

SCMP 17/11/05

## Top-flight plan

**What is your opinion of the government's selection of 153 people for four committees of the advisory Commission on Strategic Development? Most are businesspeople or professionals. Politicians rank third. Write to us**

## Incestuous planning

I refer to "Planners' vision" (November 10), by Ophelia Y. S. Wong, secretary of the Town Planning Board, who attacked Christine Loh Kung-wai's article "Ground control" (November 4) as "totally misleading", and defended the independence of the Society for Protection of the Harbour's application for rezoning of commercial areas of the Central reclamation into public open space.

Under the Town Planning Ordinance, the board should be an independent statutory body created to look after "the welfare of the community". However, as a former member (from 1988-1996), I feel I have a duty to bring the following facts to the public's attention so that they can properly assess whether the board is really independent.

All 40 members are appointed by the government. Seven are high officials representing six bureaux. The other 33 are appointed for two-year terms. The chairman is the permanent secretary for housing, planning and lands (planning and lands), or a representative. In our application, the chairman had a direct conflict of interest because of the government's plan to sell commercial sites for revenue.

However, despite our strong objections, the representative of Permanent Secretary Rita Lau Ng Wai-lan refused to step down as chair, although this would be normal for any other official meeting in order to ensure fairness. The board secretary is the deputy director of planning. All the papers put before the board, as well as its minutes, are prepared by the Planning Department.

Regarding procedure, even where the government is an applicant and there is a direct conflict of interest (for example, harbour reclamation), the official members not only take part in discussions, but even in decision-making.

The legal adviser to the board is the Department of Justice, which unfortunately often gives legal advice that is favourable to the government. In the case of the Protection of the Harbour Ordinance, the board was given totally wrong legal advice, despite protests from our society.

The board ignored the independent legal advice that our society had obtained from local senior counsel and even refused our request that it should seek its own

independent legal advice. This forced the society to instigate a judicial review, resulting in the now famous Court of Final Appeal judgment, which refuted the legal advice given to the board by the government.

The independence of the board is of paramount importance to Hong Kong. It is often the last defence of public rights against government interests. When these interests are involved, the practice and composition of the board are too incestuous to enable it to function with true independence. This is the fundamental reason why Hong Kong has almost lost its harbour. The independence of the board needs to be urgently reviewed.

**WINSTON K. S. CHU, former chairman, Society for Protection of the Harbour**

## Enlivening Tamar HQ

It seems that we must resign ourselves to the government headquarters being located on the prime Tamar harbourside site, despite the traffic congestion and strain on public transport services this will inevitably entail. However, the administration may still salvage some goodwill.

It can do this, first, by ensuring that the development is of the highest architectural standard. Second, by making the offices truly eco-friendly, with modern power-management, solar power and ventilation systems, effective thermo-insulation, green terraces and use of natural light. Third, by integrating into this complex a decent-sized public space, terraced and facing the harbour, that would be used alternately for leisure, small-scale events and fairs, and outdoor entertainment. This would breathe life into the area when the bureaucrats have gone home for the evening.  
**NAME AND ADDRESS SUPPLIED**