

**立法會**  
**Legislative Council**

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**Subcommittee on  
Subsidiary Legislation Relating to the Central Military Dock**  
**Background brief prepared by the Legislative Council Secretariat**

**Purpose**

This paper provides background information on the Central Military Dock (CMD") and summarizes discussions by the Panel on Security ("the Panel") on the Administration's proposed legislative exercise prior to the handover of CMD to the People's Liberation Army Hong Kong Garrison ("the Garrison").

**Background**

2. According to the Administration, the Exchange of Notes between the Government of the United Kingdom ("UK Government") and the Government of the People's Republic of China ("PRC Government") on the Arrangements for the Future Use of the Military Sites in Hong Kong ("the Exchange of Notes") in 1994 set out the future arrangements for the then military sites including the buildings and fixed facilities located therein as follows:

- (a) 14 military sites should be handed over by the UK Government to the PRC Government for use for defence purposes by the Garrison as from 1 July 1997;
- (b) 25 military sites should be handed over by the UK Government to the then Hong Kong Government for disposal before 1 July 1997. Such arrangement was agreed by the PRC Government in order to accommodate Hong Kong's needs for social and economic development; and

- (c) as five military sites were affected<sup>1</sup> before 1 July 1997, the relevant military buildings and fixed facilities should be re-provisioned for the Garrison.

3. CMD is an item under paragraph 2(c) above which is a military facility required to be re-provisioned by the Hong Kong Special Administrative Region ("HKSAR") Government for the Garrison. According to the Exchange of Notes, the HKSAR Government shall leave free 150 metres of the eventual permanent waterfront at a place close to the Central Barracks for the re-provisioning of a military dock for the Garrison upon completion of the Central and Wan Chai reclamation works. To fulfil the responsibilities stated in the Exchange of Notes, the Administration re-provisioned the military dock facilities for the Garrison as part of the relevant reclamation works carried out after reunification. CMD occupies an area of about 0.3 hectares which accounts for 3% of the total area of the Central waterfront promenade.

4. According to the Administration, CMD is the only military facility yet to be handed over to the Garrison among the 19 military facilities specified in the Exchange of Notes. The Administration plans to submit the legislative proposals to the Legislative Council ("LegCo") within the 2018-2019 legislative year and hand over CMD to the Garrison formally upon completion of the legislative work.

### **Members' deliberations**

5. At its meeting on 2 April 2019, the Panel on Security ("the Panel") was briefed on the legislative proposals to be conducted by the Administration prior to the handover of CMD to the Garrison. Members' views and concerns are summarized in the following paragraphs.

#### Need for re-provisioning of the Central Military Dock to the Garrison

6. Some members pointed out that as the original Central Tamar naval base had been re-provisioned at the south shore of Stonecutters Island, it was unnecessary for the Garrison to have one more military dock at the central business district for defence functions. The existing site of CMD should

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<sup>1</sup> The five military buildings and fixed facilities required to be re-provisioned for the Garrison since they were affected include the re-provisioning of the original Central Tamar naval base on the south shore of Stonecutters Island; the original King's Park military hospital at the Gun Club Hill Barracks; the original Blackdown Barracks military storage facilities at the Shek Kong Barracks; the original Kai Tak Airport Military Joint Movements Unit at the Chek Lap Kok Airport; and a military dock at a place at the eventual permanent waterfront in the plans for the Central and Wanchai Reclamation close to the Central Barracks.

continue to be managed by the HKSAR Government for public enjoyment. Some members worried that the handover of CMD to the Garrison would be a replica of the co-location arrangement at the West Kowloon Station of the Guangzhou-Shenzhen-Hong Kong Express Rail Link and thus allowed the Mainland authorities to exercise powers within Hong Kong.

7. Some other members, however, took the view that defence purposes should always be attached more importance than public leisure and enjoyment. The strategic location of CMD at the central business district was incomparable with that at Stonecutters Island. They urged the Administration to expedite the handing over of CMD to the Garrison so as to fulfill its obligations.

8. The Administration advised that it was the duty of the HKSAR Government to complete the handover work of CMD in order to fulfill the outstanding undertakings as stated in the Exchange of Notes. As a matter of fact, the British forces stationed in Hong Kong before reunification was provided with a naval base and dock facilities at the Victoria harbourfront area for its exclusive use. These dock facilities were later on required to be re-provisioned at another location since they were affected by the Central and Wan Chai Reclamation.

9. The Administration further explained that the Law of PRC on the Garrisioning of HKSAR ("the Garrison Law") was a national law applicable to Hong Kong under the Basic Law. According to the Garrison Law, the military facilities within HKSAR should be managed by the Garrison and jointly protected by the Garrison and the HKSAR Government. The Garrison Law also provided that the HKSAR Government should support the Garrison in its performance of defence functions and responsibilities and guarantee the lawful rights and interests of the Garrison and its members.

#### Opening the non "closed area" part of the Central Military Dock to the public

10. To provide CMD with suitable legal protection, members were advised that the Administration would declare four one-storey buildings on CMD as "closed place" by amending the Military Installations Closed Area Order (Cap. 245B), such that any person should not enter the concerned areas unless individually permitted by the Garrison. As regards the land area outside the four buildings, the Administration would declare it as "protected place" by amending the Protected Places Order (Cap. 260A), such that the Garrison would open it to the public on the condition that its defence functions would not be compromised.

11. Some members welcomed the Garrison's decision to open the non "closed area" part of CMD and sought more information on the proposed arrangement and the criteria for opening the gates to allow members of the public to walk

through. Members were advised that based on the Administration's proposal, except for the side facing the Victoria Harbour, movable gates were installed on the other three sides of CMD such that the gates could be opened for members of the public to walk through when there was no need for CMD to be segregated. By implementing the legislative proposals, the Garrison would not be required under the law to give individual permit to every person entering CMD during the time when it allowed members of the public to use the non "closed area" part of CMD, under the condition that the defence functions would not be affected. According to the Administration, the Garrison was agreeable to such arrangements.

12. Noting that CMD was the only military site installed with movable gates, some members expressed concern about the security of CMD. Some members asked whether public meetings and demonstrations could be held in CMD when the gates were opened. These members also expressed concern about the legal liability of members of the public in the event that accidents were occurred in CMD.

13. The Administration advised that as an important military facility, CMD should reasonably be delimited as a "closed area" under the Military Installations Closed Area Order as in the case of other military sites, such that any person should not enter the concerned area unless individually permitted by the Garrison. The Administration stressed that the opening of the non "closed area" part of CMD did not affect its nature of a military site and its status of "protected place". Members of the public should observe the laws of Hong Kong when making use of the non "closed area" part of CMD. The Garrison or the authorized guards engaged by the Garrison would, based on the actual circumstances, request any persons with act which damaged or endangered any military facilities to leave CMD or inform the Police for further follow-up.

14. A motion supporting the legislative proposals was passed at the Panel meeting on 2 April 2019. The wording of the motion is in **Appendix I**.

### **Relevant papers**

15. A list of the relevant papers on the LegCo website is in **Appendix II**

**保安事務委員會**

**在 2019 年 4 月 2 日的會議上  
就議程項目 V "中區軍用碼頭" 通過的議案**

中央向香港派駐軍隊，既是執行國家整體國防及香港防務的需要，也是國家主權的重要體現，就此，本委員會支持香港駐軍依法對中區軍用碼頭進行使用及管理的權利，並歡迎香港駐軍在不影響防務的情況下，讓公眾使用碼頭的"非"禁區"的決定，同時，本委員會促請特區政府在聽取本委員會的意見後，能盡快提交具體的立法建議。

(Translation)

**Panel on Security**

**Motion passed under agenda item V "Central Military Dock"  
at the meeting on 2 April 2019**

The stationing of military forces by the Central Authorities in Hong Kong not only fulfills the need for the defence of the State as a whole and the defence of Hong Kong, but is also a key manifestation of State sovereignty. In this connection, this Panel supports the Hong Kong Garrison in exercising its right to use and manage the Central Military Dock ("CMD") according to law and welcomes its decision to open the "non-closed areas" of CMD to the public under the circumstance that its defence functions will not be compromised. At the same time, this Panel urges the SAR Government to expeditiously introduce specific legislative proposals after listening to the views of this Panel.

## Appendix II

### Relevant papers on the Central Military Dock

<b>Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
Panel on Security	2.4.2019 (Item V)	<a href="#">Agenda</a>

Council Business Division 4  
Legislative Council Secretariat  
20 May 2019