

Working Group on the Protection of the Harbour Ordinance

For discussion
on 24 February 2017

WGPHO/01/2017

Terms of Reference and Proposed Workflow

PURPOSE

This paper seeks Members' endorsement on the proposed terms of reference and workflow for the Working Group on the Protection of the Harbour Ordinance (PHO) (Cap.531).

BACKGROUND

2. At the Harbourfront Commission (HC) meeting held on 13 December 2016, Members agreed to set up the Working Group on PHO under the aegis of HC to examine matters arising from the PHO and conduct suitable reviews. HC members endorsed the proposed terms of reference of the working group as stated in the paper subject to further review by the Working Group.

PROPOSED TERMS OF REFERENCE

3. The proposed terms of reference is set out as follows –

“The Working Group aims to review the implementation of PHO with a view to –

- (a) identify issues under existing arrangements that may not be conducive to the fulfilment of the original intent and purpose of PHO, which is that the harbour is to be protected and preserved as a special public asset and a natural heritage of Hong Kong people;
- (b) study possible solutions to the issues as identified in (a) with public enjoyment of the Harbour and its harbourfront in mind as the objective; and
- (c) provide recommendations to the Government with the goal of removing hurdles faced by harbourfront enhancement initiatives, implementation of which would be in the interest of the public.”

Working Group on the Protection of the Harbour Ordinance

WGPHO/01/2017

PROPOSED WORKFLOW FOR DISCUSSION

4. It is envisioned that the review would require three meetings hence an estimated six months for recommendations to become available for the Government. A proposed workflow is at Annex for consideration.

WAY FORWARD

5. Members are invited to endorse the proposed terms of reference and the workflow for taking forward the work of the Working Group.

**Secretariat
Harbourfront Commission
February 2017**

**Possible Workflow for the
Working Group on Protection of the Harbour Ordinance (PHO)**

(I) First Meeting

- (i) Overview of the PHO

This was already covered by Harbourfront Commission (HC) paper 08/2016 that was presented at the last meeting in June 2016. The Working Group (WG) may wish to go through content of the paper as background information.

- (ii) In-depth study of projects having PHO implications

The WG may like to study each of the past projects that had PHO implications, which have been listed out in HC paper 08/2016. This exercise could help the WG identify major hurdles faced by past projects in this regard.

(II) Second Meeting

Possible solutions to be recommended

- (i) Administrative and Technical Solutions
- Review of relevant administrative guidelines as set out in Technical Circular No.1/2004 in considering reclamation proposals in the light of the requirements of PHO and the Court of Final Appeal judgment.
- (ii) Legislative Solutions
- Review past application of PHO and look for ways in which clarifications could be made to allow reclamations of minor nature to proceed without subjecting to overriding public need test.

(III) Third Meeting

Conclusion of recommendations to be made to the Government.