

**Extract from the minutes of special meeting
of the LegCo Panel on Planning, Lands and Works
held on 16 May 2002**

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III. Speeding up of public works projects — proposed legislative amendments

(LC Paper No. CB(1)1630/01-02(13) — Paper provided by the Administration)

Administration's proposed legislative amendments

17. The Deputy Secretary (Programme and Resources) of Works Bureau (DS/WB) advised that following a review in 2001, the Administration had successfully reduced the pre-construction lead time for an average medium-sized civil engineering project from six years or more to less than four years. To meet the public expectation to further expedite the delivery of public works projects, the Administration proposed to amend the Roads (Works, Use and Compensation) Ordinance (Cap. 370), Foreshore and Seabed (Reclamations) Ordinance (Cap. 127) and Water Pollution Control (Sewerage) Regulation (Cap. 358 sub. leg.):

- (a) to shorten the period for the lodging of objections under the relevant Ordinances/Regulation from two months to one month;
- (b) to shorten the objection resolution period from the maximum of nine months to four months; and
- (c) to shorten the extension period for resolving objections as might be granted by the Chief Executive from the maximum of six months to three months.

18. DS/WB also briefed members on the background and benefits of the proposal and the interim arrangements as detailed in the paper provided by the Administration.

19. Mr Albert CHAN expressed that the Democratic Party strongly objected to the proposed legislative amendments, as the amendments would greatly affect the right of the public to lodge objections to proposed public works projects. At present, the Roads (Works, Use and Compensation) Ordinance provided that any person might object to any works or use in connection with a road within a period of 60 days from the date when the works or use was published on the Gazette. Similarly, the Foreshore and Seabed (Reclamations) Ordinance provided that any

person might object to a reclamation within a period of two months from the date when the reclamation was published on the Gazette. Mr CHAN pointed out that the general public, being normally unaware of the contents of the Gazette, would only come to know about the works or reclamation if the project in question was widely publicized by the media. They then needed time to study and discuss the project before finalizing their views. The existing two-month objection period was not too long and therefore should not be shortened.

20. DS/WB pointed out that under the existing public consultation procedures, the Works Departments were required to present their proposed public works projects to the relevant District Councils and other concerned parties prior to finalizing the project schemes for gazettal. The public should therefore have sufficient advance knowledge of the project to enable them to raise any objections quickly after it was gazetted. As regards the proposal to shorten the period for resolving objections, it would mainly affect the Administration.

21. Mr Albert CHAN considered that the Administration should appreciate that it would take time for the general public to study public works proposals in detail because they could not afford to do so on a full-time basis. In fact, the two-month objection period was too short for some complex projects. The Chairman also considered the two-month objection period too short. DS/WB advised that prior to 1998, there had been no fixed statutory period for objection. To address the concern raised by the public and government departments about the endless process for resolving objections, fixed statutory periods for resolving objections were then introduced to expedite the delivery of public works projects.

22. While recognizing the need to expedite the delivery of public works projects, Miss CHAN Yuen-han considered the Administration's proposed legislative amendments not the right way forward. She recalled that when the subject was discussed at the Public Works Subcommittee (PWSC) meeting on 14 November 2001, Members had expressed support for expediting the delivery of public works projects but stressed that the relevant statutory procedures must be complied with and public consultation must not be compromised. In Miss CHAN's view, the Administration should streamline internal procedures and introduce measures to enhance the coordination among various bureaux and departments involved in public works projects. The Chairman, Mr LAU Ping-cheung and Ir Dr Raymond HO shared her views. They did not support the proposed legislative amendments, as the amendments would affect the interests of the public. Ir Dr HO considered that the right approach would be for the Administration to streamline the time-consuming process for internal consultation at the early planning stage of a project. As far as he knew, it was not uncommon for the department proposing a project to wait for a long period of time for the comments from other departments concerned.

23. DS/WB clarified that the proposed legislative amendments would only affect the periods for lodging and resolving objections after a public works project was gazetted, but not the public consultation process before gazettal. DS/WB also pointed out that since 2001, the Administration had already

introduced a number of streamlined pre-tender planning and administrative measures and adopted accelerated procedures for the selection and award of works consultancies and contracts. Moreover, a Project Manager (PM) had been assigned for each project to enhance coordination among various bureaux and departments involved in a public works project.

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24. Ir Dr Raymond HO enquired whether officials of more senior levels would be designated for the coordination of public works projects after the implementation of the accountability system for principal officials on 1 July 2002. DS/WB said that as a general practice, monitoring of public works projects had been delegated to the Works Departments and a PM ranked at directorate level would assume the coordinating role for each project. As regards large-scale public works projects, special committees comprising representatives of the relevant bureaux and departments would be set up to monitor the progress. Ir Dr HO considered the ranking of a PM too low to perform the coordinating role effectively. He was concerned that the practical problems would remain unresolved. The Chairman suggested the Administration to consider Ir Dr HO's views.

25. Responding to Miss CHAN Yuen-han, DS/WB advised that 2% of the 108 public works projects published on the Gazette in the past five years required seven to nine months for resolving objections and 8% required from four to seven months. The rest of the projects took less than four months for resolving objections or involved unresolved objections which required submission to ExCo. The Administration therefore considered it justified to shorten the period for resolving objections to four months. Miss CHAN disagreed with the Administration's view. The fact that 10% of the projects required more than four months for resolving objections demonstrated that a four-month period was too short for the purpose. She considered that a reasonable time period should be provided for the public to lodge objections to public works projects regardless of the number of projects involved.

26. Being unconvinced of the Administration's explanations, Miss CHAN Yuen-han and Mr Albert CHAN requested the Administration to withdraw its proposed legislative amendments. DS/WB reiterated that the proposed amendments aimed to expedite the delivery of public works projects by shortening the periods for lodging and resolving objections. The public consultation process before the gazettal of a public works project would not be affected.

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27. The Chairman requested the Administration to take account of Members' views and reconsider its proposals for expediting the delivery of public works projects.

Informing the affected parties and general public of public works projects

28. Mr Albert CHAN and Mr LAU Ping-cheung considered that improvement measures should be put in place to ensure that the parties affected

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by a proposed public works project and the general public were aware of the proposed project. Apart from publishing the proposed project on the Gazette, the Administration should consider informing the affected parties in writing and posing notices at the sites in question.

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