

立法會
Legislative Council

LC Paper No. CB(1)141/98-99
(These minutes have been
seen by the Administration)

Ref: CB1/SS/1/98

**Subcommittee on
Water Pollution Control (Sewerage) (Amendment) Regulation 1998**

**Minutes of meeting
held on Friday, 7 August 1998, at 2:30 pm
in Conference Room B of the Legislative Council Building**

Members present : Hon Emily LAU Wai-hing, JP (Chairman)
Hon Albert HO Chun-yan
Hon LAU Kong-wah
Hon LAW Chi-kwong, JP

Member absent : Hon Christine LOH

Public officers attending : Mr Danny TSUI, Principal Assistant Secretary for
Planning, Environment and Lands (Environment)

Mr Eugene FUNG, Assistant Secretary for Planning,
Environment and Lands (Environment)

Mr Patrick C K LEI, Principal Environmental Protection
Officer (Waste Policy and Services)
Environmental Protection Department

Dr David HA, Senior Environmental Protection Officer
(Waste Policy and Services)
Environmental Protection Department

Mr David CHEUNG, Senior Engineer/Sewerage Projects,
Drainage Services Department

Mr J A FOX, Senior Assistant Law Draftsman

Clerk in attendance : Miss Odelia LEUNG, Chief Assistant Secretary (1)1

Staff in attendance : Mr KAU Kin-wah, Assistant Legal Adviser 6
Miss Becky YU, Senior Assistant Secretary (1)3

I Meeting with the Administration
(LC Paper No. CB(1)86/98-99 (Appendix III) and 99/98-99(01))

At the invitation of the Chairman, the Senior Engineer/Sewerage Projects briefed members on the information paper circulated vide LC Paper No. CB(1)99/98-99(01). He explained that the execution of sewerage works, regardless of their scale, involved different stages of planning, tendering, pre-construction and construction. Under the existing legislation, these works had to be gazetted at the planning stage in parallel with the conduct of environmental impact assessment study, traffic impact assessment study and consultation with Provisional District Boards (PDBs) concerned. The proposed amendments to the Regulation would exempt the gazettal requirement for sewerage works involving road closure of a limited scale before a funding application was made to the Public Works Subcommittee of the Finance Committee in the planning stage, or where this was not applicable, before tender was invited for the works. The Principal Assistant Secretary for Planning, Environment and Lands (Environment) (PAS for PEL/E) clarified that exempting the gazettal requirement for sewerage works involving road closure of a limited scale did not mean that the road could be closed at the construction stage of the works without gazetting. Regulation 27 of the Road Traffic (Traffic Control) Regulation required the Commissioner for Transport to publish a notice in the Gazette or in newspapers for closure of a road. Regulation 28 of the Road Traffic (Traffic Control) Regulation authorized the Commissioner for Transport to close a road temporarily for any period not exceeding 72 hours without publishing a notice. However, the gazettal requirement would apply if closure was required in excess of 72 hours.

2. As regards consultation, the Senior Engineer/Sewerage Projects (SE/SP) advised that consultation was mandatory for designated projects and major maintenance works. Apart from internal consultation with relevant government departments such as the Transport Department (TD), the Police and the District Offices (DO), public consultation would also be carried out through various means, including publishing a notice in the Gazette or in newspapers and consulting the PDBs. Members expressed doubt about the effectiveness of gazetting for the purpose of conveying a message to members of the public. They also considered consultation with PDBs not the best way to achieve the purpose either. Members were of the view that the most effective way to timely inform residents to be affected by works involving road closure was to erect a display board at the site showing details of the works some days before the commencement of the works so that residents concerned could reflect their views to the departments concerned. As far as the Amendment Regulation was concerned, consideration should also be given to including in the internal guidelines of Drainage Services Department (DSD) the need to consult Areas Committees (ACs) and Owners' Incorporations (OIs) which would be in a better position to get in touch with the affected residents.

3. In reply, SE/SP confirmed that in addition to consulting PDBs, the Administration would consult other district organizations according to individual circumstances. For example, DSD would consult village representatives in rural areas on sewerage works involving road closure. Special arrangements such as closure for a specified period could be made to minimize the inconvenience caused to villagers concerned. Consultation in urban areas was much more difficult as it was not easy to identify the persons to be affected and there was no established consultation channel to co-ordinate views from different parties. Nevertheless, he considered members' suggestion of involving ACs and OIs in the process worth pursuing.

4. On the erection of display boards, PAS for PEL/E considered that this might not be practicable given the need to include details of each project in both Chinese and English on the display board. The size of the board would be a cause for concern if a number of works were to be carried out on the same site by different utility companies at different times. This would inevitably block the road and cause inconvenience to residents nearby. Furthermore, the effectiveness of display boards to achieve the intended purpose had yet to be ascertained as they might not catch the attention of road users. A member however stated that the Administration's reason for rejecting the proposal was not convincing. Members remained of the view that the use of display boards, as compared with gazetting, would be a more effective way for getting across a message, and that the Administration should endeavour to erect display boards wherever feasible. At members' request, the Administration undertook to relay members' views to relevant government departments for consideration and to revert back to the Subcommittee in due course.

(Post-meeting note : The Administration's response was circulated vide LegCo Paper No. CB(1)137/98-99 on 26 August 1998.)

Admin.

5. As members had completed examination of the Regulation, the Chairman concluded that the Subcommittee supported the Regulation and a report would be submitted to the House Committee for consideration at its meeting on 4 September 1998. The Chairman reminded members that the deadline for giving notice of amendment to the Regulation, if any, was 2 September 1998.

II Any other business

6. There being no other business, the meeting ended at 3:35 pm.

Legislative Council Secretariat
26 August 1998