

**BILLS COMMITTEE ON
LAND (MISCELLANEOUS PROVISIONS)(AMENDMENT) BILL 2002
MEETING ON 16 APRIL 2003**

Follow-up to meeting on 7 April 2003

In the Bills Committee on Land (Miscellaneous Provisions) (Amendment) Bill 2002 on 7 April 2003, the Administration was requested to follow up on certain issues. The following are the information provided on these issues.

Question (a) To consider adding “,on reasonable ground,” after “the Authority may” in the new section 10D(1A).

_____ Answer (a) Annex A extracts the relevant part of the Committee Stage Amendments showing the suggested change for Members’ consideration.

Question (b) To provide statistics on the number of applications for road openings during the road opening restriction periods and the number of approved cases.

Answer (b) The following table shows the statistics on the number of applications for road openings falling within zones for which ‘road opening restriction periods’ are in force and the number of approved cases during the last 2 years and the current year (up to end of March).

Year	Total number of excavation permit applications falling with Road Opening Restriction Zones	Total number of approved excavation permits falling with Road Opening Restriction Zones	Total number of excavation permits issued
2001	302	89	25862
2002	157	36	27249
2003 (up to 31 March)	30	11	7033

Members may wish to note that the number of

applications for excavation in road opening restriction zones is relatively small, and whenever they are approved, they always have good justifications.

Members are also requested to note and consider the following changes to the Committee Stage Amendments made by us:

- _____ a) the 'decision' in section 10E(1)(c) is qualified to be that 'on the application' [extracted as Annex B];
- _____ b) the 'public officer' in section 10N(5)(a) is extended to ranks equivalent to 'Government Engineer or above' 'with engineering qualifications relevant to the excavation concerned' [extracted as Annex C];
- _____ c) the 'deed' in sections 10(1) and 10OA(1) are clarified as 'deed of appropriation' [extracted as Annex D].
- d) some changes to the Chinese text [extracted as Annex E – Only Chinese version provided].

ETWB
9 April 2003

Annex A

Revised version of Committee Stage Amendment item 4(h), change in proposed Section 10D(1A):-

“

(1A) In addition to the grounds specified in subsection (1), the Authority may, **on reasonable grounds** -

- (a) refuse to issue an excavation permit or emergency excavation permit if -

“

Annex B

Revised version of Committee Stage Amendment item 4(i), change in proposed Section 10E(1)(c):-

“

(c) the Authority has not made his decision **on the application** on or before the expiry date of the permit,

“

Annex C

Revised version of Committee Stage Amendment item 4(q), change in the proposed Section 10N(5)(a):-

“

(5) For the purpose of subsection (3), the Secretary shall appoint -

- (a) at least one public officer of the rank of Government Engineer or above **or a public officer of equivalent rank with engineering qualifications relevant to the excavation concerned** from the Highways Department;

“

Annex D

Revised version of Committee Stage Amendment items 4(c)(i) and 4(u), change in the proposed Sections 10(1) and 10OA(1), respectively:-

For Section 10(1)

“

"(1) Except under and in accordance with a prospecting licence, mining licence or sand removal permit, or a lease, licence, **deed of appropriation**, memorandum of appropriation or engineering conditions for land allocation, issued by the Director of Lands, a person shall not make or maintain any excavation in unleased land unless -

“

For 10OA(1)

“

(1) Any person who makes or maintains an excavation under and in accordance with a lease, licence, deed of appropriation, memorandum of appropriation or an engineering conditions for land allocation issued by the Director of Lands shall reinstate and make good the land as required by any condition of the lease, licence, **deed of appropriation**, memorandum of appropriation, engineering conditions for land allocation, as the case may be.

“

附件 E
Annex E

修訂了的委員會審議階段修正案第 4(p)(i)(A), 及 4(p)(ii)項,在建議的對應 10L(1)及 10L(2)(a)條作的修改:-

為 10L(1) 條

“

- (A) 刪去“(均稱”而代以“或屬同等職級並**具有與有關的挖掘工作有關係的**工程學資格的人(統稱”；

”

為 10L(2)(a) 條

“

- (a) 在自第(1A)款所指的通知的送達日期起計的 28 天內，以書面向路政署一名職級屬於總工程師或政府工程師或屬同等職級並**具有與有關的挖掘工作有關係的**工程學資格的公職人員(統稱為“總工程師”)申請覆核有關工程師的評估；

”

修訂了的委員會審議階段修正案第 4(q)項,在建議的 10M(1), (4)條作的修改:-

為 10M(1) 條

“

(1) 局長可委任一個由不多於 20 名他認為適合擔任覆核委員會的成員的人士組成的委員團(“覆核委員團”),以覆核總工程師根據第 10L(4)條作出的決定。

”

為 10M(4) 條

“

(4) 根據第(1)款獲委任的人不得連續擔任成員超過 6 年。

”