

Ref: PELB(CR)180/99(97)Pt.10
WB(CR)180/102(96)Pt.2

Group: 12

PLANNING, ENVIRONMENT
AND LANDS BUREAU AND
WORKS BUREAU
GOVERNMENT
SECRETARIAT
MURRAY BUILDING
GARDEN ROAD
HONG KONG

8 September 1997

Planning, Environment and Lands Bureau
Technical Circular No. 3/97

Works Bureau Technical Circular No. 13/97

Revised Administrative Arrangements
for Reclamation Works

Purpose

This circular promulgates the revised administrative arrangements for reclamation projects which require :

- (a) gazetting under the Foreshore and Sea-bed (Reclamations) Ordinance, Chapter 127 (FS(R)O) ; and
- (b) the preparation of a new or amended outline zoning plan (OZP) under the Town Planning Ordinance, Chapter 131 (TPO).

2. The revised arrangements aim to address recent concerns that the public is not adequately consulted on major proposed reclamation works and that the Town Planning Board (TPB) is not consulted early enough on reclamation proposals. The arrangements also address concerns that, in the past, reclamation works had been authorised under the FS(R)O before the OZP incorporating the land uses was approved under the TPO. The revised arrangements, which have been endorsed by the TPB, will ensure that (a) the public is consulted concurrently on both the proposed reclamation and the associated land uses, and (b) the TPB can consider the draft OZP before the reclamation is gazetted under the FS(R)O. Moreover, the Chief Executive in Council (CE in C) will be asked to consider concurrently objections to the reclamation gazetted under the FS(R)O and objections to the proposed land uses on the draft OZP gazetted under the TPO. Through parallel action where possible, the

arrangements will minimise the impact of the objections on the overall construction programme of the reclamation and associated development.

Revised Administrative Arrangements - Parallel Actions under the TPO and FS(R)O

3. Integrated planning and engineering feasibility studies shall be conducted either before the development project is included in the Public Works Programme (PWP) (i.e. in conjunction with the preparation of the Preliminary Project Feasibility Study), or immediately after it is included in Category B of the PWP. Apart from land use and engineering feasibility, the studies shall include traffic (marine and road) impact assessment, environmental impact assessment (EIA), drainage impact assessment, ground investigations and preliminary design. The studies should cover both the entire reclamation and the land uses and infrastructure proposed on the reclamation. Where these studies are carried out by consultants, the brief shall include provisions for assisting the relevant department to resolve objections received under the FS(R)O and the consultancy agreement should not end before the authorization of the reclamation. The EIA should be a full assessment in all key aspects of the construction and operation of the reclamation and development, including noise impact assessments for the proposed roads, to determine the overall environmental acceptability. Where necessary, detailed construction impacts may have to be assessed at the detail design stage to suit the particular design and the phasing of the works. The Advisory Council on the Environment (ACE) should be consulted on the findings of EIA prior to gazetting the reclamation under both FS(R)O and TPO. Where special circumstances do not allow this to be done, the proponent department should seek SPEL's agreement at an early stage.

4. Towards the end of the feasibility studies, a recommended outline development plan (RODP) will be produced by the consultants. Based on the RODP, Planning Department (Plan D) will start the preparation of an OZP for the proposed reclamation. Subject to agreement by the TPB, and after consulting relevant District Boards (DBs), the draft OZP will be published for public inspection under the TPO.

5. At the same time when Plan D starts the preparation of the draft OZP, the relevant works department should follow procedures laid down for authorisation under the FS(R)O. Upon completion of the feasibility studies, the works department, in consultation with Lands Department (Lands D) shall prepare a plan and notice for gazetting the reclamation under the FS(R)O. As far as practicable, the works department should consult the DBs on the reclamation proposals at the same time when the DBs are consulted on the OZP for the reclamation. Additionally, the gazetting of the reclamation under the FS(R)O shall, as far as practicable, be at the same time when the OZP is published for public inspection. However, under no

circumstances should the gazetting of the reclamation scheme under the FS(R)O precede the gazetting of the OZP under the TPO.

6. After expiry of the public inspection period for the OZP, the TPB will consider and hear the objections received. They may amend the OZP to meet the objections. The draft OZP, together with any unwithdrawn objections and a schedule of the amendments made to meet objections, will then be submitted to CE in C who will consider whether or not to approve the OZP or refer it to the TPB for further consideration or amendment. Similarly, after expiry of the objection period under the FS(R)O, the relevant works department, in consultation with Lands D, will consider objections received and seek to meet or overcome the objections. After giving the objectors an opportunity to express any further views, Lands D will submit the plan and scheme to CE in C who will consider whether or not to approve the plan and reclamation, with or without amendments. As far as possible the submission to CE in C under the FS(R)O should be made at the same time as the OZP is submitted under the TPO. Under no circumstances should the ExCo submission under the FS(R)O precede that under the TPO. In order to work out the timing for the procedures under this paragraph and paragraph 5, there should be close liaison and consultation between Plan D, Lands D and the relevant works department.

7. Where appropriate, the works department shall draft and circulate the Public Works Sub-committee (PWSC) paper for partial upgrading of the PWP project to Category A for funds for consultants fees and detailed investigations in advance of, or in parallel with the preparation of the submission to CE in C under paragraph 6. If CE in C approves the OZP for the reclamation under the TPO and authorises it under the FS(R)O, the Secretary for the Treasury (S for Tsy) may then submit the finalised paper to PWSC at the meeting immediately after the authorisation. The works department should programme the consultant selection procedure so that consultancy agreement can be signed as soon as Finance Committee has approved the funds. Where reclamation works have to be carried out as a matter of urgency, S for Tsy exceptionally, and on a case by case basis, may consider requests from the works department to seek funding from PWSC/FC for consultants fees and detailed design work in advance of the authorization of the reclamation. Prior to the submission of such funding requests, the works department should seek the support of the relevant LegCo Panel for this course of action. Appointment of the consultants and detailed design could commence before authorization of the reclamation. This will not commit the reclamation because funds will still not yet be available for construction.

8. The above arrangements are illustrated in the Annex, with probable activity durations shown for an average reclamation project. The actual time required for the studies and procedures under various ordinances will vary according to the size of the project and the number and complexity of objections received.

Applicability

9. This circular shall apply with immediate effect to all reclamation projects that require both gazetting (or re-gazetting) of the reclamation under the FS(R)O and the preparation of a new or amended OZP under the TPO except :

- (a) works already authorised under the FS(R)O (unless re-gazetting is required) ;
- (b) reclamations already covered by an OZP (unless amendment is required to accommodate a revised reclamation boundary) ;
- (c) small scale reclamations required for the construction of piers, landing points, utility and other facilities along the shoreline ; and
- (d) reclamation projects agreed by the TPB to be exempted from the above arrangements.

10. TPB considers that it is in the public interest for the revised administrative arrangements to apply to all major reclamation projects that require both gazetting (or re-gazetting) of the reclamation under FS(R)O and the preparation of a new or amended OZP. Normally TPB is not interested in reclamation works for roads or railways that are gazetted under legislation other than the FS(R)O. However, there may be difficulty in defining a major reclamation and the FS(R)O has a loose definition of reclamation. In order to enable TPB to decide whether the arrangements should apply in respect of any of the proposed reclamations, Plan D shall prepare, in collaboration with relevant works departments and on a regular basis, a list of all future reclamation proposals, irrespective of scale and location, for submission to TPB for consideration in advance. To give TPB a whole picture, this list will include *all* reclamations, including those that do not require gazetting (or re-gazetting) under FS(R)O or the preparation of a new (or amended) OZP. The list shall include a brief description of the nature, scale, location and proposed programme of the reclamation projects.


Background

11. On 10 November 1995, the TPB agreed that for future reclamation projects, an administrative arrangement of completing the town planning procedures under the TPO before any gazetting of reclamation projects under the FS(R)O should be adopted. This would enable TPB to consider, at an early planning stage, the proposed land uses, impacts and the overall town planning implications of future reclamation projects. Upon completion of the town planning procedures, reclamation projects will be gazetted under the FS(R)O for those affected to make claims or raise objections. However, small-scale reclamations required for the construction of piers, landing points, utility and other facilities along the shoreline would be excluded from the arrangement.

12. After further considering the impact of the arrangement on 29 November 1996, TPB agreed that the procedures should be streamlined by allowing actions under TPO and FS(R)O to be carried out in parallel. The revised administrative arrangements are the subject of this circular.

Attachment

Annex Revised Administrative Arrangement for Reclamation Works
Parallel Action Under TPO & FS(R)O



(Bowen Leung)

Secretary for Planning,
Environment and Lands



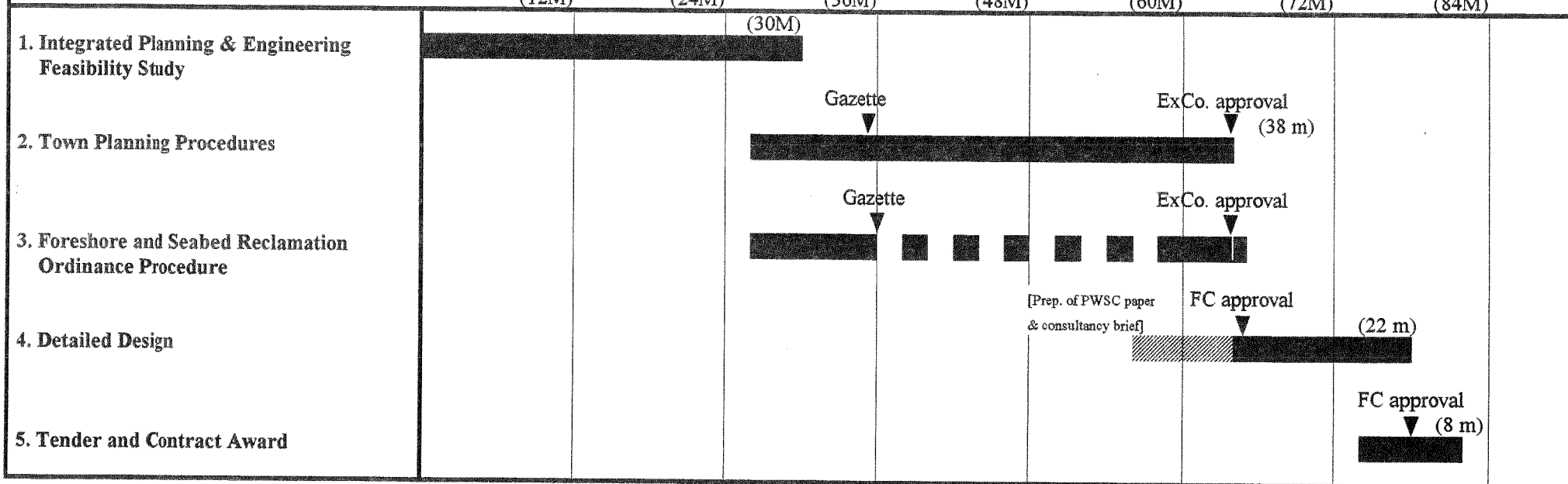
(H S Kwong)

Secretary for Works

Revised Administrative Arrangement for Reclamation Works
Parallel Action Under TPO & FS(R)O

Duration
(Months)

(12M) (24M) (36M) (48M) (60M) (72M) (84M)



Total :



