



保 護 海 港 協 會
Society for Protection of the Harbour

香港金鐘道 88 號太古廣場一座 2006 室
Room 2006, One Pacific Place, Hong Kong
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Tel: (852) 3101-8191
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Panel on Planning, Lands & Works
Legislative Council
Hong Kong

15th May 2007

Dear Chairman and Hon. Panel Members

Special Meeting on Tuesday

29/5/2007 at 10:00 a.m.

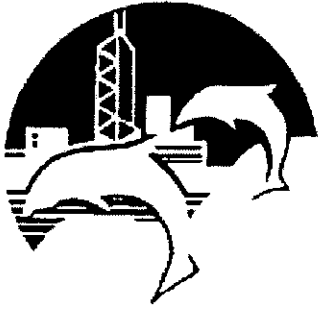
**Recommended Outline Development Plan
of Wanchai Development Phase II Review**

We refer to the Special Meeting of the Panel on Planning, Lands and Works to be held at 10:00 a.m. on 29th May 2007.

The Government appears to be relying upon the “Report on Cogent and Convincing Materials to demonstrate Compliance with Overriding Public Need Test” (“the Report”) prepared by the Government’s consultant Maunsell Asia Ltd. as the “cogent and convincing material” required to satisfy the “overriding public need” test pronounced by the Court of Final Appeal Judgment in FACV 14 of 2003 (“the Judgment”).

We have obtained the Legal Advice dated 2nd April 2007 from our legal adviser that the relevant materials to be considered by decision-maker in approving relative proposal must comprise not only the Report but also the Instructions or Brief. Both the Brief and the Report must show that the decision-maker had taken all the material considerations prescribed by the Judgment into account.

It is incumbent upon the Government in their two capacities both as the proponent of reclamation under the Recommended Outline Development Plan (“RODP”) as well as the decision-maker considering the reclamation proposal to satisfy themselves that there are cogent and convincing materials before they can approve the reclamation proposal.



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In support of the above, we refer to the exchanges of correspondences set out in the enclosed List and copies whereof are enclosed hereof. From these letters you will note that up to now, the Government has failed and/or refused to make the Brief available for our scrutiny in the public interest.

We therefore respectfully ask your Panel to pass a formal motion to urge the Government to disclose the original Brief and all subsequent Briefs for public scrutiny.

Yours faithfully,

Dennis K W Li
Director

Harbour Manifesto: *To protect and preserve the harbour and enhance the harbour-front to provide a healthy environment and a good quality of life for the people of Hong Kong*

維港宣言: 保護及保存維港, 並優化海濱, 為香港市民, 提供一個健康及優質的生活環境

“List of Correspondence”

- a. Letter dated 21st April 2006 to the Chairman of the Harbourfront Enhancement Committee (“HEC”) from our Society.
- b. Letter dated 21st April 2006 to the Secretary, Town Planning Board forwarding to them a copy of the aforesaid letter from our Society.
- c. Letter dated 8th May 2006 from the Chairman of the HEC to our Society in response.
- d. Letter dated 26th June 2006 from the Chairman of the HEC Sub-Committee on Wanchai Development Phase II Review.
- e. Letter dated 6th September 2006 to the Chief Executive-in-Council of the Hong Kong Special Administrative Region from our Society.
- f. Letter dated 7th September 2006 from the Clerk to the Chief Executive-in-Council acknowledging receipt of the above letter from our Society.
- g. Letter dated 26th September 2006 addressed to the Chairman of the HEC Sub-Committee on Wanchai Development Phase II Review from our Society.
- h. Letter dated 5th October 2006 from the Secretary for Housing, Planning and Lands to our Society.



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Harbourfront Enhancement Committee,
Sub-committee on Wan Chai Development Phase II Review,
c/o. Housing, Planning and Lands Department,
9/F., Murray Building,
Garden Road,
Central, Hong Kong.

2nd April 2007

Dear Sir,

We refer to the HEC Wanchai Sub-Committee Meeting to be held at 9:00 a.m. on 3rd April 2007, the notice of which was received by us on Friday, 30th March 2007 and the "Report on Cogent and Convincing Materials to demonstrate Compliance with Overriding Public Need Test" ("the Report") which was only delivered to us the same afternoon.

We also refer to the following exchanges of correspondences copies whereof are enclosed hereof:-

- a. Letter dated 21st April 2006 to the Chairman of the Harbourfront Enhancement Committee ("HEC") from our Society.
- b. Letter dated 21st April 2006 to the Secretary, Town Planning Board forwarding to them a copy of the aforesaid letter from our Society.
- c. Letter dated 8th May 2006 from the Chairman of the HEC to our Society in response.
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- e. Letter dated 6th September 2006 to the Chief Executive-in-Council of the Hong Kong Special Administrative Region from our Society.
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- g. Letter dated 26th September 2006 addressed to the Chairman of the HEC Sub-Committee on Wanchai Development Phase II Review from our Society.
- h. Letter dated 5th October 2006 from the Secretary for Housing, Planning and Lands to our Society.

In preparation for the scheduled meeting, we have urgently obtained the Legal Advice of our legal advisers dated 2nd April 2007, a signed copy whereof is enclosed herewith.

In fairness to the public, and according to the further legal advice we have received, before the HEC can come to any decision on the present issue, it must seek its own independent legal advice on:-

- (i) The legal status, function and duties of the HEC; and
- (ii) The present issue which involves the proper legal interpretation and application of the Court of Final Appeal Judgment.

Furthermore, we are advised by our Legal Advisers that the original Brief directing the preparation of the Report forms part of the relevant materials that must also be produced for the scrutiny by the HEC and the public.

For the purpose of the HEC meeting tomorrow, we shall be obliged if you will kindly table the aforesaid exchanges of correspondence and documents including the Legal Advice as they deal with the subject matter intended to be discussed.

Yours faithfully,

Dennis K.W. Li,
Director

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The Chairman of the Harbour-front Enhancement Committee
c/o Housing, Planning and Lands Bureau
9/F, Murray Building,
Garden Road,
Central, Hong Kong

By Hand

21 April 2006

Dear Professor Lee Chack Fan,

**Schemes for the Trunk Road Alignment
through the Wan Chai Development II Project Area**

As the successful Applicant in the Judicial Review leading to the Court of Final Appeal ("CFA") Judgment in FACV14 of 2003 (copy enclosed), we are anxious to ascertain whether the law over Harbour reclamation encapsulated in the CFA Judgment has been duly complied with by your Committee.

We would like to clarify whether you have duly observed the requirements of the CFA Judgment that:-

1. "There is a need which has the requisite force to prevail over the strong public need for protection and preservation of the harbour";
2. "The need arises within a definite and reasonable time frame";
3. "The need satisfies the economic, environmental and social needs of the community";
4. "Reclamation does not go beyond what is the minimum extent required to satisfy the need";
5. "There are no reasonable alternatives, where costs, time and delay would be relevant"; and
6. "There are cogent and convincing materials relied upon to justify each area of the proposed reclamation".



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We note that you have recently circulated the Consultant Report prepared by Maunsell Consultants Asia Ltd. which you are relying upon. We are anxious to find out whether you have instructed the Consultant to comply with the above requirements of the CFA Judgment.

Unless the proper instructions have been given to the Consultant, the Consultant Report will not and cannot constitute "cogent and convincing materials" legally required to comply with the CFA Judgment. Therefore, the Brief to the Consultant and any instructions given to them are of paramount importance. We shall therefore be grateful to have the opportunity to scrutinize the Brief and instructions.

The present situation is rather topsy-turvy. The Protection of the Harbour Ordinance has been enacted by the Legislature in order to protect and preserve the harbour and to control the Government's extensive harbour reclamation programme. Therefore, the Department of Justice, as a limb of the Government, has not been upholding the law as set out in the Ordinance. It has therefore been the task of our Society to assume the role of upholding the law which protects the harbour from reclamation as set out in Ordinance and interpreted by the CFA Judgment.

Accordingly we shall be grateful if you will give this letter your best attention and confirm that you are prepared to accede to our above requests.

Yours sincerely,

Christine Loh, Chairperson

c.c. The Town Planning Board Fax: 2877 0245
The Secretary for Justice Fax: 2877-3978

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

Summary Of Court of Final Appeal Judgment
Interpretation of Protection of the Harbour Ordinance

Effect of Judgment - The CFA pronounced on 9th January 2004 that the Town Planning Board had erred in law in the correct interpretation of the Harbour Ordinance; that the Board's decisions must be quashed; that the Wanchai Outline Zoning Plan must be remitted back to the Board for reconsideration; and that the Judgment applies to any reclamation proposal in the Harbour.

Importance of Harbour - The CFA pronounced that the Harbour is undoubtedly a central part of Hong Kong's identity. It is the heart of the metropolis and something extraordinary to be transmitted from generation to generation. Reclamation that had already taken place renders what remains of the Harbour even more precious and makes the need to protect and preserve it more important and compelling.

Legislative Intention - The Harbour Ordinance accords to the Harbour a unique legal status. There is a great public need to protect and preserve it having regard to its unique character. There must be preservation which means maintenance and conservation in its present state. It must be kept from harm, defended and guarded. Such a principle is strong and vigorous.

Overriding Public Need Test - The presumption prescribed by the Harbour Ordinance can only be rebutted by establishing an overriding public need for reclamation. Such need must be of greater public importance than the importance of the Harbour.

Overriding – means a compelling and present need which has the requisite force to prevail over the strong public need for protection and preservation

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

Public needs – include economic, environmental and social needs of the community

Minimum – means not to go beyond what is required

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

Rebuttal of Presumption - Each area proposed to be reclaimed must be justified. It is imperative that there shall be no reclamation unless the Overriding Public Need Test is satisfied. The Test is by its nature a demanding one and the burden to rebut the presumption is therefore a heavy one.

Cogent & Convincing Materials - Due to the demanding nature of the Test, it is not sufficient to incant the Test or just to pay lip service to it. The materials relied on must be cogent and convincing.

終審法院判詞撮要

保護海港條例之詮釋

判詞之影響 – 終審法院於2004年1月9日之判詞宣佈，因為城市規劃委員會錯誤詮釋保護海港條例；城規會之決定必須被取消；灣仔分區計劃大綱圖須發還城規會重新考慮。此判詞就保護海港條例之詮釋乃適用於任何填海建議。

海港之重要性 – 終審法院表明，海港無疑地是香港身份的主要象徵。她是都市的心臟，並且是必須世代相傳的特別資產。過往的填海令海港僅餘的部份更為珍貴，亦令到保護和保存海港的需要更重要和迫切。

立法宗旨 – 保護海港條例給予了海港一個獨特的法律地位。由於她有獨特之地位，所以有極大公眾需要來把她保護和保存。海港必須被保存，即必須保持其現有的狀況，免受到侵害。此原則是強力和強烈的。

凌駕性的公眾需要測試準則 – 要推翻保護海港條例的推定，必須證明填海工程具有凌駕性的公眾需要。此需要必須比海港有更大的公眾重要性。

凌駕性 – 即指足以壓倒保護和保存海港的公眾需要之當前迫切需要。

迫切 – 即指在一特定和合理時限內的需要。

公眾需要 – 包括經濟，環境和社會性的社群需要。

最低限度 – 即指不應超越所需的。

沒有另一合理解決方法 – 成本，時間和引致的延誤也是有關連的考慮。

推翻該法定推定 – 填海建議的每部份都要有充份理據支持，除非符合“凌駕性公眾需要的測試準則”，否則不應進行填海。此測試準則是嚴格的，故舉證推翻推定的責任是沉重的。

有力和令人信服的資料 – 有鑑於該測試準則的嚴格性質，不可以只說已經遵守了測試，所依賴的資料必須是有力和令人信服的。



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The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333 Java Road,
North Point, Hong Kong.

By Hand

21 April 2006

Dear Sir,

**Schemes for the Trunk Road Alignment
through the Wan Chai Development II Project Area**

We respectfully bring to your attention the contents of the enclosed letter we have today addressed to the Harbour-front Enhancement Committee concerning the above matter in which we raised matters of paramount legal importance.

Yours sincerely,

Christine Loh, Chairperson

共建維港委員會
Harbour-front Enhancement
Committee



Tel No : 2186 7286

Fax No : 2868 4530

Our Ref. HPLB(P) 50/02/68

8 May 2006

Ms Christine Loh
Chairperson, Society for Protection of the Harbour
Room 2006, 20th Floor, One Pacific Place
88 Queensway, Hong Kong

Dear Ms Loh,

**Schemes for the Trunk Road Alignment
through the Wan Chai Development II Project Area**

Thanks for your letter of 21 April 2006.

The Harbour-front Enhancement Committee (HEC) has set up the Sub-committee on Wan Chai Development Phase II Review to assist the former in giving advice on the Planning and Engineering Review of Wan Chai Development Phase II. As such, it is more appropriate for the Sub-committee to follow up on matters relating to the Review. I have requested the Chairman of the Sub-committee to reply direct to you.

Thank you again for your comments on/concern about the Review. I trust that the representative of Society for Protection of the Harbour in the HEC will continue to provide valuable advice on the work of the HEC.

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Yours sincerely,



(Professor Lee Chack-fan)
Chairman, HEC

c.c. Chairman, Sub-committee on Wan Chai Development Phase II Review
(Fax 2577 5040)

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灣仔填海第二期 填海小組委員會
Sub-committee on Wan Chai Development Phase II Review

來函編號 Your Reference
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查詢電話 Tel. No.:
傳真號碼 Fax No.:
電郵 E-mail:

**Urgent by fax
(3101 9339)**

U

26 June 2006

Ms Christine Loh
Chairperson
Society for Protection of the Harbour
Room 2006, 20th Floor, One Pacific Place
88 Queensway
Hong Kong

Dear Ms Loh,

**Schemes for the Trunk Road Alignment
through the Wan Chai Development II Project Area**

Thank you for your letter of 21 April 2006 to the Harbour-front Enhancement Committee (HEC). The HEC Chairman has referred it to the Sub-committee on Wan Chai Development Phase II Review (the Sub-committee) for consideration.

You have requested that the HEC clarify whether it has duly observed the requirements of the CFA judgment, that the HEC let you scrutinize the Brief and instructions to the Consultants because your "Society assumes the role of upholding the law which protects the harbour from reclamation". I can assure you that the HEC, which is tasked with advising the Government on planning, land uses and developments along the Harbour, is well aware of the need to observe the

requirements of the CFA judgment and the important of protecting the Harbour.

Regarding the request for scrutiny of the Brief and instructions we have given to the Consultants, this is entirely a matter between the Consultants and the HEC. We do not consider it appropriate for HEC to accede to this particular request. Indeed, your Society is also represented in the HEC. Your representatives should be able to brief you fully the various activities carried out by the Sub-committee to ensure the full compliance of the requirements of the Protection of the Harbour Ordinance (PHO) and the judgment of the Court of Final Appeal (CFA).

Having said the above, I will respond to your specific questions about observing the requirements of the CFA judgment as follows:


1. "There is a need which has the requisite force to prevail over the strong public need for protection and preservation of the harbour"
 - The need for the Trunk Road and the need for reclamation are explained in detail in 1.4 and 3 of the Consultants' Report respectively. For your background information, in September 2005, the Expert Panel on Sustainable Transport Planning and Central - Wan Chai Bypass (CWB) (the Expert Panel) agreed to the construction of the CWB in addition to other measures to resolve the traffic problems. In December 2005, the Sub-committee concluded that it supported the construction of a CWB.
2. "The need arises within a definite and reasonable time frame"; and
3. "The need satisfies the economic, environmental and social needs of the community"
 - As mentioned above, the Expert Panel has agreed to the construction of the CWB in addition to other measures to resolve the traffic problems.
4. "Reclamation does not go beyond what is the minimum extent required to satisfy the need";
5. "There are no reasonable alternatives, where costs, time and delay would be relevant"; and
6. "There are cogent and convincing materials relied upon to justify each area of the proposed reclamation"

- The Consultants have examined various options and build form of the trunk road. Among the viable options, the Consultants suggested that Tunnel Variation 1, which will extend the tunnel to be constructed under the Central Reclamation Phase III eastward to pass underneath the existing rock anchors of the Cross Harbour Tunnel portal structure, continue the tunnel to the east of the Causeway Bay Typhoon Shelter and connect to the northern side of the existing IEC, would serve better to protect and preserve the Harbour as it would affect less area of the Victoria Harbour. The Consultants' findings were discussed at the Sub-committee meeting on 20 April 2006. The Sub-committee also agreed at its meeting on 13 June 2006 that the Consultants should develop Concept Plans for WDII harbour-front enhancement on the basis of Tunnel Variation 1.

As regards your question on the reliability of the Consultants' Report, as mentioned above, the Consultants' Report was prepared by the Consultants after accepting suggestions from all members of the Sub-committee. Before preparing the Consultants' Report, the Sub-committee's advice, including that related to the requirements of the PHO and the CFA judgment, had been relayed to the Consultants through various meetings and exchange of correspondence. After incorporating the advice of the Sub-committee, the Consultants' Report was endorsed by the Sub-committee.

I hope the above has addressed your concerns and I look forward to the continual support of the Society in the Sub-committee.

Yours sincerely,



(Leung Kong-yui)
Chairman, HEC Sub-committee on
Wan Chai Development Phase II Review

c.c. The Town Planning Board (fax: 2877 0245)
The Secretary for Justice (fax: 2877 3978)



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The Chief-Executive-in-Council,
Hong Kong Special Administrative Region Government,
Central, Hong Kong.

6th September 2006

The Chief-Executive-in-Council,

Re : Wan Chai Development Phase II

This letter is sent to you by our Society and a number of environmental groups concerned with the Harbour and the Harbour environment who have also signed this letter.

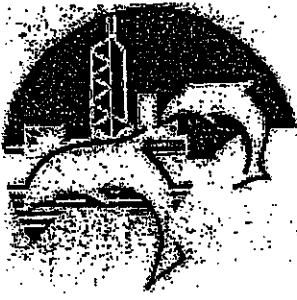
We respectfully refer to the plan ("the Plan") released by your Government to the public and presented to the Town Planning Board on Friday, 25th August 2006 whereby your Government proposed to reclaim 15 hectares of Victoria Harbour ("the Harbour") at five sites in Wanchai, Causeway Bay and North Point.

First of all for the record, we are amazed that you have done so even before the Plan had been endorsed by the Harbourfront Enhancement Committee which was set up by your Government to oversee harbour reclamation.

We respectfully refer you to the Judgment of Her Honour Madam Justice Chu in the High Court in the case of The Society for Protection of the Harbour Limited v. Town Planning Board (HCAL No.19 of 2003) which ordered the Outline Zoning Plan of the then proposed WDII Wanchai reclamation plan to be remitted to The Town Planning Board for re-consideration in accordance with the correct legal interpretation of The Protection of the Harbour Ordinance.

This High Court Judgment was subsequently upheld on 9th January 2004 by the Court of Final Appeal in its unanimous judgment in FACV 14 of 2003 ("the CFA Judgment") which gave an authoritative interpretation of The Protection of the Harbour Ordinance ("the Harbour Ordinance") and prescribed stringent criteria which must be satisfied before reclamation can be lawfully carried out in the Harbour.

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保 護 海 港 協 會

Society for Protection of the Harbour

To demonstrate our goodwill in this matter, we enclose herewith for your convenience a one-page summary of the CFA Judgment which highlights some points and which is of course not exhaustive.

Since the CFA Judgment, your Government has repeatedly made a number of commitments to the public that the Harbour and the Harbour environment will be preserved and protected in accordance with both the Principle of Sustainable Development and the CFA Judgment.

Therefore as the administration of Hong Kong, your Government has a public duty to protect the environment and to comply with not only the letter of the law but also the spirit of the law, and every member of your Council has a personal duty not only to observe the letter of the Harbour Ordinance but also the spirit of the Harbour Ordinance as eloquently pronounced and encapsulated in the CFA Judgment.

On the advice of our legal advisers and leading counsel, we are writing to you in good faith to ascertain from you how your proposed Plan complies with the legal requirements of the CFA Judgment and to ask you to send us for our consideration all the "cogent and convincing materials" your Council is relying on.

We are also advised to point out that the CFA Judgment clearly casts on your Government as the proponent of reclamation the burden to rebut the statutory presumption against reclamation and unless your Government can establish that your present Plan satisfies the requirements of the CFA Judgment, the proposed reclamation will be unlawful.

Therefore your Government is required by law to demonstrate that your present proposed Plan satisfies the Harbour Ordinance. The CFA Judgment has prescribed the "Overriding Public Need" Test and has pronounced that the Test is a demanding and a heavy one, that "it is not sufficient to incant the Test or just to pay lip service to it", that "the materials relied on must be cogent and convincing" and that "each area proposed to be reclaim must be justified."

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Society for Protection of the Harbour

We shall be grateful if you would give us your reply within the next two weeks in order to avoid any undue delay. Your answer is important as it has legal significance and it may obviate a legal challenge of your Plan to the law courts once again.

Yours faithfully,

Christine Loh, Chairperson,
Society for Protection of the Harbour

Action Group for Protection of the Harbour

Civic Exchange

Clear the Air

Designing Hong Kong Harbour District

Friends of the Earth

Friends of the Harbour

Hong Kong Alternatives

Save Our Shoreline

WWF (HK)

Harbour Manifesto: *To protect and preserve the harbour and enhance the harbour-front to provide a healthy environment and a good quality of life for the people of Hong Kong*

政府總部
香港下亞厘畢道



GOVERNMENT SECRETARIAT
LOWER ALBERT ROAD
HONG KONG

本署編號 OUR REF: CO 2/1136/02

來函編號 YOUR REF:

Tel. No. : 2810 2796

7 September 2006

Ms Christine Loh
Chairperson
Society for Protection of the Harbour
Room 2006, 20th Floor
One Pacific Place
88 Queensway
Hong Kong

Dear Ms Loh,

Re : Wan Chai Development Phase II

On behalf of the Members of the Executive Council, I would like to thank you for your letter dated 6 September 2006 which Members of the Executive Council have received.

Please be informed that a copy of your letter has also been forwarded to the relevant bureau for consideration.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Doris HO'.

(Miss Doris HO)
for Clerk to the Executive Council



保護海港協會
Society for Protection of the Harbour

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The Chairman,
Sub-committee on Wan Chai Development Phase II Review,
Harbour-front Enhancement Committee,
c/o. Housing, Planning and Lands Department,
9/F., Murray Building,
Garden Road, Central, Hong Kong.

26th September 2006

Dear Sir,

Comment on the "Public Engagement Digest" – WD II

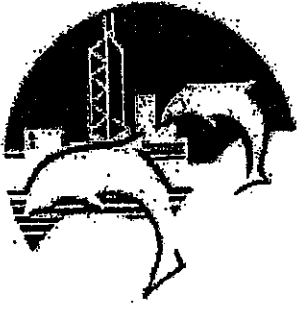
At the meeting yesterday, I was handed a booklet entitled "Harbour-front Enhancement Review – Wan Chai, Causeway Bay & Adjoining Areas Public Engagement Digest – Realization Stage" ("the Booklet") with a request by the Government to make immediate comments thereon and to respond no later than 5:00 pm today.

I have not had time to formally consult our Society which I represent, but I set out in the following our informal response :-

1. The Booklet is premature as the Government has not yet satisfactorily established an overriding public need for the proposed reclamations.
2. It is unclear how the Central Wanchai Bypass can resolve the present traffic congestion problem caused by the traffic imbalance between the three cross harbour tunnels.
3. It has not been demonstrated whether the traffic congestion problem can be resolved by :-
 - a. Adjusting the tolls to balance the traffic between the three cross harbour tunnels;
 - b. Implementing an Electronic Road Pricing system;
 - c. Implementing other traffic improvement measures; and
 - d. Ceasing all further developments on the Central Reclamation (CR I; CR II & CR III) to minimize traffic generation.

Harbour Manifesto: To protect and preserve the harbour and enhance the harbour-front to provide a healthy environment and a good quality of life for the people of Hong Kong

維港宣言: 保護及保存維港, 並優化海濱, 為香港市民, 提供一個健康及優質的生活環境



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4. It is also unclear whether the extent of the proposed reclamation is the minimum.
5. The Government cannot merely rely on the technical advice of engineers as being sufficient to satisfy the stringent legal requirements of the Court of Final Appeal Judgment nor can the Government simply rely on the Consultant Reports by themselves as being sufficient to satisfy the requirement of "cogent and convincing materials" demanded by the Court of Final Appeal Judgment.

The above comments may not be exhaustive but are some ideas that have occurred to us without giving to our Society the opportunity of in-depth consideration of the proposed Digest.

Yours faithfully,

For Hardy Lok,
Director

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香港特別行政區政府

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來函檔號 Your Ref.

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5 October 2006

Ms Christine Loh
Chairperson
Society for Protection of the Harbour
Room 2006, 20th Floor, One Pacific Place
88 Queensway
Hong Kong

Dear Ms Loh,

Wan Chai Development Phase II (WDII)

I refer to your letter of 6 September 2006 to the Secretary for Housing, Planning and Lands, enclosing a copy of your letter of the same date to the Chief Executive-in-Council. This is a consolidated reply to both letters.

The Government is fully aware of and agrees to the importance of protecting and preserving the Harbour. We will observe the requirements of the Protection of the Harbour Ordinance (PHO) and the Court of Final Appeal's judgment in relation to reclamation within the Harbour.

We note your concern about any proposed reclamation in WDII. As your Society is represented on the Harbour-front Enhancement Committee (HEC), you will no doubt have noted that the Consultants submitted a report entitled "Trunk Road Alignments & Harbour-Front Enhancement" to the HEC Sub-committee on WDII Review in April 2006. Sections 1.4 and 3 of the Consultants' Report explain in detail respectively the need for the Trunk Road and the need for reclamation. The Consultants have also examined various options on alignment and the built form of the Trunk Road. It suggested that, among the viable options, Tunnel Variation 1 would be a

better option to protect and preserve the Harbour as it would affect less area of the Victoria Harbour. The WDII Review Sub-committee agreed at its meeting on 13 June 2006 that the Consultants should develop Concept Plans for WDII harbour-front enhancement on the basis of Tunnel Variation 1.

The Concept Plan for WDII which the Consultants presented to the Town Planning Board and the WDII Review Sub-committee in late August 2006 is a draft plan. The Consultants will prepare a draft Recommended Outline Development Plan for WDII, which will serve as the basis for preparing relevant draft outline zoning plans after the completion of the public engagement activities to be conducted by HEC.

In considering the relevant draft outline zoning plans, the Town Planning Board will also look for, and the Government is duty bound to provide, cogent and convincing evidence to support any reclamation proposals which would satisfy the overriding public need test laid down by the Court of Final Appeal.

Yours sincerely,



(Miss Wong Yuet-wah)

for Secretary for Housing, Planning and Lands