



24 April, 2003

Chairperson of Bills Committee on Foreshore,  
Sea-bed and Roads (Amendment) Bill 2003,  
Legislative Council,  
Central,  
Hong Kong  
(Fax: 2869 6794)

Our Ref: mc/vn/Letter65

Dear Madam,

**Re: Foreshore, Sea-bed and Roads (Amendment) Bill 2003**

1. We would like to express our concern regarding the proposed amendments to reduce the public consultation and objection resolution period of the captioned bill. **We oppose these amendments** because we believe that:
  - a) The Administration's justification for the amendments are flawed,
  - b) Proper consultation is already difficult. Cuts will lead to worse, less publicly acceptable projects,
  - c) They are contrary to general government policy on sustainable development, and
  - d) They reflect a disturbingly negative attitude in the Administration towards public consultation
2. **Flawed justification by the Administration** If around 90% of projects are resolved within the shorter timeline then worrying about averages becomes meaningless. However, in 10% of projects *cutting the resolution period directly harms the public's right to object and seek resolution.*
3. **Access to information on the projects gazetted under the captioned ordinances;** Access to gazettal documents is constrained by availability, limited information and cost. In contrast, complete EIAs are available free via the EPD website for 30 days. In any case the EIAO is a poor example to cite, as the EIAO public consultation period is already too short, and should be extended.
4. **Proactive, beneficial and EARLY consultation.** We instead believe full public consultation serves to reduce conflicts during statutory consultation periods, and leads to better projects completed in a timely, effective manner that is broadly supported by a wider spectrum of the

community.

5. **Instructive examples** - There are good examples of the benefits of early consultation in respect of sensitive projects both from the private sector and the Administration. These include:
- Tung Chung Cable Car: environmental NGOs was consulted at an early stage
  - Deep Bay Link: three rounds of consultations before EIA was submitted
  - Proposed Fung Lok Wai development: Access road moved and footprint located to reduce environmental impact and avoid Wetland Park
- On the other hand, the negative impact of late and rushed consultation is evident from:
- Sheung Shui – Lok Ma Chau Spur Line – a project with just one month for public consultation
  - Route 10 – objection lodged due to poor ecological survey work
6. **Contrary to the spirit and Government commitment to sustainable development** The proposed amendment of reducing the public consultation elements in the timeline is not consistent with the concept of sustainable development that our government is trying to achieve.
7. **Wrong attitude to public consultation** Shorter public consultation will result in the loss of some well-informed, beneficial opinions. Public consultation should not be viewed as a time-consuming process, which must be completed before the real business of development can be started.
8. **KFBG therefore urges the Bill Committee:**
- Maintain the two month consultation period and the current objection resolution periods
  - Introduce statutory public consultation at an early stage in the project – perhaps as part of the feasibility study or pre-feasibility study.
9. We appreciate this opportunity to raise our opinions. Should you have any questions, please feel free to contact the undersigned (2488 2667) or Mike Kilburn, Public Policy Analyst at 2488 6192.

Yours faithfully,

On behalf of Kadoorie Farm & Botanic Garden

Manab Chakraborty  
Executive Director