

Protection of the Harbour (Amendment) Ordinance 2025 comes into force

The Protection of the Harbour (Amendment) Ordinance 2025 (the Amendment Ordinance) was gazetted and came into force today (May 16).

The Amendment Ordinance received its third reading and was passed at the meeting of the Legislative Council last Wednesday. The Amendment Ordinance aims to amend the Protection of the Harbour Ordinance (Cap. 531) (the Ordinance), and seeks to, on one hand, set out a clearer mechanism to regulate reclamations in Victoria Harbour (the Harbour), in particular large-scale reclamations, for protecting the Harbour; and on the other hand, introduce a streamlined mechanism for small-scale reclamations which improve the functions and harbourfront of the Harbour as well as non-permanent reclamations in the Harbour, in order to facilitate and promote harbourfront enhancement for public enjoyment and to strengthen harbour functions.

According to the amended Ordinance, harbour enhancement reclamations and harbour non-permanent reclamations meeting certain criteria and are in the public interest, may be granted with exemption from the "Presumption against Reclamation" (the Presumption) by the Financial Secretary under the streamlined mechanism to facilitate these works which could benefit the community.

Other reclamations in the Harbour will still be subject to the stringent Presumption. To rebut the Presumption, it is not only necessary to consider the three considerations set out in earlier court judgment (which are now incorporated as part of the Ordinance), it is also obligatory to comply with the new statutory procedures, which include: to prepare an assessment on the "overriding public need" of the project, to publish the report for public comments and to submit the report and the comments received to the Chief Executive in Council for determination on whether the Presumption is rebutted.

A spokesperson for the Development Bureau (DEVB) said, all along, if any government departments or other persons have proposals to carry out reclamations in the Harbour, they must first be considered and approved (if granted) by the Government in accordance with the Ordinance. The amended Ordinance will more effectively regulate the Government in exercising the power to pursue reclamations in the Harbour. On the other hand, the amendments of the Ordinance do not change the right of members of the public in applying for judicial review against the decision of the Administration.

The spokesperson said, the Amendment Ordinance demonstrates the Government's commitment to protecting Victoria Harbour, and also provides a more solid legal basis for the long-term protection of the Harbour. Moreover, the Government will have greater flexibility in connecting the harbourfront and enhancing the harbour functions, which will promote the better use of harbourfront resources, and creating with the community a Victoria

harbourfront that everyone could be proud of. The Government has reiterated that there is no plan to initiate large-scale harbour reclamations to form land for housing, commercial or industrial developments.

With the amendments to the Ordinance coming into force, the DEVB and relevant departments are finalising the administrative guidelines, which will be completed and published within two months. During the consultation and examination of the legislative amendments, the Government received a number of suggestions on how to improve the harbourfront on both sides of the Harbour. The Government noted the views received. Subject to the availability of resources, the Government will exchange ideas with various sectors, with a view to leveraging the facilitations brought by the streamlined mechanism for taking forward more works that are conducive to the public's enjoyment of the Victoria harbourfront.