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Panel on Security

**Information note prepared by the Legislative Council Secretariat
for the meeting on 2 April 2019**

Central Military Dock

According to the Administration, the 1994 Exchange of Notes between the Government of the United Kingdom of Great Britain and Northern Ireland ("UK Government") and the Government of the People's Republic of China on the Arrangements for the Future Use of the Military Sites in Hong Kong (i.e. the Defence Land Agreement ("DLA")) provided for military sites to be handed over to the Hong Kong Garrison by the UK Government, military sites to be handed over to the then Hong Kong Government for disposal, and military buildings and fixed facilities to be reprovisioned for the Hong Kong Garrison. Annex III of DLA set out the military buildings and fixed facilities to be reprovisioned for the Hong Kong Garrison which included the Central Military Dock ("CMD") and provided that the then "Hong Kong Government will leave free 150 metres of the eventual permanent waterfront in the plans for the Central and Wanchai Reclamation at a place close to the Prince of Wales Barracks¹ for the construction of a military dock after 1997". DLA requires that a naval base be reprovisioned on the south shore of Stonecutters Island and a military dock be reprovisioned near the Central Barracks. After reunification, the Hong Kong Special Administrative Region Government ("HKSARG") is responsible for taking forward the construction of CMD and associated facilities at the Central harbourfront.

2. The Panel on Security ("the Panel") has not discussed the subject of CMD per se. Members may wish to note that the Panel on Development was briefed on the proposed amendments to the Central District (Extension) Outline Zoning Plan ("OZP") in relation to CDM at the meeting on 28 May 2013.² The major amendments to the Central District (Extension) OZP included:

- (a) amending the zoning of a strip of waterfront site (about 0.3 ha) to the north of the existing People's Liberation Army Hong Kong

¹ It is renamed as the Central Barracks.

² Members may wish to refer to LC Paper No. CB(1)1077/12-13(03) for details.

Garrison Headquarters from "Open Space" to "Other Specified Uses" annotated "Military Use (1)" ("OU(Military Use)1");

- (b) deleting the straight line with annotation "150m Military Berth (subject to detailed design)" from OZP; and
- (c) amending the Notes of OZP by adding the remarks for the imposition of a building height restriction of 10mPD and the incorporation of minor relaxation clause for the new "OU(Military Use)1" zone, and updating the Explanatory Statement to reflect the above amendments and the latest status and planning circumstances of OZP accordingly.

Members were advised that the Hong Kong Garrison had, on the request of HKSARG, agreed in 2000 that it would open the area of the military dock site to the public as a part of the promenade when it was not in military use, having regard to its operation and need for protecting the military dock. The proposed OZP amendments would not affect the arrangement.

3. Members were also advised at that time that the Town Planning Board ("TPB") exhibited the draft Central District (Extension) OZP for public inspection from 15 February 2013 for a period of two months. Representations relating to the proposed amendments were received by TPB. The representations so received had been made available for public inspection and any person could make comment to TPB in respect of the representations. TPB would hear the representations and comments in accordance with the Town Planning Ordinance (Cap. 131), and decide whether or not to propose amendments to the draft OZP.

4. In 2014, an organization applied for a judicial review against TPB's statutory planning procedures for the zoning of the CMD site to OU(Military Use)1, and sought a Protective Costs Order for the relevant legal proceedings. According to the Administration, the concerned statutory planning procedures have since been put on hold.

5. The Administration will provide the Panel with an update on the latest situation on and way forward for CMD at the meeting on 2 April 2019. A relevant question raised by a Member at the Council meeting of 22 February 2017 and the Administration's reply is in the **Appendix**.

Press Releases

LCQ3: Opening area of military dock for public use

Following is a question by the Hon Hui Chi-fung and a written reply by the Secretary for Development, Mr Eric Ma, in the Legislative Council today (February 22):

Question:

In 2013, the authorities began the statutory procedure for amending the Central District (Extension) Outline Zoning Plan to rezone a site in the Central promenade, which is 150 metres long and has an area of about 0.3 hectare, from "Open Space" to "Other Specified Uses" annotated "Military Use (1)", with a view to setting it aside for use as a military dock by the People's Liberation Army Hong Kong Garrison (the Garrison). However, as the above statutory procedure was subsequently challenged by way of a judicial review, it has not been concluded so far. The Government has indicated that the Garrison has undertaken to open the military dock area as part of the promenade for public use when the military dock is not in military use. The site, which has not yet been handed over to the Garrison, is currently overgrown with weeds and enclosed by wire fences, thereby barring access or use by members of the public. In this connection, will the Government inform this Council:

(1) as the authorities have indicated that since the military dock is a military facility, it is not suitable to open the site for holding any public event before the site is handed over to the Garrison, of the justifications behind such remark;

(2) whether the authorities have discussed with the Garrison the temporary opening of the site for public use; if so, of the date (s) and outcome of the discussion(s); if not, the reasons for that;

(3) whether the authorities have considered making the site available for temporary uses (e.g. entrusting the use of the site to government departments); if so, of the details;

(4) of the time, as anticipated by the authorities, when the statutory procedure for rezoning the site will be concluded; and

(5) of the respective annual amounts of various items of expenditure related to the site since the completion of the military dock; and the respective amounts of the various items of the relevant estimated expenditure for 2017-2018?

Reply:

President,

The site mentioned in the question is the Central Military Dock (CMD). According to the original plan, the Government will hand over the CMD to the People's Liberation Army Hong Kong Garrison (the Garrison) after completion of construction works and all the necessary procedures. Construction of the dock has been substantially completed in 2013. However, the statutory planning procedures for zoning of the CMD site to "Other Specified Uses" annotated "Military Use (1)" have been under

judicial review proceedings since 2014 and are yet to be completed.

Regarding the judicial review concerned, an organisation applied for leave from the Court of First Instance to bring judicial review against the Town Planning Board's decision on the zoning of the CMD site to "Other Specified Uses" annotated "Military Use (1)" in May 2014. The Court of First Instance granted leave on July 21, 2014. The organisation also applied for a Protective Costs Order from the Court of First Instance in July 2014. The substantive judicial review proceedings would have to put on hold until the court had reached a decision on the application for the Protective Costs Order. The Court of First Instance dismissed the organisation's application for Protective Costs Order on April 30, 2015. The organisation then applied for leave to appeal on the decision on the Protective Costs Order from the Court of Appeal on May 14, 2015. The Court of Appeal just dismissed the appeal on February 16, 2017. The substantive judicial review hearing is yet to commence. We could not estimate when the relevant proceedings could be completed.

The CMD is a military facility. Pending the handing over of the CMD site to the Garrison, the Lands Department (LandsD) undertakes the daily management of the site. The Government considers it not suitable to open up the CMD site for any public activities before it is handed over to the Garrison. To facilitate effective management, the LandsD has fenced off the site on government land managed by the LandsD pending the handover to the relevant party. The expenditure is about \$175,000 per annum mainly for hiring of security guard service. The expenses on maintenance and repairs are about \$100,000 per annum. The Government will continue to keep in view the progress of the judicial review and take forward the follow-up actions required to complete the handover process as appropriate.

Ends/Wednesday, February 22, 2017
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