

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1084/02-03

(These minutes have been seen  
by the Administration)

Ref: CB1/BC/10/01

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

**Meeting on  
Thursday, 13 February 2003, at 9:00 am  
in Conference Room A 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 Miriam LAU Kin-yee, JP  
Hon Emily LAU Wai-hing, JP  
Dr Hon TANG Siu-tong, JP  
Hon Abraham SHEK Lai-him, JP  
Hon IP Kwok-him, JP  
Hon Audrey EU Yuet-mee, SC, JP
- Non-Bills Committee :** Dr Hon David CHU Yu-lin, JP  
**Member attending**
- Members absent** : Hon Fred LI Wah-ming, JP  
Hon Margaret NG  
Hon Albert CHAN Wai-yip
- 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

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Action

**I Confirmation of minutes of meeting**

(LC Paper No. CB(1)853/02-03 - Minutes of meeting held on  
20 January 2003)

The minutes of meeting held on 20 January 2003 were confirmed.

**II Meeting with the Administration**

(LC Paper No. CB(1)856/02-03(01) - Information paper provided by the  
Administration in response to issues  
raised at the meeting on 20.1.2003;

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

LC Paper No. CB(1)2164/01-02  
(Annex 1 to - Committee Stage amendments to the  
LC Paper No. CB(1)856/02-03(01)) Bill as at 10 February 2003)

2. The Bills Committee deliberated (index of proceedings attached to **Annex A**).

3. The Bills Committee requested the Administration to provide further information on the following to facilitate their consideration of the Bill:

- (a) To consider devising a charging scheme for economic cost due to excavation works on footway and formulating other incentive scheme(s) to encourage road work promoters to achieve timely/early completion of excavation works on footway/carriageway;
- (b) To consult the construction industry and utility undertakers on the proposed charging/incentive schemes for excavation works on footway/carriageway;
- (c) To consider standardizing the usage of "the excavation permit" and "the permit" throughout the Bill."
- (d) To consider whether it was necessary to include "of the permit" after "the permittee" in the new section 10A(4)(b) and other similar provisions in the Bill; and
- (e) To consider whether it was appropriate to specify the ranking of public officers for the review of assessment on certain decision of the Authority under the new section 10(L).

*(Post-meeting note: The information provided by the Administration was issued to members vide LC Paper NO. CB(1)959/02-03(01) on 20 February 2003.)*

### **III Any other business**

4. The Bills Committee agreed that the next meeting of the Bills Committee would be held on Tuesday, 25 February 2003 at 9:00 am to continue discussion with the Administration. Two further meetings were scheduled to be held on 18 March 2003 (Tuesday) and 1 April 2003 (Tuesday), from 9:00 am to 10:30 am.

5. There being no other business, the meeting ended at 10:40 am.

Council Business Division 1  
Legislative Council Secretariat  
10 March 2003

**Proceedings of the meeting of the Bills Committee on  
Land (Miscellaneous Provisions) (Amendment) Bill 2002  
Thursday, 13 February 2003, at 9:00 am  
in Conference Room A of the Legislative Council Building**

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
<i>Agenda Item I - Confirmation of minutes of meeting</i>			
000000-000017	Chairman	- Confirmation of minutes of meeting held on 20 January 2003	
<i>Agenda Item II – Meeting with the Administration</i>			
000018-001031	Chairman Admin	- Briefing by the Admin on LC Paper No. CB(1) 856/02-03(01)	
001032-001105	Chairman Admin	- Formulation of an inspection system for supervising the excavation by a competent person under the revised new section 10Q(4)(b)	
001106-001224	Chairman Admin	- Composition of the Review Board under the new section 10M	
001225-002020	Chairman Ms Emily LAU Admin	- Actions to be taken by the Secretary for the Environment, Transport and Works (SETW) on receiving a report by the Authority about a contravention by a public officer or government department under the new section 2A - Factors to be considered by the court in deciding on whether a permittee had taken all reasonable steps and exercised all due diligence to avoid committing an offence under the new section 10Q(2) and 10Q(2A) - Effectiveness of the safety precautions and support measures taken by the permittee under the new section 10Q(4) and the qualification requirements for competent persons and their role in the inspection	
002021-002200	Chairman Ms Emily LAU Clerk	- Introduction of the latest draft of the Committee Stage amendments (CSAs) proposed by the Admin (Annex 1 to LC Paper No. CB(1) 856/02-03 (01))	
002201-002218	Admin Chairman	- Proposed CSAs to the new section 2 to dispense with the concept of the deemed issue of “secondary excavation permit” or “secondary emergency excavation permit”	
002219-003041	Admin Chairman Mr IP Kwok-him Ms Emily LAU	- Replacement of the word “inquiry” with “investigation” in the new section 2A to provide flexibility for the SETW to decide on the need for conducting a hearing according to the merit of the individual case concerned	

Time Marker	Speaker	Subject(s)	Action required
		<ul style="list-style-type: none"> <li>- Proposed framework of procedures to be followed by SETW upon receiving a report from the Authority about a contravention by a public officer or government department under new section 2A of the Bill</li> </ul>	
003042-005217	Admin Ms Emily LAU Chairman Mr IP Kwok-him Mr Eric LI Admin Ms Emily LAU	<ul style="list-style-type: none"> <li>- The proposed charging scheme for economic cost due to excavation works on carriageways and application of a similar scheme to footways</li> <li>- Incentive schemes for timely/early completion of excavation works on footways/carriageways</li> <li>- Basis for determining the duration of Excavation Permits (EPs) and the economic costs due to excavation works on footways and carriageways</li> <li>- Consultation with the industry</li> </ul>	Admin to provide information as per paragraph 3(a)
005218-010107	Chairman Mr Abraham SHEK Mr IP Kwok-him Admin Ms Emily LAU	<ul style="list-style-type: none"> <li>- Impact of road excavation works on the safety of pedestrians</li> <li>- Better coordination of road excavation works by the Government and approval of night works at non-residential areas</li> <li>- Admin's initial response to members' proposal to apply a charging scheme for economic cost due to excavation works on footways and anticipated reaction from the industry</li> <li>- Consultation with the industry before putting forward possible charging and incentive schemes for footways/carriageways by the Admin to the Bills Committee</li> </ul>	Admin to provide information as per paragraph 3(b)
010108-010311	Mr Eric LI Mr IP Kwok-him Chairman Admin Ms Miriam LAU	<ul style="list-style-type: none"> <li>- Fairness of the proposed charging scheme for carriageways only but not footways, and the need to put in place a charging scheme and an incentive scheme concurrently to address the problems caused by road excavation works</li> <li>- Calculation of economic cost due to road excavation works on footways including, economic impact on shop operators</li> </ul>	
010312-010559	Admin Ms Emily LAU	<ul style="list-style-type: none"> <li>- CSAs to the new sections 10, 10A,10B,10C as previously discussed by the Bills Committee</li> </ul>	
010560-010943	Admin Chairman	<ul style="list-style-type: none"> <li>- CSAs to the new section 10D on circumstances where the issue or extension of EPs or Emergency EPs would be refused by the Authority including, newly constructed roads</li> </ul>	

Time Marker	Speaker	Subject(s)	Action required
010944-011212	Ms Audrey EU Chairman Admin	<ul style="list-style-type: none"> <li>- Reason for including “of the permit” after “the permittee” in the new section 10A(4)(b)</li> <li>- Possible standardization of the renditions “the permittee”, “the permittee of the permit” or “the permittee of the excavation permit” throughout the Bill</li> <li>- Standardization of the usage of “excavation permit” and “permit” throughout the Bill</li> </ul>	Admin to provide information as per paragraph 3 (c) and 3(d)
011213-011824	Ms Emily LAU Chairman Admin Ir Dr Raymond HO Mr Abraham SHEK	<ul style="list-style-type: none"> <li>- Circumstances under which the Authority would refuse issuing or extending an EP under the new section 10D</li> <li>- Arrangement made by the Authority to carry out the remaining road excavation works left by the permittee after the Authority had refused to extend the EP concerned under the new section 10D</li> </ul>	
011825-012037	Chairman Admin	<ul style="list-style-type: none"> <li>- CSAs to the new section 10E on the “deemed issue” of late application by the Authority for extension of EP accompanied by the appropriate fee from the permittee and the refund of the fee or part of the fee subject to the final approved period of the Extension by the Authority</li> </ul>	
012038-012146	Chairman Admin	<ul style="list-style-type: none"> <li>- CSAs to the new sections 10F, 10G, 10H, 10J and 10K as previously discussed by the Bills Committee</li> </ul>	
012147-012305	Chairman Admin	<ul style="list-style-type: none"> <li>- Revised CSAs to the new section 10L to specify the circumstances under which the Director of Highways (D of Hy) would be required to make a review assessment on the duration of an extended period of an EP under the relevant provisions of the Bill</li> </ul>	
012306-012408	Mr Abraham SHEK Chairman Admin	<ul style="list-style-type: none"> <li>- Calculation of economic costs</li> </ul>	
012409-012902	Chairman Admin Ms Audrey EU Ir Dr Raymond HO	<ul style="list-style-type: none"> <li>- The need to specify the ranking of public officers delegated by the D of Hy for the review of assessment under the new section 10L</li> <li>- Specification on the amount of prescribed fees payable in respect of EPs under Schedule 3 of the Bill</li> </ul>	Admin to provide the information as per paragraph 3 (e)
<i>Agenda Item II - Any other business</i>			
012903-013239	Ms Emily LAU Chairman Mr IP Kwok-him Ms Miriam LAU	<ul style="list-style-type: none"> <li>- Date of future meetings</li> </ul>	

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
	Clerk Ir Dr Raymond HO		

Council Business Division 1  
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10 March 2003