



# 保護海港協會有限公司

## Society For Protection Of The Harbour Limited

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The Honourable Legislative Councillors

28<sup>th</sup> June 2005

Dear Honourable Legislative Councillors,

**Response to 'Invitation to Participate'  
Harbour-front Enhancement Review  
Wan Chai, Causeway Bay & Adjoining Areas**

We are pleased to enclose herewith for your kind attention our Response to 'Invitation to Participate' to the Harbour-front Enhancement Review – Wan Chai, Causeway Bay & Adjoining Areas.

Yours faithfully,

Winston K.S. Chu, Adviser  
for Christine Loh, Chairperson

# ***Society for Protection of the Harbour Limited***

## **Response to 'Invitation to Participate'**

### **Harbour-front Enhancement Review**

#### **Wan Chai, Causeway Bay & Adjoining Areas**

**Dated the 27<sup>th</sup> day of June, 2005**

In response to the 'Invitation to Participate' by the Harbour Enhancement Committee to solicit public views on the proper utilization of the harbourfront of the Wan Chai, Causeway Bay and Adjoining Areas, our Society states our position as follows:-

#### **A. The Harbourfront Environs:-**

1. Should be reserved for public use, such as a promenade, so as to enhance public enjoyment of the harbour;
2. Should not be sterilized by surface roads which generate additional traffic and cause more air pollution and noise pollution;
3. Should be people-friendly and must not be used for public works and offensive uses such as pumping stations, sewage treatment plants, waste collection and loading and unloading points, waste disposal stations, cargo handling, etc.; and
4. Should not be developed and/or sold for development thereby aggravating traffic congestion and creating the need for future reclamation.

**B. Further Studies** – For genuine public consultation, the Government should provide accurate and unbiased information based upon which the public can form their views. It is only with such information that the public consultation can be reliable and meaningful. Therefore the Government should carry out the following studies in an objective and unbiased manner in accordance with the letter and spirit of the Court of Final Appeal Judgment. The briefs for these studies and the results thereof should be fully disclosed to the public.

#### **Transport and Traffic Study - To examine:-**

- (a) Whether there is an overriding public need to build the Central-Wanchai Bypass or whether the Bypass could be substituted by traffic management measures.
- (b) Whether there is an overriding public need to build the proposed surface highway along the new waterfront (known as P2) especially if no further new developments were to take place on the Central Reclamation and Wanchai Reclamation.

**Engineering Study:-** To consider whether the Central-Wanchai Bypass could be built underwater by a submerged tube design without or with only very minimal reclamation.

**Planning and Design Study:-** To plan a minimum reclamation solution by using the surface of the Central-Wanchai Bypass as a public promenade.

**C. Court of Final Appeal Judgment ('the Judgment')**

The Judgment has not been sufficiently explained to the public. The public should be informed that the law requires the Harbour to be protected from harm and preserved and maintained in its present nature state (Paragraph 34 of the Judgment). Therefore the need must go far beyond something which is "nice to have", desirable, preferable or beneficial (Paragraph 47 of the Judgment).

The following 5 elements of the 'Overriding Public Need Test' which the present consultation paper 'Invitation to Participate' has failed to properly address:- should be clearly explained to the public

**Overriding Public Need Test – A need which satisfies the following requirements (Paragraphs 44 – 49):-**

**Compelling** – a need which has the requisite force to prevail over the strong public need for protection and preservation of the harbour

**Present** – the need must arise within a definite and reasonable time frame

**Public** – includes the economic, environmental and social needs of the community

**Minimum** – reclamation must not go beyond what is required

**No Reasonable Alternative** – where costs, time and delay would be relevant

**D. Conclusion**

Without the benefit of the above studies and clear guidance to the public on the legal requirements as prescribed by the Judgment, the present public consultation in asking what the public wants is unreliable.

Winston K.S. Chu, Adviser,



For Christine Loh, Chairperson,  
Society for Protection of the Harbour Limited