

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1519/05-06(04)

Ref: CB1/PL/PLW

**Meeting of the Panel on Planning, Lands and Works  
on 23 May 2006**

**Background brief on  
Wan Chai Development Phase II Review**

**Introduction**

This paper provides background information on the Wan Chai Development Phase II (WDII) Review and a summary of the deliberations of the Panel on Planning, Lands and Works (the Panel) on the review.

2. For more background information on the scopes and purposes of the reclamation projects in Central and Wan Chai and the litigation relating to the WDII and Central Reclamation Phase III, please refer to the Background Brief on Central and Wan Chai Reclamation (LC Paper No. CB(1)921/04-05(02)) attached at **Enclosure I**.

**Background**

3. In 1989, the Central and Wan Chai Reclamation Feasibility Study recommended reclaiming 48 hectares of land in WDII for residential and hotel development, as well as development of a cruise centre and a public park. Having regard to the Protection of the Harbour Ordinance (Cap. 531) (PHO) and the strong public sentiments against reclamation, the Administration subsequently reduced the extent of reclamation to 28.5<sup>1</sup> hectares to provide land just enough to accommodate the necessary transport infrastructure as well as to permit the design and development of a waterfront promenade.

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<sup>1</sup> The reclamation area (26 hectares) covered by the draft Wan Chai North OZP No. S/H25/1 OZP exhibited for public inspection on 19 April 2002 is different from that under the WDII project (28.5 hectares) in that a proposed reclamation area of 4.5 hectares in WDII (i.e. the area to the west of the Hong Kong Convention and Exhibition Centre Extension and north of Lung King Street) falls within the approved Central District (Extension) OZP, while the Harbour Park (2 hectares) not covered by WDII is included in the OZP.

4. In the light of the Court of Final Appeal (CFA)'s judgment handed down on 9 January 2004 in respect of the judicial review on the Draft Wan Chai North OZP (S/H25/1) (a summary of the judgement is in **Enclosure II**), the Government undertook to conduct a comprehensive planning and engineering review of WDII to ensure full compliance with the requirements of the Protection of the Harbour Ordinance and the CFA judgment. In May 2004, the Administration established the Harbour-front Enhancement Committee (HEC) to provide advice to the Secretary for Housing, Planning and Lands on the planning, land uses and developments along the existing and new harbour-front of the Victoria Harbour. The HEC has set up the Subcommittee on WDII Review to advise on the WDII Review.

5. In mid-January 2005, the Government announced its acceptance of the recommendation of the Subcommittee on WDII Review that an enhanced public participation should be adopted in the course of the review. To achieve this, a public engagement exercise, namely the "Harbour-front Enhancement Review – Wan Chai, Causeway Bay and Adjoining Areas" (HER) has been carried out under the steer of the Subcommittee on WDII Review in parallel with the WDII Review.

### **Harbour-front Enhancement Review – Wan Chai, Causeway Bay and Adjoining Areas**

6. The HER comprises three stages:

- (a) Envisioning Stage –The purpose is to engage the community at an early stage to solicit their "visions" on the types of harbour-front developments they aspire for at Wan Chai, Causeway Bay and the adjoining areas, while acknowledging the opportunities available and the constraints for development. The collaborators <sup>2</sup> will play an important role in compiling a preliminary list of sustainability indicators for further discussion and endorsement by the public. These indicators will form a useful basis for the development of the Concept Plan.

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<sup>2</sup> To ensure an open and inclusive engagement process, a number of organizations representing different sectors of the public, including the relevant District Councils, community, business, green groups as well as academic and professional institutions have been approached to act as collaborators. The Collaborators help in the following respects:

- (i) reviewing the constraints and opportunities of harbour-front development;
- (ii) establishing the preliminary set of sustainability principles and indicators;
- (iii) promote the public participation activities through their social network;
- (iv) ensuring a transparent and fair process; and
- (v) evaluating the Concept Plan and Master Plan.

- (b) Realization Stage – based on the findings of the Envisioning Stage, the Concept Plans will be developed for evaluation using the agreed sustainability indicators with a view to arriving at a consensus on the preliminary development proposals; and
- (c) Detailed Planning Stage – based on the consensus arrived at in the Realization Stage, the draft Outline Zoning Plan will be prepared in accordance with the statutory requirements and procedures of the Town Planning Ordinance.

7. For the Envisioning Stage, a public engagement kit was issued for public consultation in January 2005. However, due to internal communication problem of the Subcommittee, the kit was withdrawn by the Subcommittee in February 2005. A revised Kit was issued in April 2005 and the public was invited to submit views to the Subcommittee by 8 July 2005.

### **Deliberations by the Panel on Planning, Lands and Works**

8. The Panel discussed the progress of the WDII Review at its meetings on 22 February 2005, 26 April 2005 and 28 June 2005. The major concerns of members are summarized below.

#### *The Trunk Road*

9. According to the Administration, there is a compelling and present need to alleviate the traffic congestion problem along the northern shore of the Hong Kong Island. The Government has examined various traffic management measures and concluded that, even with all those measures in place to relieve traffic congestion and maximize the capacity of existing roads and junctions along the Connaught Road Central/Harcourt Road/Gloucester Road Corridor, the Trunk Road comprising the Central-Wan Chai Bypass (CWB) and the Island Eastern Corridor Link would still be required. A note provided by the Administration in February 2005 setting out why the Trunk Road is needed and the alternatives considered is at **Enclosure III**.

10. At the meeting on 28 June 2005, the Administration informed members that in order to arrive at a conclusion regarding the necessary measures to address the traffic congestion problem, a forum involving experts and academics would be conducted to debate on the possible solutions. In view of the technical nature of the issue, the expert forum would play a major role in deciding on the way forward.

11. Members expressed diverse views on the Trunk Road. Some members supported the construction of CWB as its need had been endorsed by the 1990 White Paper on Transport Policy and various subsequent studies also

confirmed the need to construct CWB to solve the traffic congestion along the northern shore of Hong Kong Island. Some other members maintained that the Administration should thoroughly explore alternatives other than reclaiming land to construct CWB to address the congestion problem. The suggested alternatives included controlling further developments within Wan Chai and Central Business District to avoid generating new transport demand in the areas, electronic road pricing (ERP), car pools, minimization of overlapping of bus routes, traffic management measures that restricted loading and unloading in Central and use of certain sections of the road network on certain days of the week, staggering working hours, equalization of the usage and tolls of the three cross-harbour tunnels, etc. There was however a view that ERP had already been found not feasible after the relevant bureau and department had spent nearly \$100 million and two decades studying it; it would be a waste of resources to re-examine the option again.

#### *Extent of reclamation*

12. Notwithstanding their support for CWB, some members strongly requested the Administration to keep the extent of reclamation required for its construction to a minimum taking into account the strong public sentiment against reclamation. They noted with concern that the Public Engagement Kit for the Envisioning Stage had not mentioned the extent of reclamation involved in the five options outlined for constructing CWB. They considered that basic information, in particular details of the implications of each of the options highlighted, should be provided to enable the public to make an informed choice.

13. According to the Administration, the extent of reclamation would depend on the alignment, design and location of CWB. In any event, any reclamation must fully comply with the PHO and the “overriding public need test” stipulated by CFA. The Administration also stressed that any reclaimed land for WDII would be put to public use only and no land would be reclaimed for the purpose of land sale.

#### *Public consultation*

14. Members in general appreciated HEC’s efforts to engage the public in working out the preliminary planning concepts for WDII. Some members also emphasized that the public should play a role in making the final planning decision to ensure that the public consultation was meaningful. The Administration assured members that the public engagement exercise would enable public views to be fully expressed and given proper consideration. In the process, clear explanations would be given on why certain views could not be taken on board. The public consultation process and its results would be fully reflected to the Town Planning Board.

## **Recent developments**

15. In August 2005, the Sub-committee on WDII Review decided to convene an “Expert Panel Forum on Sustainable Transport Planning and Central-Wan Chai Bypass”. An Expert Panel consisting of local and overseas experts was constituted on 18 August 2005. Besides attending the Expert Panel Forum on 3 September 2005 to hear views from the public, the Expert Panel had met six times and public views had been invited. The Expert Panel published its report in October 2005. The Expert Panel recommends the construction of a bypass as a medium-term solution to tackle the problem of deteriorating traffic congestion in the Central and Wan Chai area, and considers that CWB is essential for improving the network reliability of the east-west link. The report of the Expert Panel, which can be retrieved from HEC’s website, was endorsed by the Subcommittee on WDII Review on 12 December 2005.

16. At its meeting on 20 April 2006, the Subcommittee on WDII Review considered the findings of the consultants engaged by the Government for the WDII Review on possible trunk road alignments and harbour-front enhancement. The findings were presented in a comprehensive report prepared by the consultants. The report can be retrieved from HEC’s website.

17. A list of the relevant papers with their hyperlinks in the Legislative Council website is in **Enclosure IV**.

Council Business Division 1  
Legislative Council Secretariat  
22 May 2006

立法會  
*Legislative Council*

LC Paper No. CB(1) 921/04-05(02)

Ref. : CB1/PL/PLW

**Meeting of the Panel on Planning, Lands and Works  
on 22 February 2005**

**Central and Wan Chai reclamation**

**Background brief**

**Introduction**

The need for reclamation in Central and Wan Chai was first identified in the Harbour Reclamation and Urban Growth Study in 1983 and later confirmed by the 1984 Territorial Development Strategy (TDS), 1991 Metroplan and 1996 TDS Review. The Central and Wan Chai Reclamation Feasibility Study was endorsed by the Land Development Policy Committee on 22 September 1989. The recommendation was to reclaim an area of about 108 hectares along the waterfront from Central to Causeway Bay. The main objective of the subject study was to provide land for the Central and Wan Chai Bypass, the Island Eastern Corridor Link, the Mass Transit Railway North Hong Kong Island Line and to improve the existing waterfront. The Central and Wan Chai reclamation is divided into five phases -

- (a) **Central reclamation phase I (CRI)** involved the reclamation of about 20 hectares of seabed which extended from Rumsey Street to Blake Pier. The reclamation provided land for the extension of the Central Business District and for the construction of the Hong Kong Central station of the airport railway. The engineering works commenced in September 1993 and completed in June 1998;
- (b) **Central reclamation phase II (CRII)** involved the reclamation of about 5.3 hectares of land in the Tamar Basin area to provide commercial development sites and public open space in the Central District. The engineering works commenced in December 1994 and completed in September 1997;

- (c) **Central reclamation phase III (CRIII)** originally involved a reclamation of about 32 hectares in the central harbour for the construction of the Central and Wan Chai Bypass and other infrastructural facilities. As a result of public concerns over the need to protect and preserve the central harbour and the motion passed by the Legislative Council, the Administration subsequently scaled down the extent of reclamation from 32 to 18 hectares;
- (d) **Wan Chai reclamation phase I (WRI)** formed part of the construction of a reclamation island to support the extension of the Hong Kong Convention and Exhibition Centre (HKCEC). To facilitate the completion of HKCEC within budget by the target date of June 1997, an entrustment agreement between the Government and the Hong Kong Trade Development Council (TDC) was drawn up. Under the agreement, the reclamation and certain related infrastructural works were entrusted to TDC and undertaken by the Government on behalf of TDC. The engineering works commenced in March 1994 and completed in July 1997; and
- (e) **Wan Chai development phase II (WDII)** originally involved reclamation of 48 hectares of the seabed to provide land for key transport infrastructure, residential and hotel development as well as development of a cruise centre and a public park. Having regard to the Protection of the Harbour Ordinance (Cap. 531) (PHO) and the strong public sentiments against reclamation, the Administration subsequently reduced the extent of reclamation to 28.5 hectares to provide the land just enough to accommodate the necessary transport infrastructure as well as to permit the design and development of a waterfront promenade.

### **Litigation relating to WDII and CRIII**

2. For the purpose of protecting and preserving the Victoria Harbour, the Society of Protection of the Harbour Limited (SPHL), a limited liability company incorporated in 1998, applied for judicial reviews of the extent of reclamation for WDII and CRIII.

3. On 27 February 2003, SPHL applied for judicial review of the decisions of the Town Planning Board (TPB) made in connection with the Draft Wan Chai North District Outline Zoning Plan (OZP). The Court ruled on 8 July 2003 that TPB failed to comply with section 3 of PHO and ordered it to reconsider the draft Wan Chai North OZP and the related objections. It was also ruled that the purpose and extent of each proposed reclamation ought to be individually assessed by reference to the three tests of (i) compelling, overriding and present need; (ii) no viable alternative; and

(iii) minimum impairment to the harbour. TPB later appealed against the judgment after announcing that it would no longer pursue the proposed public park. The appeal was dismissed by the Court of Final Appeal on 9 January 2004 on grounds that the proposed reclamation could not meet the overriding public need test. As a result, the Administration has to review the planning of WDII before re-submitting the relevant OZP for consideration by TPB.

4. Following the Court's judgment on WDII, SPHL applied to the High Court on 25 September 2003 for an interim injunction over CRIII works and a judicial review of the Chief Executive in Council's approval of the Central OZP. The applications for interim injunction and judicial review were dismissed by the High Court on 6 October 2003 and 9 March 2004 respectively. The CRIII works, which were temporarily suspended on 27 September 2003 pending the Court's decision, had since resumed.

### **Discussion by Panels**

5. The Panel on Environmental Affairs (EA Panel) and the Panel on Planning, Lands and Works (PLW Panel) had all along been monitoring the progress of harbour reclamation. In view of public concern on the scale of reclamation at Central and Wan Chai following the litigation over WDII and CRIII, the PLW Panel and EA Panel held three joint meetings on 13 October, 27 November and 8 December 2003 to discuss issues related to CRIII. Over 20 deputations, including SPHL, green groups, professional institutes, and transport associations were invited to attend the latter two meetings to express their views.

6. According to the Administration, CRIII was needed to provide land for essential transport infrastructure, including the Central-Wan Chai Bypass (CWB) and Road P2 network which would serve as a vital conduit to solve traffic problems. It also served to re-provision existing waterfront facilities such as pumping stations providing cooling water for buildings in Central, Star Ferry piers and Queen's Pier. CRIII would also include a military berth for the People's Liberation Army as agreed under the 1994 Sino-British Defence Land Agreement; an overrun tunnel for the Airport Railway and Tung Chung Line; and the future North Hong Kong Line.

7. The Panels noted that most of the deputations did not object to the construction of CWB under CRIII in order to relieve the traffic load at the Connaught Road Central/Harcourt Road/Gloucester Road on condition that the extent of reclamation would be minimized. However, there were queries on the need for CWB having regard to the not very high anticipated traffic load. Members noted that there were suggestions that instead of reclaiming the Harbour to provide land for CWB, consideration should be given to relieving the traffic load through other traffic management measures, such as equalization of toll charges of the three cross harbour tunnels. To further reduce the extent of reclamation, members suggested that efforts



should be made to reduce the size of reclaimed land for the cooling water pumping station and the military dock for PLA. Consultation with PLA should also be made to ascertain the need for the berth.

### **Latest development**

8. In the light of the CFA's judgment on WDII, the Government undertook to conduct WDII Review to ensure compliance with the requirements of the PHO and the CFA judgment. In May 2004 the Harbour-front Enhancement Committee (HEC) was established to advise the Secretary for Housing, Planning and Lands on the planning, land uses and developments along the existing and new harbour-front of the Victoria Harbour. The HEC has set up the Subcommittee on WDII Review to provide comments on and monitor the planning, design and development issues including land use, transport and infrastructure, landscaping and other matters relating to the implementation proposals under the WDII Review and advise on public involvement strategy at various stages of the Review.

9. In mid-January 2005 the Government announced its acceptance of the recommendation of the Subcommittee on WDII Review that an enhanced public participation should be adopted in the course of the Review. To achieve this, a public engagement exercise, namely the "Harbour-front Enhancement Review – Wan Chai and Adjoining Areas" was carried out under the steer of the Subcommittee on WDII Review in parallel with the WDII Review. The first stage of the Harbour-front Enhancement Review commenced in late January 2005. However, in February 2005 the Subcommittee on WDII Review decided to withdraw its proposals under public consultation.

10. The plan of the relevant phases of Central and Wan Chai reclamations and a chronology of events (based on available information) are in **Appendices I and II** respectively. A list of references with their hyperlinks at the LegCo Website is in **Appendix III**.

尖沙咀  
TSIM SHA TSUI

維多利亞港 VICTORIA HARBOUR

圖例  
LEGEND:

- 港島規劃區第24區 - 中區(擴展部分)涵蓋的範圍  
SCHEME BOUNDARY OF HONG KONG PLANNING AREA No. 24 - CENTRAL DISTRICT (EXTENSION)
- 港島規劃區第25區 - 灣仔北涵蓋的範圍  
SCHEME BOUNDARY OF HONG KONG PLANNING AREA No. 25 - WAN CHAI NORTH
- 已完成的中環填海計劃第 I 期工程  
CENTRAL RECLAMATION PHASE I (COMPLETED)
- 已完成的中環填海計劃第 II 期工程  
CENTRAL RECLAMATION PHASE II (COMPLETED)
- 已完成的灣仔填海計劃第 I 期工程  
WAN CHAI RECLAMATION PHASE I (COMPLETED)
- 擬建的中環填海計劃第 III 期工程 (進行中)  
PROPOSED CENTRAL RECLAMATION PHASE III (IN PROGRESS)

海岸線跟隨已獲核准分區計劃大綱圖編號 S/H24/6  
SHORE LINE FOLLOWS APPROVED OZP No. S/H24/6

灣仔發展計劃第 II 期  
WAN CHAI DEVELOPMENT PHASE II

銅鑼灣避風塘  
CAUSEWAY BAY  
TYPHOON SHELTER

銅鑼灣  
CAUSEWAY BAY

灣仔  
WAN CHAI

HONG KONG  
CONVENTION  
AND  
EXHIBITION  
CENTRE  
EXTENSION

中環  
CENTRAL



編號 no.	日期 date	內容摘要 description	核對 checked	核准 approved
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修訂 REVISION

圖則名稱 drawing title

中環及灣仔填海計劃  
CENTRAL AND WAN CHAI RECLAMATION

繪圖 drawn W.L. Lam	簽署 initial	日期 date 07-10-03	項目編號 item no.
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辦事處 office  
港島及離島拓展處  
HONG KONG ISLAND AND ISLANDS  
DEVELOPMENT OFFICE

拓展署  
TERRITORY  
DEVELOPMENT  
DEPARTMENT

## Chronology of events relating to the Central and Wan Chai reclamation project

<b>Date</b> \ <b>Project</b>	<b>CRI</b>	<b>CRII</b>	<b>CRIII</b>	<b>WRI</b>	<b>WDII</b>
23 July 1993	The funding proposal was endorsed by the Finance Committee (FC).				
25 February 1994				The funding proposal of \$750 million for the cost of the reclamation and infrastructure works which was funded under the capital subvention of \$4,829 million to TDC for the construction of the extension of HKCEC was endorsed by FC.	
8 July 1994		The funding proposal of \$307 million was endorsed by FC.			
July 1997				Works completed.	
September 1997		Works completed.			
29 May 1998			The draft Outline Zoning Plan (OZP) was gazetted.		
June 1998	Major reclamation works completed.				

<b>Date</b> \ <b>Project</b>	<b>CRI</b>	<b>CRII</b>	<b>CRIII</b>	<b>WRI</b>	<b>WDII</b>
29 July 1998			The Legislative Council passed a motion urging the Administration to scale down the reclamation plans.		
15 October 1998 19 January 1999					The Panel on Planning, Lands and Works (PLW Panel) was briefed on the funding proposal for a comprehensive feasibility study on the revised WDII.
12 March 1999					The funding proposal was endorsed by FC.
10 June 1999			The PLW Panel was briefed on the revised CRIII. Concern had been raised on whether the scale of reclamation should be further reduced.		
16 July 1999			The amended Central District (Extension) OZP, covering reclamation of 23 hectares (5 hectares included under WDII) was gazetted.		

Date \ Project	CRI	CRII	CRIII	WRI	WDII
24 February 2000					The PLW Panel was briefed on the Trunk Road options and their associated conceptual land use proposals and recommendations.
3 March 2000			The OZP covering the revised CRIII was gazetted.		
6 July 2001	The funding request for additional engineering works was endorsed by FC.				
7 December 2001					The PLW Panel was briefed on the key proposals of WDII.
11 January 2002					The funding proposal for detailed design of WDII was endorsed by FC.
1 March 2002			The PLW Panel was briefed on the funding proposal for the revised CRIII. Concern had been raised on whether the reduced extent was the minimum option given that part of the reclaimed land was for the waterfront promenade and recreational/leisure use.		

<b>Date</b> \ <b>Project</b>	<b>CRI</b>	<b>CRII</b>	<b>CRIII</b>	<b>WRI</b>	<b>WDII</b>
8 May 2002					The PLW Panel was briefed on the draft Wan Chai North OZP.
21 June 2002			The funding proposal was endorsed by FC.		
10 February 2003			The main contract was awarded.		
27 February 2003					The Society for Protection of the Harbour Limited (SPHL) applied for a judicial review of the Town Planning Board (TPB)'s decision on the relevant OZP.
14 March 2003					The Court ordered to stay the submission of the draft OZP to the Chief Executive in Council (CE in C) until the final determination of the judicial review.
8 July 2003					The Court ruled that TPB had failed to comply with section 3 of PHO.

Date \ Project	CRI	CRII	CRIII	WRI	WDII
25 September 2003			<p>SPHL filed an application for -</p> <p>(i) judicial review of the CE in C's approval of OZP; and</p> <p>(ii) interim relief that all works under CRIII directly or indirectly connected to the reclamation of the harbour be stopped pending a determination of all relevant litigation.</p>		Appeal to be heard by the Court of Final Appeal on 9 December 2003.
26 September 2003			Leave to apply for judicial review granted.		
6 October 2003			The Court dismissed the application for interim relief.		
9 January 2004					The Court of Final Appeal dismissed TPB's appeal
9 March 2004			The Court refused SPHL's application for judicial review of CE in C's approval of the Central OZP		

List of references

Project	Council/Committee	Date of meeting	Paper
Central and Wan Chai reclamation	FC	1 June 1990	PWSC1990/107 FC4/90-01
CRI	FC	23 July 1993  6 July 2001	FCR(93-94)75  PWSC(2001-02)53 ( <a href="http://www.legco.gov.hk/yr00-01/english/fc/pwsc/papers/p01-53e.pdf">http://www.legco.gov.hk/yr00-01/english/fc/pwsc/papers/p01-53e.pdf</a> ) FC152/00-01 ( <a href="http://www.legco.gov.hk/yr00-01/english/fc/fc/minutes/fc010706.pdf">http://www.legco.gov.hk/yr00-01/english/fc/fc/minutes/fc010706.pdf</a> )
CRII	FC	8 July 1994	FCR(94-95)52
CRIII	Council  PLW Panel          FC	29 July 1998  10 June 1999    1 March 2002       21 June 2002	Hansard ( <a href="http://www.legco.gov.hk/yr98-99/english/counmtg/hansard/980729fe.htm">http://www.legco.gov.hk/yr98-99/english/counmtg/hansard/980729fe.htm</a> ) LC Paper No. CB(1)1443/98-99(01) ( <a href="http://www.legco.gov.hk/yr98-99/english/panels/plw/papers/pl1006_4.htm">http://www.legco.gov.hk/yr98-99/english/panels/plw/papers/pl1006_4.htm</a> ) LC Paper No. CB(1)91/99-00 ( <a href="http://www.legco.gov.hk/yr98-99/english/panels/plw/minutes/pl100699.pdf">http://www.legco.gov.hk/yr98-99/english/panels/plw/minutes/pl100699.pdf</a> ) LC Paper No. CB(1)1134/01-02(03) ( <a href="http://www.legco.gov.hk/yr01-02/english/panels/plw/papers/plw0301-cb1-1134-3e.pdf">http://www.legco.gov.hk/yr01-02/english/panels/plw/papers/plw0301-cb1-1134-3e.pdf</a> ) LC Paper No. CB(1)1454/01-02 ( <a href="http://www.legco.gov.hk/yr01-02/english/panels/plw/minutes/pl020301.pdf">http://www.legco.gov.hk/yr01-02/english/panels/plw/minutes/pl020301.pdf</a> ) LC Paper No. CB(1)1806/01-02 ( <a href="http://www.legco.gov.hk/yr01-02/english/panels/plw/papers/plw0301cb1-1806-e.pdf">http://www.legco.gov.hk/yr01-02/english/panels/plw/papers/plw0301cb1-1806-e.pdf</a> ) PWSC(2002-03)41 ( <a href="http://www.legco.gov.hk/yr01-02/english/fc/pwsc/papers/p02-41e.pdf">http://www.legco.gov.hk/yr01-02/english/fc/pwsc/papers/p02-41e.pdf</a> ) FC21/02-03 ( <a href="http://www.legco.gov.hk/yr01-02/english/fc/fc/minutes/fc020621.pdf">http://www.legco.gov.hk/yr01-02/english/fc/fc/minutes/fc020621.pdf</a> )
WRI	FC	25 February 1994	FCR(93-94)144 FC19/93-94



Project	Council/Committee	Date of meeting	Paper
WDII	PLW Panel	15 October 1998	LC Paper No. CB(1)304/98-99(01) ( <a href="http://www.legco.gov.hk/yr98-99/english/panels/plw/papers/pl1510_6.htm">http://www.legco.gov.hk/yr98-99/english/panels/plw/papers/pl1510_6.htm</a> )
		19 January 1999	LC Paper No. CB(1)568/98-99 ( <a href="http://www.legco.gov.hk/yr98-99/english/panels/plw/minutes/pl151098.htm">http://www.legco.gov.hk/yr98-99/english/panels/plw/minutes/pl151098.htm</a> )
	FC	12 March 1999	LC Paper No. CB(1)760/98-99(01) ( <a href="http://www.legco.gov.hk/yr98-99/english/panels/plw/papers/p760e01.pdf">http://www.legco.gov.hk/yr98-99/english/panels/plw/papers/p760e01.pdf</a> ) LC Paper No. CB(1)1057/98-99 ( <a href="http://www.legco.gov.hk/yr98-99/english/panels/plw/minutes/pl190199.htm">http://www.legco.gov.hk/yr98-99/english/panels/plw/minutes/pl190199.htm</a> )
	PLW Panel	24 February 2000	PWSC(98-99)70 ( <a href="http://www.legco.gov.hk/yr98-99/english/fc/pwsc/papers/pw240270.htm">http://www.legco.gov.hk/yr98-99/english/fc/pwsc/papers/pw240270.htm</a> ) FC156/98-99 ( <a href="http://www.legco.gov.hk/yr98-99/english/fc/fc/minutes/fcmn1203.htm">http://www.legco.gov.hk/yr98-99/english/fc/fc/minutes/fcmn1203.htm</a> )
	PLW Panel	7 December 2001	LC Paper No. CB(1)991/99-00(04) ( <a href="http://www.legco.gov.hk/yr99-00/english/panels/plw/papers/a991e04.pdf">http://www.legco.gov.hk/yr99-00/english/panels/plw/papers/a991e04.pdf</a> ) LC Paper No. CB(1)1384/99-00 ( <a href="http://www.legco.gov.hk/yr99-00/english/panels/plw/minutes/pl240200.pdf">http://www.legco.gov.hk/yr99-00/english/panels/plw/minutes/pl240200.pdf</a> )
	FC	11 January 2002	LC Paper No. CB(1)440/01-02(04) ( <a href="http://www.legco.gov.hk/yr01-02/english/panels/plw/papers/plw1207cb1-440-4e.pdf">http://www.legco.gov.hk/yr01-02/english/panels/plw/papers/plw1207cb1-440-4e.pdf</a> ) LC Paper No. CB(1)952/01-02 ( <a href="http://www.legco.gov.hk/yr01-02/english/panels/plw/minutes/pl011207.pdf">http://www.legco.gov.hk/yr01-02/english/panels/plw/minutes/pl011207.pdf</a> )
	PLW Panel	8 May 2002	PWSC(2001-02)89 ( <a href="http://www.legco.gov.hk/yr01-02/english/fc/pwsc/papers/p01-89e.pdf">http://www.legco.gov.hk/yr01-02/english/fc/pwsc/papers/p01-89e.pdf</a> ) FC72/01-02 ( <a href="http://www.legco.gov.hk/yr01-02/english/fc/fc/minutes/fc020111.pdf">http://www.legco.gov.hk/yr01-02/english/fc/fc/minutes/fc020111.pdf</a> )
	PLW Panel		LC Paper No. CB(1)1570/01-02 ( <a href="http://www.legco.gov.hk/yr01-02/english/panels/plw/papers/plw1207cb1-1570-e.pdf">http://www.legco.gov.hk/yr01-02/english/panels/plw/papers/plw1207cb1-1570-e.pdf</a> ) LC Paper No. CB(1)28/02-03 ( <a href="http://www.legco.gov.hk/yr01-02/english/panels/plw/minutes/pl020508.pdf">http://www.legco.gov.hk/yr01-02/english/panels/plw/minutes/pl020508.pdf</a> ) LC Paper No. CB(1)183/02-03 ( <a href="http://www.legco.gov.hk/yr01-02/english/panels/plw/papers/plwcb1-183-e.pdf">http://www.legco.gov.hk/yr01-02/english/panels/plw/papers/plwcb1-183-e.pdf</a> )

Project	Council/Committee	Date of meeting	Paper
CRIII	Joint EA & PLW	13 October 2003	<p>LC Paper No. CB(1)58/03-04(01) (Administration's paper on CRIII)  <a href="http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1013cb1-58-1e.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1013cb1-58-1e.pdf</a></p> <p>LC Paper No. CB(1)18/03-04(01) (Background brief )  <a href="http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1013cb1-18-1e.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1013cb1-18-1e.pdf</a></p>
CRIII and WDII	Joint EA & PLW	31 October 2003	<p>LS8/03-04 (Legal Service Division's paper on "Examination of the implications of the <i>Sub Judice</i> Rule for meeting with deputations on CRIII and WDII")  <a href="http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1031cb1-ls8-e.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1031cb1-ls8-e.pdf</a></p> <p>LC Paper No. CB(1)66/03-04 (Booklet on the Central Waterfront prepared by the Territory Development Department and the Planning Department)  <a href="http://www.legco.gov.hk/yr03-04/chinese/panels/ea/papers/eaplw1013cb1-66-ce-scan.pdf">http://www.legco.gov.hk/yr03-04/chinese/panels/ea/papers/eaplw1013cb1-66-ce-scan.pdf</a></p>
CRIII and WDII	Joint EA & PLW	27 November 2003	<p>LC Paper No. CB(1)403/03-04(06) (Administration's paper on traffic and transport justification for the Central – Wan Chai Bypass)  <a href="http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1127cb1-403-6e.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1127cb1-403-6e.pdf</a></p> <p>LC Paper No. CB(1)403/03-04(07) (Administration's paper on latest development of WDII)  <a href="http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1127cb1-403-7e.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1127cb1-403-7e.pdf</a></p> <p>LC Paper No. CB(1)411/03-04 (Administration's follow-up to meeting on 13 October 2003)  <a href="http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1013cb1-411-e.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1013cb1-411-e.pdf</a></p>

Project	Council/Committee	Date of meeting	Paper
CRIII and WDII	Joint EA & PLW	8 December 2003	<p>LC Paper No. CB(1)511/03-04(01) (List of follow-up actions arising from discussion on 27 November 2003)  <a href="http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1208cb1-511-1-e.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1208cb1-511-1-e.pdf</a></p> <p>LC Paper No. CB(1)511/03-04(02) (Administration's response to views expressed by deputations on 27 November 2003)  <a href="http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1208cb1-511-2-e.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1208cb1-511-2-e.pdf</a></p> <p>LC Paper No. CB(1)532/03-04(01) (Administration's further paper on traffic and transport justification for the Central – Wan Chai Bypass)  <a href="http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1208cb1-532-1-e.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1208cb1-532-1-e.pdf</a></p> <p>LC Paper No. CB(1)471/03-04(04) (Pamphlet entitled “Our harbour - past, present and future”)  <a href="http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1127cb1-471-4e-scan.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1127cb1-471-4e-scan.pdf</a></p> <p>LC Paper No. CB(1)558/03-04(02) (Reclamation Sequences)  <a href="http://www.legco.gov.hk/yr03-04/chinese/panels/ea/papers/eaplw1208cb1-558-2ce-scan.pdf">http://www.legco.gov.hk/yr03-04/chinese/panels/ea/papers/eaplw1208cb1-558-2ce-scan.pdf</a></p> <p>LC Paper No. CB(1)1488/03-04(01) (Administration's letter dated 30 December 2003 on CRIII)  <a href="http://www.legco.gov.hk/yr03-04/english/panels/plw/papers/eaplw1208cb1-1488-1-e.pdf">http://www.legco.gov.hk/yr03-04/english/panels/plw/papers/eaplw1208cb1-1488-1-e.pdf</a></p> <p>LC Paper No. CB(1)1503/03-04(01)(Administration's letter dated 8 April 2004 on the consultancy studies on CRIII)  <a href="http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1208cb1-1503-1-e.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1208cb1-1503-1-e.pdf</a></p>

Project	Council/Committee	Date of meeting	Paper
Judgments on CRIII and WDII	Joint EA & PLW	8 December 2003	<p>LC Paper No. CB(1)18/03-04(03)(Justice CHU's judgment on WDII on 8 July 2003)  <a href="http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1013cb1-18-3e-scan.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1013cb1-18-3e-scan.pdf</a></p> <p>LC Paper No. CB(1)18/03-04(02) (Justice Hartmann's judgment on CRIII on 6 October 2003)  <a href="http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1013cb1-18-2e-scan.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1013cb1-18-2e-scan.pdf</a></p> <p>LC Paper No. CB(1)761/03-04(01) (CFA judgment on WDII on 9 January 2004)  <a href="http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplwcb1-761-1e.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplwcb1-761-1e.pdf</a></p> <p>LC Paper No. CB(1)761/03-04(02)(Summary of CFA judgment on WDII on 9 January 2004)  <a href="http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplwcb1-761-2e.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplwcb1-761-2e.pdf</a></p> <p>LC Paper No. CB(1)755/03-04 (Administration's letter re CFA judgment on WDII on 9 January 2004)  <a href="http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplwcb1-755-e.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplwcb1-755-e.pdf</a></p> <p>LC Paper No. CB(1)1258/03-04(01) (Justice Hartmann's judgment on CRIII on 9 March 2004)  <a href="http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1127cb1-1258-1e-scan.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ea/papers/eaplw1127cb1-1258-1e-scan.pdf</a></p>
WDII	PLW	22 February 2005	<p>LC Paper No. CB(1)763/04-05(01) (Administration's paper on Comprehensive Planning and Engineering Review of Wan Chai Development Phase II)  <a href="http://www.legco.gov.hk/yr04-05/english/panels/plw/papers/plwcb1-763-1e.pdf">http://www.legco.gov.hk/yr04-05/english/panels/plw/papers/plwcb1-763-1e.pdf</a></p>

FACV 14/2003

**Town Planning Board v. Society for the Protection of the Harbour Limited**

**Summary of the judgment  
given by the Chief Justice  
as the unanimous judgment of the Court of Final Appeal**

**This summary is prepared by the Judiciary.  
It is not part of the judgment and has no legal effect.**

1. The harbour is and has throughout the history of Hong Kong been a central part of its identity. The Protection of the Harbour Ordinance, Cap. 531 ("the Ordinance") is a unique piece of legislation. It was enacted to protect and preserve the harbour by establishing a presumption against reclamation. The essential question concerns its proper interpretation.

***The Ordinance***

2. Section 3 provides:

- "(1) The harbour is to be protected and preserved as a special public asset and a natural heritage of Hong Kong people, and for that purpose there shall be a presumption against reclamation in the harbour.
- (2) All public officers and public bodies shall have regard to the principle stated in subsection (1) for guidance in the exercise of any powers vested in them."

***The decisions challenged***

3. The Society for the Protection of the Harbour Limited ("the Society") challenged the decisions of the Town Planning Board ("the Board") made on 6 December 2002 and 14 February 2003 with regard to Draft Wan Chai North Outline Zoning Plan No. S/H25/1 ("the draft

plan"). It covers an area of about 76.54 hectares in Wan Chai North, including about 26 hectares of proposed reclamation.

4. The land to be formed by the proposed reclamation would serve the following purposes:

- (1) The provision of roads, namely a trunk road (which would be part of a strategic through road starting from the Rumsey Street Flyover and joining up with the existing Island Eastern Corridor) and a road complex designated as Road P2.
- (2) The provision of a waterfront promenade.
- (3) The elimination of "dead corners" in the harbour and the provision of a culvert for improving water quality.
- (4) The provision of a harbour park.
- (5) The reprovisioning of various facilities.

5. On 6 December 2002 and 14 February 2003, the Board decided (a) to make limited amendments to the draft plan to meet some objections; (b) not to amend the draft plan to meet other objections; and (c) to submit the draft plan as amended to the Chief Executive in Council for approval. The amendments made did not affect the extent of the proposed reclamation.

#### *The Board's approach*

6. In making the decisions in question, the Board adopted the following approach to the interpretation of the Ordinance on the basis of the advice of Queen's Counsel in London ("the Board's approach"):

- (1) The decision-maker must have regard to all relevant considerations. The statutory presumption creates a

compulsory material consideration to which he must pay due regard.

- (2) He is required to undertake a weighing exercise for the purpose of deciding whether the public benefits of the proposed reclamation would outweigh the need to preserve the harbour. If so, the presumption would be rebutted.

7. The Society's judicial review challenge succeeded before Chu J. She held that the Board had misinterpreted the Ordinance.

8. Subsequent to the judgment, the Board announced that the harbour park proposal would be removed from the draft plan.

#### *The question*

9. The question is whether the Board's approach to the interpretation of the Ordinance was correct in law. If not, it would have erred in law and its decisions must be quashed.

#### *The approach to interpretation*

10. The interpretation of statutes is an essential part of the judicial function and is ultimately a matter for the courts. The function of the courts is to ascertain the intention of the legislature as expressed in the legislation. A purposive approach should be adopted. The courts should adopt an interpretation which is consistent with and gives effect to the legislative purpose.

#### *The legislative purpose*

11. The legislative purpose is referred to in the preamble to the Ordinance and is spelt out in s.3(1) itself. The preamble states that the

purpose is "to protect and preserve the harbour by establishing a presumption against reclamation in the harbour". As stated in the explanatory memorandum to the bill, the legislative purpose is "to ensure that [the harbour] will be protected against excessive reclamation".

12. With limited land resources, reclamation was for many decades used as a convenient source of land supply. It must be appreciated that, by the time the Ordinance was enacted in 1997, nearly half of the harbour had been reclaimed and extensive further areas in the harbour were planned for reclamation. In view of this, the need to protect and preserve what remains of the harbour was all the more important and compelling.

*The statutory principle of protection and preservation of the harbour*

13. Section 3(1) establishes a statutory principle recognising the harbour as a special public asset and a natural heritage of Hong Kong people and prescribing that it is to be protected and preserved. This principle was enacted in general terms.

14. The harbour is at the heart of the metropolis both physically and metaphorically. The statute characterises this in the most distinctive terms. It is recognised not merely as a public asset but as a "special" one. It is further acknowledged to be a natural heritage. "Natural" in that it is part of nature. A "heritage" in that it is inherited as a legacy from previous generations and is to be transmitted from generation to generation. It is declared to belong to Hong Kong people. It is a community asset to be enjoyed by the people of Hong Kong. The legislature was giving legal recognition to its unique character.



15. It is because of its unique character that the harbour must be protected and preserved.

16. It is manifest that in enacting the statutory principle, the legislature was giving legal recognition to the great public need to protect and preserve the harbour having regard to its unique character. The principle is expressed in clear and unequivocal language and the legislative intent is to establish it as a strong and vigorous one. By prescribing such a principle, the legislature has accorded to the harbour a unique legal status.

*The statutory presumption against reclamation*

17. Having established the principle, s. 3(1) provides that "for that purpose, there shall be a presumption against reclamation in the harbour".

18. Reclamation would result in permanent destruction and irreversible loss of what should be protected and preserved under the statutory principle. The statutory presumption was therefore enacted to implement the principle of protection and preservation. Its legal effect is not to impose an absolute bar against any reclamation. It is capable of being rebutted.

*The statutory duty*

19. Section 3(2) provides that all public officers and public bodies "shall have regard to the principle stated in s. 3(1) for guidance in the exercise of any powers vested in them". Its effect is to impose on them the statutory duty, not only to have regard to the principle of

protection and preservation, but also to have regard to the presumption against reclamation in exercising their powers.

*Rebutting the statutory presumption*

20. The presumption is rebuttable and can be displaced. The critical question is: as a matter of statutory interpretation, what should be regarded as sufficient to rebut it?

21. The statutory presumption was expressly enacted for the purpose of implementing the explicit principle of protection and preservation of the harbour and must be interpreted so as to implement that principle.

22. Having regard to the strong and vigorous statutory principle of protection and preservation, it would plainly be wrong to interpret the presumption against reclamation merely as a compulsory material consideration to which the decision-maker must pay due regard in undertaking a weighing exercise for the purpose of deciding whether the public benefits of the proposed reclamation would outweigh the need to preserve the harbour. This was essentially the Board's approach and it must be rejected.

*Overriding public need*

23. In order to implement the strong and vigorous statutory principle of protection and preservation, the presumption must be interpreted in such a way that it can only be rebutted by establishing an overriding public need for reclamation ("the overriding public need test"). The statute, in conferring on the harbour a unique legal status, recognises the strong public need to protect and preserve it. The statute envisages

that irreversible loss to the extent of the reclamation would only be justified where there is a much stronger public need to override the statutory principle of protection and preservation.

24. Public needs would of course be community needs. They would include the economic, environmental and social needs of the community.

25. A need should only be regarded as overriding if it is a compelling and present need.

26. A compelling and present need goes far beyond something which is "nice to have", desirable, preferable or beneficial. But on the other hand, it would be going much too far to describe it as something in the nature of the last resort, or something which the public cannot do without.

27. Where there is a reasonable alternative to reclamation, an overriding need for reclamation would not be made out. All circumstances should be considered, including the economic, environmental and social implications of each alternative. The cost as well as the time and delay involved would be relevant. The extent of the proposed reclamation should not go beyond the minimum of that which is required by the overriding need.

28. The overriding public need test should be regarded as a single test and is a demanding one.

*Cogent and convincing material*

29. To enable a public officer or body to be satisfied that the overriding public need test has been met, the materials in the case in question must be cogent and convincing.

*The burden*

30. The burden on those seeking to rebut the presumption is a heavy one. This is commensurate with what is at stake: the irreversible loss to the extent of the reclamation of a special asset and a natural heritage belonging to the people of Hong Kong.

*The Board erred in law*

31. On the true interpretation of the Ordinance, the presumption against reclamation could only be rebutted by establishing an overriding public need for reclamation. The Board, in failing to adopt such an interpretation, erred in law. It follows that the decisions in question must be quashed and that the matter must be remitted to the Board for reconsideration in accordance with law.

32. The Board of course acted in good faith, as has been acknowledged by the Society. The Board had obtained leading counsel's advice and went about its task in a conscientious manner. The dispute turned on the correct interpretation of the Ordinance. It was envisaged at the time of its enactment that litigation on this matter was likely to ensue.

33. It should be noted that the position of the Society is that it accepts that the proposed roads, being essential infrastructure, may satisfy the overriding public need test for rebutting the presumption. Further, the Society does not as a matter of principle object to the provision of a

promenade along the waterfront but maintains that the extent of the proposed reclamation for this purpose is excessive. The promenade is regarded by the Board to be necessary for the better presentation of the harbour to the public.

*Timing of judicial review challenge*

34. The present judicial review challenge was instituted promptly within two weeks of the Board's decision on 14 February 2003. But it should be emphasised that there must not be any undue delay in applying for judicial review. It is of obvious importance that the earliest opportunity for any challenge to a reclamation proposal should be promptly taken. If not, the courts have the discretion to refuse relief.

*Result*

35. Accordingly, the appeal is dismissed.

## **Central - Wanchai Bypass**

### **Central - Wanchai Bypass (CWB)**

- The CWB is a strategic highway that will run parallel to the Connaught Road Central/Harcourt Road/Gloucester Road Corridor. It will connect the Rumsey Street flyover in the west to the Island Eastern Corridor in the east via a new Island Eastern Corridor Link (IECL).
- The CWB and IECL are the final and most vital road transport links missing on the northern shore of Hong Kong Island. On completion, they will allow the formation of a continuous, strategic road link that starts at Chai Wan in the east and continues all the way to Hong Kong International Airport and Tuen Mun in the northwest New Territories.
- Government planning models since the late 1980s have confirmed the need for CWB. The Comprehensive Transport Study (CTS) model is a planning tool that helps formulate solutions to cope with anticipated traffic demand. The CTS-2, completed in 1989, confirmed the need for CWB by the mid- to late-1990s. CTS-3, completed in 1999, reconfirmed the need for the CWB.
- A re-run of CTS-3 in the 4th quarter of 2003 using the latest land use planning assumptions and population projections also reaffirmed the need for the CWB.

### **Why do we need the CWB?**

- Central and Wan Chai suffer serious traffic congestion - and the problem is going to get worse unless CWB is built.
- The Connaught Road Central/Harcourt Road/Gloucester Road Corridor is already saturated and cannot cope with anticipated traffic growth.
- Other east-west secondary Corridors, such as Hennessy Road and Queensway are also heavily congested. The capacity of these roads is constrained by traffic signals and kerbside loading / unloading activities of goods vehicles, buses and taxis.
- 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 and west.

- Currently, the Connaught Road Central/Harcourt Road/Gloucester Road Corridor is the only strategic route serving the Central and Wan Chai areas. This route is subject to heavy congestion, and sometimes gridlocks, when minor accidents or incidents occur along the route.
- If the CWB is not built, congestion along the Connaught Road Central/Harcourt Road/Gloucester Road Corridor will spill over into neighbouring roads in Central and Wan Chai, eventually creating gridlock.
- Traffic management alternatives will provide local and limited short-term relief. But in the long term, the CWB is the only viable solution. Traffic management measures can complement CWB, but cannot replace it.

### **Other Alternatives Considered**

#### Full utilization of the Western Harbour Crossing (WHC)

- This approach is not expected to relieve significantly congestion in the Central and Wan Chai areas as most of the traffic would still need to go through Central, except for the small percentage of traffic from and to the western part of the Hong Kong Island. This is because the diversion of traffic from CHT to WHC is likely to result in a corresponding increase in traffic from the eastern and southern parts of the Hong Kong Island. Therefore, the overall traffic condition of the Corridor is not expected to improve under such a hypothetical toll regime.
- Equalizing the tolls would be subject to a commercial agreement with the tunnel operators. This would take time to negotiate, with no certainty over the outcome.

#### Electronic Road Pricing (ERP)

- We are actively exploring whether and how ERP could be implemented in Hong Kong. In further studying the issue, we shall take into account all relevant considerations, such as privacy, charge rate, vehicle growth rate, cost implication to road users, impact on business and technological development etc. We shall also consult the public on any proposals to be drawn up.
- It would be unfair to ask those who want to by-pass the CBD to pay. Implementation of ERP needs to be supported by alternative routes or bypasses having sufficient capacity to receive the diverted traffic generated from those wishing to avoid entering the charging zone. This points to the need for CWB. Without the Bypass, ERP alone could not effectively reduce traffic within the charging zone.

- ERP is one possible form of traffic management provided that: (a) there is an alternative route bypassing the charging zone; and (b) there is community consensus on its implementation. With the current roadway setup, we cannot implement ERP without the CWB.
- To unduly restrain traffic demand in the CBD could significantly impact on economic activities in the area. In the case of London's congestion charging scheme, the retail sector has expressed concern about the decline in the number of persons visiting the charging zone thereby adversely affecting retail business, particularly smaller retailers. It was also reported that a significant number of businesses were thinking of relocating.

#### Rationalisation of franchised bus services

- The number of bus trips through Central has been reduced by more than 15% since 1999. The scope of further reduction through Central is unlikely to be significant.

#### Restricting loading and unloading activities in Central

- There are already severe restrictions on loading/unloading along the Connaught Road/Harcourt Road/Gloucester Road Corridor.
- Imposing further restrictions on such activities along roads within the Central Business District cannot relieve congestion along the Connaught Road Central/Harcourt Road/Gloucester Road Corridor.
- Confining loading/unloading activities to night-time could adversely affect commercial activities in the district and may create noise problems.
- The Government should balance the interests of different parties, including the trucking industry, business operators in Central and other road users.

#### MTR Extension to Kennedy Town

- The forecast of the traffic problem in the Connaught Road Central/Harcourt Road/Gloucester Road Corridor is made on the assumption that the MTR Island Line would be extended to the Western District.
- Most bus routes run along "inner" roads, including Des Voeux Road and Queen's Road. Any reduction in bus services as a result of passenger diversion to the MTR will be limited and at most provide slight relief to the already congested inner roads. It will not help relieve congestion in the Connaught Road Central/Harcourt Road/Gloucester Road Corridor.



### New hillside escalators from Central to Mid-levels

- Additional escalator links will help relieve the traffic burden along roads in the Mid-levels, but will not help relieve congestion in the Central and Wan Chai areas.

### **Further Delay - the Consequences**

- At present, the Connaught Road Central/Harcourt Road/Gloucester Road Corridor is already operating beyond capacity, with the volume/capacity (v/c) ratio above 1.0. Congestion is not limited to the normal am and pm peak hours.
- It is predicted that by 2011 traffic volume during peak hours at critical sections of the Corridor would exceed capacity by 30% if the CWB is not built.
- The traffic on the Connaught Road Central/Harcourt Road/Gloucester Road Corridor will in turn cause congestion to spill over into neighboring roads in Central and Wan Chai, creating gridlock.
- If the CWB is not ready by 2011, it is estimated that traffic conditions will worsen to a speed of 5 km/hr and it will take 45 minutes for drivers to travel from Rumsey Street to Causeway Bay via the 4-kilometre Connaught Road Central/Harcourt Road/Gloucester Road Corridor.
- If the CWB is built, the traveling time from Rumsey Street to Causeway Bay will be reduced to 5 minutes. With a protracted delay to the CWB, the travel and environmental prospects for the Central Business District will include –
  - Worsening traffic congestion
  - Increased risk of gridlock
  - Substandard air quality, noise and physical environment
  - Deteriorating operating conditions for public transport
  - Deteriorating environment for pedestrians
- The existing Connaught Road Central/Harcourt Road/Gloucester Road Corridor has been heavily used for many years. Major repair and reconstruction works would be required in the next 15 to 20 years. If the CWB is not completed within that timeframe, east-west traffic could be paralysed when part of the Corridor has to be closed for repair and/or reconstruction works.

## Wan Chai Development Phase II Review

### List of relevant papers

Council/Committee	Date of meeting	Paper
Planning, Lands and Works (PLW) Panel	22 February 2005	<p>Administration's paper on "Comprehensive Planning and Engineering Review of Wan Chai Development Phase II" (LC Paper No. CB(1)763/04-05(01))  <a href="http://www.legco.gov.hk/yr04-05/english/panels/plw/papers/plwcb1-763-1e.pdf">http://www.legco.gov.hk/yr04-05/english/panels/plw/papers/plwcb1-763-1e.pdf</a></p> <p>Administration's paper on "Progress of the Review of Wan Chai Development Phase II and Kai Tak" (LC Paper No. CB(1)921/04-05(01))  <a href="http://www.legco.gov.hk/yr04-05/english/panels/plw/papers/plw0222cb1-921-1e.pdf">http://www.legco.gov.hk/yr04-05/english/panels/plw/papers/plw0222cb1-921-1e.pdf</a></p> <p>Background brief on "Central and Wan Chai reclamation" (LC Paper No. CB(1)921/04-05(02))  <a href="http://www.legco.gov.hk/yr04-05/english/panels/plw/papers/plw0222cb1-921-2e.pdf">http://www.legco.gov.hk/yr04-05/english/panels/plw/papers/plw0222cb1-921-2e.pdf</a></p> <p>Minutes of meeting (LC Paper No. CB(1)1117/04-05)  <a href="http://www.legco.gov.hk/yr04-05/english/panels/plw/minutes/pl050222.pdf">http://www.legco.gov.hk/yr04-05/english/panels/plw/minutes/pl050222.pdf</a></p>
PLW Panel	26 April 2005	<p>Administration's paper on "Wan Chai Development Phase II Review – Harbour-front Enhancement Review – Wan Chai and Adjoining Areas : A Public Engagement Exercise" (LC Paper No. CB(1)1319/04-05(05))  <a href="http://www.legco.gov.hk/yr04-05/english/panels/plw/papers/plw0426cb1-1319-5e.pdf">http://www.legco.gov.hk/yr04-05/english/panels/plw/papers/plw0426cb1-1319-5e.pdf</a></p> <p>Minutes of meeting (LC Paper No. CB(1)1567/04-05)  <a href="http://www.legco.gov.hk/yr04-05/english/panels/plw/minutes/pl050426.pdf">http://www.legco.gov.hk/yr04-05/english/panels/plw/minutes/pl050426.pdf</a></p>

<b>Council/Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
PLW Panel	28 June 2005	<p>Administration's paper on "Wan Chai Development Phase II Review – Harbour-front Enhancement Review – Wan Chai, Causeway Bay and Adjoining Areas : A Public Engagement Exercise" (LC Paper No. CB(1)1875/04-05(03)) <a href="http://www.legco.gov.hk/yr04-05/english/panels/plw/papers/plw0628cb1-1875-3e.pdf">http://www.legco.gov.hk/yr04-05/english/panels/plw/papers/plw0628cb1-1875-3e.pdf</a></p> <p>Updated background brief on "Wan Chai reclamation" (LC Paper No. CB(1)1875/04-05(04)) <a href="http://www.legco.gov.hk/yr04-05/english/panels/plw/papers/plw0628cb1-1875-4e.pdf">http://www.legco.gov.hk/yr04-05/english/panels/plw/papers/plw0628cb1-1875-4e.pdf</a></p> <p>Administration's response dated 3 November 2005 providing information on the sample sizes of the kerb side and telephone opinion surveys conducted on the future harbour-front in Wan Chai, Causeway Bay and the adjoining areas (LC Paper No. CB(1)225/05-06(01)) <a href="http://www.legco.gov.hk/yr04-05/english/panels/plw/papers/plw0628cb1-225-1e.pdf">http://www.legco.gov.hk/yr04-05/english/panels/plw/papers/plw0628cb1-225-1e.pdf</a></p> <p>Minutes of meeting (LC Paper No. CB(1)2291/04-05) <a href="http://www.legco.gov.hk/yr04-05/english/panels/plw/minutes/pl050628.pdf">http://www.legco.gov.hk/yr04-05/english/panels/plw/minutes/pl050628.pdf</a></p>