

立法會
Legislative Council

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Tel : 2869 9205

Date : 5 November 2010

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 10 November 2010

**Proposed resolution under section 34(2) of the
Interpretation and General Clauses Ordinance**

I forward for Members' consideration a proposed resolution which the Secretary for Transport and Housing will move at the Council meeting of 10 November 2010 under section 34(2) of the Interpretation and General Clauses Ordinance relating to the Port Control (Public Cargo Working Area) Order 2010. The President has directed that "it be printed in the terms in which it was handed in" on the Agenda of the Council.

2. The speech, in both English and Chinese versions, which the Secretary will deliver when moving the proposed resolution is also attached.



(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl.

Interpretation and General Clauses Ordinance

Resolution

(Under section 34(2) of the Interpretation and General Clauses Ordinance
(Cap. 1))

Port Control (Public Cargo Working Area) Order 2010

Resolved that the Port Control (Public Cargo Working Area) Order 2010, published in the Gazette as Legal Notice No. 98 of 2010 and laid on the table of the Legislative Council on 14 July 2010, be amended as set out in the Schedule.

Schedule

Amendments to Port Control (Public Cargo Working Area) Order 2010

1. Section 1 amended (Commencement)

(1) Section 1—

Renumber the section as section 1(1).

(2) Section 1(1), after “This Order”—

Add

“, other than section 6,”.

(3) After section 1(1)—

Add

“(2) Section 6 comes into operation on 1 January 2015.”.

2. Section 2 amended (Public cargo working area)

Section 2, after “working area”—

Add

“from 13 November 2010 to 31 December 2014 (both dates inclusive)”.

3. Section 3 substituted

Section 3—

Repeal the section

Substitute

“3. Suspension of Port Control (Public Cargo Working Area) (No. 5) Order 1998

Section 2 of the Port Control (Public Cargo Working Area) (No. 5) Order 1998 (L.N. 58 of 1998) is suspended until the beginning of 1 January 2015.”.

4. Section 4 substituted

Section 4—

Repeal the section

Substitute

“4. Suspension of section 7 of Port Control (Public Cargo Working Area) (Consolidation) Order

Section 7 of the Port Control (Public Cargo Working Area) (Consolidation) Order (Cap. 81 sub. leg. B) is suspended until the beginning of 1 January 2015.”.

5. Sections 5 and 6 added

After section 4—

Add

“5. Section 7A added

The Port Control (Public Cargo Working Area) (Consolidation) Order (Cap. 81 sub. leg. B) is amended by adding—

“7A. Western District public cargo working area

The area of unleased Government land situated at Western District (having an area of approximately 32 700 square metres), delineated and coloured pink on the plan numbered HKM 8800 signed by the Deputy Director of Lands (Survey and Mapping) on behalf of the Director of Lands on 1 April 2010 and deposited in the Land Registry, is declared to

be a public cargo working area from 13 November 2010 to 31 December 2014 (both dates inclusive).”.

6. Section 7A repealed

The Port Control (Public Cargo Working Area) (Consolidation) Order (Cap. 81 sub. leg. B) is amended by repealing section 7A.”.

Legislative Council Meeting on 10 November 2010 -

Speech for Moving the Motion to Amend the Port Control (Public Cargo Working Area) Order 2010

President, I move that the Resolution to amend the Port Control (Public Cargo Working Area) Order 2010 (the Order) as set out in the Agenda be passed.

The Order was tabled at the Legislative Council on 14 July 2010. The Legislative Council subsequently established a Subcommittee to scrutinise the Order. I am most grateful to the Honourable Miriam LAU Kin-ye, Chairperson of the Subcommittee, and the other 11 Members of the Subcommittee for their detailed discussion and invaluable opinions during the course of the scrutiny.

To proceed with the construction of the West Island Line and the expansion project of the Mass Transit Railway (MTR) Admiralty Station of the South Island Line, a small portion (7,500 square metres out of 40,200 square metres) of the Western District Public Cargo Working Area (PCWA) is required to serve as a temporary barging point for transporting the excavated materials to reception facilities by sea which can minimise the impact of road transport on both the traffic and environment. Hence I made the Order under the Port Control (Cargo Working Areas) Ordinance to revise the boundary of the Western District PCWA to tie in with the temporary arrangements.

At the meeting of the Subcommittee, Members requested the Administration to stipulate an effective period for the use of the site as a temporary barging point to ensure that it will be reverted as a PCWA upon the expiry of the period. In the light of Members' request, we have proposed amendments to the Order to stipulate that the temporarily revised boundary of the Western District PCWA for the purpose of dumping operation will only be effective between 13 November 2010 and 31 December 2014. The original boundary will be restored on 1 January 2015. The legislative amendments ensure that the site to be used as a temporary barging point will be reverted as a PCWA on 1 January 2015.

Separately, the Subcommittee has expressed concern about the specific arrangements and operation of the temporary barging point. We have undertaken to take appropriate measures to minimise the adverse impact of the temporary arrangements on the traffic and environment of the Central and Western District. We also note the Central and Western District Council (C&W DC) has expressed concern about the proposal of using the temporary barging

point for disposal of the excavated materials generated from the construction of the West Island Line and the expansion project of the MTR Admiralty Station of the South Island Line. We explained in detail the proposed measures and implementation arrangements to the C&W DC jointly with the MTR Corporation Limited (MTRCL) on 2 November 2010. I can assure you that the Administration and the MTRCL will continue to keep close contact with the District Council and local community, and to address their concerns by providing the necessary information and proposing appropriate mitigation measures to reduce the impact on the local community.

President, the Order has been scrutinised in detail by the Subcommittee, and we have accepted comments of the Subcommittee and proposed amendments accordingly. The amendments are supported by the Subcommittee, and the public would like to see the early completion and commissioning of the railway projects. Therefore, I hope Members will support the amendments so that the railway projects can proceed on schedule. Thank you, President.