

## **LEGISLATIVE COUNCIL BRIEF**

### **CENTRAL RECLAMATION PHASE III (CRIII)**

#### **INTRODUCTION**

At the meeting of the Executive Council on 27 April 2004, the Council ADVISED and the Chief Executive ORDERED that the approved Central District (Extension) Outline Zoning Plan No. S/H24/6 (Central OZP) should not be revoked under section 12(1)(a) or referred to the Town Planning Board (TPB) for reconsideration under section 12(1)(b) of the Town Planning Ordinance (TPO), taking account of the further Review of CRIII completed in April 2004 which concludes that the reclamation meets the Court of Final Appeal (CFA)'s "overriding public need test" as well as other administrative and policy considerations (see paragraphs 11 to 27 below).

#### **BACKGROUND AND ARGUMENT**

##### **The CFA Judgment of 9 January 2004**

2. The CFA's judgment handed down on 9 January 2004 gives a definitive interpretation on the principles found in the Protection of the Harbour Ordinance (PHO) to protect and preserve the Harbour as a special public asset and a natural heritage of Hong Kong people, and a formulation of the "overriding public need test" to replace Madam Justice Chu's "three tests"<sup>1</sup>. According to the CFA, the ---presumption against reclamation under section 3 of the PHO can only be rebutted by

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<sup>1</sup> The High Court judgment of 8 July 2003 states that the three tests of "compelling, overriding and present need", "no viable alternative", and "minimum impairment to the Harbour" have to be met before the presumption against reclamation can be rebutted.

satisfying a single test of “overriding public need”, which by nature is a “demanding” test. The main points regarding this single test are presented in the following –

- (a) **compelling** public need that may override the presumption against reclamation need not be something that the community cannot do without. The CFA described Madam Justice Chu’s observation that “the presumption could only be rebutted by a need which the community cannot do without” as “going too far”;
- (b) the meaning of **present** need in the context of town planning is that “taking into account the timescale of planning exercises, the need would arise within a definite and reasonable timeframe”;
- (c) public needs that may rebut the presumption against reclamation under the PHO would include “the economic, environmental and social needs of the community”;
- (d) as to whether there is a reasonable alternative to reclamation, the CFA said that “all circumstances” should be considered, including economic, environmental, social implications of the alternative as well as costs, time and delay;
- (e) on the timing of judicial review challenge, the CFA pointed out since any reclamation proposal would involve substantial public funds and third parties’ rights, in the interests of good public administration, it is important that any challenge should be promptly taken so that all concerned know where they stand as soon as possible or else the courts have the discretion to refuse relief; and
- (f) the CFA has also ruled that in order to satisfy the “overriding public need test”, there must be cogent and convincing materials before the decision-maker to establish such a need. It is also the decision of the CFA that the extent of the proposed reclamation should not go beyond the minimum of that which is required by the overriding public need. If it does, the overriding public need for the proposed reclamation could not be established, since there would be no need for the reclamation to the extent proposed. It is necessary that each area proposed to be reclaimed must be justified.

The High Court Judgment on 9 March 2004

3. The CRIII judicial review was heard from 9 to 16 February 2004

before Mr Justice Hartmann. The Applicant (Society for Protection of the Harbour Limited (SPH))'s judicial review in relation to CRIII is not against the Central OZP itself, but against the decisions of the CE in C in refusing to revoke the approved Central OZP or to refer the OZP to the TPB for reconsideration and that of the Secretary for Housing, Planning and Lands and the Secretary for the Environment, Transport and Works in continuing with the implementation of the Central OZP despite the fact that the Plan was prepared based on an incorrect interpretation of section 3 of the PHO in light of the High Court judgment relating to the draft Wan Chai North OZP. During the hearing, the Applicant had expanded its challenge to include the CE in C's decision on 2 December 2003.<sup>2</sup>

4. On 9 March 2004, Mr Justice Hartmann refused the Applicant's judicial review. He said that what was at the heart of the judicial review application was not the Central OZP, but the powers and responsibilities of the CE in C exercised pursuant to the TPO and on this key aspect, his conclusions are as follows –

- (a) under the TPO, the TPB may only act on the originating instructions of the CE. The CE in C is “the fountainhead” of planning matters and the power to revoke an approved plan or to seek its amendment rests entirely with him (paras. 57 and 58 of the High Court Judgment);
- (b) whilst the TPB makes recommendations to the CE in C, it is the CE in C, not the TPB, who must determine the “final form” of any OZP (para. 61 of the High Court Judgment);
- (c) in respect of an approved plan, when the CE in C exercises his powers pursuant to section 12 whether to revoke or refer to TPB for reconsideration, he is under a duty to consider the substance of all relevant matters that are, or should be, placed before him (para. 63 of the High Court Judgment);
- (d) in fulfilling his duties in terms of the TPO, the CE in C looks not

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<sup>2</sup> The CE in C decided on 2 December 2003 that, with the benefit of the conclusions of the Review of CRIII completed in November 2003, there was no need, at that stage, to revoke the Central OZP or to refer it to TPB for reconsideration.

only to the collective knowledge, experience and expertise of those persons who sit on the Executive Council with him but also to those public officers who are best positioned to advise him (para. 64 of the High Court Judgment); and

- (e) our law makers have given the CE in C clear executive jurisdiction in respect of town planning matters (para. 97 of the High Court Judgment).

5. On the Central OZP and the CRIII works, Mr Justice Hartmann said that the evidence showed that they were approved by the CE in C as part of a broad strategy for the development of Hong Kong (para. 26 of the Judgment). Despite the filing of affirmations containing suggested alternatives to reclamation, the Judge observed that “judges are not appointed to administer Hong Kong” and it is not the function of the court to decide the merits of reclamation work (para. 38 of the Judgment). On the CE in C’s decision on 2 December 2003 not to revoke or refer the Central OZP to TPB for reconsideration, the Judge ruled that the CE in C was doing no more than exercising his discretion under section 12 of the TPO; CE in C was not acting *ultra vires*; nor was he usurping the powers of the TPB (para. 70 and 71 of the Judgment).

6. In addressing the Applicant’s criticisms of the inadequacy of the Engineering Review published in November 2003, the Judge considered that the evidence showed that a comprehensive report had been obtained and that the report had been commented upon by an independent expert who observed that the CRIII works were capable of meeting the High Court’s “three tests”. He further observed that in deciding whether or not to refer an approved plan to the TPB, the CE in C would certainly have to take into account a broad range of administrative and policy matters. In the case of the Central OZP and the CRIII works, time has passed and good administration should seek to avoid delay and take account of third parties rights involved. The Judge considered that these issues were integral to the determination as to whether, to meet the ends of good administration, a plan lawfully passed, and believed still to be lawful, should nevertheless be suspended. He commented that “even on a test of heightened scrutiny, the CE in C’s decision [viz. that of 2 December 2003 not to revoke or refer the approved Central OZP to TPB] could not be found to have been unreasonable.”

7. A copy of the High Court Judgment (in English only) is at Annex A.

## **The Administration’s Response to the High Court Judgment and Subsequent Developments**

8. Whilst welcoming the High Court judgment, the Government announced on 9 March 2004 that it would continue with CRIII works without further delay and would liaise with the CRIII contractor to fully resume the previously suspended works. In appealing for legal disputes to be put to an end, the Government announced the intention to set up a Harbour-front Enhancement Committee to work with stakeholders and the community at large on developing a vibrant and accessible waterfront.

9. On 26 March 2004, the SPH announced its decision to file a Notice of Appeal with the Court of Appeal against the High Court Judgment. The SPH originally intended to “leapfrog” the appeal to the CFA but the Government, having sought the advice of a Senior Counsel, considered that the SPH’s application could not meet the criteria for a direct appeal to the CFA and decided not to give consent. In response to SPH’s demand that all reclamation works should cease pending its appeal, the Government reiterated that the CRIII project ought not to be delayed, with two court rulings relating to CRIII in favour of the Government (namely the decision not to grant SPH’s application for an interim injunction against CRIII in October 2003 and the High Court decision on the judicial review in March 2004) and taking account of the urgency of the works, the public interest and third party rights. In connection with this, it is relevant to note that in commenting on SPH’s allegation that the Government has “rushed” into awarding the CRIII in February 2003, Mr Justice Hartmann remarked that “the executive cannot always bow to the pressure of threatened litigation and it is always a question of policy whether an approved plan should be fulfilled without delay or whether delay is prudent” (para. 91 of the Judgment).

10. A letter was issued to the CRIII contractor on 9 March 2004 to lift the suspension of all the marine works with immediate effect. Marine works resumed progressively and marine piling recommenced on 1 April 2004. On 15 April 2004, the SPH issued a press statement formally announcing that it has decided not to appeal against the High Court’s judgment on CRIII.

## **Further Review of CRIII**

11. To assess CRIII in the light of the CFA's single "overriding public need test", the relevant bureaux and departments including the Housing, Planning and Lands Bureau (HPLB), the Environment, Transport and Works Bureau (ETWB), the Territory Development Department (TDD), the Planning Department, the Transport Department, and the Highways Department have completed a further review on CRIII. The review concludes that the CRIII meets the CFA's single test.

12. The three-part Report on the Further Review contains all the submissions of expert opinions and supporting documents and evidence. A copy of the Report is at Annex B. Apart from assessing individual components of reclamation against the single test, the Review as compared to the earlier Engineering Review<sup>3</sup> has contained the following additional features –

- (a) a detailed elaboration of the transport justifications for the Central – Wan Chai Bypass (CWB) and the related road infrastructure. Other suggested alternatives to the CWB, mainly traffic management measures, are also examined. This accords with Mr Justice Hartmann's observation that determination of policy concerning how best to resolve transport difficulties is a matter for the CE in C, not for the TPB to decide;
- (b) a thorough examination of the suggested alternatives put up by critics. This addresses the CFA's statement that in establishing an overriding public need, there should be no reasonable alternative to reclamation taking all circumstances into consideration. These analyses and conclusions are supported by independent experts; and
- (c) an assessment of the costs, time and delay consequences of

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<sup>3</sup> The report of the previous Review, published in November 2003, was enclosed to the paper "The Administration's Response to Views Expressed by the Deputations at the Public Hearing on 27 November 2003" (Paper CB(1)511/03-04(02)) discussed at the LegCo joint meeting of the Panels on Planning, Lands and Works and Environmental Affairs on 8 December 2003.

revoking or referring the Central OZP to the TPB for reconsideration. The report also carries an account of the publicity efforts by the Government.

13. A summary of the findings and conclusions in the Review Report relating to the key reclamation components which have attracted the greatest concern or reservation is set out in paragraphs 14 to 26 below.

#### ***Central – Wan Chai Bypass (CWB)***

14. The CWB is a strategic route connecting the Rumsey Street flyover at the west with the Island Eastern Corridor at the east. The compelling and present need for CWB is supported by various transport studies including the Third Comprehensive Transport Study (CTS-3) completed in 1999, and a recent rerun of the CTS-3 transport model in the fourth quarter of 2003 taking into account changes in land use planning assumption and changes in population projection.

15. It is well recognized that the Connaught Road Central/Harcourt Road/Gloucester Road (CRC/HR/GR) Corridor is suffering from serious traffic congestion problem. Other east-west secondary corridors, such as the Hennessy Road and the Queensway are also heavily congested and their capacities are constrained by the signal controlled junctions. The CWB is needed to divert through traffic away from the Central Business District (CBD), to cater for anticipated traffic growth and to alleviate congestion on existing road networks (already operating at capacity) that feed into Central from the east to the west, and vice versa. Currently, the CRC/HR/GR Corridor is the only strategic route serving the CBD. This route is vulnerable to heavy congestion or even gridlock should any minor incident occur along the route. If we do not build the CWB in time, by 2011/12, the congestion along the CRC/HR/GR Corridor would in turn cause congestion in the neighboring roads in Central and Wan Chai creating area-wide gridlock.

16. The strategic importance of the CWB has been confirmed by transport planning experts and has the full endorsement of the Transport Advisory Committee as reflected in the Review Report.

17. The Review Report has explained why the CWB cannot be replaced by traffic management measures such as Electronic Road Pricing (ERP); equal tolls for the cross harbour tunnels; extension of the MTR to Kennedy Town; provision of hillside escalators from Central to Mid-levels; provision of bus-bus interchanges at the fringe areas of Central and restricting loading and unloading times in Central. On ERP, ETWB has on various occasions reiterated that this is not an alternative. It was pointed out repeatedly that ERP and the CWB serve entirely different purposes. The former tackles congestion of a specific area through charging while the latter is a strategic trunk road which provides an alternative route for east-west traffic needed to relieve traffic congestion along the CRC/HR/GR Corridor. In gist, ERP is no substitute for CWB. Indeed, ERP can only be contemplated for the CBD when the CWB is in place as the Government Study on ERP in 2001 and overseas experience re-affirmed the importance of an alternative route as an integral part of any ERP scheme.

18. The limits of reclamation under CRIII are determined by the alignment of the CWB and the re-provisioning of existing facilities (mainly the cooling water pumping stations) affected by the proposed reclamation. The further Review confirms the conclusion made in the November 2003 Engineering Review regarding the alignment options of the CWB and that the extent of reclamation for the CWB under the CRIII is the minimum that is required. Since the CWB within CRIII will be built in the form of a tunnel, it is important to avoid sharp curves and maintain the minimum sight distance for driving safety considerations. Therefore, the curvature of the CWB alignment cannot be shifted further southward/landward to reduce the extent of reclamation.

19. Reclamation for the CWB meets the overriding public need test. There is no reasonable alternative.

#### ***Road P2 network and Airport Railway Extended Overrun Tunnel (AREOT)***

20. While the reclamation extent of CRIII is determined by the alignment of the CWB, the timing of CRIII is dictated by the need for the CWB as well as that for the two other important pieces of transport

infrastructure – the Road P2 network (a dual-two lane local road) which is needed to relieve the predicted growth in traffic generated from CRI by 2006 and the AREOT which is needed as soon as practicable to ensure safe operation of the Airport Express Line and Tung Chung Line. As the part of Road P2 network that needs to be built on reclaimed land will be built on reclaimed land for the CWB, no additional reclamation is needed for its construction. The Transport Advisory Committee and the MTRCL have reiterated their respective support for this essential infrastructure.

21. These transport needs will arise within a definite and imminent timeframe and there are no reasonable alternatives.

### **Cooling water pumping stations (CWPS)**

22. In the course of compiling this further Review, we have considered, with the support of independent experts, the need for reclamation to support the reprovisioning of the pumping stations. In so doing, we have taken into consideration the queries from SPH on the engineering aspects of CRIII, mainly the concerns on whether the extent of reclamation is the minimum, whether the size and number of the CWPS can be minimized and whether the stations can be located elsewhere so as to reduce reclamation.

23. The proposed reclamation will inevitably affect existing facilities along the current Central shoreline including the CWPSs providing seawater to the cooling systems of many buildings in Central and Admiralty, such as Central Government Offices, Queensway Government Offices, High Court, Murray Building, LegCo Building, City Hall, Police Headquarters, Hongkong and Shanghai Bank Main Building, Pacific Place, Admiralty Centre, and Prince's Building Group. Since all these buildings are designed for seawater cooling system only, the CWPSs have to be re-provisioned to initial areas of reclamation before the existing ones could be rendered inoperative by reclamation to ensure continued operation of the buildings. The owners of these buildings have strongly expressed the view that from the economic and social angles, even a short duration of disruption in serviceability of these important buildings is unacceptable.

24. The further Review of CRIII confirms the November 2003 findings that the current seawall design adopted in the Government's scheme, i.e., a

rubble foundation for the seawall, is the most commonly adopted design. It represents the most cost-effective form of seawall design. The proposed CWPSs will rest on the seawall rubble foundation which is an appropriate foundation material without the need of piles or other form of foundation. The design is considered most cost-effective and involves low construction risk.

25. With expert input from independent consultants including Atkins China, Maunsell Consultants Asia Limited, and Black & Veatch Hong Kong Limited, TDD has re-examined other systems of providing cooling to the buildings concerned which might avoid or reduce the extent of reclamation in consultation with the affected owners. TDD has also examined the “alternatives” as suggested by SPH with regard to the size, number and location of the CWPSs, many of which were contained in its Affirmations filed to court during the CRIII judicial review proceedings. To address SPH’s queries, TDD has sought advice from various experts and concludes that none of these are reasonable alternatives in view of their inherent and substantial technical deficiencies, construction risk and maintenance problems as well as the costs, time and delay implications.

26. The Further Review re-affirms that there are no reasonable alternatives to reclamation to provide the essential transport infrastructure and to ensure the continued effective operation of the pumping stations to support the large number of buildings in the area and that the extent of reclamation is the minimum required in engineering terms. Professor Y S Li, Chair Professor of Coastal and Environmental Engineering & Head of Department of Civil and Structural Engineering, the Hong Kong Polytechnic University, has confirmed that the further Review Report has convincingly demonstrated that CRIII satisfies the “overriding public need test” and that the proposed reclamation does not go beyond the minimum required by the overriding need.

## **Other Administrative and Policy Issues**

27. As Mr Justice Hartmann has remarked, the CE in C would have to consider a broad range of administrative and policy issues in considering whether to exercise his discretion pursuant to section 12 of the TPO. In this respect, the following considerations are material and relevant –

(a) the Central OZP is an approved plan which has gone through a due and diligent process of scrutiny. The extent of reclamation has been considerably reduced from 38 ha to 23 ha (18 ha of which are to be reclaimed under CRIII) in response to the objections against the reclamation extent raised in the course of the statutory plan making process, which lasted for 21 months (May 1998 to February 2000). The extent of reclamation was shown on the Central OZP approved by the CE in C in February 2000. A point to note is that the proposed 5 ha of reclamation north of Lung King Street is covered by the on-going comprehensive planning and engineering review of Wan Chai Development Phase II. In his judgment, the Judge said that “if, for example, the Central OZP had only just been approved then, having regard to the unique legal status of the harbour and to the continuing duty of protection imposed upon him by s.3 of the Harbour Ordinance, the Chief Executive in Council, as a reasonable decision-maker, may have been bound to direct that the plan be remitted to the Board. But in the present case time has passed and it has long been recognized that in planning matters time is invariably of importance and indeed good administration, far from surrendering to delay, should seek to avoid it.”;

(b) the CRIII is an integral part of the Central and Wan Chai Reclamation developed since the 1990s. It is the final phase of reclamation in Central. There is a present and compelling need for providing land for the essential transport infrastructure including the CWB, the Road P2 network and AEROT, all supported by comprehensive transport studies based on updated data. There is no reasonable alternative. As a transport planning expert, Mr Fred Neal Brown puts it, “the CWB plays a key role in achieving strategic land use, environmental and transport development. It is not and should not be seen just as a road to meet future traffic growth. It is an essential component for the overall revitalization of the CBD and the north foreshore of Hong Kong Island as a whole.” Also, the CWB and the related road network have the full support of the Transport Advisory Committee;

- (c) the CRIII is the subject of a \$3.8 billion contract awarded in February 2003. The contract is expected to last 55 months and part of the marine works has been suspended for some six months. If the Central OZP were to be revoked or referred to the TPB for reconsideration, the current CRIII contract could not be preserved. We told the Judge during the judicial review hearings that based on limited information as at end January 2004 and subject to substantiation by the contractor and consultant, it was estimated that termination of the CRIII contract could give rise to possible losses of over \$600 million. There would be an immediate loss of about 400 jobs and more job opportunities of up to 1,100 additional jobs expected to be created during the contract period would be forgone;
- (d) revoking the Central OZP or referring it to the TPB for reconsideration would trigger a new round of feasibility study, plan preparation, public consultation, detailed engineering design, funding approval and works authorization. With this delay and the associated uncertainties, the CRIII contract would have to be terminated. It has been estimated that from start to finish before works could resume, the entire process may take 39 months on a fast-track basis, otherwise it may take 59 months. The provision of the Road P2 network and the CWB would be significantly delayed. With traffic volume in the CRI area expected to double by 2006 and that on critical sections of the CRC/HR/GR Corridor expected to exceed their capacities by 30% during the peak hours in 2011, congestion in Central would exacerbate to an intolerable level. Moreover, the existing CRC/HR/GR Corridor has been heavily used for many years, major repairs/reconstruction works are likely to be required in the next 15 to 20 years' time. If the CWB was not completed by then, the east-west traffic could be paralyzed when part of the Corridor has to be closed for carrying out the essential repair/reconstruction works;
- (e) given the Central OZP and the continued implementation of the CRIII contract has never been held to be invalid or contrary to law, the urgency of the construction works and the other considerations mentioned above, it is in the interest of good administration not to revoke or refer the Central OZP to the TPB under section 12 of TPO as it would have the inevitable result of

terminating the CRIII contract, thereby further delaying the completion of the various essential transport infrastructure; and

(f) one of SPH's arguments for CE in C to refer the approved plan to TPB for reconsideration is that the plan, which was prepared based on an incorrect interpretation of section 3 of the PHO, should be made subject to a formal consultation process as provided for under the TPO. It should be noted that the Central OZP, with the current extent of reclamation, was approved by the CE in C in February 2000 following the statutory plan making process including public consultation. That Central OZP has never been held to be invalid or contrary to law. Moreover, we have proven through two separate reviews that the CRIII works meets the "three tests" set out by Madam Justice Chu, and subsequently the "overriding public need test" of the CFA. In conducting these reviews, views expressed by SPH and others were considered, experts' advice had been obtained and informal consultations were held (including the joint Panel meetings of 27 November and 8 December 2003). In exercising the discretion on whether to revoke or refer an approved plan to the TPB for reconsideration pursuant to section 12 of the TPO, there is no legal requirement to consult the public. Notwithstanding this, the Government has carefully listened to the views of the relevant parties.

## **Conclusion**

28. The further Review supported by independent experts concludes that CRIII meets the "overriding public need test" laid down by the CFA.

## **PUBLIC CONSULTATION**

29. The Government will continue to reach out to professional groups and the community at large to explain the findings of the CRIII Further Review report, to convince them that CRIII meets the "overriding public need test", and to solicit

community support for continuation of the CRIII works. The report, clearly demonstrating that CRIII meets the “overriding public need test”, will also be uploaded to HPLB’s Internet Homepage.

## **FINANCIAL AND STAFFING IMPLICATIONS**

30. TDD has advised that if the CRIII contract is to be terminated on 1 April 2004, possible losses of substantial public funds would be incurred. Based on the limited information available as at 31 January 2004, the possible losses are estimated to be over \$600 million, which is subject to substantiation by the contractor and consultant.

31. Part of the CRIII marine works has been suspended for some six months. While the CRIII contractor has submitted notices of claims, so far the amount to be claimed is yet to be substantiated. Despite measures undertaken by the contractor to mitigate his loss, the partial suspension has led to additional cost such as storage of precast materials off-site, resident site staff during the suspension period, etc. Based on limited information available, the possible losses could amount to some \$100 million, which is subject to substantiation by the contractor.

32. The decision not to revoke or to refer to the TPB the Central OZP has no civil service implications.

## **ECONOMIC IMPLICATIONS**

33. The CWB is urgently needed to relieve the CRC/HR/GR Corridor, which is currently operating over its capacity. The economic benefit in terms of passenger time saving that could be brought about by the CWB is substantial. Such benefit is estimated at \$2.2 billion in the CWB’s first year of operation, increasing progressively to \$4.2 billion in its 40<sup>th</sup> year of operation (both at constant 2002 prices). Matched against the CWB’s capital and recurrent costs, the cumulative net economic benefit over a 40-year time span is estimated at \$122 billion (at constant 2002 prices). This corresponds to \$40 billion in net present value terms, with an economic rate of return

of 28%.

34. If the CRIII works contract were to be terminated as a result of the Central OZP to be revoked or referred back to the TPB, there would be an immediate loss of 400 jobs, and another additional 1,100 jobs that could have been created during the project construction period in the coming years would be forgone.

## **ENVIRONMENTAL IMPLICATIONS**

35. The CRIII project has already gone through the statutory Environmental Impact Assessment (EIA) process under the EIA Ordinance. So far, dredging works and dumping of mud have been conducted in accordance with the statutory provisions and recommendations in the EIA report to mitigate environmental impacts to acceptable levels. The results of the current environmental monitoring and audit programme required under the Environmental Permit issued by DEP for the CRIII project have not shown any adverse environmental impacts arising from the works. The resumed marine piling and reclamation works will likewise be closely monitored to ensure compliance with the necessary requirements. If the Central OZP is to be revoked or referred back to the TPB for reconsideration, any re-commencement of CRIII works may have to go through the statutory EIA process under the EIA Ordinance if there are significant changes that may result in adverse impacts.

## **PUBLICITY**

36. Over the past months, the Government has provided timely response to Court decisions, clarified misunderstandings and refuted allegations. A detailed point-by-point response deployed is at Annex C. We have taken the subject of harbour reclamation with the supporting publicity materials to all the 18 District Councils in the context of HPLB's consultations with DC Members on the bureau's work. We have taken part in community activities organized around the theme of harbour planning to demonstrate our commitment to work with the public. With the setting up of the Harbour-front Enhancement Committee, we will take advice from the

Committee in mounting pro-harbour publicity and building community consensus in harbour-front enhancement work.

## **ENQUIRIES**

37. For any enquiries, please contact Miss Christine Chow, Principal Assistant Secretary for Housing, Planning and Lands (Planning and Lands)2, at 2848-2119.

## **LIST OF ANNEXES**

Annex A – The High Court Judgment on SPH’s Judicial Review against the Central District (Extension) OZP

Annex B – Report on Review of CRIII by applying the Court of Final Appeal’s “Overriding Public Need Test”

Annex C – The Government’s Point-by-point Response

**Housing, Planning and Lands Bureau**