

Our Ref. : ETWB(E) 25/41/67(2002) Pt.119

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16 April 2003

Clerk to Bills Committee
(Attn.: Mr. Matthew Loo)
Legislative Council Secretariat,
3/F, Citibank Tower,
3 Garden Road, Central

Dear Mr. Loo,

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

Thank you for your invitation dated 3 April 2003.

I have consulted the Chairman of the Advisory Council on the Environment and would like to inform you that the Council will not send any representative to attend the meeting scheduled for 2 May 2003. Instead, please find enclosed for your reference the records of the Council meetings held on 21 May 2002, 11 February 2003 and 10 March 2003 in connection with the proposed legislation. The soft copy of the submission will be sent to Miss May Leung separately. A copy of the completed reply slip is also attached for your arrangements.

Yours sincerely,

(Miss Petula Poon)
for Secretary,
Advisory Council on the Environment

**Extracts of Minutes of the 96th Meeting of
the Advisory Council on the Environment
held on 21 May 2002 at 2:30 p.m.**

Present:

Mr. Peter H. Y. WONG, GBS, JP (Chairman)

Mr. Daniel M. C. CHENG

Prof. Anthony HEDLEY, BBS, JP

Prof. Peter HILLS

Dr. HO Kin-chung

Mr. Edward S. T. HO, SBS, JP

Mr. KWOK Kwok-chuen, BBS

Prof. LAM Kin-che

Prof. Dennis S. C. LAM

Mr. Peter Y. C. LEE

Mr. Michael J. D. RUSHWORTH

Mr. LIN Chaan-ming

Dr. NG Cho-nam

Mrs. Mei NG

Ms. Iris TAM

Prof. WONG Yuk-shan, JP

Miss Alex YAU

Ms. Jessie WONG (Secretary)

Absent with Apologies:

Mr. Barrie COOK

Dr. LEONG Che-hung, GBS, JP

Mr. LOH Ah Tuan

Mr. PAO Ping-wing, JP

Mr. Otto L. T. POON

Mr. Brian ROBERTSON

In Attendance:

Mrs. Lily YAM, JP

Mr. Thomas CHOW

Mr. Donald TONG

Mr. Rob LAW, JP

Mr. C C LAY

Mr. T K LEE

Secretary for the Environment and Food

Deputy Secretary (C), Environment and Food
Bureau (EFB)

Deputy Secretary (B), EFB

Director of Environmental Protection

Assistant Director (Conservation), Agriculture,
Fisheries and Conservation Department (AFCD)

Assistant Director (Technical Services), Planning
Department (Plan D)

Mr. Eric CHAN	Principal Information Officer, EFB
Ms. Polly LEUNG	Principal Information Officer, Environmental Protection Officer (EPD)
Miss Petula POON	Chief Executive Officer (C), EFB
Ms. Cora SO	Executive Officer (C), EFB

In Attendance for Agenda Item 3 :

Ms. Annie CHOI	Principal Assistant Secretary (B)2, EFB
Dr. Lawrence T K WONG	Principal Environmental Protection Officer (Facilities Planning), EPD

In Attendance for Agenda Item 4 :

Mr. Howard CHAN	Principal Assistant Secretary (C)1, EFB
Mr. C W TSE	Assistant Director (Air), EPD
Mr. Michael CHAN	Project Manager, CH2M Hill (China) Limited
Mr. David YEUNG	Deputy Project Manager, CH2M Hill (China) Limited

In Attendance for Agenda Item 5:

Mr. K K KWOK	Deputy Secretary for Works (Programme and Resources)
Mr. Raistlin LAU	Principal Assistant Secretary (B)1, EFB
Mr. C L NG	Chief Assistant Secretary (Programme and Resources), Works Bureau

In Attendance for Agenda Item 6:

Ms. Linda HO	Chief Executive Officer, Green Council (GC)
Mr. Eric CHING	Principal Consultant of Hong Kong Productivity Council (HKPC)
Miss Norrie KITCHELL	Executive Officer, GC

Agenda Item 5: Speeding up of public works projects – Foreshore and Sea-bed and Roads (Miscellaneous Amendments) Bill 2002
(ACE Paper 18/2002)

Action

38. The Chairman welcomed Messrs. K K Kwok, Raistlin Lau, and C L Ng to the meeting. Mr. K K Kwok briefed Members on the proposals.

39. The Chairman had reservation on shortening the public objection period from two months to one month lest there would not be sufficient time for the public to raise objections. In response, Mr. Kwok said that the public would have had knowledge about the project through consultation with District Councils and various advisory bodies before gazettal of the project. One month was considered sufficient.

40. A Member agreed with the Chairman and added that the one-month objection period would unlikely satisfy the legislators given that public interest was involved.

41. Two Members also considered that one month would not be sufficient for the public to make an informed decision on whether to raise an objection or not.

42. A Member shared Members' concerns as well. She said that there was value for the public to participate in the process as they might come up with alternative proposals. Also, the objection process would depend on the amount and the comprehensiveness of information provided to the public.

43. A Member enquired about the steps taken by the Government upon receiving an objection. He also suggested that Government should ensure better coordination among different works projects in the same area to minimize the disturbance to the public.

44. Mr. Kwok explained that upon receiving an objection within the objection period, the project proponent would try to resolve the objection through consultation. If the objection was still unresolved after the statutory period, the Works Department would seek an extension from the Chief Executive. If it remained unresolved at the end of the extended period, it would be referred to the Chief Executive in Council for a decision. Of the 24 sewerage projects carried out over the past five years, only one of the projects had unresolved objections.

45. A Member made reference to the Town Planning Ordinance, under which the public was allowed to raise objections within two months after gazettal of proposals and put forward alternatives within the following nine months. She considered that a good practice as the public needed time to work out an alternative. In response, Mr. Kwok said that under the existing practice, the public was also allowed to put forward alternatives within the objection resolution period.

46. A Member was of the opinion that prolonged objections might slow down the progress of a project and affect economic development in some cases. He supported the proposal of shortening the objection period.

47. A Member said that from her own experience, even two months was sometimes insufficient for raising a substantive objection. As the total objection resolution period would be shortened from 15 months to seven months, retaining the two-month objection period would not significantly affect the ultimate objective of the proposal.

48. In response to that Member's enquiry, Mr. Kwok confirmed that one month referred to one calendar month.

49. Mr. Kwok thanked Members for their comments and said that he would take them into consideration.

50. The Chairman concluded that except for the proposal to shorten the objection period from two months to one month, the Council supported the recommendations set out in the paper.

**Extract of Minutes of the 103rd Meeting of
the Advisory Council on the Environment
held on 11 February 2003 at 2:30 p.m.**

Present:

Prof. LAM Kin-che, JP (Chairman)
Prof. Peter HILLS
Prof. HO Kin-chung
Mr. Peter Y. C. LEE
Mr. LIN Chaan-ming
Prof. LUNG Ping-yee, David, SBS, JP
Dr. NG Cho-nam
Mrs. Mei NG
Mr. Otto L. T. POON
Mr. Michael J. D. RUSHWORTH
Ms. Iris TAM, JP
Prof. WONG Tze-wai
Prof. WONG Yuk-shan, JP
Miss Alex YAU
Ms. Jessie WONG (Secretary)

In Attendance:

Mr. Donald TONG	Deputy Secretary (E)1, Environment, Transport and Works Bureau (ETWB)
Mr. Thomas CHOW	Deputy Secretary (E)2, ETWB
Mr. Rob LAW, JP	Director of Environmental Protection
Mr. C C LAY	Assistant Director (Conservation), Agriculture, Fisheries and Conservation Department
Mr. LEE Tak-keung	Assistant Director (Technical Services), Planning Department
Dr. Constance CHAN	Assistant Director, Department of Health
Mrs. Belinda HUI	Secretariat Press Officer (Environment, Transport and Works), ETWB
Ms. Polly LEUNG	Principal Information Officer, Environmental Protection Department (EPD)
Miss Petula POON	Chief Executive Officer (E), ETWB
Mr. Eddie CHENG	Executive Officer (E), ETWB

In Attendance for Agenda Item 3 :

Mr. C W TSE	Principal Assistant Secretary (Environment)3, ETWB
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In Attendance for Agenda Item 4 :

Mr. Raistlin LAU	Principal Assistant Secretary (Environment)1, ETWB
Dr. K M LEUNG	Chief Engineer, Energy Efficiency Office, Electrical and Mechanical Services Department
Mr. James CHAN	Technical Director, CDM International Incorporation
Mr. Raymond CHAN	Project Manager, CDM International Incorporation

In Attendance for Agenda Item 5 :

Mr. Benny WONG	Assistant Director (Waste & Water), EPD
Dr. Malcolm BROOM	Principal Environmental Protection Officer (Water Policy & Planning), EPD
Mr. Edmond HO	Principal Environmental Protection Officer (Waste Policy & Services), EPD
Mr. Raistlin LAU	Principal Assistant Secretary (Environment)1, ETWB
Dr. Samuel CHUI	Assistant Secretary for the Environment, Transport and Works (Environment), ETWB

Agenda Item 6 : Any Other Business

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Foreshore, Seabed and Roads (Amendment) Bill 2003
(ACE Paper 7/2003)

45. The Chairman informed Members that he had received a request from a Member regarding the reduction of the public objection period under the Foreshore, Seabed and Roads (Amendment) Bill 2003. He drew Members' attention to ACE Paper 7/2003 which was prepared by the Works Branch of ETWB to explain the proposal and was tabled for Members' information.

46. A Member alerted other Members that the Foreshore, Seabed and Roads (Amendment) Bill 2003 had recently been gazetted and would soon be introduced to the Legislative Council. Despite Members' objection when being consulted in May 2002, the Bill proposed to shorten the two-month public objection period to 30 calendar days. Although she noted from ACE Paper 7/2003 that there would be collaborative administrative measures to enhance public consultation and notifications of projects before and during the gazettal, she was still concerned that 30 calendar days might not be long enough for the public to raise objections. She asked if there would be a bills committee to consider the Bill and whether the Council could inform the bills committee of its views. In response, Mr. Thomas Chow said that it would be up to the House Committee of the Legislative Council to decide if a bills committee would be set up. Nonetheless, the Secretariat could convey the Council's views on the Bill to the bills committee or if in case there was no bills committee, to the Legislative Council. After discussion, the Council agreed that the Secretariat should write to the Legislative Council before resumption of second reading of the Bill conveying the Council's objection to the shortening of the public objection period.

Secretariat

**Extracts of Minutes of the 104th Meeting of
the Advisory Council on the Environment
held on 10 March 2003 at 2:30 p.m.**

Present:

Prof. LAM Kin-che, JP (Chairman)
Prof. Peter HILLS
Prof. HO Kin-chung
Mr. Peter Y. C. LEE
Mr. LIN Chaan-ming
Prof. LUNG Ping-yee, David, SBS, JP
Dr. NG Cho-nam
Mrs. Mei NG
Mr. Otto L. T. POON
Mr. Michael J. D. RUSHWORTH
Ms. Iris TAM, JP
Prof. WONG Tze-wai
Prof. WONG Yuk-shan, JP
Miss Alex YAU
Ms. Jessie WONG (Secretary)

In Attendance:

Mrs. Rita LAU	Permanent Secretary for the Environment, Transport and Works (Environment)
Mr. Donald TONG	Deputy Secretary (E)1, Environment, Transport and Works Bureau (ETWB)
Mr. Thomas CHOW	Deputy Secretary (E)2, ETWB
Mr. Rob LAW, JP	Director of Environmental Protection
Mr. C C LAY	Assistant Director (Conservation), Agriculture, Fisheries and Conservation Department
Miss CHU Hing-yin	Chief Town Planner/Technical Services, Planning Department
Mrs. Belinda HUI	Secretariat Press Officer (Environment, Transport and Works), ETWB
Ms. Polly LEUNG	Principal Information Officer, Environmental Protection Department (EPD)
Miss Petula POON	Chief Executive Officer (E), ETWB
Mr. Eddie CHENG	Executive Officer (E), ETWB

In Attendance for Agenda Item 4 :

Mr. C W TSE Principal Assistant Secretary (Environment)3,
ETWB
Mr. HA Kong Senior Environmental Protection Officer (Motor
Vehicle Emissions), EPD

In Attendance for Agenda Item 5 :

Ms. Annie CHOI Principal Assistant Secretary (Environment)2,
ETWB
Dr. Lawrence WONG Principal Environmental Protection Officer
(Facilities Planning), EPD

Agenda Item 2 : Matters Arising

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Para. 46: The Foreshore, Sea-bed and Roads (Amendment) Bill 2003

5. The Chairman referred to the Legislative Council brief on the Foreshore, Sea-bed and Roads (Amendment) Bill 2003 that the Secretariat had earlier circulated to Members. A Member suggested and other Members agreed that since the Legislative Council brief had already reflected the Council's objection to the proposal to shorten the public objection period, there was no longer a need to write to the Bills Committee concerned.