

Panel on Planning, Lands and Works

**Special Meeting on
Saturday, 17th December 2005 at 9:00 a.m.
In the Chamber of the Legislative Council Building**

**Tamar Development Project and
Land-use Planning for Central Reclamation Phase III**

Summary of Oral Presentation by Mr. Winston Chu

1. According to the Protection of the Harbour Ordinance, the Harbour is a special public asset and a natural heritage of the people of Hong Kong.
2. The Government has a duty to protect and preserve it and must justify any proposal for reclamation to the people of Hong Kong.
3. The Government has a duty to carry out public consultation and to give the public the opportunity to object. Section 6 of the Town Planning Ordinance sets out a clear set of procedure for public objections.
4. In 2002, the Government carried out a public consultation in which the Government advised the public and Legco that as long as the Central Reclamation provided some public benefit, the proposed reclamation would be lawful under the Harbour Ordinance.
5. The public was therefore mis-led into believing that the Central Reclamation, including the proposed office and commercial developments thereon, complied with the Harbour Ordinance.
6. In 2004, the Court of Final Appeal pronounced that the Government was wrong. The correct test was not some 'public benefit' but the Government must demonstrate an 'overriding public need'.

7. It is a much higher and more stringent test. The Government must satisfy all the following requirements:-
 - (a) The need must be overriding, public and present;
 - (b) The reclamation must be minimum;
 - (c) There must be no reasonable alternative; and
 - (d) Each area proposed to be reclaimed must be justified.
8. After the Court of Final Appeal Judgment up to to-day, the Government has not conducted any further public consultation nor given the public the opportunity of objecting to the Central Reclamation based upon the correct interpretation of the law.
9. The Government has a clear duty to do so. They are taking away a piece of the harbour that belongs to the people of Hong Kong and they must allow the people to consider whether the reasons advanced by the Government are sufficient.
10. The public must be given the opportunity to object to the Government's proposal to sell the five pieces of reclaimed land totaling 800,000 sq.ft. for extensive office and commercial development as such proposal may fail the Court of Final Appeal test.
11. As a matter of fairness and logic, the land is created from the people's harbour by public funds and should be given back to the people for public enjoyment. It should not be sold to developers. The people must be given the opportunity to express their wishes as to how the land should be used.
12. When the matter was debated in 2002, the Government gave to Legco the same wrong interpretation of the Harbour Ordinance. Just as the public, Legco was equally mis-led. Therefore Legco must also be given the opportunity to reconsider the Central Reclamation based on the correct interpretation of the Harbour Ordinance as pronounced by the Court of Final Appeal.