

LEGISLATIVE COUNCIL BRIEF

PORT CONTROL (PUBLIC CARGO WORKING AREA) ORDER 2011

INTRODUCTION

The Secretary for Transport and Housing (“the Secretary”) has made the Port Control (Public Cargo Working Area) Order 2011 (“the Order”) at Annex under the Port Control (Cargo Working Areas) Ordinance (Cap. 81) (“the Port Control Ordinance”) to repeal two earlier orders¹ in view of the decommissioning of the Kwun Tong and Cha Kwo Ling Public Cargo Working Areas (“PCWAs”). This paper briefs Members on the Order.

Annex

BACKGROUND AND JUSTIFICATIONS

2. PCWA is a fenced-off area for transferring cargo to and from barges or small coasters across seawall. Pursuant to the Port Control Ordinance, Kwun Tong PCWA was commissioned in 1978 and Cha Kwo Ling PCWA in 1989. Their present boundary was declared under Legal Notices No. 85 of 2009 and 60 of 1998 respectively. To make way for the development of south-east Kowloon (including Stage 2 of the Kwun Tong Promenade Development), the Kwun Tong and Cha Kwo Ling PCWAs have not been released for further tendering upon the expiry of the Berth Licence Agreements (“BLAs”) which ended on 31 July 2011. As the BLAs for other PCWAs² also expired at the same time, three rounds of tendering have been conducted in time so that existing operators and new comers who wish to operate under BLAs commencing from August 2011 could bid for berths in PCWAs other than the above two PCWAs. At present, all operators previously operating at the Kwun Tong and Cha Kwo Ling PCWAs have moved out and the said PCWAs are vacant.

¹ Port Control (Public Cargo Working Area) (No. 7) Order 1998 (Legal Notice No. 60 of 1998) and Port Control (Public Cargo Working Area) Order 2009 (Legal Notice No. 85 of 2009).

² They include the Tuen Mun, Rambler Channel, Stonecutters Island, New Yaumatei, Chai Wan and Western District PCWAs.

THE ORDER

3. The Order repeals Legal Notices No. 85 of 2009 and 60 of 1998 and sections 5 and 9 of the Port Control (Public Cargo Working Area) (Consolidation) Order (Cap. 81 sub. leg. B) in view of the decommissioning of the Kwun Tong and Cha Kwo Ling PCWAs. The Order is to take effect on 6 February 2012.

LEGISLATIVE TIMETABLE

4. The Order will be gazetted on 9 December 2011 and tabled at the Legislative Council on 14 December 2011.

IMPLICATIONS OF THE PROPOSAL

5. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the current binding effect of the Port Control Ordinance. As mentioned in paragraph 2 above, berths at the Kwun Tong and Cha Kwo Ling PCWAs have not been released for further tendering since the BLAs expired on 31 July 2011 and are now vacant. There is hence no economic, productivity, financial, civil service, environmental and sustainability implications.

PUBLIC CONSULTATION

6. The Legislative Council Panel on Economic Development (“ED Panel”) was informed of the planned closure on 17 March and 11 April 2008 and was briefed on the tendering arrangements for PCWA berths on 24 January and 28 February 2011. We also submitted an information note to the ED Panel on the Order on 7 November 2011 and members did not have any comments. The PCWA operators were informed of the matter since 2008 through the PCWA Management Committee which met from time to time. At the district level, the Kwun Tong District Council supports the decommissioning of the two PCWAs. It passed a motion on 29 January 2008 urging the Government to close the two PCWAs and develop the area into a waterfront promenade.

PUBLICITY

7. A press release will be issued on 9 December 2011 and a spokesman will be available to handle enquiries.

ENQUIRIES

8. Enquiries on this brief can be addressed to Mr. C S LAU, Senior Marine Officer, Marine Department (Tel: 2852 4452).

Transport and Housing Bureau
7 December 2011

Port Control (Public Cargo Working Area) Order 2011

(Made by the Secretary for Transport and Housing under section 3(1) of the Port Control (Cargo Working Areas) Ordinance (Cap. 81))

1. Commencement

This Order comes into operation on 6 February 2012.

2. Enactments repealed

The following enactments are repealed—

- (a) the Port Control (Public Cargo Working Area) (No. 7) Order 1998 (L.N. 60 of 1998);
- (b) the Port Control (Public Cargo Working Area) Order 2009 (L.N. 85 of 2009).

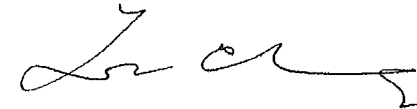
3. Port Control (Public Cargo Working Area) (Consolidation) Order amended

The Port Control (Public Cargo Working Area) (Consolidation) Order (Cap. 81 sub. leg. B) is amended as set out in section 4.

4. Sections 5 and 9 repealed

Sections 5 and 9—

Repeal the sections.



Secretary for Transport and Housing

30 November 2011

Explanatory Note

This Order repeals 2 earlier Orders which declared certain areas in Cha Kwo Ling and Kwun Tong as public cargo working areas, following the decommissioning of those public cargo working areas.