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No. 32218

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
CHINA**

Exchange of notes constituting an agreement on the arrangements for the future use of the military sites in Hong Kong (with annexes). Beijing, 11 November 1994

Authentic texts: Chinese and English.

Registered by the United Kingdom of Great Britain and Northern Ireland on 25 October 1995.

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
CHINE**

Échange de notes constituant un accord concernant les arrangements en vue de l'utilisation future des sites militaires à Hong-Kong (avec annexes). Beijing, 11 novembre 1994

Textes authentiques : chinois et anglais.

Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 25 octobre 1995.

[TRANSLATION — TRADUCTION]¹

The Ministry of Foreign Affairs of the People's Republic of China presents its compliments to the Embassy of the United Kingdom in China and has the honour to refer to the discussions held in the Sino-British Joint Liaison Group on the arrangements for the future use of the military sites including the buildings and fixed facilities therein (hereinafter referred to as the military sites) in Hong Kong.

In order to meet the needs of the military forces stationed in the Hong Kong Special Administrative Region for defence purposes by the Government of the People's Republic of China as from 1 July 1997 and to accommodate Hong Kong's needs for social and economic development, the Sino-British Joint Liaison Group conducted discussions, in accordance with the provisions of the Joint Declaration of the Government of the People's Republic of China and the Government of the United Kingdom of Great Britain and Northern Ireland on the Question of Hong Kong² concerning the responsibility for defence of the Hong Kong Special Administrative Region, on the arrangements for the future use of the military sites in Hong Kong and reached agreement on 30 June 1994. The Sino-British Joint Liaison Group has proposed that the two Governments confirm the agreement reached in those discussions which is set out as follows:

1. The Government of the United Kingdom shall hand over, without compensation, to the Government of the People's Republic of China the 14 military sites listed in Annex I (attached herewith) for use exclusively for defence purposes by the military forces stationed in the Hong Kong Special Administrative Region by the Government of the People's Republic of China as from 1 July 1997. The specific arrangements for the hand-over shall be the subject of further discussion between the two sides. Pending the hand-over, the Government of the United Kingdom shall ensure that the necessary funds are sought so as to enable the military sites listed in Annex I to be placed under proper protection and timely maintenance so that their integrity and original functions shall be kept intact; and the said sites and any part thereof may be used by the Hong Kong Government for such temporary purposes as are consistent with ensuring their proper protection and timely maintenance. The Government of the United Kingdom shall inform the Government of the People's Republic of China in a timely manner of any such temporary use.

2. In order to accommodate Hong Kong's needs for social and economic development, the Government of the People's Republic of China agrees that effective from 1 July 1997, the 25 military sites listed in Annex II (attached herewith) shall no longer be required for defence purposes. Before that date, when the above-mentioned military sites are no longer needed by the military forces stationed in Hong Kong by the Government of the United Kingdom, they shall be handed over, without compensation, to the Hong Kong Government for disposal. Before 1 July 1997, the grant of these sites shall be dealt with by the Sino-British Land Commission in accordance with the provisions of Annex III to the Joint Declaration of the Government of the

¹ Translation supplied by the Government of the United Kingdom — Traduction fournie par le Gouvernement du Royaume-Uni.

² United Nations, *Treaty Series*, vol. 1399, p. 33.

People's Republic of China and the Government of the United Kingdom of Great Britain and Northern Ireland on the Question of Hong Kong, and the Chinese side shall adopt a positive attitude in this regard.

3. Since the military sites listed in Annex II will be handed over to the Hong Kong Government for disposal before 1 July 1997, certain buildings and fixed facilities therein needed by the Chinese military forces for defence purposes will be affected. In order to ensure that these buildings and fixed facilities will continue to be available for defence purposes as from 1 July 1997, the Government of the United Kingdom shall ensure that the necessary funds are sought to re-provision the buildings and fixed facilities listed as items 1 to 4 of Annex III (attached herewith) without compensation at the sites agreed by the two sides as shown in the said Annex, and that the Hong Kong Government carry out the undertaking listed as item 5 of Annex III. The Government of the People's Republic of China shall give its positive co-operation to this end.

4. In order to ensure a smooth hand-over of the military sites in Hong Kong between the two sides, the Government of the United Kingdom shall transfer to the Government of the People's Republic of China the relevant documents and drawings concerning the military sites listed in Annex I and the buildings and fixed facilities listed in Annex III. The specific arrangements for the transfer shall be decided by the two sides through separate discussion.

The Ministry of Foreign Affairs hereby confirms, on behalf of the Government of the People's Republic of China, the above-mentioned agreement and its three annexes. If the Embassy could confirm the agreement and its three annexes on behalf of the Government of the United Kingdom in a note of reply, the said agreement as set out above in this note, together with its three annexes, and the Embassy's note of reply shall constitute an agreement between the Government of the People's Republic of China and the Government of the United Kingdom on the arrangements for the future use of the military sites in Hong Kong which shall enter into force on 11 November 1994.

In accordance with the relevant provisions of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, and with regard to the use of the military sites by the military forces stationed in the Hong Kong Special Administrative Region (hereinafter referred to as the Garrison), the Government of the People's Republic of China states as follows:

1. The Government of the People's Republic of China shall, as from 1 July 1997, be responsible for the defence of the Hong Kong Special Administrative Region. In addition to abiding by national laws, members of the Garrison stationed in the Hong Kong Special Administrative Region for defence tasks shall abide by the laws of the Hong Kong Special Administrative Region. While ensuring the effective discharge of its defence responsibilities, the Garrison will abide by the relevant stipulations of the Government of the Hong Kong Special Administrative Region on the development and use of land and on urban construction and planning.

2. The military sites handed over to the Garrison shall be used exclusively for defence purposes. The right to use the military sites shall not be transferred and the sites shall not be made available to others for purposes other than defence. If a site used by the Garrison is no longer needed for defence purposes, it shall be handed over, without compensation, to the Government of the Hong Kong Special Administrative Region for disposal.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy the assurances of its highest consideration.

Ministry of Foreign Affairs
of the People's Republic of China

Beijing, 11 November 1994

ANNEX I

Military sites to be handed over by the Government of the United Kingdom for use by the military forces stationed in the Hong Kong Special Administrative Region by the Government of the People's Republic of China as from 1 July 1997

Hong Kong Island

1. The western part of the Prince of Wales Barracks, Central (see appended Plan 1)
2. Stanley Barracks, Stanley Peninsula (see appended Plan 2)
3. Head Quarter House, Barker Road, The Peak (see appended Plan 3)
4. Queen's Lines, Admiralty (see appended Plan 4)
5. Bonham Towers military quarters, Mid-Levels (see appended Plan 5)

Kowloon

6. Gun Club Hill Barracks, 127 Austin Road, Tsim Sha Tsui (see appended Plan 6)

From 1 July 1997, the United Services Recreation Club will continue to enjoy the use of all its facilities on the same terms as at present. Its membership will remain open to civilians. The commanding officer of the Chinese garrison or his representative will assume the responsibilities for the direction and control of the Club.

7. Osborn Barracks, Kowloon Tong (see appended Plan 7)
8. Senior Officer's Residence, 1A Cornwall Street, Kowloon Tong (see appended Plan 8)
9. Stonecutters Island (see appended Plan 9)

The civil explosives on the Island shall be relocated elsewhere while the existing military explosives depot is retained.

New Territories

10. Shek Kong Camp and Shek Kong Village, Yuen Long (see appended Plans 10 and 11 respectively)
11. Cassino Lines and Tam Mi Camp, Yuen Long (see appended Plans 10 and 11 respectively)
12. Gallipoli Lines and San Wai/Tai Ling Firing Range, Fanling (see appended Plans 14 and 15 respectively)
13. Castle Peak Firing Range, Tuen Mun and Yuen Long (see appended Plan 16)
14. Naval Coastal Watching Station, Tai O, Lantau Island (see appended Plan 17)

Note

There are 17 plans appended to this Annex. The red lines on the plans indicate the boundaries of the military sites. The plans also show major non-military interests in the relevant military sites, including rights of way, reserves, permitted burial areas, government installations and registered sites of special scientific interest.

If such non-military interests, together with other government installations, installations of utility companies, and ancestral graves constitute rights and obligations valid under the laws previously in force in Hong Kong, or lawful traditional rights and interests of the indigenous inhabitants of the New Territories, they shall, provided that they do not contravene the provisions of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, continue to be valid, and be recognised and protected as from 1 July 1997.

ANNEX II

Military sites to be handed over to the Hong Kong Government for disposal

Hong Kong Island

1. The eastern part of the Prince of Wales Barracks, Central (see appended Plan 1)
2. Royden Court military quarters, Repulse Bay (see appended Plan 2)
3. So Kon Po Sports Ground, So Kon Po (see appended Plan 3)
4. Mount Austin Mansions (Blocks A and E), The Peak (see appended Plan 4)
5. Military quarters at Cape Mansions (part), Mount Davis (see appended Plan 5)
6. Harcourt Place military quarters, Happy Valley (see appended Plan 6)
7. Military Cemetery, Cape Collinson Road (see appended Plan 7)

Kowloon

8. British Military Hospital, King's Park (see appended Plan 8)
9. Blackdown Barracks, San Po Kong (see appended Plan 9)
10. Military Joint Movements Unit site, Kai Tak Airport (see appended Plan 10)
11. Tudor Court military quarters, Kowloon Tong (see appended Plan 11)
12. St George's School site, Kowloon Tong (see appended Plan 12)
13. Military quarters at Vista Panorama (part), Beacon Hill (see appended Plan 13)
14. Kowloon Tsai military quarters, Beacon Hill (see appended Plan 14)
15. Mission Road Sports Ground, Ma Tau Wai (see appended Plan 15)
16. Naval base on the north shore of Stonecutters Island (see appended Plan 16)

New Territories

17. Perowne Barracks, Tuen Mun (see appended Plan 17)
18. Dills Corner Camp, Sheung Shui (see appended Plan 18)
19. Lo Wu Camp, Sheung Shui and Lo Wu Range, Yuen Long (see appended Plans 19 and 20 respectively)
20. Burma Lines, Fanling (see appended Plan 21)
21. Ping Chau Training Camp, Ping Chau (see appended Plan 22)
22. High Island Training Camp, Sai Kung (see appended Plan 23)

23. Pearl Island Gurkha military quarters, Tuen Mun (see appended Plan 24)
24. Beas Stables military quarters, Sheung Shui (see appended Plan 25)
25. Gurkha Cemetery and the Old Gurkha Cemetery, Cassino Lines, Yuen Long (see appended Plan 26)

Note

There are 26 plans appended to this Annex. The red lines on the plans indicate the boundaries of the military sites to be handed over to the Hong Kong Government for disposal.

ANNEX III

Military buildings and fixed facilities to be reprovisioned for the Chinese garrison**1. *Naval base on the south shore of Stonecutters Island***

The effective water area of the basin will be 400 metres by 400 metres with a water depth of 9 metres below Chart Datum. The reclaimed land area will be 12 hectares and the total gross floor area of the land facilities will be 28,830 square metres. The standards of construction and fixed facilities will be equivalent to those of the former Tamar naval base, Central. The "Design Requirements for the Reprovisioning of the Naval Base at South Stonecutters Island", appended, provides details.

2. *Military hospital at Gun Club Barracks*

The military hospital will have 120 beds and 40 units of married quarters for medical staff (20 units with 2 bedrooms and 1 living room, 10 units with 3 bedrooms and 1 living room, and 10 units with 4 bedrooms and 1 living room). The total gross floor area will be 15,786 square metres (including 3,600 square metres for the medical staff quarters). The standards of construction and fixed facilities will be equivalent to those at the British Military Hospital, King's Park. The "Design Requirements for the Reprovisioning of the Military Hospital at Gun Club Barracks", appended, provides details.

3. *Military storage facilities at Shek Kong Camp*

The total gross floor area of the storage facilities will be 12,050 square metres. The total gross floor area of the administration facilities will be 3,340 square metres. The standards of construction and fixed facilities will be equivalent to those of the storage facilities at Blackdown Barracks, Kowloon. The "Design Requirements for the Reprovisioning of the Military Storage Facilities at Shek Kong Camp", appended, provides details.

4. *Military Joint Movements Unit at Chek Lap Kok Airport*

The site area will be 1,680 square metres and the total gross floor area will be 790 square metres. The standards of construction and fixed facilities will be equivalent to those of the Joint Movements Units at Kai Tak Airport. The "Design Requirements for the Reprovisioning of the Military Joint Movements Unit at Chek Lap Kok Airport", appended, provides details.

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

The Hong Kong Government will leave free 150 metres of the eventual permanent waterfront in the plans for the Central and Wanchai Reclamation at a place close to the Prince of Wales Barracks for the construction of a military dock after 1997.

Note

The fixed facilities referred to in this Annex do not include movable furniture and portable facilities.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA ON THE ARRANGEMENTS FOR THE FUTURE USE OF THE MILITARY SITES IN HONG KONG

I

[CHINESE TEXT — TEXTE CHINOIS]

*The Ministry of Foreign Affairs of the People's Republic of China
to the British Embassy at Peking*

MINISTRY OF FOREIGN AFFAIRS
PEKING

11 November 1994

中 华 人 民 共 和 国 外 交 部

(94)部港澳字第 524 号

大不列颠及北爱尔兰联合王国驻华大使馆：

中华人民共和国外交部向联合王国驻华大使馆致意并谨提及中英联合联络小组关于香港军事用地包括其内的建筑物和固定设施(以下简称军事用地)的未来使用安排问题所进行的讨论。

为满足自一九九七年七月一日起中华人民共和国政府派驻香港特别行政区负责防务的军队的需要并照顾香港社

¹ Came into force on 11 November 1994, in accordance with the provisions of the said notes.

会、经济发展的需要,根据《中华人民共和国政府和大不列颠及北爱尔兰联合王国政府关于香港问题的联合声明》中有关香港特别行政区防务责任的规定,中英联合联络小组就香港军事用地的未来使用安排问题进行了讨论,并于一九九四年六月三十日达成协议。中英联合联络小组建议两国政府确认在讨论中达成的协议如下:

一、联合王国政府应将附件一(附后)所列的十四处军事用地无偿移交给中华人民共和国政府,以供中华人民共和国政府派驻香港特别行政区的军队自一九九七年七月一日起完全用于防务目的。移交的具体安排将由双方进一步讨论。在移交以前,联合王国政府将确保,寻求必要的经费,以使附件一所列军事用地得到妥善保护和及时维修,保持其完整无损和原有功能;这些军事用地或其部分可由香港英国政府用于符合确保妥善保护和及时维修目的之临时用途。联合王国政府将向中华人民共和国政府及时通报任何临时用途的情况。

二、为了照顾香港社会、经济发展的需要,中华人民共和国政府同意自一九九七年七月一日起,附件二(附后)所列的二十五处军事用地无需用于防务目的。在该日以前,当联合王国政府派驻香港的军队不再需要上述军事用地时,将无偿交由香港英国政府处理。一九九七年七月一日以前,这些土地的批出将由中英土地委员会根据《中华人民共和国

国政府和大不列颠及北爱尔兰联合王国政府关于香港问题的联合声明》附件三之规定处理,中方对此将持积极态度。

三、由于附件二所列的军事用地将于一九九七年七月一日以前交香港英国政府处理,这些军事用地内中国军队需用于防务目的之若干建筑物和固定设施将受到影响。为确保这些建筑物和固定设施自一九九七年七月一日起能继续用于防务目的,联合王国政府将确保,寻求必要的经费,以在附件三(附后)所列双方商定的地点无偿重新提供该附件第一至四项所列的建筑物和固定设施,并由香港英国政府履行该附件第五项所列的承诺。对此,中华人民共和国政府将予以积极合作。

四、为确保双方关于香港军事用地的顺利交接,联合王国政府将向中华人民共和国政府移交附件一所列军事用地以及附件三所列建筑物和固定设施的有关文件和图纸。移交的具体安排,将由双方另行商定。

外交部谨代表中华人民共和国政府确认上述协议和该协议的三个附件。如蒙联合王国驻华大使馆代表联合王国政府复照确认上述协议和该协议的三个附件,本照会所载的上述协议及其三个附件和大使馆的复照将构成中华人民共和国政府和联合王国政府关于香港军事用地未来使用安排的一项协议,并于一九九四年十一月十一日起生效。

根据《中华人民共和国香港特别行政区基本法》的有关规定,中华人民共和国政府就派驻香港特别行政区的军队(以下简称驻军)使用军事用地问题声明如下:

一、自一九九七年七月一日起,中华人民共和国政府负责香港特别行政区的防务。派驻香港特别行政区担负防务任务的驻军人员,除须遵守全国性法律外,还须遵守香港特别行政区的法律。在确保有效地履行防务责任的同时,驻军将遵守香港特别行政区政府在土地发展和使用、市政建设和规划方面的有关规定。

二、移交驻军的军事用地将完全用于防务目的,其使用权不转让,亦不提供给他人用于非防务目的。如果驻军使用的某块土地不再需要用于防务目的,将无偿交由香港特别行政区政府处理。

顺致最崇高的敬意。



一九九四年十月九日 北京

附件一：

联合王国政府移交给中华人民共和国政府
自一九九七年七月一日起派驻香港特别
行政区军队使用的军事用地

香港岛：

- 1、中区的威尔斯亲王军营西部。(见附图 1)
- 2、赤柱半岛的赤柱军营。(见附图 2)
- 3、山顶区白加道的三军司令官邸。(见附图 3)
- 4、金钟道的皇后军营。(见附图 4)
- 5、半山区的般咸阁军人宿舍。(见附图 5)

九龙：

- 6、尖沙咀柯士甸道一百二十七号的枪会山军营。(见附图 6)

自一九九七年七月一日起，三军体育会所将按目前的同等条件继续享用其所有设施。市民将可继续成为该会会员。中国驻军指挥官或其代表将负责指导和管理该会所。

- 7、九龙塘的奥士本军营。(见附图 7)
- 8、九龙塘的歌和老街一号 A 的高级军官官邸。(见附图 8)

9、昂船洲岛。(见附图 9)

将迁移该岛上的民用炸药,保留现有军用炸药库。

新界:

10、元朗的石岗军营和石岗村。(见附图 10 和附图 11)

11、元朗的稼轩庐军营和潭尾军营。(见附图 12 和附图 13)

12、粉岭的新围军营和新围/大岭练靶场。(见附图 14 和附图 15)

13、屯门和元朗区的青山练靶场。(见附图 16)

14、大屿山岛的大澳海军观察站。(见附图 17)

注:本附件共有十七份附图。附图中红线显示军事用地的地界。附图中还显示有关军事用地内的主要非军事权益,包括通行权、专用地、核准基地、政府设施和已注册作为有特殊科学价值的地点。

如果这些非军事权益以及其他政府设施、公用事业公司的设施、祖先墓地根据原在香港有效的法律为有效的权利和义务、或为新界原居民的合法传统权利和权益,将在不抵触中华人民共和国香港特别行政区基本法规定的前提下,自一九九七年七月一日起继续有效,并得到承认和保护。

附件二：

交香港英国政府处理的军事用地

香港岛：

- 1、中区的威尔斯亲王军营东部。(见附图 1)
- 2、浅水湾的莱敦阁军人宿舍。(见附图 2)
- 3、扫杆埔的军人运动场。(见附图 3)
- 4、山顶区的柯士甸山大楼(A 座和 E 座)。(见附图 4)
- 5、摩星岭道的翠海楼军人宿舍(部分)。(见附图 5)
- 6、跑马地的夏悉楼军人宿舍。(见附图 6)
- 7、歌连臣角道的军人坟场。(见附图 7)

九龙：

- 8、京士柏的英军医院。(见附图 8)
- 9、新蒲岗的彩虹军营。(见附图 9)
- 10、启德机场的联合军事运输中心驻地。(见附图 10)
- 11、九龙塘的刁陀阁军人宿舍。(见附图 11)
- 12、九龙塘的圣佐治学校用地。(见附图 12)
- 13、笔架山的蟠龙阁军人宿舍(部分)。(见附图 13)
- 14、笔架山的九龙仔军人宿舍。(见附图 14)
- 15、马头围的天光道军人运动场。(见附图 15)

16、昂船洲岛北岸的海军基地。(见附图 16)

新界：

17、屯门的扫管军营。(见附图 17)

18、上水的石仔岭训练营地。(见附图 18)

19、上水的罗湖军营、元朗的罗湖靶场。(见附图 19 和 20)

20、粉岭的皇后山军营。(见附图 21)

21、平洲岛的平洲训练营地。(见附图 22)

22、西贡的万宜训练营地。(见附图 23)

23、屯门的龙珠岛廓尔喀军人宿舍。(见附图 24)

24、上水的金钱别墅军人宿舍。(见附图 25)

25、元朗的稼轩庐军营新廓尔喀军人墓场和旧廓尔喀军人墓场。(见附图 26)

注：本附件共有二十六份附图。附图中红线显示交由香港英国政府处理的军事用地的地界。

附件三：

为中国驻军重建的军事建筑物和固定设施

1、昂船洲岛南岸的海军基地

港池有效水域面积 400 米×400 米；水深为水深基准面以下 9 米。填海陆地面积 12 公顷；陆上设施的总建筑面积 28,830 平方米。建筑和固定设施标准与中区原添马舰海军基地所采用的标准相同。详见所附的《昂船洲岛南岸重建海军基地设计要求》。

2、枪会山军营的军事医院

军事医院设 120 张床位；40 套已婚医务人员宿舍（其中 20 套 2 室 1 厅、10 套 3 室 1 厅、10 套 4 室 1 厅）。总建筑面积 15,786 平方米（含医务人员宿舍 3,600 平方米）。建筑和固定设施标准与京士柏的英国军事医院所采用的标准相同。详见所附的《枪会山军营重建军事医院设计要求》。

3、石岗军营的军需仓库

库房总建筑面积 12,050 平方米。行政管理用房的总建筑面积 3,340 平方米。建筑和固定设施标准与九龙的彩虹军需库所采用的标准相同。详见所附的《石岗军营重建军需仓库设计要求》。

4、赤蠟角机场的军事运输中心

占地面积 1,680 平方米；总建筑面积 790 平方米。建筑和固定设施标准与启德机场的联合军事运输中心所采用的标准相同。详见所附的《赤蠟角机场重建军事运输中心设计要求》。

5、在香港岛中区——湾仔填海区预留建军用码头的岸线

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

注：本附件所述的固定设施不包括可移动的家具和便携式设备。