

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

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9th May 2013

Press Release

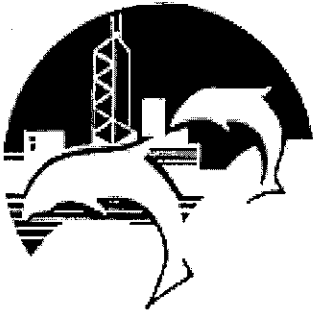
We are pleased to enclose herewith the Public Response of our Adviser Mr. Winston K.S. Chu to the Secretary for Development Mr. Paul Chan Mo Po's recent blogs which are also enclosed herewith for your convenience.

Yours faithfully,

Dennis K.W. Li,
Deputy 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



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Public Response of Mr. Winston Chu to Mr. Paul Chan Mo Po's Blogs

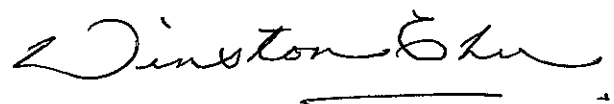
On my return to Hong Kong after being away for two weeks, I was very disappointed to read the blogs published by a high Government official regarding public land at the Central Harbourfront being given to the Peoples' Liberation Army. He did not answer the important questions that our Society for Protection of the Harbour had asked him, but instead he had unfairly criticized and ridiculed myself and our Society in an attempt to divert the attention of the Hong Kong public from the following fundamental issues:-

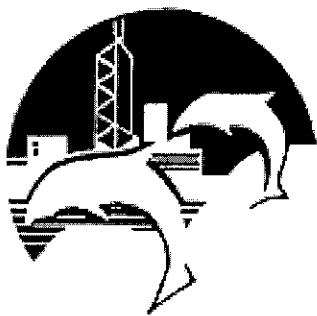
1. Why is the Government breaking its promise to give to the people of Hong Kong a world-class Central Harbourfront with a permanent open uninterrupted waterfront promenade and public open space for the enjoyment of our present and future generations?
2. Why was the public never consulted before the public land on the Central Harbourfront is being rezoned and given over to the PLA for military use?
3. Why is Government acting contrary to the Treaty signed in 1994 between China and Britain which only requires 14 sites to be handed over to the PLA but does not include this site?
4. What documents had been signed either by his Government or by the PLA which contains an undertaking to allow the public to use this part of the Central Harbourfront despite the new military zoning; and how is this possible when the new military zoning will only allow the site to be used by the PLA for military purposes and any other use would be unlawful?

Our Society and I are looking after public interests in a sincere, proper, respectful, legal and responsible manner and we do not deserve to be unfairly criticized and ridiculed by him for our efforts. His behaviour and reaction to our reasonable objection is unbecoming of his high position. Our Society and I wish to remind him that as a high Government official of Hong Kong people, he should look after the interests of Hong Kong first before other interests.

We also remind him that, while our Society have publicly urged Hong Kong people to respect, appreciate and support the PLA, it is not in the interest of Hong Kong for him to stir up ill will and animosity between Hong Kong people and the Peoples' Liberation Army. This will neither be useful nor constructive for the harmony and success of the Hong Kong community.

In this important public issue, we hope that both he and the Government will act with honesty, integrity and a sense of the duty they owe to the Hong Kong community that they serve. Perhaps he will give this assurance to the public and answer our above queries in his next blog.


Winston Chu



保護海港協會

Society for Protection of the Harbour

二零一三年五月九日

徐嘉慎先生對陳茂波局長網誌的公開回應

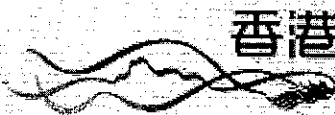
外遊兩星期回港後，我非常遺憾發現一位政府高官於網誌中，就中環海濱公眾用地規劃交予解放軍使用這事件的言論。他並沒有回應保護海港協會向他提出的重要問題，但就指斥及揶揄本人及協會，意圖轉移香港公眾視線，並回避以下基本的問題:-

1. 為何特區政府違反從前對香港市民作出的承諾，即建造一條暢通無阻的世界級海濱長廊，開放予現時及世代的香港市民享用？
2. 為何中環海濱公眾用地改變規劃作軍用用途，供解放軍使用，從來未向香港市民作出公開諮詢？
3. 為何特區政府違反中英兩國於一九九四年簽訂協議，除十四處軍事用地外，額外再移交中環海濱予解放軍？而該協議中並無責任移交這地段？
4. 解放軍或特區政府簽訂了什麼文件，註明承諾，就算劃作軍事用途後，香港市民仍能享用該段中環海濱長廊？並請向公眾解釋，如何於劃作軍事用途後（法律上只容許解放軍作軍事用途，而其他用途皆為非法），該地段仍能供市民享用？

本協會及本人抱著誠懇、持平、尊重、合法和負責任的態度，照顧公眾利益，不應受該位高官的不公平指責和揶揄。該高官的行徑及反應，與他身處高職的身份並不相符。事實上，本協會及本人希望提醒該高官，作為香港特區的高級官員，他有責任優先照顧港人利益，而並非其他利益。

我們亦提醒他，本協會已公開促請香港市民尊重、支持及感謝解放軍在港的工作，那位高官挑起香港市民對解放軍的對立甚至敵視情緒，對維持香港的和諧和繁榮，並無用處和裨益，並損害香港利益。

在這重要議題上，我們希望那位高官及特區政府，能以誠實、務實、負責任的態度，去服務香港市民。也許那位高官會再下一篇網誌向公眾作出上述承諾，並回應上述提問。



局長隨筆

所為何事？

剛過去的勞動節假期，不用趕上班，早上緩跑時清涼的天氣叫人精神為之一振。這是一段難得的獨處和反思的時間，不期然腦袋裡又浮現日常工作的片段。

過去幾個月，不但工作量大，壓力亦大。幸好團隊戰意高昂，深知工作極具意義，對香港的未來也十分重要，大家任勞任怨地打拼。可是，最近不約而同發生了幾件有個別團體利用現行制度和程序，意圖癱瘓甚至推倒我們的工作的事情，不禁令人嘆息！

早前我在「局長隨筆」中提到涉及軍用碼頭的《中區（擴展部分）分區計劃大綱圖》技術性修訂是其中一個例子。該碼頭早於2000年，經過城規條例下的公眾諮詢，獲行政會議核准。政府其後於2002年、2008年和2010年，分別透過立法會、《中環新海濱城市設計研究》，以及中西區區議會和海濱事務委員會，清楚交代了碼頭的位址、範圍，以至設計及相關設施。今年年初，因應現時該碼頭的詳情已經確定，規劃署遂向城市規劃委員會提出對《大綱圖》作出技術性修訂。

城規會於2月15日將《大綱圖》刊憲展示，讓公眾在隨後的兩個月內就此作出申述。規劃署隨即於2月21日和3月21日分別諮詢了中西區區議會和海濱事務委員會，期間不同報章亦曾就此修訂作出報道。在申述期截止最後一天的早上，城規會只收到不足十份申述書。

可是，當天先有報章以「解放軍先『佔』中環」和「起碼頭變起樓」為標題作出一些不確的報道，又有個別團體在網上「加料」傳播，將碼頭約3,000平方米空地及其上四座合共只佔約二百多平方米的一層高建築物，說成是可建三層高每層30,000平方米面積等如半幢IFC的建築；一個融合海濱長廊開放式設計的軍用碼頭，被指設有雙重圍欄封鎖、駐軍會長期將其關閉使市民無法享用海濱……這些失實的指控誤導了公眾，引起了恐慌。有團體還借助社交網絡平台，提供反對信件的式樣，邀請市民以簡單的電郵向城規會提出反對。由於當時是城規會接受申述的最後一刻，在網上看到有關不確陳述和呼籲而未能掌握事實全部的市民，很容易會響應起來，很方便地電郵城規會提出反對。結果，在展示期完結時，城規會收到近萬份申述書。

他們利用現有制度和程序，試圖癱瘓甚至推倒多年幾經諮詢、匯聚各方意見而成，臨近最後階段的碼頭設置，這種手法值得大家反思。

我早前在「局長隨筆」中扼述了軍用碼頭的來龍去脈後，仍有團體繼續重覆無新意且全無事實支持的指控。就其中兩點，我在此再作說明。

（一）過去駐軍已向特區政府承諾在碼頭毋須作軍事用途時，開放予市民作為海濱長廊的一部分享用。這個承諾是嚴肅的，並非信口開河。如果與回歸前添馬艦前的一段海濱相比，現時的設計和安排是開

放得多。

(二)《大綱圖》上就軍用碼頭只標明高度限制，乃常見而非獨特的做法，不少其他大綱圖都有類似做法。在軍用碼頭一事上，特區政府與駐軍的溝通一直都是商有量，駐軍亦深明市民愛惜珍貴的海濱長廊。我看不到有任何誘因，駐軍會在這用地上大興土木，蓄意阻礙海濱景緻，與香港人過不去。

因此，我們是否還應抱著不信任、懷疑甚至敵視的態度，去看待軍用碼頭這件事呢？

2013年5月5日

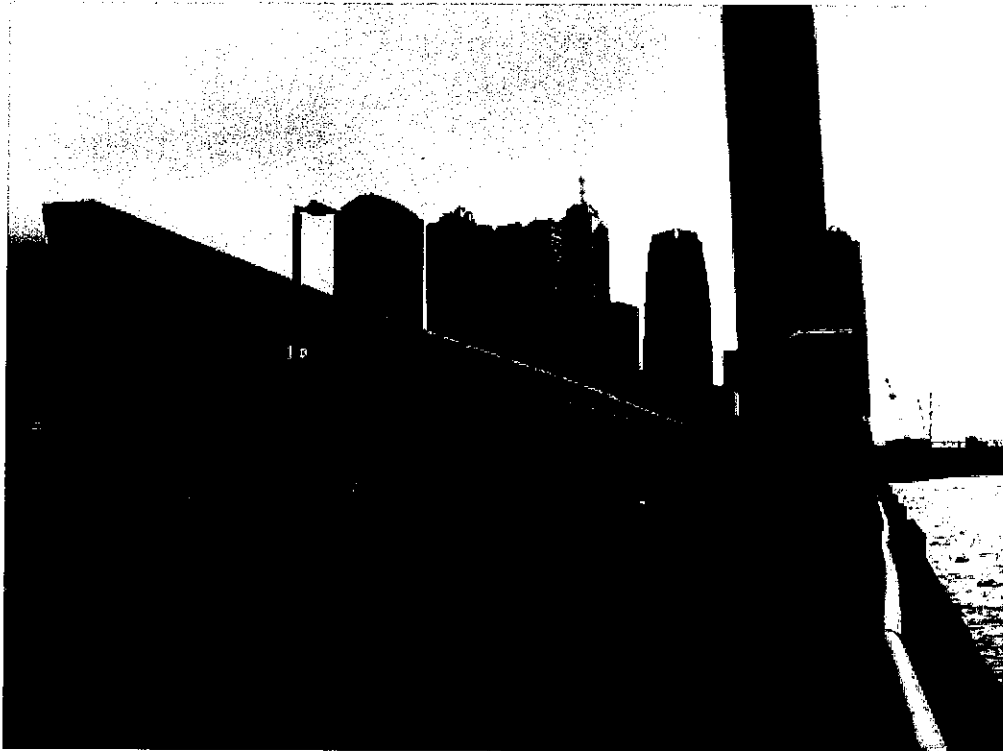
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修訂日期：2013年5月5日



局長隨筆

公開透明 法情理兼備



圖：現時市民見到碼頭的四座小型建築物，都只有一層、約4米高，日後移交駐軍時便是這個樣子。

我在上周「局長隨筆」提到與市民攜手締造我們的美麗海濱，內容所及都是過去十多年政府透過公開和透明的程序，與市民和各持分者共商的結果。我們先後透過「共建維港委員會」和「海濱事務委員會」，與來自專業界、公民團體及環保界、商界和不同背景的獨立人士攜手合作，共議優化海濱的工作。展望未來，我們也會繼續朝著這個方向與民共議。

最近有團體指中環新海濱有部分地方劃為軍用碼頭，導致市民無法享用海濱，又指該碼頭會有大型建築，甚至指政府從未在諮詢中西區區議會的文件和會議上提及在軍用碼頭會有建築物、偷步施工……等不公的指控。

過去幾天，規劃署回覆傳媒查詢時已作全面回應。可惜，仍有團體無視回應內鋪陳的各項事實和提供的資料，繼續提出種種全無理據的指控。我希望在此扼述整件事情的來龍去脈，讓大家不致被誤導。

（一）落實協議、責無旁貸
軍用碼頭設置在中環填海區，是源自中英兩國於1994年就《軍事用地協議》（《協議》）所互換的照會，其中訂明在中區灣仔填海計劃內的最終永久岸線，靠近中環軍營處預留150米岸線，供1997年後

興建軍用碼頭之用。特區政府落實《協議》，責無旁貸。

（二）割地指控、豈有此理

一如其他軍事用地，特區政府與駐軍不會簽署撥地契據。而根據《駐軍法》，香港駐軍的防務職責包括管理軍事設施。因此，軍用碼頭的建造工程完成後，將移交予香港駐軍管理。駐軍亦已承諾，碼頭毋須作軍事用途時，會開放予公眾使用。

（三）碼頭設施、早已交代

（3.1）2002年政府向立法會工務小組委員會申請中環填海第三期工程撥款，當時已說明工程計劃的範圍包括建造長約150米的碼頭和相關設施，供駐港部隊使用。

（3.2）2008年在《中環新海濱城市設計研究》公眾參與活動及其最終研究報告，政府均向公眾交代軍用碼頭的位置和範圍。

（3.3）2010年向中西區區議會和海濱事務委員會介紹時，政府亦清楚表示軍用碼頭設有更衣室、辦公室、供電設施等小型建築物，而軍用碼頭與四周地方主要以電動摺閘分隔，摺閘在毋須使用時，會收藏在附屬建築物內，不會對海港及海濱長廊構成視覺阻礙。

（四）程序公義、謹慎遵從

2000年《中區（擴展部分）分區計劃大綱圖》經廣泛諮詢後核准，清楚標明了軍用碼頭位置。因為當時碼頭的形式和實際範圍尚未詳細定出，我們在《大綱圖》上以一條直線來顯示碼頭位置，並在圖上註明「軍事碼頭（有待詳細設計）」。

而由上文可見，中環新海濱的構思到落實，十多年來政府一直按照規劃程序辦事，期間交代了軍用碼頭的位置和設施，過程公開透明，公眾和各持分者亦一直參與其中，政府並向議會和委員會作出介紹和詳細回答提問。今天所見，是匯聚各方智慧的成果。

（五）看見甚麼、便是甚麼

軍用碼頭的建造工程已進入最後階段，現時軍用碼頭的地面已是主水平基準上約4.2米，市民見到碼頭的四座小型建築物，都只有一層、約4米高，不像一般的客運或貨運碼頭，有兩層或以上的大型建築物。碼頭亦沒有甚麼大型的機械設施。所以，大家現時在軍用碼頭看見甚麼，日後交駐軍使用時便是這個樣子。

（六）情理兼備、相互尊重

早於2000年，駐軍因應特區政府的要求，承諾會按其運作及保護軍用碼頭的需要，在軍用碼頭毋須作軍事用途時，開放予市民作為海濱長廊的一部分享用。2002年，我們向立法會申請中環填海第三期工程撥款的文件內，亦已清楚說明駐軍原則上同意我們的規劃意向，即軍用碼頭毋須作軍事用途時會開放予市民。到2007年，當時的規劃及地政局局長回答立法會議員質詢時亦重申上述承諾。

（七）一知半解、混淆視聽

（7.1）有社會人士指政府向現時城市規劃委員會提出的修訂大綱圖，沒有附帶像一般分區大綱圖般附帶的「欄目」，因此指稱軍用碼頭用地日後在用途上不會有規限。但事實上，我們提出修訂是要清楚指出軍用碼頭用地的第一欄（即經常准許的用途）為「圖上指定的用途」，這做法實更為嚴謹。

(7.2) 另有人指碼頭屬於「欄目二」項目，未有城規會批准便施工是偷步。我們必須指出，軍用碼頭是由政府統籌和落實的海事有關設施，有關工程屬圖則涵蓋範圍內土地上經常准許的發展，故毋須事先另行向城規會申請規劃許可。偷步施工的指控，絕不成立。

我們樂意接受社會的監察，開誠布公向大家詳細交代和解釋，但也請批評者尊重事實，不要隨意作出毫無法理根據的指控。

2013年4月21日

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修訂日期：2013年4月20日

My Blog

Military dock: lawful actions with openness and transparency



The dock has only four small buildings, which are single-storey structures of about 4m high. What you see in the military dock now will be the form of the dock site to be handed over to the Garrison in future.

In "My Blog" last week, I mentioned the creation of our beautiful harbourfront together with the community, and our achievements in harbourfront enhancement through discussions with the community and different stakeholders under an open and transparent process in the past decade or so. Through the former Harbour-front Enhancement Committee and later the Harbourfront Commission, we have collaborated with individuals from professional institutions, civic and environmental groups, business and other sectors to enhance our harbourfront. Looking ahead, we will keep moving in this direction to engage the public in our work.

Recently some groups claimed that the community would no longer be able to enjoy the harbourfront after zoning part of the new Central harbourfront for the military dock. Unjust accusations were made by some quarters, e.g. saying that large structures would be erected on the military dock, alleging that the Government had never mentioned those structures in previous papers and meetings of the Central and Western District Council and had jumped the gun in the construction work, etc.

The Planning Department has made thorough responses to the media's enquiries over the past few days. Unfortunately some groups disregarded the facts and information provided and kept making unsubstantiated accusations. I hope to take this opportunity to cast away the public misconception by setting out the background of the issue below.

(1) Obligation to implement the Defence Land Agreement

The provision of a military dock in the new Central harbourfront is in accordance with the 1994 Exchange of Notes between the United Kingdom Government and the People's Republic of China Government on the Arrangements for the Future Use of the Military Sites in Hong Kong (the Defence Land Agreement, or DLA), which stated, among other points, that 150 metres of the eventual

permanent waterfront in the plans for the Central and Wan Chai Reclamation would be left free at a place close to the Central Barracks for the construction of a military dock after 1997. There is an obligation for the Hong Kong Special Administrative Region (HKSAR) Government to implement the military dock in accordance with the DLA.

(2) Unreasonable accusation of "ceding territory"

As with other military sites, no land grant document is required between the HKSAR Government and the People's Liberation Army Hong Kong Garrison. According to the Garrison Law, controlling military facilities is one of the defence functions and responsibilities of the Hong Kong Garrison. The military dock will be handed over to the Garrison after completion of the construction works. The Garrison has also undertaken to open the area of the military dock site to the public as part of the waterfront promenade for enjoyment when it is not in military use.

(3) Open information on the provision of dock facilities

(3.1) The funding application submitted by the Government to the Public Works Subcommittee of the Legislative Council (LegCo) for implementing the works of Central Reclamation Phase III in 2002 stated that the scope of works would include the construction of a berth of 150m and associated facilities for use by the Garrison.

(3.2) During the public engagement activities of the Urban Design Study for the New Central Harbourfront in 2008 and in its final report, the Government had made known to the public the location and the area of the military dock.

(3.3) When briefing the Central and Western District Council and the Harbourfront Commission in 2010, the Government indicated that there would be small buildings like changing rooms, office space and electricity supply facilities, etc, inside the military dock, and the military dock would be segregated from its surroundings mainly by electronic folding gates. These folding gates would be hidden in the ancillary buildings when not in use to avoid visual obstruction of the harbour and the promenade.

(4) Procedural fairness duly followed

The Central District (Extension) Outline Zoning Plan (OZP), which clearly indicated the location of the military dock, was approved in 2000 after extensive consultation. As the form that the dock would take and the area that it would occupy were not decided at that time, it was represented by a straight line annotated "Military Berth (subject to detailed design)" on the OZP.

From the above, it is clear that the Government has duly followed the planning procedures from conceptual design to implementation of the new Central harbourfront in the past decade or so, and made known to the public the location of, and the facilities in, the military dock throughout an open and transparent process. The public and various stakeholders have all along been kept abreast of it. The Government has also actively briefed and made detailed responses to questions raised in LegCo, the District Council and the Harbourfront Commission. The current arrangement is an outcome of collective wisdom.

(5) Existing structures to be handed over

The construction works of the military dock have come to the final stage. The existing ground level of the military dock is 4.2m above Principal Datum. Unlike passenger or cargo terminals built with massive structures, the dock has only four small buildings, which are single-storey structures of about 4m high and without any large mechanical facilities. Hence, what you see in the military dock now will be the form of the dock site to be handed over to the Garrison in future.

(6) Arrangements with mutual respect and reason

As early as 2000, the Garrison has, on the request of the HKSAR Government, confirmed that it would, having regard to its operation and need for protecting the military dock, open the area of the military dock site to the public as a part of the promenade when it is not in military use. The paper that we submitted to LegCo in seeking funding approval for the works of Central Reclamation Phase III had also clearly stated that the Garrison agreed in principle to our planning intention, i.e. to open the area of the military dock to the public when it is not in military use. The above commitment was reiterated when the then Secretary for Housing, Planning and Lands responded to a LegCo question raised in 2007.

(7) Confusion due to misconception

(7.1) Some quarters considered that the current amendments to the OZP made by the Government had not followed the practice of other OZPs by including "uses that area always permitted" and "uses that may be permitted with or without condition on application to the Town Planning Board" in the respective columns of the Notes to the OZP, and claimed that there would be no restriction on the land use in the military dock site. In fact, the amendment that we made was to specify clearly in "Column 1" (i.e. uses that area always permitted) that the use should be "as specified on the plan" and such an arrangement was relatively more stringent.

(7.2) Some alleged that "Pier" belonged to the "Column 2" use of the Note, and that commencing the construction work prior to the approval of the Town Planning Board had jumped the gun. We would like to point out that the military dock is a marine-related facility co-ordinated and implemented by the Government, and the works are always permitted on land falling within the boundaries of the OZP and do not require separate approval from the Town Planning Board. The accusation of the construction works jumping the gun is unsubstantiated.

We accept and welcome public scrutiny of our work, and will continue to brief the public and explain the subject matter in a sincere and open manner. We hope the critics could respect facts and not make unfounded accusations with no legal basis.

21 April 2013