

Legislative Council

Panel on Planning, Lands and Works and Panel on Environmental Affairs

Wanchai Development Phase II

Purpose

This paper briefs Members on the background and latest development regarding Wanchai Development Phase II (“WDII”).

Need for the WDII Reclamation

2. The whole Central and Wanchai Reclamation project is to form land for the construction of, among other things, strategic transport links, associated surface road networks, the Airport Railway and its Hong Kong Station, and the Hong Kong Convention and Exhibition Centre (“HKCEC”) Extension. WDII is the last of the five phases of the Central and Wanchai Reclamation, the need for which was first identified in the strategic study on “Harbour Reclamation and Urban Growth” completed in 1983. The need was further confirmed in various planning studies, including the Territorial Development Strategy of 1984 and the Territorial Development Strategy Review of 1996. Feasibility study for the Central and Wanchai Reclamation was later completed in 1989, and a more specific comprehensive feasibility study (“CFS”) for WDII commenced in 1999.

3. WDII is needed to provide land for construction of key transport infrastructural items, including:

- (a) a Trunk Road comprising the Central-Wanchai Bypass (“CWB”) and the Island Eastern Corridor Link (“IECL”), which is a strategic road linking the Rumsey Street Flyover in Central with the Island Eastern Corridor in Causeway Bay. It is necessary to provide relief to the traffic congestion problem in Central and the whole

northern shore of the Hong Kong Island;

- (b) the Hong Kong Island section of Shatin to Central Link (“SCL”) to improve cross-harbour access from the North East New Territories and South East Kowloon and to relieve heavy loading on existing harbour crossing routes;
- (c) the future Mass Transit Railway North Hong Kong Island Line (“NIL”), which will relieve the heavy loading on the Island Line and the Nathan Road corridor of the Tsuen Wan Line by providing an alternative direct link for travelers from the New Territories to Hong Kong Island; and
- (d) the necessary ground level roads for connection to the Trunk Road and to facilitate through traffic from Central to Wan Chai and Causeway Bay.

4. As a result of reclamation, a number of facilities along the original waterfront will be affected. These facilities will be reprovisioned along the new waterfront of WDII and they include –

- (a) Wan Chai Ferry Pier;
- (b) Part of the Royal Hong Kong Yacht Club;
- (c) Mooring spaces in the Causeway Bay Typhoon Shelter;
- (d) Cooling water pumping stations serving some existing buildings in the Wan Chai North area;
- (e) Cross harbour watermains;
- (f) Submarine outfall of the Wan Chai West Sewerage Screening Plant;
- (g) Submarine outfall of the Wan Chai East Sewerage Screening Plant;
- (h) A temporary helipad relocated to the Wan Chai Public Cargo Working Area breakwater as a result of the Central Reclamation Phase III project;
- (i) A salt water pumping station; and
- (j) Affected drainage, sewerage and other utilities.

5. Opportunity is taken to provide a new waterfront promenade. The promenade will be connected to the Victoria Park through landscaped

pedestrian deck and elevated walkways. Land to the north of the CWB tunnel is largely for use as waterfront promenade. Some low-rise waterfront related commercial and leisure uses and a harbour museum are also proposed on the waterfront. These uses are consequential to the reclamation limit and aimed to develop a variety of tourist, retail, leisure and recreational activity nodes to add vibrancy and interest to the new waterfront.

6. Moreover, the proposed reclamation would help improve the water quality of the harbour along the waterfront of Wan Chai and Causeway Bay by eliminating “dead-corners” of the existing shoreline.

Extent of the WDII Reclamation

7. The proposed reclamation under WDII is about 28.5 hectares, which is a significant reduction from the original 48 hectares envisaged under the Central and Wanchai Reclamation Feasibility Study. The extent of reclamation and alignment of the new shoreline are determined primarily by the alignment of the CWB tunnel, which has been derived with due consideration of all physical, design and operational constraints.

8. The constraints that dictate the CWB alignment include the foundations of the HKCEC Extension and atrium bridge which limit the space available for the CWB tunnel as it passes through the HKCEC water channel; the need to keep clear of the Wan Chai East Sewage Screening Plant; the avoidance of conflicts with other existing and future major infrastructure such as the Cross Harbour Tunnel and the NIL and SCL railway tunnels; and the need to maintain safe geometric design standards for the Trunk Road. The WDII reclamation extent, and the CWB and IECL alignments are shown in **Annex A**.

9. For the Causeway Bay Typhoon Shelter area, the extent of reclamation is determined primarily by the alignment of the IECL and the need to improve the water quality of the Typhoon Shelter. The dead-corner to the east of the HKCEC Extension will also be filled in to improve the water quality there.

10. Other considerations in determining the new shoreline include the reprovisioning of facilities affected by the reclamation as mentioned in paragraph 4 above.

Public Consultation

11. The public was widely consulted at various stages of the feasibility studies and the plan-making process. In early 2000, the public was consulted on the Trunk Road alignment and conceptual land use options under the WDII CFS. A regional open space in form of an island adjoining the existing breakwater at the Causeway Bay Typhoon Shelter (later referred to as the Harbour Park) was included as a distinctive feature in one of the three land use options put forward for consultation. A public consultation forum was held, during which views on the options were obtained from various walks of the community including academics, professional bodies, political parties and interested groups. The Panel on Planning, Lands and Works, Town Planning Board (“TPB”), and Wan Chai and Eastern District Councils and other stakeholders were also consulted.

12. After taking into account the public views and having undertaken detailed planning, engineering, traffic and environmental assessments to demonstrate the feasibility of the development proposals, a recommended outline development plan (“RODP”) for WDII was developed. The RODP did not include the Harbour Park in view of the general public sentiments against the proposal which would involve additional reclamation.

13. The RODP for WDII was adopted as a basis for detailed land use planning for the reclamation area. The Wan Chai and Eastern District Councils were consulted on a preliminary version of the draft Wan Chai North Outline Zoning Plan (“OZP”) in September and November 2001. On 7 December 2001, the Panel on Planning, Lands and Works was consulted on the RODP.

14. Taking account of the results of the above consultations, the preliminary OZP was further revised and submitted to the TPB for consideration on 22 March 2002. The TPB considered that the proposed Harbour Park, being an important element for fulfilling its vision for bringing the Harbour to the people and the people to the Harbour, should be incorporated in the OZP for exhibition under the Town Planning Ordinance (“TPO”). This would facilitate the collection of public views and provide an opportunity for

the community to further discuss the proposal. The Harbour Park proposal would be subject to detailed feasibility study upon public acceptance.

Exhibition of the draft Wan Chai North OZP

15. The draft Wan Chai North OZP No. S/H25/1 at **Annex B** was subsequently exhibited for public inspection on 19 April 2002 under section 5 of the TPO. The reclamation area (26 hectares) covered by the draft OZP is different from that under the WDII project (28.5 hectares) in that a proposed reclamation area of 4.5 hectares in WDII (i.e. the area to the west of the HKCEC Extension and north of Lung King Street) falls within the approved Central District (Extension) OZP, while the Harbour Park (2 hectares) not covered by WDII is included in the OZP.

16. In May 2002, the Panel on Planning, Lands and Works and the Wan Chai and Eastern District Councils were consulted on the gazetted draft OZP.

17. During the two-month exhibition period of the draft OZP, 778 objections (29 of which were later confirmed to be invalid) were received, majority of which were against the reclamation extent and the Harbour Park. The other objections were mainly against the proposed building height control, site-specific land use proposals, railway and road network, and pedestrian network.

18. After giving consideration to the objections, the TPB decided on 6 December 2002 to propose amendments to meet or partially meet some of the objections. The TPB, however, decided that the reclamation extent as shown on the draft OZP should remain unchanged. The TPB was of the view that appropriate and detailed weighing exercise had been conducted for the reclamation extent, and the proposed reclamation was in compliance with the Protection of the Harbour Ordinance (“PHO”) as the public benefits of the proposed reclamation would out-weigh the preservation of that part of the harbour.

19. The proposed amendments to the draft OZP were subsequently gazetted under the TPO. Two further objections were received. One was relating to the “Comprehensive Development Area” (“CDA”) site and the other was against the “Other Specified Uses” annotated “Railway Vent Building and

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Landscaped Open Space” zoning. On 14 February 2003, the TPB considered the further objections and decided to propose amendment to the draft OZP by increasing the maximum building height for the “CDA” site from 50mPD to 64 mPD to partially meet one further objection.

20. A chronology of events relating to WDII is at **Annex C**.

Legal Proceedings in relation to WDII

21. On 27 February 2003, the Society for Protection of the Harbour (“SPH”) instituted legal proceedings against the TPB for a judicial review (“JR”) of the TPB’s decisions made on 6 December 2002 and 14 February 2003 with regard to the draft Wan Chai North OZP.

22. On 14 March 2003, the High Court stayed the TPB’s submission of the draft OZP to the Chief Executive in Council (“CE in C”) until determination of the JR.

23. The High Court handed down its judgment on the JR on 8 July 2003. The Judge ruled that reclamation in the Harbour must satisfy three tests, namely (1) compelling, overriding and present need, (2) no viable alternative, and (3) minimum impairment to the Harbour, in order to rebut the presumption against reclamation under section 3 of the PHO. The TPB’s decisions in respect of the draft Wan Chai North OZP were quashed. Also, the TPB was ordered to reconsider the draft Wan Chai North OZP and the objections thereto.

24. In view of the Court’s highly restrictive interpretation of the PHO which could have far-reaching implications on future planning and development of the harbourfront areas, the TPB decided on 18 July 2003 to appeal to the Court of Final Appeal direct to seek a clarification of the legal principles behind the PHO. At the same meeting, the TPB also decided that it would not pursue the Harbour Park proposal. The appeal will be heard from 9 to 16 December 2003.

25. TPB recognizes that the Victoria Harbour is a special public asset of Hong Kong. TPB respects the rule of law. Notwithstanding its appeal to the Court of Final Appeal to seek clarification on the legal principles behind the

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Protection of the Harbour Ordinance is yet to be heard, the Board has reassessed the purpose and extent of each individual component of the proposed reclamation based on the three tests laid down in the High Court judgment on the judicial review on the OZP. On 31 October 2003, the TPB reconsidered the draft OZP and objections thereto according to the Court's order. It agreed to request the Government to undertake a comprehensive planning and engineering review and to draw up a minimum reclamation option for Wan Chai North that would comply with the law. The TPB also agreed that after considering the results of the review, it would proceed with the reconsideration of objections and the draft OZP in accordance with the provisions of the TPO. Relevant Government departments are now doing preparatory work for the review.

Housing, Planning and Lands Bureau
21 November 2003

**Chronology of Events Relating to
Wan Chai Development Phase II (“WDII”)**

Mar 1982 – Oct 1983	The need for reclamation in Central and Wanchai was first identified in a strategic planning study entitled “Study on Harbour Reclamation and Urban Growth”.
1984	The need was reconfirmed in various major planning development studies, including the Territorial Development Strategy.
1987 – 1989	The Central and Wan Chai Reclamation Feasibility Study was carried out.
Sep 1991	ExCo endorsed the Metroplan Selected Strategy, which recommended various reclamation projects in the Harbour areas.
1993 – 1998	Reclamation works for Central Reclamation Phases I and II and Wan Chai Reclamation Phase I were completed.
1996	The need for reclamation in Central and Wanchai was reconfirmed in the Territorial Development Strategy Review.
30 Jun 1997	The Protection of the Harbour Ordinance (“PHO”) was enacted.
Jun 1999	The WDII Comprehensive Feasibility Study (“CFS”) commenced.

Dec 1999 – Mar 2000	Public consultation on ‘WDII Study: Trunk Road Alignment and Conceptual Land Use Options’, including – (a) a public consultation forum (1 Feb); (b) consultation with <ul style="list-style-type: none">● LegCo Panel on Planning, Lands and Works (24 Feb);● Town Planning Board (TPB) (10 Mar);● Wan Chai District Council (21 Mar);● Eastern District Council (23 Mar); and● Other concerned parties (e.g. Hong Kong Tourist Association, Star Ferry Co. Ltd., Conservancy Association, Real Estate Developers Association of Hong Kong).
24 Aug 2001	Government departments presented the findings of the WDII CFS to TPB. TPB considered the draft Wan Chai North Outline Zoning Plan (“OZP”) No. S/H25/C prepared on the basis of the Recommended Outline Development Plan of WDII CFS.
Sep to Nov 2001	The following District Councils were consulted on the draft OZP: <ul style="list-style-type: none">● Eastern District Council (6 Sep); and● Wan Chai District Council (18 Sep and 20 Nov).
7 Dec 2001	LegCo Panel on Planning, Lands and Works was consulted on the WDII proposal.

22 Mar 2002	TPB considered the draft OZP No. S/H25/D.
19 Apr 2002	<p>The draft Wan Chai North OZP No. S/H25/1 was gazetted under the Town Planning Ordinance. During the two-month exhibition period, 778 objections (29 of which were later confirmed to be invalid) were received, majority of which were against the reclamation extent and the Harbour Park.</p> <p>The WDII reclamation scheme was gazetted under the Foreshore and Sea-bed (Reclamations) Ordinance, with 2 months for objections.</p> <p>WDII-associated roads, including Road P2, were gazetted under the Roads (Works, Use and Compensation) Ordinance, with 2 months for objections.</p> <p>The Central-Wanchai Bypass – Island Eastern Corridor Link Trunk Road was gazetted under the Roads (Works, Use and Compensation) Ordinance, with 2 months for objections.</p>
May 2002	<p>Consultation on the OZP with:</p> <ul style="list-style-type: none">● LegCo Panel on Planning, Lands and Works (8 May);● Wan Chai District Council (21 May); and● Eastern District Council (30 May).

6 Sep 2002	TPB gave preliminary consideration to the objections to the draft OZP and decided to proceed to the hearing of the objections under s.6(6) of TPO before making a decision on the matter.
29 Nov 2002	TPB heard the objections to the draft OZP. The Society for Protection of the Harbour Limited (“SPH”) considered that the proposed reclamation as shown in the OZP did not comply with PHO.
6 Dec 2002	TPB deliberated on the objections and decided to propose amendments to meet or partially meet some of the objections. TPB, however, decided that the reclamation as shown on the draft OZP should remain unchanged.
3 Jan 2003	Proposed amendments to the draft OZP arising from objections were gazetted under s.6(7) of TPO. During the objection period, 2 further objections were received.
14 Feb 2003	TPB considered the two further objections, and agreed to propose amendment to the draft OZP to partially meet one further objection by increasing the maximum building height for the “Comprehensive Development Area” zone.
27 Feb 2003	SPH instituted legal proceedings against TPB for a judicial review (“JR”) of the decisions made on 6 Dec 2002 and 14 Feb 2003 with regard to the draft OZP.
28 Feb 2003	TPB agreed that the draft OZP together with its Notes were suitable for submission to CE in C in accordance with s.8 of TPO. Leave to apply for JR was granted by the High Court.
5 Mar 2003	SPH sought an Inter-Parte Summons that all further proceedings with regard to the draft OZP be stayed until final determination of the JR application.
14 Mar 2003	The High Court ordered that the submission of the

	draft OZP to the Chief Executive in Council be stayed until determination of the JR.
8 Jul 2003	<p>The High Court handed down its Judgment in favour of SPH. It is ruled that TPB's decisions made at its meetings of 6 Dec 2002 and 14 Feb 2003 be quashed, and the draft Wan Chai North OZP and the objections thereto be reconsidered by TPB.</p> <p>The Court also ruled that the purpose and extent of each proposed reclamation should be individually assessed by reference to the three tests of: (1) Compelling, overriding and present need; (2) No viable alternative; and (3) Minimum impairment to the Harbour.</p>
18 Jul 2003	TPB decided to appeal to the Court of Final Appeal direct to seek a clarification of the legal principles behind the PHO. Also, TPB decided not to pursue the Harbour Park proposal.
31 Oct 2003	TPB further considered the draft OZP and objections thereto according to the Court's order. TPB requested the Government to undertake a comprehensive planning and engineering review and to draw up a minimum reclamation option that would comply with the law before proceeding with the reconsideration of the objections and the draft OZP.
9-16 Dec 2003	The Court of Final Appeal will hear TPB's Appeal.