



保 護 海 港 協 會
Society for Protection of the Harbour

香港灣仔駱克道 68-70 號偉信商業大廈 1103 室

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Submission to the Legislative Council

Panel on Development Meeting on Tuesday, 28th September 2021

In Defence of the Protection of the Harbour Ordinance (“the PHO”)

In 1995, the Hong Kong community became aware of the need to protect the harbour as a reaction to the extensive reclamation projects then on-going (e.g. West Kowloon, Central, etc.) and being proposed by the Government (Kowloon Bay, Green Island, Wanchai, etc.). The harbour was becoming only half its original width.

The idea that the harbour needed to be protected by law became a hotly debated subject in the community (See Annexure “A”). As the reclamation projects were proposed and undertaken by the Government and powerful private enterprises, it became clear that a law was needed to protect the harbour so that there would still be a harbour to be enjoyed by the present and future generations of Hong Kong people.

Drafting the law was difficult as it had to maintain a sensible and sensitive balance between protection of the harbour and developing it for essential public needs. Hence a ‘presumption against reclamation’ was included in the PHO which ensured that only essential reclamation would be allowed.

The PHO established two important legal rights for the community. Firstly, it confers on Hong Kong people the right to enjoy the harbour by declaring it “a special public asset and a natural heritage of Hong Kong people”. Secondly, it confers on Hong Kong people the right to protect the harbour by requiring that all reclamations and works adversely affecting public enjoyment of the Harbour must be justified.

These rights are invaluable to Hong Kong people and should not be taken away by the proposed amendment of the PHO.

The PHO not only received the overwhelming support of the Legislative Council which enacted the PHO but also from the Provisional Legislative Council constituted in 1997 by the Beijing Government which reaffirmed the PHO at its meeting on 16th July 1997.

Harbour Manifesto: *To protect and preserve the harbour and enhance the harbour-front to provide a healthy environment and a good quality of life for the people of Hong Kong*

維港宣言: 保護及保存維港，並優化海濱，為香港市民，提供一個健康及優質的生活環境



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The PHO also received support from, inter alia, the following public bodies:-

- A. The Town Planning Board which in 1999 promulgated the 'Vision Statement for the Victoria Harbour' (See Annexure "B").
- B. The Harbourfront Enhancement Committee established by the Government in 2004 which promulgated the "Harbour Planning Principles" (See Annexure "C").
- C. The Harbour Business Forum established in 2005 which comprised over one hundred of the leading business corporations, commercial organisations and chambers of commerce (See Annexure "D").
- D. The Harbourfront Commission established by the Government in 2010 which has since considered and supported dozens of harbourfront projects in accordance with the PHO, some of which involved reclamation. Some of the projects recently completed are set out in Annexure "E";
- E. The Professional Institutions; and
- F. Environmental Organisations.

The PHO is also unanimously supported by the law courts including several decisions from the High Court. The Court of Final Appeal Judgment in 2004 pronounced that reclamation had to satisfy an 'Overriding Public Need' Test.

This Test rightly and wisely prescribed three elements. Firstly, it must be for a public need and not just for a public purpose. Secondly, the need must be so compelling that it overrides the importance of the harbour. Thirdly, it must cause the minimum damage and there must be no reasonable alternative. A summary of the judgment is hereto enclosed (Annexure "F").

Finally, the PHO also enjoys the overwhelming (92.6%) support of the community according to a Public Opinion Survey conducted in April 1997 (See Annexure "G").

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We also enclose herewith for your kind consideration our Press Release dated 16th August 2021 (Annexure “H”) and our Letter to the Editor, South China Morning Post published today (Annexure “I”) alerting the public of the threat of the proposed amendment of the PHO which will leave on estimated 90% of the harbour unprotected.

Thanks to the support of the PHO by the Government and the public, Hong Kong still has a wide and beautiful harbour. Furthermore, the holistic planning and control of the development of the harbour and harbourfront is now possible because the Harbourfront Commission now has a permanent shoreline to work with. The plan is to line both side of the harbour with 20 kilometres of harbourfront promenade.

The PHO is and has been working well in protecting the harbour and ensuring a sensible and sensitive development of the harbourfront. Its meaning and function has been judicially interpreted, clarified and unanimously supported by the community, the law courts and the Government over the past many years. There is no need for any amendment which may endanger the harbour.

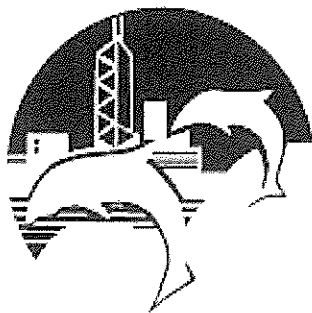
Just walk along the harbour and you will see the improvements made. Given more time, Hong Kong will have the best harbour and harbourfront in the world. This is our dream and the dream of Hong Kong people who loves Hong Kong. We hope that you will share this dream with us. Do not take this dream away.

There is every reason to support the PHO and no reason to amend it.

Hardy K.C. Lok,
Chairman

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Submission to the Legislative Council

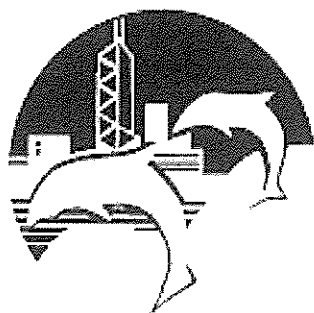
Panel on Development Meeting on Tuesday, 28th September 2021

List of Annexures

- A. Public Support and Enactment of Protection of the Harbour Ordinance (“the PHO”)
- B. Town Planning Board “Vision Statement for the Victoria Harbour”
- C. Harbourfront Enhancement Committee – “Harbour Planning Principles”
- D. Membership of Harbour Business Forum
- E. Recent Projects of Harbourfront Commission
- F. Summary of Court of Final Appeal Judgment
- G. Extract from Public Opinion Survey Conducted by Social Sciences Research Centre, H.K.U.
- H. Harbour Society Press Release dated 16th August 2021
- I. Letter to the Editor, SCMP published on 17th September 2021

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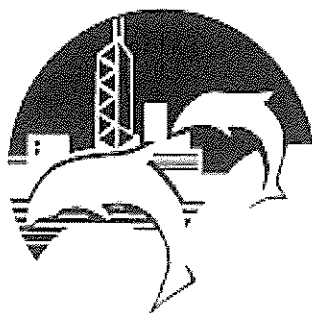
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Public Support and Enactment of Protection of Harbour Ordinance (“the PHO”)

Year	Month	Day	
1994	October	14	Start of ‘Save Our Harbour’ Campaign
1995			Inception of Protection of the Harbour Ordinance
1995-1996			Legal research and drafting
1996	March		Submission of Protection of the Harbour Bill
1996-1997			<p>7 Legco debates with 3 unanimous votes all in favour of harbour protection</p> <p>Bill being the subject matter of public consultations with hundreds of newspaper articles, commentaries, letters, radio and TV programme and TV debates, seminars, conferences, lectures</p> <p>Bill receiving universal public support as well as support from all the then five leading political parties</p> <p>Signature campaign being commenced which eventually secured over 300,000 signatures</p>

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1996	December	28	Presenting Petition regarding Harbour Bill to Governor Chris Patten and the Governor-in-Council
1996			Government published 'Consultative Digest on the Territorial Development Strategy Review 1996' to solicit public opinion on harbour reclamation
1996			Bill Committee formed with five meetings held under Chairman Albert CHAN Wai Yip which cut down Bill only to protecting the 'Central Harbour'
1997	April		Public Opinion Survey by Social Sciences Research Centre, HKU showing 92.6% public support for Bill
1997	June	27	Harbour Ordinance enacted with overwhelming majority
1997	July	16	Provisional Legislative Council reaffirmed the PHO
1999	May	21	Town Planning Board promulgated 'Vision Statement for the Victoria Harbour' in support of the PHO
1999	November	3	Government enacted 'Protection of the Harbour Amendment Ordinance' with an overwhelming majority and which restored protection to the whole harbour

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Town Planning Board
Vision Statement for the Victoria Harbour

Our Vision for Victoria Harbour

To make Victoria Harbour attractive, vibrant, accessible and symbolic of Hong Kong.

– a harbour for the people and a harbour of life.

Our Goals for the Harbour

1. To bring the people to the Harbour and the Harbour to the people.
2. To enhance the scenic views of the Harbour and maintain visual access to the harbour-front.
3. To enhance the Harbour as a unique attraction for our people and tourists.
4. To create a quality harbour-front through encouraging innovative building design and a variety of tourist, retail, leisure and recreational activities, and providing an integrated network of open space and pedestrian links.
5. To facilitate the improvement of the water quality of the Harbour.
6. To maintain a safe and efficient harbour for the transport of people and goods and for the operation of an international hub port.

Statement of Intent on Reclamation

The Harbour is to be protected and preserved as a special public asset and a natural heritage of the people of Hong Kong. Reclamation in the Harbour should only be carried out to meet essential community needs and public aspirations. It has to be environmentally acceptable and compatible with the principle of sustainable development and the principle of presumption against reclamation in the Harbour.

VICTORIA HARBOUR AND ITS WATERFRONT AREAS

VISION, MISSION & PLANNING PRINCIPLES

Victoria Harbour : Vision

To enhance Victoria Harbour and its harbour-front areas to become an attractive, vibrant, accessible and sustainable world-class asset: a harbour for the people, a harbour of life.

Victoria Harbour : Mission

To realise the vision of Victoria Harbour through effective and balanced utilization of land and marine resources having regard to the Harbour Planning Principles and subject to an open and transparent public engagement process.

Harbour Planning Principles

The Harbour Planning Principles were developed and are monitored by the Harbour-front Enhancement Committee as a set of guidelines for all individuals and organisations to facilitate the sustainable planning, preservation, development and management of Victoria Harbour and the harbour-front areas.

Preserving Victoria Harbour

Principle 1: Victoria Harbour must be protected and preserved for Hong Kong people and visitors as a special public asset, a natural and cultural heritage asset, and a driver for the creation of economic and social values.

Stakeholder Engagement

Principle 2: All sectors of the community must be engaged at an early stage and on an on-going basis in the planning, development and management of Victoria Harbour and its harbour-front areas through transparent and inclusive consensus building processes.

Sustainable Development

Principle 3: The planning, development and management of Victoria Harbour and its harbour-front areas should embrace the principles of sustainable development to balance and cater for the economic, social and environmental needs of all sectors of the present generation, without compromising the needs of future generations.

Integrated Planning

Principle 4: Integrated and long-term planning, development and management of infrastructure, land and marine uses, and water quality is essential to ensure that Victoria Harbour and its harbour-front areas support and enhance the economic, environmental and social aspirations of Hong Kong.

Proactive Harbour Enhancement

Principle 5: The planning, development and management of Victoria Harbour must proactively enhance the harbour and its harbour-front areas as Hong Kong's symbol of urban design excellence and Hong Kong's brand identity to the international community.

Vibrant Harbour

Principle 6: It is essential to balance the use of the harbour to provide both a maritime and logistics hub for the safe and efficient passage of people and goods, and as a cultural and leisure facility. Both marine and land-side activities must cater to and balance with the aspirations of all sectors of the community.

Accessible Harbour

Principle 7: Victoria Harbour must integrate with the hinterland in a comprehensive manner, including ample unrestricted and convenient visual and physical access for pedestrians, preferably at grade, to and along the Harbour as well as the harbour-front areas.

Public Enjoyment

Principle 8: The planning, development and management of Victoria Harbour and its harbour-front areas should maximize opportunities for public enjoyment. Land required for and the impact from infrastructure developments, utility installations and land uses incompatible with the harbour planning principles should be minimized.

Harbour-front Enhancement Committee
April 2006

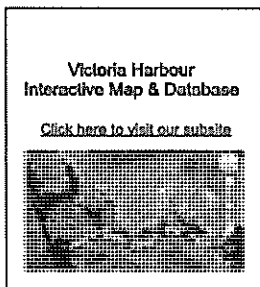
(This is a revised version endorsed by the Harbour-front Enhancement Committee on 27.4.2006.)

Structure of HBF

Membership

Hong Kong Harbour
International Case Study

News
Press Centre
Papers
e-Newsletters



The HBF has a broad-based membership that comes from a wide range of business sectors including professional organisations and institutions. HBF aims to serve its members' interests effectively and this means maintaining an optimal size and mix of companies, and encouraging different types of companies and organisations to be actively involved. Improving our member meetings, visits and services are ways to engage members in addition to and beyond their participation in work programmes and other activities. To date 124 companies and organisations have joined as Patron, Corporate, Professional and Supporting Members.

Download HBF Membership List

- Patron Members
- Corporate Members
- Professional Members
- Supporting Members

Patron Members

CITIC Pacific Ltd.
中信泰富有限公司

HSBC
滙豐

Kerry Holdings Ltd.
嘉里控股有限公司

Sir Elly Kadoorie & Sons Limited
嘉道理父子有限公司

Swire Group, The
太古集團

Henderson Land Development Co. Ltd.
恒基兆業地產有限公司

Jardine Matheson Ltd.
怡和集團

Lai Sun Group
麗新集團

Sun Hung Kai Properties Limited
新鴻基地產發展有限公司

The Wharf (Holdings) Ltd.
九龍倉集團有限公司

Corporate Members

Analogue Holdings Ltd
安樂工程集團有限公司

Brunswick Group Ltd
博偉集團有限公司

China Travel Service (HK) Ltd
香港中國旅行社有限公司

Concord Land Development Co. Ltd.
協和集團

DBS Bank (HK) Ltd
星展銀行(香港)有限公司

DHL Express (HK) Ltd
敦豪國際速遞(香港)有限公司

Esquel Enterprises Ltd.
溢達企業有限公司

Great Eagle Company Limited, The
鷹君集團

Hong Kong Ferry (Holdings) Co. Ltd.
香港小輪(集團)有限公司

Hysan Development Co. Ltd.
希慎興業有限公司

MF Jebsen International Ltd.
捷成馬國際有限公司

NWS Holdings Limited
新創建集團有限公司

Omnilink Management Ltd *

San Miguel Brewery Hong Kong Limited
香港生力啤酒廠有限公司

Star Cruises Ltd.
麗星郵輪

Aqua Restaurant Group
水壺創作

Cathay Pacific Airways Ltd
國泰航空有限公司

Colliers International Hong Kong Ltd.
高力國際物業代理有限公司

Davis Langdon & Seah International
威寧謝

Deloitte Touche Tohmatsu
德勤·關黃陳方會計師行

DTZ Debenham Tie Leung
戴德梁行

Fook Tin Technologies Ltd.
福田科技有限公司

Heath Lambert (Hong Kong) Ltd.
華寶保險顧問有限公司

HUD Group
香港聯合船塢集團

Mandarin Oriental Hotel Group Ltd
文華東方酒店集團

M Restaurant Group *

Octopus Cards Ltd
八達通卡有限公司

PricewaterhouseCoopers
羅兵咸永道會計師事務所

Shui On Holdings Ltd.
瑞安集團有限公司

The Ritz-Carlton Hong Kong
麗嘉酒店

香港加拿大商會

Dutch Business Association

香港荷蘭商會

Federation of HK Hotel Owners

香港酒店業主聯會

French Chamber of Commerce & Industry in HK

法國工商總會

German Chamber of Commerce

德國商會

Hong Kong Hotel Association

香港酒店業協會

Hong Kong Institute of Surveyors

香港測量師學會

HK Small & Medium Enterprises Development

Association 香港中小企業促進協會

Hong Kong Trade Development Council

香港貿易發展局

International Chamber of Commerce - Hong Kong China

國際商會-中國香港商務局

Project Chambers Limited *

Singapore Chamber of Commerce

新加坡商會(香港)

Vision 2047 Foundation

"展望2047"協會

Total membership 會員總人數: 124

10 Patrons 贊助會員

30 Corporate 企業會員

55 Professionals 專業會員

29 Supporting 支援會員

香港中華總商會

European Chamber of Commerce in HK

歐洲商會委員會

Federation of HK Industries

香港工業總會

Fringe Club

藝穗會

Hong Kong General Chamber of Commerce

香港總商會

Hong Kong Institute of Construction of Managers

香港營造師學會

Hong Kong Shipowners Association

香港船東會

HK Small & Medium Enterprises General Association 香

港中小企業促進總會

Indian Chamber of Commerce

香港印度商會

International Council of Chairmen

國際主席議會

Royal Hong Kong Yacht Club

香港遊艇會

SKAL International - Hong Kong

香港順風會

Remark: * No Chinese Name 中文名稱並不適用

9

MONTHS

New Harbourfront
Hot Spots Opened

個月

個海濱新潮玩熱點



28. 6. 2021

VICTORIA
HARBOUR
維多利亞港

配合內容，本文件部分表述採用了口語。Colloquial may be used in some slides.

第一話
Chapter One

9 個月9個場
sites in nine months

邊9個月先?
Which nine months?

10.2020 → 06.2021

月月有場開
New sites every month

咁誇張?
Really?

平均數係呀
On average

邊度呀?
Where?

港、九、
新界都有
HK Island, Kowloon
Side & NT

即係邊9個場?

Which nine?

Belcher Bay 卑路乍灣海濱長廊

Water Sports & Recreational Precinct
水上活動及康樂主題區

Pier 5 Precinct
渡輪碼頭畔主題區

Tamar Promenade
添馬海濱長廊

Tsuen Wan Promenade 荃灣海濱長廊

Promenade Adjacent to HK Children's Hospital
啟德海濱長廊(香港兒童醫院段)

HarbourChill 海濱休閒站

Kai Tak Sky Garden 啟德空中花園

Pink Corridor 粉紅通道

詳見桌上海報 See posters tabled for details



速度絕對是重點。
但快得嚟，唔要hea ...

*Efficiency certainly matters, but not
at the expense of quality ...*

新記錄!! 海濱休閒站

2021年5月開放

New record

*Works lasted
for some
4 months*

工期
約4個多月

*HarbourChill
Opened in May 2021*

水上活動及康樂主題區

2020年11月開放

工期
約7個月

*Works lasted
for 7 months*

*Water Sports & Recreational Precinct
Opened in November 2020*



你喜歡這些場地嗎？

Do you like them


VICTORIA
HARBOUR
維多利亞港

「海濱」是甚麼？

What is "harbourfront"?

不只
答：是

Answer: It's ...

公園

A PARK

not only

✓ 50

第二擊

2nd attempt

「海濱」是甚麼？

What is "harbourfront"?

答：是 公共空間

Answer: It's ...

A Public Space

✓ 80

VICTORIA
HARBOUR
維多利亞港

上述僅是項目團隊的觀察 The above is only the project team's observations.

最終回
Final attempt

「海濱」是甚麼？

What is "harbourfront"?

答：是

實驗場

Answer: It's ...

An Experimental Space

✓ 100

VICTORIA
HARBOUR
維多利亞港

上述僅是項目團隊的觀察 The above is only the project team's observations.

「實驗精神」貴乎嘗試、改良和創新

Experiments involve trials,
refinement & innovation

Virgin arrangements in past 9 months

過去9個月的「第一次」

1st cosplay & actress

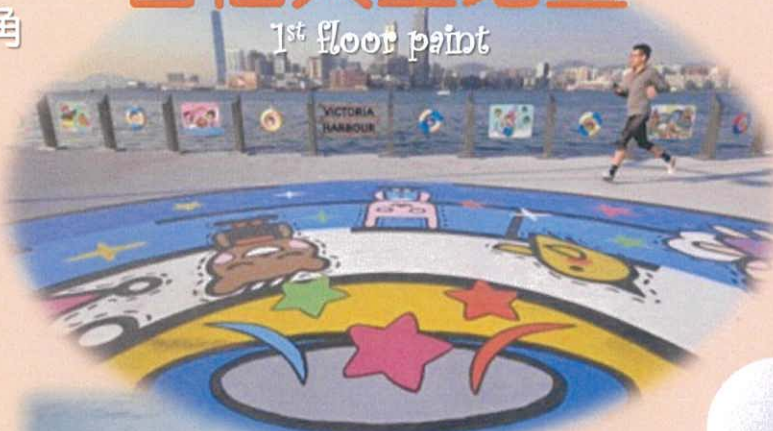
第一次角色扮演

第一個女主角



首個大型地畫

1st floor paint



1st mobile item

首批可移動
傢俬/裝置



等等...
etc.



全港首創

海濱網上遊 1st HFE virtual tour in HK

第一個
海上雕塑

1st sea sculpture



and experiments may fail

而實驗
不一定成功



第三話
Chapter Three



雪糕好多人都愛吃，
但餐餐都吃雪糕，
你又受得了嗎？



No matter how
much you like ice-cream,
do you mind having it
alone for all your meals?

吃多會膩呀！
Too bored to repeat

當然最好
有不同菜式啦
Choices are preferred

單吃雪糕都挑
不同口味啦 Maybe
different flavour



Varieties matter
at harbourfront.



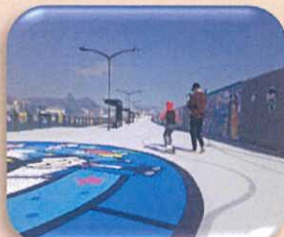
所以 海濱都要
「段段有特色」



Tsuen Wan Promenade
荃灣海濱長廊



HarbourChill
海濱休閒站



Water Sports &
Recreational Precinct
水上活動及康樂主題區



Belcher Bay
卑路乍灣海濱長廊



Tamar Promenade
添馬海濱長廊



Promenade Adjacent to
JHK Children's Hospital
啟德海濱長廊
(香港兒童醫院段)



PierSide Precinct
渡輪碼頭畔主題區



Kai Tak Sky Garden
啟德空中花園



Pink Corridor
粉紅通道

你又配對得到嗎？

Can you match

Harbour & the Runway
空中海濱

Art Harbour
藝術海濱

Harbour & the Plane
翱翔海濱

Harbour de Chic
型格海濱

Cartoon Harbour
卡通海濱

Harbour de Chill
休閒海濱

Harbour de Motion
動感海濱

Harbour & the Mini Me
童樂海濱

Harbour de Vogue
嬌俏海濱

第四話

Chapter Four

「海濱共享空間」

“Harbourfront Shared Space” (HSS)

元祖：卑路乍灣海濱長廊

Pioneer: Belcher Bay Promenade



應用到更多場地
to more sites

海濱休閒站 HarbourChill



粉紅通道
Pink Corridor

Water Sports &
Recreational Precinct
水上活動及康樂主題區



傳統公園 Traditional Parks

<遊樂場地規例>

Pleasure Grounds Regulation

條限清晰。指定個別活動區域

Defined rules & activity zones

設計平穩。裝置固定安裝

Stable design with fixed structures

定期觀察和回應

Regular monitoring & responses

主要由部門設計和建造

Mainly designed & built by departments

「海濱共享空間」 Harbourfront Shared Space

Least rules • Vision-driven

最少規則。願景帶動

Open management • No defined activity zones

開放式管理。活動不設指定區域

Flexible design with mobile items

靈活設計。採用可移動裝置

User-oriented • Continuous observations • ASAP responses

用家為本。持續觀察。盡快回應

Public engagement in design & built

各界參與建設

「海濱共享空間」 Harbourfront Shared Space

Least rules • Vision-driven

最少規則。願景帶動



User-oriented • Continuous observations • ASAP responses

用家為本。
持續觀察。
盡快回應。



Flexible design with mobile items

靈活設計。裝置可移動



Open management • No defined activity zones

開放式管理。活動不設指定區域



各界參與建設 Public engagement



卑路乍灣海濱長廊「用家意見調查」2021

Belcher Bay Promenade 2021 User Survey

93%

滿意卑路乍灣海濱長廊
satisfied with Belcher Bay Promenade

87%

認同較少規則的做法
agreed that it is better to have
fewer rules

81%

認同「期間限定」能為用地
增值
agreed that pop-up can add value
to the site

77%

當區受訪者每週前來多於一次
survey respondents that live in the
District visit the site more than once a
week

Source: Walk In Hong Kong
資料來源:活現香港

第五話

Chapter Five

創造條件・誘發潛能 Empowerment



Source: Design District Hong Kong

「鼓勵參與」至「誘發潛能」

Engagement to Empowerment

項目無制限

Borderless



超乎想像

Out of positive expectation



連繫專業

Networking professionals

Post

archdaily
Hong Kong



2,201 likes

archdaily K-farm challenges urban farming under extreme conditions and makes farming into STEM education for all people. Because of the coastal condition along #VictoriaHarbour, the design combines three types of farming to suit the specific site and climate conditions: Hydroponics to provide 365 farming in all conditions, Aquaponics to study how fish and plants coexist, Organic with various height and species to serve as inclusive farming and maintain the community's ecosystem. Swipe to see more of this project.

最終回

The Final Chapter

2021下半年節目預告

New Sites in the Pipeline the second half of 2021



東岸公園主題區 (第3季)
East Coast Park Precinct (Q3)



維園道海濱 (第4季)
Victoria Park Road Promenade (Q4)

渡輪碼頭畔主題區 (第2期) (第4季)
Pierside Precinct (Phase 2) (Q4)



水上活動及康樂主題區 (第2期) (第4季)
Water Sports & Recreation Precinct (Phase 2) (Q4)

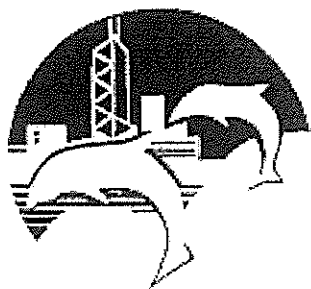
戮力共建更美好的海濱

*Let's make every endeavor
to build an even better Harbourfront*



VICTORIA
HARBOUR
維多利亞港





保 護 海 港 協 會

Society for Protection of the Harbour

F

Summary Of Court of Final Appeal Judgment Interpretation of Protection of the Harbour Ordinance

Effect of Judgment - The CFA pronounced on 9th January 2004 that the Town Planning Board had erred in law in the correct interpretation of the Harbour Ordinance; that the Board's decisions must be quashed; that the Wanchai Outline Zoning Plan must be remitted back to the Board for reconsideration; and that the Judgment applies to any reclamation proposal in the Harbour.

Importance of Harbour - The CFA pronounced that the Harbour is undoubtedly a central part of Hong Kong's identity. It is the heart of the metropolis and something extraordinary to be transmitted from generation to generation. Reclamation that had already taken place renders what remains of the Harbour even more precious and makes the need to protect and preserve it more important and compelling.

Legislative Intention - The Harbour Ordinance accords to the Harbour a unique legal status. There is a great public need to protect and preserve it having regard to its unique character. There must be preservation which means maintenance and conservation in its present state. It must be kept from harm, defended and guarded. Such a principle is strong and vigorous.

Overriding Public Need Test - The presumption prescribed by the Harbour Ordinance can only be rebutted by establishing an overriding public need for reclamation. Such need must be of greater public importance than the importance of the Harbour.

Overriding – means a compelling and present need which has the requisite force to prevail over the strong public need for protection and preservation

Compelling Need – goes far beyond something which is “nice to have”, desirable, preferable or beneficial

Present – means that the need must arise within a definite and reasonable time frame

Public – include economic, environmental and social needs of the community

Minimum – means not to go beyond what is required

No Reasonable Alternative – where costs, time and delay would be relevant

Rebuttal of Presumption - Each area proposed to be reclaimed must be justified. It is imperative that there shall be no reclamation unless the Overriding Public Need Test is satisfied. The Test is by its nature a demanding one and the burden to rebut the presumption is therefore a heavy one.

Cogent & Convincing Materials - Due to the demanding nature of the Test, it is not sufficient to incant the Test or just to pay lip service to it. The materials relied on must be cogent and convincing.

Harbour Manifesto: *To protect and preserve the harbour and enhance the harbour-front to provide a healthy environment and a good quality of life for the people of Hong Kong*

Submission to the Legislative Council

Panel on Development Meeting on Tuesday, 28th September 2021

Extract from the Opinion Survey Questionnaire – Conducted in April 1997

The University of Hong Kong Social Sciences Research Centre

A. Are you in favour of further reclamation of Victoria Harbour?

	Number Count	Percentage
Agree	90	9.0%
Half Half	21	2.1%
Do Not Agree	694	69.3%
No comment	<u>196</u>	<u>19.6%</u>
Total Count	1002	100.0%

B. Why are you not in favour of reclamation?

	Number Count	Percentage
Destroy the scenic beauty of the harbour	186	27.3%
Shipping channel too narrow (Dangerous/Big Waves)	390	57.2%
Cause environmental pollution	74	10.9%
Affect the tourist industry	1	0.1%
Other reasons	<u>30</u>	<u>4.4%</u>
Total Count	681	100.0%

C. Do you think Government ought to consult the public before carrying out its plans to reclaim the harbour?

	Number Count	Percentage
Yes	908	90.6%
No	33	3.3%
No comment	<u>61</u>	<u>6.1%</u>
Total Count	1002	100.0%

D. Do you think that legislation ought to be passed to protect the environment of the harbour?

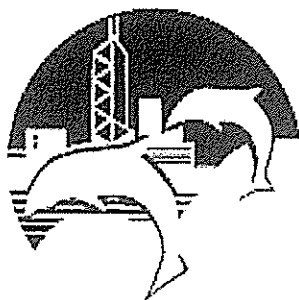
	Number Count	Percentage
Yes	928	92.6%
No	21	2.1%
No comment	<u>53</u>	<u>5.3%</u>
Total Count	1002	100.0%

E. Do you think that legislation ought to be passed stating that reclamation of the harbour should only take place if there is no better alternative?

	Number Count	Percentage
Yes	752	75.2%
No	109	10.9%
No comment	<u>139</u>	<u>13.9%</u>
Total Count	1000	100.0%

The Opinion Survey showed that 69% of the people disapproved of harbour reclamation, 91% wanted the Government to first consult the public, 93% supported a new law to protect the harbour and 75% thought that such new law should specifically provide that harbour reclamation should be permitted only if no other alternative is available. The results were just in time to support the introduction of the Protection of the Harbour Bill into the Legislative Council.

This Opinion Survey, a summary of which was prepared and widely circulated, greatly assisted the eventual successful enactment of the Protection of the Harbour Ordinance.



保護海港協會 Society for Protection of the Harbour

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68-70 Lockhart Road, Wanchai, Hong Kong Fax: (852) 2845-9888
Website: <http://www.harbourprotection.org>

16th August 2021

PRESS RELEASE

Initial Response to the Proposal by Legislative Councillor Mak Mei Kuen To amend the Protection of the Harbour Ordinance

Victoria Harbour is the most valuable cultural, historic, economic and environmental natural asset of China and Hong Kong.

The Protection of the Harbour Ordinance was enacted with the unanimous support of the Legislative Council in 1997.

The original Ordinance only protected the Central Harbour as is being proposed by Ms. Mak, but its protection was extended in 1999 by the Government to cover the entire harbour.

The Ordinance has been essential in striking a proper and sensible balance between protecting the harbour as a national asset and cultural treasure of China as precious as the West Lake and ensuring its enjoyment by the present generation and future generations of Hong Kong people.

Because of the overwhelming support of the public and the unanimous support of the law courts, the Government established the former Harbourfront Enhancement Committee and the current Harbourfront Commission which have successfully protected the harbour and ensured its proper development for the enjoyment and benefit of the Hong Kong community.

The current Harbourfront Commission representing the public have been making tremendous improvements to the harbour and the harbourfront. Public enjoyment of the harbour has been greatly enhanced.

Our Society draw attention to the similar motion proposed by Legislative Councillor Paul Tse which was debated and voted down in the Legislative Council meeting as recently as the 18th March 2021 by a vote of 19 to 12.

Therefore the present proposal may be redundant and should not take up the valuable time of the Legislative Council.

Hardy K.C. Lok, Chairman

Harbour Manifesto: To protect and preserve the harbour and enhance the harbour-front to provide a healthy environment and a good quality of life for the people of Hong Kong

維港宣言：保護及保存維港，並優化海濱，為香港市民，提供一個健康及優質的生活環境

letters. Include your full name, address and telephone number, not necessarily for publication. Please keep letters to a mp.com Fax 2250 3242 Post 19/F, Tower One, Times Square, 1 Matheson Street, Causeway Bay, Hong Kong.

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Hong Kong must stand firm and make protection of Victoria Harbour a priority

I am writing on behalf of the Society for Protection of the Harbour with reference to a legislative councillor's announcement of her proposal to amend the Protection of the Harbour Ordinance. If this proposal is adopted, most of Victoria Harbour would be left unprotected.

Thanks to the support of the community, the government, the Town Planning Board, the Harbourfront Enhancement Committee and the Harbourfront Commission, the ordinance has been working well since its enactment in 1997.

The ordinance has enabled tremendous harbourfront improvements through several projects for the public enjoyment of the harbour.

Projects such as the Central-Wan Chai Bypass, the Central Kowloon Route, the Sha Tin to Central link and the future boardwalk under the Island Eastern Corridor all involve carefully considered reclamation. They were all supported by the Society for Protection of the Harbour.

The ordinance protects the harbour by giving it the legal status of "a special public asset and a natural heritage of Hong Kong people" such that the public can by law control what the government and private commercial interests can do to the harbour.

Before the ordinance, the government and private enterprises could reclaim and develop the harbour without restriction, and the public had no objection rights. As a result, we nearly lost our harbour. This will happen again if the amendment is allowed.

The Court of Final Appeal strongly supported the Harbour Ordinance. Its 2004 judgment against a zoning plan appeal pronounced the "overriding public need" test for any reclamation or works which may damage the harbour. It prescribed three requirements. First, the work must answer a public need. Second, the need must be so compelling it overrides the importance of protecting and preserving the harbour. Third, it must cause minimum damage and there must be no reasonable alternative.

The effect of the judgment is to ensure that the Harbour Ordinance maintains a proper balance between the protection and public enjoyment of the harbour.

Just walk along the harbour; you will see the improvements made. Given more time, Hong Kong will have the best harbour and harbourfront in the world. This is our dream. We hope that you share this dream with us.

The Harbour Ordinance has given you the right to use and enjoy the harbour. Do not let anyone take it away. Stand up and speak out now.

Winston K.S. Chu, vice-chairman, Society for Protection of the Harbour