

HONG KONG

ORDINANCE NO. 106 OF 1997

L.S.

I assent.

Christopher PATTEN,
Governor.
29 June 1997

An Ordinance to protect and preserve the harbour by establishing a presumption against reclamation in the harbour and by requiring such reclamation to be approved by the Legislative Council, and to make consequential amendments to other Ordinances.

[30 June 1997]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. Short title

This Ordinance may be cited as the Protection of the Harbour Ordinance.

2. Interpretation

In this Ordinance, unless the context otherwise requires—

“central harbour” (中央海港) means the waters of Hong Kong within the boundaries specified in Schedule 1;

“reclamation” (填海工程) includes any work over and upon any foreshore and sea-bed;

“relevant Ordinance” (有關條例) means—

- (a) the Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127);
- (b) the Cross-Harbour Tunnel Ordinance (Cap. 203);
- (c) the Eastern Harbour Crossing Ordinance (Cap. 215);
- (d) the Mass Transit Railway (Land Resumption and Related Provisions) Ordinance (Cap. 276);
- (e) the Roads (Works, Use and Compensation) Ordinance (Cap. 370);
- (f) the Western Harbour Crossing Ordinance (Cap. 436); or
- (g) any other Ordinance under which reclamation is authorized or which otherwise provides for reclamation.

香 港

1997年第106號條例

公印位置

本人批准。

彭定康，
總督
1997年6月29日

本條例旨在藉設定不准許進行海港填海工程的推定，以及藉規定海港填海工程須由立法局批准，以保護和保存海港，並對其他條例作出相應修訂。

[1997年6月30日]

由香港總督參照立法局意見並得該局同意而制定。

1. 簡稱

本條例可引稱為《保護海港條例》。

2. 釋義

在本條例中，除文意另有所指外——

“中央海港” (central harbour) 指於附表 1 中所列出範圍內的香港水域；

“有關條例” (relevant Ordinance) 指——

- (a) 《前濱及海床 (填海工程) 條例》(第 127 章)；
- (b) 《海底隧道條例》(第 203 章)；
- (c) 《東區海底隧道條例》(第 215 章)；
- (d) 《地下鐵路 (收回土地及有關規定) 條例》(第 276 章)；
- (e) 《道路 (工程、使用及補償) 條例》(第 370 章)；
- (f) 《西區海底隧道條例》(第 436 章)；或
- (g) 任何其他授權進行填海工程或以其他方式就填海工程訂定條文的條例；

“填海工程” (reclamation) 包括在任何前濱及海床中及在其上進行的任何工程。

3. Presumption against reclamation in the harbour

(1) The central 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 in the central 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.

4. Transitional

This Ordinance does not apply to any reclamation authorized under a relevant Ordinance before the commencement of this Ordinance.

SCHEDULE 1

[s. 2]

BOUNDARIES OF THE CENTRAL HARBOUR

On the east—a straight line drawn from the extreme south-east point of Hung Hom adjacent to Kowloon Bay to the extreme north point of Hong Kong island at North Point.

On the west—a line following the course of the easternmost conduit of the tunnel defined in section 2 of the Western Harbour Crossing Ordinance (Cap. 436).

3. 不准在海港內進行填海工程的推定

(1) 中央海港須作為香港人的特別公有資產和天然財產而受到保護和保存，而為此目的，現設定一個不准許進行中央海港填海工程的推定。

(2) 所有公職人員和公共機構在行使任何歸屬他們的權力時，須顧及第(1)款所述的原則以作為指引。

4. 過渡性條文

本條例不適用於任何在本條例生效日期前已根據有關條例獲得授權進行的填海工程。

附表 1

[第 2 條]

中央海港範圍

東面——以一直線由九龍灣傍紅磡東南處之末端劃至香港島北角北處之末端。

西面——以《西區海底隧道條例》(第 436 章) 中第 2 條所訂定之最東隧道管道所經之處為準劃線。