

**For discussion on  
2 April 2019**

**Legislative Council Panel on Security  
Central Military Dock**

**Purpose**

This paper seeks to introduce the background of establishing the Central Military Dock (“the Dock”) and the legislative exercise to be conducted by the Hong Kong Special Administrative Region (“HKSAR”) Government prior to the handover of the Dock to the People’s Liberation Army Hong Kong Garrison (“the Garrison”).

**The Dock**

Background of establishing the Dock

2. The Exchange of Notes between the Government of the People’s Republic of China (“PRC Government”) and the Government of the United Kingdom (“UK Government”) on the arrangements for the future use of military sites in Hong Kong (“the Exchange of Notes”) in 1994 sets 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. As a result of such arrangement, the existing military sites in Hong Kong are far smaller in area and fewer in number compared with the situation before 1 July 1997; 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. The Dock is an item under 2(c) above which is a military facility required to be re-provisioned by the HKSAR Government for the Garrison. Before Hong Kong's return to the Motherland, the British forces stationed in Hong Kong 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. 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 reclamation works. To fulfil the responsibilities stated in the Exchange of Notes, the HKSAR Government re-provisioned the military dock facilities for the Garrison as part of the relevant reclamation works carried out after Hong Kong's return to the Motherland. The Dock occupies an area of about 0.3 hectares which accounts for 3% of the total area of the Central waterfront promenade (which has an area of about 9.8 hectares). The site plan of the Dock is at **Enclosure**.

4. The Dock is the only military facility yet to be handed over to the Garrison among all the military facilities specified in the Exchange of Notes. The remaining 18 military sites have all along been used and managed by the Garrison for use for defence purposes since Hong Kong's return to the Motherland. The HKSAR Government has the duty to complete the handover work of the Dock in order to fulfil the outstanding undertakings as stated in the Exchange of Notes.

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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.

## The design of the Dock

5. The design of the Dock harmonises with the surrounding park area and the view of the Victoria Harbour. Based on the HKSAR Government's proposal and the Garrison's agreement, except for the side facing the Victoria Harbour, movable gates are installed on the other three sides of the Dock to separate the military site from the surrounding park area and walkways, such that the gates can be opened for members of the public to walk through when there is no need for the Dock to be segregated. Under other circumstances, pedestrians can use the waterfront park continuously by walking through the walkways at the south of the Dock.

## Present situation

6. The major construction works of the Dock were largely completed in 2013. The relevant areas are being temporarily managed by the HKSAR Government prior to the handover of the Dock to the Garrison.

7. The town planning process for amending the Central District (Extension) Outline Zoning Plan was completed on 1 February 2019, and the Dock area was formally rezoned as "Other Specified Uses" annotated "Military Use (1)" on the statutory plan.

## **Necessary legislative exercise prior to the handover of the Dock to the Garrison**

### Legal protection for the existing military facilities and sites

8. The Dock is a military facility for use for defence purposes. In accordance with the Law of the PRC on the Garrisoning of the HKSAR ("the Garrison Law"), military facilities within the HKSAR shall be managed by the Garrison and jointly protected by the Garrison and the HKSAR Government. According to the Garrison Law, no person other than members of the Garrison shall enter military restricted zones without the permission of the Commander of the Garrison or other officers as he may authorize to give such permission; and guards of the military restricted zones shall have the right to stop according to law any unauthorized entry into any military restricted zone or any act which damages or endangers any military facilities.

9. Apart from the protection of the Garrison Law, the 18 military sites currently used by the Garrison are also under the protection of the law of the HKSAR. The relevant laws include –

- (a) the Public Order Ordinance (Cap. 245): all of the existing 18 military sites are designated as “closed areas” under the Military Installations Closed Area Order (Cap. 245B). Any person shall not enter a “closed area” without a permit issued by the Commander of the Garrison or his authorized persons;
- (b) the Protected Places (Safety) Ordinance (Cap. 260): four of the existing military sites (the Central Barracks, Headquarters House, Ching Yi To Barracks and two military buildings at Shek Kong Village) are also designated as “protected places” under the Protected Places Order (Cap. 260A). The Chief Executive can authorize by order any person to act as an authorized guard to protect any property in or upon a “protected place”, and to prevent any person from entering or attempting to enter such place without proper authority, etc.;
- (c) the Shipping and Port Control Regulations (Cap. 313A) and the Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548F): the waters off the basin of the naval base at the Ngong Shuen Chau Barracks is designated as a marine “restricted area”, to which entry of unauthorized vessels is prohibited; and
- (d) the Defences (Firing Areas) Ordinance (Cap. 196): the existing two firing ranges (Tsing Shan Firing Range and San Wai/Tai Ling Firing Range) are specified firing areas under the ordinance.

#### Legislative proposals for the Dock

10. The Garrison Law is a national law applicable to Hong Kong under the Basic Law. The HKSAR Government must fulfill the relevant statutory obligations therein. In addition to specifying the Garrison’s authority in managing its military facilities, the Garrison Law also specifically provides that the HKSAR Government “shall support the Garrison in its performance of defence functions and responsibilities and guarantee the lawful rights and interests of the Garrison and its members” (Article 10); “shall jointly protect the military facilities within the HKSAR with the Garrison” (Article 12); and “shall assist the Garrison in

maintaining the security of the military restricted zones” (Article 12). To provide the Dock with suitable legal protection, the HKSAR Government must legislate for the Dock.

11. Drawing reference from the legal protection in place for military sites in Hong Kong, the protection required for the Dock as a military facility, the situation of the Dock and its peripherals as well as the actual operational needs of the Garrison, the following legislative proposals are put forth by the HKSAR Government –

(a) Land area:

Being an important military facility, the Dock should reasonably be delimited as a “closed area” under the Military Installations Closed Area Order (Cap. 245B) as in the case of other military sites, such that any person shall not enter the concerned area unless individually permitted by the Garrison.

There are four one-storey buildings on the Dock which will not be open for public use due to their operational needs on defence functions. The HKSAR Government will declare the concerned areas as “closed place” by amending the Military Installations Closed Area Order (Cap. 245B). Same as other military sites, any person not individually permitted by the Garrison shall not enter the concerned buildings at any time.

As regards the area outside the four buildings, the Garrison will in future consider opening it to the public on the condition that its defence functions would not be compromised. The HKSAR Government will declare the land area of the Dock as “protected place” by amending the Protected Places Order (Cap. 260A), and will also amend the Protected Places (Safety) (Authorized Guards) Order (Cap. 260C) to allow the Garrison to engage “authorized guards” in future to assist in securing the Dock facilities according to its needs. By implementing this legislative proposal, the Garrison will not be required under the law to give individual permit to every person entering the Dock during the time when it allows members of the public to use the non “closed area” part of the Dock, under the condition that the defence functions would not be affected. This will be an arrangement simpler than the existing opening of the other barracks which involves the procedure of distributing admission tickets to the visitors prior to the opening.

(b) Sea area:

Regardless of whether it is before or after Hong Kong's returning to the Motherland, the waters off the military basins are delimited as "restricted areas" under the laws to restrict entry of unauthorized vessels, so as to provide a buffer zone to ensure that there is a safe distance between civil vessels and military vessels as well as the relevant berthing facilities. This is to safeguard the facilities at the military docks on the one hand and ensures maritime safety on the other.

The Ngong Shuen Chau Naval Basin is protected by sea wall but there is a lack of any natural or artificial barrier at the sea off the Dock. Having considered the Garrison's requirements for defence functions, the safety of Pier No. 9 and No. 10 in the vicinity as well as the maritime fairways, etc., and drawing reference from the legislative protection applicable to Ngong Shuen Chau, the HKSAR Government will delimit an area at the waters off the Dock as "entry restricted area" to restrict the entry of unauthorized vessel and an area outside this "entry restricted area" as "stay restricted area" to serve as a buffer zone. Vessels under 60 metres long will be permitted to pass through the "stay restricted area" directly without staying to ensure the safety of moored military vessels and the operation of the vessels navigating in the vicinity.

The Garrison and the HKSAR Government are studying this matter. According to the observation and assessment of the Marine Department, no large vessel with a length exceeding 60 metres will normally need to use the waters off the Dock, and there is a certain distance between the Dock and public Piers No.9 and No.10 as well as the nearby fairways. The major consideration of setting up the "entry restricted area" and "stay restricted area" include the need to cater for the defence operations of the Garrison and to ensure that the safety and operation of Pier No. 9 and No. 10 as well as the nearby fairways will be not affected. We have briefed the Local Vessels Advisory Committee on the relevant arrangements earlier. The trade representatives noted the relevant arrangements and suggested that the relevant sea areas should be clearly demarcated (such as placing buoys on the sea surface) for safety considerations, and the HKSAR Government should provide information related to the restricted areas to the trade, etc.

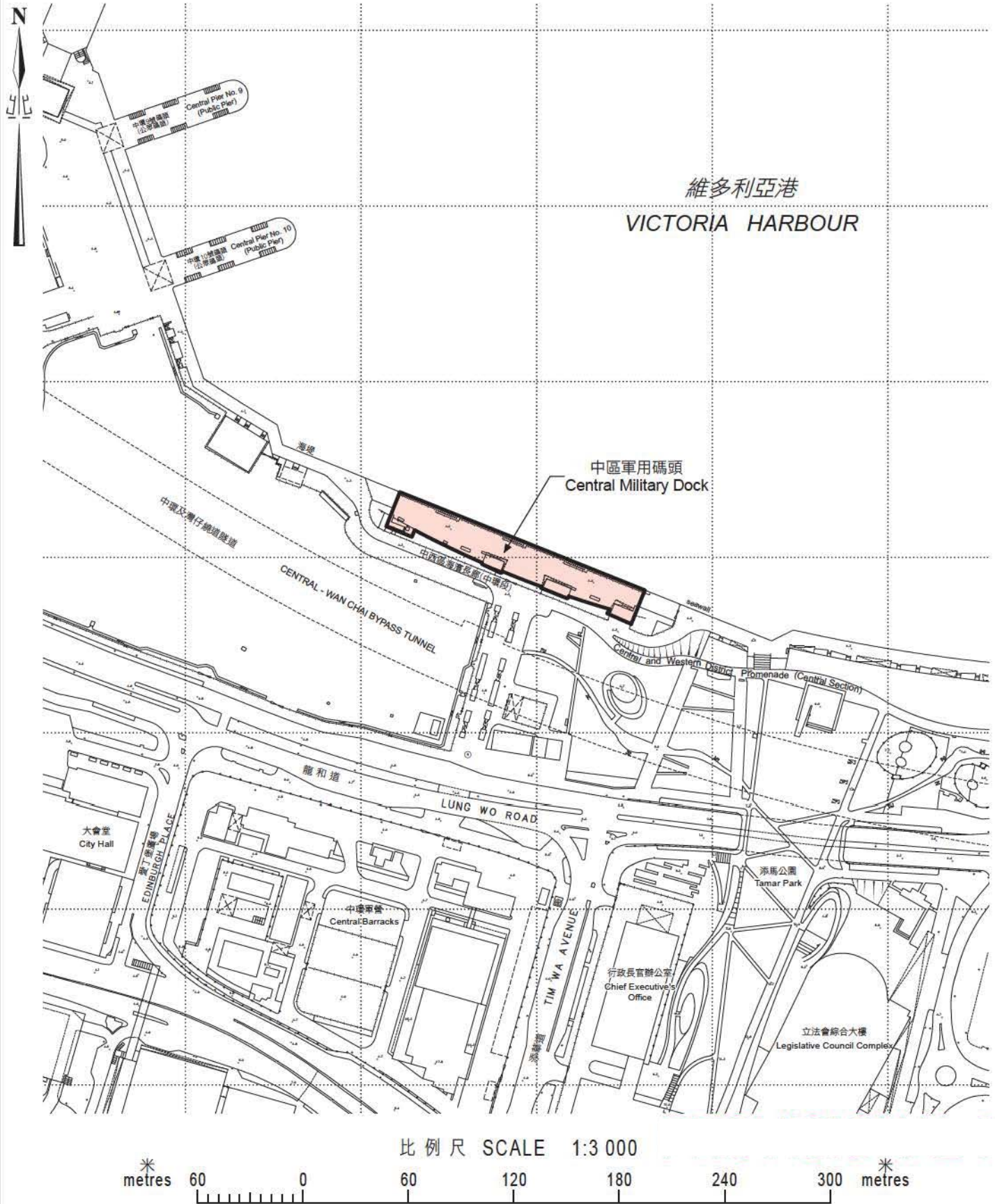
12. The Dock is an important military facility located at the coastal area of the Victoria Harbour. Owing to the need of conducting reclamation works and amending the statutory plan, the Dock has yet to be handed over to the Garrison for commencing operation. The HKSAR Government has the duty to hand over the Dock to the Garrison as soon as possible in order to fulfill the statutory responsibility as set out in the Garrison Law concerning the support to be provided to the Garrison for its performance of defence functions. The HKSAR Government plans to submit the legislative amendment proposals to the Legislative Council within this legislative year and hand over the Dock to the Garrison formally upon completion of the legislative work.

13. We are pleased to answer questions to be raised by Members.

**Security Bureau**  
**March 2019**

# 中區軍用碼頭位置圖

## Site plan of the Central Military Dock



只作識別用 FOR IDENTIFICATION PURPOSES ONLY

 地政總署 港島測量處  
District Survey Office, Hong Kong  
Lands Department

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測量圖編號 Survey Sheet No. 11-SW-9C

發展藍圖編號 Layout Plan No. S/H24/9

參考圖編號 Reference Plan No. --

圖則編號 PLAN No. HKM10359

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