

立法會
Legislative Council

LC Paper No. CB(1)1460/02-03
(These minutes have been seen
by the Administration)

Ref : CB1/BC/5/02

**Bills Committee on
Foreshore, Sea-bed and Roads (Amendment) Bill 2003**

**Minutes of first meeting held on
Tuesday, 1 April 2003 at 10:45 am
in Conference Room A of the Legislative Council Building**

Members present : Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP (Chairman)
Hon Andrew WONG Wang-fat, JP
Hon Emily LAU Wai-hing, JP
Dr Hon LAW Chi-kwong, JP
Hon Albert CHAN Wai-yip
Hon IP Kwok-him, JP

Public officers attending : Mr K K KWOK
Deputy Secretary for the Environment,
Transport and Works (Transport and Works) W1

Mr C L NG
Chief Assistant Secretary (Transport and Works) W2
Environment, Transport and Works Bureau

Ms Francoise LAM
Senior Government Counsel
Department of Justice

Clerk in attendance : Miss Salumi CHAN
Chief Assistant Secretary (1)5

Staff in attendance : Miss Monna LAI
Assistant Legal Adviser 7

Mr Matthew LOO
Senior Assistant Secretary (1)3

Action

I. Election of Chairman

Mrs Selina CHOW was elected Chairman of the Bills Committee.

II. Meeting with the Administration

(The Bill and papers for background information)

LC Paper No. CB(3)344/02-03	—	The Bill
Ref: ETWB(CR) 65/39	—	The Legislative Council Brief issued by the Environment, Transport and Works Bureau
LC Paper No. LS 53/02-03	—	The Legal Service Division Report
LC Paper No. CB(1)1231/02-03(01)	—	Marked-up copy of the Foreshore, Sea-bed and Roads (Amendment) Bill 2003
LC Paper No. CB(1)1232/02-03(01)	—	Background brief prepared by the Legislative Council Secretariat
LC Paper No. CB(1)1232/02-03(02)	—	Supplementary note on the "Measures to expedite public works and the benefits of the Bill" provided by the Administration)

2. The Bills Committee deliberated (Index of proceedings attached at **Appendix**).

Follow-up actions to be taken by the Administration

Admin 3. At the request of the Bills Committee, the Administration agreed to take the following actions within two weeks to facilitate the Bills Committee's scrutiny of the Bill-

3.1 To provide a detailed analysis of the objections against the proposed projects under the Foreshore and Sea-bed (Reclamations) Ordinance (FS(R)O) (Cap. 127), the Roads (Works, Use and Compensation) Ordinance (R(WUC)O) (Cap. 370) and the Water Pollution Control (Sewerage) Regulation (Cap. 358 sub. leg. AL) (WPC(S)R) in the past

five years. The analysis should include the following information:

(a) Projects

- (i) total number of projects involved; and
- (ii) categorization of the projects according to their nature and level of complexity.

(b) Lodging of objections

- (i) number of objections lodged against each of the projects;
- (ii) number of objections lodged within 30 days after the gazettal of the project;
- (iii) number of objections lodged between the 31st day and the end of the two-month period after the gazettal of the project; and
- (iv) categorization of the objections mentioned in item (b)(iii) above according to their nature and level of complexity.

(c) Resolution of objections

- (i) number of objections which were resolved within four months;
- (ii) number of objections which were resolved within four to seven months;
- (iii) number of objections which were resolved within seven to nine months;
- (iv) number of objections which the Chief Executive's approval had been sought to extend the period for resolving objections;
- (v) number of objections which could not be resolved;
- (vi) in respect of items (c)(iii) and (iv) above, details of the objections, including the reasons why such long period of time was required to resolve the objections; and
- (vii) number of cases where the objectors had produced further arguments to delay the process of resolving the objections, and the implications of such cases on the delivery of the projects concerned.

- 3.2 To set out clearly and illustrate with examples the existing problems in processing and resolving objections against the projects under FS(R)O, R(WUC)O and WPC(S)R, and how the Bill could address the problems without compromising the right of the public to lodge objections.
- 3.3 To set out the administrative measures taken by the Government to speed up the processing and resolving of objections against the projects under FS(R)O, R(WUC)O and WPC(S)R, including the requirements for Government departments and objectors to enhance the process, and

to provide samples of relevant documents, such as correspondences with the objectors.

- 3.4 Apart from consulting the District Councils on proposed projects, to consider adopting further measures, such as organizing public consultation forums, to enhance public awareness of the details and implications of the projects.

(Post-meeting note: The English version of the Administration's response was issued to members vide LC Paper No. CB(1)1489/02-03(02) on 23 April 2003.)

Public consultation

4. The Bills Committee considered it necessary to consult the public on the Bill. As agreed by the Bills Committee, the Clerk:

- (a) would arrange for the invitation of public views by issuing a press release, placing advertisements in the South China Morning Post and Apple Daily, and uploading an invitation note on the Website of the Legislative Council (LegCo);
- (b) would invite the 18 District Councils to give views on the Bill; and
- (c) would invite Advisory Council on Environment and green groups to give views on the Bill.

(Post-meeting note: The press release was issued and the invitation note was uploaded on the LegCo Website on 2 April 2003. Advertisements were placed in the two newspapers on 3 April 2003. Letters were also issued to the 18 District Councils and relevant organizations on 3 April 2003.)

Date of next meeting

5. The Bills Committee agreed that the second meeting be held on Friday, 2 May 2003 from 10:45 am to 12:45 pm for meeting with deputations and the Administration.

III. Any other business

6. There being no other business, the meeting ended at 12:00 noon.

Appendix

**Proceedings of the first meeting of the
Bills Committee on
Foreshore, Sea-bed and Roads (Amendment) Bill 2003
on Tuesday, 1 April 2003 at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000-000113	Mrs Selina CHOW Mr IP Kwok-him Mr Albert CHAN	Election of Chairman	
000114-000234	Chairman	Opening remarks	
000235-000635	Administration Chairman Mr Albert CHAN	Discussion on the way forward	
000636-001033	Administration	Briefing by the Administration on the Bill	
001034-001308	Ms Emily LAU Chairman Administration	Views of the Advisory Council on Environment (ACE) and green groups on the Bill, and the Administration's response to these views	Bills Committee to invite ACE and green groups to give views on the Bill
001309-001441	Administration	Clarification on the differences between public consultation on proposed projects prior to their gazettal and the statutory mechanism for handling objections raised by persons affected by the projects	
001442-001505	ALA	Clarification on the proposed period for lodging objections against proposed projects	

Time marker	Speaker	Subject(s)	Action Required
001506-001656	Ms Emily LAU Chairman Administration Mr Albert CHAN	Justifications for the proposed shortening of the period for lodging objections	
001657-001833	Mr Albert CHAN	Views on the proposed periods for lodging and resolving objections	
001834-002123	Mr Albert CHAN Chairman Administration	Statistics on the objections to public works projects in the past five years	Administration to provide detailed analysis of the objections against the proposed projects in the past five years
002124-002445	Mr Albert CHAN Administration	Details of the objections which were resolved within seven to nine months	
002446-003036	Administration Mr Albert CHAN Chairman	(a) Justifications for the proposed shortening of the period for resolving objections (b) Whether the shortened periods would be adequate for the affected persons to prepare supporting information to justify their objections	
003037-003102	Chairman Administration	Administrative measures taken by the Government to speed up the processing and resolving of objections	Administration to set out the administrative measures

Time marker	Speaker	Subject(s)	Action Required
003103-004119	Dr LAW Chi-kwong Chairman Administration	Whether the amendments proposed in the Bill, in particular the shorten period for lodging objections against proposed projects from two months to 30 days, were reasonable (Clauses 1 and 2 of Schedule 1 and Clauses 1 and 2 of Schedule 2)	
004120-005328	IP Kwok-him Administration Chairman	(a) Whether there was a need to shorten the periods for lodging and resolving objections (b) Whether the rights of the public to lodge objections would be compromised if the periods for lodging and resolving objections were shortened	Administration to set out the existing problems in processing and resolving objections against proposed projects, and how the Bill could address the problems without compromising the right of the public to lodge objections
005329-005853	Mr Andrew WONG Administration Dr LAW Chi-kwong Chairman	(a) Whether one month was adequate for the public to lodge objections against proposed projects (b) Further measures to enhance public awareness of the details and implications of proposed projects	Administration to consider member's views
005854-010100	Dr LAW Chi-kwong	Counter-proposal on the periods for lodging and resolving objections	

Time marker	Speaker	Subject(s)	Action Required
010101-010615	Chairman Dr LAW Chi-kwong Administration ALA	Clarification on the statistics provided by the Administration on objections to proposed projects in the past five years	
010616-010712	Mr IP Kwok-him Mr Andrew WONG Chairman	Consultation of District Councils and affected persons on proposed projects	
010713-010820	Mr IP Kwok-him Administration	Justifications for the proposed shortening of the period for resolving objections from nine months to four months	
010821-011443	Chairman Administration	(a) Summary of the information to be provided by the Administration (b) Consultation with the public and concerned parties (c) Scheduling of next meeting for meeting with deputations and the Administration	