

Beyond dispute

The following facts should conclusively refute the housing chief's letters-page attack ("Done and dusted – down to the last letter of the law", January 9) on the veracity of Christine Loh Kung-wai's article "An overriding public need" (January 4). In 1997, overcoming the government's objections, our society secured the enactment of the Protection of the Harbour Ordinance, safeguarding the harbour against excessive reclamation by legally constituting it "a special public asset and a natural heritage of Hong Kong people".

Despite the ordinance and the society's objections, the government went ahead with the Central Reclamation Phase III, giving the public and the Town Planning Board the wrong legal interpretation that "public benefit" was sufficient to justify reclamation. It justified provisions to sell large pieces of reclaimed land for commercial development by telling the Legislative Council the sale could raise substantial revenue. It then held extensive public consultations – but these were fundamentally flawed because people was misinformed on the ordinance and on their legal right to challenge the plans.

Our society eventually took the dispute over the interpretation of the ordinance to court. Ruling against the government, the Court of Final Appeal prescribed that reclamation could be justified only by "an overriding public need". Its judgment obviously excluded the sale of reclaimed land for revenue as a justification.

Logically, fairly and honourably, the government should have reacted to the judgment by consulting the public again and referring Phase III back to the Town Planning Board for reconsideration – in line with the correct legal interpretation. This it has so far refused to do.

Therefore, as Ms Loh writes, the public and the board have never properly considered the government's proposal to sell reclaimed land for massive property development.

Without such development, the P2 highway might not be needed, and there might have been no need to demolish the Star Ferry clock tower. All of Star Ferry, Queen's Pier, Edinburgh Place and the City Hall could have been preserved in one complex as Hong Kong's heritage. The conclusion that the government has not properly consulted the public over the Central Reclamation Phase III is beyond dispute.

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