

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

29th March 2003

By Fax & 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 dated 14th March 2003, on the issue of “competent person” under section 10Q of the above bill, the Administration proposed in the latest version of Committee Stage Amendments the following qualifications for registered professional engineer as “competent person”.

10Q 5(b) - a registered professional engineer under the Engineers Registration Ordinance (Cap. 409) and is within a discipline which is relevant to the excavation concerned.

The qualification of “within a discipline which is relevant to the excavation concerned” is not explicit enough to clearly embrace all professionals who are capable of supervising the excavation and managing the excavation works. In order to save unnecessary future argument on the interpretation of the qualifications for registered professional engineer as “competent person”, we recommend to amend 10Q 5(b) to:-

“a registered professional engineer under the Engineers Registration Ordinance (Cap. 409) and has 2 years experience in excavation works”.

In fact, similar explicit wordings were proposed by the Administration for the qualifications for safety officer as “competent person” in the same section which specify 3 years experience in supervising excavation.

We will therefore be very pleased if you can consider our above comment and arrange necessary amendment.

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

KWL/syw

F.L.Y. Lee
DIRECTOR & GENERAL MANAGER (ENGINEERING)