

立法會
Legislative Council

LC Paper No. CB(1)20/02-03
(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, 19 September 2002, at 10:45 am
in the Chamber 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
Hon Abraham SHEK Lai-him, JP
- Members absent** : Dr Hon TANG Siu-tong, JP
Hon Albert CHAN Wai-yip
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 for the Environment,
Transport and Works (Works)
- Highways Department

Mr H C WONG
Assistant Director of Highways

Mr H H LIU
Chief Highways Engineer

Department of Justice

Ms Marie SIU
Senior Government Counsel

Attendance by Invitation : Hong Kong General Building Contractors Association

Mr CHAN Cheung
President

Mr CHOW Yan-wai
Vice-President

The Hong Kong Construction Association

Mr Patrick CHAN
Secretary General

Mr David WESTWOOD
Member

New World Telephone Ltd.

Mr Victor WONG
Senior Manager

Mr Tony WONG
Legal Counsel

Hong Kong Cable Television Ltd.

Mr Allen K K LAW
General Manager, OSP Engineering & Construction

Ms S K CHAN
Senior External Affairs Manager

Hutchison Global Crossing Ltd.

Mr Y C TANG
General Manager Infrastructure

Mr K K TSANG
Implementation Manager

The Hong Kong and China Gas Company Ltd.

Mr NGO Siu-hing
Chief Network Officer

Mr LEE Kwok-wai
Network Project Manager

CLP Power Hong Kong Ltd.

Mr CHOW Tang-fai
Manager - Engineering Projects

Ms YEUNG Man-ying
Legal Manager

Hong Kong Tramways Ltd.

Mr Steven CHAN
Engineering Manager

PCCW Limited

Mr CHEUNG Kwok-chi
Acting General Manager, Outside Plant Services

Mr YUEN Kin-woo
Senior Network Solution Engineer, Outside Plant Services

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

Staff in attendance : Miss Kitty CHENG
Assistant Legal Adviser 5

Ms Alice AU
Senior Assistant Secretary (1)5

Action

I Meeting with deputations/the Administration

- (LC Paper No. CB(1)2514/01-02(01) - Submission from Hong Kong General Building Contractors Association;
- LC Paper No. CB(1)2521/01-02(01) - Submission from the Hong Kong Construction Association;
- LC Paper No. CB(1)2514/01-02(02) - Submission from New World Telephone Ltd.;
- LC Paper No. CB(1)2538/01-02(01) - Submission from Hong Kong Cable Television Ltd.;
- LC Paper No. CB(1)2514/01-02(03) - Submission from Hutchison Global Crossing Ltd.;
- LC Paper No. CB(1)2521/01-02(02) - Submission from the Hong Kong and China Gas Company Limited;
- LC Paper No. CB(1)2514/01-02(04) - Submission from Mr YEUNG Wai-sing, Eastern District Council Member;
- LC Paper No. CB(1)2521/01-02(03) - Submission from the Hong Kong Institute of Planners;
- LC Paper No. CB(1)2521/01-02(04) - Submission from the Hong Kong Institute of Surveyors;
- LC Paper No. CB(1)143/00-01(01) - Submission from the HongKong Electric Co., Ltd.;
- LC Paper No. CB(1)2538/01-02(02) - The Administration's consolidated response to comments raised by utility undertakers etc.;
- LC Paper No. CB(1)2514/01-02(05) - Information provided by the Administration in response to certain matters arising from the meeting on 5 July 2002;
- LC Paper No. CB(3)541/01-02 - The Bill;
- Appendix III to LC Paper No. CB(1)2164/01-02 - Marked-up copy of the Bill)

The Bills Committee received views from deputations and deliberated (index of proceedings attached at **Annex A**).

2. The Bills Committee reaffirmed the agreement made at the last Bills Committee meeting on 5 July 2002 that the House Committee (HC) should be invited to consider whether it was more appropriate to set up a Subcommittee under HC to follow up on matters relating to the imposition of criminal liability on the Government or a person doing anything in the course of carrying out his duties as a public officer in the service of the Government. For this purpose, a paper would be presented to HC for consideration at its meeting to be held on 4 October 2002. The Chairman advised that a copy of the draft HC paper would be circulated to members for comments shortly.

Action

(Post-meeting note: The draft paper to HC (LC Paper No. CB(1)2576/01-02) was circulated to members vide LC Paper Nos. CB(1)2572/01-02 and CB(1)2577/01-02 on 20 September 2002.)

3. The Bill Committee agreed to hold the next meeting on Thursday, 24 October 2002, at 2:30 pm to continue discussion with the Administration.

II Any other business

4. There being no other business, the meeting ended at 1:10 pm.

Legislative Council Secretariat

11 October 2002

**Proceedings of the meeting of the Bills Committee on
Land (Miscellaneous Provisions) (Amendment) Bill 2002
Thursday, 19 September 2002, at 10:45 am
in the Chamber of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
<i>Agenda Item I - Meeting with deputations/the Administration</i>			
000000 - 000156	Chairman	Welcoming remarks	
000157 - 000500	Hong Kong General Building Contractors Association	Presentation of views on the Bill [LC Paper No. CB(1)2514/01-02(01)]	
000501 - 000758	The Hong Kong Construction Association (HKCA)	Presentation of views on the Bill [LC Paper No. CB(1)2521/01-02(01)]	
000759 - 001022	New World Telephone Ltd.	Presentation of views on the Bill [LC Paper No. CB(1)2514/01-02(02)]	
001223 - 001427	Hong Kong Cable Television Ltd.	Presentation of views on the Bill [LC Paper No. CB(1)2538/01-02(01)]	
001428 - 001711	Hutchison Global Crossing Ltd. (HGC)	Presentation of views on the Bill [LC Paper No. CB(1)2514/01-02(03)]	
001712 - 002236	The Hong Kong and China Gas Company Ltd. (HKCG)	Presentation of views on the Bill [LC Paper No. CB(1)2521/01-02(02)]	
002237 - 002504	Chairman PCCW Limited	Presentation of views on the Bill	
002505 - 002559	Chairman Miss Miriam LAU	Determination of initial permit period	
002600 - 004939	Chairman Mr Abraham SHEK Ir Dr Raymond HO Admin	Admin's response on deputations' views presented at the meeting [LC Paper No. CB(1)2538/01-02(02)]	
004940 - 005114	Chairman Admin	"Regulatory Impact Assessment Study" [Item 7 of LC Paper No. CB(1)2538/01-02(02)]	
005115 - 010032	Chairman Ms Miriam LAU Admin HKCG HGC Hong Kong Tramways Limited	Impact of the proposed charging scheme on utility undertakers (UUs)	
010033 - 011157	Mr Abraham SHEK Admin Chairman	Follow-up to views expressed by UUs	
011158 - 013756	Chairman Ms Emily LAU HGC HKCA Admin	- Imprisonment term on individuals against unauthorized excavations works - Outsourcing the administration of the excavation permit (EP) system	

Time	Speaker	Subject(s)	Action required
		<ul style="list-style-type: none"> - One-stop-shop service - Use of common utility trenches - Staff costs for audit site inspections - Criteria for granting initial permit periods to UUs and government works departments - Additional permit conditions which might also attract criminal liability 	
013756 - 015154	Ir Dr Raymond HO Admin Chairman	<ul style="list-style-type: none"> - Criminal liability on individuals and consultants - Liabilities for public and private works - Incompatibility between contractual and EP requirements [Item 13 of LC Paper No. CB(1)2538/01-02(02)] - Standardized methods for granting initial permit periods [Item 10 of LC Paper No. CB(1)2538/01-02(02)] - Liabilities of permittees and nominated permittees 	
015155 - 020042	Chairman Admin Clerk Ms Emily LAU ALA5	<ul style="list-style-type: none"> - Handling contravention of environment-related legislation by public officers [LC Paper No. CB(1)1874/01-02] - Criminal liability in overseas excavation legislation and exemptions of criminal liability on government and public officers [Annexes A and B to LC Paper No. CB(1)2514/01-02(05)] 	Clerk to issue a draft paper on the imposition of criminal liability on the Government to members for consideration before the paper was issued to the House Committee.
020043 - 020445	Chairman Mr Abraham SHEK Admin Ms Miriam LAU HGC	Further consultation between Admin and UUs	
<i>Agenda Item II - Any other business</i>			
020446 - 020833	Chairman	Date of next meeting	