

主要識別身分

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From: tpbpd@pland.gov.hk
To: info@harbourprotection.org
Sent: Wednesday, April 02, 2014 12:16 PM
Subject: Draft Central District (Extension) Outline Zoning Plan No. S/H24/8

城市規劃委員會

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In reply please quote this ref.: TPB/R/S/H24/8-C18

2 April 2014

info@harbourprotection.org

保護海港協會

(Attn.: Winston K.S. Chu)

Dear Sir/Madam,

Draft Central District (Extension) Outline Zoning Plan No. S/H24/8
(Comment No. C18)

I refer to my letter to you dated 31 October 2013.

After giving consideration to the representations and related comments, the Town Planning Board (TPB) noted on 14.2.2014 the support of Representations No. R1 to R10. The TPB also decided not to propose amendment to the above Plan to meet the Representations No. R11 to R9815 for the following reasons:

Defence Land Agreement (DLA)

- (a) the DLA between the United Kingdom and the People's Republic of China Governments in 1994 requires, among other matters, leaving free 150m of the eventual permanent waterfront in the plans for the Central and Wanchai Reclamation at a place close to the current Central Barracks for the construction of a military dock after 1997. After the reunification, the Hong Kong Special Administrative Region (HKSAR) Government confirmed the People's Liberation Army Hong Kong Garrison (the Garrison)'s need for the Central Military Dock (CMD) for defence purposes and took up the construction of the CMD near the Central Barracks after the completion of the statutory plan-making process in 2000 and funding approval by the Legislative Council (LegCo) in 2002. The detailed design and delineation of the CMD is now confirmed and the construction works are reaching their final stages. It is against this historical background that amendments are made to reflect the final delineation and the land use of the CMD on the Central District (Extension) Outline Zoning Plan (the

- OZP). On the issue that the HKSAR Government has no obligation to comply with the DLA, while it is not a matter for the Town Planning Board (the Board) to rule, the historical background relating to the re-provisioning of the military dock is relevant;

Planning Process and Public Consultation

- (b) the military berth at the Central waterfront was deliberated by the public at length when the draft OZP was gazetted in 1998. After going through a due process of public objections and hearing of public objections under the Town Planning Ordinance (TPO), the military berth was represented by a straight line annotated “150m Military Berth (subject to detailed design)” on the OZP which was approved by Chief Executive in Council on 22.2.2000. The LegCo on 21.6.2002 approved the funding for building the CMD and associated facilities for use by the Garrison, as part of the Central Reclamation III (CRIII) project. The Government had made known to the public the location and conceptual design of the CMD and its integration with the New Central Harbourfront in the extensive public engagement exercises under the Urban Design Study for the New Central Harbourfront (UDS) in 2008, and the architectural design was presented to the Central and Western District Council and the Harbourfront Commission’s Task Force on Harbourfront Developments on Hong Kong Island on 13.5.2010 and 6.10.2010 respectively. The Government has all along made it clear that the concerned land area is for use as a military dock and that the Garrison has agreed to open it to the public when it is not in military use. The construction of the CMD has now been largely completed and the OZP was duly amended to reflect the as built condition. The OZP was exhibited and published for public representations and comments in accordance with the provisions of the TPO. The statutory and administrative procedures in consulting the public on the OZP amendments have been duly followed;

Protection of the Harbour Ordinance (PHO)

- (c) the reclamation limit of the CRIII project, which is determined by the need for provision of the essential transport infrastructure and re-provisioning of affected waterfront facilities, followed strictly the presumption against reclamation principle under PHO, and has passed the overriding public need test. The CMD site is located on land formed for such purposes and the OZP amendments by themselves should not engage PHO as they do not cause or give rise to any additional reclamation of the Harbour;

Construction of the Ancillary Facilities

- (d) the construction of the facilities ancillary to the CMD is part of the public works coordinated and implemented by the Government as part of the CRIII project. The LegCo Public Works Subcommittee paper states clearly that as part of the CRIII project, the CMD works included the berth and ancillary facilities. The military berth use as shown on the first approved OZP in 2000 is a permitted use. The four single-storey structures supporting the military dock are ancillary facilities directly related to the permitted use and no separate planning permission from the Board is required. There is no question of the construction works for the military dock being unauthorised;

Law Enforcement and Operational Details

- (e) the CMD, being one of the military facilities of the Garrison, will be under the

management and use by the Garrison after the completion of works. As mentioned in the Legco Panel on Development paper (28.5.2013), the Garrison has, on the request of the HKSAR Government, 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 is not in military use, having regard to its operation and need for protecting the military dock. The OZP amendments will not affect the arrangement agreed by the Garrison. The management and detailed operational arrangement of the military dock are outside the purview of the Board. The Government will further liaise with the Garrison on the detailed arrangement for opening the area of the military dock site to the public and has undertaken to inform the public of the future arrangement;

Connectivity of the Waterfront

- (f) the CMD has been designed to integrate with the waterfront promenade and the ancillary structures have been set back from the waterfront. It will be open to the public when it is not in military use. When the CMD is closed for military use, the public can use the walkway to the immediate south of the military dock and continuous east-west connection along the waterfront will be maintained. The area to the south of the walkway is zoned 'Open Space' and will be developed into a public open space within which public access would also be provided. When the Garrison requires temporary direct access between the Central Barracks and the CMD via Lung Wo Road, the HKSAR Government will make temporary traffic arrangement to facilitate such access while minimising the disturbance to pedestrians/road users and public enjoyment of the harbourfront. Pedestrians can use the pavements on both sides of the access road to access the waterfront;

Zoning and Related Matters

- (g) the amendments incorporated into the OZP are to reflect the land use of the CMD. They are within the statutory function of the Board and are in compliance with TPO;
- (h) the CMD is needed by the Garrison for defence purposes. The site is intended for a military dock while the Garrison has committed to open it to the public as a part of the promenade when it is not in military use. The current "Other Specified Uses" annotated "Military Use(1)" ("OU(MU)1") zoning and its boundary on the OZP is considered appropriate to reflect such planning intention and the primary use of the site. It is also consistent with the zoning of the Central Barracks that is directly associated with the CMD;

Development Scale

- (i) the area of the "OU(MU)1" zone, occupying about 0.3ha, only accounts for a minor portion of the waterfront promenade of the new Central harbourfront which is about 9.87ha;
- (j) a building height restriction of 10mPD is imposed for the "OU(MU)1" zone which is intended for a military dock. The restriction respects the waterfront setting and avoids creating visual intrusion to the developments behind. It is also in line with the proposed height of 10mPD as recommended under UDS. The building height restriction of 10mPD will only allow structures with an absolute building height up to 5.8m which is compatible with the waterfront setting. Inclusion of a minor relaxation clause is a standard practice of the Board to all

zonings with building height restrictions to cater for specific site circumstances and the Board will scrutinise each application for minor relaxation on its own merits;

- (k) no additional development restrictions should be imposed for the “OU(MU)1” zone to allow flexibility in case there are unforeseen needs for defence purposes;

Proposals for Other Land Uses

- (l) under UDS, in which extensive public engagement exercises are carried out, the Central harbourfront is designed with a park setting and will provide a great variety of facilities for the public to enjoy the harbourfront and appreciate the harbour. The proposals of reconsidering other land uses for the CMD site and the nearby areas are not considered appropriate;

Pollution

- (m) under the Garrison Law, the Hong Kong Garrison should abide by the laws of HKSAR, including the pollution control ordinances; (R11, R40, R1853, R5167, R6139 to R6158, R6160 to R6164, R6797, R7156, R7215, R7253, R7263, R7278, R7282, R7294, R7299, R7305, R7316, R7404, R7433, R7475, R7486, R7493 and R8034)

Marine Traffic

- (n) the impacts arising from the military vessels on the marine traffic in Victoria Harbour would not be significant; (R1834, R1865, R1900, R3653, R4214, R5098, R6893, R7102, R7157, R7192, R7197, R7249, R7296, R7327, R7361, R7561, R7606, R7629, R7715, R7820, R7866, R7875, R7881, R7903, R7938 and R9688)

Queen’s Pier/Star Ferry Clock Tower

- (o) the allegation of demolishing Queen’s Pier for the construction of the CMD is factually incorrect. The reprovisioning of the CMD on the Central waterfront is in accordance with Annex III to the DLA while the demolition of Queen’s Pier is to make way for the construction of the essential transport infrastructure under the CRIII project; (R339, R3252, R3253, R3266, R3267, R5478, R5535 to R5564, R5566 to R5699, R5701 to R5722, R5724 to R5736, R5738 to R5740, R5742 to R5758, R5760 to R5778, R5780 to R5839, R5840, R5841 to R6042, R6044 to R6101, R6103 to R6135, R6136 to R6138, R7262, R7557, R7853, R7988, R8005, R8006, R9746, R9751, R9752 and R9809)
- (p) according to UDS, Queen’s Pier will be reassembled between Central Piers No. 9 and 10 to revive its pier function; (R23, R24, R1812, R1899, R1911, R1993, R4013, R4065, R4175, R4258, R4308, R6933, R6943, R6955, R7045, R7106, R7170, R7189, R7197, R7221, R7250, R7262, R7280, R7314, R7373, R7386, R7481, R7829, R7877 and R7973)
- (q) according to UDS, the old Star Ferry Clock Tower will be reconstructed at its original location; (R13, R1812, R3893 and R7250)

Outside the Purview of the Board

- (r) the issue relating to the chance of attack on the CMD falls outside the purview of the Board; (R2021, R6951, R7157, R7288, R7354, R7361, R7544, R7726, R7754, R7903, R7973 and R8010)
- (s) the issue relating to defence matters fall outside the purview of the Board; (R40,

R6775, R6779, R6786, R6800, R6804, R6987, R7022, R7665, R7780 and R7935)

- (t) the issue relating to insurance matter falls outside the purview of the Board; (R7715)

Irrelevant to the Amendments

- (u) the issue relating to other military facilities is irrelevant to the amendments to the draft Central District (Extension) OZP; (R1807, R1856 to R1859, R1997, R6512 to R6519, R6761, R6808, R6963, R7038, R7157, R7416 and R9685)
- (v) the issue relating to public housing is irrelevant to the amendments to the draft Central District (Extension) OZP; (R6954 and R7041)
- (w) the issue relating to ferry services is irrelevant to the amendments to the draft Central District (Extension) OZP; (R1854)
- (x) the issues relating to the provision of public facilities, lawns and safety measures are irrelevant to the amendments to the draft Central District (Extension) OZP; (R6691)
- (y) the issue relating to provision of travelator between Admiralty and Star Ferry Pier is irrelevant to the amendments to the draft Central District (Extension) OZP; (R7308) and

Irrelevant Planning Consideration

- (z) the issue relating to fung shui is not a relevant planning consideration. (R7504)

The Board agreed to revise paragraph 8.5(a) of the Explanatory Statement to include the following at the end of that paragraph:

“The Garrison has, on the request of the HKSAR Government, 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 is not in military use, having regard to its operation and need for protecting the military dock.”

A copy of the relevant extract of minutes of the TPB meeting held on 4.11.2013, 5.11.2013, 6.11.2013, 11.11.2013, 13.11.2013, 18.11.2013, 19.11.2013, 20.11.2013, 25.11.2013, 27.11.2013, 29.11.2013, 2.12.2013, 4.12.2013, 9.12.2013, 10.12.2013, 11.12.2013, 18.12.2013, 14.2.2014 are enclosed herewith for your reference. http://info.gov.hk/tpb/en/meetings/tpb_meeting.html.

In accordance with section 8 of the Town Planning Ordinance, the above Plan together with a schedule of the representation(s) and comment(s), if any, will be submitted to the Chief Executive in Council for a decision.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Mr. Timothy Lui of the Special Duties Section at 2231 4659.

Yours faithfully,



(Mike LI)

for Secretary, Town Planning Board