

立法會

Legislative Council

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Paper for the House Committee meeting on 5 November 2010

Report of the Subcommittee on Port Control (Public Cargo Working Area) Order 2010

Purpose

This paper reports on the deliberations of the Subcommittee on Port Control (Public Cargo Working Area) Order 2010 (the Subcommittee).

Background

2. A public cargo working area (PCWA) is a fenced-off area for transferring cargo to and from local barges or small coasters. Section 3(1) of the Port Control (Cargo Working Areas) Ordinance (Cap. 81) confers the Secretary for Transport and Housing with the power to declare any area of unleased Government land and any adjoining area of water to be a PCWA. Currently, there are eight PCWAs in Hong Kong. The Western District PCWA was established in 1981. Its present boundaries covering an area of approximately 40 200 square metres were declared under the Port Control (Public Cargo Working Area) (No. 5) Order 1998 (L.N. 58 of 1998) (the 1998 Order) and are restated in section 7 of the Port Control (Public Cargo Working Area) (Consolidation) Order (Cap. 81 sub. Leg. B) (the Consolidation Order).

3. To facilitate the construction of the West Island Line¹ (WIL), a small portion of the Western District PCWA is needed as a temporary barging point for transporting the excavated materials to Government reception facilities in Area 38 in Tuen Mun or other suitable construction sites for re-use. The site proposed to be converted to a temporary barging point occupies a total area of 7 500 square metres with a usable seafrontage of 172 metres. It is stated in the relevant Legislative Council (LegCo) Brief [File Ref: MA 40/4] that the site is expected to be reverted as part of the Western District PCWA in August 2014.

The Port Control (Public Cargo Working Area) Order 2010

4. The Port Control (Public Cargo Working Area) Order 2010 (the Order) declares the new boundaries of the Western District PCWA by substituting the existing section 7 of the Consolidation Order with a new one which sets out the

¹ The construction of WIL commenced in July 2009 and is expected to be completed in 2014.

revised boundaries of the Western District PCWA, and by repealing the 1998 Order. The new plan is given at **Appendix I**. With the revised boundaries, the Western District PCWA will occupy a total area of 32 700 square metres with a useable seafrontage of 880 metres.

5. The Order was gazetted on 9 July 2010 and tabled at LegCo on 14 July 2010. The Order is to commence on 13 November 2010. The scrutiny period of the Order has been extended from 20 October to 10 November 2010 by resolution of the Council.

The Subcommittee

6. At the meeting of the House Committee on 8 October 2010, Members decided to form a Subcommittee to examine the Order. Under the chairmanship of Hon Miriam LAU, the Subcommittee held two meetings on 19 and 27 October 2010. The membership list of the Subcommittee is at **Appendix II**.

Deliberations of the Subcommittee

Need for setting up the proposed temporary barging point

7. The Subcommittee has considered the justifications for the current proposal of releasing a small portion of the Western District PCWA for setting up a temporary barging point. According to the Administration, it is estimated that the construction of the section of WIL from Sai Yin Pun Station to Kennedy Town Station would give rise to large quantities of excavated materials (about 540 000 cubic metres). It is proposed to use barges for transporting these surplus excavated materials off site by sea. In order to reduce adverse impacts on local roads, a specially constructed underground adit and a vertical shaft are planned for transporting most of the excavated materials underground with the shaft located as near as possible to the barging point. The detailed arrangement is to transport most of the excavated materials along the underground adit, up the vertical shaft and into a fully enclosed conveyor belt system leading to the barging point at the Western District PCWA, thereby avoiding or reducing considerably impacts on the local roads. The barging point location plan is at **Appendix III**.

8. The Administration reckons that, if road transport is used instead of the above approach of transporting the excavated materials via underground and enclosed facilities and away by sea, the number of dump trucks on local roads in the Western District would be increased by 120 per day, or even to 230 per day during the peak time of construction. This could have serious traffic and environmental implications on the already congested and built-up area in Western District.

9. The Administration has advised that, apart from consulting the Subcommittee on Matters Relating to Railways under the Panel on Transport, it also consulted PCWA cargo operators (including those operating at the Western District PCWA) in 2007. In addition, the Administration and the MTR Corporation Limited (MTRCL)

have consulted the Central & Western District Council (C&WDC) and regularly reported to them on the construction of WIL. The parties consulted all raise no objection to the current proposal.

10. The Administration has advised that the proposed barging point is also needed for transportation of part of the excavated materials from Admiralty Station, which will undergo modification works in connection with the construction of the South Island Line (East)² (SIL(E)). The amount of excavated materials is estimated to be about 320 000 cubic metres, and will be transported by dump trucks to the proposed barging point by way of Connaught Road and Shing Sai Road. The dump trucks will not pass through the local roads in Kennedy Town.

Impacts of the proposed temporary barging point on the environment and residents

11. Members have expressed concern about the environmental impacts of the current proposal and the mitigation measures to be implemented to avoid or reduce the impacts to acceptable levels. The Administration has assured members that as most of the excavated materials generated from the construction of the section of WIL from Sai Yin Pun Station to Kennedy Town Station will be transported all the way underground into a completely enclosed conveyor belt system leading to the barging point, the dust and traffic impacts on local roads and the nearby environment will only be minimal.

12. Some members are concerned whether the transportation of the excavated materials along the underground adit would give rise to noise problems. The Administration has explained that, as the adit is built very deep underground, it will not pose noise nuisance to residents. As regards concerns about environmental impact that might be posed by the excavated materials which are dusty, the Administration has advised that water spraying will be carried out for dust suppression. The frequency of water spraying can be increased where necessary. The Administration has advised that the discharging point of the loading ramps of the temporary barging point will be enclosed and provided with automatic water sprinkler systems. In addition, any excavated materials pending loading onto the vessels for transportation will be stored in a 3-side enclosed and covered temporary material stockpile area where water spraying facilities will be provided. Wheel washing facilities will also be provided at the exit of the barging point. Hon KAM Nai-wai has expressed objection to the setup of a temporary material stockpile area at the barging point which in his view may pose dust nuisance to residents nearby. The Administration has explained that the temporary material stockpile area will be connected with the loading ramp by a fully enclosed conveyor belt system as well. The Administration has also undertaken to refine the operational arrangements in the light of any views and comments received from local residents.

13. In response to members' concerns about management of the excavated materials, the Administration has advised that MTRCL will require the contractor to re-use the excavated materials on site or in other suitable construction sites as far as

² MTRCL is working on the detailed planning and design for the SIL(E) project. Construction is expected to commence in 2011 for completion in 2015.

possible in order to minimize the disposal of inert construction waste to public fill reception facilities.

Impact on the operation of the Western District PCWA

14. The Subcommittee has expressed concern about the impact of the current proposal on maritime traffic along the seafront of the Western District PCWA as a result of additional vessels required for transportation of the excavated materials. The Subcommittee is concerned whether the operation of the other berths within the Western District PCWA will be affected. The Administration has explained that the current proposal will entail the use of only two vessels at a time. Moreover, each PCWA operator has its own berth and the daily operation of the existing cargo operators is frequent only in the morning. Thus, arrangements will be made to avoid scheduling the operation of the two vessels during the same period in which cargo vessels will be operating at the other berths in the Western District PCWA. The Administration has consulted the existing cargo operators at the Western District PCWA. They also considered that the proposal would have little impact on their operation or the maritime traffic there.

Transportation arrangements for delivery of excavated materials from Admiralty Station

15. The Subcommittee is concerned whether the transportation of excavated materials, arising from the construction of a new station in Admiralty under the SIL (East), by dump trucks to the proposed barging point will aggravate traffic congestion along Connaught Road especially during rush hours. The Administration estimates that the average number of dump trucks so required will be 120 per day. To address members' concern, the Administration has undertaken that the dump trucks will be travelling only during non-peak hours from 10 am to 4 pm and will not pass through the local roads of Kennedy Town, so as to avoid aggravating traffic congestion along Connaught Road or affecting the traffic of the local district. In case of occurrence of temporary traffic chaos on the road concerned, the operation of these dump trucks could be stopped until normal traffic conditions resume. These dump trucks for delivery of excavated materials from Admiralty Station are expected to be in operation between 2011 and 2014, and the peak time will be in 2013.

16. The Subcommittee notes that C&WDC remains concerned about the traffic and environmental impacts of the above transportation arrangements in connection with the modification works for Admiralty Station. To address the concerns of C&WDC, the Administration has undertaken to schedule a meeting with C&WDC for 2 November 2010 to explain the detailed arrangements and measures that will be taken to minimize impact on the local residents, and to keep C&WDC posted of developments. Members have suggested that information such as travelling route of the dump trucks and the truck trips during different times of the construction period should also be provided to C&WDC.

Reversion of the proposed barging point as part of the Western District PCWA

17. The Administration has informed the Subcommittee that, as set out in the

relevant LegCo Brief, the site in question will be reverted as part of the Western District PCWA in August 2014 upon completion of the relevant excavation works. The Subcommittee, however, considers it necessary to clearly stipulate in the Order that the site to be temporarily excised for use as a barging point will be reverted as part of the Western District PCWA on a date no later than 1 January 2015. Members consider that this approach will provide greater certainty to the reversion of the site in question back to be part of the Western District PCWA. Besides, this suggested date is later than the originally proposed date (i.e. August 2014) and it would allow the Administration sufficient time for completing the relevant excavation works and reverting the site to the Western District PCWA by 1 January 2015.

Amendments proposed by the Administration

18. At the Subcommittee's request, the Administration has proposed amendments to the Order to stipulate that the revised boundaries of the Western District PCWA excluding a site of 7 500 square metres for temporary use as a barging point would only be effective between 13 November 2010 and 31 December 2014 (both dates inclusive). This temporary reduction of the area of the Western District PCWA would be reflected in a new section 7A of the Consolidation Order. The existing section 7 of the Consolidation Order delineating the original boundaries of the Western District PCWA would remain intact, although it would be suspended during the period when section 7A is in operation. The original boundaries of the PCWA under section 7 would be restored on 1 January 2015. Since the Consolidation Order, once amended, would contain two different delineations of the boundaries of the Western District PCWA under sections 7 and 7A, the Administration has undertaken to add an editorial note in connection with the suspension of section 7 to the consolidated text (i.e. the Loose-leaf edition and the electronic version in the Bilingual Laws Information System) of the Consolidation Order so as to avoid any possible confusion.

19. The Secretary for Transport and Housing plans to move a motion to amend the Order as per the proposed amendments (**Appendix IV**) at the Council meeting on 10 November 2010.

Recommendation

20. The Subcommittee supports the Order subject to the proposed amendments to the Order to be moved by the Administration.

Advice sought

21. Members are invited to note the deliberations of the Subcommittee.

**Subcommittee on Port Control
(Public Cargo Working Area) Order 2010**

Membership list

Chairman Hon Miriam LAU Kin-yee, GBS, JP

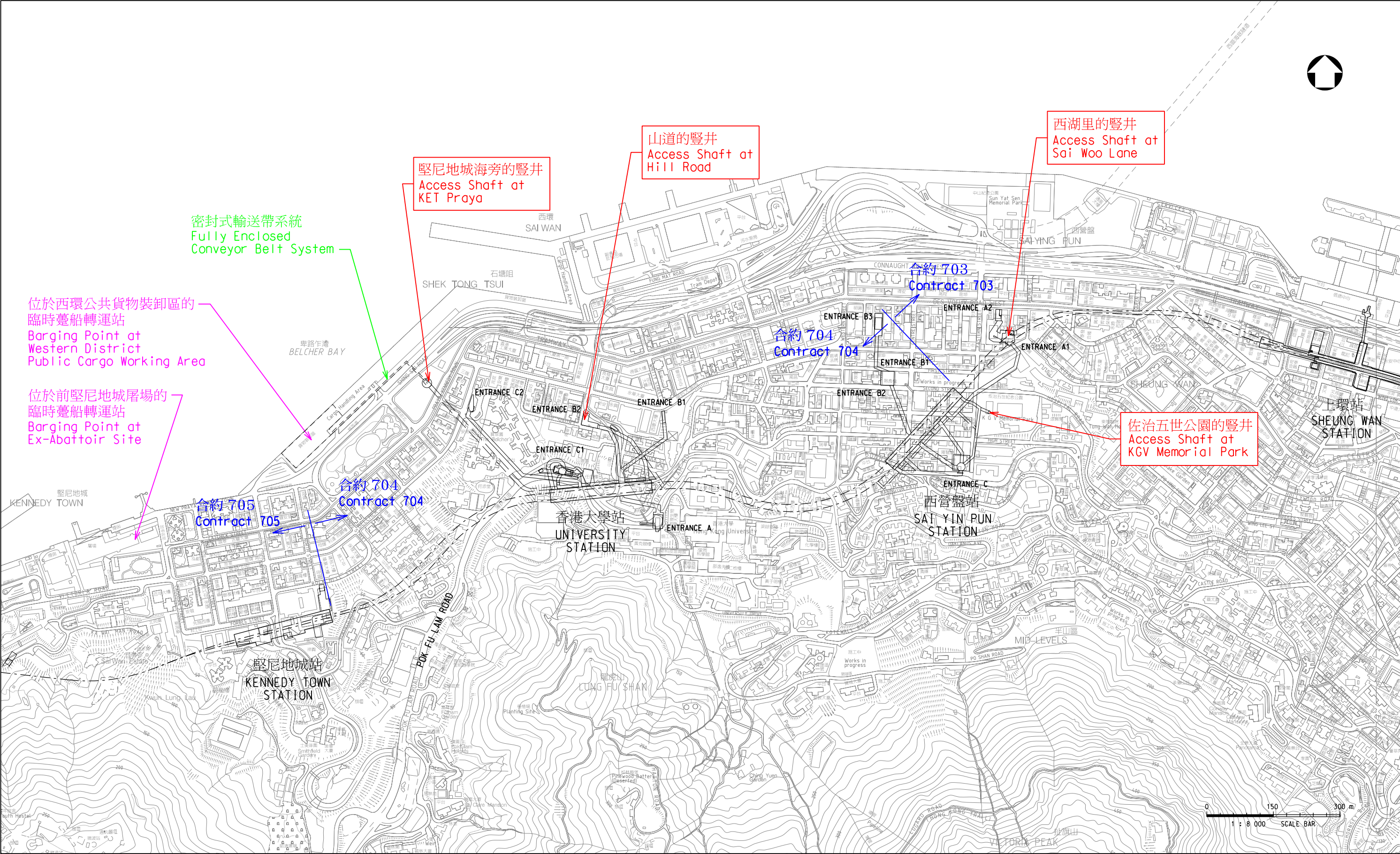
Members Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon Jeffery LAM Kin-fung, SBS, JP
Hon CHEUNG Hok-ming, GBS, JP
Hon WONG Ting-kwong, BBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon IP Kwok-him, GBS, JP
Dr Hon PAN Pey-chyou
Hon Tanya CHAN
Hon Albert CHAN Wai-yip

(Total: 12 Members)

Clerk Ms Joanne MAK

Legal Adviser Mr Bonny LOO

Date 19 October 2010



圖則名稱 drawing title

西港島線 - 臨時躉船轉運站位置圖
WEST ISLAND LINE - BARGING POINT LOCATION PLAN

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.”.