

Protection of the Harbour (Amendment) Ordinance 2025

Contents

Section	Page
1. Short title.....	A791
2. Protection of the Harbour Ordinance amended .....	A791
3. Long title amended .....	A791
4. Part 1 heading added .....	A793

Part 1

Preliminary

5. Section 2 amended (interpretation).....	A793
6. Section 2A added.....	A799
2A. Assumption and delegation by specified officers.....	A799
7. Part 2 heading added .....	A799

Part 2

Presumption against Harbour Reclamation

8. Section 3 amended (presumption against reclamation in the harbour).....	A799
9. Provisions added .....	A807
3A. Criteria for rebutting presumption against reclamation.....	A807

Section	Page
---------	------

**Part 3**

**Overriding Public Need Assessment**

3B.	OPNA report .....	A807
3C.	Publication of OPNA report.....	A809
3D.	Amendments to OPNA report .....	A813
3E.	Withdrawal of OPNA report .....	A813
3F.	Public comments on OPNA report .....	A815
3G.	Submission of OPNA report to Chief Executive in Council .....	A817
3H.	Determination of Chief Executive in Council .....	A821

**Part 4**

**Exemptions from Presumption against Harbour Reclamation**

**Division 1—Interpretation (Part 4)**

3I.	Interpretation (Part 4).....	A823
-----	------------------------------	------

**Division 2—Harbour Enhancement Reclamations**

3J.	HER exemption—application .....	A825
3K.	Withdrawal of application for HER exemption.....	A829
3L.	HER exemption—decision .....	A829

**Division 3—Harbour Non-permanent Reclamations**

3M.	NPR exemption—application .....	A833
-----	---------------------------------	------

Section	Page
3N.	Withdrawal of application for NPR exemption..... A835
3O.	NPR exemption—decision ..... A837
3P.	Notification of intended starting date..... A839
3Q.	Progress report of harbour non-permanent reclamation..... A841
3R.	Extension of permitted construction period—application..... A843
3S.	Extension of permitted construction period—decision..... A845
3T.	Extension of permitted construction period under exceptional circumstances ..... A847
<b>Division 4—Supplementary Provisions</b>	
3U.	Non-compliance with conditions imposed in respect of HER exemption or NPR exemption or with section 3Q..... A849
3V.	Effect of suspension..... A853
3W.	Non-compliance with section 3P..... A853
3X.	Expiry of NPR exemption ..... A855
3Y.	Requirements following suspension, revocation or expiry ..... A855

Section	Page
---------	------

Part 5

Miscellaneous Provisions

3Z.	Absence of plan under Town Planning Ordinance not prevent certain matters.....	A859
3ZA.	Delegation of powers .....	A859
3ZB.	Amendment of Schedule 2 .....	A861
10.	Section 4 amended (transitional) .....	A861
11.	Schedule 2 added .....	A863
	Schedule 2 Harbour Enhancement Works.....	A863

**HONG KONG SPECIAL ADMINISTRATIVE REGION**

**ORDINANCE NO. 11 OF 2025**



John KC LEE  
Chief Executive  
15 May 2025

An Ordinance to amend the Protection of the Harbour Ordinance to introduce a mechanism to regulate reclamations in the harbour; to introduce a mechanism to determine whether the presumption against reclamation in the harbour is rebutted; to introduce a mechanism to exempt harbour enhancement reclamations and harbour non-permanent reclamations from that presumption; and to provide for related matters.

[16 May 2025]

Enacted by the Legislative Council.

**1. Short title**

This Ordinance may be cited as the Protection of the Harbour (Amendment) Ordinance 2025.

**2. Protection of the Harbour Ordinance amended**

The Protection of the Harbour Ordinance (Cap. 531) is amended as set out in sections 3 to 11.

**3. Long title amended**

The long title—

**Repeal**

everything after “preserve the harbour”

**Substitute**

“as a special public asset and a natural heritage of Hong Kong by regulating reclamations in the harbour.”.

**4. Part 1 heading added**

Before section 1—

**Add**

**“Part 1**

**Preliminary”.**

**5. Section 2 amended (interpretation)**

(1) Section 2—

**Repeal**

“, unless the context otherwise requires”.

(2) Section 2, definition of *reclamation*—

**Repeal**

“(填海)”

**Substitute**

“(填海工程)”.

(3) Section 2, English text, definition of *relevant Ordinance*, paragraph (g)—

**Repeal**

“for reclamation.”

**Substitute**

“for reclamation;”.

## (4) Section 2—

**Add in alphabetical order**

***“application for an HER exemption*** (改善海港填海豁免申請) means an application for an HER exemption made under section 3J(1);

***application for an NPR exemption*** (非永久填海豁免申請) means an application for an NPR exemption made under section 3M(1);

***Financial Secretary*** (財政司司長) means the Financial Secretary of the Hong Kong Special Administrative Region;

***harbour enhancement reclamation*** (改善海港填海工程) means a harbour reclamation for harbour enhancement works;

***harbour enhancement works*** (改善海港工程) means the construction (including addition and alteration) in the harbour of any of the structures, features and devices set out in Schedule 2;

***harbour non-permanent reclamation*** (海港非永久填海工程) means any works carried out, or intended to be carried out, in the harbour for temporarily forming from the sea-bed or foreshore any land that is intended to be subsequently removed from the sea-bed or foreshore;

***harbour reclamation*** (海港填海工程) means a reclamation in the harbour;

***HER exemption*** (改善海港填海豁免), in relation to a harbour enhancement reclamation, means an exemption of the reclamation from the presumption against reclamation;

***NPR exemption*** (非永久填海豁免), in relation to a harbour non-permanent reclamation, means an exemption of the reclamation from the presumption against reclamation;

***OPNA report*** (評估報告) means a report made under section 3B(1);

***presumption against reclamation*** (不准填海推定) means the presumption against harbour reclamation under section 3(1);

***sea-bed or foreshore*** (海床或前濱) means the bed or shore of the sea and of any tidal water within Hong Kong, below the line of the high water mark;

***specified officer*** (指明人員) means—

- (a) in relation to a reclamation that may be proposed under the Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127) or a reclamation that may be authorized under section 16A of that Ordinance—the Director of Lands;
- (b) in relation to a reclamation that may be directed under section 17 of the Roads (Works, Use and Compensation) Ordinance (Cap. 370)—the Secretary for Transport and Logistics;
- (c) in relation to a reclamation that may be authorized under section 22 of the Railways Ordinance (Cap. 519)—the Secretary for Transport and Logistics; or
- (d) in relation to a reclamation that may be directed or authorized under or otherwise provided for in any other Ordinance—a public officer who may propose or carry out the reclamation under that Ordinance.”.



**6. Section 2A added**

After section 2—

**Add**

**“2A. Assumption and delegation by specified officers**

- (1) A specified officer for a harbour reclamation may act under this Ordinance in relation to the reclamation even though the reclamation may be proposed by the specified officer to be carried out by—
  - (a) a person who is not a public officer; or
  - (b) a public officer on the specified officer’s behalf, and this Ordinance applies to the reclamation.
- (2) A specified officer may in writing authorize a public officer either generally or in any particular case to exercise or perform any of the powers or duties conferred or imposed on the specified officer under this Ordinance.”.

**7. Part 2 heading added**

Before section 3—

**Add**

**“Part 2**

**Presumption against Harbour Reclamation”.**

**8. Section 3 amended (presumption against reclamation in the harbour)**

- (1) Section 3, heading—

**Repeal**

**“reclamation in the harbour”**

**Substitute**

**“harbour reclamation”.**

(2) Section 3(1)—

**Repeal**

everything before “a presumption”

**Substitute**

“(1) For protecting and preserving the harbour as a special public asset and a natural heritage of Hong Kong, there is”.

(3) Section 3(1), English text—

**Repeal**

“reclamation in the harbour”

**Substitute**

“harbour reclamation”.

(4) Section 3—

**Repeal subsection (2)**

**Substitute**

“(2) All public officers and public bodies must have regard to the presumption against reclamation for guidance in the exercise of any powers conferred on them, unless—

(a) the powers conferred on them are exercised in respect of a harbour reclamation, and the Chief Executive in Council has determined under section 3H that the presumption against reclamation is rebutted for the reclamation;

- (b) the powers conferred on them are exercised under Part 4 in respect of a harbour reclamation; or
  - (c) the powers conferred on them are exercised in respect of a harbour reclamation that is exempt under Part 4 from the presumption against reclamation.
- (3) Unless subsection (4) applies—
  - (a) a specified officer for a harbour reclamation—
    - (i) may not prepare, or authorize another person to prepare, a plan for the reclamation under section 3 of the Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127);
    - (ii) may not submit, or authorize another person to submit, the reclamation or any objection under section 8(1) of that Ordinance;
    - (iii) if the reclamation is authorized under section 7 or 8 of that Ordinance—may not execute or authorize another person to execute the reclamation; or
    - (iv) if the reclamation is authorized under section 16A of that Ordinance—may not execute or authorize another person to execute the works involving the reclamation;
  - (b) a specified officer for a harbour reclamation may not propose, or authorize another person to propose, any of the following powers to be exercised in respect of the reclamation—

- 
- (i) a power under section 17(1)(b) of the Roads (Works, Use and Compensation) Ordinance (Cap. 370);
    - (ii) a power under section 22(1)(b) of the Railways Ordinance (Cap. 519);
    - (iii) a power under a provision, under which a reclamation may be directed or authorized or which provides for a reclamation, in any other Ordinance; and
  - (c) a specified officer for a harbour reclamation may not carry out, or authorize another person to carry out, the reclamation that—
    - (i) is directed under section 17 of the Roads (Works, Use and Compensation) Ordinance (Cap. 370);
    - (ii) is authorized under section 22 of the Railways Ordinance (Cap. 519); or
    - (iii) is directed or authorized under or otherwise provided for in any other Ordinance.
  - (4) For the purposes of subsection (3), this subsection applies if—
    - (a) the Chief Executive in Council has determined under section 3H that the presumption against reclamation is rebutted for the harbour reclamation;
    - (b) the harbour reclamation is exempt under Part 4 from the presumption against reclamation; or
    - (c) the harbour reclamation is allowed to continue to be carried out under section 3Y(2).”.

**9. Provisions added**

After section 3—

**Add**

**“3A. Criteria for rebutting presumption against reclamation**

The presumption against reclamation may only be rebutted for a harbour reclamation if—

- (a) there is an overriding public need for the reclamation and the need is compelling and present;
- (b) there is no reasonable alternative to the reclamation; and
- (c) the extent of the reclamation does not go beyond the minimum of that which is required by the overriding public need.

**Part 3**

**Overriding Public Need Assessment**

**3B. OPNA report**

- (1) A specified officer for a harbour reclamation may make a report that sets out an assessment as to whether the presumption against reclamation may be rebutted for the reclamation in accordance with section 3A.
- (2) An OPNA report—
  - (a) must be made in a form specified by the Secretary for Development; and
  - (b) must set out—

- (i) the details of the reclamation; and
- (ii) the assessment as to whether the presumption against reclamation may be rebutted for the reclamation in accordance with section 3A.

### **3C. Publication of OPNA report**

- (1) As soon as practicable after an OPNA report is made by a specified officer, the specified officer—
  - (a) must publish the report on the website specified by the specified officer; and
  - (b) must make a copy of the report available for inspection by the public free of charge at such offices of the Government as the specified officer may direct, during the hours when those offices are open to the public.
- (2) As soon as practicable after an amendment is made by a specified officer under section 3D, the specified officer—
  - (a) must publish the amended OPNA report (together with a statement containing a general description of the amendment) on the website specified by the specified officer; and
  - (b) must make a copy of the amended OPNA report and the statement available for inspection by the public free of charge at such offices of the Government as the specified officer may direct, during the hours when those offices are open to the public.

- 
- (3) Within 21 days after the date on which a copy of an OPNA report or an amended OPNA report is first made available by a specified officer for inspection under subsection (1)(b) or (2)(b), the specified officer must publish a notice—
- (a) in 2 issues of the Gazette in both the Chinese and English languages;
  - (b) on the website specified by the specified officer;
  - (c) in 2 issues of a Chinese language newspaper; and
  - (d) in 2 issues of an English language newspaper.
- (4) A notice under subsection (3) must contain—
- (a) either—
    - (i) in the case of subsection (1)—a description of the general nature of the reclamation; or
    - (ii) in the case of subsection (2)—
      - (A) a general description of the amendment; and
      - (B) if the amendment involves a minor amendment under section 3D(2)—a statement identifying the minor amendment;
  - (b) the address of the website specified for the purposes of subsection (1)(a) or (2)(a);
  - (c) the addresses of the offices directed for the purposes of subsection (1)(b) or (2)(b) and the hours when those offices are open to the public; and

- (d) a statement that written comments may be given under section 3F.
- (5) Subsection (4)(d) does not apply to a notice under subsection (3) if the notice is published in relation to an amended OPNA report in which only minor amendments under section 3D(2) are made.

### **3D. Amendments to OPNA report**

- (1) After a copy of an OPNA report is first made available by a specified officer for inspection under section 3C, the specified officer may at any time amend the report.
- (2) For the purposes of this Part, an amendment is a minor amendment if—
  - (a) it is intended to correct a clerical, typographical or calculation error, or an error of a similar nature, in the OPNA report; and
  - (b) it does not, in the specified officer's opinion, materially affect the assessment set out in the OPNA report.
- (3) An OPNA report may be amended under this section more than once.

### **3E. Withdrawal of OPNA report**

- (1) Before a determination is made under section 3H(1) in respect of a harbour reclamation, a specified officer for the reclamation may, by a notice published in the manner set out in section 3C(3), withdraw an OPNA report or (if the report is amended) an amended OPNA report made by the specified officer.
- (2) Also, if—



- (a) a determination is made under section 3H(1) in respect of a harbour reclamation; and
  - (b) subsequently, a specified officer for the reclamation makes an amendment under section 3D to the OPNA report in respect of the reclamation (*subsequent amendment*),  
before another determination is made under section 3H(1) in respect of the reclamation, the specified officer may, by a notice published in the manner set out in section 3C(3), withdraw the amended OPNA report that contains the subsequent amendment.
- (3) On the first publication in the Gazette of a notice under subsection (1) or (2)—
- (a) the powers or rights set out in sections 3D, 3F, 3G and 3H are no longer exercisable in relation to the OPNA report or the amended OPNA report; and
  - (b) the duties set out in sections 3C and 3G are no longer required to be performed in relation to the OPNA report or the amended OPNA report.

### **3F. Public comments on OPNA report**

- (1) If a notice is published under section 3C(3) in relation to an OPNA report, a person may, within 60 days after the first publication of the notice in the Gazette, give written comments on the report to the specified officer who makes the report.
- (2) If a notice is published under section 3C(3) in relation to an amended OPNA report, a person may, within 60 days after the first publication of the notice in the Gazette, give written comments on matters

arising from the amendment made in the amended report to the specified officer who makes the amendment.

- (3) Despite subsection (2), a person may not give written comments on matters arising from a minor amendment made to an OPNA report under section 3D.
- (4) Written comments may only be given under subsection (1) or (2) to a specified officer for a harbour reclamation by—
  - (a) delivering it to a public officer who is authorized by the specified officer to receive it on the specified officer's behalf;
  - (b) sending it by ordinary or registered post to an address specified by the specified officer;
  - (c) sending it by electronic mail transmission to an electronic mail address specified by the specified officer; or
  - (d) sending it by fax transmission to a fax number specified by the specified officer.

### **3G. Submission of OPNA report to Chief Executive in Council**

- (1) If a specified officer for a harbour reclamation makes an OPNA report, the specified officer must, within the period determined in accordance with subsections (2) and (3) (*submission period*), submit to the Chief Executive in Council—
  - (a) the report or (if the report is amended) the latest version of the amended OPNA report; and
  - (b) either—

- 
- (i) if the report is not amended under section 3D—a copy of all the written comments on the report given under section 3F(1) (if any); or
    - (ii) if the report is amended under section 3D—
      - (A) a copy of all the written comments on the report given under section 3F(1) (if any); and
      - (B) a copy of all the written comments on matters arising from the amendments made in every version of the amended report given under section 3F(2) (if any).
  - (2) Subject to subsection (3), the submission period is 5 months after the expiry of—
    - (a) if the OPNA report is not amended under section 3D—60 days after the first publication in the Gazette of a notice under section 3C(3)(a) in relation to the report; or
    - (b) if the OPNA report is amended under section 3D—60 days after the first publication in the Gazette of a notice under section 3C(3)(a) in relation to the latest version of the amended OPNA report.
  - (3) On an application by a specified officer for a harbour reclamation—
    - (a) the Financial Secretary may extend the submission period for 2 months if the Financial Secretary considers it appropriate to do so in a particular case; and

- (b) the Financial Secretary may further extend the period on not more than 2 occasions and for 2 months for each extension if the Financial Secretary is satisfied that exceptional circumstances exist in a particular case.

### 3H. Determination of Chief Executive in Council

- (1) On receipt of an OPNA report or (if the report is amended) the latest version of the amended OPNA report, and a copy of the written comments (if any), under section 3G, the Chief Executive in Council may determine whether the presumption against reclamation is rebutted for the harbour reclamation in accordance with section 3A.
- (2) As soon as practicable after a determination is made under subsection (1), a notice must be published in the manner set out in section 3C(3).
- (3) A notice under subsection (2) must state the determination made under subsection (1).
- (4) Subsection (5) applies if—
  - (a) a determination in respect of a harbour reclamation is made under subsection (1) (*original determination*); and
  - (b) subsequently, on receipt of an amended OPNA report, and a copy of the written comments (if any), in respect of the reclamation under section 3G, the Chief Executive in Council makes another determination under subsection (1) in respect of the reclamation (*new determination*).

- (5) The new determination—
- (a) takes effect on the date on which a notice under subsection (2) is first published in the Gazette in respect of the new determination;
  - (b) substitutes the original determination on that date; and
  - (c) does not affect anything done in respect of the harbour reclamation pursuant to the original determination before that date.
- (6) If—
- (a) a specified officer for a harbour reclamation fails to comply with a requirement in this Part (*non-compliance*); and
  - (b) the Chief Executive in Council does not have notice of the non-compliance at the time a determination in respect of the reclamation is made under this section,
- the validity of the determination is not affected by the non-compliance.

## Part 4

# Exemptions from Presumption against Harbour Reclamation

## Division 1—Interpretation (Part 4)

### 3I. Interpretation (Part 4)

In this Part—

*intended starting date* (擬開始日期)—see section 3P(2);

***permitted construction period*** (准許施工期), in relation to an NPR exemption, means—

- (a) subject to paragraph (b), the period specified in a notice under section 3O(4)(b)(i) for the exemption; or
- (b) if the period mentioned in paragraph (a) is extended or is taken to be extended under this Part—the period so extended;

***specified area*** (指明面積)—

- (a) in relation to a structure, feature or device—means the total area of the harbour occupied under water or covered at or above the water surface, whichever is the largest, by the structure, feature or device; or
- (b) in relation to a harbour enhancement reclamation or a harbour non-permanent reclamation—means the total area of the harbour occupied under water or covered at or above the water surface, whichever is the largest, by the land formed in the harbour by the reclamation.

## Division 2—Harbour Enhancement Reclamations

### 3J. HER exemption—application

- (1) A specified officer for a harbour enhancement reclamation may apply to the Financial Secretary for an HER exemption in respect of the reclamation.
- (2) An application for an HER exemption may only be made in a form specified by the Secretary for Development.

- 
- (3) A form specified for the purposes of subsection (2) may require information that is necessary to enable the Financial Secretary to make a decision under section 3L in respect of the reclamation, including—
- (a) a plan delineating and describing—
    - (i) the specified area of the structure, feature or device set out in Schedule 2 to be constructed under the harbour enhancement works for which the reclamation is intended to be carried out; and
    - (ii) the specified area of the reclamation;
  - (b) the intended public benefit to be brought by the harbour enhancement works;
  - (c) the relationship of the reclamation with any other reclamation in respect of which an HER exemption has previously been granted; and
  - (d) the impacts (including the anticipated impacts) of those reclamations on the harbour.
- (4) If a specified officer for a harbour enhancement reclamation applies for an HER exemption in respect of the reclamation, the Financial Secretary may, by written notice, require the specified officer to provide, within a period specified in the notice, additional information that is necessary to enable the Financial Secretary to make a decision under section 3L in respect of the reclamation.
- (5) If a requirement made under subsection (4) is not complied with, the Financial Secretary may reject the application for an HER exemption by a notice published—

- (a) in 2 issues of the Gazette in both the Chinese and English languages;
  - (b) on the website specified by the Financial Secretary;
  - (c) in 2 issues of a Chinese language newspaper; and
  - (d) in 2 issues of an English language newspaper.
- (6) A notice under subsection (5) must state that the application for an HER exemption is rejected on the ground that a requirement made under subsection (4) is not complied with.

### **3K. Withdrawal of application for HER exemption**

- (1) Before a decision is made under section 3L for an application for an HER exemption in respect of a harbour enhancement reclamation, a specified officer for the reclamation may, by written notice to the Financial Secretary, withdraw the application.
- (2) On the giving of a notice under subsection (1), the powers set out in sections 3J(4) and (5) and 3L(1) are no longer exercisable in relation to the application for an HER exemption.

### **3L. HER exemption—decision**

- (1) The Financial Secretary may, on an application for an HER exemption in respect of a harbour enhancement reclamation, decide whether to grant the HER exemption or refuse to grant it.
- (2) The Financial Secretary may not grant an HER exemption in respect of a harbour enhancement reclamation under subsection (1) unless the Financial Secretary is satisfied that—



- 
- (a) the specified area of the structure, feature or device set out in Schedule 2 to be constructed under the harbour enhancement works for which the reclamation is intended to be carried out does not exceed 0.8 hectare; and
  - (b) it is in the public interest to carry out the reclamation, having regard to all relevant matters including—
    - (i) the intended public benefit to be brought by the harbour enhancement works;
    - (ii) the relationship of the reclamation with any other reclamation in respect of which an HER exemption has previously been granted; and
    - (iii) the impacts (including the anticipated impacts) of those reclamations on the harbour.
  - (3) As soon as practicable after a decision is made under subsection (1), the Financial Secretary must publish a notice in the manner set out in section 3J(5).
  - (4) A notice under subsection (3) must state—
    - (a) the Financial Secretary's decision; and
    - (b) if the Financial Secretary refuses to grant an HER exemption—the reasons for the decision.
  - (5) The Financial Secretary may grant an HER exemption subject to any condition that the Financial Secretary considers appropriate.

- (6) If an HER exemption granted by the Financial Secretary is subject to any condition imposed under subsection (5), the Financial Secretary must specify that condition in the notice published under subsection (3) in relation to the exemption.

## **Division 3—Harbour Non-permanent Reclamations**

### **3M. NPR exemption—application**

- (1) A specified officer for a harbour non-permanent reclamation may apply to the Financial Secretary for an NPR exemption in respect of the reclamation.
- (2) An application for an NPR exemption may only be made in a form specified by the Secretary for Development.
- (3) A form specified for the purposes of subsection (2) may require information that is necessary to enable the Financial Secretary to make a decision under section 3O in respect of the reclamation, including—
  - (a) a plan delineating and describing the specified area of the reclamation;
  - (b) if the area mentioned in paragraph (a) exceeds 3 hectares—a description of how the area does not exceed 3 hectares at any time during the reclamation;
  - (c) the expected date to start to carry out the reclamation;
  - (d) the expected duration of the reclamation beginning on the date mentioned in paragraph (c) and ending on the expected completion date of the works to reinstate the harbour affected by the reclamation;

- (e) the intended public benefit to be brought by the reclamation; and
  - (f) the adverse impact on the harbour caused by the reclamation and the proposed mitigation measures to minimize the impact.
- (4) If a specified officer for a harbour non-permanent reclamation applies for an NPR exemption in respect of the reclamation, the Financial Secretary may, by written notice, require the specified officer to provide, within a period specified in the notice, additional information that is necessary to enable the Financial Secretary to make a decision under section 3O in respect of the reclamation.
- (5) If a requirement made under subsection (4) is not complied with, the Financial Secretary may, by a notice published in the manner set out in section 3J(5), reject the application for an NPR exemption.
- (6) A notice under subsection (5) must state that the application for an NPR exemption is rejected on the ground that a requirement made under subsection (4) is not complied with.

### **3N. Withdrawal of application for NPR exemption**

- (1) Before a decision is made under section 3O for an application for an NPR exemption in respect of a harbour non-permanent reclamation, a specified officer for the reclamation may, by written notice to the Financial Secretary, withdraw the application.
- (2) On the giving of a notice under subsection (1), the powers set out in sections 3M(4) and (5) and 3O(1) are no longer exercisable in relation to the application for an NPR exemption.

**30. NPR exemption—decision**

- (1) The Financial Secretary may, on an application for an NPR exemption in respect of a harbour non-permanent reclamation, decide whether to grant the NPR exemption or refuse to grant it.
- (2) The Financial Secretary may not grant an NPR exemption in respect of a harbour non-permanent reclamation under subsection (1) unless the Financial Secretary is satisfied that—
  - (a) the specified area of the reclamation does not exceed 3 hectares at any time during the reclamation;
  - (b) the expected duration of the reclamation does not exceed 7 years; and
  - (c) it is in the public interest to carry out the reclamation, having regard to all relevant matters including—
    - (i) the intended public benefit to be brought by the reclamation; and
    - (ii) the adverse impact on the harbour caused by the reclamation.
- (3) As soon as practicable after a decision is made under subsection (1), the Financial Secretary must publish a notice in the manner set out in section 3J(5).
- (4) A notice under subsection (3)—
  - (a) must state the Financial Secretary's decision; and
  - (b) must—
    - (i) if the Financial Secretary grants an NPR exemption—specify a period not exceeding

- 7 years beginning on the intended starting date of the harbour non-permanent reclamation concerned; or
- (ii) if the Financial Secretary refuses to grant an NPR exemption—state the reasons for the decision.
- (5) The Financial Secretary may grant an NPR exemption subject to any condition that the Financial Secretary considers appropriate.
- (6) If an NPR exemption granted by the Financial Secretary is subject to any condition imposed under subsection (5), the Financial Secretary must specify that condition in the notice published under subsection (3) in relation to the exemption.

### **3P. Notification of intended starting date**

- (1) This section applies if the Financial Secretary grants an NPR exemption under section 3O(1) in respect of a harbour non-permanent reclamation.
- (2) The specified officer for the harbour non-permanent reclamation must, no earlier than 6 months and no later than 1 month before the date on which the specified officer intends to start to carry out the reclamation (*intended starting date*)—
- (a) give a written notice to the Financial Secretary; and
- (b) publish a copy of the written notice in the manner set out in section 3J(5).
- (3) A notice under subsection (2)(a) must specify the intended starting date.

- (4) The harbour non-permanent reclamation must not be carried out before the intended starting date.

**3Q. Progress report of harbour non-permanent reclamation**

- (1) This section applies if the Financial Secretary grants an NPR exemption under section 3O(1) in respect of a harbour non-permanent reclamation.
- (2) The specified officer for the harbour non-permanent reclamation must submit a report of the reclamation to the Financial Secretary—
  - (a) on each anniversary of the intended starting date of the reclamation that occurs before the completion date of the works to reinstate the harbour affected by the reclamation (***completion date***); and
  - (b) on a date no later than 3 months after the completion date.
- (3) A report under subsection (2)—
  - (a) must be made in a form specified by the Secretary for Development; and
  - (b) must set out the progress of the harbour non-permanent reclamation up to—
    - (i) in the case of subsection (2)(a)—a date not earlier than 3 months before the anniversary; or
    - (ii) in the case of subsection (2)(b)—the completion date.
- (4) The Financial Secretary may, by written notice, require the specified officer for the harbour non-permanent reclamation to provide, within a period specified in the notice, additional information that is

necessary to enable the Financial Secretary to monitor the progress of the reclamation.

**3R. Extension of permitted construction period—application**

- (1) A specified officer for a harbour non-permanent reclamation in respect of which an NPR exemption is granted under section 3O(1) may apply to the Financial Secretary for extending the permitted construction period of the exemption (*extension application*).
- (2) An extension application may only be made—
  - (a) no earlier than the date on which the harbour non-permanent reclamation starts to be carried out; and
  - (b) no later than 6 months before the date following the end of the permitted construction period of the NPR exemption.
- (3) An extension application must specify—
  - (a) the proposed period of extension of the permitted construction period of the NPR exemption; and
  - (b) the justifications for the extension.
- (4) If a specified officer for a harbour non-permanent reclamation makes an extension application, the Financial Secretary may, by written notice, require the specified officer to provide, within a period specified in the notice, additional information that is necessary to enable the Financial Secretary to make a decision under section 3S in respect of the extension application.

- (5) If a requirement made under subsection (4) is not complied with, the Financial Secretary may, by a notice published in the manner set out in section 3J(5), reject the extension application.
- (6) A notice under subsection (5) must state that the extension application is rejected on the ground that a requirement made under subsection (4) is not complied with.

### **3S. Extension of permitted construction period—decision**

- (1) The Financial Secretary may, on an application made under section 3R(1), decide whether to grant an extension of a permitted construction period of an NPR exemption for a period that the Financial Secretary considers appropriate, or refuse to grant it.
- (2) The Financial Secretary may not grant an extension under subsection (1) unless the Financial Secretary is satisfied that—
  - (a) it is reasonable to grant the extension; and
  - (b) the aggregate duration of the following in respect of the NPR exemption does not exceed 8 years—
    - (i) the permitted construction period; and
    - (ii) the extension.
- (3) As soon as practicable after a decision is made under subsection (1), the Financial Secretary must publish a notice in the manner set out in section 3J(5).
- (4) A notice under subsection (3)—
  - (a) must state the Financial Secretary's decision; and
  - (b) must—



- (i) if the Financial Secretary grants an extension—specify the period of the extension; or
  - (ii) if the Financial Secretary refuses to grant an extension—state the reasons for the decision.
- (5) A permitted construction period of an NPR exemption may be extended under this section more than once.

### **3T. Extension of permitted construction period under exceptional circumstances**

- (1) The Financial Secretary may, on his or her own initiative, grant an extension of a permitted construction period of an NPR exemption for a period that the Financial Secretary considers appropriate.
- (2) The Financial Secretary may not grant an extension under subsection (1) unless the Financial Secretary is satisfied that there are exceptional circumstances preventing the harbour non-permanent reclamation in respect of which the NPR exemption is granted from being carried out (whether in whole or in part).
- (3) As soon as practicable after an extension is granted under subsection (1), the Financial Secretary must publish a notice in the manner set out in section 3J(5).
- (4) A notice under subsection (3)—
  - (a) must state that an extension is granted under subsection (1);
  - (b) must state the reasons for granting the extension; and

- (c) must specify the period of the extension.
- (5) Even though a permitted construction period of an NPR exemption is extended under subsection (1), the length of that permitted construction period for the purposes of section 3S(2)(b) does not include the period of the extension.
- (6) A permitted construction period of an NPR exemption may be extended under this section more than once.

## Division 4—Supplementary Provisions

### 3U. **Non-compliance with conditions imposed in respect of HER exemption or NPR exemption or with section 3Q**

- (1) If the Financial Secretary is satisfied that there is a failure (*non-compliance*) to comply with—
  - (a) a condition imposed under section 3L(5) in respect of an HER exemption;
  - (b) a condition imposed under section 3O(5) in respect of an NPR exemption; or
  - (c) a requirement under section 3Q for a harbour non-permanent reclamation in respect of which an NPR exemption is granted,the Financial Secretary may suspend or revoke the HER exemption or the NPR exemption.
- (2) If the Financial Secretary decides to suspend or revoke an HER exemption or an NPR exemption under subsection (1), the Financial Secretary must publish a notice in the manner set out in section 3J(5).
- (3) A notice under subsection (2) must state—

- (a) the Financial Secretary's decision; and
  - (b) the reasons for the decision.
- (4) A decision made under subsection (1) takes effect on—
  - (a) the date on which a notice under subsection (2) is first published in the Gazette; or
  - (b) if a later date is specified in the notice, the later date.
- (5) After an HER exemption or an NPR exemption is suspended under subsection (1), the Financial Secretary may lift the suspension if the non-compliance has been rectified to the satisfaction of the Financial Secretary.
- (6) If the Financial Secretary decides to lift a suspension under subsection (5), the Financial Secretary must publish a notice in the manner set out in section 3J(5).
- (7) A notice under subsection (6) must state—
  - (a) the Financial Secretary's decision; and
  - (b) the reasons for the decision.
- (8) A decision made under subsection (5) takes effect on—
  - (a) the date on which a notice under subsection (6) is first published in the Gazette; or
  - (b) if a later date is specified in the notice, the later date.

### 3V. Effect of suspension

- (1) If an HER exemption or an NPR exemption is suspended under section 3U(1), the HER exemption or the NPR exemption ceases to be in force during the suspension period.
- (2) If a suspension of an NPR exemption is lifted under section 3U(5), the permitted construction period of the exemption is taken to have been extended from the end of that permitted construction period by a period of time (*period of extension*) that is of the same length as the suspension period.
- (3) However, even though the permitted construction period of the NPR exemption is taken to have been extended under subsection (2), the length of that permitted construction period for the purposes of section 3S(2)(b) does not include the period of extension.

- (4) In this section—

***suspension period*** (暫時撤銷期), in relation to an HER exemption or an NPR exemption, means the period during which the HER exemption or the NPR exemption is suspended under section 3U(1).

### 3W. Non-compliance with section 3P

- (1) If the Financial Secretary is satisfied that there is a failure to comply with a requirement under section 3P for a harbour non-permanent reclamation, the Financial Secretary may revoke the NPR exemption granted under section 3O(1) in respect of the reclamation.

- (2) If the Financial Secretary decides to revoke an NPR exemption under subsection (1), the Financial Secretary must publish a notice in the manner set out in section 3J(5).
- (3) A notice under subsection (2) must state—
  - (a) the Financial Secretary's decision; and
  - (b) the reasons for the decision.
- (4) A decision made under subsection (1) takes effect on—
  - (a) the date on which a notice under subsection (2) is first published in the Gazette; or
  - (b) if a later date is specified in the notice, the later date.

### **3X. Expiry of NPR exemption**

Subject to sections 3U, 3V and 3W, an NPR exemption expires at the end of the permitted construction period of the exemption.

### **3Y. Requirements following suspension, revocation or expiry**

- (1) This section applies if—
  - (a) an HER exemption is suspended or revoked under section 3U(1); or
  - (b) an NPR exemption is suspended or revoked, or expires, under this Division.
- (2) Despite the suspension, revocation or expiry under subsection (1), the reclamation in respect of which the HER exemption or the NPR exemption is granted may continue to be carried out to the extent that it is necessary for avoiding safety or environmental hazards, or other similar hazards, that

would arise if the reclamation ceases to be carried out.

- (3) The Financial Secretary may give any of the following directions to the specified officer for the reclamation in respect of which the HER exemption or the NPR exemption is granted—
  - (a) a direction to reinstate the harbour affected by the reclamation;
  - (b) any other directions that the Financial Secretary considers appropriate.
- (4) If the Financial Secretary gives under subsection (3) a direction the compliance with which requires a new harbour non-permanent reclamation to be carried out—
  - (a) the new harbour non-permanent reclamation is exempt from the presumption against reclamation; and
  - (b) the NPR exemption under paragraph (a) is in force until the direction is complied with, unless the Financial Secretary directs otherwise.
- (5) To avoid doubt, sections 3P, 3Q, 3R, 3S, 3T, 3U, 3V, 3W and 3X do not apply in relation to an NPR exemption under subsection (4)(a).

## Part 5

### Miscellaneous Provisions

#### **3Z. Absence of plan under Town Planning Ordinance not prevent certain matters**

The fact that no draft plan, approved plan or partly approved plan within the meaning of the Town Planning Ordinance (Cap. 131) has been prepared under that Ordinance in relation to any part of the harbour does not prevent any of the following from being done in respect of a reclamation in such part of the harbour—

- (a) the making of an OPNA report;
- (b) the making of an application for an HER exemption or an application for an NPR exemption;
- (c) the determination under section 3H;
- (d) the decision in respect of an HER exemption under section 3L;
- (e) the decision in respect of an NPR exemption under section 3O.

#### **3ZA. Delegation of powers**

- (1) The Secretary for Development may in writing delegate any of the powers or duties of the Secretary for Development under this Ordinance to a public officer.
- (2) However, the Secretary for Development may not delegate—
  - (a) the power to delegate under subsection (1); or

- (b) the power to amend Schedule 2 under section 3ZB.

**3ZB. Amendment of Schedule 2**

- (1) The Secretary for Development may, by notice published in the Gazette, amend Schedule 2.
- (2) An amendment made under subsection (1) does not affect an HER exemption granted by the Financial Secretary under section 3L(1) before the amendment comes into operation.”.

**10. Section 4 amended (transitional)**

- (1) Section 4(2), English text—

**Repeal**

“(the *Amendment Ordinance*)”

**Substitute**

“(Amendment Ordinance 1999)”.

- (2) Section 4(2), English text, after “Amendment Ordinance”—

**Add**

“1999”.

- (3) After section 4(2)—

**Add**

“(3) The Protection of the Harbour (Amendment) Ordinance 2025 (11 of 2025) (*Amendment Ordinance 2025*) does not apply to any reclamation authorized under or otherwise provided for in an Ordinance before the commencement of the Amendment Ordinance 2025.”.



**11. Schedule 2 added**

At the end of the Ordinance—

**Add**

**“Schedule 2**

[ss. 2, 3J, 3L, 3ZA  
& 3ZB]

**Harbour Enhancement Works**

1. Promenade and boardwalk
2. Cycle track
3. Harbour pool
4. Viewing deck
5. Ramp
6. Mooring
7. Breakwater
8. Seawall
9. Hanger, crane and hardstand for ship repair
10. Wave absorption structure
11. Facility for the operation of typhoon shelter or sheltered anchorage

12. Water supplies, bunkering or battery charging facility for supporting marine operations
13. Device for mitigating extreme climate risks
14. An item specified in the Schedule to the Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127)”.