

For discussion
on 31 January 2005

Legislative Council Panel on Economic Services
Legislative Council Panel on Planning, Lands and Works
Proposed Domestic Heliport Development

Introduction

The Economic Services Panel was consulted on the proposed development of a domestic heliport in Sheung Wan on 7 December 2004. Members noted that there was a need to provide a permanent domestic heliport in close proximity to the Central Business District (CBD) and requested the Administration to further examine the feasibility of the shared-use of the proposed Government helipad at the Hong Kong Convention and Exhibition Centre (HKCEC) with commercial operators.

2. This paper reports the results of the Administration's consideration of the HKCEC shared-used option and the outcome of public consultation on the Sheung Wan heliport proposal.

Proposal for a Government-cum-commercial Heliport in Wan Chai

Background

3. Between 1999 and 2001, we consulted the LegCo Panel on Planning, Lands and Works on the reprovisioning of the Central Heliport at the HKCEC site in the context of the Wan Chai Development Phase II (WDII) project. Members expressed strong views against the proposal due to its adverse noise impact and incompatibility with the tourism focus of the Golden Bauhinia Square. Members also stressed that reclamation should only be carried out where it was absolutely necessary. To address these concerns, the Government committed that the proposed Government helipad would be confined to the Government Flying Service's (GFS) emergency services and essential security and support operations, and that the number of daily movements would be limited. It was on this basis that the LegCo Planning, Lands and Works Panel agreed to this helipad development at the HKCEC. The helipad would require a reclamation of about 600m².

4. As a result of this commitment, the Government conducted a thorough site search exercise to identify a suitable heliport site to cater for commercial helicopter operations. As explained in our previous Panel paper [LC Paper No. CB(1)376/04-05(04)], after repeated rounds of site search, we have finally identified a suitable waterfront site near the Western Park Sports Centre in Sheung Wan. This is a suitable site for developing a commercial heliport because it provides the supporting facilities (sufficient parking, a decent passenger lounge, refueling facilities, etc.) and could meet the industry requirements up to and beyond 2020.

Annex

5. For Members' reference, a brief summary of the other sites that have been considered but found to be unsuitable is at Annex.

HKCEC Site

6. In response to Members' request, we have explored the option of incorporating commercial helicopter operations into the Government helipad planned at the HKCEC site.

7. The plan for the Government helipad is to convert an existing pier into a landing/take-off pad and one small pad for emergency parking only. Having regard to extensive public concerns on the need to protect the harbour and to minimize the extent of reclamation, GFS has recently carefully reviewed the development parameters of the helipad. The land requirement could be reduced so that no reclamation would be needed. However, if we were to develop a commercial heliport at the HKCEC site with a development scale similar to that of Sheung Wan, reclamation (estimated to be in the region of 1,500m²) would be required to provide sufficient land for the additional landing and parking pads as well as necessary supporting facilities such as passenger lounge and refueling facility.

Legal Advice on Reclamation

8. Section 3(1) of the Protection of the Harbour Ordinance provides that the harbour is to be protected and preserved as a special public asset and a natural heritage of Hong Kong people. For that purpose, there shall be a presumption against reclamation in the harbour. Public officers and public bodies have a statutory duty to have regard to the principle of protection and preservation and the presumption against reclamation of the harbour in the exercise of powers vested in them.

9. In the Town Planning Board v Society for the Protection of the Harbour Limited case, the Court of Final Appeal (CFA) ruled that the presumption against reclamation of the harbour is rebuttable but it can only be rebutted by establishing an overriding public need for reclamation. According to the CFA, public needs are community needs and include the economic, environmental and social needs of the community. Such a need should only be regarded as overriding if it is a compelling and present need. The CFA considers that where there is a reasonable alternative to reclamation, an overriding need for reclamation would not be made out. The overriding public need test is by its nature a demanding one.

10. By comparison the Sheung Wan site involves no reclamation and presents a practical and feasible option.

Without-reclamation Option

11. Another option is for GFS and commercial operators to share the use of the proposed Government helipad (one landing/take-off pad and one small emergency parking pad). Various concerns have been expressed about this option.

12. First, utilization of the helipad would be greatly increased. During previous discussions on the proposed Government helipad, Members of the Legislative Council Panel on Planning, Lands and Works, the Public Works Sub-Committee and the Wanchai District Council had expressed concerns about the noise and other impacts of the proposed helipad. To address such concerns, we committed that the proposed helipad would only be used for GFS's operations and the number of daily movements would be limited. If the proposed helipad were to be used also by commercial operators, the number of movements would be much greater than that we have envisaged for the proposed Government helipad.

13. Secondly, the shared-use of the single helipad would severely constrain the future development and expansion of the commercial helicopter industry. It would also deprive the industry of the necessary supporting facilities such as passenger lounge, parking and refueling facilities that it deserves. This make-shift solution would also imply that before long, the commercial operators would revert to the Government for more lands within the CBD for their expansion.

14. Thirdly, the shared use of the helipad at its presently proposed scale with commercial operators is undesirable from the security point of view. As there will be only one landing/take-off pad, it will mean that only one take-off or landing movement can take place at any one time. Given the nature of emergency services, time is of the essence and it would be necessary for priority to be given to such services. The interface between the commercial operators and GFS arising from the shared-use of the helipad would therefore likely give rise to practical problems adversely affecting GFS's efficiency in providing emergency services. Moreover, the helipad would need to serve as a dedicated helipad for different operational uses in emergency and internal security situations, which could result in prolonged exclusion of private operators from the helipad.

Consultation on Proposed Heliport in Sheung Wan

15. We consulted the Harbour-front Enhancement Committee on 13 January. Whilst some members supported the proposal of developing a domestic heliport, views are divided as to whether the heliport should be located within the CBD or further away to avoid compromising the invaluable waterfront areas along the harbour. Some members opined that a least intrusive solution should be sought to balance the need for providing public accessibility to the waterfront and meeting the needs of helicopter operators and clients.

16. We consulted the Central and Western District Council and the District's Area Committees on 20 and 21 January respectively. Members raised strong objections to the development proposal and the District Council passed a motion objecting to the proposal. They were gravely concerned about the adverse noise impact of helicopter operations on the nearby residents and the adjacent Sun Yat Sen Memorial Park. They were dissatisfied that the proposed heliport would occupy valuable waterfront space and hindered the development of a continuous waterfront promenade for public enjoyment. We also consulted the Wanchai District Council on 18 January 2005. While raising no objection to the proposed Government helipad for GFS use at the HKCEC site, Members strongly objected to any commercial operation at that site.

Views Sought

17. In light of our assessment of the HKCEC shared-use option and the outcome of public consultation on the proposed site in Sheung Wan, we welcome Members' views on the development of a permanent domestic heliport.

Economic Development and Labour Bureau
24 January 2005

**Sites Considered but Found Unsuitable for Developing a
Permanent Domestic Heliport**

	<u>Sites</u>	<u>Why Unsuitable</u>
(a)	Proposed heliport for the Government Flying Service (GFS) at the north-eastern corner of the Hong Kong Convention and Exhibition Centre	<ul style="list-style-type: none"> • Additional reclamation is necessary to expand the heliport site to accommodate commercial helicopter operations. Reclamation for commercial purpose is unlikely to meet the stringent test of “overriding public need” as laid down by the Court of Final Appeal. • In 2001, the Government committed to the LegCo Panel on Planning, Lands and Works that this heliport would be confined to GFS uses, and the number of movements would be very low.
(b)	Sheung Wan Gala Point	<ul style="list-style-type: none"> • It has been reserved for developing a park and two important environmental improvement projects (Sheung Wan Stormwater Pumping Station and the Harbour Areas Treatment Scheme). • It cannot meet safety requirements in respect of flight paths.
(c)	Site near Western Harbour Crossing Ventilation Building	<ul style="list-style-type: none"> • Part of the site falls within the Sun Yat Sen Memorial Park. • Width of site insufficient to cater for heliport development.
(d)	Former Public Cargo Working Area in Wan Chai	<ul style="list-style-type: none"> • The site would be required for developing the future Trunk Road comprising the Central-Wan Chai Bypass and Island Eastern Corridor Link.
(e)	Rooftop of Macau Ferry Terminal	<ul style="list-style-type: none"> • The helipad is located on an elevated platform, which cannot meet the safety standards that single-engine helicopters should use surface-level heliport.

	<u>Sites</u>	<u>Why Unsuitable</u>
(f)	Central Reclamation Phase III – rooftop of the New Star Ferry Piers	<ul style="list-style-type: none"> The site cannot meet the safety standards that single-engine helicopters should use surface-level heliport.
(g)	Central Reclamation Phase III – rooftop of commercial and recreational uses along the waterfront	<ul style="list-style-type: none"> The site cannot meet the safety standards that single-engine helicopters should use surface-level heliport.
(h)	Central Reclamation Phase III – “Government, Institution or Community” site north of CITIC Tower	<ul style="list-style-type: none"> It is not on the waterfront and cannot meet the safety standard of unobstructed flight paths for single-engine helicopters.
(i)	Tamar Site	<ul style="list-style-type: none"> It is not on the waterfront and cannot meet the safety standard of unobstructed flight paths for single-engine helicopters.
(j)	Cyberport	<ul style="list-style-type: none"> Not in the proximity of the Central Business District.
(k)	West Kowloon Reclamation	<ul style="list-style-type: none"> Not in the proximity of the Central Business District.