

THE HARBOUR PRIMER

What you need to know about
harbour reclamation



Preface

Hong Kong fights to protect what remains of Victoria Harbour.

The case for Victoria Harbour involves many things. It is not just about balancing the need for environmental protection and easing traffic as some people have assumed.

It involves town planning and urban design, harbour reclamation, political economy, sustainable development, the Protection of the Harbour Ordinance and the need for public officers to comply with it; the obligation of the Town Planning Board to observe the law and due process; governance within the HKSAR's administrative authorities and the need for a transparent decision-making process, as well as preservation of Hong Kong's natural heritage.

The choices we make as a society for development along the harbour front are going to have a major impact on the evolution of the cityscape. As Victoria Harbour is at the centre of the city, it represents the best focal point for Hong Kong to show that its people can meet the quality challenge within this evolution in a sensitive and sensible manner. We believe this can be done but that Hong Kong needs to stop regarding the harbour as a convenient 'land bank' to encroach upon for the sake of expedient planning.

The Friends of the Harbour have produced this Primer in the hope that it will help people to grasp the importance of harbour protection. We believe the case is compelling.

Christine Loh
Chairperson
Society for Protection of the Harbour

November 2003

Cover Photo:

Courtesy of ©Kasyan Bartlett/Pacific Century Publishers Ltd
from the book "Over Hong Kong".

Why the fuss about Victoria Harbour?

1. The case for minimizing reclamation of Victoria Harbour centres on the protection of a unique and special public asset and the natural heritage of Hong Kong.
2. Victoria Harbour is Nature's gift to Hong Kong people. It is set against a stunning landscape of mountains, land and water. There are few harbours in the world that can match its breath taking beauty. We ruin it at our peril.
3. As natural heritage nothing artificial, however "beneficial", can substitute for it.
4. Heritage connotes continuity capable of transmission from generation to generation. Hence, once any part of the body of water of the harbour is reclaimed, it is lost forever to the people of Hong Kong and can no longer figure in the continuum of inheritance.
5. The original Victoria Harbour was about 7,000 hectares in size. By 1990, over 2,500 hectares had already been reclaimed, but Government still proposed to reclaim a further 1,297 hectares (4.5 square miles). Of these, by the time the Protection of the Harbour Ordinance was enacted in 1997, a further 661 hectares had been reclaimed such that nearly half of the original harbour had been made into land. Despite the Ordinance, the Government has been proposing to reclaim the remaining 636 hectares. Thus, Hong Kong is in danger of losing the total of 3,800 hectares (15 square miles), that is, more than half of the harbour.
6. The campaign to protect and preserve Victoria Harbour, which began in 1995 with the founding of the Society for the Protection of the Harbour, aims to ensure that the harbour, which has been designated a special public asset and a natural heritage of Hong Kong people by the Ordinance, cannot be encroached upon unless there is an overwhelming reason, for example, for essential infrastructure. Hong Kong is fighting to protect and preserve what is left of its magnificent harbour.

Victoria Harbour and Hong Kong's Development

1. Up until relatively recently, Hong Kong's economy was dominated by the fact that it was a port and trade was its lifeblood. Victoria Harbour had therefore been the centre of the city's economic life.
2. During the 1950s and 1960s, Hong Kong became a manufacturing centre for light industrial goods made for export. From the 1980s, however, production began to shift to the Mainland with Hong Kong evolving into a centre servicing the growing manufacturing base in South China.
3. Harbour front port activities on Hong Kong Island and Kowloon dropped significantly with the growth of containerized ship ment and the construction of the container ports at Kwai Chung from the 1970s.
4. With this major change land along the harbour front became available for development. As Hong Kong began to transform itself into a service centre, more land was needed. It was expedient to reclaim Victoria Harbour rather than to consider developing away from the harbour area since the policy of reclamation appeared to upset nobody. Victoria Harbour had no voice to speak for its own protection.
5. Reclamation also generated substantial revenue for the Government who auctioned off the new land. Developing along the extended harbour front leveraged the existing infrastructure, which turned the northern shore of Hong Kong Island into the focus for transport infrastructure throughout the 1980s and into the 1990s.
6. However, there are limits to how far we can pack further developments onto the harbour frontage. Congestion has become a daily occurrence. The environment has degenerated. The cost of transporting commuters by road and rail to the city centre has risen. Moreover, a beautiful and historic landmark has been decimated by poor planning and zoning.

7. Recent assertions by the Government that reclamation has been a key determinant of Hong Kong's success are inaccurate. Growth was generated by Hong Kong's ability to transform itself into a service economy. The Government simply chose to meet the demand for land by harbour reclamation and not by other means, which could have included developing the New Territories or urban regeneration, because reclamation was expedient and until 1995, there was no advocate speaking for Victoria Harbour.

Impacts of Reclamation

Reclamation affects us all. There are economic, social, political and environmental impacts:

1. **Strategic Planning:** Harbour reclamation focussed development on the harbour area at the expense of other parts of the city. It contributed to isolating Hong Kong from the Pearl River Delta hinterland even as economic activities began moving across the border from the 1980s onwards.
2. **Urban Renewal:** The ease with which new land could be created by reclamation resulted in lazy planning, which in turn resulted in a failure on the part of the Government to devise effective urban regeneration policies. Vast tracts of development in the urban areas remain dilapidated and under-utilised today.
3. **Land Policy:** Reclamation generated land for the Government to sell, the proceeds for which were used to finance roads and other waterfront infrastructure, which in turn fed the government's 'high land price policy' for many years.
4. **Amenity Value:** Victoria Harbour has substantial amenity value in a world that increasingly places recreational pursuits as key to a high quality of life. That value is overtaking any supposed benefits arising from continuing harbour reclamation.

5. **Aesthetic Value:** Reclamation, together with the lack of control to protect the skyline and visual integrity of Hong Kong's natural landscape in the harbour area, has diminished the city's overall beauty, which damages tourism opportunities as well as diminishing residents' enjoyment of the city.
6. **Harbour Safety:** Victoria Harbour has been significantly narrowed, which creates a less safe environment for shipping and other water activities as water currents become much stronger and space to manoeuvre is reduced.
7. **Congestion Creation:** Each new reclamation project has resulted in additional commercial and residential development, which in turn has generated further traffic demands that require yet more roads and more reclamation for roads.
8. **Traffic Management:** Coupled with the Government's preference for new road provisions to relieve traffic - rather than using traffic demand-management methods - road systems along the harbour front on Hong Kong Island have taken precedence over aesthetics, pollution control and thereby also public health. Alternatives to the simple addition of more roadways have not been fully explored.
9. **Landscape Destruction:** Harbour reclamation has resulted in the permanent destruction of Hong Kong's most valuable and irreplaceable natural asset.
10. **Air Pollution:** Intensive development of the reclaimed areas has substantially and dangerously increased air pollution in the urban area.
11. **Contaminated Mud:** Soft mud on the bottom of the harbour is heavily contaminated with heavy metals and organic chemicals. Dredging - a necessary part of reclamation - stirs up the mud and releases some of those contaminants into the water.

12. **Mud Dumping:** The contaminated mud is dumped in an area near Chek Lap Kok airport, which is close to a marine park where pink dolphins swim.
13. **Flushing Action:** Reclamation narrows the harbour and potentially creates "dead spots" where there is little flushing tidal action, and where litter and sewage could accumulate.
14. **Loss of Habitat:** The loss of natural coastlines could result in the loss of habitats and shallow feeding areas for many inter-tidal creatures that live in shallow sandy bays or on rocky shorelines.
15. **Governance and Good Faith:** The rushed award of the works contract for Central Reclamation Phase III raised doubts about whether the hurry was related to the Society for Protection of the Harbour's application for a judicial review on the Town Planning Board's approval of the Wanchai Development Plan Phase II. The award was the subject of an arbitration hearing, where the Review Body ruled that it was made in "undue haste". The effect the Government's "precipitous action" had been "to render nugatory any substantive recommendation that this Panel could make." The Panel noted that the correct procedure would have been for the authorities to give an opportunity to the tenderers to reconsider their tender submissions.
16. **Rule of Law:** The Society for Protection of the Harbour's successful judicial review against the Town Planning Board's approved plan for Wanchai Development Plan Phase II in effect required the Chief Executive-in-Council to refer the Central Reclamation Phase III back to the Town Planning Board for review. The Government's unwillingness to do so to date raises questions about its commitment to due process and the rule of law.
17. **Civic Action:** Excessive harbour reclamation has ignited public interest to protect and preserve Victoria Harbour. Where even the law fails to adequately protect the harbour, civic action needs to take over.

Protection of the Harbour Ordinance – what the law can do

1. The Protection of the Harbour Ordinance was proposed as a private member's bill in 1996 and passed in June 1997. The Society for Protection of the Harbour's then vice-chairperson proposed the Bill when she was a member of the Legislative Council.
2. Section 3 of the Ordinance provides as follows:

"3. Presumption against reclamation of the harbour

(1) The harbour is to be protected and preserved as a special public asset and a natural heritage of Hong Kong people, and for that purpose there shall be a presumption against reclamation of the harbour.

(2) All public officers and public bodies shall have regard to the principle stated in subsection (1) for guidance in the exercise of any powers vested in them".
3. The Society for Protection of the Harbour instituted court proceedings for a judicial review of the Town Planning Board's decision in connection with the Wanchai Development Plan Phase II. This Plan included extensive reclamation that, in the Society's view, contravened the Ordinance. The High Court granted an order on 8 July 2003 to quash the Board's plan and order it "to reconsider the Plan and the objections thereto according to law".
4. The Judgment determined the Ordinance to mean that:

"... the purpose and extent of each proposed reclamation ought to be individually assessed by reference to the three tests of (1) compelling overriding and present need, (2) no viable alternative and (3) minimum impairment".

5. The Town Planning Board has appealed the High Court Judgment and the Court of Final Appeal will hear the case in December 2003.

However, even the law is insufficient to protect Victoria Harbour

1. Reclamation has always been proposed to meet the needs for infrastructure, transport, open space etc. Reclamation proposals are therefore couched in terms of being "for the welfare of the community".
2. After the land is reclaimed, the Government can later apply to the Town Planning Board to re-zone the reclaimed land for development and the original purposes for the reclamation can be set aside.
3. Examples of the danger of re-zoning of reclaimed land include:
 - (a) West Kowloon Reclamation (340 hectares) – the once promised public park, being the main justification for a large reclamation has been re-zoned for commercial and cultural development. Government is now proposing to abdicate all oversight and give a single developer 30 years to do whatever it may want without any public consultation.
 - (b) Central Reclamation Phase I (20 hectares) – the former Central Bus Terminal and Yaumati Ferry Concourse have been re-zoned for commercial development and the bus terminal and ferry concourse will be moved to the new Central Reclamation Phase III.
 - (c) The City Hall and Gardens and the Star Ferry Concourse – this area was reclaimed and may be re-zoned for commercial development.
 - (d) Central Reclamation Phase II (Tamar) – this reclaimed area, completed in 1994, was proposed to be re-zoned from 'Government, Institution or Community Use' to 'Commercial Use' for the purpose of sale to developers in

- 2000 and was only stopped by public pressure.
 - (e) North Point – a large public playground on the reclaimed waterfront zoned as 'Open Space' on the Draft North Point Outline Zoning Plan No. S/H8/15 was re-zoned in October 2002 for development of government offices.
 - (f) Chater Garden – this reclaimed area faced the danger of being re-zoned in 1995 to accommodate a new Legislative Council Building.
4. There is no remedy or legal recourse against such re-zoning. The Protection of the Harbour Ordinance is ineffective to protect the land created by reclamation.
 5. Therefore, the purpose and extent of any reclamation must be strictly controlled and limited in the first place.

What the public can do to protect Victoria Harbour

1. **Join 'Friends of the Harbour':** You will be kept abreast of the latest developments in the campaign. We are in the process of updating our website and also putting together a 'Friends' list for regular contact and reporting. Please visit our "Friends of the Harbour" website at: <http://www.friendsoftheharbour.org>
2. **Distribute this pamphlet:** Help us by disseminating this pamphlet, which is available in hard copy as well as electronically to your friends, family and colleagues. We need the public to understand the complexities of the case for Victoria Harbour. You can collect hard copies of this pamphlet by calling 2893-0213. Electronic copies are also available on our "Friends of the Harbour" website.
3. **Spread the news of alternative plans:** The Society for Protection of the Harbour has commissioned experts to provide alternative options for minimizing reclamation in Central and Wanchai so that the need for traffic relief can be achieved with considerably less reclamation. Help us to inform others electronically. The information will be available at the end of November 2003.

4. **Contact your District Councillor and Legislator:**
Please contact your District Councillor and Legislative Councillor to tell them that you want to see Victoria Harbour properly protected and preserved. Contacts for councillors are available at <http://www.friends-of-the-harbour.org>
5. **Write to the Executive Council:** Write to the Executive Council to tell them that you want to see Victoria Harbour properly protected and preserved. The address is: Executive Council Secretariat, 1/F Central Government Offices, 18 Lower Albert Road, Hong Kong