

**24<sup>th</sup> Meeting of Harbourfront Commission**  
**held at 3:00 pm on 21 June 2016 at the Conference Room**  
**on Upper Ground Floor, Hong Kong Heritage Discovery Centre,**  
**Kowloon Park, Haiphong Road, Tsim Sha Tsui, Kowloon, Hong Kong**

**Minutes of Meeting**

**Present**

Mr Nicholas BROOKE	Chair
Mr Paul CHAN	Secretary for Development, Vice Chair
Mrs Margaret BROOKE	Representing Business Environment Council
Prof Becky LOO	Representing Chartered Institute of Logistics and Transport in Hong Kong
Mr SO Kwok-yin	Representing Conservancy Association
Mrs Karen BARRETTO	Representing Friends of the Earth
Mr Franklin YU	Representing Hong Kong Institute of Architects
Mr Evans IU	Representing Hong Kong Institute of Landscape Architects
Prof TANG Bo-sin	Representing Hong Kong Institute of Planners
Sr Emily LI	Representing Hong Kong Institute of Surveyors
Mr Ivan HO	Representing Hong Kong Institute of Urban Design
Ir Raymond CHAN	Representing Hong Kong Institution of Engineers
Mr Paul ZIMMERMAN	Representing Society for Protection of the Harbour
Mr CHAN Hok-fung	
Mr CHAN Ka-kui	
Mr Walter CHAN	
Ms Lily CHOW	
Mr Hans Joachim ISLER	
Mr KAN Chak-fun	
Ms Vivian LEE	
Mr Vincent NG	
Mr Michael WONG	Permanent Secretary for Development (Planning and Lands)
Mr Edward LEUNG	Senior Manager (Tourism) 2, Tourism Commission (TC)
Mr TANG Wai-leung	Assistant Commissioner/Urban, Transport Department (TD)
Mr Bosco CHAN	Deputy Project Manager (HK Island & Islands), Civil Engineering and Development Department (CEDD)

Mrs Doris FOK	Assistant Director (Leisure Services)1, Leisure and Cultural Services Department (LCSD)
Mr CHEUK Fan-lun	Assistant Director/Planning & Services (Ag.), Marine Department
Mr LING Kar-kan	Director of Planning
Miss Christine AU	Secretary

**In Attendance**

Ms Fannie KONG	Press Secretary to Secretary for Development
Mr Larry CHU	Assistant Secretary (Harbour)1, DEVB
Mr Frederick YU	Assistant Secretary (Harbour)Special Duties, DEVB
Miss Emily SOM	Assistant Secretary (Harbour) 2, DEVB
Mr LEUNG Kong-yui	Chair, Task Force on Water-land Interface

**Absent with Apologies**

Mr Louis LOONG	Representing Real Estate Developers Association of Hong Kong
Mr Eric FOK	

**For Agenda Item 3**

Ms Cordelia LAM	Principal Assistant Secretary for Transport and Housing (Transport)2
Mr TANG Wai-leung	Assistant Commissioner/Urban, TD
Mr Peter MAK	Chief Engineer/Strategic Roads, TD

**For Agenda Item 4**

Mr CHOU Wing-ping, Frankie	Chief Engineer/RD1-2, Highways Department (HyD)
Ms LI Oi-yin, Yanny	Engineer/SCL(7), HyD
Mr TM LEE	General Manager-SCL & Head of E&M Construction, MTRCL
Mr Clement NGAI	Chief Design Manager-SCL & Acting Head of Project Engineering, MTRCL
Mr Walter LAM	Construction Manager, MTRCL
Mr Kelvin WU	Senior Liaison Engineer, MTRCL
Ms Sandy WU	Projects Communications Manager, MTRCL

**For Agenda Item 5**

Miss Christine AU	Secretary, HC
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## **Welcoming Message**

**The Chair** welcomed all to the meeting. He informed Members that Mr Edward LEUNG, Senior Manager of TC, was attending on behalf of Ms Cathy CHU; Mr TANG Wai-leung, Assistant Commissioner of TD, was attending on behalf of Mrs Ingrid YEUNG; Mrs Doris FOK, Assistant Director of LCSD, was attending on behalf of Ms Michelle LI; Mr CHEUK Fan-lun, Assistant Director of MD, was attending on behalf of Ms Maisie CHENG and Mr Bosco CHAN, Deputy Project Manager of CEDD, was attending on behalf of Mr Daniel CHUNG.

## **Item 1 Confirmation of Minutes of the 23<sup>rd</sup> Meeting**

- 1.1 **The Chair** said that the Secretariat circulated the draft minutes of the 23<sup>rd</sup> meeting on 13 June 2016. The revised draft minutes with Members' comments incorporated were circulated again on 20 June 2016.
- 1.2 **Mr Franklin YU** proposed and the meeting agreed to amend paragraph 7.5 of the draft minutes to reflect that both Mr Vincent NG and himself had suggested examining the management approach of the proposed public open space at the three berths to be released from the Western District Public Cargo Working Area. The revised draft minutes were confirmed at the meeting.

## **Item 2 Matters Arising**

### *A. General Requirements of Emergency Vehicular Access (paragraph 4.18 of the minutes of the 23<sup>rd</sup> meeting)*

- 2.1 **The Chair** said an informal session was organised on 13 June 2016 for the Buildings Department and the Fire Services Department to discuss with Members on the issue of EVA making reference to two cases in Tsuen Wan and North Point. Relevant departments would continue to follow up on Members' comments and suitably report back to the relevant

Task Forces.

- 2.2 **Mr Paul ZIMMERMAN** said he noted at the informal session that there was an extra EVA at the ex-North Point estate site to serve the buildings that had been set back a few meters from the main road. He opined that the Hong Kong Planning Standards and Guidelines (HKPSG) should be reviewed to avoid unnecessary provision of space for EVAs.
- 2.3 **Ir Raymond CHAN** echoed that the Government should review the HKPSG to facilitate the safe shared-use of EVA with other uses.
- 2.4 **The Chair** said that Members' comments would be referred to relevant departments for follow up.

*B. Reassembly of Queen's Pier (paragraph 5.3 of the minutes of the 23<sup>rd</sup> meeting)*

- 2.5 **The Chair** said that the Government had completed the two-month community engagement exercise regarding the architectural design for the reassembly of Queen's Pier (QP) in May. It was then analysing public views with a view to producing a community engagement report. The project team briefed Members of the Task Force on Harbourfront Developments on Hong Kong Island on the initial findings of the exercise and would report back to the Task Force on the way forward.
- 2.6 **Mr Paul ZIMMERMAN** said he noted the Secretary for Development (SDEV) had recently commented that reassembling QP at its original location was impractical from an engineering perspective as it would be in conflict with existing and planned infrastructures. He enquired about the infrastructures that would affect an in-situ reassembly. He also queried that if these works would pose constraints to an in-situ reassembly, they would also pose constraints to the proposed construction of a piazza in the same location.
- 2.7 **Miss Christine AU** responded that in reply to an oral question

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at the Legislative Council meeting on 15 June 2016, SDEV set out the reasons of not reassembling QP at its original location. She reiterated that the Planning Department had conducted two phases of public engagement exercise under the Urban Design Study of the New Central Harbourfront (the UDS) in 2007 and 2008 and there was extensive discussion on the location to reassemble the QP. Antiquities Advisory Board, the former Harbourfront Enhancement Committee, relevant professional bodies, 18 District Councils and the public was consulted during the process. The UDS finally provided that QP should be reassembled between Central Piers Nos. 9 and 10 for commemorative purpose and to revive its pier function. The purpose of the recent community engagement was to consult public on the architectural design for reassembling QP and its landing step arrangement but not the reassembly location.

- 2.8 **Miss Christine AU** supplemented that in responding to the follow-up question of a Legislative Councillor at the session, SDEV made clear that reassembly of QP at its original location now was impractical from an engineering perspective. It would be in conflict with a number of existing or planned infrastructures, including that Lung Wo Road would need to be realigned, existing box culvert underneath would need to be modified, and serious restrictions would be imposed on the planned overrun tunnel for the Tung Chung Line and the Airport Express, the proposed new North Island Line (NIL), as well as the future development of Site 4 of the new Central harbourfront.
- 2.9 As regards the new piazza, **Miss Christine AU** said that the UDS had recommended building a new piazza at the original site of QP to commemorate the historical significance of QP. Its key design features mainly included water features and a feature wall. The scale and structure of the piazza were incomparable with those of QP.
- 2.10 **Mr Bosco CHAN** concurred with Miss Christine AU that if QP was to reassemble at its original location, the existing box culvert underneath would need to be modified. There would also be serious restrictions to the planned overrun tunnel for the

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Tung Chung Line and the Airport Express, as well as the proposed new NIL.

- 2.11 **Mr Paul ZIMMERMAN** considered that only the Airport Railway extended overrun tunnel was a hindering factor to the in-situ relocation of QP as the culvert works was only minor in nature. He enquired about the new timing for the completion of the overrun tunnel. Besides, he opined that realignment of Lung Wo Road was not required if QP was relocated in-situ without the adjacent water feature as proposed in the 2007 public consultation.
- 2.12 **Mr Bosco CHAN** responded that modification of the existing box culvert underneath was not minor but involved large scale works. Besides, the schedule for the Airport Railway extended overrun tunnel had to take into account the programme of the proposed NIL as the overrun tunnel would have interface with it.
- 2.13 **Mr Vincent NG** remarked that the above engineering and technical issues for the reassembly of QP had been repeatedly and thoroughly discussed before. He urged Members to respect the conclusion made under the UDS and support its reassembly.
- 2.14 **Mr Franklin YU** echoed the view of Mr Vincent NG and said that the official stance of the Hong Kong Institute of Architects was to respect the conclusion made by the 2007 UDS and support its relocation between Piers 9 and 10.
- 2.15 **Ir Raymond CHAN** also concurred with the opinions of Mr Vincent NG and Mr Franklin YU and supported the Government to put forward the reassembly project as soon as possible.

C. Study on Waterfront Connectivity Conducted by Students of the Worcester Polytechnic Institute (WPI) (paragraph 5.5 of the minutes of the 23<sup>rd</sup> meeting)

- 2.16 **The Chair** said that the presentation made by students of WPI

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at the Hong Kong Task Force meeting on 29 February 2016 was circulated to Members on 10 May 2016. Relevant departments were studying the recommendations made in the presentation.

- 2.17 **Mr Paul ZIMMERMAN** commented that in addition to adding signage at Tsim Sha Tsui waterfront, the Government should also improve signage at suitable locations along the entire harbourfront as suggested in the WPI presentation.

*D. Enhancement of Landscape along Lung Wo Road (paragraphs 5.5 and 5.13 of the minutes of the 23<sup>rd</sup> meeting)*

- 2.18 **The Chair** informed Members that a paper provided by HyD on proposed greening measures related to minor road modification works in respect of the Formula E race was circulated on 10 May 2016. A written response to Members' enquiry on replacing the existing concrete barriers with stone planters was circulated on 20 June 2016.

*E. Proposed Development with "Eating Place" and "Shop & Services" for the Promenade fronting Hotel Sites at Kai Tak Runway (paragraph 6.5 of the minutes of the 23<sup>rd</sup> meeting)*

- 2.19 **The Chair** said that an informal session for the Kai Tak Task Force was held on 21 April 2016 and Members were updated on the refined design of the POS concerned. A public forum for members of the public to discuss the matter was also held on 7 May 2016.

*F. Signage at Tsim Sha Tsui Waterfront (paragraph 7.3 of the minutes of the 23<sup>rd</sup> meeting)*

- 2.20 **The Chair** reported that a written response from LCSD was circulated to Members on 20 June 2016.

*G. Planning Application in relation to the Tsim Sha Tsui Revitalisation Plan (paragraph 9.4 of the minutes of the 23<sup>rd</sup> meeting)*

- 2.21 **The Chair** said that the applicants i.e. LCSD and the Sustainable Foundation Company Limited had informed the Town

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Planning Board of their decision of not proceeding with the proposed works requiring planning application in respect of hubs 1 to 3 along the Tsim Sha Tsui promenade.

*H. Presentation from the Victoria Harbourfront Concern Group (paragraph 9.18 of the minutes of the 23<sup>rd</sup> meeting)*

- 2.22 **The Chair** said that he had issued a letter to the Victoria Harbourfront Concern Group thanking them for their presentation and informing the Group that their concerns had received careful attention from the Commission.

**Item 3 Coach and Goods Vehicle Parking at the Harbourfront (Paper No. HC/06/2016)**

- 3.1 **The Chair** welcomed representatives of THB and TD to the meeting. **Mr TANG Wai-leung** presented Paper No. HC/06/2016 with the aid of a PowerPoint.
- 3.2 **The Chair** enquired about the details of shortfall of parking spaces and the number of Short-term Tenancy (STT) parking sites for commercial vehicles along the waterfront.
- 3.3 **Mr Ivan HO** commented that TD should adopt a holistic approach in solving the parking problem at the harbourfront. Quoting some existing underground parking facilities as examples, he opined that underground parking would be one of the feasible solutions.
- 3.4 **Prof Becky LOO** said that there was a consensus at the Commission and its Task Forces that STTs along the waterfront should eventually be phased out. She enquired about the medium and long-term measures to tackle the insufficient provision of parking spaces for coaches and goods vehicles and requested TD to accord priority to addressing the issue at harbourfront areas.
- 3.5 **Ir Raymond CHAN** commented that the Government might make reference to the city planning of Helsinki in Finland



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where loading/unloading would not be allowed above ground. Feasibility studies on providing underground parking facilities in the harbourfront areas should be carried out.

**3.6 Mr Paul ZIMMERMAN** raised the following comments and questions-

- (a) in response to TD's initiative of daytime parking for private cars and night-time parking for coach/ goods vehicles at the same site, he enquired if TD had already incorporated the relevant requirements into the lease requirements and/or planning guidelines for some upcoming development projects such as the redevelopment of Murray Road Multi-storey Car Park; and
- (b) an analysis on the demand for car parking in different locations could help Members consider whether the extra parking spaces to be incorporated in new harbourfront developments would be sufficient.

**3.7 Mr TANG Wai-leung** made the following responses-

- (a) taking into account traffic patterns and provision of parking spaces in different districts, TD tried to adopt multiple measures in dealing with the matter. Provision of additional parking spaces within planned developments was just one of the measures;
- (b) apart from the new measures to address parking demand as set out in the presentation, the Government was also exploring other long-term solutions including developing underground space;
- (c) over half of the current STT car parking sites at core locations along the harbourfront would be terminated within five years to make way for long-term development; and
- (d) the Government would commence a review on parking policy and standard, which would accord priority to

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considering and meeting the parking need of commercial vehicles, and would look into the operation needs of the transport industry.

3.8 On calculation of the shortfall of parking spaces, **Mr Peter MAK** said that TD would take into account all relevant factors including operation modes of the transport industry and the tourism trade, habitual cross-border commercial vehicles, night-time users, illegal parking hotspots as well as the number of vehicles parking in the STT sites. TD would examine in details the shortfall in the coming parking policy review.

3.9 **Ms Cordelia LAM** supplemented that the Government would not solely rely on the measures as set out in the presentation to address the issue. A comprehensive policy review would be conducted to identify other medium and long-term solutions. Various Bureaux/Departments would be working together on taking this review forward.

3.10 **The Chair** thanked THB and TD for the update and asked them to report back to the Commission on the policy review in future.

THB  
TD

**Item 4 Progress Update on Shatin to Central Link (Paper No. HC/07/2016)**

4.1 **The Chair** welcomed representatives of HyD and MTRCL to the meeting. **Mr Kelvin WU** briefed Members on the progress of works of Shatin to Central Link (SCL) project related to the harbourfront areas with the aid of a PowerPoint.

4.2 **The Chair** requested MTRCL to reduce the works areas in Wan Chai North and provide a waterfront promenade to connect the Hong Kong Convention and Exhibition Centre (HKCEC) and the new Wan Chai Ferry Pier. He asked MTRCL to take up the social responsibility to compensate the public by constructing an advance promenade to allow pedestrian access during the construction of SCL.

4.3 **Mr Kelvin WU** responded that although enhancing the

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waterfront area concerned was outside the project scope of SCL and the entrusted responsibility of MTRCL, they would closely coordinate with the future implementation agent of harbourfront enhancement proposals in the area concerned.

- 4.4 **The Chair** stressed that MTRCL should seriously consider enhancing the area having regard to the fact that the harbourfront areas would be occupied by works of SCL and all inconveniences that the works had brought to the public.
- 4.5 **Mr Vincent NG** said he noted that the Wan Chai North waterfront could only be returned for public use until 2021. As the SCL project would adversely affect public enjoyment of the waterfront, MTRCL must provide compensatory measures as a condition for granting the site for railway works. It was the responsibility of the project proponent and MTRCL as a works agent to maintain public accessibility of the waterfront and provide connection between the Golden Bauhinia Square and the new Wan Chai Ferry Pier.
- 4.6 **Mr Franklin YU** considered that the proposed designs of some of the stations failed to demonstrate historical or cultural characteristics of the areas in the vicinity. Taking the To Kwa Wan Station as an example, MTRCL should incorporate these elements into the design of the station to highlight the archaeological discoveries at To Kwa Wan. The same approach should also be adopted in other stations as far as practicable.
- 4.7 **Ir Raymond CHAN** enquired about the width of the strip of the SCL works site at the Wan Chai North waterfront.
- 4.8 On the works areas in Hung Hom, **Prof Becky LOO** commented that despite MTRCL said the current promenade would not be affected, she considered that MTRCL was socially responsible for taking the opportunity to enhance the walkability of the surrounding area and the waterfront. The Task Force on Harbourfront Developments in Kowloon, Tsuen Wan and Kwai Tsing should be consulted on these enhancement proposals.

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4.9 **Mr Paul ZIMMERMAN** raised the following comments and questions-

- (a) he concurred with Chair and other Members that MTRCL should provide an advance waterfront promenade to connect HKCEC and the new Wan Chai Ferry Pier with a sufficient width;
- (b) if there would be any change to the time table and scale of the temporary reclamation in the Hung Hom and Causeway Bay Typhoon Shelter area;
- (c) the reinstatement arrangement of the works areas in Hung Hom and Causeway Bay Typhoon Shelter in particular the ex-Hung Hom International Mail Centre and the existing Hung Hom Ferry Pier after completion of works;
- (d) the Hung Hom and Causeway Bay waterfront should be enhanced through the SCL project in terms of accessibility and development of the waterfront promenade after relevant railway works were completed;
- (e) the Causeway Bay Typhoon Shelter should be enhanced taking into account the proposals in the Urban Design Study for the Wan Chai North and North Point Harbourfront Areas; and
- (f) the temporary footbridge connecting Great Eagle Centre to the new Wan Chai Ferry Pier should be further widened to enhance pedestrians' walking environment.

4.10 **Mr Ivan HO** echoed Members' view that MTRCL should be responsible for constructing an advance waterfront promenade at the Wan Chai North waterfront. He said that the driving experience near the SCL works areas in Wan Chai North was unpleasant and MTRCL was requested to improve the traffic diversion arrangement. He also concurred with Mr Paul ZIMMERMAN that the temporary footbridge connecting Great Eagle Centre to the new Wan Chai Ferry Pier should be improved.

**4.11 Mr Kelvin WU made the following responses-**

- (a) in response to Members' comment of constructing an advance waterfront promenade at the Wan Chai North waterfront, MTRCL would discuss with HyD as the SCL project was a public works project. ;
- (b) the width of the strip of SCL works area adjoining the Convention Avenue was about 15 meters;
- (c) MTRCL had provided a lift on the landing point of the temporary footbridge to the north of Convention Avenue. Members' view on enhancing the footbridge would be considered;
- (d) to minimise the scale of temporary reclamation as far as possible, MTRCL had reduced the reclamation area in Hung Hom from 1 hectare to 0.3 hectare and in Causeway Bay Typhoon Shelter from 2.2 hectares to 0.3 hectare;
- (e) the time table for executing temporary reclamation works in the Hung Hom and Causeway Bay Typhoon Shelter sites would remain unchanged;
- (f) enhancement would be carried out in Causeway Bay Typhoon Shelter area by widening the adjacent footpath;
- (g) on enhancement in Hung Hom, the site would be returned to the Kowloon-Canton Railway Corporation (KCRC) after completion of the SCL project. As KCRC was owned by the Government, MTRCL/HyD could refer Members' comments to relevant Government bureau/department for consideration;
- (h) MTRCL would take on board Members' comments on traffic diversion in Wan Chai North and review the road alignment; and
- (i) MTRCL was planning to exhibit the relics discovered in To

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Kwa Wan at the To Kwa Wan station and would seek Government's approval in due course.

- 4.12 **The Chair** noted the initial response above and requested for a written response to address Members' comments in detail.
- 4.13 **Mr Paul ZIMMERMAN** requested MTRCL to include specific reinstatement plans in respect of the works areas in Hung Hom and Causeway Bay Typhoon Shelter in the written response.
- 4.14 **Mr Franklin YU** said MTRCL might liaise with Kai Tak Office on displaying relics at the To Kwa Wan station.
- 4.15 **Mrs Margaret BROOKE** commented that if the SCL project would not occupy the entire Wan Chai waterfront, the Government should be able to plan for the waterfront promenade connecting HKCEC to the new Wan Chai Ferry Pier earlier.
- 4.16 **Mr Bosco CHAN** supplemented the following-
- (a) a Wan Chai Development Phase II works contract was occupying part of the Wan Chai North waterfront for the construction of Central-Wan Chai Bypass. After completing the works, an area to the west of the new Wan Chai ferry pier could be available in 2018 for development into an advance waterfront promenade either by MTRCL or other proponent with regard to the recommendation of the Urban Design Study for the Wan Chai North and North Point Harbourfront Areas; and
  - (b) MTRCL could examine if it was possible to return the strip of land marked as "Future Road P2" leading to the Wan Chai waterfront in 2018 so that a continuous advance waterfront promenade could be developed.
- 4.17 **Mr LEUNG Kong-yui** supported the idea of constructing an advance promenade at the Wan Chai North waterfront despite that its service span might be short. He quoted that the temporary promenades in West Kowloon Cultural District and

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ex-Wan Chai Public Cargo Working Area had brought substantive benefits to the community.

- 4.18 **The Chair** asked MTRCL to take into account Members' comments and provide a detailed written response.

**HyD/  
MTRCL**

**Item 5 Protection of the Harbour Ordinance (Paper No. HC/08/2016)**

- 5.1 **The Chair** said that the purpose of the presentation was to brief Members on the background of the Protection of the Harbour Ordinance (PHO) which would be useful to Members who were new to this subject. Separate deliberation with the Society for Protection of the Harbour (SPH) would be beneficial and a dedicated working group to further examine the issue would also be helpful.
- 5.2 **Miss Christine AU** apologised for the delay in issuing the paper to Members and she took Members through the paper with the aid of a PowerPoint.
- 5.3 Upon the Chair's invitation, **Mr Paul ZIMMERMAN** expressed the official view of SPH by briefing Members on the summary on "Explanation of Proportionality Principle on Harbour Reclamation" which was circulated to Members just before the meeting and being tabled. He said that the Proportionality Principle was put forward by SPH in 2011 to provide another consideration apart from the overriding public need test when examining possible reclamation for harbourfront enhancement; and this was not intended to be a different interpretation to the law. In the summary, "*the harbour*" was changed to "*the harbour as a harbour*" as compared to the 2011 version to emphasize that the harbour should be enhanced in such a way that it could effectively serve its function as a harbour. He recapitulated the basic logic of the Proportionality Principle and further explained that by introducing the principle, SPH would like to encourage favourable consideration and good use of the harbour when there was a need of minor reclamation in the public interest. He remarked that SPH would be happy to make

representation to further respond to the issue if needed.

- 5.4 **The Chair** clarified that SPH had been proposing the Proportionality Principle as a major factor to take into account when considering projects which might involve reclamation. He noted that SPH had no intention to change the whole process of examining related projects.
- 5.5 **Mr Paul ZIMMERMAN** agreed to the Chair and supplemented that the three projects which satisfied the overriding public need test were all mega roads and railway projects which had ample resources for developing cogent and convincing materials such as calculating the cost of congestion. He opined that tools in calculating the level of walkability for projects in smaller scale was lacking. The proposed boardwalk underneath the Island Eastern Corridor (IEC Boardwalk) was an example of small-scaled project.
- 5.6 **Mr Franklin YU** enquired if there was any metric system in assessing the social benefit of a project as it was particularly useful for HC in achieving its mission of creating a vibrant and accessible waterfront to the public from social perspective. Besides, noting that the Court of Final Appeal (CFA) had set out that *"a compelling and present need went far beyond something which is "nice to have" .....but on the other hand, it would be going much too far to describe it as something in the nature of the last resort, or something which the public cannot do without"*, he considered that the Government might not need to put too much weight in considering whether the related reclamation was the last resort. Also, SPH's Proportionality Principle was once regarded by the Government as inconsistent with the current provisions of PHO which had not differentiated reclamations by their scale. Yet, as read from the CFA's ruling quoted above, there might be inconsistency in the subject interpretation.
- 5.7 **Miss Christine AU** appreciated any proposed solutions to resolving the issue while meeting the social aspiration. She said that a legally acceptable solution would be needed to satisfy both the PHO and the CFA judgment as the CFA judgment did not differentiate between major and minor reclamation as far as



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the “overriding public need” test is concerned.

- 5.8 **Prof Becky LOO** commented that “compelling need” could be understood in the sense of timing but not just in terms of the magnitude of projects.
- 5.9 **Mr Walter CHAN** made the following comments –
- (a) he enquired if the three projects that had fulfilled the overriding public need test encountered any challenge by judicial review (JR); and
  - (b) projects such as the Central – Wan Chai Bypass (CWB) which had been challenged by JR could be used as reference when taking forward the IEC Boardwalk project.
- 5.10 In response, **Miss Christine AU** said that the Wan Chai Development Phase II (WDII) which provided land for the CWB works was permanent reclamations that got challenged by JR and resulted in the ruling of CFA in 2004. The Central Reclamation Phase III (CRIII) and WDII, the Shatin-Central Link (SCL) project and the Central Kowloon Route (CKR) project had gone through the process of the overriding public need test and eventually fulfilled the test. On the proposed IEC Boardwalk, she said that it was different from the three successful projects in terms of nature and need. The cogent and convincing materials for justifying the overriding public need of the boardwalk were being established with regard to the PHO and the CFA judgment.
- 5.11 **Mr LEUNG Kong-yui** shared Mr Walter CHAN’s memory that the WDII project had met legal challenge and the Government had actually revised its submission to justify the temporary and permanent reclamation.
- 5.12 **Miss Christine AU** supplemented that the High Court judgment in 2008 made clear that the definitive interpretation of “reclamation” referred to all reclamations regardless of their nature (i.e. temporary or permanent). In response to the Chair’s enquiry, Miss Christine AU clarified that the SCL and CKR

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projects had both went through and fulfilled the overriding public need test before commencement of project.

5.13 **The Chair** commented that it was understandable that the Government was cautious about project with PHO implications. He considered that it was time to consider how to proceed worthwhile projects that involved reclamation.

5.14 **Mr Paul ZIMMERMAN** added the following points -

(a) the SCL and CKR projects had not just gone through administrative process but fulfilled the overriding public need test with cogent and convincing justifications. Members of the public and SPH had been involved in the process. After the test, the duration and scale of the related reclamation were significantly reduced; and

(b) other projects like the proposed yacht centre at Yau Tong Bay and the landing facilities in West Kowloon Cultural District was dropped because of administrative decision without actually going through the overriding public need test. He said that he was glad to see that the Government had attempted to put up the IEC Boardwalk for the overriding public need test, which was unprecedented for non-mega and non-railway projects.

5.15 **The Chair** said that the Secretariat's presentation served as a useful update for Members. He expressed that the Government might draw up a list of projects with potential PHO implications to be studied systematically.

5.16 **Mr Franklin YU** opined that the definition of reclamation should be further deliberated as it appeared that pontoon was also considered as reclamation. According to the CFA judgment, reclamation was defined as any structures that would bring irreversible damages to the harbour. But since pontoon would not constitute the said damages, it should not be classified as reclamation.

5.17 **The Chair** shared with Members that there was a saying that

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anything that would cast a shadow on the water could be regarded as reclamation. On the dedicated working group to be formed, he suggested involving different professions to look into the PHO matter. As independent legal advice was crucial to examine various projects, he enquired if the Secretariat would seek inputs from the Department of Justice (DOJ).

5.18 On the dedicated working group to be set up under the new term of HC, **Miss Christine AU** said that the composition could be subjected to further discussions but Members might wish to formulate clear targets and goals first. With clear steer provided by the working group, the Secretariat could liaise with DOJ on the legal aspect.

5.19 **Mr Paul ZIMMERMAN** said that the Government might consider adopting a more relaxed attitude when the proposed HFA is established to take up the role as a project proponent as the Government would need to assist the HFA in implementing the projects.

5.20 **The Chair** remarked that he was mindful of the potential vested interest if HC or HFA became the project proponent. He said that HC should be the champion and partner with project proponents to assist in putting forward harbourfront enhancement projects.

5.21 **Miss Christine AU** supplemented that all public officers and public bodies including the future HFA, if established, would be obliged to observe and comply with PHO under section 3(2) of the Ordinance.

5.22 **The Chair** concluded that Members agreed to set up a dedicated working group to examine the PHO matter in due course.

**the  
Secretariat**

**Item 6 Progress Report from Task Force on Harbourfront Developments on Hong Kong Island (Paper No. HC/09/2016)**

6.1 **The Chair**, in his capacity as the Chair of the Task Force, briefed

Members on the progress report.

- 6.2 On the Urban Design Study for the Wan Chai North and North Point Harbourfront Areas, **Mr Paul ZIMMERMAN** said he would not agree to keep the on-street parking spaces at Hung Hing Road as the pedestrian pavement there was very narrow. He asked the study team to consider active marine uses at the harbourfront areas concerned. He hoped that all relevant departments could help facilitate the Commission and the Planning Department in realising the common objective of enhancing the harbourfront.

**Item 7 Progress Report from Task Force on Kai Tak Harbourfront Development (Paper No. HC/10/2016)**

- 7.1 **Mr Vincent NG**, the Chair of the Task Force, presented the progress report.

**Item 8 Progress Report from Task Force on Harbourfront Developments in Kowloon, Tsuen Wan and Kwai Tsing (Paper No. HC/11/2016)**

- 8.1 **Prof Becky LOO**, the Chair of the Task Force, took Members through the progress report.

**Item 9 Progress Report from Task Force on Water-land Interface (Paper No. HC/12/2016)**

- 9.1 **Mr LEUNG Kong-yui**, the Chair of the Task Force, presented the progress report.
- 9.2 **Mr Paul ZIMMERMAN** enquired if the Government would follow up on the comments made by Members at the last Task Force meeting regarding the ownership and management responsibility of seawalls.

**Action**

- 9.3 **The Chair** said that Members' comments would be recorded in the minutes of meeting for relevant departments' consideration and follow-up.

**Item 10 Any Other Business**

- 10.1 **Mrs Karen BARRETTO** suggested to discuss crowd management during public events at harbourfront in a future meeting.

- 10.2 **The Chair** asked the Secretariat to follow up on Member's proposal.

**the  
Secretariat**

- 10.3 There being on other business, the meeting ended at 6:00 pm.

**Secretariat  
Harbourfront Commission  
November 2016**