

LC Paper No. CB(1) 921/04-05(03)

Ref: CB1/PL/PLW

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

South East Kowloon Development

Background brief

Introduction

In 1989 the Administration announced the plan to build a new airport at Chek Lap Kok. Thereafter, it started to plan for the development of the Kai Tak Airport and its adjacent areas, which includes Kwun Tong Typhoon Shelter, Kowloon Bay, Kowloon City, Ma Tau Kok, To Kwa Wan and Hung Hom. In September 1991 the Executive Council endorsed the Metroplan Selected Strategy which proposed a broad land use framework for redevelopment of the South East Kowloon Development (SEKD).

2. In June 1992, the Administration commissioned a study to translate the Metroplan concepts for South East Kowloon into more specific planning objectives and action plans. The South East Kowloon Development Statement was completed in September 1993 and endorsed by the Land Development Policy Committee in November 1993. The Public Works Subcommittee (PWSC) endorsed and the Finance Committee (FC) approved the funding for undertaking a comprehensive feasibility study on SEKD on 29 March 1995 and 28 April 1995 respectively.

Outline Zoning Plans

3. The whole feasibility study was completed in May 1998 and made the following proposals –

(a) the whole SEKD area would cover about 579 hactares (ha) of land, with about 280 ha coming from the Kai Tak Airport site and the remaining 299 ha to be reclaimed from Kowloon Bay and Kai Tak Nullah/Kwun Tong Typhoon Shelter;

- (b) a total of 123 ha of land in SEKD would be reserved for housing development to accommodate a population of 320 000;
- (c) a total of 113 ha of land would be reserved for open space, including a metropolitan park of about 50 ha;
- (d) some 13 ha of land would be reserved for commercial uses, including hotels and offices and 14 ha for industrial uses. The industrial area would be sandwiched between two trunk roads; and
- (e) a typhoon shelter would be reprovisioned in the south eastern end of the SEKD.

4. The proposals of the study were transferred into two draft Outline Zoning Plans (OZPs), namely, the draft Kai Tak (North) OZP and the draft Kai Tak (South) OZP, which were gazetted on 4 September 1998.

5. The Administration then consulted the Panel on Planning, Lands and Works (PLW Panel), professional institutes, the green groups and the general public on the draft OZPs. Public forum were also held to gauge the public views. During the two-month exhibition period of the draft OZPs, the Town Planning Board (TPB) received a total of 380 and 427 objections against the draft Kai Tak (North) OZP and the draft Kai Tak (South) OZP respectively. Most of the objections were related to the extent of the proposed reclamation. The Council passed a motion on 27 January 1999 calling on the Administration to revise the proposal for SEKD, taking into account environmental, housing and transport needs in the 21st century. The wording of the motion is in **Appendix I**.

Revised scheme on South East Kowloon Development

6. Taking into account the mainstream opinions and the alternative proposals raised, the Administration prepared a revised scheme on SEKD and an outline concept plan (OCP) for public comments in June 1999. The main features of the OCP were as follows –

- (a) the new development areas would cover about 437 ha of land, with the extent of reclamation substantially reduced from 299 ha to 161 ha;
- (b) about 150 ha of land would be reserved for development of housing and local government/institution/community facilities to serve an estimated population of about 240 000 based on the maximum domestic plot ratio of 6.5;

- (c) the two planned trunk roads would be maintained with a possible railway line connecting Kowloon Canton Railway Hung Hom Station and MTR Diamond Hill Station; and
- (d) a metropolitan park of 24 ha in size.

7. The Administration then presented the OCP for the revised scheme on SEKD to the PLW Panel on 20 July 1999. The Panel invited professional organizations to give views on the revised scheme. The revised scheme received support from various organizations, although there was still concern about the extent of reclamation.

8. Based on the OCP, the Administration then commissioned a new Comprehensive Feasibility Study (CFS) for the Revised Scheme of the SEKD in November 1999. The CFS was divided into two stages. Stage 1 reviewed the OCP in light of public views and latest developments, and produced a Preliminary Layout Plan (PLP). Stage 2 entailed more detailed studies and preliminary design.

9. Stage 1 of the CFS was completed in May 2000. The Administration briefed the PLW Panel on the PLP on 8 June 2000. The PLP provided the planning concept for the future development of South East Kowloon. According to the PLP, the new development area of SEKD would measure 403 ha and the scale of reclamation would be further reduced to 123 ha. Whilst supporting the PLP in general, members were concerned how the PLP would comply with the principles of sustainability. Questions were raised in the following aspects -

- (a) the environmental impact of the Public Filling Barging Point, the Refuse Transfer Station and a helipad to be provided near the Laguna City;
- (b) the pollution problems in the Kwun Tong Typhoon Shelter and the Kai Tak Approach Channel;
- (c) the traffic and transport infrastructure to be developed in the area;
- (d) integration of the future SEKD with the neighbouring old districts; and
- (e) suitability of providing a stadium with 50 000 seats.

10. During the public consultation on the PLP, there were requests for early development of North Apron of Kai Tak Airport (NAKTA) to accommodate housing demand. There were also requests for immediate action to improve the polluted Kai Tak Approach Channel. The Administration reported the

outcome of the public consulation exercise to PLW Panel on 4 December 2000. Members supported the commencement of detailed design of infrastructure on North Apron of Kai Tak Airport and reclamation of the Kai Tak Approach Channel. After the completion of Stage 2 of the CFS in June 2001, the Administration sought funding for the relevant works. The PWSC endorsed and the FC approved the funding on 31 October and 23 November 2001 respectively.

Revised Outline Zoning Plans

11. On 24 August 2001, the Administration gazetted the revised OZPs for the SEKD, Kai Tak (North) OZP and Kai Tak (South) OZP. These draft OZPs incorporated the recommendations in the CFS on SEKD. The major differences between the draft OZPs gazetted on 4 September 1998 and those on 24 August 2001 were as follows -

- (a) the extent of the proposed reclamation area was reduced from 299 ha to 133 ha;
- (b) the designation of housing sites was subject to different plot ratio restrictions stepping from higher development intensity near the railway stations of the proposed Shatin to Central Link to lower development intensity near the waterfront;
- (c) the population to be accommodated in the site was reduced from 320 000 to about 260 000;
- (d) the Kai Tak Point area would be reserved for tourism-related and recreational facilities including a cruise terminal and a multi-purpose stadium; and
- (e) the provision of some 130 ha open space including a metropolitan park and harbour front promenade.

12. The draft OZPs, with some amendments to provide more flexibility for future developments, were approved by the Chief Executive in Council on 25 June 2002.

Harbour reclamation

13. In February 2003, the Society for Protection of the Habour Limited (SPH) applied for a judicial review of the decision of the Town Planning Board (TPB) in respect of the draft Wan Chai North OZP, mainly concerning the extent of reclamation. The case was first heard by the Court of First Instance which

ruled that the decision of the TPB was quashed and the TPB was ordered to reconsider the OZP and the related objections. The case eventually went to the Court of Final Appeal (CFA). CFA upheld the ruling made by the Court of First Instance.

14. In its judgment handed down on 9 January 2004, CFA clarified the legal principles behind the Protection of the Harbour Ordinance (Cap. 531). CFA clarified that the presumption against reclamation in section 3 of the Ordinance can only be rebutted if a single test, that is, "the overriding public need test", could be satisfied. Public needs are community needs and include the economic, environmental and social needs of the community. A need should only be regarded as overriding if it is a compelling and present need and there is no reasonable alternative to reclamation.

Latest development

15. Following the CFA judgment, the Administration undertook to review reclamation proposals. The approved OZPs on SEKD have incorporated a number of reclamation proposals, namely Kowloon Bay Reclamation, Kai Tal Approach Channel Reclamation, Kwun Tong Typhoon Shelter and Cha Kwo Ling Reclamation and reclamation for a cruise terminal, with a total reclamation area of about 133 ha. On 13 January 2004, the Committee for Planning and Land Development agreed to commission consultants to undertake a Comprehensive Planning and Engineering Review of SEKD. The Comprehensive Review is broadly divided into three stages as follows -

Stage 1: A Planning Review with "no reclamation" as the planning basis to formulate conceptual development options for public consultation before preparation of a Preliminary Outline Development Plan (PODP).

Stage 2: An Engineering Review to undertake detailed engineering feasibility studies and some EIA studies to confirm the feasibility of the PODP and to produce a Recommended Outline Development Plan to form the basis for revision to the approved statutory plans.

Stage 3: Commence statutory planning procedures under the Town Planning Ordinance (Cap. 131).

16. On 17 September 2004, the Administration launched the Stage 1 public consultation to invite the community to give its vision for the future development of Kai Tak. The deadline for submission was 19 November 2004.

17. A summary of the funding proposals relating to SEKD and a chronology of events relating to SEKD are in **Appendices II and III respectively**. A list

of relevant papers with their hyperlinks at the LegCo Website is in Appendix IV.

Council Business Division 1 Legislative Council Secretariat 21 February 2005

Appendix I

South East Kowloon Development

Wording of motion passed at the Council meeting on 27 January 1999

"That this Council urges the Government to revise the proposal for the development of South East Kowloon, undertake a thorough consultation process and formulate a plan which is both visionary and sustainable and seeks to provide livable communities to meet the public's 21st century expectations; the area to be reclaimed under the plan should be reduced to protect the harbour's resources; the Government should also carry out urban renewal expeditiously in the northern part of the site in recognition of the urgent public housing needs and to provide the space required for resettling the residents displaced in the process of redeveloping some of the other older parts of Kowloon; at the same time, there must be a comprehensive railway development programme to ensure that the construction of the railway network synchronizes with the development of the area."

South East Kowloon Development

List of Public Works Proposals considered by the PWSC and the FC

Project	Project		PWSC		FC		Progress
Title	Description	Date considered	Result	Date considered	Result	estimate	
South East Kowloon development – comprehensive feasibility study	Comprehensive feasibility study for the whole South East Kowloon area, as well as associated laboratory testing and site investigation works	29 March 1995	Endorsed	28 April 1995	Approved	\$220 million	Completed
South East Kowloon development at Kai Tak Airport – decontamination and site preparation	Breaking up concrete slab and demolish structures in the NAKTA to prepare site for housing development and the decontamination of the site to remove potentially hazardous substances	17 February 1998	Endorsed	27 February 1998	Approved	\$316.9 million	Completed

Project		PWS	WSC		FC App proj		Progress
Title	Description	Date considered	Result	Date considered	Result	estimate	
South East Kowloon development at Kai Tak Airport – site investigations and consultants' fees	Site investigation works in NAKTA and the detailed design, including preparation of tender documents and assessment of tenders of related works for housing development in NAKTA	23 September 1998	Withdrawn by Admin	Not applicable	Not applicable	Not applicable	Not applicable
South East Kowlooon development at Kai Tak Airport – site investigations and consultants' fees	Site investigation and engagement of consultants to carry out detailed design, Environmental Impact Assessment study and preparation of tender documents for the planned developments in the NAKTA as part of the SEKD	31 October 2001	Endorsed	23 November 2001	Approved	\$115.9 million	 a. Detailed design for demolition of the passenger terminal building and associated structures remaining in NAKTA completed; b. Environmental permit for five proposed sewage pumping stations on

Project		PWSC		F	FC		Progress
Title	Description	Date considered	Result	Date considered	Result	estimate	
							NAKTA obtained; c. Detailed design of roads and drainage no yet finalized, pending review on NAKTA
South East Kowloon development – consultants' fees and site investigation for Kai Tak Approach Channel reclamation	Site investigation and engagement of consultants to carry out detailed design, Environmental Impact Assessment study and preparation of tender documents for the related works including necessary related environmental mitigation and monitoring & audit measures.	31 October 2001	Endorsed	23 November 2001	Approved	\$63.8 million	 a. Reclamation works and road tunnel works gazetted in August 2002 with no objections received; b. Laboratory tests on sediment remediation methods completed and results presented to the Environmental Impact

Project		PWS	C	F	C	Approved project	Progress
Title	Description	Date considered	Result	Date considered	Result	estimate	
							Assessment Subcommittee of the Advisory Council on the Environment in July 2003; and c. Consultancy suspended in December 2003, pending review of the SEKD plan.
SouthEastKowloondevelopmentconsultants'feesandsiteinvestigationforKowloonBayreclamationandengineering works	related design for the planned reclamation and infrastructure and related works in	26 June 2002	Endorsed	15 July 2002	Approved	\$105.7 million	 a. Review phase of the project completed; and b. Consultancy suspended in December 2003, pending review of the SEKD plan.
SEKD development – consultants' fees	Site investigation and related design for the planned waterfront	26 June 2002	Endorsed	15 July 2002	Discussion adjorned		Not applicable

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Project	Project		PWSC		FC		Progress
Title	Description	Date considered	Result	Date considered	Result	estimate	
and site investigation for waterfront facilities and Kwun Tong typhoon shelter reclamation	reclamation and related works at Kwun						
SEKD development – site preparation and drainage works at NAKTA	Demolition of the passenger terminal building and associated structures remaining in NAKTA to prepare site for future development	18 February 2004	Endorsed	27 February 2004	Approved	\$119.1 million	

Appendix III

South East Kowloon Development

Chronology of events

Date	Event
September 1991	Executive Council endorsed the Metroplan Selected Strategy, which recommended various reclamation projects in the Harbour areas
November 1993	SEKD Statement Study completed
29 March 1995	PWSC recommended the upgrading of 440CL to Category A at an estimated cost of \$220 million for a comprehensive feasibility study of the SEKD
28 April 1995	FC approved the funding of 440CL as recommended by PWSC
21 May 1996	Members of the Planning, Land and Works Panel (PLW Panel) discussed the land use upon relocation of Kai Tak Airport
15 January 1998	Members of the PLW Panel discussed SEKD at Kai Tak Airport – Decontamination and site preparation
17 February 1998	PWSC recommended the upgrading of part of 469CL, entitled "South East Kowloon development at Kai Tak Airport – decontamination and site preparation", to Category A at an estimated cost of \$316.9 million in money-of-the-day (MOD) prices
27 February 1998	FC approved the funding of part of 469CL as recommended by PWSC
10 September 1998	Members of the PLW Panel discussed the Administration's funding proposal on SEKD at Kai Tak Airport – Site investigations and consultants' fees
17 September 1998	Members of the PLW Panel discussed the SEKD plan

Date	Event
23 September 1998	PWSC discussed the Administration's proposal on upgrading of part of 469CL, entitled "South East Kowloon development at Kai Tak Airport – site investigations and consultants' fees", to Category A at an estimated cost of \$109.8 million in MOD prices
	The proposal was subsequently withdrawn by the Administration in view of members' concerns that subsequent amendments to the OZPs might render some works abortive
29 October 1998	Members of the PLW Panel met with deputations and discussed with the Administration on SEKD
27 January 1999	The motion proposed by Hon Christine LOH as amended by Hon Jasper TSANG on SEKD was passed
9 March 1999	Members of the PLW Panel met with deputations and received briefing from the Administration on the public consultation on SEKD
20 July 1999	Members of the PLW Panel met with deputations and discussed with the Adminsitration on the outline concept plan for the revised scheme of SEKD
8 June 2000	Members of the PLW Panel discussed with the Administration on the Preliminary Layout Plan (PLP) and the comprehensive feasibility study for the revised scheme of SEKD
4 December 2000	Members of the PLW Panel received a briefing from the Administration on the public consultation exercise for the PLP of the SEKD and the funding proposals for detailed design of some of SEKD works
31 October 2001	PWSC recommended the upgrading of part of 465CL, entitled "South East Kowloon development – consultants' fees and site investigation for Kai Tak Approach Channel reclamation", to Category A at an estimated cost of \$63.8 million in MOD prices
	PWSC also recommended the upgrading of part of 469CL, entitled "South East Kowloon development at

Date	Event
	Kai Tak Airport – consultants' fees and site investigation", to Category A at an estimated cost of \$115.9 million in MOD prices
23 November 2001	FC approved the funding proposals of upgrading of part of 465CL and 469CL as recommended by PWSC
25 June 2002	The Chief Executive in Council approved the draft Kai Tak (North) Outline Zoning Plan and the draft Kai Tak (South) Outline Zoning Plan
26 June 2002	PWSC recommended the upgrading of part of 482CL, entitled "South East Kowloon development – consultants' fees and site investigation for Kowloon Bay reclamation and engineering works", to Category A at an estimated cost of \$105.7 million in MOD prices
	PWSC also recommended the upgrading of part of 465CL, entitled "South East Kowloon development – consultants' fees and site investigation for water front facilities and Kwun Tong typhoon shelter reclamation", to Category A at an estimated cost of \$81.2 million in MOD prices
15 July 2002	FC approved the upgrading of part of 482CL as recommended by PWSCAs for the proposal to upgrade part of 465CL, members passed a motion to adjourn the discussion
27 January 2004	Members of the PLW Panel discussed with the Administration the funding proposal of 469CL – SEKD – infrastructure at NAKTA
18 February 2004	PWSC recommended the upgrading of part of 469CL, entitled "South East Kowloon development – site preparation and drainage works at north apron area of Kai Tak Airport", to Category A at an estimated cost of \$119.1 million in MOD prices
27 February 2004	FC approved the upgrading of part of 469CL as recommended by PWSC

Date	Event
1 May 2004	Harbour-front Enhancement Committee established to advise the Administration on planning, land use and developments along the waterfront in the Victoria Harbour
17 September 2004	The Administration announced commencement of the Stage 1 consultation on Kai Tak Planning Review, which would end on 19 November 2004

Appendix IV

South East Kowloon Development

List of relevant papers

Council/Committee	Date of meeting	Paper
Planning, Lands and Works Panel (PLW	21 May 1996	Appendix to LegCo Paper No. CB(1)1401/95-96 (no softcopy is available)
Panel)		Minutes
		(http://www.legco.gov.hk/yr95-96/english/panels/plw/minutes/pl210596.htm)
PLW Panel	15 January 1998	PLC Paper No. CB(1)763(01)
		(http://www.legco.gov.hk/yr97-98/english/panels/plw/papers/pl1501-4.htm)
		Minutes
		(http://www.legco.gov.hk/yr97-98/english/panels/plw/minutes/pl150198.htm)
Public Works	17 February 1998	PWSC(97-98)125
Subcommittee (PWSC)		(http://www.legco.gov.hk/yr97-98/english/fc/pwsc/papers/p1702125.htm)
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		(http://www.legco.gov.hk/yr97-98/english/fc/pwsc/minutes/pwmn1702.htm)
Finance Committee	27 February 1998	FCR(97-98)93
(FC)		(http://www.legco.gov.hk/yr97-98/english/fc/fc/papers/f97-93e.doc)
		Minutes
		(http://www.legco.gov.hk/yr97-98/english/fc/fc/minutes/fcmn2702.htm)

Council/Committee	Date of meeting	Paper
Council meeting	29 July 1998	Hansard (http://www.legco.gov.hk/yr98-99/english/counmtg/hansard/980729fe.htm)
PLW Panel	10 September 1998	LC Paper No. CB(1)167/98-99(01) (http://www.legco.gov.hk/yr98-99/english/panels/plw/papers/pl1009_4.htm) Minutes (http://www.legco.gov.hk/yr98-99/english/panels/plw/minutes/pl100998.htm)
PLW Panel	17 September 1998	LC Paper No. CB(1)203/98-99(01) http://www.legco.gov.hk/yr98-99/english/panels/plw/papers/p203e01.pdf LC Paper No. CB(1)203/98-99(02) (http://www.legco.gov.hk/yr98-99/english/panels/plw/papers/p203e02.pdf) Minutes (http://www.legco.gov.hk/yr98-99/english/panels/plw/minutes/pl170998.htm)
PWSC	23 September 1998	PWSC(98-99)18 (http://www.legco.gov.hk/yr98-99/english/fc/pwsc/papers/pw230918.pdf) Minutes (http://www.legco.gov.hk/yr98-99/english/fc/pwsc/minutes/pw230998.htm)
Council meeting	30 September 1998	Hansard (http://www.legco.gov.hk/yr98-99/english/counmtg/hansard/980930fe.htm)
PLW Panel	29 October 1998	(P)50/14/10 (http://www.legco.gov.hk/yr98-99/english/panels/plw/papers/pl29101b.htm)

Council/Committee	Date of meeting	Paper
		Minutes (http://www.legco.gov.hk/yr98-99/english/panels/plw/minutes/pl291098.htm)
Council meeting	27 January 1999	Hansard ( <u>http://www.legco.gov.hk/yr98-99/english/counmtg/hansard/990127fe.htm</u> )
PLW Panel	9 March 1999	Minutes (http://www.legco.gov.hk/yr98-99/english/panels/plw/minutes/pl090399.htm)
PLW Panel	20 July 1999	LC Paper No. CB(1)1663/98-99(03) (http://www.legco.gov.hk/yr98-99/english/panels/plw/papers/pl20074a.htm) Minutes (http://www.legco.gov.hk/yr98-99/english/panels/plw/minutes/pl200799.htm)
PLW Panel	8 June 2000	LC Paper No. CB(1)1748/99-00(01) (http://www.legco.gov.hk/yr99-00/english/panels/plw/papers/a1748e01.pdf) Minutes (http://www.legco.gov.hk/yr99-00/english/panels/plw/minutes/pl080600.pdf)
PLW Panel	4 December 2000	LC Paper No. CB(1)233/00-01(03) (http://www.legco.gov.hk/yr00-01/english/panels/plw/papers/a233e03.pdf) Minutes (http://www.legco.gov.hk/yr00-01/english/panels/plw/minutes/pl041200.pdf)

Council/Committee	Date of meeting	Paper
Council meeting	30 May 2001	Hansard (http://www.legco.gov.hk/yr00-01/english/counmtg/hansard/010530fe.pdf)
PLW Panel	2 November 2001 (issued on 19 October 2001)	Information paper LC Paper No. CB(1)104/01-02 ( <u>http://www.legco.gov.hk/yr01-02/english/panels/plw/papers/cb1-104e.pdf</u> )
PWSC	31 October 2001	PWSC(2001-02)63 (http://www.legco.gov.hk/yr01-02/english/fc/pwsc/papers/p01-63e.pdf) PWSC(2001-02)64 (http://www.legco.gov.hk/yr01-02/english/fc/pwsc/papers/p01-64e.pdf) Minutes (http://www.legco.gov.hk/yr01-02/english/fc/pwsc/minutes/pw011031.pdf)
FC	23 November 2001	FC(2001-02)39 (http://www.legco.gov.hk/yr01-02/english/fc/fc/papers/f01-39e.pdf) Minutes (http://www.legco.gov.hk/yr01-02/english/fc/fc/minutes/fc011123.pdf)
Council meeting	17 April 2002	Hansard (http://www.legco.gov.hk/yr01-02/english/counmtg/hansard/cm0417ti-translate-e.pdf)
PWSC	26 June 2002	PWSC(2002-03)54 (http://www.legco.gov.hk/yr01-02/english/fc/pwsc/papers/p02-54e.pdf)

Council/Committee	Date of meeting	Paper
		PWSC(2001-02)55 (http://www.legco.gov.hk/yr01-02/english/fc/pwsc/papers/p02-55e.pdf)
		Minutes ( <u>http://www.legco.gov.hk/yr01-02/english/fc/pwsc/minutes/pw020626.pdf</u> )
FC	15 July 2002	FC(2002-03)30 (http://www.legco.gov.hk/yr01-02/english/fc/fc/papers/f02-30e.pdf)
		Minutes ( <u>http://www.legco.gov.hk/yr01-02/english/fc/fc/minutes/fc020715.pdf</u> )
PLW Panel	27 January 2004	LC Paper CB(1)813/03-04(07) (http://www.legco.gov.hk/yr03-04/english/panels/plw/papers/plw0127cb1-813-7e.pdf)
		Minutes ( <u>http://www.legco.gov.hk/yr03-04/english/panels/plw/minutes/pl040127.pdf</u> )
PWSC	18 February 2004	PWSC(2003-04)66 (http://www.legco.gov.hk/yr03-04/english/fc/pwsc/papers/p03-66e.pdf)
		Minutes ( <u>http://www.legco.gov.hk/yr03-04/english/fc/pwsc/minutes/pw040218.pdf</u> )
FC	27 February 2004	FC(2003-04)60 (http://www.legco.gov.hk/yr03-04/english/fc/fc/papers/f03-60e.pdf)
		Minutes (http://www.legco.gov.hk/yr03-04/english/fc/fc/minutes/fc040227.pdf)