

立法會
Legislative Council

LC Paper No. CB(1)1614/02-03
(These minutes have been seen
by the Administration)

Ref: CB1/BC/10/01

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

**Meeting on
Wednesday, 16 April 2003, at 8:30 am
in Conference Room B of the Legislative Council Building**

- Members present** : Hon LAU Ping-cheung (Chairman)
Hon Eric LI Ka-cheung, JP
Hon Fred LI Wah-ming, JP
Hon Margaret NG
Hon Miriam LAU Kin-yee, JP
Hon Albert CHAN Wai-yip
Hon IP Kwok-him, JP
- Members absent** : Ir Dr Hon Raymond HO Chung-tai, 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
- 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)1422/02-03 - Minutes of meeting held on 1.4.2003)

The minutes of the meeting held on 1 April 2003 were confirmed.

II Meeting with the Administration

(LC Paper No. CB(1)1423/02-03(01) - Information paper provided by the Administration in response to issues raised at the meeting on 7.4.2003;

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

Annex to LC Paper no. Committee Stage amendments to CB(1)1365/02-03(01) the Bill as at 4 April 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 adding a new subsection to the new section 10Q(4) to make clear that a court, in making a decision on the defence provided under section 10Q(3), may take into consideration any reasonable steps other than those presently specified in section 10Q(4); and
- (b) To provide information on the rationale for exempting the requirement for obtaining an excavation permit for road excavation works in the Tsing Ma Control Area.

(Post-meeting note: The information provided by the Administration was issued to members vide LC Paper No. CB(1)1506/02-03 on 23 April 2003.)

III Any other business

4. The Bills Committee had completed deliberation on the Bill and would not move any Committee Stage amendments to the Bill. The Bills Committee would submit a report to the House Committee on 25 April 2003, recommending the resumption of Second Reading debate on the Bill on 14 May 2003.

5. There being no other business, the meeting ended at 9:30 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
Wednesday, 16 April 2003, at 8:30 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>			
000000-000124	Chairman	- Confirmation of minutes of meeting held on 1 April 2003	
<i>Agenda Item II – Meeting with the Administration</i>			
000125-000425	Chairman Admin Mr IP Kwok-him	- Briefing by the Admin on LC Paper No. CB(1)1432/02-03(01) - Application and approval for excavations in road opening restriction zones	
000426-000831	Ms Margaret NG ALA5 Chairman Admin	- Views on the Committee Stage Amendments (CSAs) proposed by the Admin - General comments on how legislative proposals were being handled by the Administration and the need to conduct thorough consultation before formal introduction	
000832-001618	Chairman Admin ALA5	- Discussion of the English version of the CSAs to the Bill - Revised CSAs to the new section 10M on Review Panel - Revised CSAs to the new section 10N on Review Board, including the latest revision to specify the ranking and the qualification of the public officer under the new section 10N(5)(a) - Revised CSAs to the new section 10NA on proceeding of the Review Board - Urgency of the review undertaken by the Review Board	
001619-001822	Admin Chairman	- Revised CSAs to the new section 10O on reinstatement of unleased land after excavation - Revised CSAs to the new section 10P on provision of safety facilities in connection with excavation - Reimbursement of the cost of works carried out by the Authority	
001823-003023	Admin Chairman Ms Miriam LAU Mr Albert CHAN	- Revised CSAs to the new section 10Q(4) on the list of factors which the court might take into account in making a decision on the defence provided under 10Q(3) relating to the provision	Admin to provide the information as per paragraph 3(a)

Time Marker	Speaker	Subject(s)	Action Required
		<p>of safety precaution and support</p> <ul style="list-style-type: none"> - Excavation permit (EP) holders for works undertaken by the Government or private utility undertakers - Meaning of "reasonable steps" under the new section 10Q(3) and 10Q(4) - Improvement to the drafting of the new section 10Q(4) to make clear that the court may take into consideration reasonable actions other than those specified under subsection (4) in making a decision on the defence provided under subsection (3) and reference to the drafting of similar provision in other ordinances 	
003024-003202	Admin Chairman ALA5	<ul style="list-style-type: none"> - Revised CSAs to the new section 100A on reinstatement of unleased land after excavation made under a lease, licence, etc 	
003203-003400	Admin Chairman	<ul style="list-style-type: none"> - Revised CSAs to the new section 18 to specify the scope of application for preserving the existing protection to the Government and the Authority against any claim for loss or damage - Revised CSAs to the new section 18B on appeals against decision relating to economic costs - Revised CSAs to the new section 18C on the Authority's power to specify time limit and newly constructed street 	
003401-004813	Admin Chairman Mr Albert CHAN Ms Miriam LAU Mr IP Kwok-him	<ul style="list-style-type: none"> - Revised CSAs to the Schedule regarding the designated authorities for controlling and managing unleased lands in urban areas and New Territories except New Kowloon - Revised CSAs to the new section 3A of the Land (Miscellaneous Provisions) Regulations and Parts I, II and III of the Schedule therein on fees relating to EPs or emergency EP - Consequential amendments to Tsing Ma Control Area (General) Regulation under clause 16 - Rationale for exempting road excavation works in the Tsing Ma Control Area from the EP requirement and application of similar exemption to road tunnels owned by the Government - Consequential amendments to Administrative Appeals Board Ordinance (Cap.442) under clause 15 	Admin to provide the information as per paragraph 3(b)

Time Marker	Speaker	Subject(s)	Action Required
<i>Agenda Item III - Any other business</i>			
004814-005021	Chairman Ms Miriam LAU Mr Albert CHAN Admin	<ul style="list-style-type: none">- No CSAs would be moved by the Bills Committee- Submission of outstanding CSAs to be moved by the Admin- Report to the House Committee and resumption of Second Reading of the Bill	

Council Business Division 1
Legislative Council Secretariat
6 May 2003