

**Bills Committee on  
Foreshore, Sea-bed and Roads (Amendment) Bill 2003**

**Information Requested at the First Meeting on 1 April 2003**

We have carried out an analysis of the objections received under 106 public works projects gazetted in the past five years since 1997 for which we have completed the resolution of objections. The Table at Annex A presents the statistical data of objections for each project. Our general findings and observations based on an analysis of these data are –

**Categorization of Projects**

2. There is no direct relationship between the technical complexity, cost or size of a project and the number of objections against it or degree of difficulty with which they are resolved. The main factors appear to be the extent to which the projects affect private rights and how far the terms of compensation or rehousing arrangements offered by the Government can meet the objectors' expectations. In general, projects with the following characteristics are more prone to attract objections –
  - (a) projects of large lineal extent and constrained alignment which unavoidably traverses private lots or other interests e.g. major road schemes;
  - (b) projects involving expansive land resumptions e.g. large land development projects; and
  - (c) projects with significant environmental impacts which adjoin sensitive receivers or detract from the general amenity of the area.
3. We have shaded in the Table at Annex A those 10 projects which demonstrate one or more of the above characteristics. Both the number of objections and the difficulty of resolving them are more significant and complex for these projects compared with other unshaded projects. As a general observation, road schemes tend to attract more objections than reclamation and sewerage projects.

**Categorization of Objections**

4. We have compared the nature and details of objections submitted in the second month vis-à-vis those submitted in the first month and can find little material difference between them. Most objectors in either group simply stated the location of their lots or other private interests and how they would be affected by the projects. These sufficed as valid objections and objectors could provide further substantiation and/or details of proposed amendments to the projects during the objection resolution period.

## Reasons for Long Period of Time to Resolve Objections

5. For the 31 objections that were resolved within seven to nine months and another 15 objections resolved within the extended period, their nature is summarized as follows -

Nature of objections	No. of objections resolved within 7 to 9 months	No. of objections resolved in extended period	Reasons for taking lengthy time for resolution
Land resumption, compensation and rehousing issues	19	0	Protracted negotiations on amount of compensation and re-housing arrangements
Objection to landfall of footbridge affecting the views of shop-windows	6	0	Works Departments convinced objectors that businesses would unlikely be affected only after prolonged discussions. No change to the footbridge scheme was made.
Request to re-align proposed road further away from existing houses	1	5	Works Departments convinced objectors after exploring various schemes that there was no better alternative alignment for the road. No change to the road schemes was made.
Concern on environmental impact, mainly ecology and noise	5	10	Several rounds of consultations were carried out. Schemes were slightly revised to further mitigate environmental impacts.
<b>Total</b>	<u><b>31</b></u>	<u><b>15</b></u>	

## Existing Problems in Handling Objections and Benefits of the Proposed Bill

### *Objection Period*

6. The existing statutory period for lodging objections is two months. This period would cause unnecessary delay to a project if no objections were received. For the 106 projects gazetted in the past five years, 39 projects (37%) received no objections. These latter projects would have been advanced immediately by one month had the proposed Amendment Bill been enacted. As regards those projects which attracted objections, the public would have been well apprised of the details of projects with our enhanced notification (see para. 15 below), which would have enabled them to lodge objections within one month of gazettal of project.

### ***Objection Resolution Period***

7. Of the 67 projects with objections in the Table at Annex A, two projects each involving one objection (project nos. 88 and 89) were subsequently de-gazetted. The remaining 65 projects with 2 406 objections were authorized after resolution of all objections or by ExCo where some unresolved objections remained –
  - (a) 63 objections were resolved within four months, involving 12 projects (19%) with all objections resolved;
  - (b) 82 objections were resolved within four to seven months, involving 9 projects (14%) with all objections resolved;
  - (c) 31 objections were resolved within seven to nine months, involving 2 projects (3%) with all objections resolved;
  - (d) 15 objections were resolved within the extended period approved by the CE, involving 1 project (1%) with all objections resolved; and
  - (e) 2 215 objections involving 41 projects (63%) were overruled by ExCo.
8. Since the proposed Amendment Bill will allow up to seven months (with three months extension that may be approved by the CE) for resolving objections, there would have been adequate time for resolving the objections under 7(a) and 7(b) above.
9. The time period between seven and nine months (7(c)) only helped to resolve the objections for two further projects (3%) out of 65 projects. We believe that the speeding up of resolution of objections will help shorten the time required for resolving objections even for this group of projects in future to less than seven months.
10. The number of objections and further projects with all objections resolved during the extended period of objection (7(d)) was only 1%.
11. Objections that could not be resolved (7(e)) and were subsequently overruled by the ExCo constituted 92% of the total objections and involved 41 projects (63%). They mainly involved –
  - (a) claims for more compensation/rehousing entitlements rather than objections to the schemes per se;
  - (b) requests for a change in layout/alignment with the sole purpose of avoiding a particular lot, but could not be entertained because this would affect other lots or detract from the overall layout of the schemes;
  - (c) other reasons such as environmental, traffic, ecological reasons, etc.

12. The objections under 11(a) and 11(b) which made up the bulk of the objections could not, by their very nature, normally be resolved by a longer objection resolution period. Most objectors tend to maintain their objections with a view to securing better terms of settlement. The fact that all 2 215 unresolved objections were overruled by the ExCo suggests that there were no strong grounds for persisting in their objections.
13. The same could be said generally about those objections that had taken a long time to resolve. The existing statutory period of nine months is not conducive to the speedy resolution of objections, especially with the policy of allowing the objectors to have their “last word” on objections as far as practicable. In the circumstances, project proponents are often hesitant to make early ExCo submission before the nine-month period has expired, notwithstanding that further substantiation from the objectors may be frivolous or not readily forthcoming. Two examples of the long time taken to resolve objections is at Annex B. This situation can only be improved by shortening the statutory period for resolving objections.

### **Administrative Measures to Enhance Notification of Projects and Resolution of Objections**

14. We promulgated on 6 May 2002 the Works Bureau Technical Circular No. 17/2002 at Annex C requiring Works Departments to adopt administrative measures with a view to expediting the resolution of objections within the reduced timeframe of four months with a three-month extension, wherever practicable.
15. In conjunction with the enactment of the proposed legislative amendments, we will promulgate further measures to enhance the publicity of projects and resolution of objections as follows -

#### Before project gazettal

- (a) consult District Councils and other interested bodies at least three months before the date of gazettal;
- (b) publicize draft work proposals by displaying notices on local notice boards wherever practicable; and
- (c) organize public consultation forums to enhance public awareness of the details and implications for large or controversial projects

#### During project gazettal

- (d) displaying more site notices at prominent locations; and
- (e) upload project notices to the websites of relevant Government departments

#### During resolution of objections

- (f) set up steering groups for each gazetted project to oversee and ensure speedy resolution of objections through the concerted effort of all concerned departments; and

- (g) discuss with objectors early on the need to seek CE's approval of time extensions for resolving objections

**Works Branch**

**Environment, Transport and Works Bureau**

**17 April 2003**

**Annex A - Objections to gazetted projects in past five years**

No.	Project ref.	Project Title	Gazette date	Ordinance/Regulation	No. of objections received in the 1st month of objection period	No. of objections received in the 2nd month of objection period	Total no. of objections	No. of objections resolved within 4 months	No. of objections resolved within 4 to 7 months	No. of objections resolved within 7 to 9 months	No. of objections for which extended period for resolution was granted by CE	No. of objections resolved within extended period	No. of unresolved objections overruled by ExCo
<b>Foreshore and Sea-bed (Reclamations) Ordinance</b>													
1	193CL	Peng Chau development, package 4, engineering works	14-Mar-97	FS(R)O	0	12	12	0	0	11	1		1
2	194CL	Peng Chau development, package 3, stage 2 engineering works	14-Mar-97	FS(R)O									
3	324CL	Tseung Kwan O development, phase 3 - remaining reclamation in the town centre extension, stage 2 and associated main drainage works	01-Aug-97	FS(R)O	0	1	1	0	1	0	N/A		N/A
4	87CL	Shek Wu Hui development, package 4, engineering works	08-Aug-97	FS(R)O	0	0	0	0	0	0	N/A		N/A
5	53CD	Main Drainage Channels for Fanling, Sheung Shui and Hinterland, North District, New Territories (River Beas and Lower Indus)	28-Nov-97	FS(R)O	0	1	1	1	0	0	N/A		N/A
6	117CD	Village Flood Protection for Yuen Long, Kam Tin and Ngau Tam Mei, NWNT - Stage II Village Flood Protection Works for Mai Po Lo Wai and Mai Po San Tsuen, Yuen Long, New Territories	12-Mar-99	FS(R)O	0	0	0	0	0	0	N/A		N/A
7	112CL	Peng Chau development, package 3 - design and stage 1 engineering works	26-Mar-99	FS(R)O	0	0	0	0	0	0	N/A		N/A
8	653CL	Engineering Infrastructure for Cyberport Development at Telegraph Bay Proposed Submarine Outfall and Temporary Jetties	30-Apr-99	FS(R)O	0	1	1	0	0	0	N/A		1
9	662CL	Penny's Bay Reclamation, Lantau Island	15-Oct-99	FS(R)O	2	6	8	0	0	0	N/A		8
10	343CL	Central Reclamation Phase III	30-Jun-00	FS(R)O	0	3	3	0	0	0	3		3
11	30CD	Village Flood Protection for Yuen Long, Kam Tin and Ngau Tam Mei, NWNT, Stage I – Remainder Pok Wai Drainage Channel	27-Oct-00	FS(R)O	0	1	1	1	0	0	N/A		N/A
12	236CL	Tai O Development Package 4 Stage II, Engineering Works	01-Dec-00	FS(R)O	0	21	21	0	0	0	21	10	11
13	73CD	Main Drainage Channels and Poldered Village Protection Schemes for San Tin, North West New Territories, Phase 3, Part I - Eastern Main Drainage Channel for San Tin	19-Jan-01	FS(R)O	1	0	1	1	0	0	N/A		N/A

**Annex A - Objections to gazetted projects in past five years**

No.	Project ref.	Project Title	Gazette date	Ordinance/Regulation	No. of objections received in the 1st month of objection period	No. of objections received in the 2nd month of objection period	Total no. of objections	No. of objections resolved within 4 months	No. of objections resolved within 4 to 7 months	No. of objections resolved within 7 to 9 months	No. of objections for which extended period for resolution was granted by CE	No. of objections resolved within extended period	No. of unresolved objections overruled by ExCo
14	38TF	Reconstruction of Kat O Chau Public Pier	20-Jul-01	FS(R)O	0	1	1	1	0	0	N/A		N/A
15	38TF	Reconstruction of Peng Chau Public Pier	10-Aug-01	FS(R)O	1	0	1	1	0	0	N/A		N/A
16	38TF	Reconstruction of Cheung Chau Public Pier	12-Oct-01	FS(R)O	0	0	0	0	0	0	N/A		N/A
17	38TF	Reconstruction of Wu Kai Sha Public Pier	09-Nov-01	FS(R)O	0	0	0	0	0	0	N/A		N/A
18	660CL	Site Formation & Construction of Associated Infrastructure at Penny's Bay	23-Nov-01	FS(R)O	0	0	0	0	0	0	N/A		N/A
				<b>Sub-total</b>	<b>4</b>	<b>47</b>	<b>51</b>	<b>5</b>	<b>1</b>	<b>11</b>	<b>25</b>	<b>10</b>	<b>24</b>
<b>Roads (Works, Use and Compensation) Ordinance</b>													
19	183CL	Ting Kok Road upgrading stage 2 and associated works	03-Jan-97	R(WU&C)O	0	0	0	0	0	0	N/A		N/A
20	193CL	Peng Chau development, package 4, engineering works	14-Mar-97	R(WU&C)O	0	2	2	0	1	0	1		1
21	194CL	Peng Chau development, package 3, stage 2 engineering works	14-Mar-97	R(WU&C)O									
22	578TH	Wong Chuk Hang Road Flyover and associated road widening	04-Apr-97	R(WU&C)O	0	3	3	2	1	0	N/A		N/A
23	580TH	Tsing Yi North Coastal Road	04-Apr-97	R(WU&C)O	0	1	1	1	0	0	N/A		N/A
24	98CD	Phase 1 village flood protection for Pok Wai and Wang Chau, North West New Territories	20-Jun-97	R(WU&C)O	0	5	5	0	4	0	N/A		1
25	126TB	Pedestrian subway at Junction of Austin Road/Canton Road	18-Jul-97	R(WU&C)O	0	4	4	0	0	0	N/A		4
26	117TB	Footbridge at junction of Boundary Street and Embankment Road	15-Aug-97	R(WU&C)O	0	0	0	0	0	0	N/A		N/A
27	193TH	Ting Kok Road upgrading - stage I, phase II	22-Aug-97	R(WU&C)O	0	1	1	0	0	0	N/A		1
28	560TH	Improvement to Kam Tin Road, stage I	12-Sep-97	R(WU&C)O	1	11	12	7	1	0	N/A		4
29	41TR	MTR Tseung Kwan O Extension - essential public infrastructure works at Po Lam	26-Sep-97	R(WU&C)O	0	0	0	0	0	0	N/A		N/A
30	275TH	Ping Ha Road improvement - remaining works	10-Oct-97	R(WU&C)O	0	0	0	0	0	0	N/A		N/A
31	125TB	Pedestrian subway at the junction of Kowloon Park Drive and Peking Road	24-Oct-97	R(WU&C)O	0	0	0	0	0	0	N/A		N/A
32	659CL	Kau Hui development - engineering works in Area 16, Yuen Long, phase 1	31-Oct-97	R(WU&C)O	6	13	19	3	10	0	N/A		6

**Annex A - Objections to gazetted projects in past five years**

No.	Project ref.	Project Title	Gazette date	Ordinance/Regulation	No. of objections received in the 1st month of objection period	No. of objections received in the 2nd month of objection period	Total no. of objections	No. of objections resolved within 4 months	No. of objections resolved within 4 to 7 months	No. of objections resolved within 7 to 9 months	No. of objections for which extended period for resolution was granted by CE	No. of objections resolved within extended period	No. of unresolved objections overruled by ExCo
33	684CL	Hung Shui Kiu development, stage II - engineering infrastructure north of Castle Peak Road, phase 1	28-Nov-97	R(WU&C)O	0	5	5	0	0	3	N/A		2
34	124TB	Pedestrian subway at Junction of Kowloon Park Drive and Salisbury Road	28-Nov-97	R(WU&C)O	1	0	1	0	0	0	N/A		1
35	561TH	Widening of Tolo Highway between Island House interchange and Ma Liu Shui interchange	05-Dec-97	R(WU&C)O	1	2	3	2	0	1	N/A		N/A
36	29CD	Main drainage channel for Ngau Tam Mei phase 2 - Ngau Tam Mei to Yau Mei San Tsuen section	03-Apr-98	R(WU&C)O	0	4	4	0	0	0	N/A		4
37	709TH	Road improvement for vertical interim housing at area 29, Tuen Mun	03-Apr-98	R(WU&C)O	0	1	1	0	1	0	N/A		N/A
38	696TH	Construction of roads and drains to serve the housing development in area 56, Tuen Mun	17-Apr-98	R(WU&C)O	0	31	31	0	31	0	N/A		N/A
39	--	Proposed Footbridge System along Mong Kok Road and Sai Yee Street	01-May-98	R(WU&C)O	0	9	9	0	0	6	N/A		3
40	553TH	Castle Peak Road improvement between Sham Tseng and Ka Loon Tsuen, Tsuen Wan	26-Jun-98	R(WU&C)O	3	19	22	4	2	1	N/A		15
41	365TH	Castle Peak Road improvement between Area 2 and Sham Tseng, Tsuen Wan	10-Jul-98	R(WU&C)O	4	12	16	1	1	0	14		14
42	554TH	Sha Tin New Town, stage II - Road D15 linking Lok Shun Path and Tai Po Road	17-Jul-98	R(WU&C)O	0	706	706	0	0	0	706	4	702
43	706TH	Highway between Shap Pat Heung Interchange and Pok Oi Interchange - remaining works	31-Jul-98	R(WU&C)O	0	0	0	0	0	0	N/A		N/A
44	642TH	Improvement to Island Eastern Corridor - section between North Point Interchange and Sai Wan Ho	30-Sep-98	R(WU&C)O	1	6	7	3	0	0	N/A		4
45	672CL	Roads and associated engineering works for Hung Shui Kiu North	18-Dec-98	R(WU&C)O	0	4	4	2	0	1	N/A		1
46	589TH	Salisbury Road underpass and associated road improvement works	18-Dec-98	R(WU&C)O	0	1	1	0	1	0	N/A		N/A
47	117CD	Village flood protection for Mai Po Lo Wai, Mai Po San Tsuen, Ma Tin Tsuen and Shui Pin Wai, North West New Territories	08-Jan-99	R(WU&C)O	0	3	3	0	3	0	N/A		N/A
48	107CD	Village flood protection for Chuk Yuen Tsuen and Ha San Wai, North West New Territories	29-Jan-99	R(WU&C)O	0	3	3	0	2	0	N/A		1



**Annex A - Objections to gazetted projects in past five years**

No.	Project ref.	Project Title	Gazette date	Ordinance/Regulation	No. of objections received in the 1st month of objection period	No. of objections received in the 2nd month of objection period	Total no. of objections	No. of objections resolved within 4 months	No. of objections resolved within 4 to 7 months	No. of objections resolved within 7 to 9 months	No. of objections for which extended period for resolution was granted by CE	No. of objections resolved within extended period	No. of unresolved objections overruled by ExCo
49	689CL	Hung Shui Kiu development, stage II - engineering infrastructure north of Castle Peak Road, phase 2	29-Jan-99	R(WU&C)O	1	50	51	1	1	0	N/A		49
50	81CD	Main drainage channels for Yuen Long and Kam Tin stage 2 - remainder	19-Feb-99	R(WU&C)O	0	0	0	0	0	0	N/A		N/A
51	112CL	Peng Chau development, package 3 - design and stage 1 engineering works	26-Mar-99	R(WU&C)O	0	0	0	0	0	0	N/A		N/A
52	643TH	Trunk Road T7 in Ma On Shan	09-Apr-99	R(WU&C)O	0	7	7	0	0	4	N/A		3
53	113CD	Main drainage channels for Yuen Long and Kam Tin - Sham Chung Channel	30-Apr-99	R(WU&C)O	0	0	0	0	0	0	N/A		N/A
54	246TH	Kam Tin Bypass	30-Apr-99	R(WU&C)O	2	4	6	2	2	0	N/A		2
55	121TB	Duplication of Pedder Street Footbridge	02-Jul-99	R(WU&C)O	0	0	0	0	0	0	N/A		N/A
56	129TB	Footbridge and road widening at junction of Hung Mui Kuk Road/Tin Sam Street, Sha Tin	02-Jul-99	R(WU&C)O	0	0	0	0	0	0	N/A		N/A
57	131TB	Footbridge across Wong Chuk Hang Road near Aberdeen Sports Ground	08-Oct-99	R(WU&C)O	0	0	0	0	0	0	N/A		N/A
58	117CD	Village flood protection for Mai Po Lo Wai, Mai Po San Tsuen, Ma Tin Tsuen and Shui Pin Wai, North West New Territories (scheme revision)	03-Dec-99	R(WU&C)O	0	0	0	0	0	0	N/A		N/A
59	30CD	Village flood protection for Yuen Long, Kam Tin and Ngau Tam Mei, North West New Territories - stage I - remainder (Pok Wai drainage channel)	14-Jan-00	R(WU&C)O	0	3	3	0	3	0	N/A		N/A
60	113CD	Main drainage channels for Yuen Long and Kam Tin - Sham Chung Channel (scheme revision)	03-Feb-00	R(WU&C)O	0	0	0	0	0	0	N/A		N/A
61	724TH	Road works in Chai Wan reclamation area	25-Feb-00	R(WU&C)O	0	0	0	0	0	0	N/A		N/A
62	81CD	Main drainage channels for Yuen Long and Kam Tin stage 2 - remainder (scheme revision)	10-Mar-00	R(WU&C)O	0	1	1	0	0	0	N/A		1
63	711TH	Route 9 between Tsing Yi and Cheung Sha Wan	20-Apr-00	R(WU&C)O	0	1	1	1	0	0	N/A		N/A
64	40TR	West Rail (Phase I) - Essential Public Infrastructure Works for Kam Tin Section - remaining works	09-Jun-00	R(WU&C)O	2	7	9	0	0	0	N/A		9
65	343CL	Central Reclamation Phase III roadworks	30-Jun-00	R(WU&C)O	1	1	2	0	0	0	2		2
66	694TH	Route 9 between Cheung Sha Wan and Sha Tin	21-Jul-00	R(WU&C)O	4	64	68	2	0	0	N/A		66
67	566CL	Development at Anderson Road	21-Sep-00	R(WU&C)O	1	7	8	0	4	2	2		2

**Annex A - Objections to gazetted projects in past five years**

No.	Project ref.	Project Title	Gazette date	Ordinance/Regulation	No. of objections received in the 1st month of objection period	No. of objections received in the 2nd month of objection period	Total no. of objections	No. of objections resolved within 4 months	No. of objections resolved within 4 to 7 months	No. of objections resolved within 7 to 9 months	No. of objections for which extended period for resolution was granted by CE	No. of objections resolved within extended period	No. of unresolved objections overruled by ExCo
68	646TH	Widening of Clear Water Bay Road adjacent to Tai Po Tsai Village	13-Oct-00	R(WU&C)O	6	156	162	7	0	0	155		155
69	645TH	Sai Sha Road Widening between Kam Ying Road and Future Trunk Road T7 Junction	20-Oct-00	R(WU&C)O	1	0	1	0	0	0	1	1	N/A
70	70CD	Yuen Long Bypass Floodway	08-Dec-00	R(WU&C)O	2	14	16	1	1	1	N/A		13
71	73CD	Main drainage channels and polder village protection schemes for San Tin, NWNT phase 3, part I - eastern main drainage channel for San Tin	23-Jan-01	R(WU&C)O	1	0	1	1	0	0	N/A		N/A
72	666CL	Formation, roads and drains in Area 54, Tuen Mun - Phase I	02-Mar-01	R(WU&C)O	0	0	0	0	0	0	N/A		N/A
73	485CL	Extension of Braemar Hill Road, North Point	09-Mar-01	R(WU&C)O	0	65	65	0	0	0	N/A		65
74	745TH	Grade separation at Light Rail Transit junction LT1 at Tsing Lun Road, Tuen Mun	15-Aug-01	R(WU&C)O	0	0	0	0	0	0	N/A		N/A
75	621TH	Mang Kung Uk, Sai Kung - Improvement to Village Access Roads, Proposed Road Works	19-Oct-01	R(WU&C)O	0	3	3	2	0	0	N/A		1
76	150TB	Reconstruction of two footbridges across Choi Hung Road near Shatin Pass Road and Tai Shing Street	02-Nov-01	R(WU&C)O	0	2	2	0	0	0	N/A		2
77	130TB	Proposed footbridge and improvements to Ap Lei Chau Bridge Road and Ap Lei Chau Drive	07-Dec-01	R(WU&C)O	0	0	0	0	0	0	N/A		N/A
78	721TH	Widening of Yuen Long Highway between Lam Tei and Shap Pat Heung Interchange	21-Dec-01	R(WU&C)O	1	2	3	1	0	0	N/A		2
79	759TH	Shenzhen Western Corridor	15-Mar-02	R(WU&C)O	1	2	3	0	3	0	N/A		N/A
80	736TH	Deep Bay Link	15-Mar-02	R(WU&C)O	56	958	1014	10	0	0	N/A		1004
				<b>Sub-total</b>	<b>96</b>	<b>2193</b>	<b>2289</b>	<b>53</b>	<b>72</b>	<b>19</b>	<b>881</b>	<b>5</b>	<b>2140</b>
<b>Water Pollution Control (Sewerage) Regulation</b>													
81	157DS	Yuen Long and Kam Tin Sewerage Stage 2 - Phase 3A	27-Feb-98	WPC(S)R	0	0	0	0	0	0	N/A		N/A
82	664CL	Site formation, roads and drains at Mui Lee in Areas 4C and 38A, Sha Tin	17-Jul-98	WPC(S)R	0	0	0	0	0	0	N/A		N/A
83	272DS	Sha Kok Mei Village Sewerage	15-Jan-99	WPC(S)R	0	0	0	0	0	0	N/A		N/A

**Annex A - Objections to gazetted projects in past five years**

No.	Project ref.	Project Title	Gazette date	Ordinance/Regulation	No. of objections received in the 1st month of objection period	No. of objections received in the 2nd month of objection period	Total no. of objections	No. of objections resolved within 4 months	No. of objections resolved within 4 to 7 months	No. of objections resolved within 7 to 9 months	No. of objections for which extended period for resolution was granted by CE	No. of objections resolved within extended period	No. of unresolved objections overruled by ExCo
84	125DS	Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 1D, Village Sewerage Works at Lai Chi Shan, Cheung Uk Tei, Fung Yuen Lo Tsuen, Mak Uk, Shek Kwu Lung and Yung Shue O, Tai Po	26-Feb-99	WPC(S)R	0	1	1	1	0	0	N/A		N/A
85	125DS	Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 1D, Village Sewerage Works at Hung Mui Kuk, Sha Tin	26-Feb-99	WPC(S)R	0	0	0	0	0	0	N/A		N/A
86	125DS	Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 1D, Village Sewerage Works at Kau Shi Wai, Tin Sam, San Wai Tsai and Chuk Hang, Tai Po	26-Feb-99	WPC(S)R	1	1	2	1	0	0	N/A		1
87	61DR	Northeast New Territories Village Sewerage Phase 2	14-May-99	WPC(S)R	0	0	0	0	0	0	N/A		N/A
88 *	157DS	Yuen Long and Kam Tin Sewerage Stage 2 - Phase 5A	11-Jun-99	WPC(S)R	0	1	1	0	0	0	N/A		N/A
89 *	160DS	Tuen Mun Sewerage stage 1 - Village sewerage at Tuen Mun North and Central	20-Oct-99	WPC(S)R	0	1	1	0	0	0	N/A		N/A
90	328DS	Tolo Harbour Sewerage of Unsewered Areas Stage I Phase IIB - Village sewerage works in Tai Po	29-Oct-99	WPC(S)R	0	1	1	0	1	0	N/A		N/A
91	328DS	Tolo Harbour Sewerage of Unsewered Areas Stage I Phase IIB - Village sewerage works in Sha Tin	29-Oct-99	WPC(S)R	1	2	3	1	1	1	N/A		N/A
92	157DS	Yuen Long and Kam Tin Sewerage Stage 2 - Phase 4A	17-Mar-00	WPC(S)R	0	0	0	0	0	0	N/A		N/A
93	61DS	Northwest New Territories development - trunk sewers, sewage pumping stations and rising mains - stage 3	26-May-00	WPC(S)R	0	5	5	0	5	0	N/A		N/A
94	330DS	North District Sewerage Stage 1 Phase 1B	25-Aug-00	WPC(S)R	0	0	0	0	0	0	N/A		N/A
95	274DS	Yuen Long and Kam Tin Sewerage Stage 3 - Phase 1A	08-Dec-00	WPC(S)R	0	0	0	0	0	0	N/A		N/A
96	485CL	Sewerage scheme in connection with the extension of Braemar Hill Road, North Point	09-Mar-01	WPC(S)R	0	49	49	0	0	0	N/A		49
97	157DS	Yuen Long and Kam Tin Sewerage Stage 2 - Phase 4D	18-May-01	WPC(S)R	0	1	1	0	1	0	N/A		N/A
98	157DS	Yuen Long and Kam Tin Sewerage Stage 2 - Phase 2	25-May-01	WPC(S)R	0	3	3	2	1	0	N/A		N/A

**Annex A - Objections to gazetted projects in past five years**

No.	Project ref.	Project Title	Gazette date	Ordinance/Regulation	No. of objections received in the 1st month of objection period	No. of objections received in the 2nd month of objection period	Total no. of objections	No. of objections resolved within 4 months	No. of objections resolved within 4 to 7 months	No. of objections resolved within 7 to 9 months	No. of objections for which extended period for resolution was granted by CE	No. of objections resolved within extended period	No. of unresolved objections overruled by ExCo
99	61DR	Northeast New Territories Village Sewerage Phase 2 (scheme revision)	27-Jul-01	WPC(S)R	0	0	0	0	0	0	N/A		N/A
100	211DS	Outlying Islands Sewerage Stage 1 Phase 2, Package I - Yung Shue Wan Village Sewerage Phase 1	10-Aug-01	WPC(S)R	0	0	0	0	0	0	N/A		N/A
101	211DS	Outlying Islands Sewerage Stage 1 Phase 2, Package H - Peng Chau Village Sewerage Phase 1	17-Aug-01	WPC(S)R	0	0	0	0	0	0	N/A		N/A
102	621TH	Mang Kung Uk, Sai Kung - Improvement to Village Access Roads, Proposed Sewerage works	19-Oct-01	WPC(S)R	0	1	1	0	0	0	N/A		1
103	273DS	Sai Kung Area 4 Sewerage	26-Oct-01	WPC(S)R	0	0	0	0	0	0	N/A		N/A
104	274DS	Yuen Long and Kam Tin Sewerage Stage 3 - Phase 1B	26-Oct-01	WPC(S)R	0	0	0	0	0	0	N/A		N/A
105	157DS	Yuen Long and Kam Tin Sewerage Stage 2 - Phase 3B	02-Nov-01	WPC(S)R	0	0	0	0	0	0	N/A		N/A
106	211DS	Outlying Islands Sewerage Stage 1 Phase 2, Package G - Cheung Chau Village Sewerage Phase 1	25-Jan-02	WPC(S)R	0	0	0	0	0	0	N/A		N/A
				<b>Sub-total</b>	<b>2</b>	<b>66</b>	<b>68</b>	<b>5</b>	<b>9</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>51</b>
				<b>Grand-total of FS(R)O, R(WU&amp;C)O and WPC(S)R</b>	<b>102</b>	<b>2306</b>	<b>2408</b>	<b>63</b>	<b>82</b>	<b>31</b>	<b>906</b>	<b>15</b>	<b>2215</b>

1. Projects shaded grey are prone to public objections

2. \* Projects not submitted to ExCo and de-gazetted

## **Annex B**

### **Example A**

- (i) The project “Widening Tolo Highway between Island House Interchange and Ma Liu Shui Interchange” was gazetted under the Roads (Works, Use and Compensation) Ordinance on 5.12.1997.
- (ii) The Government received three objections. Two of the objections were resolved within four months after expiry of the objection period on 4.2.1998
- (iii) The third objection did not object to the project per se but raised an objection on grounds that Government had not come up with a formal proposal with specific terms and conditions for an exchange of his land necessitated by the project.
- (iv) Lands Department had in fact started negotiations with the objector on the land exchange before the gazettal. Government departments further met the objector in February and April 1998 and proposed a land exchange package on 11.5.1998. The objector only responded to the proposal in late May but subsequently asked for some modifications to the exchange conditions in July. The objector finally withdrew his objection on 25.8.1998 (almost seven months from expiry of the objection period) after reaching in-principle agreement to the land exchange package.

### **Example B**

- (i) The project “Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase IIB – Village Sewerage Works in Sha Tin” was gazetted on 29.10.1999 under the Water Pollution Control (Sewerage) Regulation.
- (ii) The Government received three objections. One of the objections was resolved within four months and another objection between four and seven months after expiry of the objection period on 22.12.1999.

- (iii) At a meeting on 14.1.2000, the objector expressed no objection to the project and agreed to the rehousing arrangement offered by Housing Department.
- (iv) However, the objector refused to accept this rehousing arrangement on 17.2.2000 and requested a public housing flat in another area. No substantiation was submitted by the objector despite repeated requests from Government departments. The objector reiterated that he was considering the issue but refused to withdraw his objection.
- (v) Drainage Services Department proposed to revise the scheme in end-April to avoid affecting the objector's house which was agreed by the objector in end-May 2000. The objector only withdrew his objection on 29.8.2000 (more than eight months from expiry of the objection period) after we gazetted an amendment to the original scheme on 11.8.2000.

工務局  
香港花園道美利大廈



WORKS BUREAU  
MURRAY BUILDING, GARDEN ROAD,  
HONG KONG

Ref. : WB(CR) 65/39  
Group : 12

6 May 2002

**Works Bureau Technical Circular No. 17/2002**

**Interim Arrangements for Expediting  
Resolution of Objections under Statutory Gazettals**

**Scope**

This circular sets out the interim requirements for works departments to resolve objections under statutory gazettals as far as possible within four months after expiry of the objection period, or within an extended period of further three months for the more difficult cases.

2. The Secretary for Transport, the Secretary for Planning and Lands and the Secretary for Environment and Food have agreed to the contents of this circular.

**Effective Date**

3. This circular takes immediate effect.

**Effect on Existing Circulars**

4. This circular has no effect on existing WBTCs.

## **Background**

5. Under the existing Roads (Works, Use and Compensation) Ordinance (Cap.370), (R(WU&C)O), Foreshore and Sea-bed (Reclamations) Ordinance (Cap.127) and R(WU&C)O as applied by Section 26 of the Water Pollution Control (Sewerage) Regulation (Cap.358 sub.leg.), we need to gazette and exhibit a project scheme for 60 days or two months as appropriate during which the public can raise objections to the scheme. The Government then has a period of 9 months, with a further extension of six months as may be granted by the Chief Executive, to resolve the objections. If the objections remain unresolved, the relevant Secretary or Director will submit the scheme together with details of the objections for consideration by the CE in Council before the expiry of the 9-month period or within the approved extension period as appropriate.

6. The lodging and resolving of objections under the existing legislation can take a maximum of 11 to 17 months to complete. This makes up a significant portion of the pre-construction leadtime for a public works project and shortening of the statutory periods is considered necessary to expedite project delivery.

## **New Expedited Timeframe for Resolving Objections**

7. To expedite the delivery of public works projects, we are drawing up legislative proposals to -

- (a) shorten the period for the lodging of objections from two months to one month; and
- (b) shorten the objection resolution period from nine months to four months with a provision for a three-month extension (in lieu of the present six-month extension) subject to the approval of the CE.

8. Legislative amendments to the relevant Ordinances/Regulation are required to give effect to the above arrangement. We are working towards introducing the amendments to LegCo as soon as possible.

9. During the interim period until the legislative amendments are effected, Works Departments should take appropriate administrative steps to resolve objections as far as possible



within the spirit of the timeframe set out in paragraph 7(b) above. This ensures that the benefits of the expedited procedures are realised as soon as possible. However, the adoption of the expedited procedures does not detract from the requirement that Works Departments shall fully and carefully consider all objections received under statutory gazettals before submitting unresolved ones to the CE in Council for decision.

10. For performance monitoring with respect to objection resolution within the shortened timeframe, Works Departments are required to submit to Works Bureau (Attn : CAS(PM)) and the relevant policy bureau a quarterly report on all projects the objection period of which has expired before the start of the reporting quarter. The report should set out for each project the current status in resolving objections, the time taken to resolve objections, and/or an explanation on why the shortened timeframe for resolving objections could not be met. The first report for the quarter ending July 2002 is due by mid-August 2002.



(W S Chan)

**Deputy Secretary (Works Policy)**