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**By Fax: 2185 7845**  
**6 December 2007**

Ms Anita SIT  
Panel on Development  
LegCo Secretariat

Dear Ms SIT,

### **Panel on Development**

#### **Temporary Reclamation for the Construction of the Central-Wan Chai Bypass and Island Eastern Corridor Link**

Thank you for your letter enquiring on the above temporary reclamation. The information requested is set out below in the same order as that in your letter.

#### **Details on Temporary Reclamation**

Following the Town Planning Board's request for a review of the Wan Chai Development Phase II (WDII) proposals in Oct 2003, and in the light of the Court of Final Appeal (CFA) Judgement of 9 January 2004, the Administration has undertaken a comprehensive review of the development and reclamation proposals for the WDII project. Under the WDII Review and through the comprehensive public engagement process, a Trunk Road tunnel scheme for the section within the WDII area involving the construction of a tunnel along the Wan Chai shoreline, across the Causeway Bay Typhoon Shelter (CBTS) and connecting with the existing elevated Island Eastern Corridor at North Point has been identified which is considered the best option in complying with the Protection of the Harbour Ordinance.

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To avoid permanent reclamation at the CBTS, the areas to the immediate west of and within the ex-Public Cargo Working Area, temporary reclamation is required to facilitate the construction of the Trunk Road tunnel by cut-and-cover method. Also, a temporary breakwater and piled wave walls to the north of CBTS are required to provide sufficient mooring area during construction for the vessels currently mooring at the CBTS. The temporary reclamation works would be carried out in phases to maintain water circulation and to minimize water quality impacts during the construction of the tunnel while the temporary breakwater will compensate the loss of mooring area in CBTS during construction. Each preceding phase of temporary reclamation would be removed and the existing seabed reinstated as the new phase commences.

The requirement for temporary works (including temporary reclamation) was mentioned in paragraph 6 and Annex C of Paper CB(1)1723/06-07(01) of the then LegCo Panel on Planning, Lands and Works issued for consideration at the meeting of 29 May 2007. Annex C of Paper CB(1)1723/06-07(01) is the Report on Cogent and Convincing Materials to Demonstrate Compliance with the Overriding Public Need Test (the CCM Report). The requirement for temporary works has been highlighted in the CCM Report (specifically at paragraphs 4.2.6, 4.3.3, 4.3.12 and 6.2.6) and its Annex G (Report to the HEC Sub-Committee on WDII Review on Trunk Road Alignments & Harbour-Front Enhancement) (specifically at paragraphs 4.2.4, 4.3.2, 4.5.3, 4.6.11 and 4.6.12) and Annex O (Minimum Reclamation Report) (specifically paragraph 2.1.7 and footnote 4). Both the CCM Report and Report on Trunk Road Alignments & Harbour-Front Enhancement are available on the internet for public access since May 2007 and April 2006 respectively. We are advised by our legal advisor that it is not appropriate for us to disclose further information on the temporary reclamation works since it is now a subject of the judicial review proceedings lodged by the Society for Protection of the Harbour (SPH).

### **Statutory Procedures**

The road scheme for Central-Wan Chai Bypass and Island Eastern Corridor Link was gazetted under Roads (Works, Use & Compensation) Ordinance (the Ordinance) on 27 July 2007 and the period for the lodging of objection ended on 25 September 2007. We are now handling the objections received in accordance with the Ordinance.

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**The Judicial Review**

On 3 October 2007, the SPH lodged an application for leave to apply for a judicial review (JR) against the Administration in respect of the proposed temporary reclamation. The SPH sought a declaration that the Protection of the Harbour Ordinance and the presumption against reclamation contained therein does apply to the proposed temporary reclamation works. On 8 October 2007, the High Court granted leave to the application. At the directions hearing on 29 October 2007, the substantive hearing dates were fixed for 4 and 5 February 2008.

Subject to the outcome of the judicial review and the authorization of the road scheme under the Ordinance, we plan to consult the Legislative Council on the funding arrangement in the second quarter in 2008.

Grateful if you could relay the information above to Members of the Panel on Development.

Yours sincerely,



(Miss Melo MAN)

for Secretary for Transport and Housing

**c.c.**

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