

**BILLS COMMITTEE ON
LAND (MISCELLANEOUS PROVISIONS)(AMENDMENT) BILL 2002
MEETING ON 1 APRIL 2003**

Supplementary Information about the Committee Stage Amendments

This paper describes and explains the **major** changes to the Committee Stage Amendments (CSA), in very general terms, since the last version which was discussed on 25 February 2003. All major amendments are relating to Clause 4 of the CSA. Other than Clauses 4(c), (d), (e) and (u), the principles were covered in our previous submissions and discussed in the Bills Committee.

Clause	Change
4(c)	In section 10(1), further exemption is given to excavations in unleased land if they are stated in a lease, licence, deed, memorandum of appropriation, or engineering conditions for land allocation issued by Director of Lands (D of Lands). This is to ease the administrative burden of issuing permits to excavations that are already well controlled.
4(d)	Section 10A(4)(b) is modified to allow excavation permits on unleased land other than a street to be extended due to unforeseen difficulties. This is to ease administration burden on the Authority (D of Lands) to issue extensions while there is unlikely to be any inconvenience caused to the public.
4(e)	New section 10AA is added to exempt 'minor works' on unleased lands other than a street from certain requirements under the bill, including such as obtaining an excavation permit. The rationale is the same as that above.
4(o)	Section 10K is modified to allow for the refund of daily fees as mentioned in our answer to question (a) in the information paper for the Bills Committee meeting on 18 March 2003.
4(p)	Sections 10L(1) and 10L(2) are modified to allow for public officers of equivalent rank with engineering qualifications to take the place of

	<p>the 'Engineer' or 'Chief Engineer' should there be a change in title in future.</p> <p>Sections 10L(6), (10), (12), (12A) and (13) are modified following the change of the role of Director of Highways on the review board. That is, he will only chair the board meetings but not participate in its decision. 'Decision of Director of Highways' changes to 'decision of the review board'.</p>
4(q)	<p>The review panel and the review board are now dealt with in 3 sections: 10M, 10N and 10NA, with 10M on the panel, and 10N and 10NA on the board. For the setting up of the panel under 10M, no change has been made since the last version of Committee Stage Amendments. For 10N and 10NA, they are basically reflecting what was mentioned our answers to questions (g) and (h) in the information paper for the Bills Committee meeting on 18 March 2003. The question of declaration of interest is dealt with, and operation of the board is revised. Particularly, as the board is to vote for a decision, and if there is an equality of vote, the board will be disbanded, and another board will be formed to deliberate again. If again there is an equality of vote, that means the question is very controversial and the applicant will have the benefit of doubt, and if he has set out his own assessment, then that assessment will be taken to be the review board's decision.</p>
4(u)	<p>A new section 10OA is added to deal with the requirement of reinstatement of the unleased land concerned where the excavation is made under and in accordance with a lease, license, deed, memorandum of appropriation or engineering conditions for land allocation issued by the D of Lands.</p>

ETWB

27 March 2003