

**7<sup>th</sup> Meeting of Harbourfront Commission**  
**held at 2:30 pm on 7 September 2011 at the Conference Room**  
**on 15/F, North Point Government Offices, 333 Java Road, Hong Kong**

**Minutes of Meeting**

**Present**

Mr Nicholas Brooke	Chair
Mrs Carrie Lam	Vice-Chair
Mrs Margaret Brooke	Representing Business Environment Council
Mr Lam Kin-lai	Representing Conservancy Association
Mr Andy Leung	Representing Hong Kong Institute of Architects
Mr Tam Po-yiu	Representing Hong Kong Institute of Planners
Dr Paul Ho	Representing Hong Kong Institute of Surveyors
Dr Peter Cookson Smith	Representing Hong Kong Institute of Urban Design
Mr Shuki Leung	Representing Real Estate Developers Association of Hong Kong
Mr Paul Zimmerman	Representing Society for Protection of the Harbour (SPH)
Mr Chan Hok-fung	
Ms Lily Chow	
Mr Eric Fok	
Mr Clement Kwok	
Mr Vincent Ng	
Ms Ann So	
Mr Philip Yung	Commissioner for Tourism
Mr Joseph Lai	Commissioner for Transport
Mr Stephen Tang	Head/Kai Tak Office, Civil Engineering and Development Department (CEDD)
Mr Paul Cheung	Deputy Director of Leisure and Cultural Services (Leisure Services) (Acting)
Mr Francis Liu	Director of Marine (Acting)
Mr Jimmy Leung	Director of Planning
Mrs Winnie Kang	Secretary

**In Attendance**

Mr Thomas Chow	Permanent Secretary for Development (Planning and Lands)
Ms Gracie Foo	Deputy Secretary (Planning and Lands) <sup>1</sup> , Development

	Bureau (DEVB)
Mr Chris Fung	Assistant Secretary (Harbour)1, DEVB
Mr Ronald Leung	Assistant Secretary (Harbour)2, DEVB
Mr Peter Mok	Project Manager (Harbour), DEVB
Mr K B To	Assistant Commissioner/Urban, Transport Department (TD)
Mr Chung Siu-man	Assistant Director/Port Control, Marine Department (MD)
Mr Chan Cheuk-sang	Senior Marine Officer/Harbour Patrol Section (1), MD
Mr Raymond Wong	Assistant Director/Territorial, Planning Department
Miss Joanne Chan	Co-opted Member of Task Force on Harbourfront Developments on Hong Kong Island
Mr Lam Cheuk-yum	Co-opted Member of Task Force on Harbourfront Developments on Hong Kong Island

For Agenda Item 6

Mr Martin Turner	Chairman, Hong Kong Cycling Alliance (HKCAI)
Mr Sylvester Wong	Member, HKCAI
Mr Chan Ka-leung	Member, HKCAI
Mr Nick Andrew	Member, HKCAI

For Agenda Item 7

Ms Christine Loh	Chairperson, SPH
Mr Winston Chu	Adviser, SPH
Mr Hardy Lok	Councillor, SPH
Mr Carl Chu	Councillor, SPH
Mr Dennis Li	Councillor, SPH

**Absent with Apologies**

Prof Becky Loo	Representing Chartered Institute of Logistics and Transport in Hong Kong
Prof Carlos Lo	Representing Friends of the Earth
Mr Leslie Chen	Representing Hong Kong Institute of Landscape Architects
Ir Peter Wong	Representing Hong Kong Institution of Engineers
Mr Benjamin Cha	
Ms Dilys Chau	

## **Welcoming Message**

**The Chair** welcomed all to the 7<sup>th</sup> meeting of the Harbourfront Commission (the Commission). He informed Members that Mrs Winnie Kang had taken over the post of Principal Assistant Secretary (Harbour) from Ms Maisie Chan with effect from 15 August 2011. He welcomed Mrs Kang as the Commission's new Secretary and put on record the Commission's appreciation for Ms Chan's service.

## **Item 1 Confirmation of Minutes of the 6<sup>th</sup> Meeting**

1.1 **The Chair** said that the Secretariat circulated the draft minutes of the 6<sup>th</sup> meeting to Members on 26 August 2011 and received proposed amendments from Mrs Margaret Brooke. After incorporating the proposed amendments, the revised draft minutes were circulated to Members on 2 September 2011. As no further amendment was proposed at the meeting, the revised minutes were confirmed.

## **Item 2 Matters Arising**

A. *Proposed Establishment of a Statutory Harbourfront Authority (Paragraph 2.4 of the minutes of the 6<sup>th</sup> meeting)*

2.1 **The Chair** informed the meeting that the Harbour Business Forum was preparing a paper regarding the research on the potential of establishing a statutory Harbourfront Authority, which should be ready for circulation to Members in late September 2011.

B. *Establishment of the New Task Force on Water-land Interface (Paragraph 7.4 of the minutes of the 6<sup>th</sup> meeting)*

*meeting)*

2.2 **The Chair** said that the Secretariat had issued an email on 4 August 2011 to invite Members to join the new Task Force on Water-land Interface, and Members were asked to respond by 15 August 2011. Referring to an up-to-date membership list tabled at the meeting, he said that that the Chair of the new Task Force would be elected at its 1<sup>st</sup> meeting. He opined that it would be helpful to co-opt representatives from the maritime community on organisation basis.

C. *The Commission's Annual Report (Paragraph 8.9 of the minutes of the 6<sup>th</sup> meeting)*

2.3 **The Chair** updated Members that the Secretariat was seeking inputs from concerned bureaux and departments on the Commission's annual report. A draft would be circulated to Members for comment in due course.

2.4 **Mr Paul Zimmerman** suggested that the report could take the form of the Commission's work plan showing the current state of play of all its planned and committed projects for the entire harbour so that Members could keep track of the projects and their timelines.

### **Item 3 Progress Report from Task Force on Harbourfront Developments on Hong Kong Island (Paper No. HC/16/2011)**

3.1 **The Chair**, in his capacity as the Chair of the Hong Kong Task Force, presented the progress report.

3.2 The meeting endorsed the checklist for submissions on advertisement/signboard at harbourfront.

3.3 In relation to the progress report, **Mr Paul Zimmerman** commented that:-

- (a) on the Sky Trail proposed under the Hong Kong Island East Harbour-front Study, the Task Force had also discussed its connectivity with Lei Yue Mun Park and the Hong Kong Museum of Coastal Defence;
- (b) when discussing the proposed construction of additional floors above Central Piers Nos. 4 to 6, Task Force Members had urged to examine the business model, management and the integration with the future landscaped deck before deciding on the design;
- (c) Task Force Members considered that the location of the proposed transformer room of the new Wan Chai Ferry Pier should be temporary, and therefore agreed to adopt a simple and neutral design for it; and
- (d) Highways Department should be invited to look at how to enhance the connectivity along the Central and Wan Chai waterfront, identifying the width between City Hall and Site 4 in the new Central harbourfront as one of the concerns.

3.4 **The Chair** said that such issues would be followed up by the Task Force accordingly.

3.5 **Mrs Carrie Lam** made the following comments on the issues discussed at the subject Task Force meeting:-

- (a) she was gratified that the various harbourfront projects were moving from the concept planning stage to actual implementation. Further to the necessary discussion on the design and business viability of the projects, the Commission would need to draw a line and let the projects proceed. Otherwise, it would be disappointing to the public who were keen to see materialisation of projects at the harbourfront;

(b) regarding the proposed construction of additional floors above Central Piers Nos. 4 to 6, she said this project was also justified on the basis of enhancing the financial sustainability of the ferry services for outlying islands residents and tourists by generating more non-fare box revenue to cross-subsidize the ferry operation. There was thus a timetable in making those additional floor spaces available and she hoped Members could take that into account in expressing their views. The complaints about the current lack of activities at some of the Central Piers were a matter of management instead of design, and she was optimistic that there would be a business case for those piers; and

(c) on the subject of use of piers, she suggested that TD and Harbour Unit explore the possibility of revitalizing the currently idle Hung Hom (South) Ferry Pier now that the Hung Hom Promenade (Initial Development) had been commissioned providing a useful link to Tsim Sha Tsui. One possible option was to invite an expression of interest to see if there was any party interested in running the idle pier, such as food and beverages, art facilities, etc., say, under a 5-year lease.

**TD and  
Harbour Unit**

3.6 **Mr Joseph Lai** informed Members that one or two ferry operators had previously expressed interest in making use of the idle pier. If in the end none of the operators was interested, TD would look for a creative and innovative solution to put the pier to good use.

3.7 **Mr Zimmerman** agreed with the idea of opening up the pier as soon as possible by inviting an expression of interest, and suggested using shorter lease term to avoid disabling the pier for potential future marine uses.

#### **Item 4 Progress Report from Task Force on Kai Tak Harbourfront Development (Paper No. HC/17/2011)**

4.1 **Mr Vincent Ng** took Members through the progress report.

4.2 **Mrs Margaret Brooke** said that when discussing the proposed cross-boundary heliport at the subject Task Force meeting, Members queried whether there would be a business case for a heliport to be located at the end of the runway. Members also expressed concern about its impact on the vibrancy of the waterfront, the Cruise Terminal and the Runway Park. These aspects should be covered in the supplementary information to be provided to the Task Force.

4.3 **Mr Paul Zimmerman** clarified that Designing Hong Kong's presentation at the subject Task Force meeting was a proposal to develop a public boat club/marina at Kwun Tong Typhoon Shelter. He opined that the Task Force should look into two critical issues, namely reserving land for supporting facilities; and the nature and frequency of cross traffic along the promenade associated with the different marine traffic.

4.4 **The Chair** commented that Hong Kong needed a cross-boundary heliport but it could be located at a more suitable location. If the heliport was built on the ground floor at the tip of the runway, the impact on the Runway Park would be exacerbated.

4.5 **Mr Tam Po-yiu** said that the proposed cross-boundary heliport service was, to a certain extent, a kind of public service for the benefit of the Hong Kong community. Members needed to bear in mind the wider policy issue and public benefit when considering the proposal.

**Item 5 Progress Report from Task Force on Harbourfront Developments in Kowloon, Tsuen Wan and Kwai Tsing (Paper No. HC/18/2011)**

5.1 As Prof Becky Loo, Chair of the Kowloon Task Force, could not attend the meeting, **Mr Nicholas Brooke** presented the progress report on her behalf.

5.2 On the proposed construction of a two-storey building for MD's Harbour Patrol Section, **Mr Francis Liu** said that Members acknowledged the urgent need for MD to have extra office space to facilitate the provision of essential and emergency services to the public. In view of Members' comments, MD had subsequently discussed with Architectural Services Department (ArchSD) which had confirmed that it would not be technically feasible to erect new structures at the existing site and that the only option for MD was to proceed with the project at the adjacent site as discussed at the Task Force meeting. Mr Liu added that MD had already obtained Yau Tsim Mong District Council's support in February 2011 to proceed with the construction of a two-storey building at the adjacent site. As the Harbour Planning Principles (HPPs) and Harbour Planning Guidelines (HPGs) had been taken into consideration in formulating the design of the building and in view of the urgency of the project, he appealed for support at the Commission level.

5.3 **Mr Paul Zimmerman** said that it was concluded at the Task Force meeting that Members would support erecting temporary structures at the adjacent site so long as it was a temporary solution pending deliberations on the best solutions for the new Yau Ma Tei Typhoon Shelter and MD's operations.

5.4 In response to Dr Peter Cookson Smith's enquiry, **Mr Liu** said that MD would circulate the design of the temporary structures at the adjacent site for Kowloon Task Force Members for information in due course.

**MD**

5.5 On the Tsim Sha Tsui Piazza project, **Dr Smith** said that a few Task Force Members did not agree with the gazettal of the project as it would be difficult to further amend the scheme once it had been gazetted. In response, **the Chair** said that the views of Dr Smith and those who objected to the gazettal of the project



would be recorded in the minutes, but it was certainly the case that the majority of Task Force Members did agree with the gazettal of the project. **Mr Zimmerman** reiterated his objection to the gazettal.

## **Item 6 Planning a Continuous Cycle Route along the Harbourfront (Paper No. HC/19/2011)**

6.1 **The Chair** welcomed Mr Martin Turner, Chairman of HKCAI and three Members of the Alliance, namely, Mr Sylvester Wong, Mr Chan Ka-leung and Mr Nick Andrew.

6.2 **Mr Turner** and **Mr Wong** presented the paper with the aid of a PowerPoint. Supplementary information was tabled at the meeting.

6.3 **Mr Joseph Lai** said that as the general road traffic in Hong Kong, especially in the urban area was heavy and road space was limited, it was not the Government's policy to encourage the use of bicycles as a transport mode on road safety consideration. Instead, the Government encouraged the public to make use of the well-developed mass public transport systems and other public transport services. That said, the Government had been doing a lot of work to promote and facilitate cycling in the New Territories and newly developed areas. For instance, there would be a cycling network in Kai Tak Development and CEDD was taking forward a project to link up the trunk cycle tracks of the nine new towns by phases starting from 2013. He would discuss the feasibility of HKCAI's proposal with his colleagues, including the question of whether and how it could be done, the possible social cost (especially in relation to the effective use of the limited road space that was already very congested), the impact on other road users, safety issues, etc. TD would provide feedback to THB and DEVB for the consolidation of a coordinated response from the concerned government departments.

**TD, THB and  
DEVB**

6.4 **Dr Peter Cookson Smith** said that he was not convinced that a separate cycle path could fit in and be justified as a mode of transport in the urban area along the northern shore of Hong Kong Island. Cycle track was not a key integrating element for a vibrant harbourfront. Pedestrian access and comfort should not be compromised. Cyclists could enjoy the extensive cycle track network in the New Territories conveniently. He also pointed out that the width of the proposed boardwalk underneath the Island Eastern Corridor was 5 metres, not 9 metres as mentioned by HKCAI1 in its presentation.

6.5 **Mr Vincent Ng** supported having a harbourfront that could be enjoyed by cyclists as it was in line with the HPPs in enhancing vibrancy and facilitating enjoyment by people of the harbourfront through a wider variety of activities. While the current harbourfront might not be able to accommodate all the competing groups of users, it was the long-term vision that the harbourfront should be enjoyed by all, including pedestrians, pet owners and cyclists.

6.6 Drawing reference to the East Coast Park in Singapore, **Mr Paul Zimmerman** considered that it was possible to integrate cycling provisions and pedestrian facilities with proper signage for cyclists and pedestrians. He fully supported the proposal of planning a cycle route as close as practicable to the harbourfront and making incremental improvements to move the existing route towards the harbourfront. He suggested that HKCAI1 provide the Commission with a map showing the existing cycle route, the most practicable route which could be implemented immediately, as well as the ideal route which could be realized incrementally in future.

**HKCAI1**

6.7 **Mr Clement Kwok** said that in principle, he was in favour of the idea of having a cycle path along the harbourfront. However, he opined that Members should consider how it could fit in with the strategic plan for the harbourfront and whether it was necessary for the cycle path to be right next to the seafront. He also raised the issue of bicycle parking spaces.

6.8 **Mr Eric Fok** said that while the cycle track could enhance connectivity and vibrancy of the harbourfront, Members had to consider what could be done realistically because there were currently many utilities along the waterfront, which would take time and cost to relocate. He opined that it was not necessary for the whole cycle path to be along the harbourfront and some parts of it could go inland. He suggested making reference to the case of London, which had implemented a cycling campaign for the 2012 London Olympics, to see how they overcame the challenges involved.

6.9 **Mrs Margaret Brooke** considered that the proposed cycle path would help linking up the west to the east along the waterfront, thus generating greater vibrancy and creating additional attraction points at the waterfront.

6.10 **Mr Turner** and **Mr Wong** thanked Members for their comments and made the following responses:-

- (a) HKCAI agreed that the design should be less engineered than for, say, tracks in the New Territories, and that care should be taken not to fragment the harbourfront based on user category;
- (b) there were many examples in other cities where cyclists and pedestrians share space harmoniously. Hong Kong was not so fundamentally different that the issues could not be overcome;
- (c) HKCAI did not envisage the whole cycle route to be placed along the waterfront. The suggestion of making incremental improvements to the cycle route in phases was appreciated;
- (d) creative cycle parking solutions overseas could serve as a model, while commercial buildings might provide parking spaces for bicycles if people cycled to work

there, such as by reallocating car park spaces;

- (e) people who attended local meetings with PlanD and district councillors in April 2011 clearly understood that the cycleway would benefit them, and was not intended as a training area for ‘elite’ sports cyclists; and
- (f) HKCAI agreed to provide written follow up including response to Members’ comments.

6.11 **Mr Tam Po-yiu** commented that the issue was about sharing of space by different groups of users with different behaviours at different times. While there were long cycle tracks linking up the new towns in the New Territories, it would be more difficult to build long cycle tracks in the city centre given the limited space.

6.12 While **Mr Andy Leung** generally supported the idea of having a continuous cycle route along the waterfront, he doubted whether it was realistic given that most of the harbourfront areas had been developed. He considered that only a certain part of the route could be at the waterfront. One would need to consider pragmatically how self-owned bicycles could be transported from homes to the cycle route.

6.13 In closing the discussion on the item, **the Chair** said that this was the start of a continuous dialogue. While the general direction of the proposal was supported, there were evidently practical challenges such as prioritization, compatibility, segregation, safety, etc. He suggested that the concerned **TD, LCSD, PlanD** Government departments examine the proposal in detail and **and Harbour Unit** revert to the Commission with more concrete comments in due course.

## **Item 7 Proposed Proportionality Principle on Reclamation of Victoria Harbour (Paper No. HC/20/2011)**

7.1 Before discussion, **Mr Paul Zimmerman** declared that he was the representative of SPH for the Commission meeting. Members agreed that he could stay but should refrain from participating in the discussion on the item.

7.2 **The Chair** welcomed Ms Christine Loh, Chairperson; Mr Winston Chu, Adviser; Mr Hardy Lok, Councillor; Mr Carl Chu, Councillor; and Mr Dennis Li, Councillor, of SPH.

7.3 **Mr Winston Chu** presented the paper and SPH's position statement tabled at the meeting.

7.4 **The Chair** asked whether the introduction of the proportionality principle to the Protection of the Harbour Ordinance (PHO) would add another level of test on top of the overriding public need test for reclamation within Victoria Harbour. **Mr Chu** replied that SPH respected the overriding public need test but the proportionality principle would make it easier to implement by lowering the threshold for cases where the public and the harbour would benefit. The principle was intended to be helpful, instead of raising the level of test for reclamation proposals. It was meant to be permissive, not restrictive, for minor reclamation proposals that would benefit the public and the harbour. However, if a major reclamation proposal that would not benefit the public nor the harbour was contemplated, it must fulfil the overriding public need test which had a higher threshold.

7.5 **Mrs Carrie Lam** expressed her deep appreciation to SPH for the efforts and thoughts in preparing the paper for the Commission's consideration. She took note of Mr Winston Chu's helpful remarks and clarification that the proportionality principle was not meant to impose a higher threshold or another test to fulfil for reclamation. She opined that some earlier media remarks that SPH had been bought on the side of the Government to advocate or to lower the threshold for reclamation were unfair to SPH.

7.6 **Mrs Lam** reaffirmed the Development Bureau's efforts in enhancing the harbourfront as the policy bureau for the harbourfront, and the Government's commitment to protect, preserve and enhance the harbour as articulated twice by the Chief Executive in successive Policy Addresses. Mrs Lam said that after the Court of Final Appeal (CFA) had made the judgement on harbour reclamation in 2004, the then Housing, Planning and Lands Bureau and Environment, Transport and Works Bureau promulgated an important technical circular within the Administration which provided very clear and detailed working guidelines for the works departments to follow in considering reclamation proposals in the light of the requirements of the PHO. She clarified that, contrary to some recent comments from the press, the Government had not shied away from reclamation where there was a strong and justified case to do so. The examples included the permanent reclamation for Central Reclamation Phase III and Wan Chai Development Phase II, and temporary reclamation for the Central – Wan Chai Bypass and the Shatin to Central Link. Mrs Lam pointed out that there was apparently no clear distinction between major and minor reclamation proposals as far as the application of the "overriding public need test" laid down in the CFA judgement was concerned; hence the Government could not disregard the CFA judgement even if a reclamation proposal was considered to be minor and for a good cause. The works departments would still be required to follow the guidelines to meet the overriding public need test, prove that the proposed reclamation was the minimum, and present a cogent and convincing case. She added that the technical circular placed a lot of emphasis on early public consultation. She asked the Secretariat to circulate the Technical Circular to Members for reference after the meeting.

*(Post-meeting note: The Secretariat circulated Technical Circular No. 1/04 to Members on 8 September 2011.)*

7.7 **Mrs Lam** said that it might be opportune to revisit the guidelines in the Technical Circular with reference to SPH's paper and position statement. But, in her opinion, the greatest value and contribution of SPH in coming up with the paper was

not the substance, but SPH's goodwill and good faith. The discussion today had brought the Administration and SPH closer to a joint mission in enhancing the harbour for the people of Hong Kong and she would attach great importance to the symbolic value of the discussion, rather than how much of SPH's proposed "proportionality principle" would eventually help justify minor reclamations of public enjoyment. Mrs Lam said that the best test would come when the Administration started to contemplate some of the reclamation proposals, especially those with enormous public benefits, e.g. the well-received proposal of building a boardwalk underneath Island Eastern Corridor, the proposed bridge across Kai Tak Approach Channel to link up Kwun Tong town area and the Kai Tak runway tip, etc.

7.8 **Ms Loh** said that SPH had always wanted to be on the same side with the Government in enhancing the harbour. Over the last 15 years, there was a common understanding over time as to how Hong Kong people would like to protect and preserve the harbour. SPH recognized that the Commission was doing an amazing job for Hong Kong which had a very good potential to materialize a world class harbourfront. SPH had spent a lot of time and efforts in thinking through the contents of the paper, which was not just a demonstration of SPH's goodwill, but also part of SPH's task in working with the Government, the Commission and the people of Hong Kong for the intellectual development of the idea of enhancing the harbour in the long run.

7.9 **Mr Vincent Ng** said that he was glad to see the discussion on the subject, which was sort of a "grand finale" to years of public debate on harbour reclamation. In the past seven years, many innovative and good ideas, concepts and designs for the harbourfront had been put forward but were ultimately deterred because of the risk of breaching the PHO. With the proportionality principle, "good" reclamation proposals had a better prospect. On the way forward, he asked whom the authority would be to decide whether a reclamation proposal was considered major or minor.

7.10 **Mr Tam Po-yiu** said that the public now fully understood the need to protect the harbour. Besides the PHO,

there were also the Foreshore and Sea-bed (Reclamations) Ordinance and other environmental protection legislations which imposed constraints on reclamation. Apart from benefits to the public and harbour, he opined that people's sentiments and other factors should also be considered; though it was not possible to draw up an exhaustive list of those factors. On the actual operation of the principle, he asked how public benefits would be measured, especially intangible ones, what weights would be given to those factors, and who would make the decision.

7.11 **Mr Clement Kwok** said that the principle seemed quite sensible but wanted to clarify what status the principle would have in relation to the work of the Harbourfront Commission. In relation to this, it would be useful for the Commission to understand the Administration's guidelines and SPH's position on the issue of reclamation. On the way forward, he would like to know how the Commission proposed to apply SPH's proposal in its future work.

7.12 **Dr Peter Cookson Smith** thanked Mr Winston Chu for preparing the paper. He opined that the public should be the final arbiter on the issue of reclamation and transparent public engagement process would be essential. To better achieve a consensus on the issue, he suggested that the Commission be given the remit to examine and make recommendations on all proposals involving reclamation.

7.13 **Mr Andy Leung** opined that to make the principle work, it was important to find a way to calibrate the measuring tape for public feedback on reclamation proposals as it would be difficult to achieve a common yardstick for the whole community, unless a comprehensive and full-scale public consultation was conducted for the purpose.

7.14 In response to Members' comments, **Mr Chu** said that the public was the arbiter to decide whether a reclamation proposal was good or bad. But, the ultimate arbiter in law



would be the Court, and the proportionality principle was an attempt to minimize the chance of legal litigation. To minimize disagreement and work towards a consensus, the Government should encourage the Commission to prepare a strategic plan as the basis for the future development of the harbour as what were in accordance with the strategic plan might well be regarded as “good” reclamation proposals. As everyone might have different views on the issue of reclamation, there should be a logical process to resolve the problem and there should be two main elements in the process, i.e. what was good for the community and what was good for the harbour. The proposed establishment of a statutory Harbourfront Authority with wide public representation could help minimize the chance of legal litigation in the decision making process for reclamation. Finally, he thanked Mrs Lam, the Chair and Members for their valuable inputs in the discussion and in finding the way forward in the interest of Hong Kong.

7.15 **The Chair** said that the discussion was an important start of a joint effort towards a permissive rather than restrictive environment for reclamation proposals. While the strategic plan and a statutory Harbourfront Authority were some way down the timeline, the Commission would work with the Administration and SPH to identify a few pilot projects, and to see how the principle would actually work. **Ms Loh** said that SPH welcomed this exploratory approach for taking forward the matter.

7.16 Responding to Members’ question on the authority to decide on the reclamation proposals, **Mrs Lam** said that under the PHO, all public officers and public bodies were required to pay due regard to the presumption against reclamation of harbour in the exercise of any power vested in them. Therefore, ultimately, it would be the public officers and the public bodies to decide on reclamation proposals. If they made the wrong judgement or applied the wrong test, they would have to face the legal challenge. As regards the question of what the Commission would do with SPH’s work on the proportionality

principle, she said that the discussion was very useful feedback from an important stakeholder in harbourfront protection work, which would help guide the Commission in considering projects in future. The Administration might consider revisiting the Technical Circular and guidelines therein with reference to SPH's work. It would however be difficult for the Administration to formally adopt the proportionality principle as the Administration should not tamper with the CFA judgement in terms of legal compliance with reclamation. On the suggestion for the Commission to consider all proposals involving reclamation, she said that this platform could indeed be utilized for wider public consultation on reclamation. Measuring public feedback was both an art and science. She opined that the Hong Kong society was mature enough, especially on harbourfront enhancement matters, to give the necessary feedback to the Commission and the Administration.

## **Item 8 Any Other Business**

### *A. Lei Yue Mun Seawall/Landing and West Kowloon Cultural District Piers*

8.1 **Mr Paul Zimmerman** suggested that the Lei Yue Mun seawall/landing and West Kowloon Cultural District piers be looked at as some of the possible projects to be considered for modest reclamation in the light of the proportionality principle.

### *B. Date of the Next Meeting*

8.2 **The Chair** informed Members that the next meeting was scheduled for 13 December 2011.

8.3 There being no other business, the meeting was adjourned at 5:25 pm.

**Secretariat  
Harbourfront Commission  
December 2011**