

1. The meeting was resumed at 9:15 a.m. on 6.11.2013.
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

Professor Edwin H.W. Chan

Professor P.P. Ho

Ms Julia M.K. Lau

Mr Roger K.H. Luk

Ms Anita W.T. Ma

Dr W.K. Yau

Ms Bonnie J.Y. Chan

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

Ms Christina M. Lee

Mr F.C. Chan

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

[Closed Meeting]

3. The Secretary reported that three letters recently submitted by Mr Nigel Kat, the Central Harbourfront Concern Group (CHCG) and Ms Katty Law were tabled at the meeting for Members' reference. The Secretary briefly introduced the concerns raised in the letters as follows:

- (a) Mr Nigel Kat (R48) advised in his email dated 1.11.2013 to the Secretariat of the Town Planning Board (the Board) that 10 minutes would be inadequate for his presentation. Moreover, he was not available for the scheduled session on 25.11.2013 since he was engaged in court proceedings during that period. He had proposed alternative dates for attending the Meeting;
- (b) CHCG had submitted an open letter dated 4.11.2013 to the Secretary for Development and the Chairman of the Board stating that the Board had abused its power by setting a 10-minute time limit for the oral presentation of each representer/commenter. CHCG requested that (i) the unreasonable time restriction should be cancelled; (ii) the Chairman of the Board should withdraw from the meeting in view of his role conflict; and (iii) the town planning procedures should be reviewed to enhance its independence and to allow elected Members; and
- (c) Ms Katty Law, on behalf of the Central and Western Concern Group (R29), lodged a complaint in an email dated 5.11.2013 to the Secretariat of the Board on the special hearing arrangements in respect of the consideration of representations and comments of the Central District (Extension) Outline Zoning Plan (OZP). She was dissatisfied that at the session of the Meeting on 4.11.2013, the Chairman of the Board had ignored her objection to the 10-minute time limit regardless of her repeated explanations. Moreover, she considered that to stop her presentation after using up the 10 minutes and to continue her presentation at the end of the session was unacceptable as her

presentation would be broken up and become incoherent. In considering that her right for a fair hearing was deprived of, she decided to walk out from the session of the Meeting on 4.11.2013 in protest of such injustice. She requested that her complaint and protest be recorded in the minutes of the meeting. She also urged the Board to follow the normal procedures so that all representers and commenters could participate in a fair hearing.

4. The Secretary suggested that the Secretariat of the Board would reply to Mr Nigel Kat, CHCG, Ms Katty Law and future similar correspondence under the steer of the Chairman and make reference to the 'Guidance Notes on Attending the Meeting for Consideration of the Representations and Comments in respect of the Draft Central District (Extension) OZP No. S/H24/8 (the Guidance Notes). Members would be consulted on the draft replies as necessary. Members agreed.

5. The Chairman said that given that the Guidance Notes were formulated after thorough deliberation amongst Members and were agreed by the Board for the purpose of ensuring a smooth and fair hearing, the Guidance Notes should be followed. He said that Members would be consulted on any new issues whenever necessary in the course of the meeting. Members agreed.

[Open Meeting]

#### Presentation and Question Session

6. The following Government representatives, the representers and the representer's representative 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 (STP/SD), PlanD

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

R2488 – Venus Leung Lai Yu

Ms Venus Leung Lai Yu - Representer

R2936 – Chan May Yee

Miss Chan May Yee - Representer

R3239 – Wong Pik Man

Miss Wong Pik Man - Representer

R3405 – Chan Wing

Miss Mak Tin Hing - Representer's Representative

7. 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 would be allocated a total of 10-minute 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 the oral submission from a representer/commenter or his authorized representative would be considered by the Board and the Board retained the discretion whether to allow such which would only be exercised upon sufficient cause shown and after taking into account all relevant circumstances. 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. He then invited the representatives of PlanD to brief Members on the background to the case.

8. With the aid of a Powerpoint presentation, Miss Elsa Cheuk, CTP/SD, PlanD, repeated the presentation which was made in the session on 4.11.2013 as recorded in

paragraph 21 of the Minutes of 4.11.2013.

[Professor Edwin H.W. Chan and Professor P.P. Ho returned to join the meeting during the presentation.]

9. The Chairman then invited the representers and the representer's representative to elaborate on their representations. The Chairman said that the presentation should be within the 10 minutes time and confined to an elaboration of the written submissions already made to the Board and any new points submitted/presented would not be taken into consideration by the Board.

R2936 – Chan May Yee

10. Miss Chan May Yee made the following main points:

- (a) the Central harbourfront had been planned as a waterfront promenade for public enjoyment as a result of the concerted effort of the public for a long period in the past;
- (b) the designation of a piece of land at such a prominent location of the Central waterfront for military use was incompatible with the design and setting of the open space development;
- (c) as military use would include a number of different activities and functions such as firing range or storage of ammunitions/bombs, there was concern on what kinds of military use the site would be put to as the Board could not control the future military activities and functions within the site;
- (d) the safety of the general public might not be protected in the event that they accidentally trespassed on the military site as the site was subject to the provisions of the Garrison Law instead of the Hong Kong Laws. Moreover, the citizens, tourists and overseas businessmen might not

understand that the site was under the control of different laws;

- (e) the opening arrangement of the site for public access was beyond the control of the Government of the Hong Kong Special Administrative Region (the HKSAR Government) but subject to the discretion of the People's Liberation Army (PLA);
- (f) there was no justification for the proposed change of zoning as the original "Open Space" ("O") zoning could accommodate the intended military use such as occasional berthing of military vessels or the provision of a venue for holding military ceremonies. There was no precedent case in other overseas cities such as Singapore to reserve a site at the town centre and along the waterfront for military use;
- (g) public consultations were not properly conducted. The public was not duly informed that the site would be reserved for military use as only a military berth was annotated on the previous versions of the OZP; and
- (h) it was unfair that the public was not allowed to use the site freely when public moneys were used to construct the military facilities within the site.

[Actual speaking time of R2936 : 6 minutes.]

R2488 – Venus Leung Lai Yu

11. Ms Venus Leung Lai Yu made the following main points:

- (a) the harbour was a valuable asset for our future generations. The designation of a military site along the waterfront would change the nature and character of the harbour;
- (b) given that the mechanism to declare the site for military use was not

known, the military use at the site without proper announcement might pose threat to the safety of the general public; and

- (c) although it was stated that the site would be open for public use when it was not in military use, there was no guarantee for public entry and usage of the site.

[Actual speaking time of R2488 : 2 minutes.]

R3239 – Wong Pik Man

12. Miss Wong Pik Man made the following main points:

- (a) there was no guarantee that the site would be open for public use and there was concern that the opening would be at odd hours. The opening hours of the site for public use should be properly made known to the public; and
- (b) consideration should be given to relocating the military pier to a place near Central Piers No. 9 and 10. Moreover, Fenwick Pier would also be a suitable relocation site if it was not designated for any future use.

[Actual speaking time of R3239 : 1 minute.]

R3405 – Chan Wing

13. Miss Mak Tin Hing, the presenter's representative, made the following main points:

- (a) the designation of a site for military use at the subject location would affect the continuous pedestrian connection along the waterfront promenade. Moreover, the detailed arrangements and the opening hours of the military site for public use were not clear;



- (b) although the Garrison had agreed to open the site for public use when it was not required for military use, there was no clear definition of military use and the opening hours and specific use of the site were beyond the control of the Government. It was not sure whether the opening hours would be at reasonable time for the convenience of the public;
- (c) the site might be under surveillance in future. This would have adverse psychological impact on the public's enjoyment of the waterfront promenade; and
- (d) the Board should make every effort to safeguard that the site would be open for public entry and usage, and disclose more information to the public on the opening arrangement of the site for public use.

[Actual speaking time of R3405 : 3 minutes.]

14. As the presentation from the Government representatives, representers and the representer's representative had been completed, the Chairman invited questions from Members.

*Operational Details and Opening Arrangements of Central Military Dock*

15. Noting that the representers were mostly concerned about the use, operational details and opening arrangements of the proposed central military dock (CMD) site, the Vice-chairman requested PlanD's representatives to provide more information on these aspects.

16. Miss Elsa Cheuk said that according to the Garrison Law, the management of military facilities was one of the defence functions and responsibilities of the Garrison. As CMD was one of the military facilities, it would be handed over to the Garrison for management and use after completion of the work and procedures. Military activities at CMD could include berthing military vessels, holding ceremonies, conducting military

training, carrying out maintenance works, etc. The Garrison agreed in 2000 that it would open the land area of the military dock (except the utilities, ancillary structures and landing steps) to the public when the site was not in military use. Hence, under circumstances when CMD was not in military use, the site would be open for public use. The HKSAR Government would continue to liaise with the Garrison on the details of the opening arrangements and would make known to the public such information when available.

17. In response to the Chairman's question on the responsible party to enforce law and order of the CMD site in future, Miss Elsa Cheuk said that while the CMD site would be used and managed by the Garrison in future, the Hong Kong Police would be responsible for maintaining the law and order within the CMD site under the Hong Kong Laws when it was open to the public.

#### *Public Consultation*

18. In response to the Chairman's request, Miss Elsa Cheuk briefed the meeting on the following background in response to R2936's concern that the public had not been adequately consulted on the location of the military site in the past:

- (a) CMD was represented by a straight line annotated '150m Military Berth (subject to detailed design)' on the OZP No. S/H24/2 which was approved by the Chief Executive in Council (CE in C) in 2000. The annotation on the OZP had remained unchanged until the current amendments were incorporated into OZP No. S/H24/8;
- (b) the location and design of the military dock had been included in the two-stage public engagement exercise of the Urban Design Study for the New Central Harbourfront (UDS) carried out between 2007 and 2008. CMD, including the four ancillary structures, at Site 7 of the new Central harbourfront (i.e. the subject site) was clearly indicated in the public consultation documents of UDS published in 2008;
- (c) as shown on a slide indicating the public engagement activities of the

UDS, the scope and coverage of the public engagement exercise for UDS was wide and extensive, including two large-scale exhibitions; seven roving exhibitions; several focus group workshops with various stakeholders; as well as briefings to 18 District Councils, the Board, the then Harbourfront Enhancement Committee, Land and Development Advisory Committee, Panel on Development and Panel on Home Affairs of the Legislative Council, Antiquities Advisory Board and other professional institutes and organisations;

- (d) as shown on another slide on the public opinion collection of the UDS, public opinions were also collected through various means including comment cards, questionnaire surveys, telephone polls and written comments. The specific comment card for Site 7 had clearly indicated that a military dock would be provided.

19. A Member asked when the design concept of the military dock was first made known to the public. In response, Miss Elsa Cheuk, with the aid of some slides, said that the conceptual design of the CMD site as part of the waterfront promenade and open for public access when it was not in military use was made known to the public on several occasions including the public engagement exercise of the UDS in 2008. In the Information Digest and Final Report of the UDS, there were descriptions and plans showing the broad area and location of CMD including the approximate locations of the four ancillary structures. As recommended in the UDS, CMD had been designed to integrate with the promenade. The folding gates for fencing off the dock would be hidden in the ancillary building structures when CMD was not in military use to avoid visual obstruction to the harbour and the waterfront promenade. The information in relation to the UDS was readily accessible by the public on the Study webpage. Moreover, the location and design concept of CMD were also widely publicized in the extensive public engagement activities of the UDS including the display of illustration materials such as physical models and exhibition panels showing the waterfront promenade area.

20. In response to a Member's question on the responsible parties to bear the construction cost as well as the future management and maintenance expenses of the military facilities, Miss Elsa Cheuk replied that Article 13 of the Garrison Law stated that '... if the Government of the Hong Kong Special Administrative Region needs for public use of any part of the land used for military purposes by the Hong Kong Garrison, it shall seek approval of the Central People's Government; where approval is obtained, the Government of the Hong Kong Special Administrative Region shall in return provide land and military facilities for the Hong Kong Garrison at such sites as agreed by the Central People's Government, and shall bear all the expenses and costs entailed.' Such provision was applicable to the military dock in question and the Government took up the responsibility for the construction of the reprovisioned military dock.

21. In response to the Chairman's question on whether the Garrison Law was applicable to Hong Kong, Miss Elsa Cheuk replied in the affirmative. The Chairman supplemented that the full name of the Garrison Law should read 'the Garrison Law of the HKSAR Government, People's Republic of China'. It was passed by the 23<sup>rd</sup> meeting of the Standing Committee of the Eighth National People's Congress on 30.12.1996.

#### *Other Military Sites*

22. A Member enquired about the zoning of other military sites in the territory and whether the Board could have any control on the future uses of these military sites.

23. Miss Elsa Cheuk replied that there were a total of 19 military sites in Hong Kong including the CMD site. Some of the sites were not covered by any statutory plans. For those military sites which were covered by statutory plans, all except the three sites zoned for residential use were under "OU" zoning and there were no development restrictions imposed by the Board. Given the location of the CMD site at the Central harbourfront, a building height restriction (BHR) of 10mPD was imposed on the site taking into account the recommendation of the UDS to respect the waterfront setting and to avoid visual intrusion. Moreover, a minor relaxation clause for the BHR was also stipulated and planning permission from the Board would be required for any minor relaxation of the BHR.

24. In response to the question of another Member on the zoning of the three military sites for residential use, Miss Elsa Cheuk said that the three sites were zoned “Residential (Group B)”, “Residential (Group C)1” (“R(C)1”) and “R(C)3” on the respective OZPs.

25. In response to a Member’s question on whether there was a military facility at Justice Drive, Miss Elsa Cheuk said that there were existing military quarters located near Pacific Place Two and Three at Admiralty. Making reference to those existing military facilities at Admiralty, this Member said that even if some existing military facilities were centrally located, they would not cause any impact or nuisance to the daily life of the general public.

*Zoning for the CMD Site*

26. Referring to Plan H-4 of the Paper which showed that the areas adjacent to CMD were designated with an “OU” zoning on the OZP, a Member asked whether it was a common practice to designate a passenger pier or a military dock and their adjoining area as “OU” zones.

27. Mr Timothy Lui, STP/SD, PlanD, displayed Plan H-4 on the visualiser and said that “OU” zones were designated for specified uses on OZPs. It was an established practice to designate a site as “OU” to reflect the planning intention of a specified use for that particular site. As such, a few other sites with specified uses had been zoned “OU” on the same OZP, for example, “OU(Pier)”, “OU(Waterfront Related Commercial and Leisure Uses)”. Since the site had been reserved for the development of a military dock, the designation of the site as “OU(Military Use)” zoning on the OZP to reflect the military use was in line with the established practice.

28. Three Members asked whether the arrangement to open the CMD site for public use when it was not in military use could be appropriately reflected in the OZP so as to address the concern of some representers on the lack of any written documentation of the opening of the site for public use. Two of these Members opined that the CMD site which would allow public access might warrant a different consideration as compared with

other military sites where public access were strictly prohibited.

29. In response, Miss Elsa Cheuk said that as the Notes or the ES of the OZP should only include matters that reflected the planning intention, it was not appropriate for the Board to impose operational details in the Notes or ES of the OZP. The current amendments incorporated into the OZP were mainly to reflect the planning intention of the site for CMD use and to delineate its area. Given that CMD was a military facility by nature and was one of the military sites to be used and managed by the Garrison in accordance with the Garrison Law, the current zoning of the site as “OU(Military Use)” was considered appropriate as it could reflect the predominant use of the site as a military dock. Although CMD would be open for public use when it was not in military use, open space use was not the predominant use of the site in planning terms. Regarding the concerns of the representers on the opening arrangements of the CMD site, she said that the Garrison had agreed in 2000 that it would open the land area of the military dock to the public as part of the promenade when the dock was not in military use. Moreover, the HKSAR Government had also publicly stated the Garrison’s agreement on several occasions including in the public engagement exercise of the UDS and at meetings of the Legislative Council. The HKSAR Government would continue to liaise with the Garrison on the detailed arrangements in respect of the opening of the CMD for public use and would announce the information to the public when it was available.

30. In response to a Member’s question on whether the imposition of development restrictions under the Town Planning Ordinance (the Ordinance) would be proper as the site would be under the jurisdiction of the Garrison Law in future, Miss Elsa Cheuk said that there would be no conflict as the Ordinance prescribed the land use of the site as a military dock while the Garrison Law provided for the Garrison’s right to use and manage the site.

*The Reprovisioning for the Military Dock at the Central Harbourfront*

31. The Chairman asked PlanD’s representative to explain the existing condition and future land use of Fenwick Pier as raised by Miss Wong Pik Man (R3239) in her presentation.

32. Miss Elsa Cheuk replied that Fenwick Pier was zoned “O” on the current OZP. Mr Timothy Lui supplemented that its water area had been included in the project boundary of Wan Chai Development Phase II and currently under reclamation.

33. Miss Wong Pik Man (R3239) asked why the military dock had to be reprovisioned at this central location of the waterfront promenade and could not be relocated to Central Piers No. 9 and 10. She queried whether there was a genuine need to reprovision another military dock in the Central District given that there was an existing naval base at Stonecutters Island which could perform similar functions such as berthing and repairing of military vessels.

34. The Chairman asked PlanD’s representative to explain the reasons for reprovisioning the military dock at the Central harbourfront.

35. Miss Elsa Cheuk displayed a slide of an aerial photo taken in 1986 showing the situation of the former Tamar Basin. She explained that before the reunification, the headquarters of the British Garrison used to have a naval basin and dock facilities at the former Tamar Basin. As the Tamar Basin had been planned to be reclaimed under the Central Reclamation Phase III (CR III), DLA provided that a naval base should be reprovisioned on the south shore of Stonecutters Island and a military dock should be reprovisioned in the Central District near the Central Barracks. DLA further provided that the then Hong Kong Government would leave free 150 metres of the eventual permanent waterfront in the plans for the Central and Wan Chai Reclamation at a place close to the Prince of Wales Barracks (i.e. the current Central Barracks) for the construction of a military dock after 1997. The current amendment of the OZP was mainly to reflect the use of the site as a reprovisioned military dock in accordance with DLA.

*Public Access to the Central Harbourfront*

36. Noting the representers’ concern that one of the objectives of the Central Reclamation project was to provide a waterfront promenade for public enjoyment, a

Member asked whether the continuous pedestrian connection along the waterfront promenade would be interrupted by the closure of the CMD site when it was in military use.

37. Referring to a slide showing an aerial photo of the CMD site, Miss Elsa Cheuk said that the land area of the military dock would be open to the public when it was not in military use. When CMD was closed, the public could use the walkway to the immediate south of CMD as a continuous east-west connection along the waterfront and the walkway would be open for public use. The design concept of the military dock including the walkway in the south was made known to the public during the public engagement exercise of the UDS in 2008.

38. The same Member noted that there was a north-south military corridor as shown on the plan of the UDS presented by PlanD's representative. This Member enquired about the closing arrangement of this military corridor at times when CMD was in military use and whether the pedestrian connectivity to the waterfront promenade would be hindered by the closure of the military corridor.

39. Miss Elsa Cheuk, referring to a slide showing the site and its surroundings, said that the north-south corridor which would provide a direct access between the Central Barracks and the CMD site had been designed as part of the waterfront promenade under the UDS and was zoned "O" on the OZP. Should the Garrison require temporary direct access between the Central Barracks and the CMD site, the Government would make temporary traffic arrangement to facilitate such access while minimizing the impact on pedestrians and road users, and disturbance to public enjoyment of the harbourfront.

[Miss Anita W.T. Ma left the meeting temporarily at this point.]

40. Miss Wong Pik Man (R3239) said that under such circumstances, the north-south corridor would also be closed and handed over to the Garrison for military use. The Chairman clarified that, as explained before, the north-south corridor was not part of CMD and would not be handed over to the Garrison. At the request of the Chairman to further elaborate on the planned use of the north-south corridor, Miss Elsa Cheuk



explained with the aid of a photo that the current amendment involved the rezoning of about 0.3 ha of land including four ancillary structures along the waterfront promenade from “O” to “OU(Military Use)” for military dock purpose while the surrounding area including the north-south corridor remained to be under the “O” zoning on the OZP and planned for public open space use. When the Garrison required to use the north-south corridor for direct access between the Central Garrison and the CMD site, temporary traffic arrangement would be implemented and disturbance to the public would be minimised. Mr Timothy Lui supplemented that the north-south corridor also served as an emergency vehicular access for the pump house and other public utility facilities located at the promenade.

41. In response, Miss Wong Pik Man (R3239) raised concern that the 0.3 ha of land as mentioned in paragraph 40 above would be managed by PLA and the opening of the site for public use was not guaranteed. Miss Elsa Cheuk said that according to the Garrison Law, one of the defence functions of the Garrison included the control of the military facilities. Similar to other military facilities, CMD would be managed and used by the Garrison after completion of the work and procedures.

42. The Chairman said that, as explained by PlanD’s representative, the opening of the land area of the CMD site to the public as part of the promenade when the site was not in military use, having regard to its operation and need for protecting the military dock, had been agreed by the Garrison. The HKSAR Government had also publicly stated on several occasions the Garrison’s agreement.

43. The Chairman requested PlanD’s representatives to brief Members on the future permanent use of the Central harbourfront upon the completion of the construction works.

44. Referring to a photo showing the existing condition of CMD and its surrounding area, Miss Elsa Cheuk said that the Central harbourfront, which was largely zoned “O” on the OZP, would be developed into a public open space upon completion of the works. Part of the waterfront promenade, which would be completed earlier under advanced works, would be used as a temporary public open space.

45. Mr Timothy Lui added that while CR III project had been substantially completed, part of the waterfront area was being used as works areas for public works projects including the Central-Wanchai Bypass. The entire waterfront promenade could only be implemented upon completion of these projects. During the interim period, the Government had put parts of the waterfront sites into temporary uses, such as entertainment and event sites, pending permanent development, to bring vibrancy to the harbourfront.

46. Mr Lui summarised that the long-term planning intention of the Central harbourfront was largely public open space and pedestrian connections along the waterfront promenade and with its inland area would be subject to detailed design.

#### *Compliance with DLA*

47. In response to a Member's question on whether the HKSAR Government was required to comply with the international obligations signed before the reunification, Miss Elsa Cheuk said that DLA required, amongst other things, that a military dock be reprovisioned near the Central Barracks after the reunification. Specifically, DLA provided that the then Hong Kong Government would 'leave free 150m of eventual permanent waterfront at a place close to the Prince of Wales Barracks for the construction of a military dock after 1997'. After the reunification, the Government took up the construction of CMD and its ancillary facilities at the Central harbourfront.

#### *The Representatives' Sentiments on the Rezoning*

48. A Member said that PlanD had explained the historical background to the rezoning of the site for military use. As the design and required land area of the proposed military dock could not be decided at the time when DLA was signed, it was represented by a straight line along the coastline with an annotation of '150m Military Berth (subject to detailed design)' on the OZP gazetted in 1998. Given that the stretch of land along the waterfront was zoned "O" on the OZP as part of the planned waterfront promenade, the public might be psychologically unprepared for the rezoning of part of the waterfront area from "O" to military use and hence raised strong objections against the rezoning. The

Member would like to know more about the representers' sentiment after having listened to the historical background explained by PlanD's representative at the meeting.

[The Chairman left the meeting temporarily and the Vice-Chairman took over the chairmanship at this point.]

49. The Vice-Chairman asked whether the representers would like to respond to the Member's question.

50. In response, Miss Chan May Yee (R2936) made the following main points:

- (a) DLA signed in 1994 only required the reprovisioning of a military berth and this requirement had been reflected in the previous versions of the OZP by a straight line annotated a military berth along the coastline. The land area along the waterfront had all along been zoned "O". There was no need to rezone the site for military use and to hand over the land to the Garrison for management if the military dock was to be used for occasional berthing of military vessels;
- (b) unlike other military facilities in more remote areas, the public would easily intrude into the CMD site which was centrally located at the waterfront promenade. There was concern on the law enforcement of the CMD site which was subject to the provisions of the Garrison Law; and

[The Chairman returned to join the meeting at this point.]

- (c) there was no need to have another military site in the Central District as the former military dock at the then Tamar Basin had already been reprovisioned at Stonecutters Island.

51. Miss Wong Pik Man (R3239) said that given that the Queen's Pier had also been relocated, the military dock should not be located at this central location of the

waterfront promenade. Consideration should be given to reprovisioning the military dock to an area near Central Piers No. 9 and 10.

52. Ms Venus Leung Lai Yu (R2488) responded that the Government should consider relocating CMD to another more suitable location on the grounds that CMD was overlapping with the public open space and was strongly opposed to by the general public.

53. The Chairman requested PlanD's representative to explain again the reason for reprovisioning the military dock at the subject site as raised by the representers. In response, Miss Elsa Cheuk, referring to a slide on the background of the subject site, said that before the unification, the headquarters of the British Garrison used to have a naval basin and dock facilities in the former Tamar Basin which were affected by the Central Reclamation project. DLA signed in 1994 required that a naval base be reprovisioned at Stonecutters Island and a military dock be reprovisioned near the Central Barracks. DLA further provided that the Hong Kong Government was required to leave free 150m of the eventual permanent waterfront in the plans for the Central and Wanchai Reclamation at a place close to the Prince of Wales Barracks (i.e. the current Central Barracks) for the construction of a military dock. However, as the design and land area of CMD were not decided at the time, the location of CMD was represented by a straight line annotated '150m Military Berth (subject to detailed design)' on the OZP. This approach was in line with the established practice of preparation of OZPs. For example, some sites which were zoned "OU(Elevated Walkway)" on the same OZP were also annotated with 'subject to detailed design'. After the detailed design and delineation of CMD were confirmed, appropriate amendments to the OZP were made to reflect the final delineation and land use of the military dock. The design and approximate location of the military dock including the four ancillary structures were indicated in the consultation documents of the public engagement exercise of the UDS in 2008 and the briefings to DCs on the advance works of the new Central harbourfront in 2010.

#### *Other Matters*

54. Noting that the landing steps of CMD would not be open for public use at any time, a Member asked whether some measures would be implemented to avoid the

unauthorized use of the landing facilities by the general public.

55. In response, Mr Mak Chi Biu, CE/HK1, CEDD, said that the landing steps would be fenced off and notices would be posted at prominent locations to avoid access by the general public.

56. A Member said that the duties, discipline and jurisdictions of the Hong Kong Garrison and its relationship with the HKSAR Government were clearly set out in the Garrison Law. As specified in the Garrison Law, it was unlikely that the future military use of the CMD site would pose any threat to the people of Hong Kong.

57. The Chairman supplemented that the Garrison Law was a public document readily accessible by the general public and was available on the internet. Although the interpretation of the Garrison Law fell outside the ambit of PlanD, his understanding was that the use and management of CMD, which was a military facility, would be subject to the provisions of the Garrison Law.

58. As all the representers and the representer's representative attending the session had completed their presentations and Members had no further question to raise, and no more representers had arrived to attend the session, the Chairman said that the session would be adjourned at this point. The Chairman thanked the representers and the Government representatives for attending the hearing. They all left the meeting at this point.

[The meeting adjourned for a break at 11:00 a.m.]

59. The meeting was resumed at 12:00 noon.

60. Since Members had waited for an hour and no more representers or their representatives had arrived to attend the session, the Chairman announced that the meeting was adjourned and the meeting would be resumed at 9 a.m. on 11.11.2013.

[Professor Edwin H.W. Chan left the meeting at this point.]