

C001E

A BILL To Amend the Foreshore and Sea-bed (Reclamations) Ordinance and the Roads (Works, Use and Compensation) Ordinance.

Enacted by the Legislative Council.

1. Short title and commencement

(1) This Ordinance may be cited as the Foreshore, Sea-bed and Roads (Amendment) Ordinance 2003.

(2) This Ordinance shall come into operation on a day to be appointed by the Secretary for the Environment, Transport and Works by notice published in the Gazette.

2. Amendment of Foreshore and Sea-bed

(Reclamations) Ordinance---

(Schedule 1)

The Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127) is amended as specified in Schedule 1.

3. Amendment of Roads (Works, Use and Compensation) Ordinance---

(Schedule 2)

The Roads (Works, Use and Compensation) Ordinance (Cap. 370) is amended as specified in Schedule 2.

SCHEDULE 1 [s. 2]

Amendment of Foreshore and Sea-bed

(Reclamations) Ordinance

1. Objections

Section 6(1) of the Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127) is amended by repealing "2 months" and substituting "30 days".

2. Authorization procedure if

objection made

Section 8(1) is amended---

(a) by repealing "9 months" and substituting "4 months";

(b) by repealing "6 months" and substituting "3 months".

3. Transitional

Section 20 is amended by adding---

"(4) Section 8(1) as amended by the Foreshore, Sea-bed and Roads (Amendment) Ordinance 2003 ( of 2003) shall apply to any proposed reclamation in respect of which a notice had been published under section 5 immediately before the commencement of that Ordinance subject to the following modifications---

(a) the period of 4 months as specified in section 8(1) as so amended shall be calculated as from--

- (i) the commencement of that Ordinance; or
  - (ii) the expiry of the time for the making of objections to the reclamation as specified pursuant to section 6 in the notice, whichever is the later;
- (b) if the period so calculated under paragraph (a) expires more than 9 months from the expiry of the time for the making of objections to the reclamation as specified pursuant to section 6 in the notice, that period shall be taken to expire on a date 9 months from the expiry of the time for the making of those objections."

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SCHEDULE 2 [s. 3]

Amendment of Roads (Works, Use and Compensation) Ordinance

1. Objections

Section 10(1) of the Roads (Works, Use and Compensation) Ordinance (Cap. 370) is amended by repealing "60 days" and substituting "30 days".

2. Procedure after publication of plan and scheme

Section 11(1A) is amended---

- (a) in paragraph (a), by repealing "9 months" and substituting "4 months";
- (b) in paragraph (c), by repealing "6 months" and substituting "3 months".

3. Transitional

Section 42 is amended by adding---

"(7) Section 11(1A) (a) as amended by the Foreshore, Sea-bed and Roads (Amendment) Ordinance 2003 ( of 2003) shall apply to any plan or scheme in respect of which a notice had been published under section 8 immediately before the commencement of that Ordinance subject to the following modifications---

(a) the period of 4 months as specified in section 11(1A) (a) as so amended shall be calculated as from--

- (i) the commencement of that Ordinance; or
- (ii) the expiry of the time for the lodging of objections under section 10, whichever is the later;

(b) if the period so calculated under paragraph (a) expires more than 9 months from the expiry of the time for the lodging of objections under section 10, that period shall be taken to expire on a date 9 months from the expiry of the time for the lodging of those objections. "

Explanatory Memorandum

The purpose of this Bill is to amend the Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127) and the Roads (Works, Use and Compensation) Ordinance (Cap. 370)

in order to---

- (a) shorten the period for the lodging of objections against any proposed reclamations, plans or schemes under the Ordinances;
- (b) shorten the period for the submission of the proposed reclamations, plans or schemes and the objections to the Chief Executive in Council for consideration;
- (c) provide for transitional provisions.