

立法會
Legislative Council

LC Paper No. CB(1)924/10-11
(These minutes have been seen
by the Administration)

Ref : CB1/SS/12/09

Subcommittee on Port Control
(Public Cargo Working Area) Order 2010

Minutes of the second meeting held on
Wednesday, 27 October 2010, at 8:30 am
in Conference Room A of the Legislative Council Building

Members present : Hon Miriam LAU Kin-ye, GBS, JP (Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon Jeffery LAM Kin-fung, SBS, JP
Hon WONG Ting-kwong, BBS, JP
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon IP Kwok-him, GBS, JP
Dr Hon PAN Pey-chyou
Hon Tanya CHAN
Hon Albert CHAN Wai-yip

Members absent : Hon CHEUNG Hok-ming, GBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP

Public Officers attending : **Agenda item I**
Mr YAU Shing-mu, JP
Under Secretary for Transport and Housing

Ms Doris CHEUNG Mei-chu, JP
Deputy Secretary for Transport and Housing
(Transport)

Ms Jenny CHAN Wai-man
Principal Assistant Secretary for Transport and
Housing (Transport)

Mr TAM Hon-choi
Chief Engineer / Railway Development
Highways Department

Mr Vitus NG
Acting Chief Engineer / Railway Development
Highways Department

Mr Edward LAU Chi-shing
Senior Marine Officer / Cargo Handling
Marine Department

Mr Peter SZE Chun-fai
Government Counsel
Department of Justice

Clerk in attendance : Ms Joanne MAK
Chief Council Secretary (1)2

Staff in attendance : Mr Bonny LOO
Assistant Legal Adviser 3

Mr Ken WOO
Council Secretary (1)2

Action

- I Meeting with the Administration**
(L.N. 98 of 2010
- Port Control (Public Cargo Working Area) Order 2010
 - The Legislative Council Brief issued by the Transport and Housing Bureau
- File Ref: MA 40/4

- LC Paper No. LS 98/09-10 — Legal Service Division Report on subsidiary legislation gazetted on 9 July 2010
- LC Paper No. CB(1)35/10-11(01) — Marked-up copies of the Port Control (Public Cargo Working Area) (No. 5) Order 1998 (L.N. 58 of 1998) and the Port Control (Public Cargo Working Area) (Consolidation) Order (Cap. 81 sub. leg. B) prepared by the Legal Service Division
- LC Paper No. CB(1)83/10-11 — Background brief on Port Control (Public Cargo Working Area) Order 2010 prepared by the Legislative Council Secretariat
- LC Paper No. CB(1)195/10-11(01) — Administration's proposed amendments to the Order
- LC Paper No. CB(1)132/10-11(01)-(02) — Supplementary papers on the relevant discussions of Central & Western District Council on the proposed use of the barging point at Western District Public Cargo Working Area for transportation of the excavated materials from Admiralty Station
- LC Paper No. CB(1)221/10-11(01), (02) and (03) — Marked-up copies of L.N. 98 of 2010, Cap. 81 sub. leg. B and L.N. 58 of 1998 prepared by the Legal Service Division
- LC Paper No. CB(1)236/10-11(01) — Letter dated 25 October 2010 from the Chairman of Central & Western District Council

LC CB(1)251/10-11(01)	Paper	No. —	Administration's paper on plan illustrating the operation of the temporary barging point
LC CB(1)251/10-11(02)	Paper	No. —	Administration's paper on West Island Line - barging point location plan)

The Subcommittee deliberated (index of proceedings attached at **Annex**).

2. In response to the request of the Subcommittee raised at the last meeting on 19 October 2010, the Administration had submitted for members' consideration its proposed amendments to the Port Control (Public Cargo Working Area) Order 2010 (the Order) to stipulate that the revised boundary of the Western District Public Cargo Working Area (PCWA) excluding a site of 7 500 square meters for temporary use as a barging point would only be effective between 13 November 2010 and 31 December 2014 (both dates inclusive). The original boundary of the Western District PCWA would be restored on 1 January 2015. Regarding the Chinese version of the Administration's proposed amendments to sections 3 and 4 of the Schedule, Assistant Legal Advisor 3 (ALA3) suggested that the drafting of the provisions could be improved by replacing "暫時撤銷" with "暫停實施" as the Chinese rendition of the words "suspension" and "suspended". Members agreed to ALA3's suggestion.

3. The Subcommittee noted a letter dated 25 October 2010 from the Chairman of Central & Western District Council (C&WDC) expressing concern about the traffic and environmental impacts of the transportation arrangements arising from the modification works for the Admiralty Station, and the Administration's response to the questions raised in that letter. The Administration further advised that in addition to previous consultation with C&WDC, a further meeting with C&WDC had been scheduled for 2 November 2010 to explain the detailed arrangements and measures that would be taken to minimize impact on the local residents. The Administration undertook to keep C&WDC posted of the developments.

(Post-meeting note: The draft minutes of the meeting of C&WDC held on 2 November 2010 was issued vide LC Paper No. CB(1)376/10-11(01) on 8 November 2010.)

Action

4. Mr KAM Nai-wai asked to put on record his objection to the setup of a temporary material stockpile area at the barging point which in his view might pose dust nuisance to residents nearby.

Clause-by-clause examination of the Order

5. The Subcommittee conducted clause-by-clause examination of the Order.

Admin

6. After discussion, the Administration was requested to –

- (a) revise its proposed amendments in the light of ALA3's comments referred to in paragraph 2 above;
- (b) arrange addition of editorial notes to the consolidated version (i.e. in the Loose-leaf edition, by replacement page; and in the Bilingual Laws Information System, by updating the section module) of the Port Control (Public Cargo Working Area) (Consolidation) Order (Cap. 81 sub. leg. B) (“the Consolidation Order”) to remind users that section 7 of the Consolidation Order referring to the original boundary of the Western District PCWA was being suspended from 13 November 2010 until the beginning of 1 January 2015;

(Post-meeting note: A paper on the revised proposed amendments and the Administration's undertaking to follow up on item (b) above was issued vide LC Paper No. CB(1)295/10-11(01) on 2 November 2010.)

- (c) respond to a member's request for provision of 24-hour hotline service for matters arising from the operation of the temporary barging point; and
- (d) provide a plan and side elevations of the temporary barging point.

(Post-meeting note: The supplementary information provided by the Administration on items (c) and (d) above was issued vide LC Paper No. CB(1)377/10-11(01)-(02) on 8 November 2010.)

Members agreed that the revised amendments and supplementary information to be provided by the Administration would be circulated to members when available. Members also agreed that there was no need to hold a further meeting.

7. The Subcommittee completed scrutiny of the Order and agreed to report its deliberations to the House Committee (HC) at its meeting on 5 November 2010. Members noted that the Secretary for Transport and Housing would move a motion to amend the Order at the Council meeting on 10 November 2010. The Chairman advised that the scrutiny period of the Order would expire on 10 November 2010, and that the deadline for giving notice of motion to amend the Order was 3 November 2010.

II Any other business

8. There being no other business, the meeting ended at 9:45 am.

Council Business Division 1
Legislative Council Secretariat
31 December 2010

**Proceedings of the second meeting of the
Subcommittee on Port Control
(Public Cargo Working Area) Order 2010
on Wednesday, 27 October 2010, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
Agenda item I – Meeting with the Administration			
000148 – 000236	Chairman	- Opening remarks	
000237 – 001938	Administration Chairman ALA3	- Administration’s response to concerns of C&WDC and briefing on the proposed amendments to the Order	
001939 – 002730	Mr IP Kwok-him ALA3 Administration Chairman	- Discussion on the reversion of the temporary barging point to the Western District PCWA on 1 January 2015 - Discussion on the impact of the works on road traffic and the consultation with C&WDC on the relevant traffic arrangements	
002731 – 004017	Mr KAM Nai-wai Administration Chairman ALA3	- The Administration’s explanation on the operations of the conveyor belt system and the temporary barging point - Discussion on the measures to be put in place to mitigate dust nuisance arising from the operation of the barging point, including the provision of water spraying system and wheel washing facility	
004018 – 004330	Mr WONG Ting-kwong Administration	- Discussion on suspending the operation of dump trucks in case of occurrence of temporary traffic chaos	
004331 – 004939	Miss Tanya CHAN Administration Chairman	- The Administration’s undertaking to provide C&WDC information on the travelling route of the dump trucks and the truck trips during different times of the construction period - Discussion on handling excavated materials to be delivered by dump trucks at the temporary barging point and the number of additional vessels required	
004940 – 005454	Ms Cyd HO Chairman Administration	- Ms HO’s view that the scrutiny of the Order by LegCo members could be facilitated if C&WDC was properly consulted in advance - The Administration’s undertaking to provide a plan and side elevations of the temporary barging point	

Time marker	Speaker	Subject(s)	Action required
005455 – 005731	Mr Albert CHAN Administration Chairman	- Discussion on provision of 24-hour hotline for matters arising from the operation of the temporary barging point	
005732 – 010129	Dr PAN Pey-chyou Administration Chairman	- Discussion on the material used for the covers at the temporary barging point and the justification for the preparatory works currently in progress	
010130 – 010700	Mr KAM Nai-wai Chairman Administration	- Mr KAM's objection to the setup of a temporary material stockpile area at the temporary barging point and expression of regret on the Administration's failure to provide information on the travelling arrangements of dump trucks - The Administration's response to views of Mr KAM	
010701 – 011052	Chairman Mr KAM Nai-wai Mr Albert CHAN Ir Dr Raymond HO	- Members' concurrence that a further meeting was not necessary and that the supplementary information requested of the Administration could be provided to members by way of circulation - The Chairman's recapitulation of the legislative timetable, in particular the date of reporting to HC	The Administration to provide supplementary information (paragraph 6 of minutes)
011053 011329	Chairman Administration	- Examination of the Order (LC Paper No. CB(1)221/10-11(01))	
011330 – 011538	Chairman ALA3	- Closing remarks	