

立法會
Legislative Council

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**Paper for the House Committee Meeting
of the Legislative Council
on 11 February 2000**

**Legal Service Division Report on
Dumping at Sea (Amendment) Bill 2000**

Object of the Bill

To repeal the provision in the Dumping at Sea Ordinance (Cap. 466) ("the Ordinance") which exempts reclamation authorized under the Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127) from the requirement for a permit for dumping at sea.

LegCo Brief Reference

2. EFB 9/55/04/30(99) Pt. 20 issued by the Environment and Food Bureau on 20 January 2000.

Date of First Reading

3. 26 January 2000.

Comments

4. Section 8(1) of the Ordinance requires a permit for dumping at sea. Section 8(2) exempts reclamation authorized under the Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127) from such requirement. Section 11(1) of the Ordinance provides that the Secretary for the Environment and Food ("the Secretary") may order that specified operations do not need a permit or that such operations do not need a permit if they satisfy conditions specified in the order.

5. Under the Foreshore and Sea-bed (Reclamations) Ordinance, reclamation is defined to include "any work over and upon any foreshore and sea-bed". The definition covers both land formation works and dredging or dumping works. According to paragraph 6 of the LegCo Brief, it is the current practice for project proponents to apply for permits before initiating dumping operations which have been

authorized under the Foreshore and Sea-bed (Reclamations) Ordinance notwithstanding section 8(2) of the Ordinance. This practice accords with the original intention of the Administration that only land formation works should be exempt from the permit requirement.

6. The Bill proposes to repeal section 8(2) of the Ordinance. After the Bill is passed, an order exempting reclamation operations specific to land formation only would be made by the Secretary under section 11(1) of the Ordinance. The Bill and the exemption order would take effect on the same day.

7. The scope of the proposed exemption order is set out at Annex B of the LegCo Brief. The order would extend to reclamation authorized under the repealed Public Reclamations and Works Ordinance (Cap. 113, 1984 Ed.) and reclamation ordered under the Roads (Works, Use and Compensation) Ordinance (Cap. 370). The Administration has confirmed that the exemption order is subsidiary legislation and would be subject to the scrutiny of the Legislative Council.

Public Consultation

8. According to the LegCo Brief, the Advisory Council on the Environment has been consulted in September 1999 and the Council supported the proposal.

Consultation with the LegCo Panel

9. The LegCo Panel on Environmental Affairs received a briefing on the Bill on 20 December 1999 and members of the Panel supported the proposal.

Conclusion

10. The legal and drafting aspects of the Bill are in order. Subject to Members' views, the Bill is ready for resumption of the Second Reading debate.

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