

立法會

Legislative Council

LC Paper No. CB(4)619/14-15

Ref.: CB4/SS/5/14

Paper for the House Committee meeting on 13 March 2015

Report of the Subcommittee on Port Control (Public Cargo Working Area) Order 2015

Purpose

This paper reports on the deliberations of the Subcommittee on Port Control (Public Cargo Working Area) Order 2015 ("the Subcommittee").

Background

2. According to the relevant Legislative Council Brief issued by the Transport and Housing Bureau and Marine Department on 23 January 2015 ("the LegCo Brief"), Public Cargo Working Areas ("PCWAs") are fenced-off waterfront areas for transferring cargo to and from local barges or small coasters across seawall. Section 3(1) of the Port Control (Cargo Working Areas) Ordinance (Cap. 81) ("the Ordinance") confers the Secretary for Transport and Housing ("STH") with the power to declare any area of unleased Government land to be a PCWA. Currently, there are six PCWAs¹ in Hong Kong. The Western District PCWA ("WD-PCWA") was established in 1981 and its existing boundaries are referred to in section 7 of the Port Control (Public Cargo Working Area) (Consolidation) Order (Cap. 81 sub. leg. B) ("the Consolidation Order") which was made in 2010. WD-PCWA occupies a total area of approximately 40 200 square metres with a usable seafrontage of 1 052 metres.

3. The Central and Western District Council ("C&WDC") is implementing an initiative, the *Harbourfront Enhancement and Revitalization at the Western Wholesale Food Market* ("WWFM"), under the Signature Project Scheme ("SPS"), with a view to providing a waterfront promenade and open space at WWFM and its vicinity for public enjoyment. The project had

¹ Namely Tuen Mun, Rambler Channel, Stonecutters Island, New Yaumatei, Chai Wan and Western District PCWAs.

the support of the Home Affairs Bureau, the Home Affairs Department, the Harbourfront Commission and the local community. Funding application will be submitted to the Legislative Council in 2015.

4. The proposed site of SPS at WWFM sits next to WD-PCWA. In order to provide an access point to the future waterfront open space at WWFM, a small portion of land at WD-PCWA of approximately 217.6 square metres (11 x 19.78 metres) (marked **A** in **Appendix I**) needs to be released for the development of SPS.

5. In addition to the above, to align with the latest Government land allocation boundaries, three additional small portions of land at the entrances / exits (marked **B** in **Appendix I**) with a total area of approximately 320 square metres will be incorporated into WD-PCWA re-delineation. After these minor revisions, the total site area of WD-PCWA will slightly increase by 100 square metres with the usable seafrontage remains unchanged.

6. Meanwhile, the effect of section 7A of the Consolidation Order, which revised the boundaries of WD-PCWA excluding a site of 7 500 square metres for temporary use as a barging point during the construction of the West Island Line project of the Mass Transit Railway ("the barging point site") between 13 November 2010 and 31 December 2014, has lapsed.

The Port Control (Public Cargo Working Area) Order 2015

7. The Port Control (Public Cargo Working Area) Order 2015 ("the Order") declares the new boundaries of WD-PCWA by referring to the plan at **Appendix II** which sets out the revised boundaries of WD-PCWA. With the revised boundaries, WD-PCWA will occupy a total area of approximately 40 300 square metres. The Order is to commence from a day to be appointed by STH by notice published in the Gazette.

The Subcommittee

8. At the House Committee meeting held on 6 February 2015, Members agreed that a subcommittee should be formed to study the Order in detail. The membership list of the Subcommittee is in **Appendix III**.

9. Under the chairmanship of Hon IP Kwok-him², the Subcommittee held two meetings. At the second meeting on 24 February 2015, the Subcommittee received views from three organizations, namely, C&WDC, WD-PCWA and Hong Kong Cargo Vessel Traders' Association Limited ("CVTA").

10. To allow more time for the Subcommittee to scrutinize the Order, a motion was moved by Hon IP Kwok-him, on behalf of the Subcommittee, at the Council meeting of 25 February 2015 to extend the scrutiny period of the Order from the Council meeting of 25 February 2015 to that of 25 March 2015.

Deliberations of the Subcommittee

The Order

11. The Subcommittee notes the various views expressed by deputations. C&WDC welcomes the Order which has been made to release a small portion of land at WD-PCWA to provide an access point to the future waterfront open space at WWFM under SPS. C&WDC has opined that following the growth of population in the Western District ("WD") along with the erection of more and more high-rise residential buildings, there is a general lack of open space in the district. It is working closely with the Administration to rationalize the alignment of the waterfront promenade.

12. The representative of WD-PCWA has remarked that they have acceded to the Administration's request to reduce the size of WD-PCWA under the Order despite it will bring operational inconvenience to trucking drivers. He highlights that berths at WD-PCWA are used for handling bulk cargo, cargo engaged in outlying island trade and river trade as well as for distributing dry seafood products to the WD retail shops and fresh fruits and vegetables from the nearby wholesale market to the outlying island.

13. CVTA has expressed support to the new boundaries of WD-PCWA as the change would not have significant impact to PCWA operation while releasing the small portion of land for other purpose. It opines that PCWA operators have been making concessions to accommodate the needs of other users by reducing the size of the PCWA sites in various districts, and the Administration should review the long-term development needs of PCWAs in Hong Kong and provide the necessary support accordingly.

14. Hon Frankie YICK has expressed concern that cargoes nowadays are increasingly transported by sea due to cost consideration but the number of PCWA berths is reducing. He urges the Administration to acknowledge the

² Hon IP Kwok-him has declared that he is a member of the Central and Western District Council.

role of PCWAs in handling cargo and their contribution to the economy, as well as the long-term development needs of PCWAs which should be properly re-provisioned if they are required to be relocated for the improvement of residential environment. In respect of WD-PCWA, he opines that the change in the boundaries under the Order will inevitably incur additional staff cost to the operators therein.

15. According to the Administration, berths at PCWAs are allocated to operators by way of Berth Licence Agreements ("BLAs"). As the existing BLAs will expire in mid 2016, the Government is conducting a comprehensive review on the future allocation method for PCWA berths. It is expected that the review would be completed by mid 2015 and the Administration will consult the stakeholders, including PCWA operators, District Councils and Legislative Council before deciding on the way forward.

16. The Subcommittee notes the view of CVTA that in conducting the review, the Government should examine the long-term planning and development of all PCWAs in the territory such that PCWA operators could be allocated with a permanent working site to incentivize them to invest on modern facilities and equipment. It is hoped that a better working environment will help PCWA operators to retain staff.

17. Hon Frankie YICK urges the Administration not to neglect the needs of the PCWA operators and to provide the necessary basic facilities at the PCWA sites. Hon Cyd HO considers that the outdated facilities and equipment at PCWAs should be revamped, and site modernization should be carried out when the Administration implements the plan after the comprehensive review.

18. The Administration has responded that it would consider the duration of BLAs to enable PCWA operators to suitably invest on modern facilities and equipment to enhance their operational efficiency.

The barging point site

19. The Subcommittee notes that C&WDC expresses objection to include the barging point site in the Order. The Administration has clarified that the Order does not include the barging point site which has been reverted back to be part of WD-PCWA after 31 December 2014 in accordance with section 7A of the Consolidation Order. The Chairman has pointed out that section 7A in effect is a sunset provision, and there is inadequate communication between C&WDC and the Administration.

20. Nevertheless, C&WDC remarks that while respecting the role of PCWAs, members of C&WDC, having noted that WD-PCWA's operation was not affected in the past few years when the temporary barging point was in use

and the acute problem of open space shortage in the district, unanimously agreed to convert the barging point site as part of the waterfront promenade for public enjoyment.

21. However, the other two deputations highlight the indispensable functions played by the PCWA, and consider it unfair to PCWA operators if the barging point site will eventually be deployed as waterfront promenade and open space. They urge the Administration to honour its undertaking and allocate the barging point site for PCWA's use.

22. Hon YIU Si-wing opines that, in view of the increasing and aging population in WD coupled with the long history of cargo handling at its PCWA, the Administration has to balance the needs of different stakeholders and map out the long-term planning and use of the land in question. He considers that the Administration should analyze the relevant data to ascertain the utilization rate of the WD-PCWA in the past few years in order to determine the development direction, such as re-provisioning the PCWA at proper location if necessary. Hon YIU expresses concern about the progress of WWFM and is reluctant to see further delay in the development of the waterfront promenade due to the uncertainty over the deployment of the land in WD-PCWA.

23. The Administration has advised that WD-PCWA handled some 300 000 tonnes of cargo with about 85 000 vehicle trips in 2014. It notes that WD-PCWA is indispensable for transferring cargoes to-and-from outlying islands and Macau as well as mega pre-fabricated units that are too big to cross the harbour tunnels. The Administration stresses that it would balance the needs of various stakeholders when considering the long-term development of PCWAs under the current review. It will consult the stakeholders, District Councils and Legislative Councils on the outcome of the review before taking forward the initiatives based on the review and consultation.

24. Hon Cyd HO expresses concern that the balance should be struck by C&WDC which should make it clear to the WD residents that they are actually enjoying the services provided by PCWA operators without whom the supply of dry seafood might be affected, and that re-provisioning WD-PCWA to a farther site might bring about road congestion to the district. She stresses that the WD residents need to make an informed choice between retaining WD-PCWA and using the site as open space.

25. Hon Cyd HO has requested to put on record her dissatisfaction that the Administration should have stepped up communications with C&WDC and WD-PCWA operators in respect of the future use of the barging point site, and should have provided the relevant data on the use of the WD-PCWA in the LegCo Brief to facilitate Members' consideration. Hon Tony TSE has expressed similar views. He considers that proper consultation with the

stakeholders will avoid unnecessary misunderstanding. In this regard, the Administration has explained that C&WDC and WD-PCWA were both consulted when the Consolidation Order was made in 2010.

26. The Chairman considers that the use of land near the waterfront should be kept abreast of the times. As Subcommittee members and deputations alike all recognize the operational needs of the WD-PCWA, the Administration should devise a plan for the residents and PCWA operators to share the use of the land in question.

27. Subcommittee members and deputations are very concerned that the Administration will not allocate the barging point site for specific use prior to the completion of the review and proper consultation. In response, the Administration has reiterated that it will complete the comprehensive review by mid 2015, and then consult the stakeholders, such as WD-PCWA operators and C&WDC, before deciding on the way forward for, among others, the use of the barging point site. It has also undertaken that the Administration will not invite tenancies for the berths associated with the barging point site in the interim.

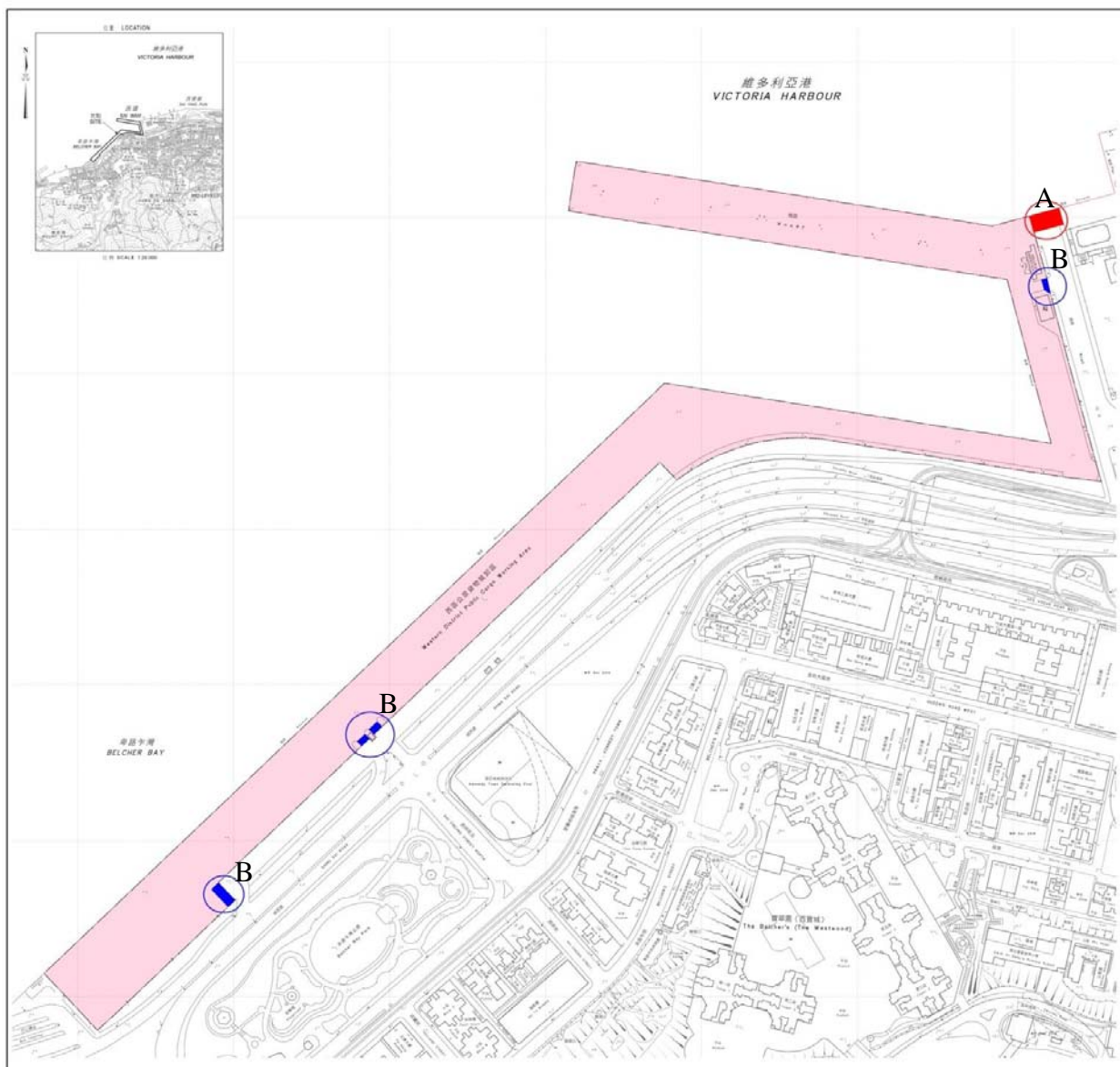
Recommendation

28. The Subcommittee supports the Order.

Advice sought

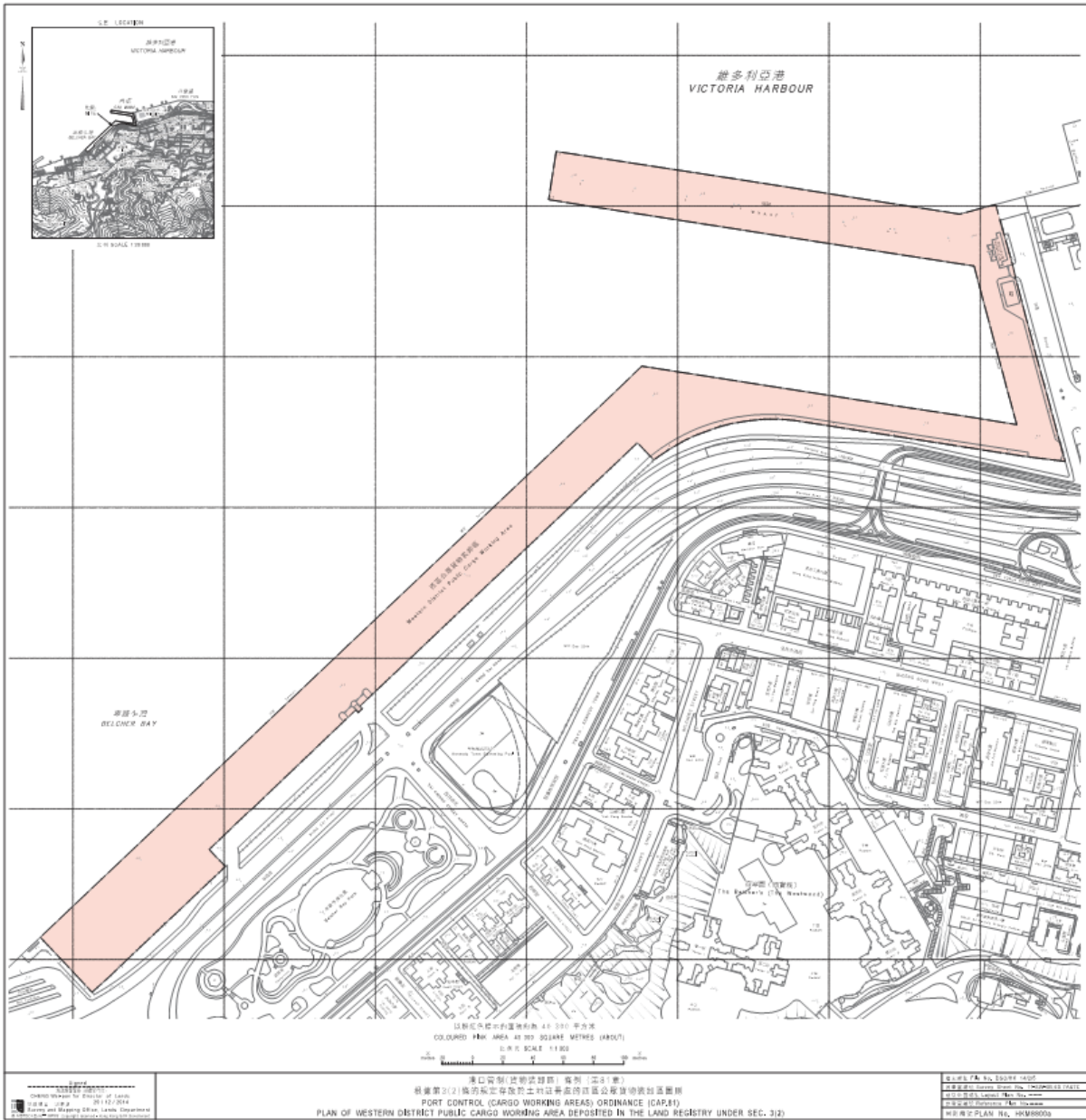
29. Members are invited to note the deliberations of the Subcommittee.

Council Business Division 4
Legislative Council Secretariat
11 March 2015



- i) Area marked A: To be released for Signature Project Scheme
- ii) Areas marked B: Additional portions at the entrances/exits to be incorporated into the public cargo working area to align with the latest Government land allocation boundaries

Appendix II



Subcommittee on Port Control (Public Cargo Working Area) Order 2015

Membership list

Chairman Hon IP Kwok-him, GBS, JP

Members Hon Cyd HO Sau-lan, JP
Hon Starry LEE Wai-king, JP
Hon Frankie YICK Chi-ming
Hon YIU Si-wing
Dr Hon Kenneth CHAN Ka-lok
Hon SIN Chung-kai, SBS, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen, BBS

(Total : 9 members)

Clerk Ms Debbie YAU

Legal Adviser Miss Winnie LO