

30 October 2002

Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central
Hong Kong

(Attn: Mrs Queenie Yu)

Mrs Yu,

LegCo Panel on Planning, Lands and Works
Wanchai Development Phase II – New Draft Wan Chai North
Outline Zoning Plan (OZP) No.S/H25/1

At the meeting of LegCo Panel on Planning, Lands and Works held on 8 May 2002, Members requested the Administration to provide the legal advice it obtained on whether proposals in the new draft Wan Chai North OZP, in particular the proposed Harbour Park, contravened the provisions in the Protection of the Harbour Ordinance (Cap. 531).

According to the Department of Justice, the gist of the effect of the Protection of the Harbour Ordinance is to require a weighing exercise to be done for the purpose of deciding whether the public benefits of the proposed reclamation would outweigh the preservation of that part of the Harbour.

In considering the reclamation proposals under the New Draft Wan Chai North OZP, including the inclusion of the Harbour Park on the OZP, both the Administration and the Town Planning Board have given due regard to the above presumption principle and are of the view that the proposed reclamation complies with the Protection of the Harbour Ordinance.

(Miss Wendy Au)
for Secretary for Housing, Planning and Lands