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Panel on Development

Meeting on 28 May 2013

**Background brief on the provision of a military pier
at the new Central harbourfront**

Purpose

This paper provides background information on the provision of a military pier at the new Central harbourfront and a summary of the concerns and views of Members on the issue since 2002.

Background

Provision of a military pier

2. The 1994 Sino-British Defence Land Agreement ("the Agreement") provided, inter alia, that the then Hong Kong Government would "leave free 150 metres of the eventual permanent waterfront in the plans for the Central and Wan Chai Reclamation at a place close to the Prince of Wales Barracks (the current People's Liberation Army Hong Kong Garrison Headquarters) for the construction of a military dock after 1997". When the draft Central District (Extension) Outline Zoning Plan ("OZP") was first approved in 2000, the design that the dock would take and the area it would occupy were not decided. It was therefore represented by a straight line annotated "(150m Military Berth) (subject to detailed design)" on the relevant OZP¹. It was the intention of the Administration to include the military pier under the Central reclamation Phase III project ("CRIII")².

¹ Source of information: Paper from the Planning Department to the Central and Western District Council for discussion on 21 March 2013.

² Members may wish to refer to the "Background Brief on Central Reclamation Phase III" (LC Paper No. CB(1)232/08-09(09)) for the history and development of the Central Reclamation Phase III and the views and concerns previously expressed by Members on the project.

Central reclamation Phase III project

3. CRIII is an integral part of the Central and Wan Chai Reclamation developed since the 1990s. It is the final phase of reclamation in Central to provide the necessary land for the construction of the following transport infrastructure --

- (a) Central-Wan Chai Bypass;
- (b) Airport Railway extended overrun tunnel;
- (c) North Hong Kong Island Line; and
- (d) other supporting road networks.

4. As a result of public concerns over the need to protect and preserve the central harbour and a motion passed by the Legislative Council on 29 July 1998 that urged the Administration to scale down the reclamation plans, the Administration scaled down the extent of reclamation from the original 32 hectares to 18 hectares.

Planning for the area formed under CRIII and the adjoining harbourfront areas

5. In May 1988, the Town Planning Board ("TPB") exhibited the draft Central District (Extension) OZP³ for public inspection. During the two-month exhibition period, a total of 70 objections were received. Most of these objections were against the scale of the proposed reclamation. After giving consideration to the objections, TPB agreed to reconsider the reclamation proposal and requested the Government to undertake a study to determine the minimum practicable reclamation option. Taking into account public views and the Administration's minimum reclamation proposal, TPB decided to propose amendments to the draft OZP to meet the objections by reducing the extent of the proposed reclamation and to revise the land use zonings and layout of the area. TPB exhibited on 16 July 1999 the amended draft Central District (Extension) OZP (No.S/H24/2) covering the CRIII minimum reclamation option for public inspection. The Chief Executive in Council approved the amended draft OZP on 22 February 2000.

³ The reclamation area formed under CRIII is covered by the Central District (Extension) OZP.

Funding approval for the Central Reclamation Phase III project in 2002

6. In June 2002, the Public Works Subcommittee ("PWSC") endorsed and the Finance Committee approved an estimated cost of \$3,561.5 million in money-of-the-day prices for reclamation of about 18 hectares of land and construction of the road network, drainage and sewerage systems together with other land and marine transport facilities for CRIII. At that time, the proposed works under CRIII were scheduled for completion in June 2007. The works contract was awarded in February 2003.

7. At the meeting of PWSC on 5 June 2002 when the funding proposal for the implementation of CRIII was discussed, members noted that the CRIII project included the design and construction of a 150-metre long berth and the associated facilities for use by the Hong Kong Garrison of the People's Liberation Army ("PLA"). A member enquired about the details of the arrangements for opening up the 150-metre military pier for public access when it was not in military use. The Administration advised that the berthing facilities would be open for public use unless a military boat was docked there. When the pier was in use, it would be temporarily separated from the promenade by posts and other temporary partitions, but pedestrians could continue to use the adjacent areas.

Judicial review by the Society for the Protection of the Harbour Limited in 2003

8. In September 2003, the Society for the Protection of the Harbour Limited ("SPH") filed an application for a judicial review of the approval of the Chief Executive in Council of the Central District (Extension) OZP and an interim relief that all works under CRIII directly or indirectly connected to the reclamation of the harbour be stopped pending a determination of all relevant litigation. The High Court granted leave for the judicial review but dismissed the application for an interim relief. On 9 March 2004, the High Court delivered a judgment and held that the Chief Executive in Council, in exercising his discretion under section 12 of the Town Planning Ordinance (Cap. 131), was acting lawfully and reasonably in approving the Central District (Extension) OZP. The CRIII works, which were temporarily suspended on 27 September 2003 pending the Court's decision, had since resumed.

Discussion in Panel meetings about the proposed military pier in 2003

9. The Panel on Development (DEV Panel) (formerly named as the Panel on Planning, Lands and Works) has been monitoring the planning of the new harbourfront area in Central. In view of wide public concern about the reclamation works under CRIII, the DEV Panel held four joint

meetings with the Panel on Environmental Affairs from October to December 2003 to receive views from deputations and to discuss with the Administration the relevant issues. At the joint meeting on 8 December 2003, in response to deputations' views expressed about the extent of reclamation under CRIII at a previous joint meeting on 27 November 2003, the Administration indicated that it had reviewed individual components of CRIII according to the three tests as laid down in the High Court Judgment on Wan Chai Development Phase II ("WDII"), namely, (i) compelling, overriding and present need, (ii) no viable alternative and (iii) minimum impairment⁴. In view that the pier must be located in front of the Central Barracks, and two 75-metre long and straight approaches must also be reserved at both ends of the berth for the safe maneuvering of the warships during berthing, the Administration considered that shifting of the pier further south inland was not feasible.

10. At the same meeting (8 December 2003), a DEV Panel member remarked that members of the former Bills Committee on the Protection of the Harbour Bill had not been made aware of the Agreement during the course of scrutiny of the Bill in 1997. He enquired whether the terms of the Agreement should be strictly adhered to and whether the pier could be dispensed with if PLA decided that this was no longer necessary. He suggested that the Administration should ascertain with PLA the need for the military pier in CRIII from a planning point of view. The Administration explained that the Protection of the Harbour Bill was a Member's Bill and not a Government Bill. It advised that discussion with PLA had reconfirmed the need for the pier and indicated that it must be located in front of the Central Barracks. The agreed PLA pier layout was based on a planning intention to visually integrate the proposed military pier with the promenade along the waterfront of Central and Wan Chai Reclamation and the construction of the committed berthing facilities would be undertaken under the CRIII contract. The dock area would be open to public access when it was not in military use.

The Urban Design Study for the New Central Harbourfront from 2007 to 2011

11. In August 2005, TPB considered three rezoning requests submitted by SPH, Save Our Shorelines and Clear the Air to reduce the reclamation extent in both CRIII and WDII. TPB decided not to agree to the rezoning

⁴ On 27 February 2003, the Society for Protection of the Harbour Limited commenced legal proceedings and applied for judicial review of the decisions of the Town Planning Board made in connection with the Draft Wan Chai North District OZP Plan No. S/H25/1. Madam Justice Chu handed down the judgment on 8 July 2003 in respect of the judicial review. In the Judgment, it was stated that "...the purpose and extent of each proposed reclamation ought to be individually assessed by reference to the three tests".

requests, but having regard to the views expressed by the organizations, the Board decided to request the Government to prepare/refine the planning design briefs for the Central District waterfront to ensure that future developments would blend in with the waterfront setting, facilitate pedestrian access to the waterfront, and promote visual permeability of the developments.

12. In response to TPB's request, the Planning Department commissioned the Urban Design Study for the New Central Harbourfront ("the Study") in late March 2007, and launched the Stage 1 and Stage 2 Public Engagement for the Study on 3 May 2007 and 11 April 2008 respectively. The study area covers the entire planning scheme area of the approved Central District (Extension) OZP, the adjacent waterfront area of Central Reclamation Phase I around the Central Piers and a portion of WDII. The four main tasks of the Study were --

- (a) identification of the urban design objectives and urban design issues within the study area and the key sites;
- (b) refinement of the urban design framework;
- (c) refinement of design concepts of the key sites; and
- (d) preparation of design briefs and identification of design control mechanisms.

The Study was completed in mid-2011.

13. The Administration discussed the Study with the Subcommittee to Review the Planning for the Central Waterfront (including the Tamar site)⁵ and the DEV Panel in June 2007 and April 2008 respectively. Members noted that under the Study, two design concepts had been developed for the waterfront promenade, namely, "Urban Park" and "Urban Green". The "Urban Park" was designed with a park setting with a greater variety of facilities including featured piazza, event plaza, viewing platform, etc., in addition to other landscape features, flat and undulating lawns, etc while "Urban Green" was designed with a more natural form of landscaping to provide a pleasant and peaceful green area for the public to appreciate the harbour. Under both concepts, the PLA pier would be integrated with the landscaped promenade setting and would be part of the waterfront promenade and open for public access when it was not in military use.

⁵ The Subcommittee to Review the Planning for the Central Waterfront (including the Tamar site) was formed under the Panel on Planning, Lands and Works in January 2006. Its work was completed in June 2007.

14. At the Council meeting of 6 June 2007, a Member raised an oral question about the compatibility of the military pier with the new Central Harbourfront, whether the pier would impede the use of facilities along the waterfront promenade by the public, and whether the Administration would consider discussing with PLA afresh the future location of the pier. Another Member enquired if there would be sensitive and sophisticated facilities or instruments at the military pier, making the pier inaccessible to the public even when it was not in military use. Some other Members pointed out that it was public aspiration that the waterfront could be returned to them so that they could enjoy the view at the waterfront. They expressed concern that the public would be delayed or disturbed in using the promenade during a certain period when the pier was in military use.

15. In reply, the then Secretary for Housing, Planning and Lands said that the Planning Department was conducting the Study, which covered, inter alia, how to suitably integrate the planning intention that the military pier would be open for public use as part of the Central waterfront promenade when it was not required for military use. It was planned that there would only be a small number of basic facilities, including the reception room, on-duty office, fire pump room and three flights of landing steps which would occupy a total area of 0.3 hectare when it was in use but the format and scale had not been finalized. When the pier was not in military use on normal days, the public would be able to walk past the dock area along the waterfront promenade without making a detour. When the pier was in use, the adjacent area would be off-limits, i.e. separated by fences and gates, as it had to be used for another purpose. Given that the military pier would be constructed in accordance with the Agreement and the location of the military pier was shown on the Central District (Extension) OZP, the Administration considered that the question of discussing with PLA afresh did not arise.

Amendments to the draft Central District (Extension) Outline Zoning Plan

16. On 15 February 2013, TPB exhibited the draft Central District (Extension) OZP No. S/H24/8 for public inspection for a period of two months. The two amendment items incorporated in the OZP were as follows --

- (a) amendment of the zoning of a strip of waterfront site to the north of the PLA Hong Kong Garrison Headquarters from "Open Space" to "Other Specified Uses" annotated "Military Use (1)"; and

- (b) deletion of the straight line with annotation "150m Military Berth (subject to detailed design)" from the OZP.

The public might make representation to TPB in respect of any of the amendments by 15 April 2013.

Latest development

17. According to the Administration's reply (LC Paper No. CB(1)898/12-13(01)) dated 18 April 2013 to the DEV Panel on a member's questions about the impact of the provision of a military pier at the new Central harbourfront on the traffic and other activities in the area, the location and design of the pier had been discussed in the Study. The Study concluded that the proposed military pier and its ancillary facilities should be integrated with the waterfront promenade and the part designated as open space should be opened to the public when it was not in military use. Folding gates would be installed around the pier but could be hidden in the ancillary building structures. The Central and Western District Council and the Task Force on Harbourfront Development on Hong Kong Island of the Harbourfront Commission had been briefed on the subject in 2010. In order to comply with the building height restriction of 10 metres above Principal Datum ("mPD") for the site, only one-storey structures (at a height of around 4 metres) would be provided at the military pier given that the harbourfront was at 4.2 mPD.

18. The DEV Panel will discuss the subject with the Administration at the meeting on 28 May 2013.

Relevant papers

19. A list of relevant papers is shown at the **Appendix**.

Appendix

Provision of a military pier at the new Central harbourfront

List of relevant papers

Date of meeting	Council/ Committee	Papers/Minutes of meeting
1 March 2002	Panel on Planning, Lands and Works	<p>Administration's paper on 343CL -- Central Reclamation Phase III -- engineering works [LC Paper No. CB(1)1134/01-02(03)] http://www.legco.gov.hk/yr01-02/english/panels/plw/papers/plw0301-cb1-1134-3e.pdf</p> <p>Minutes of meeting [LC Paper No. CB(1)1454/01-02] http://www.legco.gov.hk/yr01-02/english/panels/plw/minutes/pl020301.pdf</p>
5 June 2002	Public Works Subcommittee	<p>Administration's paper on 343CL -- Central Reclamation Phase III -- engineering works [PWSC(2002-03)41] http://www.legco.gov.hk/yr01-02/english/fc/pwsc/papers/p02-41e.pdf</p> <p>Minutes of meeting [LC Paper No. PWSC 139/01-02] http://www.legco.gov.hk/yr01-02/english/fc/pwsc/minutes/pw020605.pdf</p>
13 October 2003	Panel on Environmental Affairs and Panel on Planning, Lands and Works	<p>Administration's paper on Central Reclamation Phase III [LC Paper No. CB(1)58/03-04(01)] http://www.legco.gov.hk/yr03-04/english/panels/plw/papers/eaplw1013cb1-58-1e.pdf</p> <p>Minutes of meeting [LC Paper No. CB(1)390/03-04] http://www.legco.gov.hk/yr03-04/english/panels/plw/minutes/eapl1013.pdf</p>

Date of meeting	Council/ Committee	Papers/Minutes of meeting
27 November 2003	Panel on Environmental Affairs and Panel on Planning, Lands and Works	Minutes of meeting [LC Paper No. CB(1)820/03-04] http://www.legco.gov.hk/yr03-04/english/panels/plw/minutes/eapl1127.pdf
8 December 2003	Panel on Environmental Affairs and Panel on Planning, Lands and Works	Administration's response to views expressed by the deputations at the public hearing on 27 November 2003 [LC Paper No. CB(1)511/03-04(02)] http://www.legco.gov.hk/yr03-04/english/panels/plw/papers/eaplw1208cb1-511-2-e.pdf Minutes of meeting [LC Paper No. CB(1)811/03-04] http://www.legco.gov.hk/yr03-04/english/panels/plw/minutes/eapl1208.pdf
6 June 2007	Council meeting	Council question (No. 6) raised by Hon LEE Wing-tat on Military Dock -- Hansard -- http://www.legco.gov.hk/yr06-07/english/counmtg/hansard/cm0606-translate-e.pdf (pps. 7775 -7782)
28 June 2007	Subcommittee to Review the Planning for the Central Waterfront (including the Tamar Site)	Administration's paper on Urban Design Study for the New Central Harbourfront [LC Paper No. CB(1)1952/06-07(04)] (http://www.legco.gov.hk/yr06-07/english/panels/plw/plw_cw/papers/plw_cw0628cb1-1952-4-e.pdf) Background brief on "Planning for the new Central waterfront" prepared by the Legislative Council Secretariat [LC Paper No. CB(1)1952/06-07(05)] (http://www.legco.gov.hk/yr06-07/english/panels/plw/plw_cw/papers/plw_cw0628cb1-1952-5-e.pdf)

Date of meeting	Council/ Committee	Papers/Minutes of meeting
		<p>Minutes of meeting [LC Paper No. CB(1)2328/06-07] http://www.legco.gov.hk/yr06-07/english/panels/plw/plw_cw/minutes/cw070628.pdf</p>
11 January 2008	Subcommittee to Review the Planning for the Central Waterfront (including the Tamar Site)	<p>Report of Subcommittee to Review the Planning for the Central Waterfront (including the Tamar Site) to the Panel on Development [LC Paper No. CB(1)580/07-08] http://www.legco.gov.hk/yr07-08/english/panels/plw/plw_cw/reports/plw_cwcb1-580-e.pdf</p>
22 April 2008	Panel on Development	<p>Administration's paper on Urban Design Study for the New Central Harbourfront -- Stage 2 Public Engagement [LC Paper No. CB(1)1273/07-08(05)] http://www.legco.gov.hk/yr07-08/english/panels/plw/papers/dev0422cb1-1273-5-e.pdf</p> <p>Minutes of meeting [LC Paper No. CB(1)1952/07-08] http://www.legco.gov.hk/yr07-08/english/panels/plw/minutes/de080422.pdf</p>

Date of meeting	Council/ Committee	Papers/Minutes of meeting
25 November 2008	Panel on Development	<p>Administration's paper on 7343CL -- Central Reclamation Phase III -- engineering works [LC Paper No. CB(1)232/08-09(08)] http://www.legco.gov.hk/yr08-09/english/panels/dev/papers/dev1125cb1-232-8-e.pdf</p> <p>Paper on Central Reclamation Phase III prepared by the Legislative Council Secretariat (Background brief) [LC Paper No. CB(1)232/08-09(09)] http://www.legco.gov.hk/yr08-09/english/panels/dev/papers/dev1125cb1-232-9-e.pdf</p> <p>Minutes of meeting [LC Paper No. CB(1)817/08-09] http://www.legco.gov.hk/yr08-09/english/panels/dev/minutes/dev20081125.pdf</p>
15 December 2008	Public Works Subcommittee	<p>Administration's paper on 343CL -- Central Reclamation Phase III -- engineering works [PWSC(2008-09)51] http://www.legco.gov.hk/yr08-09/english/fc/pwsc/papers/p08-51e.pdf</p> <p>Minutes of meeting [LC Paper No. PWSC 32/08-09] http://www.legco.gov.hk/yr08-09/english/fc/pwsc/minutes/pwsc20081215.pdf</p>
18 April 2013	Panel on Development	<p>Administration's paper to the Panel on Development on issues related to the provision of a military pier at the New Central Harbourfront [LC Paper No. CB(1)898/12-13(01)] http://sc.legco.gov.hk/sc/www.legco.gov.hk/yr12-13/english/panels/dev/papers/devcb1-898-1-e.pdf</p>