. The four single-storey structures supporting the military dock are ancillary facilities directly related to the permitted use and no separate planning permission from the Board is required. There is no question of the construction works for the military dock being unauthorised;

Law Enforcement and Operational Details

- (e) the CMD, being one of the military facilities of the Garrison, will be under the management and use by the Garrison after the completion of works. As mentioned in the Legco Panel on Development paper (28.5.2013), the Garrison has, on the request of the HKSAR Government, agreed in 2000 that it would open the area of the military dock site to the public as a part of the promenade when it is not in military use, having regard to its operation and need for protecting the military dock. The OZP amendments will not affect the arrangement agreed by the Garrison. The management and detailed operational arrangement of the military dock are outside the purview of the Board. The Government will further liaise with the Garrison on the detailed arrangement for opening the area of the military dock site to the public and has undertaken to inform the public of the future arrangement;

Connectivity of the Waterfront

- (f) the CMD has been designed to integrate with the waterfront promenade and the ancillary structures have been set back from the waterfront. It will be open to the public when it is not in military use. When the CMD is closed for military use, the public can use the walkway to the immediate south of the military dock and

continuous east-west connection along the waterfront will be maintained. The area to the south of the walkway is zoned 'Open Space' and will be developed into a public open space within which public access would also be provided. When the Garrison requires temporary direct access between the Central Barracks and the CMD via Lung Wo Road, the HKSAR Government will make temporary traffic arrangement to facilitate such access while minimising the disturbance to pedestrians/road users and public enjoyment of the harbourfront. Pedestrians can use the pavements on both sides of the access road to access the waterfront;

Zoning and Related Matters

- (g) the amendments incorporated into the OZP are to reflect the land use of the CMD. They are within the statutory function of the Board and are in compliance with TPO;
- (h) the CMD is needed by the Garrison for defence purposes. The site is intended for a military dock while the Garrison has committed to open it to the public as a part of the promenade when it is not in military use. The current "Other Specified Uses" annotated "Military Use(1)" ("OU(MU)1") zoning and its boundary on the OZP is considered appropriate to reflect such planning intention and the primary use of the site. It is also consistent with the zoning of the Central Barracks that is directly associated with the CMD;

Development Scale

- (i) the area of the "OU(MU)1" zone, occupying about 0.3ha, only accounts for a minor portion of the waterfront promenade of the new Central harbourfront which is about 9.87ha;
- (j) a building height restriction of 10mPD is imposed for the

“OU(MU)1” zone which is intended for a military dock. The restriction respects the waterfront setting and avoids creating visual intrusion to the developments behind. It is also in line with the proposed height of 10mPD as recommended under UDS. The building height restriction of 10mPD will only allow structures with an absolute building height up to 5.8m which is compatible with the waterfront setting. Inclusion of a minor relaxation clause is a standard practice of the Board to all zonings with building height restrictions to cater for specific site circumstances and the Board will scrutinise each application for minor relaxation on its own merits;

- (k) no additional development restrictions should be imposed for the “OU(MU)1” zone to allow flexibility in case there were unforeseen needs for defence purposes;

Proposals for Other Land Uses

- (l) under UDS, in which extensive public engagement exercises were carried out, the Central harbourfront is designed with a park setting and will provide a great variety of facilities for the public to enjoy the harbourfront and appreciate the harbour. The proposals of reconsidering other land uses for the CMD site and the nearby areas are not considered appropriate;

Pollution

- (m) under the Garrison Law, the Hong Kong Garrison should abide by the laws of HKSAR, including the pollution control ordinances; (R11, R40, R1853, R5167, R6139 to R6158, R6160 to R6164, R6797, R7156, R7215, R7253, R7263, R7278, R7282, R7294, R7299, R7305, R7316, R7404, R7433, R7475, R7486, R7493 and R8034)

Marine Traffic

- (n) the impacts arising from the military vessels on the marine traffic in Victoria Harbour would not be significant; (R1834, R1865, R1900, R3653, R4214, R5098, R6893, R7102, R7157, R7192, R7197, R7249, R7296, R7327, R7361, R7561, R7606, R7629, R7715, R7820, R7866, R7875, R7881, R7903, R7938 and R9688)

Queen's Pier/Star Ferry Clock Tower

- (o) the allegation of demolishing Queen's Pier for the construction of the CMD is factually incorrect. The reprovisioning of the CMD on the Central waterfront is in accordance with Annex III to the DLA while the demolition of Queen's Pier is to make way for the construction of the essential transport infrastructure under the CRIII project; (R339, R3252, R3253, R3266, R3267, R5478, R5535 to R5564, R5566 to R5699, R5701 to R5722, R5724 to R5736, R5738 to R5740, R5742 to R5758, R5760 to R5778, R5780 to R5839, R5840, R5841 to R6042, R6044 to R6101, R6103 to R6135, R6136 to R6138, R7262, R7557, R7853, R7988, R8005, R8006, R9746, R9751, R9752 and R9809)
- (p) according to UDS, Queen's Pier will be reassembled between Central Piers No. 9 and 10 to revive its pier function; (R23, R24, R1812, R1899, R1911, R1993, R4013, R4065, R4175, R4258, R4308, R6933, R6943, R6955, R7045, R7106, R7170, R7189, R7197, R7221, R7250, R7262, R7280, R7314, R7373, R7386, R7481, R7829, R7877 and R7973)
- (q) according to UDS, the old Star Ferry Clock Tower will be reconstructed at its original location; (R13, R1812, R3893 and R7250)

Outside the Purview of the Board

- (r) the issue relating to the chance of attack on the CMD falls outside the purview of the Board; (R2021, R6951, R7157, R7288, R7354, R7361, R7544, R7726, R7754, R7903, R7973 and R8010)
- (s) the issue relating to defence matters fall outside the purview of the Board; (R40, R6775, R6779, R6786, R6800, R6804, R6987, R7022, R7665, R7780 and R7935)
- (t) the issue relating to insurance matter falls outside the purview of the Board; (R7715)

Irrelevant to the Amendments

- (u) the issue relating to other military facilities is irrelevant to the amendments to the draft Central District (Extension) OZP; (R1807, R1856 to R1859, R1997, R6512 to R6519, R6761, R6808, R6963, R7038, R7157, R7416 and R9685)
- (v) the issue relating to public housing is irrelevant to the amendments to the draft Central District (Extension) OZP; (R6954 and R7041)
- (w) the issue relating to ferry services is irrelevant to the amendments to the draft Central District (Extension) OZP; (R1854)
- (x) the issues relating to the provision of public facilities, lawns and safety measures are irrelevant to the amendments to the draft Central District (Extension) OZP; (R6691)
- (y) the issue relating to provision of travelator between Admiralty and Star Ferry Pier is irrelevant to the amendments to the draft Central

District (Extension) OZP; (R7308) and

Irrelevant Planning Consideration

(z) the issue relating to fung shui is not a relevant planning consideration. (R7504)”

68. The Board agreed to revise paragraph 8.5(a) of the Explanatory Statement to include the following at the end of that paragraph:

“The Garrison has, on the request of the HKSAR Government, agreed in 2000 that it would open the area of the military dock site to the public as a part of the promenade when it is not in military use, having regard to its operation and need for protecting the military dock.”

Other Matters

69. The Vice-chairman made some remarks about the special arrangements for the hearing. He said that the Board had agreed to adopt special arrangements for the hearing, including a limit of 10 minutes on the speaking time for oral submission by a representer/commenter as well as other flexible arrangements (such as request for time extension and cumulative time from authorised representatives) to facilitate representers’/commenters’ oral submissions at the meeting. The time limit of 10 minutes was sufficient for most of the presenters, and a few others had used the flexible arrangements to suit their needs. These special arrangements were necessary and appropriate and the hearing sessions had been conducted in an effective manner. Members agreed to these observations about the special hearing arrangements.

70. With regard to the draft minutes for the deliberation session on 18.12.2013, Members agreed that they should be confirmed later together with the minutes of all sessions of the meeting.

71. There being no other business, the meeting was closed at 10:15am.