

香港特別行政區政府

The Government of the Hong Kong Special Administrative Region

房屋及規劃地政局

香港花園道美利大廈



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本局檔號 Our Ref. HPLB(P)50/02/63

來函檔號 Your Ref.

13 July 2005

Mr Winston Chu
Society for Protection of the Harbour Limited
Room 602, Hoseinee House, 69 Wyndham Street
Central, Hong Kong

Dear Mr Chu,

**Children's Illustrated Story Book
"The Adventures of Victoria"**

Thank you for your letter of 14 June 2005. Our responses to your comments/enquiries are enclosed at Annex for reference please.

We look forward to a continual partnership with you and your organization in the protection and preservation of the Victoria Harbour. Towards this end, we treasure your participation in and support to the work of the Harbour-front Enhancement Committee to foster this partnership.

Yours sincerely,

(Miss Christine chow)
for Secretary for Housing, Planning and Lands

c.c. Director of Civil Engineering and Development
Director of Environmental Protection
Director of Marine
Director of Planning

Annex

Response to Bullet No. 1

All decisions to publish the Outline Zoning Plans (OZP), be they involving reclamation or not, are collective decisions made by the Metro Planning Committee and the Town Planning Board (TPB).

Response to Bullet No. 2

We would like to reiterate that the figure on government reclamation previously planned is not 584 ha as alleged. In particular, you may wish to note the following facts –

- (a) Green Island Reclamation – Deletion of the proposed reclamation (190 ha) from the OZP was gazetted on 19 December 2003.
- (b) Tsuen Wan Bay Further Reclamation – Deletion of the proposed reclamation (30 ha) from the OZP was gazetted on 19 December 2003.
- (c) The reclamation of Kai Tak has already been reduced significantly from 299 to 133 ha in 2001 and that for Wanchai North from 43 to 26 ha in 2002. These two proposed reclamation schemes are being reviewed to ensure full compliance with the Protection of the Harbour Ordinance (PHO) and the Court of Final Appeal (CFA)'s “overriding public need test”. In the Kai Tak review, we are starting with zero reclamation as a basis for public consultation. For Wanchai, the likelihood is that even if reclamation is needed, the extent will be less than what was previously envisaged.

Response to Bullet No. 3

The Government shares the aspiration of the community to protect and preserve the Victoria Harbour, and is committed to protecting and preserving it as a special public asset and a vital part of our natural heritage.

We strongly support the Protection of the Harbour Ordinance (PHO). Indeed, we took the initiative in 1999 to amend the Ordinance to extend its coverage from the Central harbour area to the whole of the Victoria Harbour.

We are committed to transforming Victoria Harbour into a harbour for the people – a harbour full of life and activity and easily accessible for the enjoyment of all. To achieve this, we have –

- (a) undertaken that apart from Central Reclamation Phase III (CRIII) and the proposals for Wan Chai Development Phase II (WDII) and Kai Tak (South East Kowloon), there will be no more reclamation within the harbour;
- (b) abandoned previously proposed reclamations at Kowloon Point and Tsim Sha Tsui East;
- (c) deleted proposed reclamations at Tsuen Wan Bay and off Green Island and amended the relevant OZPs accordingly;
- (d) pledged to abide by the PHO and comply with the “overriding public need” test stipulated by the Court of Final Appeal (CFA) on 9 January 2004 for all remaining reclamation projects; and
- (e) established, in May 2004, the HEC with broad-based community representation to advise the Government on planning, land use and development along the existing and planned harbour-front.

Response to Bullet No. 4

It is not correct to say that the Government sought the approval by the TPB of reclamation for a cruise centre at Oil Street. The TPB considers rezoning request through a due process. In this case –

- (a) The cruise terminal proposal was the subject of a rezoning request submitted by the private sector on 30.3.1998. The request sought to rezone the site at Nos. 15-17 Oil Street and the adjoining Government land from “OU(Open Storage, Loading & Unloading Areas and Service Car Parking)”, “OU(Comprehensive Redevelopment Area)”, “G/IC” and “Road” to “CDA” to facilitate the development of hotel and cruise terminal. On 11.12.1998, the Metro Planning Committee of the

TPB agreed in principle to the rezoning request, but was of the view that the site should be rezoned to “CDA(1)” and “OU(Cruise Pier)” so as to better reflect the planning intention.

- (b) The proposed amendment was exhibited for public inspection under s.5 of the Town Planning Ordinance (TPO) on 26.2.1999. During the exhibition period, 15 objections were received, including the one lodged by SPH. After giving preliminary and further considerations to the objections, the TPB decided on 29.10.1999 to propose amendments to the OZP to meet/partially meet some objections by reverting the zoning of the proposed cruise terminal and hotel site back to its previous zonings. The proposed amendment was gazetted under s.6(7) of the TPO on 24.12.1999. One further objection was received. After considering the further objection, the TPB decided on 10.3.2000 to amend the OZP by, inter alia, retaining the “CDA(1)” zoning of the further objection site. The amendment was confirmed under s.6(9) of the TPO on 24.3.2001.
- (c) It is clear from the above that the rezoning request was initiated by the private sector and considered by the TPB. The subsequent proposed amendments to the OZP had also gone through a due process in accordance with the TPO.

Response to Bullet No. 5

The Government is conducting a comprehensive planning and engineering review of the WDII proposal to ensure full compliance with all legal requirements. The proposed WDII will provide land for constructing a trunk road comprising the Central-Wan Chai Bypass and the Island Eastern Corridor Link, which is a strategic road linking the Rumsey Street Flyover in Central with the Island Eastern Corridor in Causeway Bay, to alleviate traffic congestion along the busy northern shore of Hong Kong Island. To provide advice on the study, the HEC has set up a Sub-committee on the WDII review, which is undertaking an enhanced public engagement as part of the review process for the study.

Response to Bullet No. 6

It was in fact a collective decision of the Town Planning Board after much

deliberation to lodge the appeal with a view to seeking a clarification from the CFA on the legal principles behind the PHO.

Response to Bullet No.7

In view of CFA's judgment in January 2004, the Government has pledged to abide by the PHO and to comply with the "overriding public need test". CRIII has gone through a due process of scrutiny supported by extensive public consultations. As a result of extensive public consultations and objections received during the process of taking forward the project, the area of reclamation has been reduced from 32 hectares to 18 hectares, which is already the minimum reclamation.

Response to Bullet No. 8

In his judgment, Hartmann J observed that in deciding whether or not to remit an approved plan to the TPB, the Chief Executive in Council would certainly have to take into account a broad range of administrative and policy matters. In the case of the Central District (Extension) OZP and the CRIII works, a good administration should seek to avoid delay and take account of third parties rights involved. Even on a test of heightened scrutiny, the CE in C's decision of not invoking or referring the approved OZP to the TPB could not be found to have been unreasonable.

Response to Bullet No. 9

We would like to reiterate that the CRIII works follow a due process of authorisation, funding and tendering, resulting in awarding of contract. With two court cases on CRIII ruled respectively on 9 January and 9 March 2004, which have not ruled against the continuation of CIII Works, and given the urgency of the works to meet essential transport needs as well as the contractual implications, there is no valid ground for the Government not to proceed with the CRIII works. As a matter of good administration, the CRIII project must proceed without further delay.

Response to Bullet No. 10

Again, we would like to reiterate that the Government has followed the proper legal procedures.

Response to Bullet No. 11

It should be stressed that the public engagement kit ("Kit") for the Envisioning Stage of the public engagement exercise called "Harbour-front Enhancement Review - Wan Chai, Causeway Bay and Adjoining Area" ("HER") published in January 2005 simply provided some concepts for building the Trunk Road. Those concepts were far from options or recommendations for the public to choose.

The purpose of HER is to enhance public participation during the course of WDII Review. At the Envisioning Stage, the public is engaged to express at an early stage their visions on the types of harbour-front developments they aspire for at Wan Chai, Causeway Bay and the adjoining areas, while acknowledging the opportunities available and the constraints for development. To facilitate public participation, some concepts for building the Trunk Road were therefore included in the Kit.

Response to Bullet No. 12

As we have said in our previous letters to you on 21 and 27 April and 27 May 2005, we appreciate your intention in arousing the interest of our younger generation on the need to protect the Victoria Harbour. But we are concerned about some of the inaccurate assertion of facts and statements as presented in the storybook.

Response to Para 1(a) of Annex

As repeatedly stated by the Government on many previous occasions, apart from CRIII and the proposed reclamation schemes at Wan Chai North and Kai Tak, there will be no further reclamation within the limits of Victoria Harbour. Therefore, there will be no "endless reclamation".

Response to Para 1(b) of Annex

We would like to reiterate that the figure on government reclamation previously planned is not 584 ha as alleged. The WKCD was mainly zoned open space, commercial, residential, Government, institution or community, and road uses on the first OZP gazetted in 1992. On 11.7.2003, the area was

rezoned to “OU(Arts, Cultural, Commercial and Entertainment Uses)” (“OU(ACCE)”) under the draft South West Kowloon OZP No. S/K20/14. The area zoned “Open Space” in the WKCD was 22.5 ha on the OZP (No. S/K20/13) prevailing before the WKCD was rezoned to “OU(ACCE)” on 11.7.2003, not 40 ha. In other words, about 23 ha of open space will still be provided within the WKCD, as required in the Invitation for Proposals.

Response to Para 2 of Annex

We would like to reiterate our response to para 2 as stated on pages 5-6 in the Annex of our letter of 27 May 2005 to you.

Response to Para 3 of Annex

We would like to reiterate that land sale is neither the reason nor the justification for CRIII. More importantly, CRIII is needed to provide land for essential transport infrastructure including the Central-Wan Chai Bypass, roads connecting CRI and II (the Road P2 network), the extended overrun tunnel of Airport Railway and the reprovisioning of the existing piers and sea-water cooling water pumping stations.

Response to Para 4 of Annex

There is no "international standard" for dissolved oxygen. For example, the standard applied in the harbour area is comparable to that adopted by the Mainland for port-related uses (4mg/L). As regards the standard applied in Sydney, you may wish to note that the most updated guidance prepared by the Australian environmental authorities stresses the need for dissolved oxygen standards to be determined with reference to local ecological and oceanographic conditions. In keeping with this approach, the standard that we are working to has been determined following consultation with local academics and professionals (including the three local members of the International Review Panel which reviewed the previous version of the Harbour Area Treatment Scheme in 2000), the Advisory Council on the Environment, and green groups in 2002. The findings of this consultation (on the Water Quality Criteria for HATS) are available at the Cleanharbour website at www.cleanharbour.gov.hk.

Para 5 of Annex

The accident occurred to Star Ferry on 20 February 2003 at west berth of Hung Hom was caused by the fouling of propeller by floating debris while approaching to berth, thereby causing the ferry to hit the pier after it had temporary lost its control with the astern propulsion.

– ENDS –