

保 護 海 港 協 會 Society for Protection of the Harbour

香港金鐘道 88 號太古廣場一座 608 室
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The Honourable Paul Chan Mo-po, MH, JP.,
Secretary for Development,
Development Bureau,
18/F., West Wing, Central Government Offices,
2 Tim Mei Avenue, Tamar,
Hong Kong.

23rd April 2013

Dear Secretary,

**Re: PLA Berth on Central Harbourfront
Re-zoning Application from 'Open Space' to '(OU) for Military Use'
Outline Zoning Plan No. S/H24/8**

We respectfully refer to the Grounds of Objection lodged by us on 11th April 2013 to the Town Planning Board in respect of the above re-zoning proposal, copy whereof is hereto annexed.

To enable us to properly present our objections to the Board, we shall be obliged to receive from you as soon as possible the following information:-

1. What are the reasons and justifications for the re-zoning proposal?
2. How can the proposal be justified in the light of the numerous repeated commitments and undertakings made to the Hong Kong community by the Government that the site would form part harbourfront promenade to give Hong Kong a 'World-Class Harbourfront'.
3. What public consultations and enquiries have been carried out pursuant to Section 3(2) of the Town Planning Ordinance. Please let us have copies of any plans, papers and documents that have been circulated or published in the above process.
4. What are the existing structures on the site and what are their uses?
5. Who provided the legal authorization and justification for their construction on the site which was and is still zoned 'Open Space' on the Central Statutory Outline Zoning Plan?

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維港宣言: 保護及保存維港, 並優化海濱, 為香港市民, 提供一個健康及優質的生活環境



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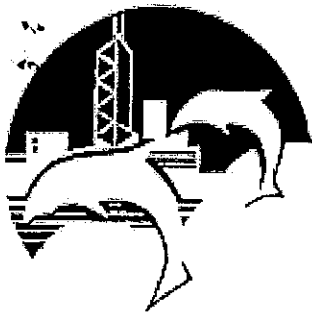
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Kindly note that our Society regard this matter as very serious because it casts doubt on the credibility and priority of the commitment made to the Hong Kong community by the Government that you represent.

Yours faithfully,

Winston K.S. Chu, Adviser
Society for Protection of the Harbour

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陳茂波先生, MH, JP
發展局局長
香港特別行政區
香港添馬添美道二號
政府總部西翼十八樓

敬啟者,

向發展局局長陳茂波的公開提問

最近，台端撰文，指軍用碼頭規劃合法合情合理，本協會有以下疑問。

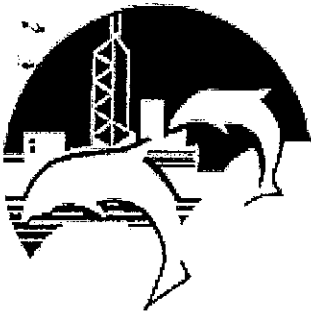
規劃署在 2013 年 2 月，向城規會申請改變土地用途，才首次向公眾公開透露，將海濱長廊三萬呎的開放用地劃作軍事用途，在此之前，特區政府從未有對外公開透露上述改變土地用途的建議。因此，本協會並不明白為何政府說早年已向公眾交代軍用碼頭的範圍。

本協會並不反對在中環海濱興建軍用碼頭，供解放軍停泊軍艦，但是，本協會並不理解為何要劃出三萬呎原本用作海濱長廊的海濱用地作軍事用地。倘若城規會照批准申請，土地用途改變後，本協會憂慮在該軍事用地上將無需再通過公眾諮詢，而隨時有權興建大型建築物，不單阻擋海濱長廊的景觀，亦會截斷通道的連貫性。

按中英於一九九四年達成的協議（見附件撮要）規定，特區政府的責任，是預留一百五十米的最終海岸線建設軍用碼頭作停泊之用，該協議並沒有規定特區政府預留三萬呎海濱用地劃作軍事用地。因此，本協會不明白為何發展局現時說，因要履行一九九四年協議的義務，需規劃三萬呎（原本已承諾用作海濱大道供市民享用的開放空間）改作軍事用地。

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現時的爭議是土地規劃，和特區政府兌現向香港市民已作出的承諾的問題，本協會並非針對解放軍或駐港部隊。相反，我們協會鼓勵市民尊重及感激解放軍，對香港的重要貢獻，保護香港的安全。希望市民盡量給予解放軍支持及合作，接受解放軍成為香港社會的重要份子，建立友好及和諧的關係，共享維港。避免產生不必要的誤會，致使香港政府官員現時的錯誤決定，影響解放軍和香港市民的友好關係。

希望特區政府、市民和各方，能以理性客觀，公正持平的態度，解決爭議。

順頌

貴安

陸恭正

保護海港協會主席

二零一三年四月二十五日

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**Extract of the 1994 Exchange of notes
constituting an agreement on the arrangements for the future use of
military sites in Hong Kong dated 11th November 1994
registered and filed with the United Nations Secretariat (No.32218)**

Source:

<http://treaties.un.org/doc/Publication/UNTS/Volume%201892/V1892.pdf>

为中国驻军重建的军事建筑物和固定设施

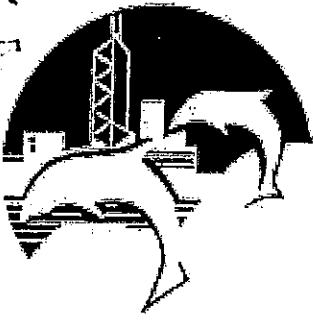
5、在香港岛中区--湾仔填海区预留建军用码头的岸线

香港英国政府将在中区--湾仔填海计划内的最终永久性岸线靠近威尔斯亲王军营处预留 150 米长岸线，以供一九九七年后建军用码头使用。

**Military buildings and fixed facilities to be reprovisioned for the
Chinese garrison**

5. Waterfront to be left free at the Central and Wanchai Reclamation, Hong Kong Island, for the construction of a military dock.

The 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 Barracks for the construction of a military dock after 1997.



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The Honourable C.Y. LEUNG, GBM, GBS, JP
The Chief Executive,
Hong Kong Special Administrative Region Government,
Chief Executive's Office,
Tamar, Hong Kong.

23rd May 2013

Chief Executive Mr. Leung,

Re: Central Harbourfront site for military use

We respectfully refer to your speech in the Legislative Council on 9th May, 2013 (relevant extract enclosed herewith for your easy reference) to which we make the following public response.

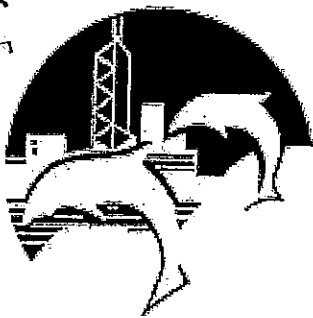
Firstly, our Society had carried out substantial research before we had raised our objections. According to the official records, there had never been any proposal to rezone the site for military use and to hand it over to the Peoples' Liberation Army ("the PLA") until it was raised at the meeting of the Town Planning Board on 15th February 2013 and it was only made known to the public thereafter. Accordingly, it appears that you have not been given accurate facts by your subordinates.

Secondly, by the enclosed Legal Opinion of Senior Counsel Mr. Anthony Neoh, it is clear that the Agreement signed between China and Britain in 1994 did not require the site to be handed over to the PLA. Your Secretary for Development was therefore wrong in his public statements. We respectfully suggest that you should also seek legal advice from the Department of Justice of your Government which will no doubt confirm this.

Thirdly, the previous seven Outline Zoning Plans had always complied with the Agreement. As required, 150 metres of the Central Harbourfront have always been left free for the use of the PLA and the dock and essential facilities have duly been constructed. The present rezoning and proposal to hand over the site to the PLA is therefore unnecessary and is in fact contrary to the Agreement.

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Finally and most important of all, it is unclear from your speech what is the legal justification of your Government for the proposed rezoning and hand over of the site to the PLA. The public is entitled to know the reason because it concerns the loss of an important public asset. Is the reason:-

- (a) Compliance with the Agreement above referred to? or
- (b) A directive from the State Council of the Chinese Government? or
- (c) A request from the PLA that the site is needed for defence purposes?

We have been handling this matter with restraint and decorum in the hope that this public dispute can be resolved without ruining the good relationship between Hong Kong people and the PLA. No doubt your Government will also do the same in the best interest of Hong Kong.

We shall be grateful if you would give a public response to the above issues which are important to the Hong Kong community as soon as possible.

Yours sincerely,

Winston Ka-Sun Chu, Adviser

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以下是行政長官梁振英今日（五月九日）下午在立法會出席行政長官答問會的開場發言：

主席、各位議員、各位香港市民：

過去幾個月，我和政府努力落實《施政報告》中各項措施，我在這裏報告一下各項工作的進展。

.....
軍事用地涉及香港的防務，作為特區政府和香港市民，我們有需要支持和配合。

回歸前十年，英軍向香港共收取超過 120 億元的軍費，英軍的總部大樓前面有專用碼頭，無論是否泊有艦艇，海傍都是軍事禁區，從不開放。回歸後，國家不向香港徵收軍費，解放軍在香港低調克己，紀律嚴明。原來的英軍總部大樓成為駐港部隊總部大樓，因為香港自身發展的需要，總部大樓前面要填海，海路已經不可以直達總部大樓。填海後的一段海岸線，某些時間需要停靠艦艇，但解放軍駐港部隊同意：碼頭範圍在不使用時，開放給市民進入休憩，這是出於好意和遷就香港市民的安排。

幾個月前，政府提出修改中區規劃圖，以完成歷時十幾年的設立軍事碼頭的程序，引起了一些人的反對。部分人提出的指控，與事實不符；亦不願這件事的本質、緣起、過程和歷史。

目前，向反對者的解釋和說明工作，將由特區政府繼續做好。

香港擁有很多機遇，亦有不少的困難，只要我們不失時機掌握機遇，香港市民齊心一意，香港一定可以有更美好的前途。

多謝主席。

政府總部
發展局
規劃地政科



Planning and Lands Branch
Development Bureau
Government Secretariat

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政府總部西翼

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By hand and by fax

4 June 2013

Mr Winston K.S. Chu
Advisor, Society for Protection of the Harbour
Room 608, One Pacific Place,
Hong Kong

Dear Mr Chu,

**PLA Dock on Central Harbourfront
Re-zoning Application from “Open Space” to “(OU) for Military Use”
Outline Zoning Plan No. S/H24/8**

Further to our letters of 24 April and 22 May 2013, we would like to set out our responses to the issues raised in your letter of 23 April 2013 regarding the amendments to the Central District (Extension) Outline Zoning Plan (“OZP”) in relation to the Central Military Dock (“CMD”) as follows.

OZP Amendments in Relation to CMD

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 (the Defence Land Agreement or “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 the DLA set out the military buildings and fixed facilities to be reprovisioned for the Hong Kong Garrison which included the 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 Barracks [later renamed as the Central Barracks] for the construction of a military dock after 1997” (notes in square brackets added).

It should be noted that the headquarters of the British Garrison before the reunification used to have a naval base and dock facilities, which were affected by the Central waterfront reclamation. The DLA provides 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 the CMD and associated facilities at the Central harbourfront.

The Government has stated in public including in the Legislative Council (“LegCo”) on a number of occasions in the past the provision for and construction of the CMD as part of the works of the Central Reclamation Phase III (CRIII), the location of and the facilities therein, and the design of the military dock as part of the Central waterfront promenade. The Government has also stated that the Garrison has confirmed that it would open the area of the military dock site to the public as part of the waterfront promenade for enjoyment when it is not in military use, having regard to its operation and need for protecting the military dock.

To recap, the issue of the military dock has been raised publicly in the past on at least the following public occasions –

- (a) The location of the military dock was clearly indicated on the Central District (Extension) OZP which was approved by CE in C in 2000 after consultation. As the form that the CMD would take and the exact area that it would occupy were not finalized in detail at the time, it was represented by a straight line annotated ‘150m Military Berth (subject to detailed design)’ on the OZP.
- (b) The Government submitted funding application to the LegCo for implementing the works of CRIII in June 2002 (PWSC(2002-03)41)). The scope of works stated that it included the construction of a berth of about 150m and associated

facilities for use by the Chinese People's Liberation Army Forces Hong Kong. The funding application was approved by the LegCo.

- (c) The then Secretary for Housing, Planning and Lands, in response to oral question number six raised by Hon Lee Wing-tat on 6 June 2007, explained that the military dock will be put into operation only when it is in military use. It will be open for public use at other times as part of the waterfront promenade. It is planned that a small number of low-rise basic facilities will be provided within the military dock. The view of the Victoria Harbour will not be blocked.
- (d) During the public engagement exercise of the Urban Design Study of the New Central Harbourfront ("UDS") in 2008, 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 information digest for the public engagement exercise and the final report of the UDS, there were descriptions and plans clearly showing the broad area and location of the military dock. The public engagement report also reported comments and responses regarding the military dock location and design.
- (e) The Government briefed the Central and Western District Council ("C&WDC") and the Harbourfront Commission's Task Force on Harbourfront Developments on Hong Kong Island ("HKTF") in May and October 2010 respectively on the architectural design of the CMD, as part of the works of the advance promenade of the New Central Harbourfront. The Government also arranged a site visit to the CMD with C&WDC and HKTF Members in January and April 2012 respectively, including a brief introduction of the facilities inside the military dock.

The reprovisioning of the CMD at the Central waterfront is in accordance with the DLA. Indeed, the location and design of the CMD at the Central waterfront has been deliberated at length in the past, not least in the context of the planning process leading up to the approval of the OZP in 2000, and the public engagement process for the UDS in 2008. On both occasions, the location of the CMD at the Central waterfront has been re-affirmed.

The Garrison has, on the request of the 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 is not in military use, having regard to its operation and need for protecting the military dock. The present OZP amendment would not affect this arrangement.

As explained above, the Central District (Extension) OZP first approved in 2000 showed the military dock as a straight line annotated '150m Military Berth (subject to detailed design)', as the form that the CMD would take and the area that it would occupy were not finalized in detail at the time. Since then, the Government has taken forward and made public on various occasions the construction, the conceptual design, the location and area, and the architectural design of the military dock and its associated facilities.

As the detailed design and delineation of the CMD is now confirmed and the construction works are reaching their final stages, the Planning Department (PlanD) in accordance with usual practice proceeds to propose technical amendments to amend the Central District (Extension) OZP to reflect the final delineation and the land use of the military dock by specifying in the OZP the land use zoning where the CMD is located to "Other Specified Uses" annotated "Military Use (1)".

The Existing Structures on the Military Dock

The site area delineated on the OZP for the CMD is about 2,970 square metres, not 30,000 square metres (322,750 sq. ft.) as stated in the attachment to your letter. For comparison, the waterfront promenade of the New Central Harbourfront (including the CMD site) as recommended in the UDS is about 98,700 square metres in area. The military dock has four small single-storey structure (including office facilities, fire services pumphouse and electricity supply facilities) with a total area of about 220m² and about 4 metres high.

Construction Works for the Military Dock

The construction of the military dock and its related facilities is part of the public works coordinated and implemented by the Government as part of the CRIII project. The military berth was shown on the Central District (Extension) OZP when it was first approved in 2000. Hence, military berth is a permitted use. As facilities directly related to a permitted use are always permitted and no separate planning permission from the TPB is required, there

is no question of the construction works for the military dock being unauthorized.

Public Consultations on the OZP Amendments

On 15 February 2013, the Town Planning Board ("TPB") exhibited the Central District (Extension) OZP No. S/H24/8 for public inspection for a period of two months under Section 7 of the Town Planning Ordinance (Cap. 131) ("TPO"). PlanD briefed and consulted the Harbourfront Commission HKTF and C&WDC on the OZP amendments on 21 February and 21 March 2013 respectively. The public exhibition period of the OZP ended on 15 April 2013. Representations relating to the proposed amendments have been received by the TPB. The representations have been made available for public inspection from 7 May 2013 for three weeks and any person may make comment to the TPB in respect of the representations. The TPB will hear the representations and comments in accordance with the TPO, and decide whether or not to propose amendments to the draft OZP.

We understand that that you have issued another letter with the same contents to the Director of Planning on 24 April 2013. This serves as a co-ordinated reply of the Development Bureau and Planning Department on the subject matter.

Thank you for your attention on the subject matter.

Yours sincerely,



(Mrs Winnie Kang)
for Secretary of Development



F

20 June 2013

Mr Winston Ka-Sun Chu
Adviser
Society for Protection of the Harbour
Room 608, One Pacific Place
88 Queensway
Hong Kong

Dear Mr Chu,

Re. Central Harbourfront site for military use

I refer to your letter of 23 May 2013 addressed to the Chief Executive and our interim reply of 3 June 2013 to you. I am authorised to reply on his behalf.

The Secretary for Development has on 4 June 2013 responded to your letter to him dated 24 April 2013 on the amendment to the Central District (Extension) Outline Zoning Plan. The position of the Government on the subject matter is set out in the said letter of the Secretary for Development.

Yours sincerely,

(Carlson K S Chan)

Private Secretary to Chief Executive

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香港金鐘道88號
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保護海港協會
陸恭正主席

陸主席：

有關在中環新海濱興建軍用碼頭事宜

繼我們四月二十六日、五月二十二日及六月二十六日的函件，現就貴會四月二十五日的來函回覆如下：

1994年中華人民共和國政府和大不列顛及北愛爾蘭聯合王國政府(“英國政府”)就香港軍事用地未來用途的安排所互換的照會(“《軍事用地協議》”),列出由英國政府移交香港駐軍的軍事用地,交由當時香港政府處理的軍事用地,以及為香港駐軍重建的軍事建築物和固定設施。《軍事用地協議》附件三列出了為香港駐軍重建的軍事建築物和固定設施,當中包括中區軍用碼頭,並列明當時的「香港英國政府在中區-灣仔填海計劃內的最終永久性岸線靠近威爾斯親王軍營處[後來易名為中環軍營]預留150米長岸線,以供一九九七年後建軍用碼頭使用。」(括號內的文字為後加)

值得注意的是,回歸前駐港英軍總部原本設有海軍基地和碼頭設施,而它們均受到中環海濱的填海工程影響。《軍事用地協議》要求於昂船洲島南岸重建一個海軍基地,並於中環軍營附近重建一個軍用碼頭。回歸後,香港特別行政區政府(“特區政府”)負責在中環海濱進行軍用碼頭及相關設施的建造工程。

政府過去曾多次公開(包括在立法會)說明，中環填海第 III 期工程當中所設立和興建的中區軍用碼頭，軍用碼頭的位置及碼頭內的設施，以及軍用碼頭作為中環海濱長廊一部分的設計。概括而言，軍用碼頭過去曾經至少在以下公眾場合公開提及-

- (a) 《中區(擴展部分)分區計劃大綱圖》(“《中區(擴展部分)大綱圖》”)經諮詢後，於 2000 年獲首次核准，當中清楚列明了軍用碼頭的位置。由於中區軍用碼頭的形式和實際範圍在當時尚未詳細確定，因此在《中區(擴展部分)大綱圖》上以一條標上附註「軍事碼頭(有待詳細設計)」的直線來顯示其位置；
- (b) 政府於 2002 年 6 月向立法會申請落實中環填海第 III 期的工程撥款(PWSC(2002-03)41)，工程範圍說明它包括建造長約 150 米的碼頭和相關設施，供中國人民解放軍駐香港部隊使用，有關撥款申請獲立法會批准；
- (c) 在 2007 年 6 月 6 日，當時的規劃及地政局局長回應李永達議員提出的第六條口頭質詢時，已解釋軍事碼頭只會在進行軍事用途時才須要使用，當碼頭不用作軍事用途時，會讓公眾作為海濱長廊一部分使用。軍用碼頭範圍內，計劃會設置少量簡單的低層設施，對維港景觀不會構成影響；
- (d) 在 2008 年中環新海濱城市設計研究的公眾參與活動期間，政府向公眾交待了軍用碼頭的位置和概念設計，以及它與新海濱的配合。在該研究的公眾參與諮詢摘要和最終報告內載有圖則顯示軍用碼頭的大概位置和範圍。公眾參與計劃的報告亦有載列關於軍用碼頭的位置和設計的意見和回應；及
- (e) 政府於 2010 年 5 月及 10 月分別向中西區區議會及海濱事務委員會港島區海濱發展專責小組簡報中環新海濱的海濱長廊前期工程，當中包括中區軍用碼頭的建築設計。政府當局亦於 2012 年 1 月及 4 月安排了中西區區議會議員和港島區海濱發展專責小組的成員，到

軍用碼頭進行實地視察，包括對軍用碼頭內的設施進行簡介。

在中環海濱重建中區軍用碼頭是遵照《軍事用地協議》而作出。事實上，位於中環海濱的中區軍用碼頭，其位置及設計在過去一段較長時間已多次討論，包括在 2000 年核准《中區(擴展部分)大綱圖》時的規劃程序，以及 2008 年的中環新海濱城市規劃研究的公眾參與活動。而經過上述兩次討論，在中環海濱設立中區軍用碼頭的位置均獲再次確認。

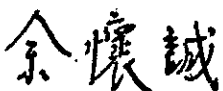
在《中區(擴展部分)大綱圖》中，劃作中區軍用碼頭的土地面積約為 2,970 平方米，為方便比較，在中環新海濱城市設計研究中所建議的中環新海濱的海濱長廊(包括中區軍用碼頭)的面積約為 98,700 平方米。

軍用碼頭有四座一層高的建築物(包括辦公室設施，消防泵房和電力供應設施)，總面積約為 220 平方米，而高度約為 4 米。中區軍用碼頭的建築物高度限制為主水平基準以上 10 米，這與中環新海濱城市設計研究下 7 號用地建議的建築物高度限制和附近海濱環境相符。由於海濱的地平面已是主水平基準上的 4.2 米，因此主水平基準上 10 米的建築物高度限制，等於任何在該址上的建築物，其高度不能超過 5.8 米高。

就部分公眾及媒體對是次修訂《中區(擴展部分)分區計劃大綱圖》的提問，連日以來，政府已透過不同渠道再次解釋，包括興建中區軍用碼頭的背景和對是次修訂《中區(擴展部分)大綱圖》的原因及理據。發展局局長亦已於五月二十八日出席立法會發展事務委員會的會議，解答議員關於中區軍用碼頭的提問。

謝謝 貴會對是次修訂的關注。

發展局局長

(余懷誠  代行)

二零一三年七月三十一日