

Harbour-front Enhancement Committee

Proposed arrangements on submissions and requests for presentation to the HEC

INTRODUCTION

This paper sets out the proposed arrangements for handling submissions and requests for presentations made by individuals/organizations other than the Government, HEC Members or member organizations of the HEC to the HEC, and invites Members' endorsement of these arrangements.

BACKGROUND

2. At the third meeting of the HEC held on 9 September 2004, the Chairman suggested and Members agreed that the HEC should work out the arrangements for handling private submissions and requests for presentation. Furthermore, the HEC should discuss with the Town Planning Board ("TPB") in this regard as necessary. Relevant extracts of the minutes of the meeting are enclosed at **Annex A**. Subsequently, the HEC Chairman and the Chairmen of the three Sub-committees had a discussion with the Chairman and Vice-chairman of the TPB and the Chairman of the Metro and Rural and New Town Planning Committees under the TPB, on 5 October 2004.

3. The matters considered were –

- (a) whether the HEC should accept submissions or requests for presentation to the HEC from the private/public bodies other than the Government, the HEC Members or member organizations of

the HEC, which may relate to the planning or development of the harbour-front; and

- (b) if so, how such submissions and requests should be handled by the HEC without compromising or conflicting with the statutory role of the TPB.

4. The meeting also noted the likelihood of the HEC becoming a lobbying target of project proponents with commercial or other interests. To allow this will be undesirable, as it will undermine the credibility of the HEC. However, considering the advisory nature of the HEC and the fact that not all submissions/presentations are vested with commercial interest and that there may be individuals/organizations which genuinely wish to put forth ideas for the betterment of harbour-front development, it is recommended that the HEC should on balance adopt an “open door” policy. The following factors are relevant –

- (a) The HEC has established a system of declaration of interests and members are expected to exercise due diligence to avoid any conflict of interest.
- (b) The broad representation of the HEC should help to balance the interests and views of different sectors.
- (c) The HEC is an advisory body. The ultimate decision of whether to approve a development proposal still rests with the relevant statutory bodies.

RECOMMENDATION

Circulation of Submissions for Information of HEC Members

5. It is recommended that in order to keep the HEC Members abreast of the community’s views on the harbour-related issues, the HEC should adopt an “open-door” policy and welcome private submissions and requests for presentation. The Secretariat(s) will circulate these to the HEC Members for information. A gist of the materials will also be uploaded to the HEC website to facilitate easy access by the public. A library will be set up at the HEC Secretariat to keep the full copy of the submissions and presentation materials for reference by the HEC Members and the public.

Hearing of Submissions and Presentations at Special HEC Meetings

6. As regards the hearing/discussion of such submissions, it is proposed that the HEC should hold special meetings for this purpose at a frequency of say once every quarter. The first hearing is proposed to be held in December 2004. A flow chart on the arrangements for the submissions or requests for presentations received by the HEC is appended at **Annex B** for Members' consideration.

7. To facilitate discussion, the organizations which make the submission or the request for presentation will be invited to fill in a form to set out the gist of the submission/presentation. A copy of the draft form is at **Annex C**. The proposed logistic arrangements are at **Annex D** for Members' deliberations. While the hearings would be open to the public, they are intended to be special HEC meetings and not public discussion forums. No walk-in submissions/presentations would be entertained.

8. In between the special HEC meetings, the relevant Sub-committees may discuss the submissions/requests for presentations as the Chairmen and Members of the Sub-committees deem appropriate or necessary. A flow chart on the arrangements for the submissions or requests for presentations received by the Sub-committees is appended at **Annex E** for Members' consideration.

9. We have considered other options of handling the submissions and requests for presentation. These options and their constraints are presented at **Annex F**.

LIAISON WITH THE TOWN PLANNING BOARD

10. The meeting between the representatives of the HEC and the TPB on 5 October 2004 also discussed the working relationship between the two bodies. The following understanding was reached –

- (a) Given the different functions of the two bodies and their work, no formal linkage between the HEC and TPB is considered necessary;
- (b) It will be up to the individuals/organizations concerned to

decide whether they wish to consult the HEC, including making a submission or giving a presentation to the HEC, prior to making their applications to the TPB. The HEC will consider the submission or other requests at the quarterly hearings. The HEC should not be bound by any deadlines and the requirements associated with the procedures of the TPB or other statutory bodies should not apply to the HEC; and

- (c) Noting that the HEC may have an interest in the submissions received by the TPB, the TPB will include the HEC on its circulation list so as to keep the HEC informed of such submissions. However, in general, the HEC will not be invited to comment on such submissions.

11. Members will note that the TPB's roles and functions are set out in the Town Planning Ordinance. To discharge its functions, the TPB is expected to take account of public opinion as it sees fit. The proposed arrangement above, if accepted and endorsed by HEC, would provide the TPB with an additional source of community feedback. The project proponent may include any views expressed by the HEC Members individually/collectively in its submissions to the TPB. Provided that we make clear to the individuals/organizations wishing to put forth submissions/presentations to the HEC the statutory functions and process of the TPB, the operations of the TPB are unlikely to be adversely affected.

ADVICE SOUGHT

12. Members are invited to endorse the recommendations as set out in paragraphs 5 to 8 above, and to note the understanding reached between the HEC and TPB representatives as set out in paragraph 10 above.

13. Upon Members' endorsement, we will promulgate the arrangements as set out in paragraphs 5 to 8 above on the HEC website. Separately, we will approach those proponents who have already submitted the proposals to the HEC to inform them of the approved arrangements.

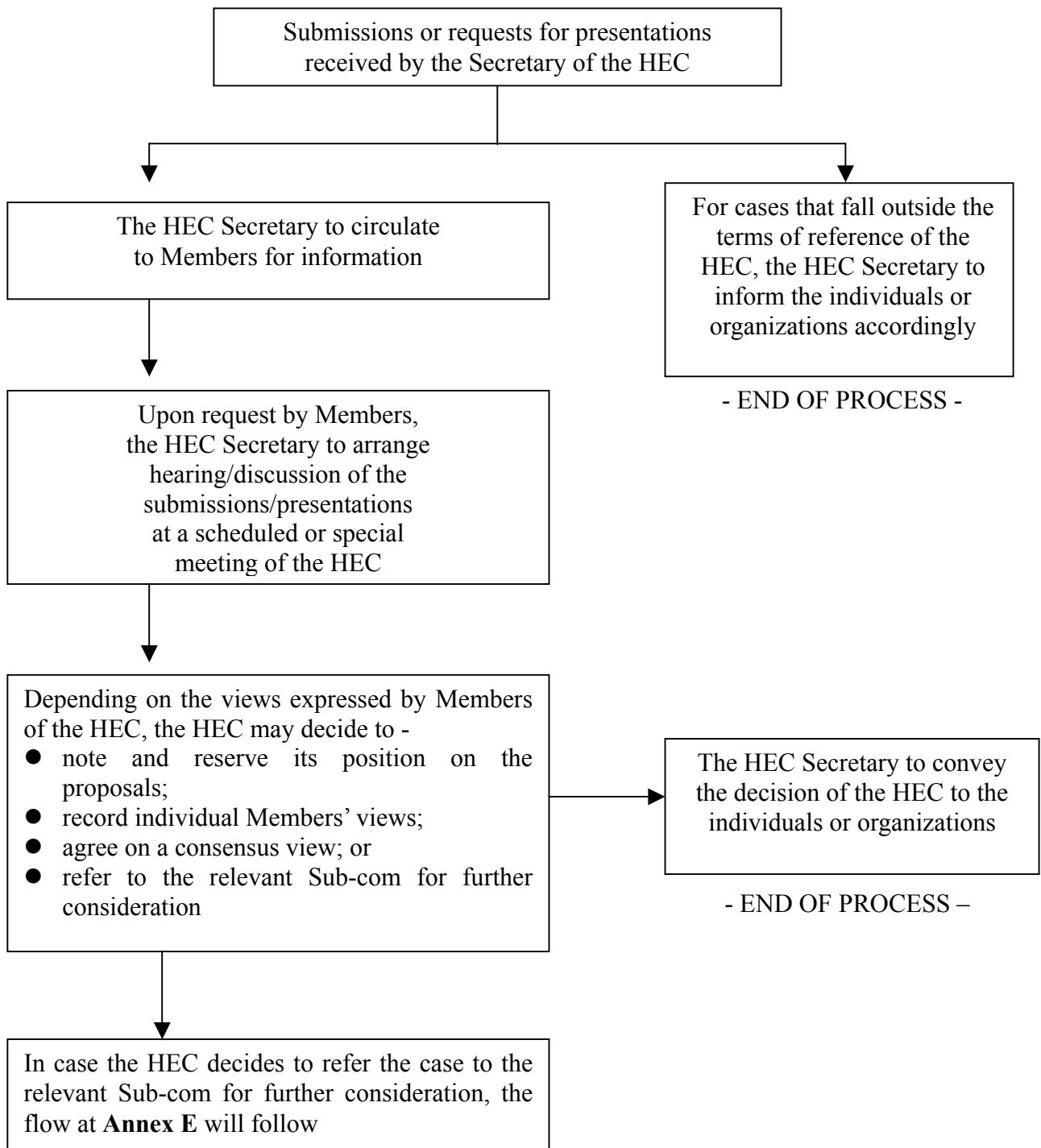
Secretariat, Harbour-front Enhancement Committee
October 2004

Extracts of minutes of the third HEC meeting

2.16 **The Chairman** invited Members to consider whether the HEC should entertain submissions and requests for presentation from the private sector. On this, he had an informal meeting with the Chairmen of the Sub-committees. He was concerned that if the HEC were to entertain such requests, it would become a lobbying ground for submissions which later had to be processed and considered by a statutory authority such as the Town Planning Board (“TPB”). Furthermore, agreement to receive all private submissions would have a serious implication on the workload of HEC Members and the Secretariat. He suggested that he and the Sub-committee Chairmen should meet with the Chairman of the TPB to exchange views on the working relationship between the two organizations.

2.27 **The Chairman** made the following concluding remarks –

- (a) He agreed with Mrs Mei Ng that the HEC should reach out to the community. He pointed out that the HEC had always welcomed public suggestions on how the harbour-front could be enhanced. In fact, the HEC would meet with the four District Councils on Hong Kong Island on 5 November 2004 to listen to their views on harbour related issues. This would be the first step to reach out to the community.
- (b) An understanding should be worked out with the TPB to deal with planning applications/proposals in an efficient manner.
- (c) The Secretary should arrange a meeting for the three Sub-committee Chairmen and himself with the Chairperson, Vice Chairman and the Secretary of the TPB to further discuss the issue. There was no need to set up a working group to examine the issue at this stage.



**Harbour-front Enhancement Committee
Hearing of Submissions/Presentations**

***Name of
Submission/
Presentation*** :

Name of Proponent :

Theme of Project :

Benefits of Project :

***Assessment on
Project Feasibility*** :

***Impacts
on/Interface with
Adjoining Areas*** :

***Estimated
Project Cost***

(a) Capital : (Please also indicate the cash flow requirements.)

(b) Recurrent : (Please indicate \$ per annum.)

***Suggested Source
of Funding***

***Support from
Individuals/
Organizations*** :

Way Forward :

**Harbour-front Enhancement Committee
Hearing of Submissions/Presentations**

Logistic Arrangements

Date of Hearings : Generally once every quarter – with the first one to be held in December 2004. Exact frequency and timing would be determined by the Chairman, in the light of factors such as the number of submissions received and the workload of the Committee.

Time : Maybe one day or half day, with lunch and tea breaks.

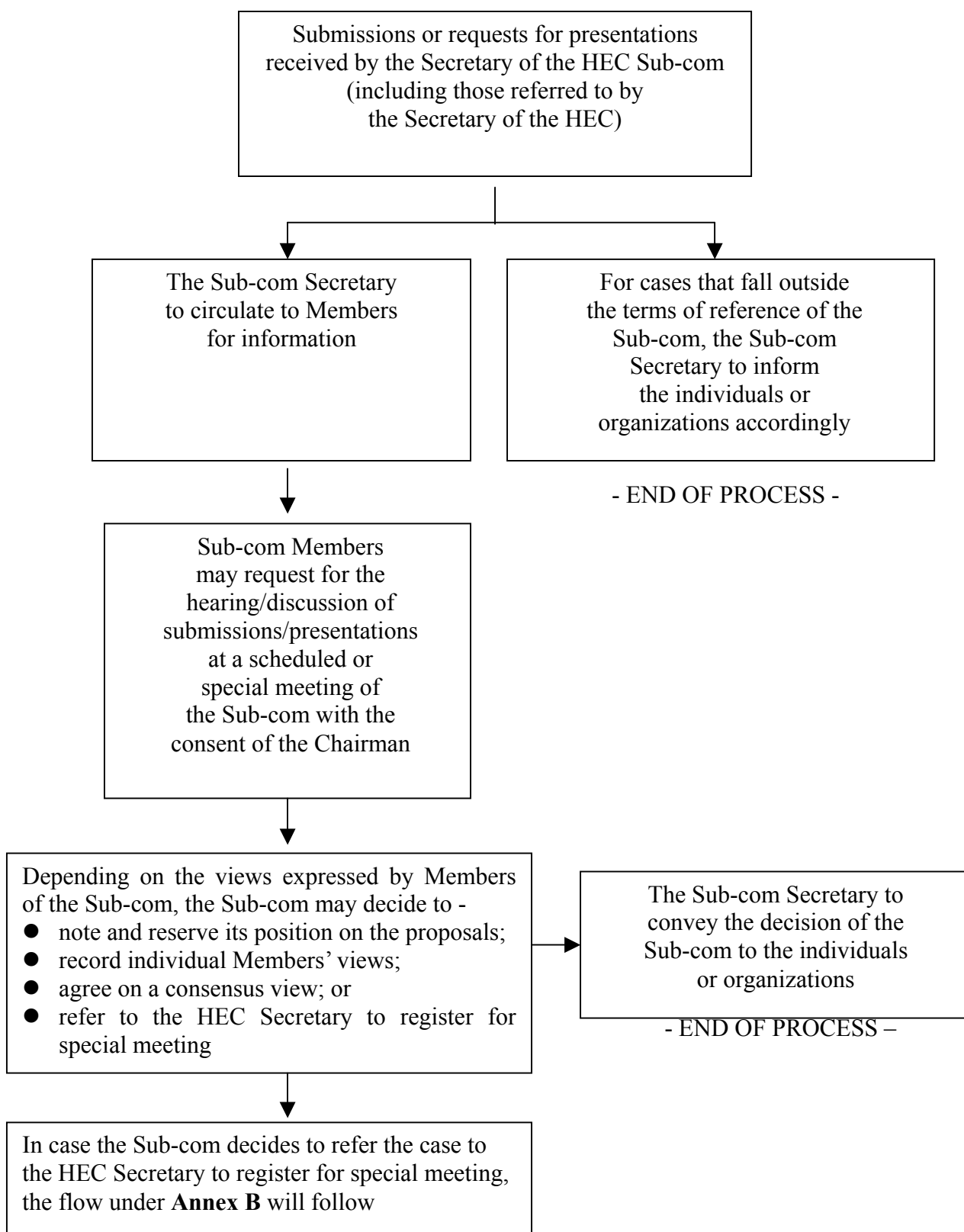
Venue : Existing venue at the Conference Room of Liquor Licensing Board.

Submission/Presentation : Unless with the permission of the Committee, each item should be allotted no more than 30 minutes. The general rule is that all scheduled presentation should be given equal timing.

The order of hearings would be determined by the HEC Chairman.

Materials to be kept : Only paper submissions and computer diskettes are kept by the HEC Secretariat. Other materials like three-dimensional models will be returned to presenters or disposed of by the Secretariat.

Hearing Records : The audio record of proceedings of the hearings will be made and uploaded onto the HEC website.



Alternatives of Handling Submissions and Requests for Presentations

We have considered alternatives of handling submissions and requests for presentation to the HEC. These options are not recommended for the following reasons –

- Option 1: Consider the submissions and hear the presentations at the regular HEC meetings –

This option is not recommended because the agenda for HEC regular meetings are quite lengthy. It would be difficult to arrange hearings at a regular meeting.

- Option 2: Consider the submissions and hear the presentations by the relevant Sub-committee(s) –

This option is not recommended because the Sub-committees were set up with specific missions and they should not be overloaded by this additional requirement. In particular, the Sub-committee on Harbour Plan Review would have to handle most of the submissions and presentations which touch upon areas other than Wan Chai and its adjoining areas and South East Kowloon.

- Option 3: Set up a new Sub-committee to handle such submissions and requests –

This option is not recommended because the “division of labour” among the Sub-committees would still be a problem.

- Option 4: Draw up a list of criteria to decide what kind of issues can be entertained for discussion/presentation at the HEC or the Sub-committee(s) –

We have considered drawing up criteria such as the scale of the areas covered by the proposals, the significance of implications of the proposals and the public interests that would be involved. This option is not recommended because it is difficult to categorize such proposals in an objective manner.