THE FAILURE OF PLANNING LEGITIMATIZATION
THE CASE STUDY OF
WANCHAI DEVELOPMENT PHASE II
AN ACTOR-NETWORK APPROACH

BY

CHAN CHUN YIP

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_____________________                    _____________________
Dr. W.S. Tang                               Dr. Larry C.H. Chow
Chief Advisor                              Second Examiner

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Student’s Signature
Department of Geography
Hong Kong Baptist University
Date:___________________
Abstract

The legitimacy of planning is rarely discussed in Hong Kong. To legitimate is to make acceptable and reasonable, therefore the legitimacy of planning includes the acceptability of decision-making process, as well as the soundness of the outcome (i.e. plans). In Hong Kong, it seems that most of the citizens are concerned with the outcome only, illustrated by few complaints and protest against the planning-related issues. The legitimacy is believed to be undoubtedly high and seems unchallengeable. However, it is not the case. The current reclamation debate illustrates the potential problem of the executive-led planning system. Legitimacy of planning available only when there is high commitment between the government and the society, and without any powerful interests involved. Indeed, when there is downturn or recession, cleavage between the government and the society may develop causing mistrust that deliberately weakens the legitimization of the government. Therefore by studying the prevailing reclamation debate, we can find out the potential legitimacy problem of the current system, at the same time, we can open up the new sight of the structural reform – public participation.
Abbreviations

AGPH  Action Group on the Protection of Harbour
CDA   Comprehensive Development Area
C in Co Chief Executive in Council
CR III Central Reclamation Phase III
CWR   Central-Wanchai Reclamation
CWRFS Central and Wanchai Reclamation Feasibility Study
EA Panel Environmental Affairs Panel
ExCo  Executive Council
GIC   Government, Institute or Community
G in Co Governor-in-Council
Harbour Victoria Harbour
HPLB  Housing, Planning and Lands Bureau
JR    Judicial Review
LegCo Legislative Council
NGO   Non-government Organization
OPP   Obligatory passage Point
OZP   Outline Zoning Plan
PADS  Port and Airport Development Strategy
PHO   Protection of Harbour Ordinance
PLW Panel Panel on Planning, Lands and Works
RODP  Recommended Outline Development Plan
SHRUG Study on Harbour Reclamation and Urban Growth
SPHL  Society for the Protection of Harbour Limited
TDD   Territorial Development Department
TDS   Territorial Development Strategy
TDSR  Territorial Development Strategy Review
TPB   Town Planning Board
TPO   Town Planning Ordinance
WD II Wanchai Development Phase II

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CHAPTER 1  INTRODUCTION

1.1 Research Problem

The legitimacy of planning is rarely discussed in the Hong Kong. To legitimate is to make acceptable and reasonable, therefore the legitimacy of planning includes the acceptability of decision-making process, as well as the soundness of the outcome (i.e. plans). In Hong Kong, it seems that most of the citizens are concerned with the outcome only, while are few complaints and protest against the planning-related matters. The legitimacy is believed to be undoubtedly high and seems unchallengeable. However, it is not the case.

In reality, most of the citizens have never aware of the planning legitimacy issues rather than totally satisfied with it. As Ng (1999) pointed out, we always ask whether Hong Kong will become a world class city or what is the measure of success, but we never ask ourselves a world city for whom and
at whose expense. Since the British colonial governance, Hong Kong people have been imposed materialistic-biased mentality with empty community and cultural identity. Most of us believe that “Government knows best” (Loh, 2001) and it will try the best to formulate the best decisions and policies for its people. However, the situation change dramatically since 2000 in the current case of Wanchai Development Phase II (WD II) Harbour reclamation where the draft Wanchai North OZP was terminated for reconsideration after the legal challenge at High Court by an environmental group, the Society for the Protection of Harbour Limited (SPHL). While it is a case that the planning argument in Hong Kong is not prevailing, it is essential to find out the potential legitimacy problem of the current planning system. Also, given its significance of the pioneer case of legal challenge on the statutory plans in the history of urban planning in Hong Kong, the WD II debate is therefore an interesting research problem (Fig.1.1)

Figure 1.1: The case study area Wanchai Development Phase II
1.2 The Research Objective

The objective of this research is to investigate how the legitimacy of planning (including both process and outcome) is shaken in Hong Kong. While the current planning system is inherited from the British colonial model, the top-down, executive-led nature provides little space for public participation. In this regard, the legitimacy of planning therefore depends on the techniques of governance in oppressing the political awareness and participation of the citizens, imposing information control and formulating plans that avoid serious interest conflicts. The government has done an excellent job in maintaining the legitimacy for as long as sixty years since the introduction of TPO in 1939. However the legitimacy is now being challenged.
in the current Harbour reclamation debate which related to the rights of all citizens in enjoying the unique natural heritage of Hong Kong. As Blowers (1982: 159) suggested that “important environmental issues become active when conflict between powerful interests can no longer be suppressed or contained”.

In order to investigate the legitimacy of planning of Hong Kong, my research will select the WD II debate between 2001 and 2004 as the case study. In the debate, SPHL mobilizes other agencies to overthrow the draft Wanchai North OZP (OZP No. S/H25/1) of the Town Planning Board (TPB) through judicial review (JR) at High Court. By examining the action of SPHL and the prevailing socio-political context, the legitimacy problem of planning process in Hong Kong then makes visible and enriches the current literature of planning discussion.

To achieve, a conceptual framework based on the actor-network approach will be adopted. This approach explains how heterogeneous actors join into a patterned network to achieve common goal, and to generate effects such as organization and power (Law, 1992). It implies that combined effects
of heterogeneous actors through a series of processes could contribute the outcome of shaking the legitimacy of planning process and terminating the WD II plan for Harbour protection. Therefore actor-network approach has the potential to illustrate and analyze how the strategies and practices of SPHL could weaken the legitimacy of the planning system. Finally, whilst the bargaining of SPHL is in form of collective action, the other objective of the research is to make a small contribution in the literature of extending the actor network theory to the social collective bargaining study.

1.3 The Research Methodology

This research draws on material obtained from the library. In reference to Harbour reclamation project, WD II is chosen as the case study, thus the details of WD II will be examined. This information comes from Planning Department’s publications, online resources, government publication and consultation reports, as well as journal articles, books and thesis. This background information could enrich our understanding of the foundation of the political debate on reclamation, as well as showing how intensive Harbour reclamation would overwhelm the public.

Also, given that the objective of this study is to investigate how the
legitimacy of planning in Hong Kong is shaken by the social collective bargaining, we need to investigate the whole argument process thoroughly. Thus, the literature on the comments and responses towards the scale and land use of WD II, implementation procedures and ordinance about reclamation will be an important source to solidify our understanding. This information can be found in newspaper, government documents, articles and thesis.

Besides the premises, there are two lawsuits between the SPHL and the TPB on the legality of the draft Wanchai North OZP (OZP No. S/H25/1) in High Court and Court of Final Appeal, I’m granted the copies of the unpublished lawsuit documents by the SPHL. The documents certainly present the truest and unbiased views and story of both parties.

Instead of the case study information, the literature on the legitimacy of planning is also important for me as it is the core idea of the research to see how the legitimacy of planning under a top-down, executive-led planning system could be shaken under specific case and specific socio-political context. Thus, the literal books collected from the library were quite significant for the review and reference purposes.
Also, as there are too few studies about the implementation process of collective bargaining in Hong Kong, a conceptual framework will be built and based on the actor-network approach in order to examine the roles of different actors, as well as the strategies and resources used during the argumentation process. Hence, a brief review of the literature on the actor-network approach will be taken place. This information could provide appropriate concepts and terms for setting up the ‘WD II’ as an actor network.

To elaborate the details of the network, the important resources or materials of the proposed WD II will be examined. They include the original plan, amended plan, alternative plans and the chronology of the WD II debate. These resources can be collected from the planning-related Government departments, documents and newspaper and will be put into content or attached in the appendix in order to create a clear picture of argumentation process.

At last, in order to capture the socio-political background more accurately, the script of communication between me and Christine Loh, (the chairwoman of the SPHL) on the matter of SPHL and political environment
will be attached in the appendix for reference.

1.4 Significance of the Research

Since the majority of literature focuses on the explanation of the governance techniques of legitimization of planning process and outcome in Hong Kong, I try to explore the potential legitimacy problem of the current top-down executive-led planning system. By employing the current empirical case study of WD II debate, we can see how legitimacy of the current planning system is vulnerable to the task that involved powerful public interests and facing an unfavorable socio-political environment. Through the research, people may understand more about the governance techniques of the government, the deficiency of the executive-led planning system and the power of collective bargaining. In the larger extent, I hope that this study does not only provide a more insightful story about the planning legitimacy issue, but also opens up the minds of the government officials and general public for the concept of public participation in order to generate ‘truly legitimated plans’ for our city in the coming future.

1.5 Organization of the Research
The rest of the thesis is organized as follow. Chapter 2 focuses on a literature review of Hong Kong planning legitimacy and builds up an analytical framework of actor-network approach for understanding of the argumentation process of WD II case study in later chapters. Chapter 3 explains how the proposed intensive Harbour reclamation becomes a rising social concern and deliberately leads to an urban crisis under the prevailing socio-political context. Chapter 4 provides information such as the proposed time, scale and landuse pattern for understanding the reasons for the WD II argumentation. Chapter 5 tries to apply the actor-network approach into the WD II case to investigate how the SPHL shakes the planning legitimacy of the WD II Plan. Chapter 6 is the conclusion and summarizes the arguments and draws the implications of the research paper.
CHAPTER II. DEVELOPMENT OF AN ANALYTICAL FRAMEWORK

2.1 Introduction

The objective of this chapter is to develop an analytical framework to investigate the WD II debate in Hong Kong. The literature about planning legitimacy in Hong Kong will be reviewed first. Since the beginning of the British colonization, the issue of legitimacy of planning was rarely discussed. Up until recent years, however, the Harbour reclamation is in increasing controversial due to the raising public awareness on environmental issues. Following the overthrow of the WD II plan by the collective bargaining led by SPHL, the problem of legitimacy of planning made explicit and a new tide of
discussion on public participation in planning process is started. In order to investigate how the legitimacy of planning is being shaken, the actor-network approach will be adopted. Whereas this approach is pioneer for the planning legitimacy and collective bargaining study in Hong Kong, its details and implications will be outlined and discussed in the third section. The last section provides a brief summary of this chapter.

2.2 Literature Review

The current planning system in Hong Kong is inherited from the British Colonization practice since the implementation of the TPO in 1939. In spite of the executive-led basis which characterized by the limited public participation in the planning process, the legitimization of planning was well enforced. As a result, the legitimacy issues were rarely being questioned, and thus the planning process run smoothly for almost sixty years until the recent WD II debate. In consequence, the current literature focuses on the explanation of the effective legitimization of the planning system. Keung (1981) suggests that the public has been systematically discouraged to participate in the planning process. In order to maintain high legitimacy of
planning process, the information control and English-written documents served as devices to block the public influence on politics.

Similarly, Cuthbert (1991) discusses deeply on the techniques of legitimization employed by the government. In general, he suggests five different ways for the legitimatization including the task fragmentation, co-exit of non-statutory and statutory, continuous restructuring of planning agency rather than regulations, flexibility of micro planning tasks and the use of mystified languages and words to confuse the public. In conclusion, such techniques are essential in order to maintain the power of the elitist, bureaucracy and professional classes.

To concretize such arguments, Lai (1996) shows the techniques in the context of Harbour reclamation debate. He illustrates how Government applies various strategies and resources to justify the reclamation proposal and thus maintain the legitimacy of the planning process and decision. He points out one important phenomenon that while the public is hardly raising any objection proposal due to the information control and language problem, the legitimacy of planning decision is thus rely on the trust between the society
and the Government.

While the previous literature tends to justify the marvelous legitimacy of planning through the techniques of governance, in contrast, there is another group of justification techniques based on the individual mentality and behaviour of the citizens. In their study, Cook & Ng (2000) try to corporate the legitimacy of planning in the context of social, political and economic development of Hong Kong since 1960s. They show that the citizens gradually become over dependent on the government by time and “they expect the government to do everything for them”. In other words, trust is pivotal to success.

Likewise, Loh (2001) determines the legitimacy in the political context of Hong Kong. Under British colonization, neither political education nor democratic election is available in the society. Citizens are encouraged to focus on business and the government does the rest as “government knows best”. In this sense that the political awareness among general public is lacking, legitimacy of government policies is thus predictably high. Chun (2000) also draws similar conclusion that within an ‘economic city’, the lack
of cultural and political identity could hardly develop a sense of community, resulted a failure to threaten the legitimacy of the government policies.

It is apparent that the local literature realizes the legitimization techniques, however few of them explore the legitimacy problem of planning because the legitimacy could always be maintained as ‘it used to be’. However, the western experience shows a completely different picture. Castells (1983) illustrates how urban crisis would lead to political crisis that threatens the legitimacy of planning. Through the investigation of Madrid Citizen Movement from the 60s to late 70s, he argues that urban problems and the rise of civil society will lead to a tide of social collective movement under a political model that without social expression. By examining the five case studies of urban decay, property displacement to the deficiency of open space, he concludes that collective bargaining is the way for public to challenge the legitimacy of the top-down planning system, especially in time of instability such as economic recession.

For further exemplification, Blowers (1982) discusses the social collective bargaining to negotiate with the brick-making company and the
planner’s decision of the location of plants that generating air pollution in Marston Vale of England in 1960s. In comparing to the study of Castells, he argues that planning is a political activity that reflects the political environment determined by power relations. On the other hand, important environmental issues become active when conflict between powerful interests can no longer be suppressed. As a result, the importance of issues is not necessarily intrinsic but politically determined by the prevailing socio-political environment.

In sum, the legitimacy issues of planning have not received the sufficient attention that it deserves in Hong Kong. Given that the focus stays in the colonial period, the local literature fails to keep track on the changing economic, social and political environment, and thus incapable in accounting for the current legitimacy problem that activated by the WD II debate. Therefore, it is an urgent need to examine the recent WD II debate with the experience of the western countries. To improve our understanding to see how the legitimacy of planning is sharked in Hong Kong, a conceptual framework called the actor-network in then introduced.
2.3 The Actor-Network Approach

2.3.1 General background

The actor-network approach, also called the ‘sociology of translation’ (Law, 1992; Callon, 1986), is an European network analysis theory that advocated by a number of sociologists of science and technology in the 1980s including law, Callon and Latour and later bring into political geography and planning studies by Murdoch. The objective of actor-network approach is to investigate “how” micro-processes will result from actors-in-situations using whatever resources are in hand in order to tie other actors to the pursuit of common goals (Murdoch & Marsden, 1995: 369). It breaks the traditional sociological traditions by introducing new concepts for analyzing and thinking.

First, it tries to divert our attention to the ‘how’ question instead of the ‘why’ question. It denies any specialty and priori of human and suggested that there is no fundamental difference between people and objects in an analytical stance (Law, 1992: 383). The distinction between one and another is “how they got to be that way” rather than of its given nature. (Law, 1994: 12) Therefore, things such as agents, power and society are treated as formed by a
series of micro-processes. When the actor-network approach explores agent, organization and society, it treats them as an effect or a consequence instead of the cause of event (Law, 1992). In Latour’s words, “society is not what holds us together, it is what is held together”. (Latour, 1986: 276)

Second, it suggests that “society, organization, agents and machines are effects generated in patterned networks of heterogeneous materials”. (Law, 1992: 381). The effects are generated by the interaction among actors and intermediaries, and both can be human or non-human elements in order to maintain the stability and durability of the structure. It is important to note that both material or social relations are inter-shaping each other during interaction rather than “one drives the other” Therefore network is not determined set in advance, but rather forms contingently and requires empirical study (law, 1992).

Third, it assumes that society and social structure are not nouns but verbs, that they recursively generate and reproduce by themselves (Law, 1992: 385-6) In other words, social world is treated as “in its processes its shapes its own flow” (Law, 1994,15). As a result, networks are fundamentally precarious
and only stabilize at certain places and at certain times (Callon, 1986b: 155)

To summarize, the main task of sociology under the actor-network approach is to characterize these networks in their heterogeneity, and explore how it is that they come to be patterned to generate effects like organizations, inequality, and power.” (Law, 1992: 381).

2.3.2 The Main Arguments

3.3.2.1 Network, Actor and Intermediary

Network, actor and intermediary are the three basic components of the actor-network approach. Callon (1991: 142) suggested that “all groups, actors and intermediaries describe a network: they identify and define other groups, actors, and intermediaries, together with the relationships that bring these together”. It means that the mutual definition of actor and the circulation of the heterogeneous intermediaries contributes to the setup of network.
However, the meaning of actor is not yet this simple because any agency, thing or phenomena is treated as an effect generated by a patterned network. Therefore, Law (1992: 384) argued that an actor “is a patterned network of heterogeneous relations, or an effect produced by such a network”. Therefore actor is not only an actor but also a network. In another words, an it is converted from a network to a single point or node in another large network.

However, a question comes as how do actors establish relations and link up themselves with others in order to form a stable network? Callon (1991: 134) claims that intermediary is anything passing between actors and in circulation so that actors can define their relationship. It acts to bind actors together and cementing the links (Murdoch, 1995: 747). Such intermediaries should not only include various human and social elements but also include non-human ones such as texts, technical artifacts, skills, knowledge and money (Callon, 1991). Otherwise, “it does not have a stable structure” (Latour, 1986: 275). While the intermediaries may be non-living things, it is important to notice that they are far from passive tools, instead they actively and continuously defines the roles played by other actors within the network (Murdoch, 1995), i.e. to put actors in circulation. It seems that the nature of
intermediary is similar to actor in certain extent, but yet they have differences. Callon (1991: 140-1) clarified that “an actor is an intermediary that puts other intermediaries into circulation and then transforms (combines, mixes, concatenates, degrades, computes, anticipates) them to create the next generation.

2.3.2.2 The Actor-World

After introducing the basic elements, we can examine how different entities are transformed into a network. The preliminary step is to setup an actor-world as the foundation of a network. To construct an actor-world is to construct a desirable world that “to define its constituent elements, and to provide for it a time, a space, and a history” (Callon, 1986a: 21). To do so, initiate actor put forward a list of entities and a list of what they do, think, want and experience, and then enroll them into his world. In other words, the actor-world is the context which gives each entity its significance, defines its limitations and its relative size. In such a world, every entity (not only human) has its own place and their functions are bounded together (Callon, 1986a).

But here a question comes. Since all phenomena are the effects of the
products of heterogeneous networks, we cannot cope with such endless network ramification (Law, 1992). Simplification is adopted to “account for the reduction of an infinitely complex world by means of translation” (Callon, 1986a:28-9). This can be illustrated by the case of the electric vehicle company in France (Fig.2.1).

…towns consist of more than public, the wish to preserve town centers and the town councils that constitute their spokesmen. They differ from one another with respect to population, history and geographical location. They conceal a hidden life whose anonymous destinies interact. However, so far as the EDF (vehicle company) is concerned, they may be reduced to transport system that must avoid adding to the level of pollution and a town council that seeks to advance towards this goal (Callon, 1986a: 29).

Figure 2.1: The anatomy of EDF actor-world
As a result, the actor-world is limited to a series of discrete entities whose characteristics or attributes are well defined and whose elements without placing them in a network should be doomed (Callon, 1986a).

However, as mentioned before network is precarious in nature because heterogeneous entities may have its own inclinations and thus resistance produced. Their expectation, demands and interests may change over time and refuse to enter the actor-network. To prevent such tendency, the process of translation serves as the core idea under the actor network approach.

2.3.2.3 The Translation Process

The central purpose of translation process is to acquire a sort of
hegemony among different entities (Latour, 1987). By emphasizing the continuity of the displacement and transformation of goals, interests, devices, human beings and inscriptions (Callon, 1986: 223), the initiate actor then offers new interpretations to them and channels them in designated directions (Latour, 1987).

The operation of translation is triangular. It involves a translator, entities that is translated, and intermediaries that in which that translation is inscribed (Callon, 1991: 143). The translator is the initiate actor which enrolls the enlisted actors, defines their identity and regulates their behaviors in a channeled direction. To achieve, a series of strategies and materials are needed to make translator indispensable, and to displace the other entities. Intermediaries are materialized through a series of displacements. Or specifically they are converted into inscriptions, such as text, technical objects, embodied skills and currencies (Callon, 1991) and put them into circulation to link actors together (Callon, 1986a)

Besides intermediaries, what initiate actor needs are a series of strategies of translation in order to fix the identity and remove the resistance of other actors. Nonetheless, these strategies are neither taken for granted nor
guarantee to success, rather they are dependent on specific situation (time-space convergence) (Callon, 1986a). In other words, they are contingent, local and variable, thus should be investigated empirically (Law, 1992: 387).

To examine certain phases and strategies of translation process, Callon (1986b) has conducted a case study of St. Brieuc Bay in France. According to his analysis, the translation process can be divided into four phases. They are problematization, interessement, enrollment and mobilization, which have no sequential order and can be overlap simultaneously.

The first phase is called problematization. The translators seek to become indispensable to other actors in the drama by defining the nature and the problems of the latter and then suggesting that these would be resolved if the actors negotiated the ‘obligatory passage point’ (OPP) of the translator’s programme of investigation. (Callon, 1986b: 196). In Parkin’s (1994: 206) interpretation, problematization is a process whereby a powerful key actor (organization or individual) seeks to define a problem in terms of their own portfolio of possible solutions, thus making the resolution of the problematic situation dependent on their node of network (or ‘obligatory passage point’ (OPP)).
By establishing the translator itself as an obligatory passage point (OPP) in the building of network relationships, the translator can then determine a set of actors and define their identities (Callon, 1986b:204).

But yet, it is clear that the alliance of actors is only tentatively implicated and the possibility to reject or detour from the assigned direction. We therefore need to impose an array of strategies to stabilize the identity of the other actors (Callon, 1986b). This process is called interessement (Fig. 2.2). The word, interesse means in-between (inter-esse). It is to build up linkages to consolidate the bonding between actors while to cut the possible linkage between the enlisted actors and other competing alliance (Callon, 1986b).

A interests B by cutting or weakening all the linkages between B and other alliances (C, D and E). The identity of B and the relation between A and B are consolidated during the process of interessement. This link disassociates B from the C, D and E that attempt to give it another definition (Callon, 1986: 208).

Figure 2.2: The Process of Interessement
After the previous two phases of translation, the linkage among the actors is still not tight enough as success is never assured. Therefore a further strategy known as enrollment is needed. To enroll is to “cause to become a member of” a network. It aims to develop further coordination of the actors. In order to “transform the question into a series of statements which are more certain” and “designates the device by which a set of interrelated roles is defined and attributes to actors who accept them” (Callon, 1986b: 211), we therefore need “a group a multilateral negotiations, trials of strength and tricks that accompany the interessements and enable them to succeed” (Callon, 1986b: 211). There are several ways for doing so, by “physical violence, seduction, transaction and consent without discussion” (Callon, 1986b: 214). After that, actors and entities gain new identities or attributes under alignment.
within the network. And thus their behaviour become more predictable and can be channeled in the direction of translator.

After the problamatization, interressement and enrollment, the last phase of translation is called mobilization. “To mobilize is to render entities mobile which were not so beforehand” (Callon, 1986b: 216). In other words, the enlisted actors are first displaced and then reassembled to form a unit of force that renders the enrolling actors as the sole spokesman to speak legitimately for them and act in their names (Callon, 1986b). They become redefined and passive and reduced to being recipients of action, spoken for, without direct voice. The enrollment is eventually transformed into actual support.

To sum up, translation is an uncertain and recursive process which does not succeed once and for all, and may fail (Law, 1991). Success comes from the capacity of the translator to overcome the individual inclinations and resistance of actors on the behalf of imposing identities and enrollment on them. When the process goes properly, it allows the translator to represent many silent actors of the social and natural worlds he has mobilized (Callon, 1986b: 224) and therefore able to express “their desires, secret thoughts,
interest and mechanisms of operation” in his own language (Callon, 1986a: 25). Back to the basic, “to translate is to speak for, to be indispensable and to displace” (Callon, 1986b: 28).

2.3.2.4 Power Through Mobilization

Latour (1986) claims that power analysis is the centre of the actor-network approach. In fact, this micro-sociology approach has given a new interpretation on the concept of power that different from the macro-sociology of authoritative power of domination.

First, under the actor-network approach, most structural effects can be considered as “a set of effects arising from a whole complex of network relations” instead of “the causes of event” (Murdoch, 1995). In this sense, power should be regarded as a relational concept which is produced by a stable network of relations (Law, 1991). Power is a consequence rather than a cause of action.

Second, given that power is a product or effect of a stabilized social network, “it is exercised rather than possessed” (Law, 1991: 172). The availability of power is not determined by how much power one “holds”, but is depended on how many entities enter into the composition (Latour, 1986). A
similar interpretation was made by Murdoch (1995: 748) that the powerful ones “are those able to enroll, convince, and enlist others into networks on terms which allow the initial actors to ‘represent’ the others”.

At last, whenever power is interpreted as an effect or outcome of collective association among entities, “their relations must be stabilized long enough to generate such effects” (Law, 1991: 172). While we have discussed that the relations among entities are embodied in a series of different materials (Law, 1991), then power is “transferred to many resources used to strengthen the bonds” (Latour, 1986). Make it simple, power is about the way in which strategies and materials are deployed to link objects together for generating effect (Law, 1991; 1992).

2.3.3 Implications for the Study of the Collective Bargaining Study of WD II in Hong Kong.

The collective bargaining led by SPHL to challenge the legitimacy of the WD II plan can be seen as a translation process in which heterogeneous actors and entities are transformed into network to generate effect on the termination of reclamation project. There are a series of processes to generate such outcome such as the suggestion of alternative plans, PHO, JR, etc. Such efforts are hardly achieved by single agent but a group of translated actors. To
do this, it is essential for the translator to link the actors up and borrow heir resources in order to make the termination of WD II project comes true. Therefore, various mediums and intermediaries are used during the translation process.

In the case of WD II debate, the SPHL acts a translator to concern the scale, legitimacy of the WD II plan and to raise the public awareness towards the issue. Later on it applied for a JR to start a legal action aims at terminating the project. The others such as citizens, environmental groups, professional institutes and academics are drawn into the network to strengthen the power of the SPHL’s argument.

Those non-human actors are also considered as actors and should be treated equally important as those organizations and human beings. Resources such as ordinance, signature campaign, donation, conference, graphics, text, etc played important roles within the process. On the other hand, the argument of forever loss of natural Harbour, alternative transportation instrument and environmental protection are transformed and mobilized by the translator to interrelate different actors and link them together to become a network.
In the process of WD II negotiation, the network is not given by nature, but rather formed contingently. It is expected that heterogeneous actors behave in their own wills and inclinations and therefore reject to join the network. Since Victoria Harbour is a special asset and unique natural heritage of Hong Kong, reclamation inevitably reduces its size and affects environmental quality, tourism and thus attracts the attention of general public, professional bodies, academics, green groups and other concern groups. In order to negotiate and ultimately terminate the WD II project, it is essential for the SPHL to link up these actors rather than to work alone. The SPHL can cement other actors together if it demonstrates that the need of reclamation is neither present nor overriding. In other words, translation is indispensable to overcome all the resistances of actors that entry into the network and to lend their resources to the translator.

If the collective bargaining towards the termination of WD II is conceptualized as a translation process, then we can apply the four phases of translation process that developed by Callon (1986b) to investigate how various strategies are adopted and heterogeneous resources or entities are mobilized by the translator --- the SPHL.
2.3.4 Summary

Under the actor-network approach, the legitimacy challenge of WD II plan can be presented as a translation process of different actors to generate the outcome of the termination of WD II. However, the relation is not pre-existing and thus precarious. The network could only stay within a particular time-space convergence. In order to transform actors into channeled and designated role to generate power, a series of strategies and resources have to be used to overcome the resistance from heterogeneous actors. As a result, we would like to examine the process and combined effect of the relevant entities of the WD II negotiation in the later chapters.

2.4 Summary

This chapter has summarized the general background and the main argument of the actor-network approach. It is clear that the main objective of the approach is to see how translator can draw the others’ support in order to achieve it goal. But before applying this approach to the investigation of the WD II debate, it is the task of the following chapter to explain the reason why Harbour reclamation becomes a rising public concern.
CHAPTER III. HARBOUR RECLAMATION AS A RISING PUBLIC CONCERN

3.1 Introduction

The aim of this chapter is to present the background leading to the current Harbour reclamation debate. Historically, Harbour reclamation is not a new concept for physical expansion of urban area, but rather being implemented as early as 150 years ago at strategically developed locations.
Within the history of colonial rule of a slightly more than a hundred years, Hong Kong has experienced the influx of refugees, urbanization, industrialization and economic restructuring. The Government therefore relied on reclamation as a convenient, quick and cost-saving way to satisfy the growing demand of land in the urban Hong Kong. By time, the reclamation projects were implemented smoothly without fierce public objections. Nevertheless, situation changed since the 1990s as the proposed medium-term and long-term reclamation projects were challenged in 1995 and the debate was continued since then. So the following section tends to review the reclamation in Victoria Harbour from 1980 onwards to see why Harbour reclamation has been in rising environmental concern. In the third section I will try to put the socio-political background into the account of the reclamation debate. The last section will be a brief summary of this chapter.
3.2 The Harbour Reclamation from 1980 Onwards

In these couple decades, Hong Kong is processing an economic restructure from the labour intensive industrial-based economy to service
economy. However, the concentration on employment in the urban core explained the failure of the self-sufficient development of the new towns. The urban Victoria continues its magnetic effect resulting a concentration of office that lifting the overcrowded environment and congested transportation unsolved. Therefore from 1980 onwards, there were several development strategies studies that suggesting reclamation within Victoria Harbour in order to improve the living environment, meet the essential transportation needs and land-use demand. The four strategies studies included Territorial Development Strategy (TDS) from 1980 to 1984, Study on Harbour Reclamation and Urban Growth (SHRUG) from 1981 to 1983, Port and Airport Development Strategy (PADS) from 1988 to 1989 and Metroplan from 1988 to 1990. The details of studies are summarized in table 3.1.

Table 3.1: Studies Related to Harbour Reclamation
<table>
<thead>
<tr>
<th>Studies</th>
<th>Commencement Date</th>
<th>Completion Date</th>
<th>Main Theme</th>
<th>Major Recommendations related to Reclamation</th>
</tr>
</thead>
</table>
| a. Territorial Development Strategy (TDS) | 1980 | 1984 | To shift the focus for strategic development from new towns back to harbour | Strategic growth areas to house:  
- West Kowloon reclamation (90,000 persons)  
- Green Island reclamation (200,000 persons)  
- Wan Chai reclamation (90,000 persons)  
- Hung Hom Bay reclamation (17,000 persons)  
- Central reclamation for office and cultural uses  
- Expansion of the container port at Kwai Chung |
| b. Study on Harbour Reclamation and Urban Growth (SHRUG) | Phase I: 1981  
Phase II: Nov.1983 | To investigate the development potential of reclamation and redevelopment, focused on areas around the harbour | Both reclamation and land made available through relocation of Kai Tak Airport would predominantly be used for public housing purposes, and residential development would be through redevelopment. |
| c. Port and Airport Development Strategy (PADS) | March 1988 | December 1989 | To produce a medium to long term strategy which would | The new Chek Lap Kok airport and the new town around it, Tung Chung |
provide the context for decisions on airport and port development would be built on reclaimed land. The West Kowloon and Central and Wanchai reclamation provide land for infrastructure network linking the airport to the main urban area and the CBD.

<table>
<thead>
<tr>
<th>Studies</th>
<th>Commencement Date</th>
<th>Completion Date</th>
<th>Main Theme</th>
<th>Major Recommendations related to Reclamation</th>
</tr>
</thead>
<tbody>
<tr>
<td>d. Metroplan</td>
<td>May 1988</td>
<td>Mid-1990</td>
<td>To investigate the restructuring of the metropolitan area</td>
<td>Central harbour reclamation would provide solution space for redeveloping the dilapidated inner city areas.</td>
</tr>
</tbody>
</table>

Source: Mee Kam Ng & Alison Cook, 1996: 11

Before 1995, the legitimacy of reclamation-based development was maintained and the projects could be carried out smoothly. Yet, a tide of public objections against further Harbour reclamation was resulted in 1995 since the scale of reclamation was too large (Table 3.2) and the adverse effects of reclamation were apparent. The discussion became even fierce since the set up of the SPHL in November 1995. The SPHL aimed at educating the public the adverse effects of reclamation and organizes seminars, conferences, demonstrations and signature campaigns to raise public awareness.
Table 3.2: Reclamation Projects under Construction in the Victoria Harbour (1995)

<table>
<thead>
<tr>
<th>Reclamation Area</th>
<th>Hectares (ha)</th>
<th>Functions</th>
</tr>
</thead>
</table>
| a. Central Reclamation Phase I    | 20            | - Airport Core Programme (ACP) project.  
- To provide land for the construction of the Hong Kong Station of the Airport Railway and the western portion of the Central-Wanchai Bypass.  
- To provide land for the expansion of the Central Business District.  
- To be completed in June 1997 |
| b. Central Reclamation Phase II   | 5.3           | - To provide land for five commercial development sites.  
- To be completed in December 1996. |
| c. Wanchai Reclamation Phase I    | 7             | - To provide land for building an extension to the Hong Kong Convention and Exhibition Centre.  
- To be completed by January 1997. |
| d. Aldrich Bay Reclamation        | 18            | - To provide land for housing 23,000 people and sites for open spaces and community facilities to meet shortfalls in adjoining built up areas.  
- To be completed by August 1997. |
| e. Belcher Bay Reclamation        | 10            | - To provide land for construction of the Belcher Bay Link which will form part of the Western Harbour Crossing connection.  
- To be completed by early 1997. |
| f. West Kowloon Reclamation       | 340           | - ACP project.  
- To accommodate other ACP projects, including West Kowloon Expressway, Airport Railway. |
Western Harbour Crossing.
- To provide land for housing 91,000 people and improving the environment in the adjacent areas.
- To be completed in October 1996.

g. Stonecutters Island Naval Base at the South Shore of Stonecutters Island
- To provide land to build a naval base for the future People’s Republic of China Navy.
- To be completed in early 1997.

<table>
<thead>
<tr>
<th>Reclamation Area</th>
<th>Hectares (ha)</th>
<th>Functions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>- To provide land for the Central-Wanchai Bypass and the Airport Railway overrun tunnel expansion for the relief of traffic congestion in the Central Business District.</td>
</tr>
<tr>
<td>b. Green Island Development Advanced Reclamation by Public Dumping</td>
<td>37</td>
<td>- To provide land for Route 7 for the improvement of traffic conditions in the western part of Hong Kong Island.</td>
</tr>
</tbody>
</table>

Total 412.3

Source: Territory Development Department (Planning, Environment and Lands Branch, 1995:58.)

Besides the undergoing projects, the government tended to propose a series of medium term and long term Harbour reclamation projects despite a rise of opposition in the general public. The details are shown in table 3.3 and Table 3.4.

Table 3.3: Proposed Medium Term Harbour Reclamation Projects

<table>
<thead>
<tr>
<th>Reclamation Area</th>
<th>Hectares (ha)</th>
<th>Functions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>- To provide land for the Central-Wanchai Bypass and the Airport Railway overrun tunnel expansion for the relief of traffic congestion in the Central Business District.</td>
</tr>
<tr>
<td>b. Green Island Development Advanced Reclamation by Public Dumping</td>
<td>37</td>
<td>- To provide land for Route 7 for the improvement of traffic conditions in the western part of Hong Kong Island.</td>
</tr>
</tbody>
</table>
To provide a better alternative use of construction waste.  
- To start in mid 1996 for completion in 2003.

d. Container Terminal 9 and Back-up 106  
- To provide additional capacity to handle rapidly rising demands generated largely by the Chinese re-export trade.

e. Lantau Port 1020  
- To provide 24 berths (5 terminals)

<table>
<thead>
<tr>
<th>Reclamation Area</th>
<th>Hectares (ha)</th>
<th>Functions</th>
</tr>
</thead>
</table>
| a. Green Island Development - Stage 1-Reclamation and Reprovisioning of Waterfront Facilities | 29            | - To provide waterfront facilities affected by subsequent phases of the reclamation.  
- To start in late 1998 for completion in 2002. |
| b. Green Island Development - Remaining Reclamation  | 110           | - To provide land for housing 124,000 people and facilities urban renewal in the Western District.  
- Implementation programme to be determined by the outcome of the TDS Review and relevant feasibility studies. |
| c. Tsuen Wan Bay Further Reclamation                 | 30            | - To provide land for public housing and other community facilities to facilities the restructuring of built-up areas.  
- To start in 2000 for completion by 2003. |
- To provide land for the completion of the Central-Wanchai Bypass, public cargo working area and waterfront promenades. |
| e. Kowloon Point Development                         | 48            | - To provide a new commercial/residential/cultural focal point for Kowloon.  
- To provide land for the extension of major roads |

Source: Territory Development Department (Planning, Environment and Lands Branch, 1995: 59 & 74-8)
and passenger rail links from Tsim Sha Tsui to West Kowloon Reclamation.
- A feasibility study will commence in late 1995 to establish its viability.

e. South East Kowloon Development

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>300</td>
</tr>
<tr>
<td>-</td>
<td>To provide a new development site comprising the Kai Tak Airport site and the adjacent urban areas for housing 285,000 people and 110,000 jobs.</td>
</tr>
<tr>
<td>-</td>
<td>To provide land to help environmental improvement in adjoining old built up area and to reduce water pollution in Kowloon Bay.</td>
</tr>
<tr>
<td>-</td>
<td>To provide a new typhoon shelter and cargo working area.</td>
</tr>
<tr>
<td>-</td>
<td>A feasibility study will commence in late 1995 to establish the scope of detailed works.</td>
</tr>
</tbody>
</table>

Total 565

Source: Territory Development Department (Planning, Environment and Lands Branch, 1995: 59, 78-8.1)

The reclamation projects started in 1995 were mostly finished before 1998. However, the legitimacy was challenged in the rent years as more and more of objections were received in the current projects such as WD II and CR III. Based on the PHO that enacted since 1997, the SPHL applied for the JR on the two projects to challenge their legitimacy. In response, the Government announced to abandon the proposed reclamation project in Tsuen Wan Bay, Western District, Kowloon Point and Tsim Sha Tsui East (HK SAR Government, 2003). On 9th January 2004 the judge of Final Appeal ordered remittal to the TPB to reconsider the WD II project in accordance with law contained a reference to the judgment while the JR on CR III was still in
process. The details of PHO and judicial review will be discussed in the next chapter.

3.3 **The Harbour Reclamation under Socio-Political context**

The prolonged economic hardship and political instability of Hong Kong since 2000 definitely frustrated the Hong Kong people (Fig. 3.2). In his study of public participation in Hong Kong, Fong (2001) observes that while people are once achievement-led in money term, the room of culture, heritage, identity, community or sense of belonging or sense of place are unintentionally being prohibited, resulting a favorable environment for the legitimation of the government’s policies. However, once there is economic recession, the legitimacy of government policies is frustrated and growing disenchantment of government may result.

From 2002 onwards, there were series of large-scale protest including 500,000 protestors on 1st July 2003 and 100,000 protestors on 1st January 2004 as Loh (2004) (refers to Appendix I) admitted commented that they were the signs of a change in mentality that bring along by the unfavorable politic and economic environment. Unemployment, wage reduction, bankruptcy, SARS and political incapability of the government
officials deliberately caused emotional and anti-government mentality, it is suggested that the trust between the citizens and government is totally lost. In reference to the Harbour reclamation debate, while the Government clarified that the WD II project intended to provide the essential transport facilities and provide a waterfront promenade for the people only rather than for any public financial purpose, people chose to believe the words of SPHL rather than that of the Government (South China Morning Post, 12th October 2003).

3.4 Summary

In this chapter we have chased back the Harbour reclamation since 1980. While the Housing, Planning and Lands Bureau (HPLB) stressed that “reclamation has been an integral aspect of Hong Kong’s development for more than 150 years” (Housing, Planning and Lands Bureau, 2003), reclamation is considered as an important way to enhance the hub functions of Hong Kong and reinforces its international image as a “city of vision” that is irreplaceable by the development in Kowloon and New Territories. Recently, over 6000 hectares of Harbour has been reclaimed and it is more than a half of its original size (World Wide Fund Hong Kong, 2004). Due to the unique natural heritage status that being the landmark of Hong Kong, the Harbour protection undoubtedly became an active environmental issue that deliberately
amplified to urban crisis under the adverse socio-political environment. The
distrust on Government certainly weakened the legitimization of planning,
thus gave rise to the collective bargaining that citizens and various groups
were enlisted, enrolled and mobilized by the SPHL to challenge the legitimacy
of the WD II Plan. In the following chapters, we will investigate the process of
collective bargaining by firstly introduce the details of WD II debate in the
next chapter.
Figure 3.2: WD II debate in under socio-political context

Source: Various news
CHAPTER IV. MAJOR FEATURES OF WANCHAI DEVELOPMENT PHASE II

4.1 Introduction

This chapter aims at providing the detail description of the case study area WD II. In order to overthrow the WD II plan, the SPHL needed to mobilize both human and non-human resources. Therefore, a description of the major and decisive resources are required to do so. In the following section, we will outline the original plan, amended plan and some suggested alternatives of WD II. In the third section we will discuss the construction of the PHO that paved the way to the success of the SPHL. In the Fourth section we will mention some of the important issues of the judicial review that finally settled the dispute between the SPHL and TPB. In the last section will be the summary of the chapter.

4.2 The WD II plan

4.2.1 Introduction

The WD II is the last of the five phases of the Central Wanchai Reclamation (CWR) project. In fact, the CWR (Table 4.1) is at the core of the city and thus inevitably shapes the image of Hong Kong. As early as 1989, the Central and Wanchai Reclamation Feasibility Study (CWRFS) was carried out
to examine the planning, engineering and financial viability of the reclamation in the Central and Wanchai districts. According to the study, a total of 108 hectares of reclamation was suggested and would be commenced from 1993 to 2003 in five phases. The five phases included the Central Reclamation Phase I, Phase II and Phase III, Wanchai Reclamation Phase I and Wanchai Development Phase II (Fig 4.1). In the period of 1993 to 1998, three phrases, the Wanchai Reclamation Phase I, Central Reclamation Phase I and Phase II were completed (Table 4.2).

Table 4.1: Objectives of Central-Wanchai Reclamation

<table>
<thead>
<tr>
<th>Area</th>
<th>108 ha</th>
</tr>
</thead>
<tbody>
<tr>
<td>Programme</td>
<td>Sept 1993-Dec 2003</td>
</tr>
<tr>
<td>Cost</td>
<td>HK $10,055 Million</td>
</tr>
<tr>
<td>Project Scope</td>
<td>The proposed reclamation extends along the waterfront from Sheung Wan to Causeway Bay covering an area of about 108 hectares and provided a total development area of 169 hectares.</td>
</tr>
</tbody>
</table>
| Objectives | - To provide land for the Hong Kong Station of the Airport.  
- To provide land for CBD expansion and for high profile commercial uses.  
- To provide land for Central-Wanchai Bypass and Eastern Corridor Link.  
- To improve the environment of adjoining crowded districts by providing additional land in the new reclamation. |

Source: Territory Development Department (cited in Lam, 2000: 35)
Figure 4.1: The Central-Wanchai Reclamation
Source: Territory Development Department, 2004
Source: http://www.info.gov.hk/tdd/
Table 4.2: Central Reclamation Phase I, Phase II and Wanchai Reclamation Phase I

<table>
<thead>
<tr>
<th>Site</th>
<th>Central Reclamation I</th>
<th>Central Reclamation II</th>
<th>Wanchai Reclamation I</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport Core Project</td>
<td>20 ha.</td>
<td>5.5 ha.</td>
<td>7.1 ha.</td>
</tr>
<tr>
<td>Cost as at '96</td>
<td>HK $2,593 Million</td>
<td>HK $307 Million</td>
<td>HK $ 753 Million</td>
</tr>
</tbody>
</table>

**Purposes**

- The Central Reclamation Phase I will provide the site for the Hong Kong Station of the Airport Railway opposite Exchange Square. The remaining newly formed land will be for general development and the reprovisioning of piers, cooling water pumphouses and other facilities displaced by the reclamation.
- The Central Reclamation Phase II mainly comprises reclamation of the Timar Basin and will provide land for five commercial development sites, the first of which has been sold in 1995. The remaining works will be completed in January 1997.
- The Wanchai Reclamation Phase I includes the formation of an island by reclamation at the northern side of the Hong Kong Convention and Exhibition Centre to provide land for building an extension to the Centre. The island configuration will ensure that water quality in the vicinity will be maintained at acceptable levels before and after reclamation takes place.

Source: Territory Development Department (cited in Lam, 2000: 36)

While the first three phrases were completed relative smoothly, the remaining two phrases were however in obstacle. As the legitimacy challenge of WD II will be our centre of the discussion, we then turn to and outline the detail contents of WD II project.

### 4.2.2 The original plan

In *The Shape Of Things To Come* (1995), the WD II is one of the proposed longer-term Harbour reclamation projects and it is also the largest
one (Table 4.3) in comparing to the three completed phases of CWR and proposed Central Reclamation Phrase III that published simultaneously (Table 4.4).

**Table 4.3: Wanchai Reclamation Phase II**

<table>
<thead>
<tr>
<th>Site</th>
<th>Wanchai Development Phase II HKCEC/Island Eastern Corridor</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Area</strong></td>
<td>48 ha.</td>
</tr>
<tr>
<td><strong>Programme</strong></td>
<td>1999-2003</td>
</tr>
<tr>
<td><strong>Cost as at ‘96</strong></td>
<td>HK $4,300 Million</td>
</tr>
<tr>
<td><strong>Purposes</strong></td>
<td>Wanchai Development Phase II extends along the waterfront from the Central Reclamation Phase III to Causeway Bay. This reclamation together with Central Phase I, II, III will provide land for the completion of the Central-Wanchai Bypass, the construction of a North Hong Kong Island Link Railway and the Island Corridor Link as well as new commercial and residential development, public cargo working area, waterfront promenades and associated civic squares.</td>
</tr>
</tbody>
</table>

Source: Territory Development Department (Planning, Environment and Lands Branch, 1995: 79)

**Table 4.4: Central Reclamation Phase III**

<table>
<thead>
<tr>
<th>Site</th>
<th>Central Reclamation Phase III Star Ferry &amp; Timar</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Area</strong></td>
<td>32 ha.</td>
</tr>
<tr>
<td><strong>Programme</strong></td>
<td>1997-2002</td>
</tr>
<tr>
<td><strong>Cost as at ‘96</strong></td>
<td>HK $2,500 million</td>
</tr>
<tr>
<td><strong>Purposes</strong></td>
<td>Phase III will comprise a new reclamation joining the Central Reclamation Phase I to Wanchai Development Phase II near Lung King Street. It aimed to provide land for the Central-Wanchai Bypass and the Airport Railway overrun tunnel (about 420 metres-expansion for the relief of traffic congestion in the Central Business District, particularly along Connaught Road Central, Harcourt Road and Gloucester Road, and to facilitate the future improvement and expansion of the Airport Railway services.</td>
</tr>
</tbody>
</table>

Source: Territory Development Department (Planning, Environment and Lands Branch, 1995L 75)
In May 2001, the Comprehensive Feasibility Study of WD II was finished and the proposed reclamation was reduced to approximate 28.5 hectares from the original approximate 48 hectares in response to the PHO that enacted in 1997.

On 19th April 2002, TPB gazetted the draft Wanchai North OZP S/H25/1 (Fig. 4.2), the draft OZP proposed to reclaim about 26 hectares of land from the Harbour along the Wanchai harbour front. The design could be divided into Convention and Exhibition Zone and the Causeway Bay Waterfront Zone (Fig. 4.3). In the Causeway Bay Waterfront Zone, it was proposed to reclaim 52 percent of the existing Causeway Bay Typhoon Shelter. An area outside the existing breakwater would be reclaimed for a Harbour Park of 2.7 hectares. As a result of the loss of mooring areas within the Shelter due to reclamation, it also proposed a new breakwater to create new mooring area to reprovision the existing Causeway Bay Typhoon Shelter.

In the Convention and Exhibition Zone, reclamation was proposed for the Central-Wanchai Bypass. The reclaimed land to the north of the World Trade Centre was to be zoned as ‘Commercial’ for hotel use. A site located to
the north of Harbour Road and west of Wan Chai Sports Ground was zoned as ‘Comprehensive Development Area’ site. Other areas of the proposed reclamation were zoned for various uses including Open Space, Government Institution or Community, Comprehensive Development Area (CDA) and other Specific Uses. An exhibition hall and a Harbour Museum were envisaged. The project was expected to commence in 2002 and to be completed by 2007. It was justified that the project could generate public revenue of HK$ 14.76 billion by the land sale of commercial site (Chu, 2003).
Figure 4.3: The Tentative Design of WD II
Source: The Planning Department, 2002
4.2.3 The Amended Plan

In spite of the reduced reclamation to 26 hectares, the TPB still received 778 objections (Fig. 4.4). Most objections were against the construction of Harbour Park that was not recommended the Comprehensive Feasibility Study. In response, the Amended OZP S/H25/1-A was gazetted which amendment was made on both draft and the notes of plan (refers to appendix II). However, the amendment was still found dissatisfactory for SPHL as it argued that only 7.2 hectares are enough for the road construction and the rest that facilitating an “optimal land use strategy for WD II” was far beyond the actual need (Chu, 2003). Furthermore, the SPHL was not satisfied with the following points:

(1) The decision to double the size of the CDA site by re-zoning a large existing GIC site to a CDA site so that more land could be switch to commercial use in the future.

(2) The decision to extend the CDA site into the Harbour.

(3) The proposal to erect a new exhibition centre in the CDA zone which could be taller than, and thereby obstructing the view of the Convention Centre and Harbour.
(4) The proposal to reclaim the Harbour for the purpose of building a Harbour park.

Despite the further objection by the SPHL, the TPB chose to decline the request of SPHL and forbid to amend the amended draft OZP S/H25/1-A further. This movement did not thoroughly consider the objections and legitimacy thoroughly, especially on the proposal of Harbour Park. Finally on 28th February 2003, the SPHL was granted by the High Court for judicial review of OZP S/H25/1 to challenge the legitimacy of the WD II plan. The full story is recorded in the chronology in appendix III.

Figure 4.4: The controversial amended draft WD II

Source: Edited from figure and data of Ming Pao, 7/11/2003
4.2.4 The Alternative Plan

In order to support the JR, the SPHL has introduced two alternative designs of the CWR on 28th November 2003 (Fig. 4.5a & 4.5b). The difference between alternative one and alternative two was that the former reduced the extent of reclamation by about 50 percent while the later included no reclamation and Central-Wanchai Bypass by assumption that other traffic management measures (e.g. electronic road pricing and inflow control) are adopted. Generally speaking, the alternatives were stress on providing essential infrastructure, redesigning the waterfront and increasing accessibility and thus no additional road and unrelated land use are needed. While the PLW Panel was doubtful on the feasibility on the conceptual ideas after the discussion to SPHL, the most important message behind was that we always have alternatives instead of intensive reclamation in the Harbour so that the legitimacy of planning was weakened further.
Figure 4.5a: First alternative plan of CWR by SPHL (with Central-Wanchai Bypass)

Figure 4.5b: Second alternative plan of CWR by SPHL (without Central-Wanchai Bypass)

4.3 The Protection of the Harbour Ordinance

4.3.1 Introduction

In response to the intensive reclamation and protect the remaining Harbour from the changes in coastal landuse through rezoning, the SPHL presented the Protection of the Harbour Bill 1996 to the Legislative Council as a Private Member’s Bill through the Hon Miss Christine Loh, who was the former Deputy Chairperson of the SPH and the Legislative Councilor (currently the Chairwoman of SPHL). It was introduced to protect the Harbour against excessive reclamation and setup a presumption against reclamation in Harbour. The Bill was finally approved on 27th June 1997 and the PHO (refers appendix IV) was enacted on 30th June 1997. While the actor-network approach states that the translator needs to made use of both human and non-human resources, PHO thus serve an important resource for the SPHL to limit the reclamation in Harbour by lock in all actors that have interests on the Harbour reclamation and no parties can escape from the rules that set by the SPHL. While the PHO played an indispensable role in the success of the SPHL’s collective bargaining, it is worth discussing some of the major arguments.
4.3.2 The main arguments

4.3.2.1 Boundaries of the central Harbour

In the very beginning of the HPO, the boundaries of the central Harbour was set so to lock in all actors that have interests on reclamation issues within the area:

(1) On the east—a straight line draw from the extreme south-east point of Hung Hom adjacent to Kowloon Bay to the extreme north point of Hong Kong Island at North Point. (2) On the west—a line following the course of the easternmost conduit of the tunnel defined in section 2 of the Western Harbour Crossing Ordinance (Cap. 436)

4.3.2.2 The presumption against reclamation in the Harbour

After drawing a legal boundary of the Harbour, the section 3 of the PHO tries to normalize the activities in the area. Base on the presumption, the PHO was enacted with the objective of preserving and protecting the Harbour against reclamation. The Harbour should be properly treated as a special public asset and natural heritage that the duty and presumption should form the basic tenets or starting point in the decision-making rather than a weighting exercise of a lower level. Therefore it is clear that the presumption
will only be rebutted where there is a compelling and overriding need for reclamation, and the need must be demonstrated by clear, cogent and objective evidence. The details of section 3 of the PHO are as below:

(1) The Harbour is to be protected and preserved as a special public asset and a natural heritage of Hong Kong people, and for that purpose there shall be a presumption against reclamation in the Harbour.

(2) All public officers and public bodies shall have regard to the principle stated in subsection (1) for guidance in the exercise of any powers vested in them.

It is obvious that the aim of the PHO is not to prohibit or setup any procedural requirement on the reclamation activities in the Harbour, yet it tends to protect the Harbour from excessive and unreasonable that may threaten the sustainability of the Harbour as a special public asset and natural heritage. Every party should have reasonable and objective justification of any reclamation project within the central Harbour or it may take the risk of legal challenge on the legitimacy.
4.4 The judgment of judicial review

A court is an independent institute to resolve disputes between applicants and respondents. In the view of actor-network approach, it is an efficient resource that establishes an independent relationship between the translator and the actors without the intervention of the third parties. In our case study, there was a JR lawsuit and an appeal lawsuit between SPHL and TPB.

The JR was applied by the SPHL at the High Court in the matter between the PHO and the TPB’s decisions with the regard to the Draft Wanchai OZP No. S/H25/1 made on 6th January 2002 and 14th February 2003. The JR (case No. HCAL 19/2003) was processed between 28th February 2003 and 8th July 2003 and the final judgment was in favour of the SPHL and the WD II project was judged as failed to comply with section 3 of the PHO. The High Court ordered that the cause be remitted to the TPB to reconsider the WD II plan and the objections according to law, in particular the PHO. In summary, the judgment was based on the following points:
(1) The Harbour was given special legal status as a special public asset and natural heritage of Hong Kong people as well as the presumption against reclamation.

(2) The project should be assessed by reference to the three tests of (a) compelling, overriding and present need, (b) no viable alternative and (c) minimum impairment.

(3) The presumption could be rebutted only when there is compelling, overriding and present need approved.

(4) The presumption in section 3 of the PHO should be served as a starting point in the decision-making process (SPHL’s interpretation), rather than engaging in a mere balancing of interests exercise (TPB’s interpretation).

(5) Public benefit has a wider compass than public need. A development that is perceived to be beneficial to the community may not be an essential need of the community.

(Hong Kong High Court, 2003)

On 25th September 2003, the TPB applied for appeal at the Court of Final Appeal on the judgment of case No. HCAL 19/2003. The appeal (case No. FACV 14/2003) was processed until the judgment was made on 9th
January 2004 as the appeal was dismissed. While accepting the judgment on the High Court, the Court of Final Appeal has made the following clarification:

(1) The Harbour is at the heart of the metropolis both physically and mentally that legislative was giving legal recognition to its unique character.

(2) The presumption is a compulsory material consideration in the beginning of any decision-making on reclamation instead of a weighting exercise that of a lower level.

(3) Public needs equal to community needs that include the economic, environmental and social needs.

(4) A compelling and present need goes far beyond something which is “nice to have”, desirable, preferable or beneficial. But on the other hand, it would be going much too far to describe it as something in the nature of last resort, or something which the public cannot do without.

(5) Where there is a reasonable alternative to reclamation, an overriding need for reclamation would not be made out. A reasonable alternative should consider its economic, environmental and social implications.

(The Court of Final Appeal, 2004)
4.5 Summary

The judgment of the Court of Final Appeal indicates the end of the WD II debate and the collective bargaining. The success of the SPHL was not only depends on its own effort and resources, but also by transforming heterogeneous human and non-human resources and actors to do so. To elaborate, the actor-network approach will be applied to analyze the argumentation process of WD II. During the translation process, the major resources that mentioned above, as well as some other materials have been mobilized to challenge the legitimacy of WD II plan. Thus, the next chapter will turn to examine the process of translation that led by the SPHL.
CHAPTER V. WANCHAI DEVELOPMENT PHASE II: AN ACTOR-NETWORK APPROACH

5.1 Introduction

In this chapter, it will elaborate the negotiation of WD II as a translation process. It is divided into three sections, first of all an actor-world of SPHL (the translator) is built up as the foundation for the examination of the translation process. Then the process of translation will be investigated in deep. The analysis will follow the four phases of translation process that developed by Callon’s (1986) study on the St. Brienc Bay in France. The four phases include problematization, interressment, enrollment and mobilization. Finally, a summary will be made to summarize this chapter.

5.2 Setting up the actor-world

To begin, a desirable actor-world should be set up by the translator to enlist relevant actors that are indispensable to shape the outcome of the termination of WD II. Hence, we need to identify the translator among all relevant actors in the WD II debate. The SPHL played the role of the translator in the WD II debate and setup its desirable actor-world because the establishment of this group is solely responsible to the protection of central Harbour in Hong Kong.
Besides the interest in Harbour protection and public education, it also puts itself into the legality interpretation of the reclamation project within the Harbour. The PHO links up the SPHL to the any actor who involve san interest in the Harbour.

In establishing the translator of the network, it is time to enlist the other relevant actors that are involved in shaping the negotiation result of the WD II and enroll them into the actor-world of SPHL. There are a number of government entities that are responsible for the justification of WD II plan. Under the current bureaucratic planning system, the Housing, Planning and Lands Bureau (HPLB) is responsible for the coordination and supervision of various government departments that related to housing, planning and land policies. Besides the HPLB, there is TPB that planned the scale and land-use pattern of the WD II. Likewise, the Planning Department was the executive arm of the HPLB, which was responsible for formulating, enforcing and reviewing different levels of town plans (territorial, regional and local).

It is clear that the reclamation project is not only related to the matter of planning, but also in the matter of transportation. Transport Department
aimed at evaluating and projecting the transport demand and find out solutions
to satisfy it. In the case of WD II, the Central-Wanchai Bypass that construct
on the proposed WD II is the product of the third Comprehensive
Transportation Study that issued by the Transport Department in October
1999.

Besides the relevant government departments, there are two special
statutory bodies that operate independently under the Government. First, the
Legislative Council (LegCo) that related to the decision-making process of
WD II in two ways, (1) LegCo Panel on Planning, Lands and Works (PLW
Panel) heard the briefing by TPB on the justification on the WD II project and
(2) LegCo Finance Committee determined the amount of funding granted to
the comprehensive feasibility study and the implication of WD II project
according to the report of the LegCo PLW Panel. Second, the Courts,
including the High Court and the Court of Final Appeal are responsible for
giving final interpretation of any Ordinance (i.e. the PHO), judge the legality
of WD II project according to appropriate interpretation of the PHO and have
power to terminate incompatible project and dismiss unreasonable appeal.
Finally, there are also other actors involved. While the Victoria Harbour is the special public asset of Hong Kong people, undoubtedly, citizen is the largest and most influencing actor group because the irreversible damage of natural Harbour overwhelmed the public and hence generated powerful public interests and immense social pressure on the administrative and judicial sectors. Similarly, the greens groups such as the Conservancy Association, Greenpeace and Friends of the Earth concerned about the ecological well-being and the environmental quality so that they have the potential to join the SPHL once when they discover the adverse effects of reclamation on the environment. Moreover, some other non-government organizations (NGOs) such as Hong Kong Automobile Association and taxi Association also became actors as their opinions on the proposed transportation facilities will be important on the justification of the WD II project. Finally, professional institutes including Hong Kong Institute of Planners, Surveyors, Engineers, Architect and Landscape Architect, together with the academia have enormous discussion on the WD II debate on the scale, objective and sustainability of reclamation, as well as the doubt on transparency, public participation and legitimacy of the planning process. Many of them have provided alternative ideas against the reclamation-based
development and planning procedures which may strengthen the position of SPHL in the negotiation process, thus worthwhile to enroll them and mobilize their resources.

As the actor-world involved heterogeneous actors related to the reclamation project, it is impossible to enlist all of them into the network or it may generate endless branches. Hence, the complexity of the actors must be simplified and to account for those who are relevant to the WD II debate. For example, the multiple duties of Transportation Department are simplified to carry out the infrastructure that related to WD II only and some other departments such as Lands, Buildings, Environmental Protection and etc are simplified. (Fig. 5.1).
5.3 The translation process in the WD II debate

Since the actor-network is built by mutual definition of actors and intermediaries that circulate between the actors, the preliminary step is to enlist heterogeneous actors and define their roles and functions. In the actor-world, the roles and functions of the enlisted actors have been channeled and directed to suit the interests to overthrow the WD II plan. However, as Law (1992) stressed that “actors are conscious beings with their own wills and inclinations”, they may then refuse to enter into the actor-world and accept the
designated identities. For example, the general public can either support the SPHL to terminate the WD II plan or to welcome the decision of reclamation. As a result, translation process is a must to obtain power from different actors by transforming their goals and interests to make compatible to that of the SPHL.

How can the actors be cemented together during the translation process? To do so, we need intermediaries to circulate between the SPHL and other actors to act as social glue. The intermediaries are not essentially human or social elements, but rather in non-human form. Apart from the PHO and JR, other resources such as money, signature campaign, blue ribbon as symbolic sign, picture of “Victoria River” of irreversible damage of Victoria Harbour and, the message of the lack of public participation and legitimacy, alternative plans and etc. By transforming and mobilizing these resources, the SPHL could transform other actors and bring them together.

In order to utilize these resources to achieve the translation successfully, a series of strategies are required to corporate with the resources. In reference to the study by Callon (1986b) on St. Brienc Bay, his
development of the four phases of translation process could be applied to the study of WD II debate. The four phases: problematization, interessement, enrollment and mobilization are not in sequential order and can be overlap simultaneously, in the premise that different strategies and resources should be employed in each phases appropriately.

5.3.1 Problematization

In the very beginning, the SPHL had to let the actors felt beneficial when they join in the designated network. To achieve, it needed to raise possible solutions for the problems that each enlisted actor faced. The SPHL should let the actors know that if they wanted to solve their problems or to achieve their goals, they must follow the SPHL’s designated node of network. That means to make SPHL itself to be the obligation passage point (OPP) of the enlisted actors in order to maintain hegemony among them.

In the case of WD II debate, the goal of SPHL was to terminate the proposed WD II plan in order to protect the Victoria Harbour from excessive reclamation. To make the goal achievable, the SPHL raised the question ‘Is WD II plan acceptable?’ to bond the enlisted actors together and then define
their identities, relations and significance within the network (Fig. 5.2).

Figure 5.2: Setting up the WD II as OPP

The simplified networks included the relevant Government departments, citizens, green groups, professional bodies, academics, vehicle associations and Courts. It was expected that these actors would get to the OPP (Fig 5.3) whenever their goals and interests were blocked by the obstacle problems. Unless they pass through the OPP, otherwise they could not achieve their goals and wants.
The relevant Government departments included the HPLB, TPB, Planning Department and Transport Department. While the TPB was empowered and responsible for the draft and gazette of the WD II Plan, the Board included the representatives of the department that listed above. Their aim is to develop the WD II Plan to explore planning gains such as transportation infrastructure (i.e. the Central-Wanchai Bypass and MTR North Hong Kong Island Line Expansion), waterfront promenade, Harbour Park, tourism-based facilities and commercial development. These infrastructures tended to improve the transportation congestion of Central Business District and to recreate a world-class waterfront promenade to ‘acquire planning gains’ while fulfilling the requirements of PHO. To success, the related government departments must follow the translator's designated path and otherwise they may not achieve their goals whenever the WD II was found unacceptable.

On the other hand, the SPHL needed to protection the Victoria Harbour from excessive, unreasonable and unacceptable reclamation that causing irreversible damages, the SPHL defined the goal of citizens, academics and professional bodies as ‘want a better place to live and work’.
However, due to the constraint on the information control by government bureaucracy, the three groups need to turn to the OPP in order to obtain further information on the scale, landuse pattern, functions and justification of WD II.

To protect the Harbour from environmental deterioration such as water quality decline due to the dredging and dumping of the contaminated sediments, the SPHL defined the goal of the green groups as ‘protect and improve the ecological well being and environment’. Nevertheless, the green groups lack of financial subsidy from government, adequate information and expertise, they needed to pass through the OPP to gain mutual effort in order to achieve their goals.

While the WD II included various transportation infrastructures that may potentially benefit to the drivers who drive in and out the Central Business District, the SPHL hence defined the goal of NGOs of vehicle associations as ‘improve the traffic congestion’. While their perceptions may directly affected the justification of the WD II, they must therefore channel to the OPP in order to achieve their goals.
Lastly, it was argued that the PHO was not précised enough and subject to argumentation. Whilst the Courts had the responsibility to determinate the right interpretation of ordinances so to give fair and accurate judgment, its goal was defined by the SPHL as ‘determine the compatibility between WD II and PHO’. To achieve this goal, the Courts must pass through the OPP as the SPHL is the party who construct the bill of the PHO.

At this moment, the SPHL has defined a series of tentative and negotiable hypotheses on the identities, goals and significances of the relevant actors of the network. The making of designated roles showed that if they want to achieve their goals and interests, they had to support the termination and reconsideration of the WD II Plan.
Figure 5.3: The goals and obstacle problems of actors

<table>
<thead>
<tr>
<th>Actors</th>
<th>Actor’s goals</th>
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<tbody>
<tr>
<td>SPHL</td>
<td>Protect harbour from excessive reclamation</td>
</tr>
<tr>
<td>OPP</td>
<td>Acquire planning gains</td>
</tr>
<tr>
<td>Relevant</td>
<td>Obstacle-problem</td>
</tr>
<tr>
<td>Government</td>
<td>Legality of the reclamation plan</td>
</tr>
<tr>
<td>Departments</td>
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<tr>
<td>Citizens</td>
<td>Obstacle-problem</td>
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<td></td>
<td>Legalisation of the reclamation planning gains</td>
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<td>Green Groups</td>
<td>Obstacle-problem</td>
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<td>Want a better place to live and work</td>
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<tr>
<td>Professional</td>
<td>Obstacle-problem</td>
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<td>Want a better place to live and work</td>
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<td>Academics</td>
<td>Obstacle-problem</td>
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<td>Want a better place to live and work</td>
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<td>NGOs</td>
<td>Obstacle-problem</td>
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<td>Improve traffic congestion</td>
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<td>Courts</td>
<td>Obstacle-problem</td>
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<tr>
<td></td>
<td>Determine the compatibility between WD II</td>
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<td></td>
<td>WD II and PHO</td>
</tr>
</tbody>
</table>
5.3.2 Interessement

After the process of problematization, the roles of actors have been designated, and their relations and significances between each other were conceptually established. Since the actors still had the opportunities to escape from the designated path. Another phase of translation process - interessement was needed for the translator to build up independent linkage to each actor and disassociate each actor from other competing alliance (Callon, 1986b). During this process, the SPHL employed different strategies on various actors accordingly.

In the previous chapter, we’ve discussed that SPHL was the major contributor of the construction of the PHO. In the section 3 of the PHO, it firstly established a presumption against reclamation in Harbour, and then suggested that all public officers and public bodies shall have regard to the principle stated in the first part for guidance in the exercise of any powers vested in them. That means the PHO served as a device in linking the SPHL and the relevant Government departments that involved in the decision-making process. While this connection was constituted in law, the departments have no choice but follow the instructions of the PHO.
Furthermore, declined by the TPB to amend the proposed draft Wanchai OZP S/H25/1 according to the objection, the SPHL therefore applied and granted for JR in the High Court. While the JR between the TPB and SPHL was undergoing under a fair and independent environment, an isolated relationship was created between the two parties.

For the general public and NGOs, which were systematically discouraged to participate in the decision-making process of WD II Plan under the top-down, executive-led planning system, the two-month period of public inspection in the consultation process was too late for them to influence on the proposed plan. The problem got worse as the technical papers and meeting minutes were exclusive for administration reference only, as well as the use of English as the medium of publications of various elaborate documents. It is apparent that the legitimization techniques imposed constraints on the public inspection process. In order to raise public awareness on the issues of reclamation and weaken the Government’s legitimatization, the SPHL established itself as the channel of information supplier to link up the citizens and NGOs. For example, the homepage of the Friends of the Harbour (sub-group of SPHL), provided forum for idea exchange, information such as
the history and future plans of reclamation, the PHO, alternative plans and publications related to reclamation issues. Also, SPHL produced map and booklet in Chinese language that allow most citizens to understand.

For the green groups, professional bodies, academics, these groups have more information and knowledge about the reclamation issues and what they were interested in was to find out whether the reclamation projects were beneficial for the society as a whole. They were interested in evaluating the projects and finding out alternatives according to their knowledge. To get along with such groups, the SPHL tried to activate and facilitate the brainstorming devices by raising questions, discussion in various local media, including newspapers, public forum, conference, radio programmes and academic research. These devices generated diversified ideas that favored the construction of consensus and common interests between SPHL and the three actors.

Finally, the Courts, including the High Court and the Court of Final Appeal, were linked up with the SPHL by JR and appeal in the matter of PHO and the TPB’s Wanchai North OZP No S/H25/1. While it was stated that the
Judiciary operated independent, therefore it was impossible for the Courts to form an alliance with any group in the society at all.

After all, the SPHL used various strategies and devices to develop independent relationships with various actors, from lawsuit, information provider and ideas exchange, brainstorming, to the freedom of speech and press, and the justice of Judiciary. The use of appropriate strategies was essential in paving the way for a successful translation process.

5.3.3 Enrollment

In the stage of interessement, the SPHL has used a number of strategies and resources to cut off the linkages between various entities and the relevant government departments so that the legitimatization was weakened. In this sense, the relationships between the SPHL and the actors were bridged and strengthened. Yet, the actors still had the chance to cooperate with the Government and support the TPB’s proposed WD II Plan. As a result, another phase of translation was used - enrollment. To enroll is to “cause to become a member of” a network. It aims to develop further coordination of the actors. To “transform the question into a series of statements which are more certain”
and “designates the device by which a set of interrelated roles is defined and attributes to actors who accept them” (Callon, 1986b: 211). Various methods were practiced to lock the actors into the designated roles, and consequently their behaviour was channeled in the direction desired by the SPHL.

The citizens and green groups were motivated in joining the side of SPHL by the “Save our Harbour Campaign”. There were three public meeting (refers to chronology in appendix III). During the meeting, the participants shouted out slogan, sang songs, held blue ribbons as collective and emotional symbols, expressed their wants, made donation and wrote down signature to support SPHL. Besides, several signature campaigns were held in convenience shops, and along the Harbour waterfront by green groups. Furthermore, one of the green groups, Greenpeace organized a press conference to explain the pollution problems by reclamation and a protest against reclamation. Finally, public hearings held on 27th November 2003 (by PLW Panel and EA Panel at LegCo) and 7th December 2003 (by academic group “Citizen Visioning @ Harbour”) gave the two actors chances to share their opinion in the public. Their support on SPHL was made explicit and certain at this stage after a series of seduction. This involved a change in attitude people started to say
and act for themselves and totally escaped from the mystification effect of governance techniques.

For the academics, NGOs and professional institutes which are more rational and knowledgeable during discussion, the strategy employed by the SPHL was the exchange of knowledge and experience through studies and researches. Apart from the public hearings, the forum on Harbour development held on 8th November 2003 and conference held by academic institute “New Century Forum” on 13th November 2003 about the Harbour reclamation issues provided platforms for the academics, professional institutes and vehicle associations to exchange their ideas and to build up consensus. After several discussions on transport alternatives, scale of reclamation and the landuse pattern of the reclaimed land, it was summarized that (1) there were alternatives; (2) legitimacy of WD II Plan was doubtful due to the lack of transparency and justification; (3) WD II Plan should be reconsidered due to the lack of social consensus (Panel on Planning, Lands and Works and Panel on Environmental Affairs, 2003). After a series of information transaction, the legitimacy of the WD II Plan was greatly weakened and the actors were deliberately channeled to the designated roles of the SPHL.
Among those actors, the Courts were the most crucial to bring along
the success. During the JR, the SPHL successfully gained the favorable
judgment by proving the importance of statutory status of the Victoria Harbour,
establishing the right interpretation of the presumption of the PHO. While the
judgment of High Court stated that the TPB’s decision violated to the PHO, it
represented that the WD II Plan was no longer reasonable and acceptable. The
TPB must terminate and reconsider the WD II Plan unless it could appeal
successfully.

In the case of WD II debate, the relevant Government departments
were inevitably the opponents of the SPHL, therefore, mutual negotiation were
needed between the SPHL and the TPB. In other to express the objection on
the proposed WD II plan, the SPHL attended the objection hearings organized
by the TPB. However, the TPB rejected to amend the WD II Plan further
according to the SPHL’s objections. In response, the SPHL applied and
granted for the JR in the High Court where the crack of negotiation led to ‘a
zero-sum game’ in Judiciary. Once the judgment was in favor of the SPHL, the
legitimacy of the WD II project was hardly defended and the relevant
Government departments could no long say the plan was legitable. It was too difficult to perform the “legitimatization skills” to draw concession due to the prolonged negotiation, Court’s judgment and the mistrust under prevailing socio-political environment.

5.3.4 Mobilization

The last phase of translation process is mobilization. The actors became redefined and passive and reduced to being recipients of action, spoken for, without direct voice. In other words, translator became the sole spokesman to speak legitimately for them and act in their name. (Callon, 1986)

In the network, several actors had been translated successfully. For example, when the finalized proposed WD II Plan was drew on 14th February 2003, there was limited public feedback and academic discussion. But once the SPHL applied for the JR to challenge the legality of the WD II Plan, the number of reports of mass media on reclamation issues started to grow. The public awareness and feedback were intensified following by a series of activities such as “Save Our Harbour Campaign”, signature campaigns, fund
raising, publications and alternative plans by the SPHL, as well as the academic and professional forum and conference and public hearings. Uncertainty arose and the legitimacy of the WD II Plan was in doubt. The general public tended to support the consideration and consultation of the WD II Plan before implementation due to the lack of consensus and representation.

The trend was further strengthened after the judgment of High Court that ordered the TPB to reconsider the WD II Plan according to the judgment and the PHO. The debate ended up after the dismiss of the appeal at the Court of Final Appeal. In the final stage, the SPHL could speak for the Government, Courts, citizens, green groups, NGOs and professional institutes that the WD II Plan was unlawful and its attempt to challenge the legitimacy of WD II plan was finally success.

5.4 Summary

This chapter has used the ‘WD II’ as a case study to investigate how capable the SPHL in transforming relevant actors into its network to generate the result of the termination of the WD II Plan. While the SPHL was not the only entity that doubted and objected the excessive reclamation inside the
Victoria Harbour, it therefore needed to transform others and borrowed their resources by channeling them into the designated roles. However, a successful translation relies on the capacity of the translator to overcome the resistance of actors and eventually impose definitions and enrollments on actors (Callon, 1986a: 28). In the case of ‘WD II’, on one hand the SPHL needed to transform various potential actors into alliance to support the termination of the WD II Plan, on the other hand it needed to cut off the influences of government’s legitimatization skills on these actors including the bureaucratic system, information control, language policy and the boss-eyed justification on reclamation-based development. Finally, the SPHL made their goal achievable by employing appropriate strategies and resources on each actor during different stages of translation. But due to the bossy movement of the TPB, the SPHL had to mobilize the resources of law and Courts in other to determine the legality of the ‘WD II’ Plan.
CHAPTER VI. CONCLUSION

6.1 Summary of the Arguments

The main focus of this research is to reveal the legitimacy problem of the current planning system of Hong Kong. From time to time, the governance techniques of legitimatization in planning are studied by local literature, however few of them has stepped forward to explore the potential legitimacy problem, or legitimatization failure in other words. By adopting the actor-network approach, the WD II debate was selected as the case study. Through examining the collective bargaining process of SPHL, citizens, professional institutes, green groups, NGOs and other actors such as Courts and Government, to indicate how the Government’s legitimatization failed and the planning legitimacy was challenged.

Within the top-down, executive planning system, legitimacy tends to seek from mystification instead public consensus. As a result, the effectiveness of legitimatization depends on high level of commitment and trust between the government and the society. In this regard, the legitimacy becomes politically dependent and thus vulnerable to unfavorable socio-political environment.
Similarly, it fails to handle the problem that involved various powerful interests, exemplified by the Harbour reclamation that amplified from an environmental concern to an urban crisis in this case study.

Under the actor-network approach, the argumentation of WD II can be viewed as sociology of translation. Given that network is not pre-set and precarious it could maintain only at specific space and specific time. This is exemplified by socio-political instability and the Victoria Harbour as a special and unique natural heritage of Hong Kong created a favorable time-space convergence for the collective bargaining of the society. By studying the whole process of WD II argumentation, we can see how capable the SHPL in cutting off the government’s legitimization from the society and then enlisted, enrolled and mobilized the other actors to form alliance to achieve the common goal - to challenge the legitimacy of the WD II plan and protect Harbour from excessive reclamation. To notice, the strategies and resources employed by the SPHL were head-to-head of that of the legitimization techniques of the government, to provide information, raise awareness, motivate discussion, build up consensus and facilitate multilateral negotiation, all of them are the basic principles of ‘collaborative planning’.
6.2 Implications of the Research

First of all, this research enriches the local literature on the legitimacy problem of the planning practice in Hong Kong instead of the traditional analysis on legitimatization skills. Also, it opens up a new approach in studying the collective bargaining of Hong Kong.

In the theoretical advancement, the actor-network approach shows great potential to apply in political geography study. Given a strong sense on temporal and spatial settings, we can investigate how actor spaces are linked up and strengthened through the translation process and the form of network to achieve common goals through collective bargaining or multilateral negotiation. Also, actor-network approach shows that power is through exercise and mobilization, rather than the traditional power of domination of authority. Therefore, grassroots are not powerless forever and the bureaucracy is never powerful for all the time too, but rather depends on the power relations under specific time and space.

On the planning in Hong Kong, first, the discussion of public participation is under-achieving because of the failure to corporate the concept
of legitimacy. While people are being mystified and seemingly satisfied with the current planning practice, there is little room for them to change their attitude and behaviour. Therefore the idea of planning legitimacy and civic responsibility should be addressed before the promotion of public participation. Second, the shake of planning legitimacy in the case WD II provides a chance to rethink the current executive-led system. While ‘one grows from hurt and pain’, the integration of public participation is inevitable in the long-term.
Appendix I. Personal Communication Script
With Christine Loh
(CURRENT SPHL chairwoman)
on 12 Feb, 04 via email

1. It is said that political culture is now changing especially after the 7.1 demonstration, do you agree on this? If yes, do you think that more people were encouraged to join the “Save Harbour Campaign” under such political context?

Loh: Having been involved in NGO activities since 1979, I have seen more and more civic activities building up over the last 10 years. There has already been another wave of civic participation in many areas of life even before 1 July 2003. Please also note that our work in protecting the Harbour began in August 1995. We have seen more people become interested gradually since then. What I am trying to emphasize is that heightened civic action began well before 1 July – indeed, 1 July itself was a sign of that swell of growing awareness and not a consequence of it.

2. Base on the history of Hong Kong, it is said that Hong Kong was once a city/society of “refugee” and gradually moved to the identity of “residence”, but do you think that there is still a long way for “citizen”, as well as “civil society” (citizens that actively involve in politics and reasoning) to develop in Hong Kong?

Loh: History has already informed us that the HK-identity began to take shape in the 1960s. Thus, there are now at least two generations of HK people who identify with Hong Kong and do not see themselves as refugees or sojourners. This sense of belonging and citizenship (of China) will continue to grow and deepen. We are learning to participate in public affairs that affect all of us. I think if you were in the US, you will also hear discussion about whether Americans participate enough (e.g. their voting rate is rather low). The main issue is not to use our lack of experience as citizens to deny is to practice it in a meaningful way.

3. Could you comment on the achievement of SPHL? (As former chairman
Mr. Chu admitted that it was wrong to work alone during the early years, so is there any change in the strategy employed in recent years?)

Loh: As I said, we started to work in August 1995. In the early days, we first had to convince people that we had a problem with excessive reclamation. By the fact that we managed to pass the Protection of the Harbour Ordinance in 1997, it showed that there was growing support otherwise we could not have passed the law. Then in 1997 (July) the Tung govt tried to ask the provisional legislature to invalidate the law unsuccessfully. That too required much support from various quarters. Since then, more and more ordinary members of the public began to support our work. However, in taking the govt to court in 2003, if it had not been for Mr Chu and his mother, who financed the law suits, our Society would not have been able to do it. Then in the summer of 2003, we managed to raise over $1.5 million to fight Central reclamation, which is a sign that many many people really care.

4. Some may argue that the Harbour Protection Ordinance is rather vague and imprecise, and subject to different interpretation. While I find that the ordinance is decisive for the success of negotiation. How could you response to the criticism on the ordinance?

Loh: This question is easy to answer now that we have the High Court and the CFA decision. You need to read the two judgments as they are complementary. The law is quite clear and the Ordinance was drafted in clear terms.

5. About the collective action and mobilization:

1. Did SPHL try to work with other stakeholders for joint-action? (e.g. environmental groups, mass media, citizens, professional institutes, academic groups, government departments, etc)

Loh: Over the years, there have been many collaborations with many people from lawyers to academics to media personalities (e.g. Albert Cheng) to the Institute of Planners and others, and also a number of green groups, and even political parties.
2. In what ways did SPHL establish relationship with the other stakeholders? (e.g meeting, research, campaign, public hearing, seminars, law statement, etc)

Loh: It always starts off with meetings to brief them about the issues. In terms of research, we have done a lot of work directly and have commissioned research, which we have shared with others. We have gone to public meetings to explain our case (many many of them since 1995) and of course also signature campaigns (1996-1997), conducting public opinion surveys, and of course now the law case.

3. What are the difficulties in organizing and mobilizing collective action? (e.g. political and social environment, financial constraints, the shortage of workers or professionals in SPHL, the lack of communication and cooperation with other concern groups, etc)

Loh: It takes a lot of time and effort. The main thing is commitment at a very high level. Then you need to know what you are talking about (this requires a lot of research and homework), and then writing to and seeing many many many people over time.
Appendix II. The Details of Amended Wanchai North OZP S/H/25/1-A

_G.N. 30_

TOWN PLANNING ORDINANCE (Chapter 131)
(Notification under section 6(7))

PROPOSED AMENDMENTS TO THE DRAFT WAN CHAI NORTH OUTLINE ZONING PLAN NO. S/H25/1

Subsequent to the consideration of objections to the draft Wan Chai North Outline Zoning Plan No. S/H25/1 under section 6(6) of the Town Planning Ordinance, the Town Planning Board has proposed amendments to the draft Wan Chai North Outline Zoning Plan No. S/H25/1 to meet/partially meet some of the objections. The proposed amendments are set out in a Schedule of Proposed Amendments attached to this Notice.

Notice is hereby given by the Town Planning Board to the owner of any land (other than that of the objector whose objection is met by an amendment made by the Town Planning Board) whose land is held under lease, tenancy or permit from the Government of the Hong Kong Special Administrative Region for a term exceeding five years and is affected by the proposed amendments. The affected person may send a written objection to the proposed amendments to the Secretary, Town Planning Board, 15th Floor, North Point Government Offices, 333 Java Road, North Point, Hong Kong. Under section 6(6) of the Town Planning Ordinance, such objection should be received by the Town Planning Board within fourteen days from the date of the first publication of this Notice, that is until 17 January 2003.

The Schedule of Proposed Amendments and an Amendment Plan No. O95/H25/1-A showing the land use zones relating to the proposed amendments are available for public inspection within the said period of fourteen days during normal office hours at the following locations:

(i) the Secretariat of the Town Planning Board, 15th Floor, North Point Government Offices, 333 Java Road, North Point, Hong Kong;
(ii) the Hong Kong District Planning Office, 14th Floor, North Point Government Offices, 333 Java Road, North Point, Hong Kong;
(iii) the Wan Chai District Office, Ground Floor, 2 O'Brien Road, Wan Chai, Hong Kong; and
(iv) the Eastern District Office, 11th Floor, Eastern Law Courts Building, 29 Tai On Street, Sai Wan Ho, Hong Kong.

The electronic version of the Amendment Plan is viewable from the Town Planning Board's website (http://www.info.gov.hk/tph).
SCHEDULE OF PROPOSED AMENDMENTS TO THE
DRAFT WAN CHAI NORTH OUTLINE ZONING PLAN NO. S/H25/1
MADE BY THE TOWN PLANNING BOARD
UNDER THE TOWN PLANNING ORDINANCE (Chapter 131)

Amendments proposed subsequent to section 6(6)

I. Proposed Amendments to Matters Shown on the Plan

Item A — Rezoning of an area east of Expo Drive East and north of the ‘Comprehensive Development Area’ site from ‘Open Space (1)’, ‘Other Specified Uses’ annotated ‘Elevated Walkway’ and ‘Road to Comprehensive Development Area’ and deletion of the indicative alignments for the underground pedestrian link and vehicular subway.

Item B — Rezoning of an area north of Victoria Park Road and east of the Police Officers’ Club from ‘Other Specified Uses’ annotated ‘Railway Vent Building and Landscaped Open Space’, ‘Commercial (1)’ and ‘Open Space’ to ‘Other Specified Uses’ annotated ‘Leisure and Tourism Related Uses’.

Item C — Realignment of a proposed footbridge zoned ‘Other Specified Uses’ annotated ‘Elevated Walkway’ north of the World Trade Centre.

Item D — Minor adjustment to the boundary of the ‘Other Specified Uses (4)’ annotated ‘Sports and Recreation Club’ zone.

Item D1 — Exclusion of the existing breakwater, and two small sea areas to the east and west of the Royal Hong Kong Yacht Club from the ‘Other Specified Uses (4)’ boundary.

Item D2 — Rezoning of a small sea area to the west of the Royal Hong Kong Yacht Club and a strip of area zoned ‘Open Space’ to ‘Other Specified Uses (4)’.

Item D3 — Rezoning of a small area northeast of the Wan Chai Public Cargo Working Area from ‘Other Specified Uses (4)’ to ‘Open Space’.

Item E — Deletion of the indicative location for the repurposing of the Noon-Day Gun from the proposed new breakwater zoned ‘Open Space’.

II. Proposed Amendments to the Notes of the Plan

(a) Incorporation of a set of Notes for the ‘Other Specified Uses’ annotated ‘Leisure and Tourism Related Uses’ zone.

(b) Deletion of the Remarks for ‘Commercial (1)’ in the Notes for the ‘Commercial’ zone.

(c) Revision to the Notes for the ‘Other Specified Uses’ annotated ‘Leisure and Entertainment Complex and Elevated Walkway’ zone and ‘Other Specified Uses’ annotated ‘Railway Vent Building and Landscaped Open Space’ zone by imposing building height restrictions and including minor relaxation clauses.

(d) Revision to the Notes for the ‘Other Specified Uses (4)’ annotated ‘Sports and Recreation Club’ zone by revising the building height restriction.

(e) Revision to the Notes for the ‘Comprehensive Development Area’ zone by revising the building height restriction and including the requirement for the provision of public open space.

3 January 2003
John C. TSANG Chairman, Town Planning Board

Source: Town Planning Board
(http://www.info.gov.hk/tpb/index_c.htm)
Appendix III.  Chronology of events of Wanchai Development Phrase II

March 1982 – October 1983
The need for reclamation in Central and Wanchai was first identified in a strategic planning study entitled “Study on Harbour Reclamation and Urban Growth” (SHRUG).

1984
The need was reconfirmed in various major planning development studies, including the Territorial Development Strategy (TDS).

1987 – 1989
The Central and Wan Chai Reclamation Feasibility Study (CWRFS) was carried out.

September 1991
Executive Council (ExCo) endorsed the Metroplan Selected Strategy, which recommended various reclamation projects in the Harbour areas.

14/10/1994
The TPB Paper No.2880 proposed a further 1927 hectares of reclamation in Victoria Harbour although almost half of the Harbour had already been reclaimed.

April 1995
A 2-day international conference entitled “Planning Hong Kong for the 21st Century” in which strong views were put forward by international town planning experts condemning Harbour reclamation.

November 1995
The Society for Protection of the Harbour Limited (SPHL) was setup.

1996
The need for reclamation in Central and Wanchai was reconfirmed in the Territorial Development Strategy Review (TDSR).

13/03/1996
The SPHL was successfully in having a Motion condemning Harbour reclamation unanimously passed in the Legislative Council (LegCo) by 31 votes to 0.
Summer 1996
The SPHL presented the Protection of the Harbour Bill to the Legislation Council as a Private member’s Bill through its Deputy Chairperson (Miss Christine Loh) who was then a Legislative Councilor.

28/12/1996
The SPHL presented a Petition to His Excellency The Governor-in-Council (G in Co) supported by the signatures of 148,041 members of the public. However the Petition was refused.

13/3/1997
Miss Christine Loh, Miss Jennifer Chow and Mr. Winston Chu (officials of SPHL) were invited to have a meeting on Harbour reclamation with Mr. Tung Chee Hwa who was then the Chief Executive Designate.

April 1997
In support of the Harbour Bill, the SPHL commissioned the Social Sciences Research Centre of the University of Hong Kong to conduct an Opinion Survey On Reclamation. The Survey found that 92.6 percent of respondents were in favour of legislation being passed to protect the Harbour, 2.1 percent were against legislation and 5.3 percent had no comment.

30/06/1997
The Protection of the Harbour Ordinance (PHO) was enacted.

24/11/1997
Mr. Bowen Leung, the Secretary for Planning, Lands and Environment made a public announcement on the Government’s new land policy. He stressed that “in agreement with the spirit of the Ordinance” and “the Government would not carry out any reclamation unless it is absolutely necessary”.

29/5/1998
TPB (TPB Paper No.4652) approved the application of the Government to reclaim a further 32 hectares in the central Harbour (later named the WD II). It is additionally justified that the reclaimed land zoned for office development would be sold to developers to raise HK$14.76 billion for public revenue.
30/7/1998
The SPHL had issued about 200 objection letters to the Chief Executive-in-Council (C in Co), every ExCo Member and TPB members. The SPHL also raised the debate to the Legislative Council (LegCo) and a Motion was unanimously passed condemning proposed Harbour reclamation by 45 votes to 0.

15/10/1998
The PLW Panel was briefed on the funding proposal for a comprehensive feasibility study on the revised WD II

1998
Central-Wanchai Reclamation Alternative Scheme proposed by Central-Wanchai Reclamation Study Group

19/01/1999
The Panel on planning, Land and Works (PLW Panel) was briefed on the funding proposal for a comprehensive feasibility study on the revised WD II

February 1999
In the Policy Address 1999, the title ‘A More Beautiful Harbour’, Chief Executive Tung Chee Hwa committed to a policy of scaling back the reclamations planned for the Harbour, as well as the Principle of Sustainable Development.

26/02/1999
The TPB gazetted amendments to the draft North Point OZP No. S/H8/7 whereby, inter alia, a portion of the Harbour abutting the North Point waterfront was zoned to permit the construction of a large “Cruise Pier” by a well-known developer as a private investment.

7/3/1999
At the request of the Government, Winston Chu (previous Chairman of SPHL) engaged in a public radio conversation with the Chief Executive in which he reassured that his Government would try to reduce Harbour reclamations to an absolute minimum.

12/03/1999
The funding proposal of the comprehensive feasibility study of WD II was endorsed by LegCo Finance Committee (HK$51.3 million).
June 1999
The comprehensive feasibility study of WD II was commissioned by the Territorial Development Department (TDD).

1999
The TPB promulgated a ‘Vision Statement for the Victoria Harbour’.

24/02/2000
The PLW Panel of LegCo was briefed on the Trunk Road options and their associated conceptual land use proposal and recommendations

2000
A Pedestrian oriented Central Wanchai/causeway Bay Waterfront for “World Class City” – a study conducted by C W Ho Association (Sponsored by SPHL) as a response to TDD’s Consultation Digest for WD II.

May 2001
The comprehensive feasibility study of WD II was finished and the Master Landscape Plan that did not include a Harbour Park. The consultation document concentrating on waterfront open space design was not abundant in detail, and certainly did not suggest many of the things which are to come in the Wanchai OZP of April 2002.

24/05/2001
The Government’s Committee on Planning and Land Development endorsed the findings of the WD II study and a Recommended Outline Development Plan (RODP).

11/07/2001
The Chief Executive pursuant to section 3(1)(a) of the Town Planning Ordinance, directed the TPB to prepare an OZP for the WD II area.

7/12/2001
The PLW Panel was briefed on the key proposals on WD II

11/01/2002
The funding proposal for detailed design of WD II was endorsed by LegCo Finance Committee
19/04/2002
The draft Wanchai North OZP, S/H25/1 (with Harbour Park of 2.8 hectares) was published and gazetted by the Planning and Lands Bureau for public consultation on the basis of the WD II Study and the RODP and it was the subject of JR.

29/4/2002
The SPHL wrote to the TPB opposing the proposed extensive reclamation and enclosing a Legal Analysis of the Ordinance.

8/05/2002
The PLW Panel was briefed on the draft Wanchai North OZP

28/5/2002
In response to the objection from SPHL on 29/4/2002, the TPB sent a letter to the SPHL and account for its interpretation on the PHO that a weighting exercise between public benefit gain and preservation of Harbour was needed. However, the view was contradictory to the SPHL’s interpretation that the PHO should serve as a presumption but not a weighting exercise.

18/06/2002
SPHL lodged an objection opposing the draft Wanchai North OZP, S/H25/1.

29/11/2002
The first public hearing of objection on proposed draft WD II OZP was held by TPB and there were about 778 objections received. The SPHL was only given 15 minutes to present its objection. A plan was produced by one of the objectors showing that about one half of the proposed reclamation would have been sufficient to achieve the Government’s objects of the WD II. Furthermore, the TPB didn’t have its own legal adviser presented in the hearing so that members of TPB might misunderstand the objections and objectors thus being unfairly denied their opportunity, while the TPB might make some unlawful, unreasonable and irrational decisions.

1/12/2002
The second public hearing was held. The TPB agreed to partially meet the objections by the SPHL in relation to building heights but refused to accede to its objections in relation to the extent of reclamation and zoning. It was also decided to amend the Draft OZP to extend the CDA to cover a larger part of the ‘open space (1)’ site, with the maximum height restriction reduced to 50mPD, and integrate the ‘Commercial, site with part of the adjoining ‘other specified uses’ and ‘open space’ sites and to amended the extended ‘commercial (1)’ Site to
Due to the complaint of the insufficient time of presentation, an extra meeting was held between the TPB and SPHL. However, some of the TPB members that attended the previous public hearing were absent and some new members joined. Miss Ophelia Y.S. Wong, Assistant Director/Board of Planning Department was invited to join the meeting and as a legal advisor, briefed and represented the TPB members by giving answers on objections and questions in the absence of objectors. The SPHL argued that there were procedural improprieties and the continuity and legitimacy of the decision process was therefore in doubt.

Finally the TPB further amended the Amended OZP in relation to the permitted height in the CDA zoning, and intended to submit the Amended OZP to the Chief Executive in Council (C in Co) for approval. However the amended OZP didn’t satisfy the objections of SPHL in several ways: (1) the re-zoning GIC site to CDA site; (2) the extension of CDA site into the Harbour; (3) the release of building height that may obstruct the view of the Convention Centre and the Harbour; (4) the proposal of Harbour Park; (5) the lack of clear justification of each zoning or re-zoning area.

The SPHL received the minutes of the meeting on 29/11/2002 and 6/12/2002 and inaccuracies on the viewpoints of objection were noticed. The doubt on the extent of reclamation, road and promenade proposals was not truly reflected. At the same time, the minutes showed that the TPB had pre-judged the issue regarding the Harbour Park.

10/1/2003
Amended draft of Wanchai North OZP (S/H25/1-A) was gazetted.

11/2/2003
The SPHL received the amended minutes of meeting on 29/11/2002 and 6/12/2002 from the TPB.

14/02/2003
The public hearing on amended Wanchai North OZP was held by TPB. In spite of the further objections, the TPB refused to amend the Amended OZP so that the permitted building height of the CDA zone was increased from 50mPD to 64mPD, which was higher than the Convention Centre. Besides, the SPHL couldn’t receive any written notification of the decision made or minutes of the meeting.
28/02/2003
Judge Hartmann granted SPHL leave to apply for judicial review (JR) in the matter of the decision of the TPB with regard to Draft Wan Chai North Zoning Plan No. S/H25/1 made on the 6th December 2002 and 14th February 2003 pursuant to the TPO.

14/03/2003
The High Court ordered to stay the submission of the draft OZP to the Chief Executive in Council (C in Co) until the final determination of the JR on 8/7/2003.

8/07/2003
Result of JR was in favor of SPHL and TPB was proved as violating the PHO. TPB was instructed to reconsider the Wanchai North OZP (L/H25/1).

20/07/2003
Amendment on the amended draft of WanChai North OZP was made by removing the Harbour-Park.

22/09/2003
The SPHL organized fund-raising activity in Central in preparation for the lawsuit. Finally, HK$140,000 was raised from general public in the event.

24/09/2003
Demonstration by Action Group on the Protection of the Harbour (AGPH) was organized in the matter of Harbour Reclamation.

25/09/2003
TPB applied for appeal against the JR on 8/07/2003 of High Court and to be heard by the Court of Final Appeal on 9 December 2003.

28/09/2003
SPHL organized the first public meeting “Save Our Harbour Campaign” at Central waterfront.

4/10/2003
Harbour protection signature campaign launched by convenience store chain Daily Stop, which was a subsidiary of the SCMP Group.

5/10/2003
The SPHL, AGPH, SynergyNet and Greenpeace organized the second public meeting of the “Save Our Harbour Campaign” at Edinburgh Place in central to enroll new members from public.

12/10/2003
Environmental group Greenpeace organized a signature campaign for Harbour protection along Central waterfront.

19/10/2003
The AGPH, SynergyNet and Greenpeace organized the third public meeting of the “Save Our Harbour Campaign” at Central.

20/10/2003
Greenpeace organized a press conference to release and explain their findings of the pollution caused by the reclamation project.

31/10/2003
PLW Panel meeting on reclamation issue in LegCo

27/11/2003
The sub-group of the SPHL, called Friends of The Harbour, published “The Harbour Primer --- What you need to know about Harbour reclamation” to introduce the issues of Harbour reclamation to the general public. On the other hand, SPHL has introduced two alternative plans to replace the original WD II.

6/11/2003
Informal meeting between SPHL and HPL Bureau

8/11/2003
A forum was held to discuss the Harbour reclamation issue, participants includes the SPHL, various professional institutes (in planning, architecture, engineering), academics, and government representatives.

13/11/2003
Conference on Harbour reclamation held by “New Century Forum”
25/11/2003
Greenpeace protest to stop Harbour reclamation

27/11/2003
Joint meeting was held between PLW Panel, EA Panel, 19 groups and individuals in the matter of CR III and WD II in LegCo.

30/11/2003
A Harbour reclamation-related programme, Citizen Envisioning @ Harbour, organized exhibition and charrette in Victoria Park. Citizen Envisioning @ Harbour was formed by universities, professional institutes, social service groups and environmental groups aimed at introducing history of Harbour reclamation, the debate and promoting public participation in urban planning and design.

7/12/2003
A public hearing about Harbour reclamation was held by the Citizen Envisioning @ Harbour. Many parties were involved including government representatives, professional institutes, district council officer, concern groups, green groups, religious groups and citizens.

9/01/2004
Court of Final Appeal judged that the appeal applied by TPB was dismissed. The Judge’s order remittal to the TPB to reconsider the matter in accordance with law contained a reference to the judgment.

Sources:
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2. Legislative Council documents
   CB(1) 403/03-04(07)
   CD(1) 18/03-04(01)
3. SPHL 2003 lawsuit document
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4. Various news from newspaper
Appendix IV. Protection of Harbour Ordinance
Source: Hong Kong Judiciary

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