

CB(1) 2301/03-04(01)

**Society for Protection of the Harbour Limited**  
**保護海港協會有限公司**

2006, One Pacific Place,  
88 Queensway, Hong Kong

Tel (852) 2845-8138  
Fax (852) 2845-5964

Mr. Michael Suen  
Secretary for Housing, Planning and Lands,  
Room 821, West Wing,  
Central Government Offices,  
Central, Hong Kong.

14 June 2004

Dear Mr. Suen,

We refer to your letter dated 9<sup>th</sup> June 2004 from Ms. Christine Chow

We are concerned at your attempt to distort the facts of this matter which fortunately are well documented by official documents which will be referred to. We are also surprised by your unsupported allegation that 'the criticisms made by the SPH on the Government in its 8 June letter are factually incorrect and groundless' when you were unable to specifically refute any one fact set out in either our letter or in the Summary of Facts thereto enclosed.

Our complaint is based upon the following facts and you are hereby openly invited to dispute any of them.

1. The Wanchai Reclamation Plan (WDII) was based upon the wrong legal interpretation of the Protection of the Harbour Ordinance ("the Ordinance").
2. The Central Reclamation Plan (CRIII) was based upon the same wrong legal interpretation.
3. At the meetings of the Central Tender Board on 30.1.2003 and 6.2.2003, the Government were fully aware of the challenge by our Society by Judicial Review of the wrong legal interpretation of the Ordinance.
4. At these meetings, the Government were fully aware of the impact of the pending Judicial Review and that the same would affect the Central Reclamation.



Tel No : 2848 2119

Fax No: 2845 3489

HPLB(PL) CR1-150/07

30 June 2004

Ms Christine Loh  
Chairperson  
Society for Protection of the Harbour Limited  
2006, One Pacific Place  
88 Queensway  
Hong Kong

Dear Ms Loh,

I refer to your letter of 14 June 2004 to the Secretary for Housing, Planning and Lands (“SHPL”) , who has authorized me to reply on his behalf.

Our letter dated 9 June 2004 has already set out the Administration’s views regarding a number of factual inaccuracies in your letter to the Legislative Council Members dated 8 June 2004 concerning Central Reclamation Phase III (“CRIII”) and its works contract.

In particular, I wish to reiterate that SHPL gave a factual reply when he answered the Hon. Martin Lee’s oral question on Central Reclamation on 2 June 2004. SHPL was simply trying to set out the circumstances leading to the suspension of certain works which in turn gives rise to the contractor’s claim and did not make any comment whatsoever on your Society. SHPL also made it clear that the amount claimed has not been “accepted” by the Government. The Society’s criticism in its letter of 8 June on the Government attempting to shift the responsibility of causing the contractor’s claim is untrue and groundless.

We regret that despite our repeated clarification of the fact that the Government has not awarded the CRIII works contract in a hasty manner, the Society still holds a different view. We stand by what we have said in our letter of 9 June and have nothing further to add.

Yours sincerely,

( Christine Chow )  
for Secretary for Housing, Planning and Lands

c.c. Legislative Council Secretariat  
Clerk to Executive Council  
Secretary for Environment, Transport and Works  
(Attn. Mr Lo Yiu-ching and Mrs May Tam)  
Director of Territory Development  
(Attn. Mr John Chai)  
Director of Planning  
(Attn. Mr Bosco Fung)  
Secretary, Central Tender Board  
Department of Justice  
(Attn. Mr Simon Lee and Miss Joyce Poon)