

立法會
Legislative Council

LC Paper No. CB(4)31/19-20
(These minutes have been
seen by the Administration)

Ref : CB4/SS/9/18

**Subcommittee on Subsidiary Legislation Relating to
the Central Military Dock**

**Minutes of the second meeting
held on Tuesday, 28 May 2019 at 2:45 pm
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon WONG Ting-kwong, GBS, JP (Chairman)
Hon Starry LEE Wai-king, SBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon CHAN Kin-por, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Claudia MO
Hon Steven HO Chun-yin, BBS
Hon Frankie YICK Chi-ming, SBS, JP
Hon YIU Si-wing, BBS
Hon CHAN Han-pan, BBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Elizabeth QUAT, BBS, JP
Hon CHU Hoi-dick
Dr Hon Junius HO Kwan-yiu, JP
Hon HO Kai-ming
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai
Hon CHAN Chun-ying, JP
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung
Hon AU Nok-hin
Hon Tony TSE Wai-chuen, BBS
Hon CHAN Hoi-yan

- Member attending** : Hon KWONG Chun-yu
- Members absent** : Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon MA Fung-kwok, SBS, JP
- Public Officers attending** : Item I
Security Bureau
Ms Mimi LEE
Deputy Secretary for Security 1
Mr Parson LAM
Principal Assistant Secretary (Security) D
Ms Trinky CHAN
Assistant Secretary for Security (A1)
Miss Florence LO
Assistant Secretary (Narcotics) 2
Department of Justice
Ms Carmen CHAN
Senior Government Counsel
- Clerk in attendance** : Ms Angel WONG
Chief Council Secretary (4)4
- Staff in attendance** : Miss Rachel DAI
Assistant Legal Adviser 2
Miss Mandy NG
Senior Council Secretary (4)4
Miss Rachel WONG
Council Secretary (4)4
Ms Sandy HAU
Legislative Assistant (4)4
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Action

I. Meeting with the Administration

[Legislative Council Brief issued by the Security Bureau on 3 May 2019, L.N. 66, L.N. 67, L.N. 68, L.N. 69, and L.N. 70, of 2019, LC Paper Nos. LS69/18-19, CB(4)896/18-19(02) and (03), CB(4)911/18-19(01), CB(4)926/18-19(01) to (03), and CB(4)948/18-19(01) and (02)]

Discussion

The Subcommittee deliberated (index of proceedings attached at **Annex**).

2. The Chairman advised that members were consulted vide LC Paper No. CB(4)912/18-19 issued on 21 May 2019 about the need for a meeting to receive public views on the five items of subsidiary legislation relating to the Central Military Dock ("CMD") (L.N. 66 to 70 of 2019). The Secretariat received a total of 21 replies. Three members considered it necessary to receive public views on the subsidiary legislation and 18 did not. The Subcommittee would not hold a meeting to receive public views.

3. Members noted that an application for leave to apply for judicial review against the decision of the Chief Executive in Council to approve the relevant Amended Draft Central District (Extension) Outline Zoning Plan ("the Amended Draft Plan") and the decision of the Town Planning board not to amend the Amended Draft Plan ("judicial review") had been filed by a member of the public. The Subcommittee had received a letter from the Solicitors for the Applicant in the judicial review ("the Solicitors") requesting the Subcommittee to withhold from discussing, deciding upon, or otherwise taking steps to further the subsidiary legislative work concerning CMD pending the outcome of the judicial review (LC Paper No. CB(4)926/18-19(01)). To facilitate members' consideration, the Administration and the Solicitors were requested to provide information on the status of the judicial review proceedings and whether the judicial review proceedings would in any way affect the work of the Subcommittee. The Administration's written response was issued to members vide LC Paper No. CB(4)948/18-19(02) on 28 May 2019. The Solicitors failed to provide the requested information before this meeting. Members noted from the information provided by the Administration that no leave for the Applicant to apply for judicial review had been granted, nor any interim injunction order had been made by the Court. The Subcommittee proceeded to scrutinize the relevant subsidiary legislation.

(Post-meeting note: The written response from the Solicitors was issued to members vide LC Paper No. CB(4)989/18-19(02) on 11 June 2019.)

Action

Follow-up actions by the Administration

4. The Subcommittee requested the Administration to provide the following information:

- (a) According to the Administration, the Hong Kong Garrison of the Chinese People's Liberation Army ("the Garrison") would consider opening the area outside the four buildings at CMD to the public on the condition that its defence functions would not be compromised. Some members requested for the opening details of the area outside the four buildings, including opening dates and time, rules and regulations, activities that were permitted and prohibited in the area, procedures for handling accidents occurred in the area, management of the area, etc.
- (b) According to the Administration, CMD was a military site and military facility re-provisioned by the Hong Kong Special Administrative Region ("HKSAR") Government for the Garrison. As a military site and military facility used for defence purposes, CMD should be managed by the Garrison in accordance with the Law of the People's Republic of China on the Garrisoning of HKSAR ("Garrison Law"). Some members requested the Administration to provide information on how the Garrison would manage CMD after its handover, including activities that could/could not be conducted at CMD, who and whether members of the Garrison would act as authorized guards of CMD, whether members of the Garrison would carry long guns at CMD, and whether authorized guards/members of the Garrison were subject to the laws of Hong Kong while on duty, etc.
- (c) A member enquired whether the Administration would invite the Garrison to address members' concerns about the management of CMD at the Subcommittee meeting and whether this would be contrary to the Garrison Law.

(Post-meeting note: The Administration's written response was issued to members vide LC Paper No. CB(4)989/18-19(01) on 11 June 2019.)

Date of next meeting

5. Members agreed that a further meeting would be scheduled in early June 2019.

Action

II. Any other business

6. There being no other business, the meeting ended at 4:52 pm.

Council Business Division 4
Legislative Council Secretariat
22 October 2019

**Proceedings of the second meeting of the Subcommittee on
Subsidiary Legislation Relating to the Central Military Dock on
Tuesday, 28 May 2019 at 2:45 pm
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action required
Agenda Item I – Meeting with the Administration			
000457-000900	Chairman	Opening remarks Proposal of holding a meeting to receive public views	
000901-001443	Chairman Administration Assistant Legal Adviser ("ALA") Mr CHU Hoi-dick	Letter from the Solicitors for the Applicant of an application for leave to apply for judicial review in relation to the Central Military Dock ("CMD") which was filed in April 2019 (LC Paper No. CB(4)926/18-19(01))	
001444-002950	Chairman Mr HUI Chi-fung Mr AU Nok-hin Ms Claudia MO ALA	Discussion on the need for the Subcommittee to discontinue its work pending the outcome of the judicial review	
002951-003301	Chairman Ms Claudia MO Administration	Proposed marine restricted areas at the waters off CMD	
003302-003818	Chairman Dr KWOK Ka-ki Administration	Effect of the leave to apply for judicial review, if granted, on the five items of subsidiary legislation relating to CMD Security arrangements for the four buildings at CMD	
003819-005811	Chairman Mr AU Nok-hin Ms CHAN Hoi-yan Mr HUI Chi-fung Mr KWOK Wai-keung Administration ALA	Application of the <i>sub judice</i> rule and whether the Subcommittee should discontinue its work pending the outcome of the judicial review	
005812-011339	Chairman	Suspension of meeting to facilitate members' voting at the meeting of the Establishment Subcommittee	
011340-011705	Chairman Mr HUI Chi-fung ALA	Application of the <i>sub judice</i> rule	
011706-013015	Chairman Dr KWOK Ka-ki Administration	Authorized guards in respect of CMD, facilities inside the four buildings at CMD and law enforcement at CMD	
013016-013506	Chairman Ms Claudia MO Administration	Reason for using the word "restrain" in paragraph 2 of the Administration's letter dated 28 May 2019 (LC Paper No. CB(4)948/18-19(02))	

Time marker	Speaker(s)	Subject(s)	Action required
013507-014125	Chairman Mr AU Nok-hin Administration	Opening arrangements of CMD Security companies to be engaged by the Hong Kong Garrison of the Chinese People's Liberation Army ("the Garrison") as authorized guards	
014126-014459	Chairman Mr HUI Chi-fung Administration	Management of CMD	
014500-014931	Chairman	Suspension of meeting to facilitate members' voting at the meeting of the Panel on Development	
014932-015434	Chairman Mr CHU Hoi-dick Administration	Authorized guards in respect of CMD	
015435-015920	Chairman Dr KWOK Ka-ki Administration	Impact of the re-provisioning of CMD at the waterfront on the major events ordinarily held at the waterfront Arrangements for opening CMD for public access	
015921-020556	Chairman Mr AU Nok-hin Administration ALA	The Administration was requested to: (a) provide the opening details of the protected area in CMD; and (b) invite representative(s) of the Garrison to attend the Subcommittee meeting	
020557-021009	Chairman Mr HUI Chi-fung Administration	The Administration was requested to provide information on how the Garrison would manage CMD after its handover	
Agenda Item II - Any other business			
021010-021120	Chairman	Date of next meeting	