

**For discussion  
on 25 November 2008**

**Legislative Council Panel on Development**

**Central - Wan Chai Bypass and Wan Chai Development Phase II  
Temporary Reclamation and Reprovisioning Arrangements  
for Affected Vessels in Causeway Bay Typhoon Shelter**

**PURPOSE**

This paper seeks Members' view on –

- (a) the temporary reclamation required for the construction of the Central-Wan Chai Bypass and Island Eastern Corridor Link (the Trunk Road);
- (b) the reprovisioning arrangements for the vessels in the Causeway Bay Typhoon Shelter (CBTS) affected during the Trunk Road construction; and
- (c) the supplementary information on comparison of the Trunk Road tunnel and flyover options prepared by

the Administration under the Wan Chai Development Phase II project (WDII) in response to a recent judicial review<sup>1</sup> relating to the Trunk Road project.

## **BACKGROUND**

2. At the meeting of the Panel on Planning, Lands and Works on 29 May 2007, we reported the progress of the WDII project and the Trunk Road project. We also informed the Panel that the gazetting of the concerned plans and schemes was scheduled in July 2007.

3. The Trunk Road scheme was gazetted on 27 July 2007 under the Roads (Works, Use and Compensation) Ordinance (Cap. 370). The proposed amendments to the draft Wan Chai North Outline Zoning Plan (OZP) No. S/H25/1 and the draft North Point OZP No. S/H8/21 incorporating the Tunnel Option of the Trunk Road (the Trunk Road Tunnel) under the Town Planning Ordinance (Cap. 131) and the proposed reclamation in WDII under the Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127) were also gazetted on the same day. Temporary reclamation for the Trunk Road Tunnel construction in the CBTS and ex-Wan Chai Public Cargo Working Area (ex-PCWA) and a temporary breakwater for on-site reprovisioning of the affected mooring and anchorages in the CBTS were proposed in the Trunk Road scheme.

4. The Court of First Instance (CFI) ruled in the above mentioned JR on 20 March 2008 that the Protection of the Harbour Ordinance (PHO)

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<sup>1</sup> The judicial review applied for by the Society for Protection of the Harbour on 3 October 2007.

(Cap. 531) applies to the proposed temporary reclamation works referred to in the Trunk Road scheme gazetted under the Roads (Works, Use and Compensation) Ordinance (Cap. 370).

## **FURTHER STUDIES ON THE TRUNK ROAD CONSTRUCTION**

5. In the light of the CFI's judgment on the application of the PHO to temporary reclamation, we have engaged consultants to examine the overriding public need of the temporary reclamation for constructing the Trunk Road Tunnel and their compliance with the PHO. Details are set out in paragraphs 8-10 below.

6. Subsequently, we have carefully examined the reprovisioning options of the affected moorings and anchorages in the CBTS, including off-site reprovisioning options as alternatives to the temporary breakwater for on-site reprovisioning. Details are set out in paragraphs 11-14 below.

7. We have also prepared materials to supplement the "Report on Cogent and Convincing Materials to Demonstrate Compliance with the Overriding Public Need Test" (the CCM Report) issued in February 2007 to address specifically the reclamation requirements, with particular reference to the temporary reclamation requirements under WDII, of the feasible Trunk Road options. Details are set out in paragraphs 15-22 below.

## **TEMPORARY RECLAMATION FOR TUNNEL CONSTRUCTION**

8. The consultants have critically examined various methods for constructing the Trunk Road Tunnel beneath the seabed of the CBTS and

ex-PCWA and concluded that the cut-and-cover method using diaphragm walls which requires temporary reclamation is the only safe, feasible and practicable method of construction for the Trunk Road Tunnel in the CBTS and ex-PCWA. The consultants' findings have also been confirmed by an independent reviewer employed by the Government.

9. The consultants' findings are presented to the public from April to August 2008 through a series of public engagement activities including public and professional forums, seminars, consultation with District Councils and the HEC, as well as liaison with other concerned parties. The consultants' findings and the views of the public are given in the report entitled "Report on Construction of the Trunk Road Tunnel in Causeway Bay Typhoon Shelter and ex-Wan Chai Public Cargo Working Area" which has been uploaded onto the website of Highways Department at the following link:

<http://www.hyd.gov.hk/eng/major/road/projects/6579th/Report%20on%20Tunnel%20Construction.pdf>. A copy of this report has been deposited at the LegCo Secretariat for Members' reference. A summary of the report is at **Annex A**.

10. The conclusion is that without temporary reclamation, the Trunk Road Tunnel cannot be safely and practically constructed. There is an overriding public need for the temporary reclamations in the CBTS and ex-PCWA for the Trunk Road Tunnel construction. The temporary reclamation will be kept to the minimum and be removed. The seabed will be reinstated after the completion of the construction works in the CBTS and ex-PCWA.

## **REPROVISIONING OPTIONS FOR AFFECTED MOORINGS AND ANCHORAGES IN THE CBTS**

11. After investigation, the consultants have identified six main reprovisioning options for the affected moorings and anchorages in the CBTS. These options are described in more detail in the “Information Paper on Reprovisioning Arrangements of Affected Moorings & Anchorage during Trunk Road Construction at the Causeway Bay Typhoon Shelter” at **Annex B**.

12. In September 2008, a series of discussion sessions with the CBTS users were held on the various reprovisioning options for the moorings and anchorages in the CBTS affected by the construction of the Trunk Road Tunnel. Questionnaires were also issued to all CBTS users to collect their views. The opinions collected from the CBTS users, including the users of the anchorage and private mooring areas and the Royal Hong Kong Yacht Club, reflected their general will to stay at or near the CBTS during construction. Various reasons on their needs to stay were raised and discussed during the sessions. Such views were then analysed with the assistance from the Public Policy Research Institute of the Hong Kong Polytechnic University. Taking into consideration of the opinions of the CBTS users, we then formulated the recommended reprovisioning arrangements whereby the pleasure vessels in the private mooring area will be reprovisioned off-site whilst all other vessels can moor in the CBTS or ex-PCWA. The option is derived based on considerations of minimizing the possible impacts and hardship on the livelihood of the CBTS users.

13. We further consulted the CBTS users on the recommended reprovisioning arrangements at a meeting on 18 October 2008. The users were generally agreeable to the recommended reprovisioning arrangements. A public forum was also held on 25 October to gauge the views of the public. The recommended reprovisioning arrangements and the views of

the CBTS users and the public are summarized at **Annex B**.

14. Having identified the feasible and practicable reprovisioning arrangements which do not involve temporary reclamation works i.e. the construction of a temporary breakwater, we should not proceed with the other reprovisioning options requiring temporary reclamation in compliance with the PHO. The originally proposed temporary breakwater to the north of the CBTS will hence no longer be required. Arrangements will be made for the amendment of the gazetted Trunk Road scheme to delete the originally proposed temporary breakwater.

## **REVIEW ON THE COMPARISON OF THE TRUNK ROAD CONSTRUCTION OPTIONS**

15. According to the judgment of the Court of Final Appeal (CFA) in January 2004, the presumption against reclamation as set out in the PHO could be rebutted only if an overriding public need for reclamation (the Overriding Public Need Test) is demonstrated in accordance with the CFA's judgment. In considering what is a reasonable alternative to reclamation, all circumstances should be considered, including economic, environmental, social implications of each alternative; cost, time and delay involved would also be relevant.

16. While the feasible Trunk Road options have been evaluated in Chapter 4 of the CCM Report, details on temporary reclamation were at that time not specifically elaborated in the comparison of feasible Trunk Road options i.e. the Tunnel Option and the Flyover Option, on the ground of the temporary nature of those works.

17. In line with the CFI's judgment on the application of PHO to temporary reclamation, the CCM Report has now been supplemented, with additional materials, to address specifically the reclamation requirements of the feasible Trunk Road options, including the temporary reclamation requirements, and then the comparison of the Tunnel and Flyover Options with some further elaboration on their relative performance in all relevant aspects, for the purposes of assessing both Options by reference to the Overriding Public Need Test. The report entitled "Report on Comparison of Trunk Road Tunnel & Flyover Options in accordance with the Overriding Public Need Test" has been uploaded onto the website of Civil Engineering and Development Department at the following link:

<http://www.cedd.gov.hk/eng/topics/wdii/report.htm>. A copy of this report has been deposited at the LegCo Secretariat for Members' reference. A summary paper of the report is at **Annex C**.

18. In summary, both the estimated extents of permanent and temporary reclamation of the Tunnel Option are larger than that of the Flyover Option and the relevant data are tabulated below:

*Permanent Reclamation*

	<b>Tunnel Option</b>	<b>Flyover Option</b>
land formation	12.7 ha	9.8 ha
pile caps and dolphins <sup>2</sup>	0.1 ha	0.4 ha

<sup>2</sup> While the pile caps and protective dolphin structures are not land formed with soil, they are solid structures rising up from the seabed to above water level, and these will permanently occupy the water area of the Harbour. The pile caps form a solid platform in the water on which the road structure rests; they are therefore considered as reclamation in the meaning of PHO. In the CCM Report, this area overlaps with the 0.4 ha area of "flyover structures over water" and thus is not separately counted. For

### Temporary Reclamation

	<b>Tunnel Option</b>	<b>Flyover Option</b>
At the stage when the area of temporary reclamation is the largest <sup>3</sup>	CBTS: 3.7 ha ex-PCWA: 1.2 ha	CBTS and ex-PCWA: 3.3 ha  North Point: 0.1 ha

19. The comparison of the Tunnel Option and Flyover Option in the CCM Report has been reviewed taking into account the CFI's judgment in relation to temporary reclamation. Taking into account the following social, environmental and economic implications, we consider that the Flyover Option, even though it requires a lesser extent of both permanent and temporary reclamation, should not be regarded as a reasonable alternative to the Tunnel Option:

- In respect of protection of the Harbour, the Flyover Option will affect a substantially greater area of the Harbour than the Tunnel Option (as shown in Table 3.1 of the "Report on Comparison of Trunk Road Tunnel & Flyover Options in accordance with the Overriding Public Need Test", an additional 2.3ha of the sea will be covered by the flyover structures and an additional 4.0ha of the sea will be affected by the flyover structures). As such, the

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the avoidance of doubt, it is identified separately in the "Report on Comparison of Trunk Road Tunnel & Flyover Options in accordance with the Overriding Public Need Test".

<sup>3</sup> As the temporary reclamation would be carried out in stages, the area of temporary reclamation at any one time will differ. The area of temporary reclamation at the stage when it is the largest is tabulated for comparison purpose.



Flyover Option has a major drawback in terms of protection and preservation of the Harbour as intended by the PHO.<sup>4</sup>

- Unlike the Tunnel Option, the Flyover Option cannot meet public aspirations for harbour-front enhancement or accommodate reasonably expected harbour-front planning improvements, which will enhance the harbour's accessibility to the public. Land use opportunities for providing quality harbour-front areas for the people of Hong Kong will also be constrained.
- The Flyover Option goes against the strong desire of the public for the Trunk Road to be underground rather than, in effect, an extension of the elevated Island Eastern Corridor along the shoreline.
- In terms of traffic disruption, construction of the Flyover Option will cause severe disruption to traffic flows and substantial delay to journey times, compared to the Tunnel Option which can be constructed with minimal traffic disruption or delay.
- In respect of the environment, the Flyover Option will cause relatively greater air and noise impacts, and have significant adverse visual impact than the Tunnel Option.

20. It is noted that the Flyover Option does perform better than the Tunnel option in respect of construction time and costs, but this benefit is outweighed by the above negative factors.

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<sup>4</sup> The affected area is not "reclamation" within the meaning of the PHO.

21. In overall terms, the Tunnel Option performs better than the Flyover Option. The Tunnel Option has its own merits because it:

- will affect less areas of the Harbour;
- will have more opportunities for harbour-front enhancement and provide better access to the waterfront;
- has received public support through extensive public engagement activities;
- will cause less traffic disruption during construction;
- will cause less extensive air and noise impacts;
- will have no adverse visual impact.

22. We are therefore of the view that, after consideration of all relevant factors, in particular the social and environmental implications, the Flyover Option is not regarded as a reasonable alternative to the Tunnel Option even though the latter requires an additional permanent reclamation of 2.6ha and an additional temporary reclamation of 1.5ha. Details are provided in Chapter 3 of the “Report on Comparison of Trunk Road Tunnel & Flyover Options in accordance with the Overriding Public Need Test”.

## **PUBLIC CONSULTATION**

23. The public has been consulted on the findings of the methods of construction for the Trunk Road in the CBTS and ex-PCWA from April to August 2008. From the consultation exercise, it was generally agreeable that without temporary reclamation, the Trunk Road Tunnel cannot be safely and

practically constructed.

24. As mentioned in paragraph 12 above, consultation with the CBTS users on the reprovisioning options for affected moorings and anchorages in the CBTS was held in September and October 2008. The recommended reprovisioning arrangements whereby the pleasure vessels in the private mooring area will be reprovisioned off-site whilst all other vessels can moor in the CBTS or ex-PCWA was formulated.

25. A public forum was held on 25 October 2008 to brief the public on the overall findings on the temporary reclamation required for the construction of the Trunk Road, the reprovisioning arrangements for the affected vessels in the CBTS and the updated comparison of the Tunnel Option and Flyover Option and to seek their further views. There was unanimous support of the Tunnel Option and general support of the recommended reprovisioning arrangements at the forum. General sentiment to implement the Trunk Road as soon as possible was also expressed. Consultation with the Harbourfront Enhancement Committee was held on 31 October 2008. At the meeting, members expressed their support to both the recommended reprovisioning arrangements and the Tunnel Option. The Planning, Works and Housing Committee of the Eastern District Council, the Traffic and Transport Committee of the Central and Western District Council and the Southern District Council were consulted and all supported the recommended reprovisioning arrangements and the Tunnel Option. The Wan Chai District Council will also be consulted on 18 November 2008.

## **ADVICE SOUGHT**

26. Members are invited to offer their views on this paper.

## **Annexes**

- Annex A    Summary of Report on Construction of the Trunk Road Tunnel in Causeway Bay Typhoon Shelter and ex-Wan Chai Public Cargo Working Area
- Annex B    Information Paper on Reprovisioning Arrangements of Affected Moorings & Anchorage during Trunk Road Construction at the Causeway Bay Typhoon Shelter
- Annex C    Summary of Report on Comparison of Trunk Road Tunnel & Flyover Options in accordance with the Overriding Public Need Test

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Development Bureau

Transport and Housing Bureau

Civil Engineering and Development Department

Highways Department

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