

Appendix G

Written Comments from Professional Institutions/ Organisations



保護海港協會 Society for Protection of the Harbour

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Room 608, One Pacific Place, Hong Kong
Website: <http://www.harbourprotection.org>

E-mail: info@harbourprotection.org
Tel: (852) 2626-8373
Fax: (852) 2845-5964

Mr. Lam Sai Hung, JP.,
Director of Civil Engineering & Development
15/F., Civil Engineering and Development Building,
101 Princess Margaret Road,
Homantin, Kowloon.

By e-mail & Post

13th January 2017

Dear Sir,

Re: Boardwalk underneath Eastern Island Corridor – Public Engagement

We refer to our recent correspondence and to our enclosed letter of even date addressed to the Secretary for Justice and which is self-explanatory.

Our Society is a legally constituted and recognised charitable institution committed to the protection and preservation of Victoria Harbour for the benefit of the seven million Hong Kong people as well as future generations. We are also supportive of improving the harbourfront environment for the benefit of the North Point residents.

We refer you to the current public consultation being undertaken by you in which you are proposing significant reclamations of Victoria Harbour at North Point. We respectfully seek your urgent response to the following queries:-

Firstly, please let us know what steps you had taken to ensure that your reclamation proposals are lawful and comply with the Protection of the Harbour Ordinance and the various court judgments we had secured.

Secondly, please particularise the ‘overriding public need’ which justifies each of your reclamation proposals and clarify how your reclamation proposals satisfy the legal requirements of “minimum reclamation” and “no reasonable alternative”.

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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Thirdly, please explain to us the reason for your present new 19th October 2016 Proposal and why you have not pursued your previous 24th May 2013 Proposal which had received wide public support. Your previous 2013 Proposal required much less reclamation by reason of which our Society had not lodged any objection thereto.

We trust that you will appreciate the importance of our above queries which are made by us in good faith with a view to ensuring that the proposal to improve the harbourfront environment of North Point can move forward properly without the possibility of legal challenge by anyone.

In that spirit, we suggest a meeting between us with an open mind on both sides to seek the best and the swiftest way forward. We sincerely hope to avoid our past experience of repeatedly finding ourselves in the position of having no other alternative but to have to take the matter to court. Such a result does not benefit anyone.

We look forward to your early response.

Yours faithfully,

Hardy K.C. Lok,
Chairman

c.c. The Secretary for Justice
The Secretary for Development
The Director of Planning
The Chairman, Harbourfront Commission

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Please reply to: info@hkcyclingalliance.org

Civil Engineering and Development Department
Hong Kong Island & Islands Development Office,
13/F, North Point Government Offices,
333 Java Road, North Point, Hong Kong



AECOM Asia Company Limited
8/F, Grand Central Plaza Tower 2,
138 Shatin Rural Committee Road,
Shatin, Hong Kong

22 January 2017

Inclusion of Cycleway as part of the Boardwalk underneath the Island Eastern Corridor, for Stage 2 Community Engagement

Dear Sirs

Today, 340 Hong Kong people have cycled from Kennedy Town to Quarry Bay to support the government's Stage 2 proposal to enable and encourage cycling along the IEC Boardwalk. They represent a cross-section of Hong Kong people, including men, women and children, public representatives and ordinary citizens, those who cycle regularly and many who don't.

Their views and comments are attached hereto.

Most, if not all, of them also support the creation of a Harbourfront Cycleway that extends from Kennedy Town to Chai Wan. While direct consideration of this may be beyond the remit of this consultation, we urge that attention is nevertheless paid to the integration of cycling with adjacent planning areas, present and potential, and the impact of related decisions for the eventual development of such cycling along the whole waterfront.

Yours faithfully



Martin Turner
chairman, Hong Kong Cycling Alliance
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香港城市設計學會
Hong Kong Institute of Urban Design

26 January 2017

By Email: boardwalk@cedd.gov.hk

Civil Engineering and Development Department

Hong Kong Island & Islands Development Office,
13/F, North Point Government Offices,
333 Java Road, North Point, Hong Kong

Dear Sir / Madam,

Re: Boardwalk under the Island Eastern Corridor

On behalf of the Hong Kong Institute of Urban Design, we would like to provide comments on the Boardwalk under the Island Eastern Corridor.

Attached please find our Position Paper for your reference. If it would be helpful, we are pleased to meet to explain the content of our Paper. Should further information be required, please kindly contact me or Ms. Cherry Lau, our Administrative Officer at 2530 8135.

Yours sincerely,

Prof. Stephen M.B. Tang, HKIUD

President

cc Council / PAC Members

Hong Kong Institute of Urban Design Limited

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香港城市設計學會
Hong Kong Institute of Urban Design

**The HKIUD Public Affairs Committee's Comments on
the "Boardwalk underneath Island Eastern Corridor – Investigation Stage 2
Community Engagement"**

1. We have strong reservation about the way that this issue is being handled. Our comments are as follows.
2. The proposed boardwalk was designed and developed over two years as part of the Hong Kong Island East Harbourfront Feasibility, completed in March 2012. It was supported at all the public consultations held as part of this study. It is noticed that the Harbourfront Commission subsequently requested CEDD to examine the engineering viability of this proposal, and they reported back that it was viable, although dolphin structures might well be required. At that time the main part of the proposed walkway was located underneath the shadow of the existing Island Eastern Corridor. Every effort was taken to avoid or to minimize encroachment onto open water surface. The main potential difficulty, apparently was how the provisions of the Protection of the Harbour Ordinance (PHO) would be met, which could only be rebutted by establishing an overriding public need for reclamation ("the overriding public need test") based on cogent and convincing materials.
3. The study presumably continued in-house after that. However, after some 12 months of study, a "**Refined Proposal**" emerged, with a 10 m wide boardwalk, involving 510 sq m of reclamation and 17,500 sq m of decked area above the sea, with a total affected water area of 40,500 sq m. The entire design and location had changed. This is much more than a "refinement" of the previous accepted in principle proposal.
4. We are now led to believe that the quite extensive structure, as proposed, is the result of public **requests** through a new consultation process, and we are left to assume, that all demands have been accommodated which thereby requires a completely different type of structure. This leaves the following several issues open.
5. If we look back at the original planning intention, it should be clear that the central issue of the project is quite simple – the job is to provide a necessary connective element to ensure, as far as possible, a continuous pedestrian promenade along the harbourfront.
6. Elevated roads in strategic locations offer a real opportunity for efficient and sustainable use of the space beneath, and need to be better exploited in a dense city with a high demand for space. On the Kwun Tong waterfront we have the example of an elevated highway which provides one kilometer of available ground level land that can be used for a variety of waterfront related purposes. In Island East we have a similar gifted opportunity to use space over water pro-actively and extremely cost-effectively and sustainably, incorporating a very necessary use and a high degree of

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public gain. We could as well show to other cities how Hong Kong could again capably turn constraints into opportunities in a compact environment.

7. The question is why were the public not requested to make/support a simple decision directed at the 'overriding public need' aspect with regard to the original proposal? That is to say they could simply have been asked to either support the overriding need for such a facility, intended to provide a coherent link with the longer eastern harbourfront promenade, or support the provisions of the PHO that there should be no further harbour reclamation of any type, instead of asking them for a "shopping list" despite both cost and constraints
8. It would also be useful to recall at this juncture that the three tests laid down by the High Court in July 2003 – regarding the presumptions outlined in Section 3.1 of the PHO were : **Compelling, overriding and present need; No viable alternative; Minimum impairment.** The current scheme as proposed is flaunting the sentiments set out in the PHO rather than sensible focusing on **proportionality**, and more particularly so when there is a viable, far less intrusive and much more cost-effective option that has already gone through public consultation. The constraint that we were given to understand in the original version was the "headroom" in one small area might be slightly reduced, but we cannot see how an alternative solution should lead to this major deviation, instead of diversion of the alignment inland, or other design solutions. On the other hand, could the current proposal likely meet the three tests ?
9. From an urban design point of view, the engineering model now put forward has a high impact, and is located entirely outside the alignment of the Island Eastern Corridor (IEC), leaving the area under the IEC entirely vacant. The massive opportunity that exists for sustainable integration of the boardwalk in a completely effective way is ignored having been shown to be viable. The aspects of climate protection from rain or sunlight that this provides has likewise been ignored, as has the opportunity to revitalize a "left-over" area under the IEC.
10. In respect of the width of 10 metres in the design, there is a need to look critically at the issue of accommodating a wide purpose designed cycletrack, and particularly so given the constraints. Cycling as pointed out in previous correspondence should be closely evaluated in the urban area, and only encouraged in situations that create opportunities both for recreation and as a form of transport. As it is, the difficulties in introducing a safe system are great. While the idea of achieving this in the situation under review has emotive appeal, it is most unlikely that this would serve in any way as a transport corridor between home or workplace, school or station. We also have on our doorstep a 50km cycletrack, purpose-built, largely around the coast of the NT that is currently being extended in two further phases to 100km. This is also purposely integrated within the planning framework of several of the new towns so that, unlike high density developments in the urban area, children can cycle to school or stations without the need to cross major highways, or travel along massively trafficked public roads. In addition the cycletrack is very popular for recreation with

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bicycle hire provided informally by private operators. The NT system is in most parts engineered with a physical separation between cyclists and pedestrians. In the situation along the Eastern Island waterfront we are dealing not with a fully integral solution but an 'add on' to an existing waterfront in a situation that is fraught with legalities, and where young cyclists even living in nearby estates would have to cross major roads to even get to the waterfront, and would unlikely be able to use this as a means of transport to schools, public transport or anything else, as none of these are provided near to the harbourfront. The main prerogative on the Eastern Island waterfront must be to provide a safe and comfortable waterfront pedestrian environment, with perhaps informal cycling use as occurs on the Aldrich Bay waterfront.

11. It could be understood that Government is trying to address the requests from everyone, and the provision of a wide boardwalk incorporating cycletrack is to meet the requests of cyclists, but Government should perhaps re-consider the prospect of passing the three tests under the PHO. Meeting public aspirations (or the aspirations of some quarters of the community) may not necessarily equal to meeting an "overriding public need". While this might have to be decided by Judicial Review when all factors and alternatives must be taken into consideration, protracted litigation processes may only postpone any harbourfront enhancement initiatives however well-intentioned they may be.

**Public Affairs Committee of
The Hong Kong Institute of Urban Design
January 2017**

Hong Kong Institute of Urban Design Limited

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郭偉強立法會議員辦事處

「東區走廊下行人板道研究」第二階段公眾參與 意見書

背景

北角區居民多年以來希望可擁有鄰近海濱的公共空間，2012 年終於迎來規劃署建議在東區走廊下興建一條兩公里長的行人板道，連接北角油街至鰂魚涌的海裕街。有關研究工作歷時 3 至 4 年，政府直至 2016 年 2 月才開始就規劃進行第一階段公眾參與，因應收到意見，修訂及更新計劃細節後，於去年 12 月初又展開第二階段公眾參與計劃。

本辦事處去年曾邀請土拓署及有關工程設計公司代表，舉行諮詢會，向居住在北角及附近的居民，介紹行人板道規劃，也讓政府部門聽取意見。在第一期諮詢意見中，大部分居民都贊成板道設有單車徑、單車租借亭、觀景台、釣魚平台、餐飲亭及座椅等。在部門第二期公眾參與的摘要上，除了臚列有關設施外，行人板道設計的出入口共有 6 個地點，其中新增了和富花園的通道(現時有蓋通道部分由康文署管轄)，作為出入口。郭偉強議員為進一步聽取北角及附近居民的意見，安排辦事處人員在 1 月 20 日至 24 日於和富中心、渣華道街市及新光戲院等地點，進行街頭問卷調查，共收到 152 份有效問卷。

問卷分析

雖然我們今次收集的問卷不多，但居民的意見很清楚，所有受訪居民均表示贊成在上址興建行人板道，贊成比例上，較土拓署第一階段問卷調查 91%贊成還要高。至於新增和富花園的出入口，96%(147 人)贊成，只有 3%(4 人)不贊成。贊成原因方面，有 90 人填寫了原因，最多提及是「可做運動」、「可跑步」、「運動健身」、「方便鍛鍊身體」、「方便晨運」，約有 17 人填寫了與運動有關的原因。其次，較多受訪者提及依次是改善環境、多一個地方散步、多點空間、有休憩的地方。

至於和富花園新增一個出入口，當板道落成後，大家可穿過和富花園前往板道，不用走到糖水道或遠至油街的出入口。96%(147 人)贊成在和富花園新增出入口，不贊成的只有 3%(4 人)。至於有來自和富中心的受訪者，有 37 人，當中只

有 4 人(10%)反對在和富花園開設出入口。

當中有有兩人提及反對原因，一是「怕人多」、另一是「建議在糖水道出入口往板道」。換句話說，開設這個出入口，在出入口附近居住的居民都贊成。至於贊成的原因，則一面倒說「進出方便」、「方便」及「近」。

在興建這條行人板道，居民最關心甚麼？我們要求受訪者按意願次序，排出 1 至 8 的選項，分別是景觀、休憩空間、環境衛生、噪音、治安、綠化與園景特色、單車道與行人通道分隔及其他。最多人優先關注的是休憩空間(22%)，其次是環境衛生(19%)，第三位同屬噪音(14%)及治安(14%)。第四位及以後依次是景觀(13%)、綠化園景(11%)及行人與單車道分隔(6%)，

至於是否需要為板道設定開放時間，即不是 24 小時開放，59%(81 人)受訪者認為需要，30%(42 人)認為不需要，沒意見者有 11%(15 人)。37 名和富受訪者中，大約有 25 位(68%)贊成當局為板道設定開放時間。同為毗連海濱的城市花園方面，有 13 名居民填寫問卷，10 人贊成設定開放時間。

就板道開放時間，最多市民人(51%)贊成每天早上 6 時至深夜 11 時，為板道開放時間；贊成早上 6 時至晚上 10 時，則有 29%；有 13%受訪者選擇早上 7 時至晚上 10 時，為合適的時間；有 6%受訪者選擇早上 7 時至晚上 11 時。

對行人板道其他意見方面，只有 11 名受訪者在問卷上有填寫意見，3 人希望當局盡快興建板道，另 3 人表達「禁止帶狗」。

意見與建議

鑑於上述問卷調查結果，加上在區內收到的意見，郭偉強議員現總結建議如下，予當局展開詳細設計時參考：

- 1) 北角區居民整體是頗為支持行人板道的興建，原因是希望盡快有一個完善的海濱設施，供居民休憩或做運動。故此，居民普遍希望當局盡快展開工程。部門曾在最近的社區論壇上表示，最快可望在 2018 年至 2019 年動工。希望當局爭取工程不受延誤；
- 2) 在板道原有 5 個出入口，增加和富花園一個通道的出入口，當局宜就出入口設置、開放時間及管理等細節，盡快諮詢和富中心居民。他們都關心深夜噪音問題；

- 3) 居民普遍關心休憩空間是否足夠，環境衛生及噪音事宜，當局在進行詳細設計時，宜特別考慮這些元素。尤其居住在鄰近板道的住宅區，如和富中心，他們較關注噪音，特別是低層住戶，承受東區走廊噪音之餘，也可能要承受板道游人的噪音。而在社交媒體的留言，我們也收到市民反映，擔心在東區走廊下的行人板道，會有空氣污染情況，希望當局留意；
- 4) 受訪居民大多數認同板道須設有開放時間，即是不宜 24 小時開放，大多數居民傾向仿效康文署的一些公園般，板道宜在晚上 10 時或 11 時關閉；
- 5) 港島除了在鰂魚涌有單車公園，完全沒有單車徑。居民殷切期待在港島有第一條單車徑的興建，待港島北海濱規劃與落成後，大家都希望在海濱看到有完整的單車徑，可直達至金鐘及中環。希望當局加快興建港島單車徑的規劃，包括在港島南的新發展區。

如就意見書有任何查詢，歡迎致電 2537-9618 或 7770-0800，與郭偉強議員聯絡，或電郵 kwok_aron@yahoo.com.hk。

二零一七年一月廿七日

-完-



香港建築師學會
The Hong Kong Institute of Architects

Our Ref. : BLA/CEDD/BWIEC/MC/cw/1704

10 April 2017

By Email & By Post
boardwalk@cedd.gov.hk

Mr LEE Kui Biu Robin *JP*
Project Manager (Hong Kong Island & Islands)
Hong Kong Island and Islands Development Office
Civil Engineering and Development Department
13/F North Point Government Offices
333 Java Road
North Point
Hong Kong

Dear Mr Lee

**Boardwalk Underneath Island Eastern Corridor – Investigation
Stage 2 Community Engagement**

We refer to the stage 2 community engagement on the Boardwalk Underneath Island Eastern Corridor – Investigation.

The Institute is in support in principle to the development of Boardwalk underneath Island Eastern Corridor. The project should proceed immediately without further delay. Enclosed please find the written submission to respond to the captioned community engagement for your consideration.

Yours sincerely

Marvin Chen *CHKIA RA*
President

Encl



香港建築師學會

The Hong Kong Institute of Architects

**Boardwalk Underneath Island Eastern Corridor – Investigation
Stage 2 Community Engagement
Written Submission of the Hong Kong Institute of Architects**

1. General

The Hong Kong Institute of Architects (HKIA) reiterates our support in principle to the development of Boardwalk underneath Island Eastern Corridor, as emphasized in Stage 1,

Since the project is beneficial to the public, the project should proceed immediately without further dwelling on the uncertainty due to the Protection of the Harbour Ordinance (PHO). If there is still any doubt on its validity, it should be settled in the court rather than compromising good design principles for fear that they might not stand up to the provisions of PHO. The boardwalk proposal would actually serve the Government a great opportunity to seek for legal clarification on the definition of “Reclamation” and to conclude this issue once and for all.

2. Reservation for Future Expansion

The boardwalk should reserve adequate space to allow further development in future. Potential expansion could introduce more vibrancy to make the place into a real urban oasis.

3. Overall Appearance and Functional Use

The appearance of boardwalk is too linear and straight forward as indicated in the current proposal. Visual and spatial interests should be introduced, and a more natural and organic gesture should be considered to celebrate the vibrancy of the promenade. The government should also consider introducing shading facilities and greenery spaces consistently along the boardwalk. In order to have a visually attractive boardwalk, architects should preferably be the lead designer, just like local promenade projects led by Architectural Services Department and many other successful examples overseas.

4. Access and Connectivity

Access and connection to the inland area of East Hong Kong should be more closely integrated. Additional pedestrian accesses at East to the Boardwalk should be considered.

5. Covered water of Boardwalk

Despite the Institute’s previous comment on Stage 1 the extent/percentage of increased “covered water” of the current proposal is not graphically presented in the consultation documents. This may affect the public’s perception on the implication to PHO. The government should consider supplementing associated data.