

立法會
Legislative Council

LC Paper No. CB(1)1447/02-03
(These minutes have been seen
by the Administration)

Ref: CB1/BC/10/01

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

**Meeting on
Monday, 7 April 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 Fred LI Wah-ming, JP
Hon Margaret NG
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 Audrey EU Yuet-mee, SC, JP
- Members absent** : Hon Albert CHAN Wai-yip
Hon IP Kwok-him, 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 Meeting with the Administration

(LC Paper No. CB(1)1365/02-03(01) - Information paper provided by the Administration in response to issues raised at the meeting on 1.4.2003;

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

Annex to LC Paper No. - Committee Stage amendments to the Bill as at 3 April 2003)
CB(1)1365/02-03(01)

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

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

- (a) To consider adding ",on reasonable ground," after "the Authority may" in the new section 10D(1A); and
- (b) To provide statistics on the number of applications for road openings during the road opening restriction periods and the number of approved cases.

(Post-meeting note: The information provided by the Administration was issued to members vide LC Paper No. CB(1)1423/02-03 on 10 April 2003.)

II Any other business

3. Members agreed that the next meeting would be held on Wednesday, 16 April 2003, at 8:30 am. Depending on the progress of its work, the Bills Committee would submit a report to the House Committee on 2 May 2003, recommending the resumption of the Second Reading debate on the Bill on 21 May 2003.

4. The Chairman invited members to put forward any proposed Committee Stage amendments to the Bill for discussion by the Bills Committee.
5. There being no other business, the meeting ended at 10:30 am.

Council Business Division 1
Legislative Council Secretariat
6 May 2003

**Proceedings of the meeting of the Bills Committee on
Land (Miscellaneous Provisions) (Amendment) Bill 2002
Monday, 7 April 2003, at 9:00 am
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action required
<i>Agenda Item I – Meeting with the Administration</i>			
000000-000521	Chairman Admin	<ul style="list-style-type: none"> - Briefing by the Admin on LC Paper No. CB(1)1365/02-03(01) - Consultation with the Wan Chai District Council on traffic arrangements arising from the excavation works behind Regal Hong Kong undertaken by the Drainage Services Department 	
000522-000639	Chairman Ms Emily LAU Admin	<ul style="list-style-type: none"> - 6-year rule relating to the appointment of members to the Review Panel under the revised new section 10M 	
000640-000845	Chairman Admin Ms Emily LAU	<ul style="list-style-type: none"> - Discussion of the English version of the Committee Stage amendments (CSAs) to the Bill - CSAs to clause 1 on short title and commencement - Revised CSAs to the new section 2 to dispense with the concept of the deemed issue of "secondary excavation permit (EP)" or "secondary emergency EP" - Consultation with the industry on revised CSAs proposed by the Admin 	
000846-002250	Ms Emily LAU Admin Chairman Ms Miriam LAU ALA5	<ul style="list-style-type: none"> - Revised CSAs to the new section 2A on application to Government - Drafting and interpretation of the new section 2A(3)(b)(i) and 2A(3)(b)(ii) on termination of works to the satisfaction of the Authority 	
002251-002724	Ms Emily LAU Admin Chairman	<ul style="list-style-type: none"> - Revised CSAs to the new section 2A(4) to 2A(6) on follow-up actions to be taken by the Secretary for the Environment, Transport and Works (SETW) upon receiving a report from the Authority about an act or an omission by a public officer in contravention of Part III of the Bill - Contravention by public officers and subsequent disciplinary actions against the concerned public officer through administrative means - CSAs to the new section 8 on the post title of the SETW 	
002725-002743	Admin Chairman	<ul style="list-style-type: none"> - Revised CSAs to the new section 9 on the application of the relevant 	

Time Marker	Speaker	Subject(s)	Action required
		provisions in the case of an excavation in a street or in unleased land, other than streets	
002744-003111	Admin Ms Emily LAU Chairman	<ul style="list-style-type: none"> - Revised CSAs to the new section 10 on control of excavations in unleased land - Co-ordination of road excavation works and reinstatement of unleased land after excavation works by the Authority 	
003112-003508	Admin Ms Emily LAU Chairman	<ul style="list-style-type: none"> - Revised CSAs to the new section 10A on the issue of EP - Objective criteria for determining "a reasonably substantial portion of the street" under the new section 10A(4)(b) and consultation with the industry 	
003509-005215	Admin Chairman Ms Emily LAU Ir Dr Raymond HO Ms Miriam LAU	<ul style="list-style-type: none"> - Revised CSAs to the new section 10AA on exemption - Revised CSAs to the new section 10B on issue of emergency EP - Arrangement for the issue of emergency EP and charges on excavations under an emergency EP - Responsibility of permittees under the new section 10B(3) to report to the Authority on the commencement and completion dates of an emergency excavation, the clarity of the provision in this regard, and the administrative arrangement to specify the said responsibility in the terms and conditions of an emergency EP - Revised CSAs to the new section 10C on emergency excavation which lasted for more than 7 days 	
005216-010257	Admin Ms Emily LAU Chairman Ms Miriam LAU Mr Abraham SHEK Ir Dr Raymond HO	<ul style="list-style-type: none"> - Revised CSAs to the new section 10D on the circumstances under which the Authority might refuse to issue an EP and improvement to the drafting of the new section 10D(1A) - Road opening restrictions and consultation with the industry 	Admin to provide the information as per paragraph 2(a) and 2(b)
010258-010812	Admin Ms Emily LAU Chairman Ms Miriam LAU	<ul style="list-style-type: none"> - Revised CSAs to the new section 10E on late application for extension of EP - Processing time for extension of EP by the Authority - Improvement to the drafting of the new section 10E(1)(c) by adding "the application" after "his decision on" 	
010813-011410	Admin Chairman Ms Miriam LAU	<ul style="list-style-type: none"> - Revised CSAs to the new sections 10F to 10I on nominated permittee - The Authority's discretion to withdraw his approval to the nomination of a contractor as a nominated permittee - Revised CSAs to the new section 10J on termination of EP or emergency EP 	

Time Marker	Speaker	Subject(s)	Action required
011411-012722	Admin Chairman Ms Emily LAU	<ul style="list-style-type: none">- Revised CSAs to the new section 10K on refund of daily fee and economic cost paid for EP or extension of EP- Revised CSAs to the new section 10L on review of assessment- Lead time for establishing the Review Board under the new section 10L(6) and the transitional arrangement- Impact of not notifying an applicant who applied for review of assessment under the new section 10L of the decision of the Review Board within 14 days by the Director of Highways	
<i>Agenda Item II - Any other business</i>			
012723-013143	Chairman Ms Emily LAU Ir Dr Raymond LAU Ms Miriam LAU Clerk	<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 on the Bill	

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