

OUR REF: T&D/385/07/03

14<sup>th</sup> March 2003

BY FAX AND BY POST (Fax No. 2121 0420)

The Honourable Mr. Lau Ping-cheung  
Chairman, The Bills Committee on the Land  
(Miscellaneous Provisions) (Amendment) Bill 2002  
Legislative Council Secretariat,  
3rd Floor, Citibank Tower,  
3 Garden Road,  
Hong Kong.

Dear Mr. Lau,

LAND (MISCELLANEOUS PROVISIONS) (AMENDMENT) BILL 2002

Further to our letter to you dated 4<sup>th</sup> November 2002, we would like to provide comments on the Committee Stage Amendments of the above bill and the proposal of considering economic charge for delay in completion of excavation on footpaths discussed in the Bills Committee Meeting on 13<sup>th</sup> February 2003 as follows.

(1) Competent Person

In section 10Q, subsection (5) proposes "For the purpose of subsection (4) "competent person" (合資格人士) means a person who is registered as (a) a registered architect under the Architects Registration Ordinance (Cap. 408); (b) a registered professional engineer under the Engineers Registration Ordinance (Cap. 409) and is within the civil, building, structural or geotechnical engineering discipline; (c) a registered professional surveyor under the Surveyors Registration Ordinance (Cap. 417) and is within the building surveying discipline; or (d) a safety officer under the Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) Regulation (Cap. 59 sub. leg.)." In response to comments from Utility Undertakings that the prescribed qualifications of "competent person" are too restrictive and do not take into consideration of the prevailing industrial practice, we were given to understand that the Administration would revise the qualifications to specify the "competent person" to be a registered professional engineer or surveyor from a discipline relevant to the excavation.

/To be continued .....

As you know, excavation works for underground services installations cover a wide range of disciplines and the revised definition for "competent person" should be amended to embrace all professionals who are capable of managing the excavation works. We therefore suggest to specify the "competent person" to be a registered architect, registered professional engineer, registered professional surveyor or safety officer with 2 years working experience on excavation.

(2) Economic Charge For Delay In Completion Of Excavation On Footpaths

When Utility Undertakings plan their works on footpaths, they would assess the flow of pedestrians to see if the works could be carried out during daytime. If the flow of pedestrians is not impeded, Utility Undertakings would plan to do it during daytime, otherwise at some other time with less flow. With this arrangement of works, there is no impact at all to the society and hence no social cost to the community.

Very often, footpaths in developed urban areas are packed with underground utility services and the space for new or additional underground utility services could only be ascertained after the footpaths are opened up. Even though every effort was made to overcome the unforeseen difficulty or problems at sites, some works might not be completed within the initial permit period which was worked out based on no particular difficulty or problem. Nevertheless, the Utility Undertakings concerned have to pay the permit extension fee and daily fee for such delay. We therefore think that there is no justification for introducing an economic charge for delay in completion of excavation on footpaths.

We would be grateful if you could give serious consideration to our comments.

Yours sincerely,  
THE HONGKONG ELECTRIC CO., LTD.  
香港電燈有限公司

A. Fretwell  
ACTING GENERAL MANAGER (ENGINEERING)

KWL/kml

