

立法會
Legislative Council

LC Paper No. CB(1)1422/02-03
(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, 1 April 2003, at 9:00 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 Abraham SHEK Lai-him, JP
Hon Albert CHAN Wai-yip
Hon IP Kwok-him, JP
- Members absent** : Hon Margaret NG
Dr Hon TANG Siu-tong, 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)1209/02-03 - Minutes of meeting held on
18.3.2003)

The minutes of the meeting held on 18 March 2003 was confirmed.

II Meeting with the Administration

(LC Paper No. CB(1)1205/02-03(01) - Information paper provided by
the Administration in response to
issues raised at the meeting on
18.3.2003;

LC Paper No. CB(1)1247/02-03(01) - Supplementary information
provided by the Administration
about the Committee Stage
Amendments;

LC Paper No. CB(1)1247/02-03(02) - Submission from New World
Telecommunications Limited);

LC Paper No. CB(1)1347/02-03(01) - Submission from the Hongkong
Electric Co Ltd;

LC Paper No. CB(3)541/01-02 - The Bill;

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

- Committee Stage amendments to
the Bill as at 31 March 2003)

2. The Bills Committee deliberated (index of proceedings attached at **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 re-drafting the new section 10Q(5)(b) to make clear that the scope of the term "excavation concerned" included "works within the excavation concerned";
- (b) To provide further information on the excavation works behind Regal Hong Kong, including the works undertaken by the Drainage Services Department during the period between 22 February and 25 March 2003, the actual progress of the works vis-à-vis the original programme, the expected completion date of the project and the target date when the works site could be temporarily re-opened to traffic;
- (c) To consider including a new criteria for the purpose of granting an exemption under the new section 10AA to stipulate that the excavation concerned will not cause any environmental nuisance or hygiene problem;
- (d) To consider whether the words "any lease" instead of "a lease" should be used in the new section 10(1) to improve the drafting of the provision; and
- (e) To consider applying the 6-year rule to the appointment of members to the Review Panel under the new section 10M.

(Post-meeting note: The information provided by the Administration was issued to members vide LC Paper No. CB(1)1365/02-03 on 4 April 2003.)

III Any other business

- 4. The Chairman reminded members that the next meeting of the Bills Committee would be held on Monday, 7 April 2003 at 9:00 am.
- 5. There being no other business, the meeting ended at 10:45 am.

Council Business Division 1
Legislative Council Secretariat
14 April 2003

**Proceedings of the meeting of the Bills Committee on
Land (Miscellaneous Provisions) (Amendment) Bill 2002
Tuesday, 1 April 2003, at 9:00 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>			
000000-000029	Chairman	- Confirmation of minutes of meeting held on 18 March 2003	
<i>Agenda Item II – Meeting with the Administration</i>			
000030-000303	Chairman Admin	- Submission from New World Telecommunications Limited and the Admin's response	
000304-001553	Chairman Admin Ir Dr Raymond HO Mr Abraham SHEK Ms Emily LAU	- Submission from the HongKong Electric Co Ltd and the Admin's response - Definition of "competent person" and meaning of the term "excavation concerned" under the proposed new section 10Q(5)(b)	Admin to provide the information as per paragraph 3(a)
001554-001850	Chairman Admin Ms Emily LAU	- Briefing by the Admin on LC Paper No. CB(1)1205/02-03(01) - Offences committed by a member of the Review Panel/Review Board for intentionally concealed an interest relevant to a particular subject under review by the Review Board and the Admin's responsibility to convey such information to appointees of the Review Panel/Review Board	
001851-004124	Admin Ms Emily LAU Chairman Ms Miriam LAU Mr IP Kwok-him Mr Abraham SHEK	- Work progress on the excavation works behind Regal Hong Kong and delay due to water main diversion works - Measures to reduce traffic congestion caused by road excavation works including, temporarily re-opening of work sites for traffics and enforcement action taken/to be taken by the Admin to ensure that improvement measures would be implemented - Composition of Traffic Management Liaison Group and its role to monitor and reduce traffic disturbance caused by road excavation works	Admin to provide the information as per paragraph 3(b)
004125-004715	Chairman Admin Clerk Mr IP Kwok-him ALA5 Ms Emily LAU	- Brief introduction on papers provided by the Admin for the meeting and the marked-up copy of Committee Stage amendments (CSAs) of the Bill dated 31 March 2003 prepared by the LegCo Secretariat	

Time Marker	Speaker	Subject(s)	Action required
004716-005108	Admin Chairman	<ul style="list-style-type: none"> - Briefing by the Admin on LC Paper No. CB(1)1247/02-03(01) - Revised CSAs to the new section 10(1) on control of excavations in unleased land 	
005109-005254	Admin Chairman	<ul style="list-style-type: none"> - Revised CSAs to the new section 10A(4)(b) to simplify the procedure for EP extension due to unforeseen difficulties in respect of works on unleased land under the jurisdiction of the Director of Lands (D of Lands) 	
005255-005558	Chairman Admin Mr IP Kwok-him Ms Emily LAU	<ul style="list-style-type: none"> - Revised CSAs to the new section 10AA to exempt minor work on unleased lands other than a street from the EP requirement - Definition of "minor work" and factors to be considered by D of Lands in approving the exemption including, impact on environment or hygiene 	Admin to provide the information as per paragraph 3(c)
005559-005700	Admin Ms Emily LAU Chairman	<ul style="list-style-type: none"> - Revised CSAs to the new section 10K on the refund of daily fees paid by permittees due to early completion of works 	
005701-005957	Admin Chairman Mr IP Kwok-him	<ul style="list-style-type: none"> - Revised CSAs to the new section 10L(1) and 10L(2) to specify the ranking of public officers delegated by the Authority to make a review of assessment - Revised CSAs to modify the change of the role of the Director of Highways in the Review Board under the new section 10L and consultation with the industry on the proposed modification 	
005958-010041	Admin Chairman Ms Emily LAU	<ul style="list-style-type: none"> - Revised CSAs on the Review Board and Review Panel under the new sections 10M, 10N and 10NA 	
010042-010557	Admin Chairman Ms Emily LAU Ms Miriam LAU	<ul style="list-style-type: none"> - A new section 10OA to deal with the requirement of reinstatement of the unleased land after excavation made under a lease or licence approved by D of Lands - Coordination on road excavation works undertaken by permittees for work sites in close proximity and reinstatement of unleased land after excavation works by the Highways Department 	
010558-012006	Admin Ms Emily LAU Chairman Ms Miriam LAU ALA5 Mr Albert CHAN	<ul style="list-style-type: none"> - Briefing by the Admin on the Annex attached to LC Paper No. CB(1)1205/02-03(01) - Drafting of the revised new section 10(1) on control of excavation in unleased land and improvement to the drafting of the provision by using the words "any lease" instead of "a lease" in subsection (1) to make clear the scope 	Admin to provide the information as per paragraph 3(d)

Time Marker	Speaker	Subject(s)	Action required
		of application would include road excavation works on lease land in relation to the unleased land in question	
012007-012642	Admin Ms Miriam LAU	<ul style="list-style-type: none"> - Drafting of the revised new sections 10A(4)(b), 10AA, 10K, 10L(1), 10L(6) and 10L(10) - Approval letter issued by D of Lands for exemption under the revised new section 10AA 	
012643-013455	Admin Chairman Ms Miriam LAU Ms Emily LAU	<ul style="list-style-type: none"> - Drafting of the revised new section 10M,10N, 10NA and 10OA - Duration for the appointment of members to the Review Panel and members' engagement to other public duties - Responsibility to declare interest by members of the Review Panel/Review Board - Consultation with the industry on the latest CSAs 	Admin to provide the information as per paragraph 3(e)
<i>Agenda Item III - Any other business</i>			
013456-013658	Chairman Clerk Ms Miriam LAU Ms Emily LAU	<ul style="list-style-type: none"> - Date of next meeting - Submission of CSAs proposed by members - Report to the House Committee and resumption of Second Reading of the Bill 	