

**立法會**  
**Legislative Council**

LC Paper No. LS53/02-03

**Paper for the House Committee Meeting  
on 21 February 2003**

**Legal Service Division Report on  
Foreshore, Sea-bed and Roads (Amendment) Bill 2003**

**I. SUMMARY**

1. **Object of the Bill**                      To shorten the periods within which objections against proposed reclamation; road and sewerage works may be lodged and resolved.
  
2. **Comments**                              The Administration proposes to shorten the following periods provided under the Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127), the Roads, (Works, Use and Compensation) Ordinance (Cap.370) and the Water Pollution Control (Sewerage) Regulation (Cap. 358 sub. leg.) ("the Ordinances and Regulation"):
  - (a) for the public to lodge objections from 2 months to 30 days;
  - (b) for the objections to be resolved from 9 months to 4 months; and
  - (c) the extension of time for resolution of the objections as may be allowed by the Chief Executive from 6 months to 3 months

in respect of reclamation or works in relation to roads and sewerage proposed under the Ordinances and Regulation.
  
3. **Public Consultation**                      According to the LegCo Brief issued by the Environment, Transport and Works Bureau on 29 January 2003, the Advisory Council on the Environment was consulted on 21 May 2002. Members of the Advisory Council were against the proposal to shorten the objection period but generally supported the proposal to shorten the period for resolving objections from 9 months to 4 months.
  
4. **Consultation with LegCo Panel**                      The Panel on Planning, Lands and Works was consulted in May and December 2002. At the meeting held in May 2002, the majority of the members did not support the legislative proposals and two members requested the Administration to withdraw the legislative proposals. At the meeting held in December 2002, two members indicated their strong objection to the proposal to shorten the period available for the public to make objections from two months to 30 days.
  
5. **Conclusion**                              No difficulties relating to the legal and drafting aspects of the Bill have been identified. In view of Members' objections raised in the Panel meetings, Members may wish to consider whether a Bills Committee should be formed to study the Bill.

## **II. REPORT**

### **Object of the Bill**

To shorten the periods within which objections against proposed reclamation and proposed road and sewerage works may be lodged and resolved.

### **LegCo Brief Reference**

2. Members may refer to the LegCo Brief issued by the Environment, Transport and Works Bureau on 29 January 2003 (File Ref.: ETWB(CR)65/39) for background information.

### **Date of First Reading**

3. 19 February 2003.

### **Comments**

4. Under the Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127) and the Roads, (Works, Use and Compensation) Ordinance (Cap.370) ("the Ordinances"), when a reclamation in relation to any foreshore and sea-bed, or works in relation to construction, renovation, alteration, closure, maintenance or repair of roads are proposed, a notice describing the proposed reclamation or works and the foreshore and sea-bed or works area intended to be affected has to be published. Any person who considers himself to be affected by the proposed reclamation or works may make objection to the proposal. The Ordinances provide for the respective periods available for:

- (a) the public to make objections;
- (b) the objections to be resolved; and
- (c) the extension of time for resolution of the objections as may be allowed by the Chief Executive.

5. The Bill proposes that:

- (a) the above-mentioned periods be shortened as follows:

	<b>Existing Period under the Ordinances</b>	<b>Proposed Period under the Bill</b>
for public to raise objections	2 months	30 days
for resolution of objections	9 months	4 months
further extension of time for resolution of objections	6 months	3 months

(b) for those proposed reclamation or works notices as described in paragraph 4 which have been published before the commencement of the Bill, the proposed 4 months period for resolving objections shall be calculated from:

- (i) the commencement of the Bill as enacted, or
  - (ii) the expiry of the existing 2 months period for making objections,
- whichever is the later, ("the new resolution period")

provided that the new resolution period shall not expire later than the existing 9 months period for resolution of objections.

6. By virtue of section 26 of the Water Pollution Control (Sewerage) Regulation (Cap. 358 sub. leg.) ("the Regulation"), the Bill also applies to sewerage works under the Regulation.

7. The Bill 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.

### **Public consultation**

8. According to the LegCo Brief issued by the Environment, Transport and Works Bureau on 29 January 2003 (File Ref.: ETWB(CR)65/39), the Advisory Council on the Environment was consulted on 21 May 2002. Members of the Advisory Council were against the proposal to shorten the objection period but generally supported the proposal to shorten the period for resolving objections from 9 months to 4 months.

### **Consultation with LegCo Panel**

9. The Panel on Planning, Lands and Works was consulted in two meetings held on 16 May 2002 and 6 December 2002.

10. At the meeting held on 16 May 2002, the majority of the members did not support the legislative proposals and two members requested the Administration to withdraw the legislative proposals. Members expressed the following concerns:

- (a) Whilst appreciating the need to expedite the public works projects, members considered that the right approach would be for the Administration to streamline the internal consultation process, rather than to shorten the periods for lodging and resolution of public objections:
- (b) The proposed periods would be inadequate for the public to make objections and the Administration to resolve the objections; and
- (c) The Administration should improve measures to ensure that the public, in particular persons likely to be affected, would be aware of the proposed works.

11. At the meeting held on 6 December 2002, the Administration put forward further justifications for the legislative proposals and some proposed administrative measures to be implemented in conjunction with the legislative proposals to enhance public consultation. Two members indicated their strong objection to the proposal to shorten the period available for the public to make objections from two months to 30 days.

12. Members may refer to the minutes of the two Panel meetings (LC Paper Nos. CB(1)240/02-03 and CB(1)726/02-03) for further details.

### **Conclusion**

13. No difficulties relating to the legal and drafting aspects of the Bill have been identified. In view of Members' objections raised in the Panel meetings, Members may wish to consider whether a Bills Committee should be formed to study the Bill.

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