

立法會
Legislative Council

LC Paper No. CB(1) 921/04-05(02)

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**Meeting of the Panel on Planning, Lands and Works
on 22 February 2005**

Central and Wan Chai reclamation

Background brief

Introduction

The need for reclamation in Central and Wan Chai was first identified in the Harbour Reclamation and Urban Growth Study in 1983 and later confirmed by the 1984 Territorial Development Strategy (TDS), 1991 Metroplan and 1996 TDS Review. The Central and Wan Chai Reclamation Feasibility Study was endorsed by the Land Development Policy Committee on 22 September 1989. The recommendation was to reclaim an area of about 108 hectares along the waterfront from Central to Causeway Bay. The main objective of the subject study was to provide land for the Central and Wan Chai Bypass, the Island Eastern Corridor Link, the Mass Transit Railway North Hong Kong Island Line and to improve the existing waterfront. The Central and Wan Chai reclamation is divided into five phases -

- (a) **Central reclamation phase I (CRI)** involved the reclamation of about 20 hectares of seabed which extended from Rumsey Street to Blake Pier. The reclamation provided land for the extension of the Central Business District and for the construction of the Hong Kong Central station of the airport railway. The engineering works commenced in September 1993 and completed in June 1998;
- (b) **Central reclamation phase II (CRII)** involved the reclamation of about 5.3 hectares of land in the Tamar Basin area to provide commercial development sites and public open space in the Central District. The engineering works commenced in December 1994 and completed in September 1997;

- (c) **Central reclamation phase III (CRIII)** originally involved a reclamation of about 32 hectares in the central harbour for the construction of the Central and Wan Chai Bypass and other infrastructural facilities. As a result of public concerns over the need to protect and preserve the central harbour and the motion passed by the Legislative Council, the Administration subsequently scaled down the extent of reclamation from 32 to 18 hectares;
- (d) **Wan Chai reclamation phase I (WRI)** formed part of the construction of a reclamation island to support the extension of the Hong Kong Convention and Exhibition Centre (HKCEC). To facilitate the completion of HKCEC within budget by the target date of June 1997, an entrustment agreement between the Government and the Hong Kong Trade Development Council (TDC) was drawn up. Under the agreement, the reclamation and certain related infrastructural works were entrusted to TDC and undertaken by the Government on behalf of TDC. The engineering works commenced in March 1994 and completed in July 1997; and
- (e) **Wan Chai development phase II (WDII)** originally involved reclamation of 48 hectares of the seabed to provide land for key transport infrastructure, residential and hotel development as well as development of a cruise centre and a public park. Having regard to the Protection of the Harbour Ordinance (Cap. 531) (PHO) and the strong public sentiments against reclamation, the Administration subsequently reduced the extent of reclamation to 28.5 hectares to provide the land just enough to accommodate the necessary transport infrastructure as well as to permit the design and development of a waterfront promenade.

Litigation relating to WDII and CRIII

2. For the purpose of protecting and preserving the Victoria Harbour, the Society of Protection of the Harbour Limited (SPHL), a limited liability company incorporated in 1998, applied for judicial reviews of the extent of reclamation for WDII and CRIII.

3. On 27 February 2003, SPHL applied for judicial review of the decisions of the Town Planning Board (TPB) made in connection with the Draft Wan Chai North District Outline Zoning Plan (OZP). The Court ruled on 8 July 2003 that TPB failed to comply with section 3 of PHO and ordered it to reconsider the draft Wan Chai North OZP and the related objections. It was also ruled that the purpose and extent of each proposed reclamation ought to be individually assessed by reference to the three tests of (i) compelling, overriding and present need; (ii) no viable alternative; and

(iii) minimum impairment to the harbour. TPB later appealed against the judgment after announcing that it would no longer pursue the proposed public park. The appeal was dismissed by the Court of Final Appeal on 9 January 2004 on grounds that the proposed reclamation could not meet the overriding public need test. As a result, the Administration has to review the planning of WDII before re-submitting the relevant OZP for consideration by TPB.

4. Following the Court's judgment on WDII, SPHL applied to the High Court on 25 September 2003 for an interim injunction over CRIII works and a judicial review of the Chief Executive in Council's approval of the Central OZP. The applications for interim injunction and judicial review were dismissed by the High Court on 6 October 2003 and 9 March 2004 respectively. The CRIII works, which were temporarily suspended on 27 September 2003 pending the Court's decision, had since resumed.

Discussion by Panels

5. The Panel on Environmental Affairs (EA Panel) and the Panel on Planning, Lands and Works (PLW Panel) had all along been monitoring the progress of harbour reclamation. In view of public concern on the scale of reclamation at Central and Wan Chai following the litigation over WDII and CRIII, the PLW Panel and EA Panel held three joint meetings on 13 October, 27 November and 8 December 2003 to discuss issues related to CRIII. Over 20 deputations, including SPHL, green groups, professional institutes, and transport associations were invited to attend the latter two meetings to express their views.

6. According to the Administration, CRIII was needed to provide land for essential transport infrastructure, including the Central-Wan Chai Bypass (CWB) and Road P2 network which would serve as a vital conduit to solve traffic problems. It also served to re-provision existing waterfront facilities such as pumping stations providing cooling water for buildings in Central, Star Ferry piers and Queen's Pier. CRIII would also include a military berth for the People's Liberation Army as agreed under the 1994 Sino-British Defence Land Agreement; an overrun tunnel for the Airport Railway and Tung Chung Line; and the future North Hong Kong Line.

7. The Panels noted that most of the deputations did not object to the construction of CWB under CRIII in order to relieve the traffic load at the Connaught Road Central/Harcourt Road/Gloucester Road on condition that the extent of reclamation would be minimized. However, there were queries on the need for CWB having regard to the not very high anticipated traffic load. Members noted that there were suggestions that instead of reclaiming the Harbour to provide land for CWB, consideration should be given to relieving the traffic load through other traffic management measures, such as equalization of toll charges of the three cross harbour tunnels. To further reduce the extent of reclamation, members suggested that efforts

should be made to reduce the size of reclaimed land for the cooling water pumping station and the military dock for PLA. Consultation with PLA should also be made to ascertain the need for the berth.

Latest development

8. In the light of the CFA's judgment on WDII, the Government undertook to conduct WDII Review to ensure compliance with the requirements of the PHO and the CFA judgment. In May 2004 the Harbour-front Enhancement Committee (HEC) was established to advise the Secretary for Housing, Planning and Lands on the planning, land uses and developments along the existing and new harbour-front of the Victoria Harbour. The HEC has set up the Subcommittee on WDII Review to provide comments on and monitor the planning, design and development issues including land use, transport and infrastructure, landscaping and other matters relating to the implementation proposals under the WDII Review and advise on public involvement strategy at various stages of the Review.

9. In mid-January 2005 the Government announced its acceptance of the recommendation of the Subcommittee on WDII Review that an enhanced public participation should be adopted in the course of the Review. To achieve this, a public engagement exercise, namely the "Harbour-front Enhancement Review – Wan Chai and Adjoining Areas" was carried out under the steer of the Subcommittee on WDII Review in parallel with the WDII Review. The first stage of the Harbour-front Enhancement Review commenced in late January 2005. However, in February 2005 the Subcommittee on WDII Review decided to withdraw its proposals under public consultation.

10. The plan of the relevant phases of Central and Wan Chai reclamations and a chronology of events (based on available information) are in **Appendices I and II** respectively. A list of references with their hyperlinks at the LegCo Website is in **Appendix III**.

尖沙咀
TSIM SHA TSUI

維多利亞港 VICTORIA HARBOUR

圖例
LEGEND:

- 港島規劃區第24區 - 中區(擴展部分)涵蓋的範圍
SCHEME BOUNDARY OF HONG KONG PLANNING AREA No. 24 - CENTRAL DISTRICT (EXTENSION)
- 港島規劃區第25區 - 灣仔北涵蓋的範圍
SCHEME BOUNDARY OF HONG KONG PLANNING AREA No. 25 - WAN CHAI NORTH
- 已完成的中環填海計劃第 I 期工程
CENTRAL RECLAMATION PHASE I (COMPLETED)
- 已完成的中環填海計劃第 II 期工程
CENTRAL RECLAMATION PHASE II (COMPLETED)
- 已完成的灣仔填海計劃第 I 期工程
WAN CHAI RECLAMATION PHASE I (COMPLETED)
- 擬建的中環填海計劃第 III 期工程 (進行中)
PROPOSED CENTRAL RECLAMATION PHASE III (IN PROGRESS)

海岸線跟隨已獲核准分區計劃大綱圖編號 S/H24/6
SHORE LINE FOLLOWS APPROVED OZP No. S/H24/6

灣仔發展計劃第 II 期
WAN CHAI DEVELOPMENT PHASE II

銅鑼灣避風塘
CAUSEWAY BAY
TYPHOON SHELTER

銅鑼灣
CAUSEWAY BAY

灣仔
WAN CHAI

HONG KONG
CONVENTION
AND
EXHIBITION
CENTRE
EXTENSION

中環
CENTRAL



編號 no.	日期 date	內容摘要 description	核對 checked	核准 approved
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修訂 REVISION

圖則名稱 drawing title

中環及灣仔填海計劃
CENTRAL AND WAN CHAI RECLAMATION

繪圖 drawn W.L. Lam	簽署 initial	日期 date 07-10-03	項目編號 item no.
核對 checked S.K. Keung	簽署 initial	日期 date 07-10-03	比例 scale AS SHOWN
核准 approved	簽署 initial	日期 date	圖則編號 drawing no. HK1-2560

辦事處 office
港島及離島拓展處
HONG KONG ISLAND AND ISLANDS
DEVELOPMENT OFFICE

拓展署
TERRITORY
DEVELOPMENT
DEPARTMENT

Chronology of events relating to the Central and Wan Chai reclamation project

Date \ Project	CRI	CRII	CRIII	WRI	WDII
23 July 1993	The funding proposal was endorsed by the Finance Committee (FC).				
25 February 1994				The funding proposal of \$750 million for the cost of the reclamation and infrastructure works which was funded under the capital subvention of \$4,829 million to TDC for the construction of the extension of HKCEC was endorsed by FC.	
8 July 1994		The funding proposal of \$307 million was endorsed by FC.			
July 1997				Works completed.	
September 1997		Works completed.			
29 May 1998			The draft Outline Zoning Plan (OZP) was gazetted.		
June 1998	Major reclamation works completed.				

Date \ Project	CRI	CRII	CRIII	WRI	WDII
29 July 1998			The Legislative Council passed a motion urging the Administration to scale down the reclamation plans.		
15 October 1998 19 January 1999					The Panel on Planning, Lands and Works (PLW Panel) was briefed on the funding proposal for a comprehensive feasibility study on the revised WDII.
12 March 1999					The funding proposal was endorsed by FC.
10 June 1999			The PLW Panel was briefed on the revised CRIII. Concern had been raised on whether the scale of reclamation should be further reduced.		
16 July 1999			The amended Central District (Extension) OZP, covering reclamation of 23 hectares (5 hectares included under WDII) was gazetted.		

Date \ Project	CRI	CRII	CRIII	WRI	WDII
24 February 2000					The PLW Panel was briefed on the Trunk Road options and their associated conceptual land use proposals and recommendations.
3 March 2000			The OZP covering the revised CRIII was gazetted.		
6 July 2001	The funding request for additional engineering works was endorsed by FC.				
7 December 2001					The PLW Panel was briefed on the key proposals of WDII.
11 January 2002					The funding proposal for detailed design of WDII was endorsed by FC.
1 March 2002			The PLW Panel was briefed on the funding proposal for the revised CRIII. Concern had been raised on whether the reduced extent was the minimum option given that part of the reclaimed land was for the waterfront promenade and recreational/leisure use.		

Date \ Project	CRI	CRII	CRIII	WRI	WDII
8 May 2002					The PLW Panel was briefed on the draft Wan Chai North OZP.
21 June 2002			The funding proposal was endorsed by FC.		
10 February 2003			The main contract was awarded.		
27 February 2003					The Society for Protection of the Harbour Limited (SPHL) applied for a judicial review of the Town Planning Board (TPB)'s decision on the relevant OZP.
14 March 2003					The Court ordered to stay the submission of the draft OZP to the Chief Executive in Council (CE in C) until the final determination of the judicial review.
8 July 2003					The Court ruled that TPB had failed to comply with section 3 of PHO.

Date \ Project	CRI	CRII	CRIII	WRI	WDII
25 September 2003			<p>SPHL filed an application for -</p> <p>(i) judicial review of the CE in C's approval of OZP; and</p> <p>(ii) interim relief that all works under CRIII directly or indirectly connected to the reclamation of the harbour be stopped pending a determination of all relevant litigation.</p>		Appeal to be heard by the Court of Final Appeal on 9 December 2003.
26 September 2003			Leave to apply for judicial review granted.		
6 October 2003			The Court dismissed the application for interim relief.		
9 January 2004					The Court of Final Appeal dismissed TPB's appeal
9 March 2004			The Court refused SPHL's application for judicial review of CE in C's approval of the Central OZP		

List of references

Project	Council/Committee	Date of meeting	Paper
Central and Wan Chai reclamation	FC	1 June 1990	PWSC1990/107 FC4/90-01
CRI	FC	23 July 1993 6 July 2001	FCR(93-94)75 PWSC(2001-02)53 (http://www.legco.gov.hk/yr00-01/english/fc/pwsc/papers/p01-53e.pdf) FC152/00-01 (http://www.legco.gov.hk/yr00-01/english/fc/fc/minutes/fc010706.pdf)
CRII	FC	8 July 1994	FCR(94-95)52
CRIII	Council PLW Panel FC	29 July 1998 10 June 1999 1 March 2002 21 June 2002	Hansard (http://www.legco.gov.hk/yr98-99/english/counmtg/hansard/980729fe.htm) LC Paper No. CB(1)1443/98-99(01) (http://www.legco.gov.hk/yr98-99/english/panels/plw/papers/pl1006_4.htm) LC Paper No. CB(1)91/99-00 (http://www.legco.gov.hk/yr98-99/english/panels/plw/minutes/pl100699.pdf) LC Paper No. CB(1)1134/01-02(03) (http://www.legco.gov.hk/yr01-02/english/panels/plw/papers/plw0301-cb1-1134-3e.pdf) LC Paper No. CB(1)1454/01-02 (http://www.legco.gov.hk/yr01-02/english/panels/plw/minutes/pl020301.pdf) LC Paper No. CB(1)1806/01-02 (http://www.legco.gov.hk/yr01-02/english/panels/plw/papers/plw0301cb1-1806-e.pdf) PWSC(2002-03)41 (http://www.legco.gov.hk/yr01-02/english/fc/pwsc/papers/p02-41e.pdf) FC21/02-03 (http://www.legco.gov.hk/yr01-02/english/fc/fc/minutes/fc020621.pdf)
WRI	FC	25 February 1994	FCR(93-94)144 FC19/93-94

Project	Council/Committee	Date of meeting	Paper
WDII	PLW Panel	15 October 1998	LC Paper No. CB(1)304/98-99(01) http://www.legco.gov.hk/yr98-99/english/panels/plw/papers/pl1510_6.htm
		19 January 1999	LC Paper No. CB(1)568/98-99 http://www.legco.gov.hk/yr98-99/english/panels/plw/minutes/pl151098.htm
	FC	12 March 1999	LC Paper No. CB(1)760/98-99(01) http://www.legco.gov.hk/yr98-99/english/panels/plw/papers/p760e01.pdf LC Paper No. CB(1)1057/98-99 http://www.legco.gov.hk/yr98-99/english/panels/plw/minutes/pl190199.htm
		24 February 2000	PWSC(98-99)70 http://www.legco.gov.hk/yr98-99/english/fc/pwsc/papers/pw240270.htm FC156/98-99 http://www.legco.gov.hk/yr98-99/english/fc/fc/minutes/fcmn1203.htm
	PLW Panel	7 December 2001	LC Paper No. CB(1)991/99-00(04) http://www.legco.gov.hk/yr99-00/english/panels/plw/papers/a991e04.pdf LC Paper No. CB(1)1384/99-00 http://www.legco.gov.hk/yr99-00/english/panels/plw/minutes/pl240200.pdf
	FC	11 January 2002	LC Paper No. CB(1)440/01-02(04) http://www.legco.gov.hk/yr01-02/english/panels/plw/papers/plw1207cb1-440-4e.pdf LC Paper No. CB(1)952/01-02 http://www.legco.gov.hk/yr01-02/english/panels/plw/minutes/pl011207.pdf
		8 May 2002	PWSC(2001-02)89 http://www.legco.gov.hk/yr01-02/english/fc/pwsc/papers/p01-89e.pdf FC72/01-02 http://www.legco.gov.hk/yr01-02/english/fc/fc/minutes/fc020111.pdf
	PLW Panel		LC Paper No. CB(1)1570/01-02 http://www.legco.gov.hk/yr01-02/english/panels/plw/papers/plw1207cb1-1570-e.pdf LC Paper No. CB(1)28/02-03 http://www.legco.gov.hk/yr01-02/english/panels/plw/minutes/pl020508.pdf LC Paper No. CB(1)183/02-03 http://www.legco.gov.hk/yr01-02/english/panels/plw/papers/plwcb1-183-e.pdf

Project	Council/Committee	Date of meeting	Paper
CRIII	Joint EA & PLW	13 October 2003	<p>LC Paper No. CB(1)58/03-04(01) (Administration’s paper on CRIII) http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1013cb1-58-1e.pdf</p> <p>LC Paper No. CB(1)18/03-04(01) (Background brief) http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1013cb1-18-1e.pdf</p>
CRIII and WDII	Joint EA & PLW	31 October 2003	<p>LS8/03-04 (Legal Service Division’s paper on “Examination of the implications of the <i>Sub Judice</i> Rule for meeting with deputations on CRIII and WDII”) http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1031cb1-ls8-e.pdf</p> <p>LC Paper No. CB(1)66/03-04 (Booklet on the Central Waterfront prepared by the Territory Development Department and the Planning Department) http://www.legco.gov.hk/yr03-04/chinese/panels/ea/papers/eaplw1013cb1-66-ce-scan.pdf</p>
CRIII and WDII	Joint EA & PLW	27 November 2003	<p>LC Paper No. CB(1)403/03-04(06) (Administration’s paper on traffic and transport justification for the Central – Wan Chai Bypass) http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1127cb1-403-6e.pdf</p> <p>LC Paper No. CB(1)403/03-04(07) (Administration’s paper on latest development of WDII) http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1127cb1-403-7e.pdf</p> <p>LC Paper No. CB(1)411/03-04 (Administration’s follow-up to meeting on 13 October 2003) http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1013cb1-411-e.pdf</p>

Project	Council/Committee	Date of meeting	Paper
CRIII and WDII	Joint EA & PLW	8 December 2003	<p>LC Paper No. CB(1)511/03-04(01) (List of follow-up actions arising from discussion on 27 November 2003) http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1208cb1-511-1-e.pdf</p> <p>LC Paper No. CB(1)511/03-04(02) (Administration's response to views expressed by deputations on 27 November 2003) http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1208cb1-511-2-e.pdf</p> <p>LC Paper No. CB(1)532/03-04(01) (Administration's further paper on traffic and transport justification for the Central – Wan Chai Bypass) http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1208cb1-532-1-e.pdf</p> <p>LC Paper No. CB(1)471/03-04(04) (Pamphlet entitled “Our harbour - past, present and future”) http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1127cb1-471-4e-scan.pdf</p> <p>LC Paper No. CB(1)558/03-04(02) (Reclamation Sequences) http://www.legco.gov.hk/yr03-04/chinese/panels/ea/papers/eaplw1208cb1-558-2ce-scan.pdf</p> <p>LC Paper No. CB(1)1488/03-04(01) (Administration's letter dated 30 December 2003 on CRIII) http://www.legco.gov.hk/yr03-04/english/panels/plw/papers/eaplw1208cb1-1488-1-e.pdf</p> <p>LC Paper No. CB(1)1503/03-04(01)(Administration's letter dated 8 April 2004 on the consultancy studies on CRIII) http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1208cb1-1503-1-e.pdf</p>

Project	Council/Committee	Date of meeting	Paper
Judgments on CRIII and WDII	Joint EA & PLW	8 December 2003	<p>LC Paper No. CB(1)18/03-04(03)(Justice CHU's judgment on WDII on 8 July 2003) http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1013cb1-18-3e-scan.pdf</p> <p>LC Paper No. CB(1)18/03-04(02) (Justice Hartmann's judgment on CRIII on 6 October 2003) http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1013cb1-18-2e-scan.pdf</p> <p>LC Paper No. CB(1)761/03-04(01) (CFA judgment on WDII on 9 January 2004) http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplwcb1-761-1e.pdf</p> <p>LC Paper No. CB(1)761/03-04(02)(Summary of CFA judgment on WDII on 9 January 2004) http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplwcb1-761-2e.pdf</p> <p>LC Paper No. CB(1)755/03-04 (Administration's letter re CFA judgment on WDII on 9 January 2004) http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplwcb1-755-e.pdf</p> <p>LC Paper No. CB(1)1258/03-04(01) (Justice Hartmann's judgment on CRIII on 9 March 2004) http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1127cb1-1258-1e-scan.pdf</p>
WDII	PLW	22 February 2005	<p>LC Paper No. CB(1)763/04-05(01) (Administration's paper on Comprehensive Planning and Engineering Review of Wan Chai Development Phase II) http://www.legco.gov.hk/yr04-05/english/panels/plw/papers/plwcb1-763-1e.pdf</p>