

Rezoning Request – The Central District (Extension) Outline Zoning Plan No. S/H24/6

Proposals to Amend the Outline Zoning Plan to Reduce the Amount of Reclamation, Reduce the Amount of Commercial Development and Reduce the Extent of Roads

Volume 1
Planning Statement



保護海港協會有限公司
Society For Protection Of The Harbour Ltd



September 2004

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Volume 1 Planning Statement

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26 August 2004

Town Planning Board
15/F North Government Offices
333 Java Road
North Point, Hong Kong

Attention: Town Planning Board Members

Dear Town Planning Board Members,

The Society decided not to appeal following the High Court decision in relation to our attempt to reduce the scale of Central Reclamation Phase III. It was clear to us that the Government was going to proceed with the reclamation expeditiously after the decision. Thus, by the time the appeal was heard, it would probably have little real effect even if we won because much of the reclamation would already be completed.

When we initiated the court challenge, it was clear that there was strong general public support to minimise the extent of reclamation in Central and to make the best use of any land that was reclaimed. There was also concern that large parts of the reclamation would be used for excessive surface roads.

We still believe there is merit for Hong Kong to minimise CRIII and for ensuring that we make the best use of our harbour and waterfront. The High Court indicated that the use of any reclaimed land is for the Town Planning Board to decide. The Government has not referred the Central (Extension) Outline Zoning Plan back to you for consideration since the CFA decision, but we consider it essential that this plan be reviewed.



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We have therefore made use of the Board's procedures for considering "Rezoning Requests". With the help of technical experts, we have prepared a proposal which significantly changes the land uses on the plan. The proposals reflect what we consider to be the public expression of how this new land should be used. There have been public protests as well as many positive ideas generated by many groups for CRIII, but the issues and proposals have not been consolidated and formally presented to the Board, or Government, for consideration. It is for that reason that this submission has been prepared.

Excessive Reclamation

Our engineering advisers have reviewed the Governments proposals for CRIII and have concluded that the amount of reclamation being undertaken beyond the Central – Wan Chai By-pass (CWB), is excessive. The conclusion is that:-

- There is no real need for sea water pumping stations and alternatives with less or no reclamation are readily available and promoted by the Government;
- The design and construction of the sea wall could be changed to result in less reclamation;
- The proposed reclamation area to the east of the current CRIII contract has not been re-assessed by the Government and can be reduced;
- Variations to the current CRIII contract should be proposed to reduce the reclamation without affecting the status of the contract.

When the Board considers the information on the extent of the CRIII reclamation, it must do so in the context of the CFA judgment. If that is done, we are certain that you will find there are practical and reasonable means available to reduce the reclamation extent shown on the Outline Zoning Plan.



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Public Use of Reclaimed Land

Victoria Harbour is a natural public asset protected by statute for future generations of Hong Kong people. It follows that if land must be reclaimed from the harbour, it should only be used for the benefit of the public. The form of the public asset changes, but it essentially must remain as public asset.

When this important policy is applied by the Board to any land that is reclaimed, then it becomes necessary to re-consider the land use proposals on the Outline Zoning Plan. It is impossible to justify the zoning of some 5.4 ha of land for commercial development in the CDA zone and the OU zone. The "Groundscraper" in the CDA zone is a massive building the same size as IFC 2 – except it is lying down in what is described as an "open space corridor". There is no public element to these two buildings which are only to accommodate an expansion of the private developments within Central. These must be rezoned for public space and public enjoyment.

Excessive Roads

Everyone wants the waterfront to be easily accessible to the public on foot. The proposals on the Outline Zoning Plan unnecessarily compromise this important objective by proposing a 6-lane road, P2 along the reclamation. We have gone back and reviewed the opportunities created by the CWB for a different road network. It is concluded that there is no need for road P2 as sufficient and convenient access will be provided by the CWB, Harcourt Road and a system of local access roads. An extension of the tram system is also proposed to provide pedestrian friendly access to the waterfront.

Public Space: Creation of a Legacy

The removal of the unnecessary roads and the commercial development provides an unprecedented opportunity to create a dramatic and exciting

series of interconnected public space. That is what our proposed changes to the Outline Zoning Plan will create. The Groundscaper is replaced by a real open space corridor with creation of "City Hall Square". The "Waterfront Park" would become a more extensive public area comparable to New Yorks "Central Park" and an identifying feature for Hong Kong. The Harbour is being sacrificed, so the opportunity must be taken to provide an invaluable public asset to replace it.

Public Consultation

The proposals in this submission are of great public interest. We are also aware that the Town Planning Ordinance has been amended and new provisions allow proponents to present proposals like this to the Board. While these new provisions may not yet be in force, we respectfully request the opportunity to present these proposals to the Board at a hearing open to the public.

Yours sincerely,

Christine Loh
Chairperson

Rezoning Request – The Central District (Extension) Outline Zoning Plan No. S/H24/6

1. Introduction

- 1.1 This rezoning request is made by the Society for Protection of the Harbour Ltd. (SPH). This request is made directly to the Town Planning Board so as to place before the Board the various arguments that have been raised in relation to the extent of reclamation proposed on the Central District (Extension) Outline Zoning Plan and the uses proposed on that reclamation (See Figure 1).
- 1.2 Many of the points raised have been argued in the High Court and in the Court of Final Appeal in relation to the SPH's attempts to minimise the amount of reclamation. Many of the points have also been raised by many other groups and individuals in recent months, but no formal submission has been made to the Board, which is the Statutory Planning Authority. This submission proposes several amendments to the current zoning on the Outline Zoning Plan for consideration of the Board.
- 1.3 This Planning Statement is supported by Volume 2 which contains Technical Assessments relating to Sea Wall Design, Water Supply for Air Conditioning and Traffic Impact Assessment.

2. Background

Wan Chai North Outline Zoning Plan Court Decisions

- 2.1 The Board is aware of the Judicial Review that the SPH initiated in relation to the reclamation proposed on the Wan Chai North Outline Zoning Plan and the judgements of the High Court and the Court of Final Appeal in relation to that Plan. These judgments clarified the interpretation of the Protection of the Harbour Ordinance by establishing certain tests which are helpful in determining how the Harbour should be protected.

Central District (Extension) Outline Zoning Plan Court Decision

- 2.2 The SPH also initiated a Judicial Review against the existing provisions of the Central District (Extension) Outline Zoning Plan and the extent of reclamation that was to be undertaken by Government. The Board is probably aware that the High Court did not rule in favour of the SPH and found that the Chief Executive in Council (CEC) had acted within the law when deciding not to refer the Outline Zoning Plan back to the Board for re-consideration of the impact of the Court of Final Appeal judgement on the provisions of that Outline Zoning Plan.
- 2.3 It is significant that in the High Court judgement the judge declined to consider the technical submissions placed before him by the SPH as he ruled that these were not matters for his consideration. By doing this he only considered the procedural aspects of the case, indicating that these technical matters were planning matters which should be more appropriately considered by the Town Planning Board. The technical or planning aspects of the arguments put by the SPH have therefore not been considered by any court, nor by the Town Planning Board.
- 2.4 This submission therefore is made under the administrative procedures that the Board has established, for the consideration of proposed amendments to plans that may be initiated by members of the public. It is made in the context of the relevant court decisions, the clarified interpretation of the Protection of the Harbour Ordinance (PHO), and the increased public dissatisfaction with the proposed reclamation which is contained within the Central District (Extension) Outline Zoning Plan. The Board is therefore requested to give serious consideration to the proposed changes to the Outline Zoning Plan contained in this submission and to initiate the process to have the Plan suitably amended.

Government's Review of the Central Reclamation Phase III (CRIII)

- 2.5 Following the decision of the High Court on the 8 July 2003 which declared that the Wan Chai North Outline Zoning Plan did not meet the requirements of the PHO the Government carried out an internal review of the CRIII contract. That Review was submitted to the CEC on the 2 December 2003 and based on the information provided in the Review it was decided that the CRIII

reclamation met the three tests which had been established in the judgement. The CEC also decided at the same time that, under Section 12 of the Town Planning Ordinance, the Central District (Extension) Outline Zoning Plan did not need to be referred back to the Town Planning Board so the content of the plan could be reviewed by the Board. The content of the CRIII Review was made public at the Legislative Council on the 28 April 2004, but it is understood that this has never been referred to the Town Planning Board and the Town Planning Board has not been invited to reconsider the content of the Outline Zoning Plan to ensure that it is satisfied that it complies with the PHO.

- 2.6 The technical submissions made by the SPH to the High Court pointed out what are considered to be inadequacies of the Government's Review and shortcomings in the traditional engineering approach adopted in the preparation of reclamation proposals. It is significant to note that the Government's Review concluded that **every part** of the CRIII reclamation met the requirements of the judgment and the PHO, and **not one single change** was proposed.
- 2.7 In presenting these rezoning proposals to the Board this submission is based on the technical responses made to the Governments Review by the SPH to the High Court and on subsequently formulated new information.

3. Principles

In presenting this proposal to the Board it may be helpful to briefly state the principles which the applicant considers are appropriate in providing the context for consideration of the rezoning proposals.

3.1 Protection of the Harbour Ordinance

- 3.1.1 The PHO provides the fundamental starting point for the Board when it considers any planning proposal which involves reclamation of Victoria Harbour. The fundamental parts of the PHO are:-

- (a) The Harbour is a natural public asset for the people of Hong Kong.
- (b) The Harbour should be protected for future generations.

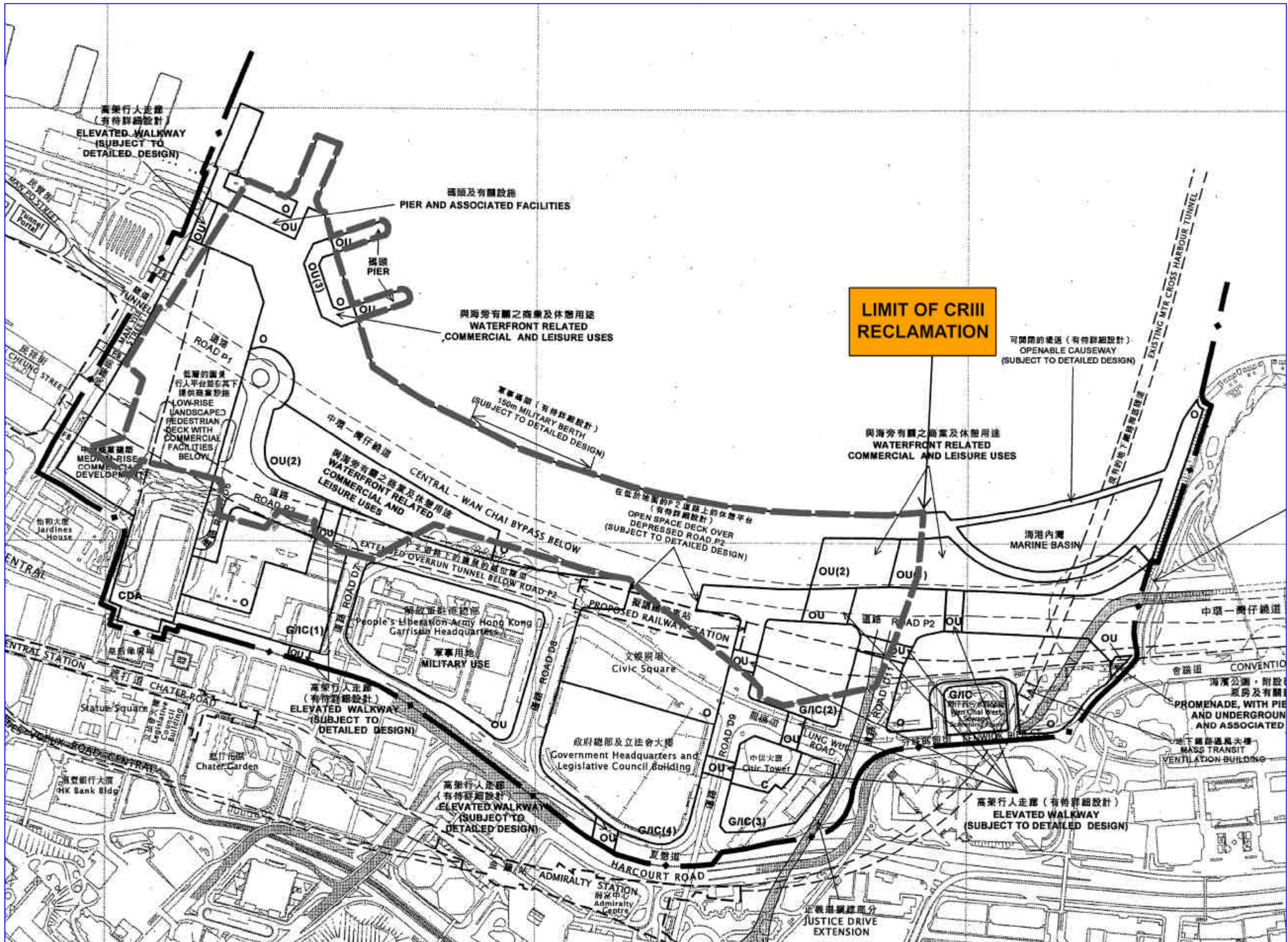


FIGURE 1 The Central District (Extension) Outline Zoning Plan No. S/H24/6 Showing the Extent of the CR III Reclamation

- (c) All public officers and bodies, such as the Town Planning Board, have an obligation to protect the Harbour and to minimise any future reclamation.

3.1.2 The Board prepared several plans involving reclamation after the PHO became law. The preparation of these plans were based on legal advice which was subsequently found to be erroneous in relation to the Wan Chai North Outline Zoning Plan. As the same basis was used for the preparation of the Central District (Extension) Outline Zoning Plan, which was prepared before the Wan Chai North Outline Zoning Plan, then it is the applicant's view that the Central District (Extension) Outline Zoning Plan could not have been prepared in accordance with the PHO and the Board should therefore review it and make the amendments proposed in this submission.

3.2 The Judgments

High Court

3.2.1 The High Court judgment on the 8 July 2003 provided three tests which would need to be applied when a decision maker considered whether an area of reclamation was justified, namely:

- (a) there had to be a compelling, overriding and present public need which clearly outweighed the public need to protect the harbour;
- (b) there had to be no other alternative to implement the undertaking for which it was proposed, and
- (c) that any invasion of the harbour should be restricted to the minimum impairment necessary to implement the undertaking.

3.2.2 This judgment also indicated that

- (a) a sustainable development approach should be adopted, requiring a different mind-set from the traditional engineering approach.
- (b) every piece of reclamation must be justified in its own right and in a systematic way. This did not take place in the Review.

Court Of Final Appeal

3.2.3 On the 9 January 2004 the Court of Final Appeal (CFA) gave judgment on the Wan Chai North Outline Zoning Plan and established the following:

- (a) that there must be an "overriding public need" to reclaim the harbour and it must be a "compelling and present need".
- (b) that "where there is a reasonable alternative to reclamation, an overriding need for reclamation would not be made out".
- (c) "In considering what is a reasonable alternative, all circumstances should be considered".
- (d) "the extent of the proposed reclamation should not go beyond the minimum of that which is required by the overriding need"
- (e) "that each area proposed to be reclaimed must be justified".
- (f) that "cogent and convincing" materials should be placed before the decision-makers, to enable them to be satisfied that the test is fulfilled.

3.2.4 The CFA judgment also clearly stated that public officers and bodies such as the Board had a continuing responsibility to ensure that the harbour was protected from reclamation.

3.3 Sustainable Development

3.3.1 The principles of Sustainable Development are embodied in the PHO and have been supported in the High Court and CFA judgements. The prime sustainable objective is to protect and ensure that Victoria Harbour is retained as a natural asset for future generations of Hong Kong people. This requires that before any reclamation of any part of Victoria Harbour is approved the Board must be satisfied that all other alternatives to reclamation have been fully considered. This fundamental approach was made mandatory when the PHO was made law in 1997. It therefore requires a significant change in mindset, to find solutions by non-engineering means before resorting to sacrificing part of the harbour by approving reclamation.

3.3.2 This sustainable development approach was not applied to the original planning and justification for the Central District (Extension) Outline Zoning Plan, even when the Board reduced the amount of reclamation in response

to objections in 1999. It was also not applied in any serious way in the Government Review in 2003.

3.3.3 The Board has issued a "Vision Statement for Victoria Harbour" in October 1999. In that statement the Board clearly recognises the need to adopt sustainable development principles as the basis for planning uses around the Harbour. The challenge is to really apply these principles in the process of assessing the likely impact of a reclamation proposal and the alternatives considered for achieving the desired effect or for overcoming a particular perceived problem.

3.4 Reclaimed Land should only be used for Public Uses

3.4.1 In the three court cases the judges have indicated that the extent of land to be reclaimed must be justified rigorously. However, once the extent of reclamation has been determined then the use of the reclaimed land is not a matter for the PHO. Instead it then becomes a matter of the zoning of the land and therefore a direct responsibility of the Board.

3.4.2 The SPH is strongly of the view that any land which is reclaimed should only be used for public uses or for the enjoyment of the public. This view is derived from the fundamental point that the harbour is a declared public asset. Should part of that public asset be removed through reclamation then the land which is created should be made available to be used and enjoyed by the public in exchange for being deprived of the use of that portion of the harbour. **A scarce public resource, the water, has been depleted and in its place a lower order public resource, land, has been created. The public should therefore have the absolute right to the proper use of that land.**

3.4.3 This therefore should become an important planning policy for the Board. It should ensure that the zoning of reclaimed land should be for public use, with minimal use of portions for buildings, and zones which will ensure that the public will be able to properly enjoy the public land created. This land clearly should not be for sale for commercial or residential purposes which would effectively mean that the public asset of the harbour has been turned into private assets of real estate. This principle is the fundamental starting point in proposing rezoning of areas within the Outline Zoning Plan which are currently part of the Harbour.

4. Issues

This section addresses several issues which are relevant to the rezoning proposals which are detailed in Section 6.

4.1 The Central – Wan Chai By-Pass (CWB)

4.1.1 For simplicity only, in this submission the need for the CWB will not be addressed. That does not mean that it is not an important issue that the Board will have to address. In the review process for the Wan Chai North Outline Zoning Plan it will remain a major issue to be considered and the Board will have to be satisfied that there are no other reasonable, sustainable alternatives to the need for the road, the size of the road or the alignment of the road and the reclamation of the harbour to accommodate it.

4.1.2 It is also relevant to point out that while the Central Reclamation has been largely justified on the need for the CWB the funding for the construction of the full length of this road is yet to be approved by the Legislative Council. The Legislative Council and the Board in making the relevant decisions will therefore have to ensure that due consideration has been given to the PHO before the CWB can proceed to construction.

4.1.3 In this submission it is therefore assumed that the alignment of the CWB on the Outline Zoning Plan can be taken as the basis for determining the outermost extent of reclamation under the PHO. Anything beyond that limit therefore has to meet the specific tests before it can be justified.

4.2 The Extent of Reclamation within CR III Area

4.2.1 Figure 1 is an extract from the Central District (Extension) Outline Zoning Plan and it indicates the extent of the reclamation which is included within the CR III engineering contract. Only this portion of the plan was included in the Government Review. Within the CR III area the construction of Pier 8 is well advanced and it will provide for the reprovisioning of the Star Ferry Pier. For the purpose of this submission it will be assumed that Pier 8 is fixed and the alignment of the seawall on the western portion is therefore also fixed in a line from Pier 8 south-eastward.

Sea Water Pumping Stations

4.2.2 However, the east-west alignment of the seawall along the northern extent of reclamation is subject to serious question. For various reasons the amount of reclamation proposed by the alignment of the sea wall is excessive and could be reduced. This is summarised in this section and developed further by technical information in Volume 2. The amount of reclamation could be reduced by:

- (a) Reconsidering the need for sea water for air conditioning, the actual need for sea water pumping stations, their design and location on the water front;
- (b) Reconsidering the sea wall design so that it requires less space and less reclamation;
- (c) Request the PLA to reconsider the need for and extent of the space required for the berth as it is a significant constraint on the design and extent of the reclamation;
- (d) Relocate the sea wall to remove the "Red Areas" - those extra areas of reclamation which cannot be justified.

Conclusion in Relation to Reclamation Inside CR III

4.2.3 It can be concluded on the basis of the information provided that the extent of the reclamation shown on the Central (Extension) Outline Zoning Plan could reasonably be reduced within the CR III area by approximately 35 metres in width, or by approximately 2.4ha. It is the applicant's view that there is scope for changing the existing contract by way of Variation to still implement some saving in amount of reclamation proposed.

4.3 The Extent of Reclamation Outside CR III Area

4.3.1 To the east of the CR III contract boundary is an area of proposed reclamation which has not been committed for construction (see Figure 1). This includes areas zoned for "Waterfront Related Commercial and Leisure Uses", "Open Space", a "Marine Basin" and for Roads P2 and D11.

4.3.2 This area was excluded from the Government Review as it is outside the contract limits for CR III. **The extent and justification for the amount of reclamation within this area has therefore never been assessed in terms of the CFA Judgement.** It would also appear unlikely to be assessed as part of the Board's review of the Wan Chai North Outline Zoning Plan as it is not located within that plan. It is therefore essential that the Board takes this opportunity to review the proposals within this easterly portion of the plan and to delete those parts which cannot meet the "over-riding public need" test.

4.3.3 It can be concluded based on the technical information provided in Volume 2 that there is no justification for any reclamation beyond that necessary for the CWB alignment. The extent of land required for the sea wall can be reduced to 25 metres by using an alternative design. It is also clear that the amount of land required for Road P2 and D11 can be reduced. There is no over-riding public need to enclose the water basin or to provide land for the "Waterfront Related Commercial and Leisure Uses" in the OU(1) zone which falls within this area of reclamation i.e. on the outside of the CWB.

4.3.4 With the considerable reduction in reclamation that can be achieved in this area, it would be desirable to re-assess the form of the adjacent reclamation in CR III so that a more compatible design of the sea wall alignment is achieved. The scope left for changing the reclamation extent in this area is of major significance in relation to the Town Planning Board's responsibilities under the PHO. The extent of reclamation (including the Marine Basin) which can be deleted is approximately 2.2ha.

4.4 Excessive Land For Commercial Development

- 4.4.1 Commercial development is proposed in two zones on the Outline Zoning Plan - the CDA Zone and the "OU(Waterfront Related Commercial And Leisure Uses)" zone. They will be largely commercial developments with little specific relationship to the promenade and the harbour.
- 4.4.2 The proposed 4.8ha of commercial land on the reclamation has not been reviewed or justified and is excessive in relation to facilitating public enjoyment of the waterfront and is in part an extension of the CBD commercial functions. The CE was quoted on the 17 October 2003 in a speech at the Australian Business Awards that there would be no commercial buildings on the reclamation. It is, therefore, a fundamental starting point to assess the need for an area of 4.8ha of reclamation to be used for commercial purposes.
- 4.4.3 In terms of the "overriding public need" test, the reclamation for commercial uses of the extent and size proposed fails. The commercial sites should also fail on the consequential impact that they have for engineering services, the generation of unnecessary traffic and the unnecessary use of reclamation for roads to provide access to the commercial sites. Reasonable alternatives exist and had these been part of the Review then the amount of land for the commercial uses, and the supporting roads, could be significantly reduced. Significant rezoning of these sites is proposed in this submission.

Commercial Development : The CDA Zone

- 4.4.4 The area zoned "Comprehensive Development Area" at the western edge of the Plan occupies an area of 5.23ha, of which 3.12ha is reclaimed land. It is stated in the Explanatory Statement paragraph 7.3.2 that this development will contain some 190,000 square metres of commercial/retail floor space. This "Groundscraper" would be composed of two parts.
- 4.4.5 On the eastern side a landscaped deck would be built on the top of a 4-storeyed commercial and retail building (16mPD) stretching from Statute Square on the south of Connaught Road, almost to the new Star Ferry Pier. This enormous building will be 420 metres long and will be completely out of scale with any other building in the Central area. This building has been presented as an extension of the Statute Square visual corridor, but the size and scale and visual impact of this portion has been poorly presented.
- 4.4.6 The western portion of the CDA zone permits an office/retail portion of the building of some 15 storeys high (50mPD) commercial development in front of Jardine House. This portion of the building would be 320 metres long, and this would be the same length as the extension of the HKCEC extension (see Figure 2).
- 4.4.7 All of the land proposed for the "Groundscraper" is at present government land or part of the harbour. The applicant is of the view that this land is a public asset and should not be sold for commercial development. Instead it should be retained for public use, with the area currently occupied by the "Star Ferry Car Park" building being retained as a ground level public open space extension of Statue Square. There is no justification for placing public open space on the roof of a 4 storey shopping mall.

- 4.4.8 Figures 3 and 4 include images showing a comparison of the existing uses on the CDA zone and the form of development that could be built under the present zoning for this site. Also indicated as a comparison the possible uses of this site if the following is done:
- (a) the car park building and Star Ferry Pier areas are retained as ground level public open space which could be known as City Hall Square. Improved pedestrian sub-way connections could be provided under Connaught Road to improve pedestrian access;
 - (b) The current Post Office site is retained zoned as a "GIC" site and could be kept for public use;
 - (c) The waterfront portion of the CDA zone is primarily rezoned to public open space, but two reasonably scaled buildings with a maximum of 2 storeys height are proposed for "Waterfront Related Commercial and Leisure Uses". These would serve the actual users of the Waterfront Park and not intended as an extension of the CBD office and retail functions, which was the effect of the CDA zone.

FIGURE 2

Comparison of Commercial Development with the CEC Extension

Public assets should not be sold. The scale and size of the Groundscraper and Festival Market Commercial Developments are out of scale with developments in the vicinity. They are also massive structures out of scale with public enjoyment of the waterfront.

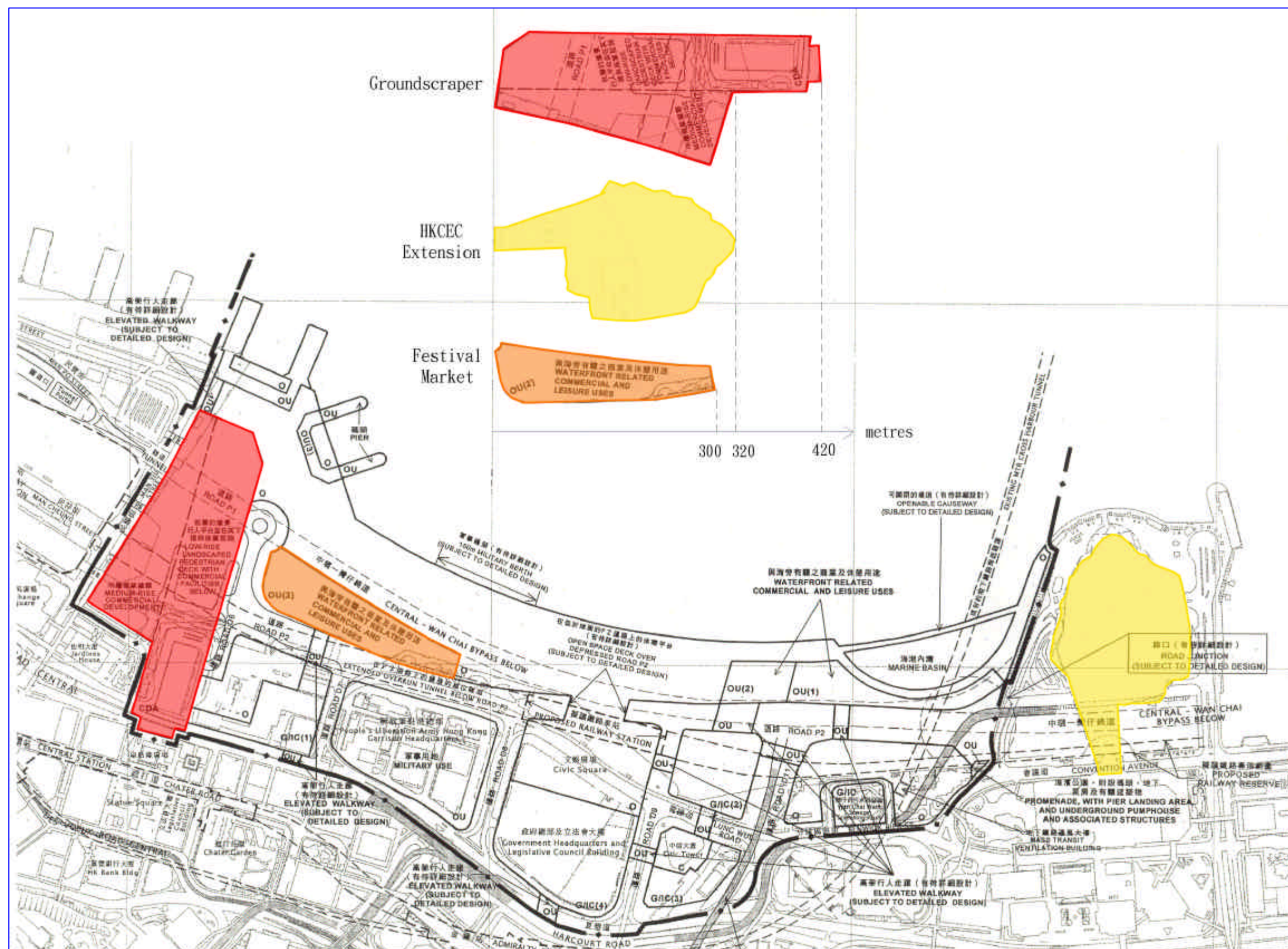




FIGURE 3

Present and Prospective Uses of CDA Zone

Government Proposal

Existing View from IFC towards new reclamation in front of Star Ferry with walkway to Central Ferry Piers in foreground

The western part of the CDA zone allows an office/retail portion of the building of some 15 storeys high, in effect creating an extension of the CBD functions onto an area which is currently harbour. This development permitted on the OZP will enclose the new road P2.





Alternative Proposal

Reclaimed land retained for public use with improved pedestrian access

FIGURE 4

Views of Statue Square
from HSBC Headquarters



Existing View



Government Proposal

The proposed Groundscraper will block views from Statue Square with a 4-storey high shopping centre with landscape roof and with the 15-storey office/retail building to the west. All of this is on public land, partly on new reclamation. This commercial development of 420m in length proposed by Government will enclose Connaught Road and Road P1.



Alternative Proposal

The alternative proposal is to establish a ground level system of public open spaces, with "City Hall Square" being established where the existing Star Ferry Car Park building is located.



Existing View

FIGURE 5

Views over Queen's Pier

Government Proposal



The “Festival Market” is out of scale and character. It has a wall-effect blocking public views of the Waterfront Park and Harbour and generating unnecessary traffic.



Alternative Proposal

This submission proposes to remove the visual barrier created by the massive waterfront commercial development, create a more expansive public park and retain public views of the harbour from City Hall

Commercial Development : The OU (Waterfront Commercial and Leisure Use) zones

4.4.9 Four sites totalling 3.4ha are zoned “Other Specified Uses” annotated “Waterfront Related Commercial and Leisure Uses” on the Plan. The largest of these waterfront commercial developments is located in front of City Hall and called “Festival Market” having an area of 1.72ha. Its allowable building height of 25mPD within the “OU(2)” zone and could permit 7 storeys of retail and commercial uses. Other sites (OU(2) and OU(1)) to the east bordering the waterfront promenade are smaller and have respective height restrictions of 25mPD and 15mPD. The sites allocated for these developments however, are quite extensive as shown on the plan at Figure 2.

4.4.10 The “Festival Market ” is a very large building out of scale with any other development in the vicinity. As can be seen from Figure 2, any proposed building on this site will be a wall approximately 300 metres long, similar in length to the HKCEC extension. It will be long and will completely block public views of the waterfront park and the harbour. The location and scale of this building is considered to be completely out of character and scale with City Hall, which is a listed heritage building. Of particular importance is the dramatic negative impact that it will have on the view from the entrance of City Hall across Edinburgh Place. Figure 5 illustrates the existing situation with views over Queen’s Pier and the impact of the proposed 7-storey building.

4.4.11 The applicant considers that public views from City Hall should be retained across the Waterfront Park to the harbour. The proposal is to significantly reduce the scale of the “Waterfront Related Commercial and Leisure Uses” building by reducing the length and limiting it to a building of 2 storeys height which is similar to the scale of the existing buildings in the PLA Headquarters site. This building will allow for the creation of an interesting focal point of activity in the Waterfront Park while not creating a massive visual barrier in front of City Hall.

4.5 Traffic Planning and The Road Network

Reassessment of Road Network and Functions

4.5.1 The construction of the CWB will have a major impact by increasing the capacity of the east-west links along the north shore of Hong Kong Island. Reductions in population growth and development on Hong Kong Island since the CWB was originally proposed, make it essential to re-assess the total road network in the Central Extension area.

4.5.2 A full Traffic Impact Assessment has been carried out and is included in Appendix 2 and is summarised briefly in this section. The basic assumptions that have been used for this assessment may not be the same as normally used in a Government traffic study, but they are appropriate to an area which is to be one of high public amenity and not a commercial development area. The assumptions are:-

- (a) There will be no significant development in the Causeway Bay/Wan Chai North area, as stated in the Inception Report for the review which is currently being undertaken by Government for that area;
- (b) The amount of development in the Central Extension area will be as proposed in this application with no significant commercial development;

In deriving the alternative road network which strives to minimize reclamation, the following principles were adopted:

- The CWB has been constructed at great public expense in financial terms and in terms of loss of the harbour. It is a priority that usage of the CWB be maximised by constraining alternative traffic links;
- It is a priority to minimise the separation by roads of the existing inland area from the Waterfront Park;
- A priority will be given to high quality ground level pedestrian links from the surrounding areas to the Waterfront Park;

- The extent of reclaimed land utilised for surface roads will be minimised while providing adequate vehicle access compatible with high quality pedestrian areas.

4.5.3 The results of the Traffic Impact Assessment indicate that there is no need for Road P2 as a through road as the CWB will only be to 70% utilised in the critical peak direction and the Harcourt Road/Connaught Road corridor will have less traffic than at present. There is however a need to provide a ground level link as an extension of Man Cheung Street to relieve congestion on the junctions with Pedder Street, Connaught Place and Connaught Road eastbound bottlenecks. However, the extent of this road need not extend beyond Tim Wa Avenue immediately west of the Tamar Site. If P2 was to be extended through as proposed on the Outline Zoning Plan at present, through traffic would unnecessarily be diverted to this attractive route while the existing Connaught Road Central and the future Central-Wanchai Bypass would not be fully utilised. It has been demonstrated in the TIA report that the parallel routes would have sufficient capacity to accommodate the level of developments put forward in this proposal or even that on the existing OZP, and Road P2 need not be a through route. To better achieve utilisation of the bypass an additional westbound on-ramp is proposed near Wanchai North. The conclusion is that the traffic should go underground on the CWB rather than on the surface and severely bisecting the existing areas from the Waterfront Park.

Roads P1 and D6 (See Figure 6)

4.5.4 The need for Roads P1 and D6 was related primarily to serve the traffic generated by the proposed "Festival Market" and "Groundscraper" developments. If these developments were deleted, as proposed in this application, these roads would be unnecessary. Instead the area they occupy would become part of the extensive "Waterfront Park". There are also advantages if these roads are removed as it will eliminate the need for unnecessary pedestrian crossing points at the "Waterfront Park".

Road P2

4.5.5 Road P2 was proposed as a 6-lane dual carriageway Primary Distributor road providing access to the Central and Wan Chai Reclamation areas. It was to connect

Man Cheung Street on Central Reclamation Phase 1 (between the Airport Railway Station and International Finance Centre Phase 2) and the proposed Wan Chai Development Phase II area all the way to the east of Marsh Road. It was to be built on land formed for the construction of the CWB.

4.5.6 The need for an additional surface road of some form providing a connection from Man Yiu / Man Cheung Street junction to the east is accepted. This is needed to accommodate the east-west traffic movements from the existing development at IFC and the ferry piers. However, with the removal of the "Groundscraper", "Festival Market" and the Wan Chai North development the TIA has shown that there is no need for a Primary Distributor Road to provide a strategic through route.

4.5.7 Figure 6 shows the proposed roads that are necessary in this area to give access to the Waterfront Park, the IFC area, the City Hall, the PLA Headquarters and to future development on the Tamar site. Road P2 can be downgraded to a local access road which terminates at the Tamar Site. The new road could primarily follow the existing surface road, Lung Wui Road, in front of the PLA Headquarters. The width of the road would progressively reduce as it approached the Tamar Site.

4.5.8 To the east of the Tamar site the road becomes a local access road serving the GIC sites, the Waterfront Park and the proposed "OU(Waterfront Related Commercial and Leisure Uses)" site.

4.5.9 These significant changes to the road network can be achieved without adversely affecting the ability to handle the anticipated traffic growth. It is suggested that the link from Man Cheung Street be implemented on a temporary basis using the existing Lung Wui Road until such time that the CWB is opened. At that stage the link would be closed and the open space linked through to the Tamar Site. The important point is to recognise that there is no need for P2 either in the short term or the long term as the CWB will have excess capacity by year 2016.

4.5.10 The Outline Zoning Plan proposes an environmentally friendly transport system through the waterfront area. In this proposal an extension to the existing tram system be provided from Sheung Wan to Causeway Bay. This was included in the original proposal and the tram reserve has been provided in CRI. This should be

extended along the waterfront to provide convenient access to the ferry piers the HKCEC and north Wan Chai. It would also be an additional tourist attraction.

4.6. Seawall Design and Cooling Water Pumping Stations

4.6.1 Volume 2 provides comprehensive technical information to supplement the points made in relation to the seawall design as well as the cooling water pumping stations.

4.6.2 The seawall structures proposed by TDD in CRIII have been assessed in light of the requirements of the CFA Judgment. The proposed refinement of the CRIII promenade zone and in particular the maritime design of the seawall structures are attached at Appendix 1, which are briefly set out as follows:

- (a) Remove TDD's proposed cooling water pump stations (CWPS) in the CRIII promenade zone. These major structures are a combination of a seawall and CWPS and take up a total of 60m between the harbour and the proposed CWB tunnel.
- (b) Provide for a refined seawall structure in the promenade zone, without the CWPS, which would reduce the TDD structural set-out of 60 m to only a total of 25m.
- (c) Re-aligning the CRIII foreshore with a refined seawall structure adjoining the CWB and enabling 35m of the promenade zone to be saved over about a 700m length i.e. 2,450m² of reduced reclamation.

Too Many Pump Cells

4.6.3 The proposals regarding pumping stations set out in the Government Review (See Figure 7) do not show an earnest effort to minimize reclamation. If such an effort had been made, it was inadequate and failed to comply with the CFA Judgment as insufficient measures were taken to protect and preserve the Harbour. Various alternatives have been investigated in Appendix 1, which could substantially reduce the extent of reclamation needed, either to provide the proposed pumping stations or to use a different system to achieve the same purpose. There are no major insurmountable

obstacles and, after all, it is the function of good engineering to resolve difficulties and problems.

4.6.4 The Government proposes 29 pump cells along the new waterfront with 26 along the proposed promenade. The proposed reclamation beyond the CWB, which will be 60m wide, is justified on the basis of providing these 26 pump cells. It appears from the Review that the present location, arrangement, size and design of these 26 proposed pump cells are used to justify about 2.4ha of reclamation. Such an extent of reclamation is manifestly excessive.

4.6.5 Of these 29 pump cells, 17 are required to serve the existing buildings and 12 are needed for new developments. 5 cells are not necessary as they were to serve the proposed commercial development on the reclamation which should be deleted as proposed in this application. 7 cells were for the Central Government Office development at Tamar which is not to proceed, and if it did, alternative cooling systems could be used as it would be a new building. The former restrictions in the use of fresh water for cooling systems imposed by the Government have been lifted and sea water cooling is no longer needed for new buildings. Therefore, a maximum of only 17 pump cells will be needed and even these can be further reduced as described below.

4.6.6 There are three alternatives which could reduce the reclamation needed, all of which may not have been considered by the Review:

- (a) By reduction of the size and number of the pumping stations;
- (b) By relocating the pumping stations to the two sides of the new waterfront; and
- (c) By providing either lagoons or reservoirs as a source of water.

These are explained in more detail in Appendix 1.

4.6.7 One of the fundamental problems with the design of the reclamation is the location of sea water pumping stations along the edge of the sea wall. This is not required as a technical solution to air conditioning office buildings. Also, there is no need for sea water pumping stations to be located along the sea wall as they compromise the design of a quality promenade and they result in excessive reclamation. This outdated approach is no longer applicable and a new approach

should have been applied to this reclamation when the Review was carried out so as to minimise the amount of reclamation and to enable the provision of a high quality promenade.

4.7 The Red Areas

4.7.1 In the Review there were areas identified as "Red Areas". (See Figure 7). In effect these were areas of reclamation which could not be justified in their own right. They fell between the adopted alignment of the sea wall and the CWB. The Review argued that these areas could not be left un-reclaimed as they would become stagnant areas of water. This is incorrect as the opportunity existed for the sea wall to be realigned closer to the CWB, thus eliminating the "Red Areas". These areas of reclamation have not been justified but will be reclaimed so as to allow for the adopted alignment of the sea wall to be built. The Review clearly identified areas of reclamation which continue to fail to meet the CFA test and should not be reclaimed.

4.8 PLA Berth

4.8.1 The PLA berth is a significant constraint on the design of the waterfront and the use of the waterfront by the public. The continued need for this berth was questioned in the Legislative Council on the 27 November 2003 and the answer given was that it was an item included in the 1994 Sino-British Defence Land Agreement. However this pre-dates the enactment of the PHO.

4.8.2 The military dock has not been available since 1997 and there are significant naval facilities provided at Stonecutters Island. The Review did not question the need for the PLA berth nor indicate whether this had been reviewed with the PLA. It would be well worth raising this question with the PLA as it will provide much more flexibility in the design and use of the waterfront.

4.8.3 In the Review, it states that the location of the berth is constrained by Piers 9 and 10 in the west and the cooling water pumping stations in the east. For these reasons, it cannot be moved further south. However, if the location of the piers and the pumping stations had

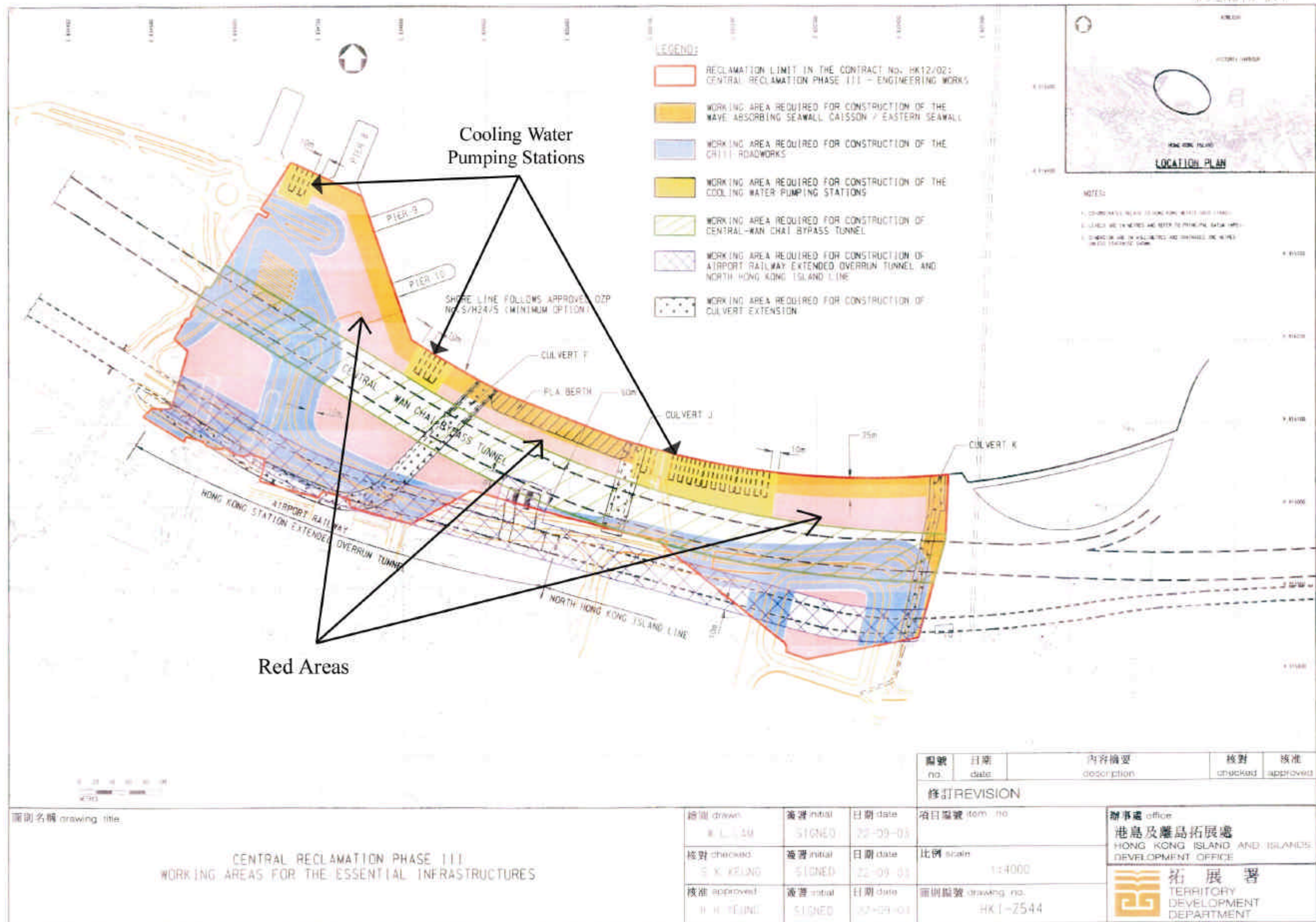


FIGURE 7 Drawing extracted from Government Review indicating Cooling Water Pumping Stations and “Red Areas” of Unjustified Reclamations

been thoroughly reviewed, the opposite conclusion may have been reached.

5. Public Costs of Reclamation

- 5.1 The traditional engineering approach has taken a very narrow approach in the way it assesses costs. Usually this only relates to a comparison of engineering costs. A sustainable development approach requires that a broader view of costs be taken when assessing the long term value of a proposal to the community.
- 5.2 In the Review, no justifications of cost were considered, other than of the options for the types of foundations for sea water pumping stations, and these were only the engineering costs.
- 5.3 Reduced reclamation should result in less public expenditure, especially if the reduction is significant. The current Government budget situation is different now from the time when this project was approved. It would therefore seem a public responsibility to reduce the amount of expenditure on public works which are no longer necessary. Unfortunately, the Review presented the conclusion that not one single item could be deleted or reduced from this contract. If any alternative had been provided and properly assessed then the relative savings in terms of public funding could have been identified.
- 5.4 The Review gave a high importance to the amount of additional time a construction method would take even though it resulted in less reclamation. However the alternative view would be that, if it took an additional 12 months to complete a project but saved a significant portion of the harbour from reclamation then that 12 months delay is inconsequential in the totality of time that will relate to the continued existence of that portion of the harbour. The likely impact on the length of a contract period is insignificant in this context. The “cost of time” in this respect is irrelevant, or insignificant, if a reasonably longer construction period would save a part of the harbour.

The Harbour as A Scarce Public Resource

- 5.5 In the approach taken by TDD, the harbour is considered a free resource of no value. No cost was allocated to the loss of portion of the harbour relative to the reduction in reclamation that could have been achieved from a different seawall foundation design. The Review made no attempt to assess the true costs or loss of “community value” resulting from the proposals. The CFA Judgment made clear that whereas in the past land had been a scarce resource, the enactment of the PHO in 1997 clearly indicated that what remained of the harbour was even more precious. The harbour has a real value as a statutorily protected public asset. The concept of “opportunity cost” could be applied to the loss of areas of water from the harbour. It could be considered that the harbour had a public value greater than the value of further land that could be reclaimed from it.
- 5.6 One approach, which could be taken as a starting point, is to give an area of the harbour a value the same as an area of reclamation which would be sold for commercial/office purposes with a plot ratio of 5, which would likely be the best use in Central. A site like this could have a value of approximately \$10,000 per square foot site area. It may be possible to establish an argument that the public value of the harbour would be greater than the land, but the degree of greater value would be subject to debate. As such, the view that it would have a value no less than the land is taken.
- 5.7 In the Review, a cost comparison for pumping station foundation systems was made which would have resulted in a saving of 6 metres of reclamation. It was concluded that this saving in reclamation was out of proportion to the construction costs of achieving this reduction in reclamation. However, an area of approximately 5,700 square metres of harbour could be saved by a 6-metre reduction in the relevant portion of reclamation. The value would be \$107,500 per square metre. The additional reclamation would have a “community value” or opportunity cost of \$612,750,000 should the design which reduced the amount of reclamation not be adopted. The cost of the most expensive foundation option was \$120,000,000 which if looked at in these terms was a reasonable cost to accept as there was a significant “community value” to be achieved through less reclamation.

- 5.8 The main point is that simple construction cost assessments of the impact of various options, that should have been considered or were considered, are no longer adequate. A sustainable development approach requires that a wider “public accounting” of the impacts of projects is needed. It is no longer appropriate that a statutorily protected public asset such as the harbour should be given no value when assessing whether a reclamation can be justified.

6. Stopping the Excessive Reclamation Now in Progress : Variations to the Existing Contract

- 6.1 The evidence is clear that excessive reclamation is now being carried out in Central. The unnecessary provision of salt water pumping cells and the reclamation of the “Red Areas” cannot be reasonably justified. The PLA Berth is not needed and could be removed or reduced in scale.
- 6.2 The existing reclamation contract provides for variations to be made during the process of that contract so that changes to the design and construction requirements can be introduced. The Government has already made variations in relation to the seawall dredging requirements relating to the PLA berth.
- 6.3 It is likely that the Government will respond to the proposals made in this submission to reduce the amount of reclamation, by stating that they are committed to a contract and that it cannot be changed. We suggest that the Board has the responsibility to review the information placed before it and to consider whether the extent of each component of the reclamation is still justified. If it is not justified, then the Board should take steps to amend the Outline Zoning Plan and to request that relevant variations be made to the contract to implement such changes.

7. Urban Design and Landscape Strategy

7.1 The Explanatory Statement for the current Central District (Extension) Outline Zoning Plan contains a description of the “Planning and Urban Design Concepts” in paragraph 7. In preparing this rezoning submission the basic principles stated in the Explanatory Statement have been identified and then the ability of the provisions on the Outline Zoning Plan to ensure that these objectives will be achieved have been examined. The alternatives proposed in this submission have then been determined so that they better achieve the stated objectives.

Main Design Objectives in the Explanatory Statement

7.2 The full Explanatory Statement should be read to understand the approach taken. However, the following are the main over-riding objectives:-

- (a) “Restructure the existing waterfront and create a world class waterfront district with unique development opportunities that cannot be accommodated within the existing urban area.”
- (b) “Create a truly memorable place at the heart of the city symbolising the spirit of Hong Kong”.

The applicant agrees that the creation of a world class waterfront district as a truly memorable place should be a priority. However, this place should be a public place for public enjoyment and the only developments should be limited ones which facilitate the enjoyment of that public place. “Unique development opportunities” are not appropriate on land reclaimed from the harbour.

The Urban Waterfront

7.3 The Central Waterfront is seen as :-

- (a) “essential to provide a unifying edge to the city in the form of a large public open space at the waterfront which should be able to provide various activity spaces for the public and to provide the much needed east-west pedestrian connection in the area”.
- (b) it “also includes areas for water cooling pumping stations and associated facilities and a buffer

from the major distributor Road P2 and areas for recreation and leisure use”.

The applicant is of the view that too much prominence is given to the need for unnecessary utility facilities such as the pump stations. The public already complains about the obstruction and nuisance maintenance of the pump houses imposed on their use of the waterfront in CRI. This comment clearly indicates that there is a need to locate pump houses away from the area of greatest public amenity along the waterfront. The negative impact that Road P2 has on the enjoyment of the waterfront should have been a reason for removing it rather than buffering it.

The Design Corridors

7.4 Three design corridors have been identified in the Explanatory Statement:-

- (a) The Statue Square Corridor and Historic Corridor

The proposal is for a “linear park” to extend from Statue Square to the new Star Ferry Pier, crossing Connaught Road, Road P1 and Road P2. In reality this ‘linear park’ would be an open space deck on top of a 4 storey shopping mall 16mPD high. It would completely obstruct any views and would remove any ground level pedestrian activity. The effect of this proposal as viewed from Statue Square is illustrated in Figure 8. It effectively turns public space into a shopping centre and impacts views into the corridor from the existing buildings and roads.

- (b) The Civic Corridor

This relates to the Tamar site and the proposal for the Government Headquarters and the Legislative Council Building. The main concern is to establish a continuous pedestrian link to the waterfront. This is achieved by an elevated link over a depressed road P2.

- (c) The Arts and Entertainment Corridor

This comprises a “network of footbridge links between the existing cultural buildings ... and the future potential cultural-oriented developments

on the corridor”. The main issue is to obtain pedestrian access by new structures over P2.

The Alternative Urban Design Proposal

7.5 Figure 9 is an Urban Design and Landscape Master Plan indicating the proposed extensive public open space for the area. This is an increase over that on the Outline Zoning Plan by removing the “Groundscraper” and “Festival Market” developments, Roads P1, P2 and D6 and reducing the OU(1) and OU(2) development. The principal urban design objectives are :-

- (a) to create a magnificent public park along the waterfront on the land which is to be reclaimed from the harbour;
- (b) to ensure that the public park is readily accessible by pedestrians from adjoining areas at ground level;
- (d) to ensure that the design and use of the public park is not compromised by the unnecessary intrusion of roads and utility structures.

The Waterfront Park

7.6 The Waterfront Park is the main result of the reclamation from the harbour. The park will be able to accommodate various activity spaces for the public and the originally proposed environmentally and pedestrian-friendly transport system. It is specifically proposed that this be an extension of the existing tram system – a Hong Kong Icon.

7.7 This park is considerably larger than that proposed in the Outline Zoning Plan as the excessive areas for commercial development and roads have been deleted. Road P2 has been deleted and this enables the focal points from the three design corridors to be linked at ground level. The space available for festivals and celebrations has therefore been expanded. Four sites have been proposed for development of two-storeyed buildings to provide “Waterfront related Commercial and Leisure Uses”. These buildings will provide focal points of a scale compatible with the general pedestrian use of the Waterfront Park. Additional buildings and structures will be provided within the general design of the park, and specifically related to the enjoyment of it by the public. The size of the space available provides an

FIGURE 8

Ground Level Views of Statue Square

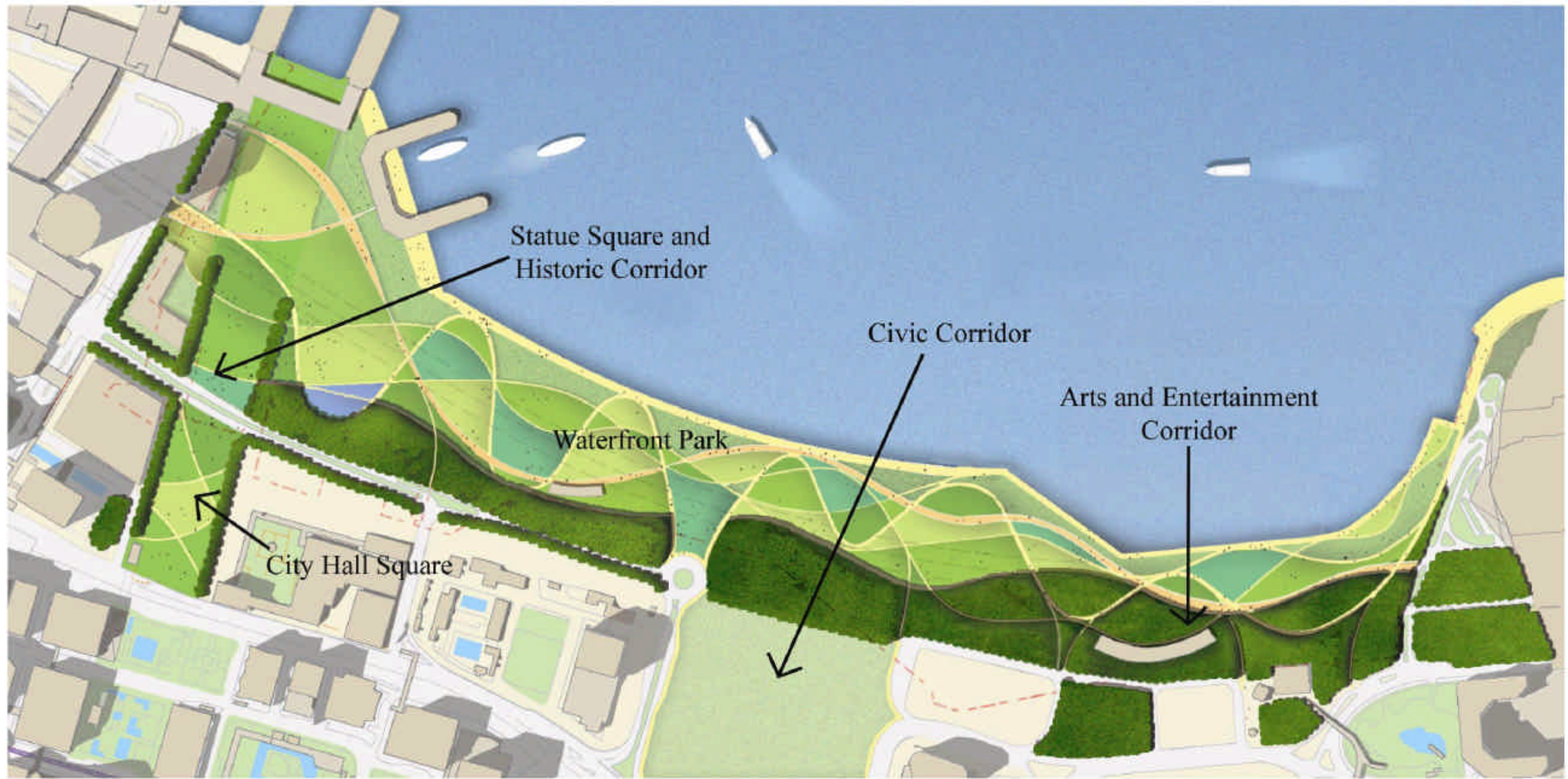


Government Proposal



Existing Situation

Government proposed Groundscraper extends over Connaught Road into Statue Square, obstructing views. The alternative proposal is to provide a continuous open space view corridor.



A Central Waterfront Park for the People - Rezoning Request - Central District (Extension) Outline Zoning Plan
 Proposal to Amend the Outline Zoning Plan to Reduce the amount of Reclamation, Reduce the Amount of Commercial Development and to Reduce the Extent of Roads.

0 scale 1:4000 at A3 200m
 31 August 2004

FIGURE 9 Proposed Urban Design and Conceptual Landscape Plan



Existing Situation

FIGURE 10
The Statue Square
and Historic Corridor



Government Proposal

Existing Star Ferry Car Park building replaced by a shopping centre 4 storeys high and 420m long



Alternative Proposal

Groundscraper Shopping Centre replaced by a new urban square called “City Hall Square” which would become a major focal public activity area adjacent to the listed City Hall complex

opportunity for significant “greening” and the creation of a public space unlike anywhere along the harbour front.

The Design Corridors

7.8 The same three corridors have been identified and enhanced in this proposal:-

(a) The Statue Square Corridor (Figure 10)

To block the view corridor from the Hong Kong Bank Building to the Star Ferry by a shopping centre 16mPD high and 420 metres long, as proposed on the Outline Zoning Plan is incompatible with the planning objectives. The alternative proposal is to delete this building and create a true open space corridor at ground level. The main component would be to replace the existing Star Ferry Car Park building with a new urban square called “City Hall Square” recreating a focal point from the early 1900’s. The existing



pedestrian underpass leading to Statue Square could be widened and enhanced, while the pedestrian connection to the Waterfront Park could be achieved with a ground level priority pedestrian crossing. To the north of this road the view corridor would continue through the Waterfront Park to the new Star Ferry. A weather protected ground level pedestrian link will provide comfortable access from the existing footbridge system and the City Hall Square to the Star Ferry and public piers. The principal objective is to not only create a view corridor at ground level but to create an interesting focal point around the City Hall complex, reinforcing it’s importance as a historic, civic and cultural

centre. The retention of the Post Office Building on the Western side of the square would re-enforce this theme and the spatial quality of the corridor.

(b) The Civic Corridor

Since the publication of the Outline Zoning Plan the long term use of the Tamar site has become uncertain with plans for building the Government Headquarters and Legco Chambers on the site having been deferred or scrapped. However, it has been assumed that this site will continue to be reserved for an important civic use. The deletion of road P2 makes it possible for the open space from this site to flow at ground level into the waterfront Park, as one continuous and important public area. The Civic Corridor is therefore significantly enhanced by this easy and uninterrupted connection.

(c) The Arts and Entertainment Corridor

The provision of minor access roads in place of P2 completely changes the linkages as they can now be conveniently provided at ground level. The GIC(2) site and the OU(1) building will reinforce the cultural and entertainment character of the area.

Increased Provision of Public Space

7.9 The proposal is to significantly increase the public use that can be achieved from the reclamation that is being carried out. The provision of the CWB underground has been promoted by government as a means for improving the general environment in the area. This can be achieved and the amount of quality public open space greatly enhanced.

7.10 Table 1 provides a comparison of the various areas available for public use on the current Outline Zoning Plan and those on the rezoning proposal, and can be compared in Figure 11. While increase in site area is significant, this must also be considered in the context of the improved quality of the space and the improved accessibility for pedestrians. It provides tremendous scope for a magnificent waterfront.

Table One : Comparison of Provision of Public Areas in square metres

	Outline Zoning Plan	Rezoning Proposal	Difference
City Hall Square	9,677	27,545	+17,868
Waterfront Park	97,176	172,146	+74,970
Tamar	20,258	16,819	-3,439
Arts and Entertainment Corridor	19,053	10,370	-8,683
Total	146,164	226,880	+80,716

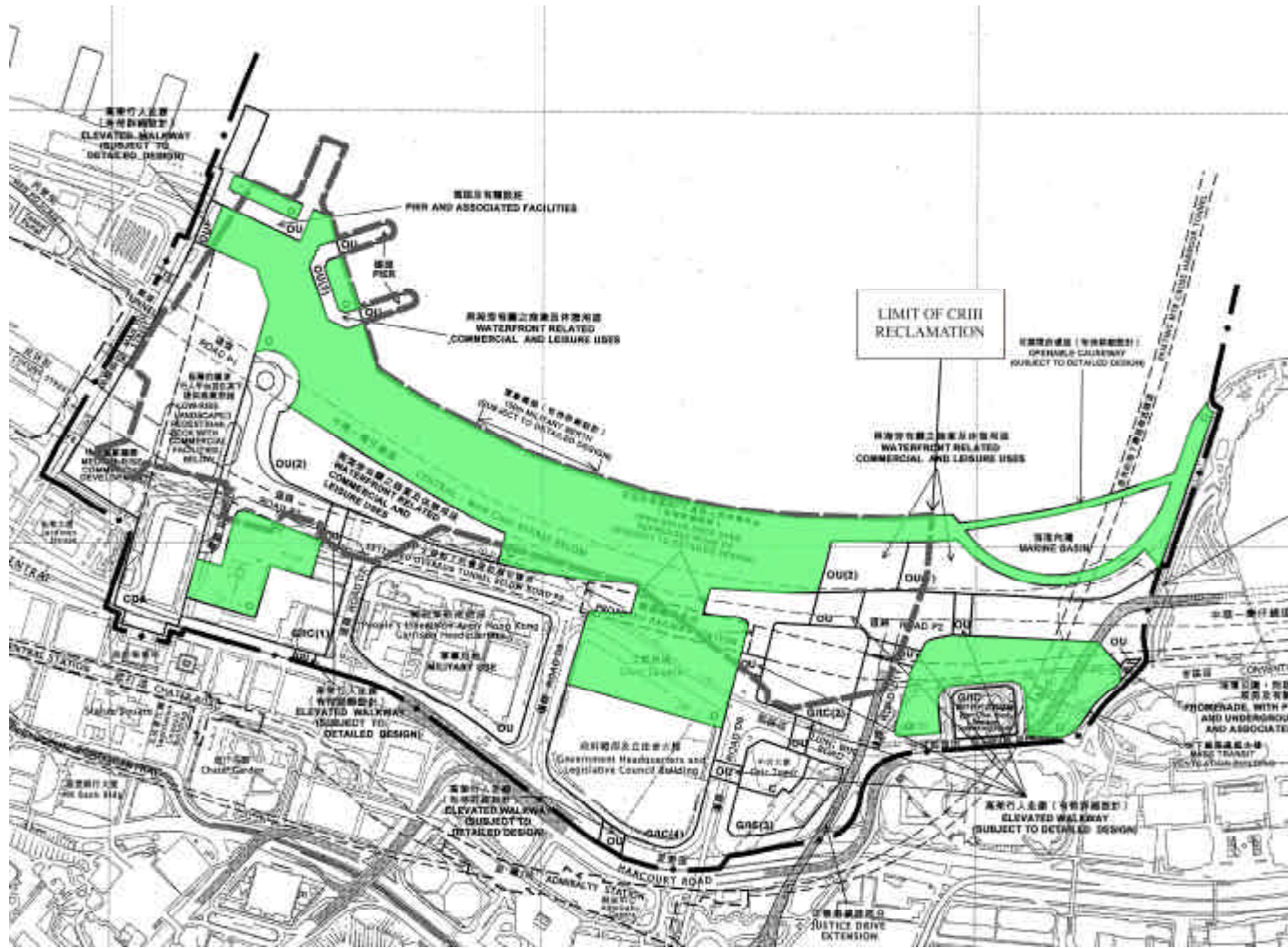
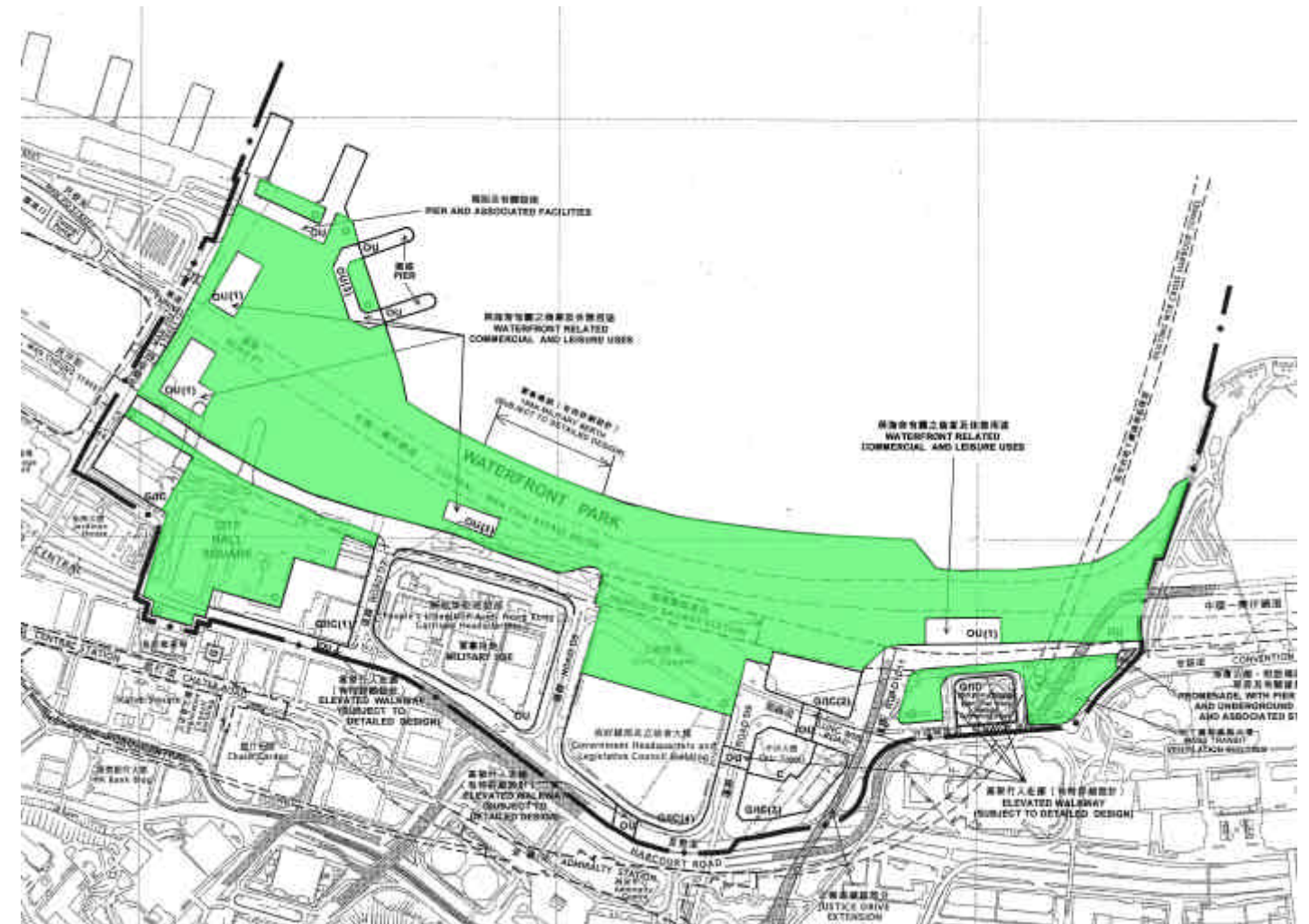


FIGURE 11

Comparison of Open Space Provision

Existing proposed open space obstructed by roads and development



Alternative proposal of continuous and expansive public open space which is 8ha greater than the Government proposal

8. Proposed Amendments to the Outline Zoning Plan

The following are proposed as specific amendments to the existing Central District (Extension) Outline Zoning Plan and are illustrated on Figure 12.

8.1 Reduction of Reclamation within CRIII (Item A)

The technical submissions relating to the design of the sea wall and the alternative means for accommodating the air conditioning requirements of existing buildings clearly indicate that the amount of reclamation is excessive within the CRIII area as shown by Amendment Item A. In view of this conclusion, the CFA "Over-riding Public Need Test" cannot be met and the Board should amend the Plan so as to conform with the PHO. The actual reduction in the amount of reclamation could then be implemented through variations to the contract now in progress. This would result in a reduction in reclamation of approximately 2.4ha.

8.2 Reduction of Reclamation outside CRIII (Item B)

This indicates the area of excessive reclamation which is proposed outside the limits of the CRIII contract and is therefore not committed in any way. The Board must review the need for this reclamation and it is submitted that there is no over-riding public need for this portion of reclamation. To conform with the CFA decision this amount of reclamation must be deleted from the Outline Zoning Plan. As a consequence the extent of the Outline Zoning Plan should be reduced and areas zoned "O", "Marine Basin", "OU(1)" "Openable Causeway" and "OU(2)" deleted from the plan. This would result in a reduction of approximately 2.2ha of reclamation.

8.3 Deletion of the CDA Zone (Item C)

8.3.1 Amendment Item C relates to the deletion of the CDA zone for the "Groundscraper" as there is no justification for a large commercial development of this nature on land which was formerly part of the Harbour. The deletion of this zone will enable the existing ground level open space in Statue Square to be retained and the existing Star Ferry car park to be converted to open space. The existing Post Office Building is retained as "G/IC" with a maximum building height equivalent to the height of the existing building.

8.3.2 The zoning for the new reclamation portion of the CDA zone area is changed to predominantly "Open Space" so as to provide a public park of a significant size. Two sites are rezoned to "OU(Waterfront Commercial and Leisure Uses)", with a maximum plot ratio of 2 and a maximum building height of 2 storeys. This scale is reasonable so as to provide activity and life on the harbour front. A portion is rezoned to "road" to the north of City Hall Square.

8.4 Reduction in Size of OU(2) Zone (Item D)

8.4.1 The need for sites for buildings to provide a focus for activities and interest on the harbour-front is recognised as important. However, these need to be in scale with the use of the site by people, and should therefore be of 2 to 3 storeys in height. These buildings should only be for uses which complement the public use of the waterfront for such things as restaurants, recreational and tourist activities. Commercial office use should not be permitted, only offices ancillary to the main permitted uses.

8.4.2 Amendment Item D proposes the reduction of OU(2) site for the "Festival Market" development so that the public views from City Hall are retained. This is limited to 2 plot ratio and 2 storeys in height. The majority of the OU(2) site is rezoned for public open space.

8.5 Deletion of Roads P1 and D6 (Item E)

A remnant portion of Road P1, and associated access road D6, are located to the north and east of the current CDA zone. With the deletion of the CDA zone and the reduction in size of the OU(2) zone, these roads are no longer necessary and converted to "Open Space".

8.6 Deletion of Road P2 (Item F)

The Traffic Impact Assessment has shown that P2 is not necessary when the CWB is implemented. The road can be significantly reduced in size and need not extend past the Tamar Site. The areas no longer reserved for "Road" are rezoned to "Open Space". The open space decks and elevated walkways are also removed and replaced by "Open Space".

8.7 Consequential Changes to "GIC(2)" and "O" Zones near the Wan Chai West Sewage Screening Plant. (Item G)

With the deletion of Road P2, a larger area of open space can be created by reducing the size of the GIC(2) site, while part of the "O" zone near the Sewage Plant can be rezoned for an OU(2) site to provide for entertainment and commercial uses as part of the "Cultural Corridor".

8.8 Consolidated Plan

Figure 13 is a plan which consolidates all of the changes into one new plan which is proposed as the amended plan for consideration by the Board.

- Item A**
Reduction of Reclamation within CR III
- Item B**
Reduction of Reclamation outside CR III
- Item C**
Deletion of the CDA Zone
- Item D**
Reduction in Size of OU(2) Zone
- Item E**
Deletion of Roads P1 and D6
- Item F**
Deletion of Road P2
- Item G**
Consequential Changes to "GIC(2)" and "O" Zones near the Wan Chai West Sewage Screening Plant

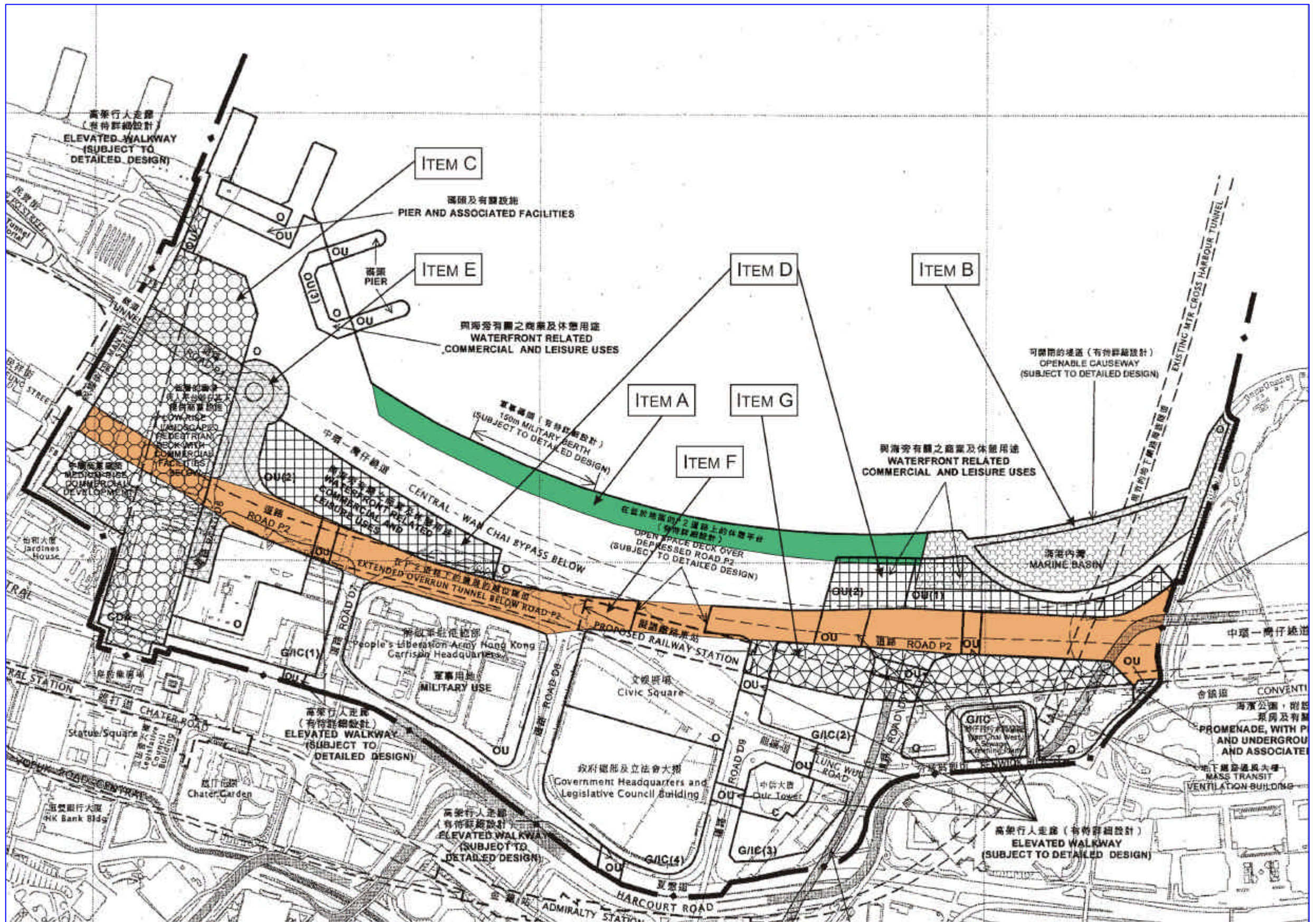


FIGURE 12 Proposed Amendments to the Outline Zoning Plan

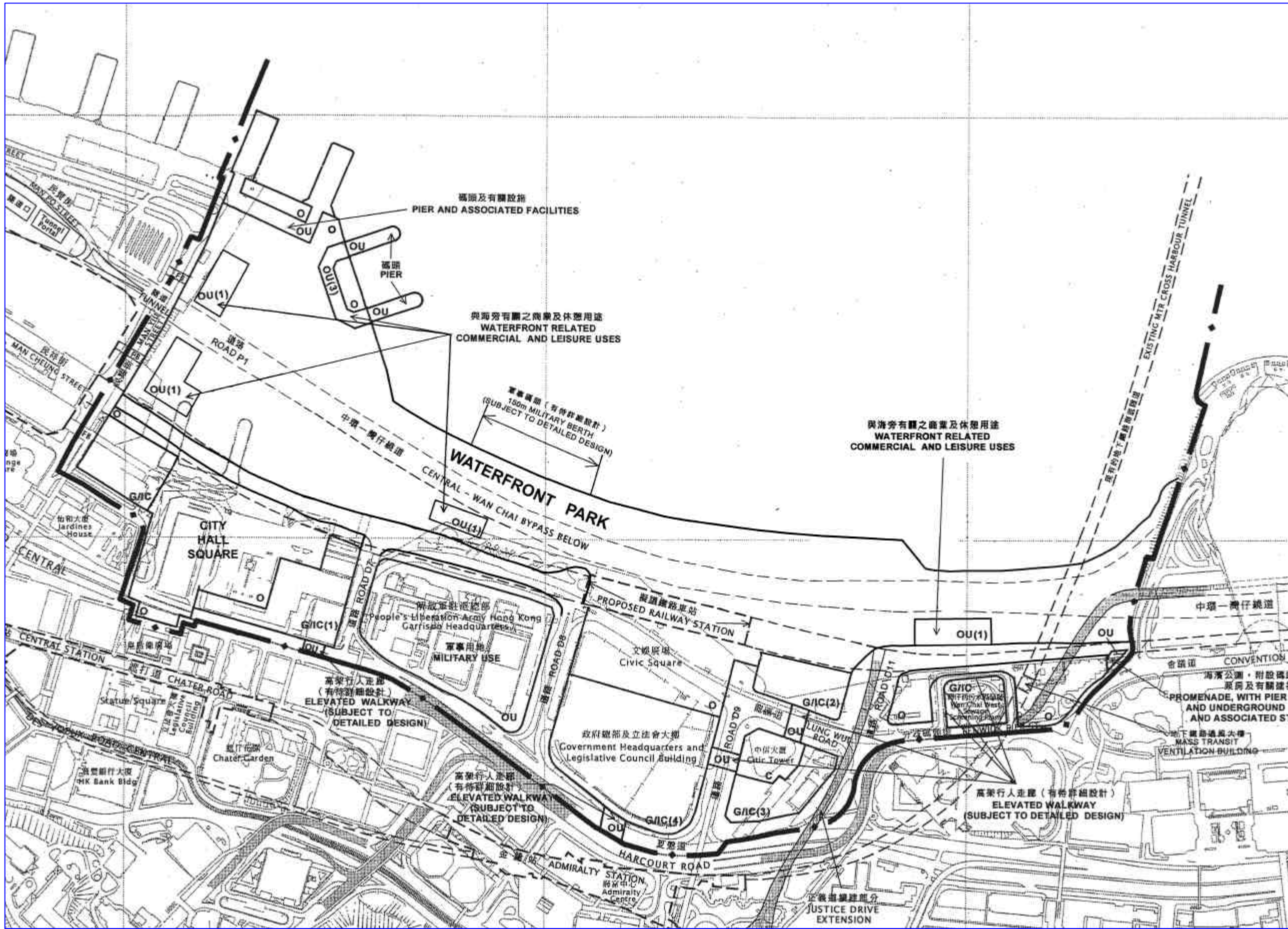


FIGURE 13 Proposed New Outline Zoning Plan

9. Procedural Matters

There are a number of procedural matters which need to be briefly addressed.

9.1 Minimum Reclamation and the CFA Decision

The Board when considering the proposed Amendments to the Central District (Extension) Outline Zoning Plan is obliged to consider them within the context of the PHO and the decision of the Court of Final Appeal with the Over-riding Public Need Test. The proposals submitted in this rezoning request clearly show that areas within CRIII and those to the east outside CRIII involve reclamation which does not meet the Test. These areas are excessive, are not for a public purpose and the proposed use can be located to other alternative sites which require less reclamation or no reclamation. Once the Board arrives at that conclusion it is therefore bound by the PHO to propose amendments to the amount of reclamation shown on the Outline Zoning Plan.

9.2 Referral of Plan back by CE

9.2.1 Under Section 12 of the Town Planning Ordinance the CE can refer the Central District (Extension) Outline Zoning Plan back to the Town Planning Board for amendment. It is common for the Board to consider applications for Rezoning Requests and if they are accepted then the Board can request the CE to refer the plan back for Review.

9.2.2 In this Rezoning Request there are a number of matters placed before the Board for consideration. The applicant is of the view that all of the matters raised are sufficient to enable the Board to request referral of the Outline Zoning Plan back for amendment. Even if the Board does not accept that all of the proposals justify amendment to the plan, if one of the proposals is accepted then the plan should be amended for that reason. In particular the rezoning of the CDA zone to a public use is a matter which would obtain a large amount of public support.

10 Conclusion

10.1 The proposals in this submission place before the Town Planning Board the independent technical information which has been prepared for the SPH. In making its assessment of the validity of the reclamation now taking place in Central, it is clear that the traditional engineering approach to the design of the reclamation is not adequate to meet the recently defined requirements of the PHO. There are alternative designs and approaches, and different forms of construction which would result in less reclamation being necessary without affecting the provision of the CWB.

10.2 The worst aspect of the current reclamation is that not enough attention has been given to providing the highest quality public waterfront. The design of the area along the waters edge will be totally based on the need to unnecessarily accommodate salt water pumping stations, not to provide the best public access and amenity.

10.3 There will be large areas of the reclamation which will be sold for private interests and the Board should accept the responsibility it has to ensure that the best public use is made of the reclamation by rezoning these areas. The vibrancy of the waterfront should be guaranteed by the provision of buildings of an appropriate scale and size, as shown in this submission.

10.4 The traditional approach of reclaiming land and placing unnecessary surface roads on it must be stopped. The removal of P1 and P2 will provide a better public environment and more open space. The surface roads must be minimised because the harbour has been sacrificed for the CWB, and use of this by-pass must now be maximised.

10.5 The Board cannot avoid considering this submission in the context of the PHO. In doing so it must look at the reclamation outside the CRIII contract area and decide whether the inclusion of this in the Outline Zoning Plan can now be justified. It is the strong view of the SPH that this portion of reclamation cannot be justified and the plan must therefore be amended.

10.6 The SPH respectfully requests the Board to consider the proposed rezoning items carefully and thoroughly, as public expectations are so high in anticipating that the Board will provide a balanced review and will implement these changes. By doing this the Board will ensure that the public gains the most through the implementation of a magnificent public asset to replace the heritage that has been lost through reclamation of the harbour.

10.7 The result of the proposals in this submission would be a reduction in reclamation by 4.6ha and an increase in public open space of 8ha. These changes will improve the quality of the public assets on a potentially dramatic waterfront.