

立法會
Legislative Council

LC Paper No. CB(1)1697/02-03
(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 second meeting held on
Monday, 28 April 2003 at 8:30 am
in Conference Room B of the Legislative Council Building**

Members present : Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP (Chairman)
Hon Andrew WONG Wang-fat, JP
Dr Hon LAW Chi-kwong, JP

Members absent : Hon Emily LAU Wai-hing, JP
Hon Albert CHAN Wai-yip
Hon IP Kwok-him, JP

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

Mr C L NG
Chief Assistant Secretary (Works) 2
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. Confirmation of minutes of meeting

(LC Paper No. CB(1)1460/02-03 — Minutes of first meeting held on 1 April 2003)

The minutes of the first meeting held on 1 April 2003 were confirmed.

II. Meeting with the Administration

(LC Paper No. CB(1)1530/02-03(01) — Letter dated 25 April 2003 from the Secretary for the Environment, Transport and Works

LC Paper No. CB(1)1532/02-03(01) — Letter dated 25 April 2003 from the Clerk to Bills Committee to the Secretary for the Environment, Transport and Works

LC Paper No. CB(1)1540/02-03(01) — Reply dated 25 April 2003 from the Secretary for the Environment, Transport and Works to the Clerk to Bills Committee

LC Paper No. CB(1)1489/02-03(01) — “Follow-up to the first meeting on 1 April 2003” prepared by the Legislative Council Secretariat

LC Paper No. CB(1)1489/02-03(02) — Administration’s response to the issues of concern raised by members at the first meeting on 1 April 2003)

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

Discussion on the Administration’s latest position

3. The Chairman pointed out that on 25 April 2003, the Administration informed

the Bills Committee in writing that its current thinking was to concentrate on the speeding up of the administrative procedures in handling public objections and expediting other pre-construction activities, and not to proceed with the legislative amendments in the near future. The Administration had proposed that further consideration of the Bill by the Bills Committee be suspended. The Chairman had therefore decided to convene this meeting urgently to discuss the Administration's latest proposal.

4. The Administration explained that having regard to the views expressed by the Bills Committee and interested parties on the legislative proposals, in particular the proposal to shorten the objection period to 30 days, the Administration was prepared to reconsider the way forward on the Bill. In this connection, the Administration pointed out that since the introduction of some internal administrative measures for expediting resolution of objections under statutory gazettals in May 2002, the Administration had received quite a large number of objections to a number of major public works projects, including more than 1 000 objections to the Route 10 project. Some of the objections to these projects had needed more time to resolve and the effectiveness of the administrative measures had yet to be assessed. In the Administration's view, the proposed arrangement for the Bills Committee to hold in abeyance the consideration of the Bill would enable the Administration to fully assess the effectiveness of the administrative measures in expediting the delivery of public works projects and to reconsider its legislative proposals.

5. Members expressed their dissatisfaction about the way the Administration had handled the Bill. At the first Bills Committee meeting on 1 April 2003, members had noted that the relevant parties consulted on the legislative proposals by the Administration, namely, the Legislative Council (LegCo) Panel on Planning, Lands and Works (PLW Panel), the Advisory Council on the Environment and some green groups, had all indicated objection to the proposal to shorten the objection period to 30 days. Members had queried why the Administration still maintained this part of the proposal in the Bill despite general opposition to the proposal. The Administration had advised that with the enhanced public consultation process, the public would have a good prior knowledge of the details of a project and would be able to lodge objections within 30 days of the gazettal of the project. The Bills Committee had therefore decided to conduct public consultation on the Bill and receive deputations at a meeting scheduled for 2 May 2003. Members were very surprised that the Administration had then proposed that the consideration of the Bill be held in abeyance.

6. In response, the Administration pointed out that its original intention was to speed up the delivery of public works projects by implementing the legislative proposals under the Bill and the internal administrative measures concurrently. In view of the objections raised by the Bills Committee and interested parties to the legislative proposals, the Administration would fully assess the effectiveness of the administrative measures before deciding on the way forward on the Bill. Members considered that the Administration should have fully assessed the effectiveness of the administrative

measures and the views of the relevant parties before making a decision on whether the Bill should be introduced into LegCo.

Conclusion of the Bills Committee

7. After deliberations, the Bills Committee accepted the Administration's proposal to hold in abeyance the consideration of the Bill and decided to report back to the House Committee.

(Post-meeting note: The Chairman of the Bills Committee presented a report (LC Paper No. CB(1)1546/02-03) to the House Committee on 2 May 2003.)

8. The Bills Committee also agreed that the meeting scheduled for 2 May 2003 be cancelled. The LegCo Secretariat would inform the relevant organizations accordingly.

(Post-meeting note: Letters to the relevant organizations were issued on 29 April 2003.)

Follow-up actions to be taken by the Administration

Admin 9. At the request of the Bills Committee, the Administration agreed to take the follow-up actions, as follows:

- (a) To report to the PLW Panel in due course on the progress and outcome of the Administration's assessment on the effectiveness of the administrative measures and the timetable for reverting back to the Bills Committee, and to consult PLW Panel on any proposed changes to the content of the Bill; and
- (b) To ensure, when reviewing the content of the Bill, that the legislative proposals were consistent with the relevant provisions in other ordinances, such as Town Planning Ordinance (Cap. 131).

III. Any other business

10. There being no other business, the meeting ended at 9:10 am.

Appendix

**Proceedings of the second meeting of the
Bills Committee on
Foreshore, Sea-bed and Roads (Amendment) Bill 2003
on Monday, 28 April 2003 at 8:30 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000-000444	Chairman Mr Andrew WONG ALA	Internal discussion	
000445-000518	Chairman	Opening remarks	
000519-000824	Administration	Briefing by the Administration on its latest proposal	
000825-002100	Dr LAW Chi-kwong Chairman Administration Mr Andrew WONG	Discussion on the Administration's latest proposal	
002101-002908	Chairman Administration Mr Andrew WONG Dr LAW Chi-kwong	(a) Follow-up actions to be taken by the Administration (b) Cancellation of meeting on 2 May 2003	Administration to take the follow-up actions set out in paragraph 6(a) of the minutes Clerk to inform the relevant organizations
002708-003210	Mr Andrew WONG Chairman	Periods for the lodging and resolving of objections	
003211-003235	Dr LAW Chi-kwong	Consistency of the legislative proposals under the Bill with the relevant provisions in other ordinances, such as Town Planning Ordinance	Administration to take the follow-up actions set out in paragraph 6(b) of the minutes

Time marker	Speaker	Subject(s)	Action Required
003236-003249	Chairman	Confirmation of minutes of the meeting held on 1 April 2003	
003250-003353	Chairman	Report to House Committee	Chairman to report the Bills Committee's conclusions to House Committee on 2 May 2003

Council Business Division 1
Legislative Council Secretariat
19 June 2003