

CB(1) 1488/03-04(01)

By fax no: 2537 9276

CB1/PL/EA

2869 9213

2869 6794

email address:byu@legco.gov.hk

30 December 2003

Mr Michael M Y SUEN, GBS, JP
Secretary for Housing, Planning and Lands
8th Floor, West Wing
Central Government Office
11 Ice House Street
Central
Hong Kong

Dear Mr SUEN,

**Panel on Environmental Affairs and
Panel on Planning, Lands and Works**

Follow-up to joint meeting on 8 December 2003

Central Reclamation Phase III

At the joint meeting of the Panel on Environmental Affairs and Panel on Planning, Lands and Works on 8 December 2003, in response to a question relating to the reversibility of works in Central Reclamation Phase III (CRIII), you stated that the Administration would be pleased to clarify any misunderstanding.

To follow up the issue, I shall be grateful if you could let us know:

- (a) whether the CRIII works resumed until March 2004 (dredging and rockfilling works) are reversible and will not cause irreparable damages to the harbour;
- (b) whether it is the policy intent that the works resumed would not be undone;
- (c) whether there is any change in policy in deciding whether or not the works would be undone; and

- (d) whether the works not to be resumed before March 2004 (piling works, construction of seawall and cooling water pumping stations) are reversible and no irreparable harm will be done to the harbour.

Yours sincerely,

(Miss Becky YU)
Clerk to Panel on Environmental Affairs

cc Hon CHOY So-yuk (Chairman of Panel on Environmental Affairs)
Dr Hon TANG Siu-tong, JP (Chairman of Panel on Planning, Lands and Works)
Mr Simon LEE, Deputy Law Officer (Civil Law)
Department of Justice (fax no: 2869 0062)

香港特別行政區政府

The Government of the Hong Kong Special Administrative Region

房屋及規劃地政局

香港花園道美利大廈
十八樓



Housing, Planning and Lands
Bureau

18/F, Murray Building
Garden Road, Hong Kong

本局檔號 Our Ref.

電話 Tel.: 2509 0296

來函檔號 Your Ref.

傳真 Fax : 2509 0345

6 April 2004

Miss Becky YU
Clerk to Panel on Environmental Affairs
Legislative Council
Legislative Council Building
8 Jackson Road
Central, Hong Kong

Dear Miss Yu,

**Panel on Environmental Affairs and
Panel on Planning, Lands and Works
Follow-up to joint meeting on 8 December 2003**

Central Reclamation Phase III

Thank you for your letter of 30 December 2003 under the same subject.
The following is the Administration's response to your queries.

- (a) As the Administration has stated on various occasions, the dredging and rockfilling works (up to existing seabed level) that have been undertaken up to March 2004 (noting that the judicial review ("JR") hearing relating to Central Reclamation Phase III are scheduled for early February 2004) are indeed capable of being undone, if necessary. They will not reduce the size and extent of the Harbour or cause any irreparable damage to the Harbour.
- (b) As stated above, the dredging and rockfilling works up to March 2004 are capable of being undone. As Counsel for the Government submitted to Judge Hartmann on 3 October 2003, to the extent that

any of the works are eventually held to have been unlawful, and as such are required to be removed, the Government would abide by the Court's order for the removal of any such works. Judge Hartmann handed down his judgment on the JR case on 9 March 2004, refusing the JR. There is no court order stating that the works are unlawful. So far, on Central Reclamation Phase III, there have been two court rulings in favour of the Government.

- (c) The Administration's position with regard to the removal of the works has always been as stated at paragraph (b) above. There has not been any change in policy in this connection.
- (d) Those piling works, construction of seawall and cooling water pumping stations not resumed before March 2004 as mentioned in your query could be undone. The piles could be cut and extracted, and the seawalls and pumping stations demolished, if necessary. Once removed, they would not reduce the size and extent of the Harbour or cause any irreparable damage to the Harbour.

Yours sincerely,

(Ivan Cheung)
for Secretary for Housing, Planning and Lands

c.c.

Hon Choy So-yuk (Chairperson of Panel on Environmental Affairs)

Dr Hon Tang Siu-tong, JP (Chairman of Panel on Planning, Lands and Works)

D of J (Attn: Mr Simon Lee)