

立法會
Legislative Council

LC Paper No. CB(1)731/02-03
(These minutes have been seen
by the Administration)

Ref: CB1/BC/10/01

**Bills Committee on
Land (Miscellaneous Provisions) (Amendment) Bill 2002**

**Meeting on
Tuesday, 7 January 2003, at 10:45 am
in Conference Room B of the Legislative Council Building**

- Members present** : Hon LAU Ping-cheung (Chairman)
Ir Dr Hon Raymond HO Chung-tai, JP
Hon Eric LI Ka-cheung, JP
Hon Fred LI Wah-ming, JP
Hon Miriam LAU Kin-yee, JP
Hon Emily LAU Wai-hing, JP
Hon Albert CHAN Wai-yip
- Members absent** : Hon Margaret NG
Dr Hon TANG Siu-tong, JP
Hon Abraham SHEK Lai-him, JP
Hon IP Kwok-him, JP
Hon Audrey EU Yuet-mee, SC, JP
- Public officers attending** : Environment, Transport and Works Bureau

Mr C S WAI
Principal Assistant Secretary (Works)

Highways Department

Mr H C WONG
Assistant Director

Department of Justice

Ms Marie SIU
Senior Government Counsel

Clerk in attendance : Mr Andy LAU
Chief Assistant Secretary (1) 2

Staff in attendance : Miss Kitty CHENG
Assistant Legal Adviser 5

Ms Queenie YU
Senior Assistant Secretary (1)6

Action

I Confirmation of minutes of meeting

(LC Paper No. CB(1)559/02-03 - Minutes of meeting held on
9 December 2002)

The minutes of meeting held on 9 December 2002 were confirmed.

II Information papers issued since last meeting

2. The Bills Committee noted the following information papers issued since the last meeting-

- (a) Letter from a staff member of a utility company on street excavation (LC Paper No. CB(1)532/02-03(01)); and
- (b) The Administration's reply to the letter mentioned in paragraph 2(a) above (LC Paper No. CB(1)598/02-03(01)).

3. In order to facilitate members to gain a better understanding about audit inspections carried out by the Administration on street excavations, the Bills Committee agreed to conduct a surprise visit to excavation sites. The date of the site visit and other logistical arrangement would be worked out separately.

III Meeting with the Administration

(LC Paper No. CB(1)598/02-03(02) - Information paper provided by the Administration in response to issues raised at the meeting on 9 December 2002;

LC Paper No. CB(3)541/01-02 - The Bill;
Appendix III to LC Paper No. - Marked-up copy of the Bill
CB(1)2164/01-02

4. The Bills Committee deliberated (index of proceedings attached at **Annex A**).

5. The Bills Committee requested the Administration to provide further information on the following issues to facilitate their consideration:

- (a) to provide a full set of standard Excavation Permit conditions;
- (b) to reconsider the need to bring in the concept of "secondary excavation permit" or "secondary emergency excavation permit" under the new section 10E; and
- (c) to advise on the course of action in case the Chief Engineer failed to give the result of an assessment review within 28 days from the date of the receipt of the application for review and whether an express provision was required to ensure compliance by the Chief Engineer in this regard.

(Post-meeting note: The information provided by the Administration was issued to members vide LC Paper No. CB(1)732/02-03 on 15 January 2003.)

IV Any other business

6. The Bills Committee agreed that the next meeting of the Bills Committee would be held on Monday, 20 January 2003, at 4:30 pm to continue discussion with the Administration. Two further meetings were scheduled to be held on 13 February 2003 (Thursday) and 25 February 2003 (Tuesday), at 9:00am.
7. There being no other business, the meeting ended at 12:50 pm.

Council Business Division 1
Legislative Council Secretariat
15 January 2003

**Proceedings of the meeting of the Bills Committee on
Land (Miscellaneous Provisions) (Amendment) Bill 2002
Tuesday, 7 January 2003, at 10:45 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I - Confirmation of minutes of meeting</i>			
000000-000038	Chairman	- Confirmation of minutes of meeting held on 9 December 2002	
<i>Agenda Item II - Information papers issued since last meeting</i>			
000039-000617	Chairman Ms Emily LAU	- Administration's reply to an anonymous letter forwarded to Ms Emily LAU	
<i>Agenda Item III-Meeting with the Administration</i>			
000618-001352	Mr Albert CHAN Chairman Admin Ms Emily LAU	- Members' response to Administration's reply on utility works undertaken by CLP Hong Kong Limited on South Lantau Road - Surprise visit to excavation sites	
001353-001802	Chairman Admin Ms Emily LAU	- Submission of Committee Stage amendments (CSAs) by the Administration	
001803-004859	Chairman Admin Ms Emily LAU Ms Miriam LAU ALA5	- Clause-by-clause examination - Standard Excavation Permit (EP) Conditions and display of EP on the site for inspection by authorized persons - Confusion caused by the proposed legal concept of the deemed issue of "secondary excavation permit" or "secondary emergency excavation permit" to contractors under the new section 10E and whether there is a better alternative to the proposed approach.	Admin to provide information as per paragraph 5 (a) Admin to provide information as per paragraph 5 (b)
004900-004954	Admin	- Proposed CSA to make clear the meaning of the term "excavation" in clause 2	
004955-005058	Admin	- Scope of the application of the principal Ordinance to the Government - Proposed CSAs to clause 3.	
005059-005444	Admin Chairman ALA5	- Excavation in unleased land under the new sections 8 and 9 - Definition of "street" under the Bill and other ordinances	
005445-005946	Admin Chairman Ms Emily LAU	- Control of excavations in unleased land under the new section 10 - Relationship between permittee and nominated permittee, the nomination	

Time marker	Speaker	Subject(s)	Action required
		procedures and the liability in case of a breach of their respective conditions as stated in the EP	
005947-011924	Admin Chairman Ir Dr Raymond HO Ms Emily LAU	<ul style="list-style-type: none"> - Issue of principal excavation permit under the new section 10A - Proposed CSAs to the new section 10A(4)(b) - Factors taken into account when a permittee applied for a refund of the economic costs under the new section 10K - Determination of the initial EP period - Calculation of economic charges and payment method - Maintenance of utilities records by the Government, University of Hong Kong and utility undertakers (UUs) 	
011925-012648	Admin Chairman Ms Emily LAU	<ul style="list-style-type: none"> - Issue of principal emergency excavation permit under the new section 10B - Proposed CSAs to the new section 10B(7)(b) 	
012649-013112	Admin Mr Fred LI Chairman Ms Emily LAU	<ul style="list-style-type: none"> - Emergency excavation which lasted for more than seven days under the new section 10C - Definition of the term "days" in the new section 10C 	
013113-013322	Admin Mr Fred LI Ms Emily LAU	<ul style="list-style-type: none"> - Refusal of issue of excavation permit under the new section 10D 	
013323-013400	Admin	<ul style="list-style-type: none"> - Deemed issue or extension of secondary excavation permit or secondary emergency excavation permit under the new section 10E 	
013401-014956	Admin Chairman Mr Albert CHAN Ms Emily LAU	<ul style="list-style-type: none"> - Nominated permittees under the new sections 10F to 10I - Principal excavation permit holders for utility works - List of potential nominated permittees approved by the Authority in advance - Justification for introducing the concept of "nominated permittee" and the delineation of responsibilities between nominated permittee and principal excavation permittee 	
014957-015039	Admin	<ul style="list-style-type: none"> - Termination of excavation permit or emergency excavation permit under the new section 10J 	
015040-015432	Admin Chairman Ms Emily LAU	<ul style="list-style-type: none"> - Refund of daily fee and economic costs paid for extension of principal excavation permit under the new section 10K - Payment of economic costs 	
015433-015824	Admin	<ul style="list-style-type: none"> - Review of assessment under the new 	Admin to provide

Time marker	Speaker	Subject(s)	Action required
	Chairman	section 10L - Notification of the result of the assessment review	information as per paragraph 5(c)
<i>Agenda Item IV - Any other business</i>			
015825-020312	Chairman Ms Emily LAU Mr Fred LI	- Date of future meetings - Arrangement for the proposed surprise visit to excavation sites	

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