

**Harbour-front Enhancement Committee**  
**Review of Harbour-front Enhancement Committee Briefings**

**Introduction**

At the last meeting of the Harbour-front Enhancement Committee (HEC) held on 26 February 2006, Members requested the Secretariat to prepare a paper on the experience of the HEC briefings in the past year and to suggest modifications to the existing briefing arrangement if appropriate. This paper reports on relevant matters and seeks Members' agreement to the recommendations sets out in paragraphs 8 and 9 below.

**Background**

2. At the 4<sup>th</sup> HEC meeting held on 4 November 2004, Members discussed Paper No. 18/2004 entitled "Proposed arrangement on the handling of submissions and requests for presentation to the Harbour-front Enhancement Committee" (Attachment 1). The relevant extract of the minutes is at Attachment 2.

3. To recap, Members agreed at that meeting that –

- (a) the HEC Secretariat would circulate the private submissions and requests for presentation to the HEC Members for information;
- (b) subject to approval by the Chairman, the briefing would be arranged upon request by Members or the proponents at scheduled or special meeting of the HEC;

- (c) such special meetings for hearing/discussion of private submissions/presentations would be held quarterly;
- (d) the hearings would be open to the public. However, they are intended to be special HEC meetings and not public discussion forums. No walk-in submissions/presentations would be entertained;
- (e) depending on the views expressed by HEC Members, the HEC may decide to –
  - (i) note and reserve its position on the proposals;
  - (ii) record individual Members' views;
  - (iii) agree on a consensus view; or refer to the relevant Sub-committee for further consideration; and
- (f) 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.

4. So far, three HEC briefings were held on 5 January 2005, 6 April 2005 and 8 April 2006 respectively with a total of 10 proposals presented to the HEC. Between the second and third briefings, nine other proposals were received. One of them was subsequently withdrawn, the other eight were referred to the HEC meetings or the respective HEC Sub-committees for consideration/follow-up. A summary of these proposals is at Attachment 3. As there were no other proposals that required hearing by the HEC at special meetings, two scheduled briefings on 3 August and 7 December 2005 were cancelled.

### **Review of the Existing Arrangement**

5. As shown in Attachment 3, some of the proposals received by the HEC Secretariat were relevant to the respective ambits of the Sub-committees, while some were outside their ambits. It is a logical arrangement for HEC to consider proposals that are outside the

Sub-committees' ambits. However, for proposals relevant to the Sub-committees' ambits, according to the referral arrangements as set out in paragraph 3(e)(iii) above, the proposals should be circulated to HEC members for them to decide how to handle the cases, hence causing delay for the relevant Sub-committees to consider the proposals. While by and large the arrangement has been implemented smoothly, there is scope to improve the procedures in determining which forums to hear the submissions. In order to process proposals relevant to Sub-committees' ambits in a more efficient manner, the HEC Secretariat had referred some proposals that were relevant to the ambits of the respective Sub-committees for their consideration (Section C of Attachment 3).

6. There is one case that deserves special attention. The case in question is the Chinese University of Hong Kong (CUHK)'s presentation on Kai Tak. CUHK originally intended to make a presentation to the Sub-committee on Southeast Kowloon Development (SEKD) Review. However, the Sub-committee Chairman considered it not appropriate for the Sub-committee to hear the proposal but not the others in the context of the Stage 2 Public Participation of Kai Tak Planning Review. CUHK's proposal was eventually heard at the HEC briefing held on 8 April 2006.

7. While the HEC adopts an open attitude and welcomes presentations by interested parties on harbour-front related matters, the CUHK case may be queried by other parties who had submitted views during the Stage 2 Public Participation of Kai Tak Planning Review why CUHK had another venue to state their view to the HEC outside the consultation period. In this regard, the HEC Secretariat needs clarifications from the HEC on how to handle similar situations in future.

### **Recommendations**

8. In order to streamline the procedure with a view to improving the efficiency in handling proposals received, Members' views on the following recommended referral arrangement is sought:

- (a) for proposals received by HEC Secretariat that are relevant to the ambits of the respective Sub-committee

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- the HEC Secretariat to seek the agreement of both the HEC Chairman and the relevant Sub-committee Chairman for referring the proposals to the Sub-committee for consideration. The revised arrangement is shown at Chart 1;

(b) for proposals received by the Sub-committees which are outside their term of reference:

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- the Sub-committee Secretariat to seek the agreement of its Chairman for referring the proposals to other relevant Sub-committee or the HEC main committee as appropriate. The revised arrangement is shown at Chart 2; and

(c) where the HEC Chairman or Sub-committee Chairmen cannot come to an agreement as to the appropriate forum for the briefing, the proposals will be circulated by the HEC Secretariat to all HEC members for a majority view following the arrangement at Chart 1.

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9. Some Members were of the view that the HEC should be more proactive in promoting the briefing arrangement and inviting submissions. It is recommended that a pop-up message (e.g. “HEC briefing scheduled for 7 June 2006 now invites submission.”) should be posted to the HEC website four weeks before the scheduled briefing so as to increase publicity.

### **Advice Sought**

10. Members’ advice on the issue raised at paragraph 7 and views on the recommendations set out in paragraphs 8 and 9 above are sought.

**HEC Secretariat**  
**April 2006**

Paper No. 18/2004  
For discussion  
on 4 November 2004

## **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

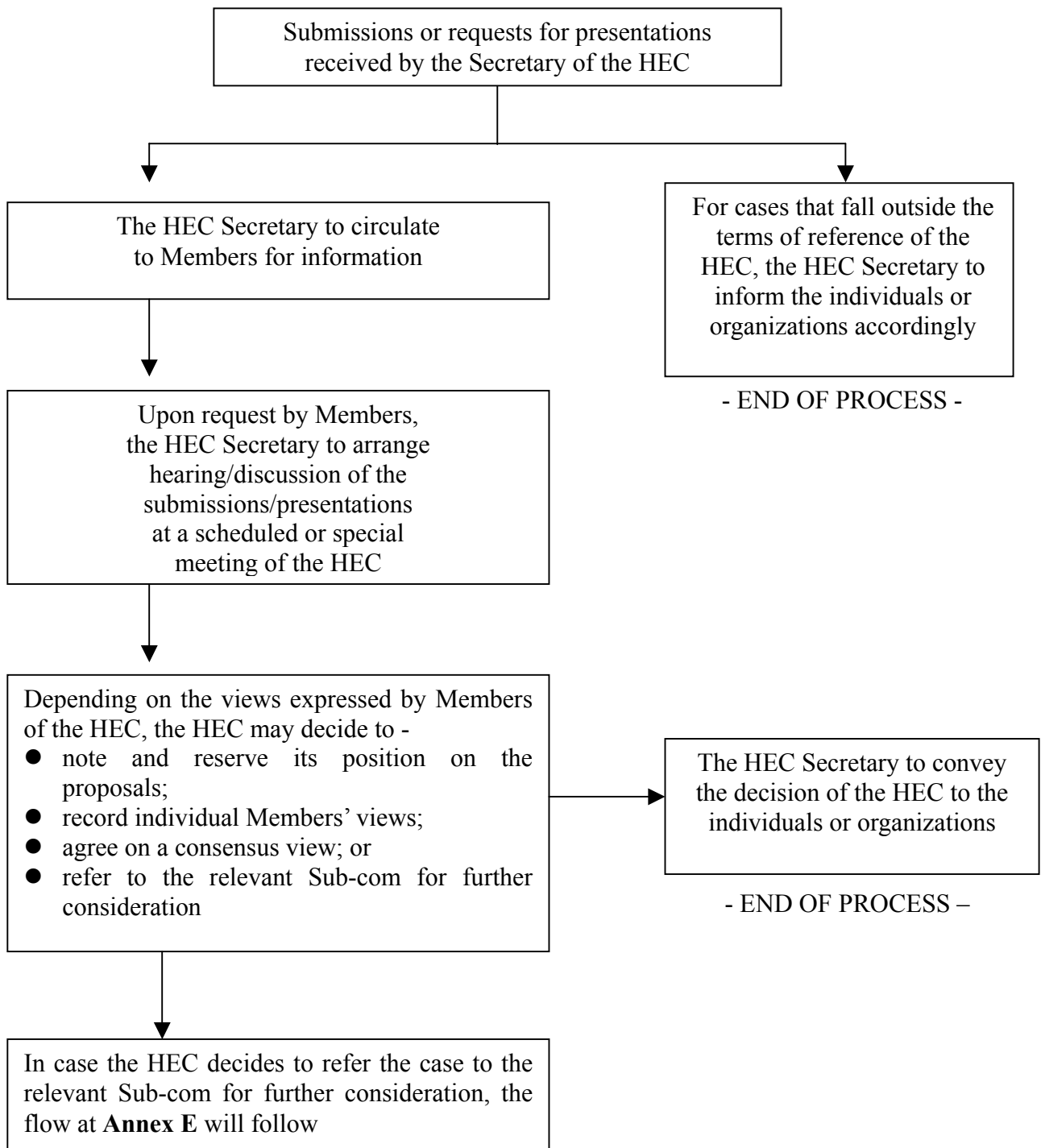


**Extracts of minutes of the third HEC meeting**

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.

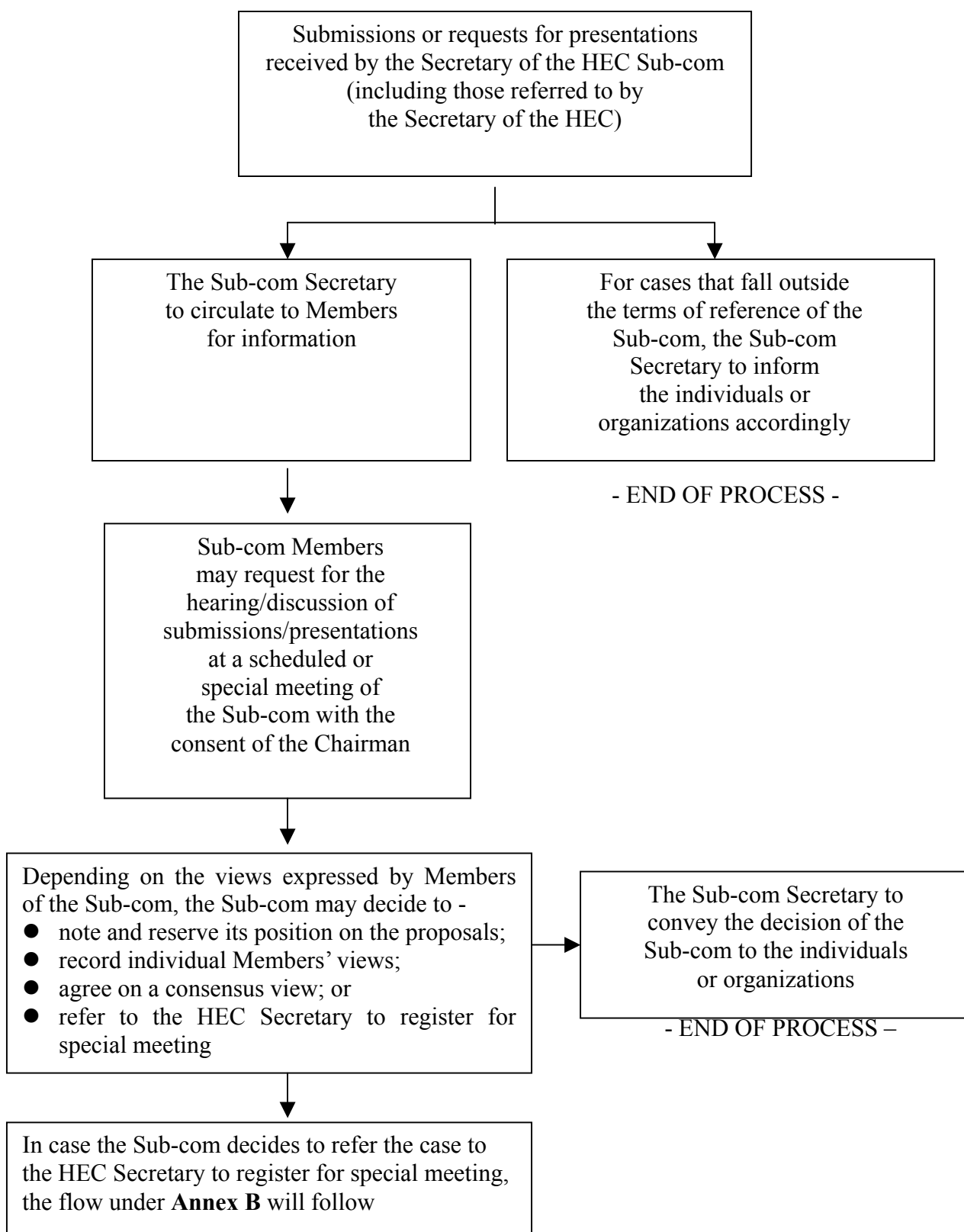
***Venue*** : Existing venue at the Conference Room of Liquor Licensing Board.

***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.

**Relevant extract of the minutes of  
the 4<sup>th</sup> HEC meeting on 4 November 2004**

\* \* \* \* \*

**E. Proposed arrangements on submissions and requests for  
presentation to the HEC (paras. 2.16 and 2.27(c) refer)  
(Paper No. 18/2004)**

3.5 Upon invitation by the Chairman, **the Secretary** briefed Members on the proposed arrangement as followed. The gist of submissions would first be uploaded to the HEC website for

information. The actual submission materials would be deposited at a library located on 18/F of Murray Building where Members could access as they wished. Quarterly briefings on submissions would be arranged for Members and the first briefing was proposed to be held in December 2004/January 2005. The Sub-committees, however, would enjoy flexibility in deciding whether they wished to discuss the submissions after or in between the briefings.

3.6 The meeting noted Mr Paul Zimmerman's comments that the HEC could and should make recommendations to the TPB on any existing plan or plans under consideration, especially where it related to the enhancement of the harbour-front and its surrounding areas and that the TPB had a duty to consult the public. The HEC, with public representation and focus on and expertise in harbour-front enhancement, was a logical source of consultation. Nevertheless, on the relationship between the HEC and the Town Planning Board ("TPB"), **the Secretary** said that the two bodies had different ToRs. However, as the HEC's purview concerned enhancement of the harbour-front, the TPB would circulate submissions it received on harbour-front related development to the HEC for information. Nevertheless, the HEC was not expected to provide comments.

3.7 **Mrs Mei Ng** raised the following questions on the proposed briefings –

- ◆ whether the proceedings of the briefings would be recorded;
- ◆ whether decisions of the HEC would pre-empt or influence the procedures to be taken by other bodies; and
- ◆ whether the HEC would have enough time to entertain follow-up issues arising from the briefings.

She also cautioned that –

- ◆ "no objection" by the HEC could easily be interpreted as approval by the proponent;
- ◆ the press coverage at the briefings could serve as free advertisement for the proponents; and
- ◆ the draft form at Annex C of the paper seemed to be designed for submissions from commercial bodies.

Furthermore, she suggested that instead of indoor briefings, the HEC should reach out to the districts to hear the submissions as and when appropriate. On this, **Dr Ng Mee-kam** said that the briefings could have parallel sessions if there were plenty of submissions. Members could choose as they wished which



workshop to attend. She suggested that the briefings could be named “Harbour Dialogue” or in Chinese, “維港圍講”.

3.8 Regarding the draft form at Annex C of the paper, **Dr Ng Mee-kam** shared Mrs Mei Ng’s observation and suggested that the form should be revised to accommodate requests from non-commercial parties including students. In line with the sustainability concept, she suggested that proponents should be invited to indicate how their proposals would benefit the society in different aspects. **Mrs Mei Ng** further suggested that proponents should be asked to specify what other bodies they had to or would consult and when.

3.9 **Professor Jim Chi-yung** enquired about how the views of the HEC Members would be conveyed to the proponents. In response, **the Chairman** said that the HEC Secretariat would provide extracts of the record of briefings to the proponents for reference. He believed that discussions by the HEC would not affect the decision of other bodies as they had established procedures to follow. **Mrs Rita Lau** supplemented that using the TPB as an example, the TPB had to follow statutory procedures and deadlines. There was no need for the HEC to adjust its schedule to meet the deadlines as explained in Paper No. 18/2004.

**Secretariat**

3.10 **Mr Nicholas Brooke** applauded the openness of the proposed arrangement. He said that Members should exercise caution in giving views as such views might be taken by the proponents as a kind of approval or support.

3.11 **Mr Paul Zimmerman** also appreciated the proposed arrangement. He said that the briefings could be called “HEC Town Hall Meetings” but there should be no commitment that the HEC had to hear the submissions. He suggested that the proponents could be invited to further discuss the submissions at the relevant Sub-committees as appropriate.

**Secretariats of  
the HEC and  
the three Sub-  
committees**

3.12 **Mr Roger Tang** drew Members’ attention to the flow chart at Annex B of Paper No. 18/2004 where it was stated that discussions or presentations at briefings would only be arranged by the Secretariat “upon request by Members”. He sought clarification as to whether all requests for presentation should be entertained or only those requested by Members. **Mrs Mei Ng**

and **Ir Dr Greg Wong** shared his concern.

3.13 In response, **the Secretary** clarified that apart from the requests made by Members, it was up to the proponents themselves to decide whether they wished to present their submissions to the HEC. There would be submissions which were straight-forward and did not warrant a briefing. The flow suggested at Annex B was meant to inject flexibility to the process.

3.14 **Dr Alvin Kwok** suggested amending “upon request by Members” to “upon request by Members or the proponents and subject to approval by the Chairman”. **Mr Vincent Ng** supported the suggestion and said he believed that the mechanism could be reviewed in future as necessary. **Members** agreed.

**Secretariat**

3.15 **Professor Lam Kin-che** agreed that there was no need for the HEC to entertain all submissions, given the commitment required on the part of the Members. If there were too many submissions, Members should be allowed to decide which ones to entertain. He opined that since briefing for the HEC would not affect any statutory procedures that the submissions had to go through, proponents should be made clearly aware of this.

**Secretariat**

**Submissions/Proposals considered by  
the Harbour-front Enhancement Committee (HEC)**

**(A) Submissions/Proposals considered at HEC Briefings**

<b>No.</b>	<b>Title</b>	<b>Proponent</b>	<b>Date of HEC Briefing</b>
1.	West Kowloon Cultural District	<ul style="list-style-type: none"> <li>• World City Cultural Park</li> <li>• Sunny Development</li> <li>• Dynamic Star international</li> </ul>	5 Jan 2005
2.	Enhancement of Harbour-front at Central Piers	New World First Ferry Services Ltd	5 Jan 2005
3.	Maximizing a Prime Harbour-front Asset of Hong Kong	Hong Kong Trade Development Council	5 Jan 2005
4.	Old Hong Kong at Quarry Bay	Masterplan Ltd	6 Apr 2005
5.	Yau Tong Bay Re-development	David C Lee Surveyors Ltd	6 Apr 2005
6.	Waterfront Development in Eastern District	Eastern District Council	6 Apr 2005
7.	Overriding Public Need Test	<ul style="list-style-type: none"> <li>• Society for Protection of the Harbour Ltd</li> <li>• Citizen Envisioning@Harbour</li> <li>• Business Environment Council</li> </ul>	6 Apr 2005
8.	Linear City Research – Presentation on Kai Tak	Chinese University of Hong Kong	8 Apr 2006
9.	Planning the Central Harbour-front	Citizen Envisioning@Harbour	8 Apr 2006
10.	Central Harbour-front Review	Civic Exchange	8 Apr 2006

**(B) Submissions considered at HEC Meetings**

No.	Title	Proponent	Date of HEC Meeting
1.	Integrated Planning for Victoria Harbour	Designing Hong Kong Harbour District/The Experience Group	13 Jan 2005 (presented by Business Environment Council)
2.	Victoria Harbour Promotion Office and Hong Kong Annual Harbour Day	Designing Hong Kong Harbour District/The Experience Group	Informed HEC on 17 Dec 2004 that upon consultation with and agreement of the proponent, these submissions were to be discussed separately under the context of Living Harbour Review. The Hong Kong Harbour Day was discussed at the HEC meeting on 22 September 2005.

**(C) Submissions referred to HEC Sub-committees**

No.	Title	Proponent	Referral Arrangement
1.	Kellet Basin	Royal Hong Kong Yatch Club	Site falls within WDII. Referred to the WDIIR Sub-committee for consideration on 13 Dec 2004. Informed HEC on 17 Dec 2004 that upon consultation with and agreement of the proponent, this submission was to be discussed at the WDIIR Sub-committee.

<b>No.</b>	<b>Title</b>	<b>Proponent</b>	<b>Referral Arrangement</b>
2.	Electronic Road Pricing in Wan Chai and Causeway Bay	Clear the Air	Relating to Wan Chai and Causeway Bay. More appropriate to be presented to the WDIIR Sub-committee. Referred to the Sub-committee on 10 Mar 2005. Sub-committee Chairman agreed on 11 Mar 2005.
3.	Harbourfront Walkway/Esplanade from Kai Tak to Tai Kok Tsui	A member of the public	Under the purview of the Sub-committee on SEKDR. Referred to the Sub-committee on 7 Apr 2005.
4.	Tsuen Wan Drainage Tunnel Project	A consultant firm	The appearance of the outfall structure near the Harbour might be of interest to the HPR Sub-committee and mitigating measures to reduce the visual impacts of the structure would be provided. Referred to the HPR Sub-committee for consideration on 7 Oct 2005 with Chairman's agreement.
5.	Development of ex-A-King Slipway Site	Kenneth To & Associates Ltd	Site falls within the HER Project study area. Referred to the WDIIR Sub-committee on 12 Oct 2005 for consideration with Chairman's agreement.

<b>No.</b>	<b>Title</b>	<b>Proponent</b>	<b>Referral Arrangement</b>
6.	Installation of LED Screen on Roof of Central Ferry Pier No. 4	Hong Kong and Kowloon Ferry Ltd	Location within the study area of the Central Harbourfront and Me (CHarM) study. Referred to the HPR Sub-committee for consideration on 26 Oct 2005 with Chairman's agreement.

**(D) Submissions withdrawn**

<b>No.</b>	<b>Title</b>	<b>Date of withdrawal</b>
1.	Heliport Development	14 Mar 2005

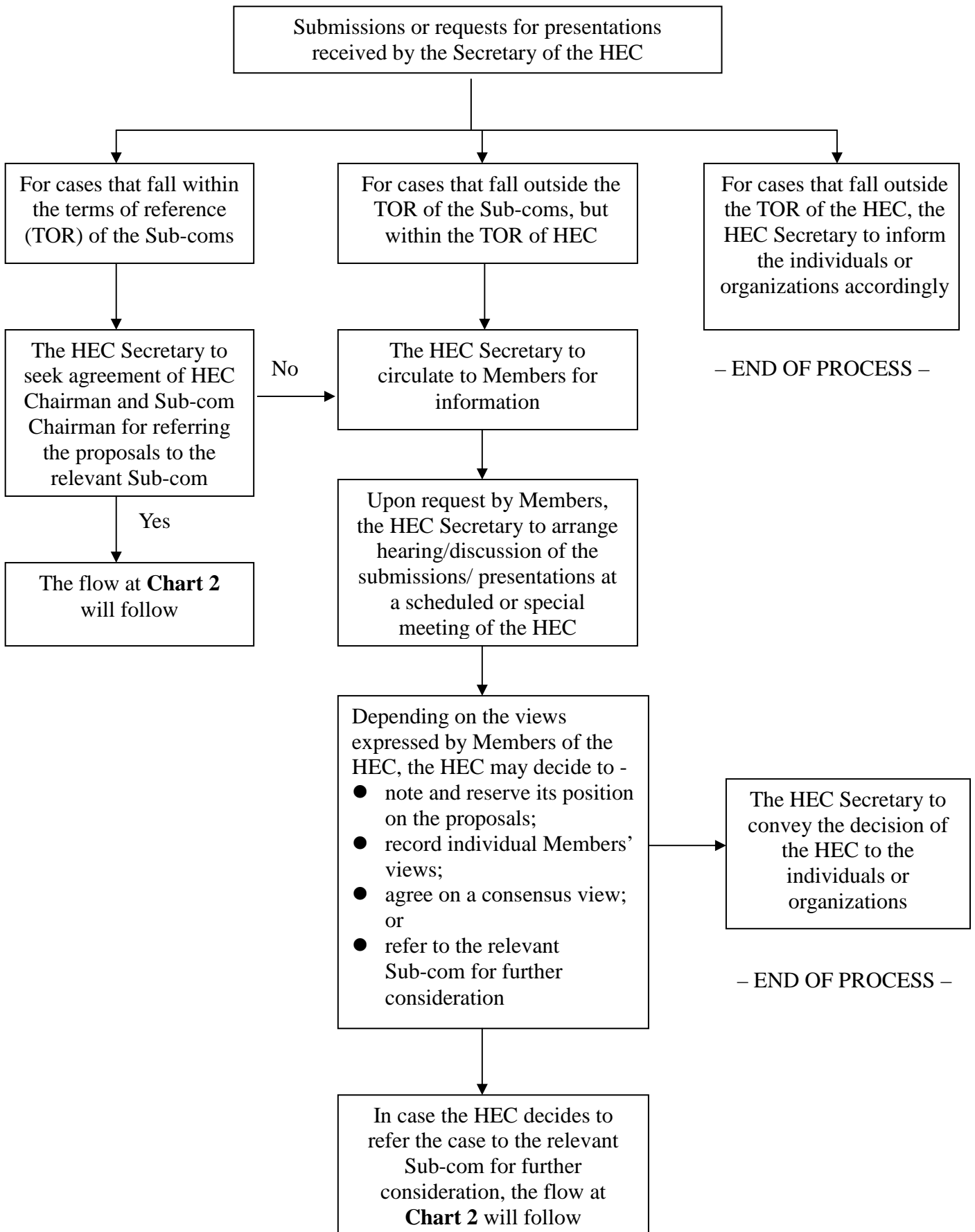


Chart 2

