

LAND (MISCELLANEOUS PROVISIONS)(AMENDMENT) BILL 2002
Bills Committee Meeting on 11 November 2002

Consolidated Response to Comments Raised by Utility Undertakers

From 5 November 2002 to Noon 8 November 2002

Abbreviated Organisation Name

CLP Cable	CLP Power Cable TV	HKCA HGC	Hong Kong Construction Association Ltd. Hutchison Global Communications Ltd.
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Item No.	Comment	Utility Undertakers raising the comment	Administration's Response
1.	Note the withdrawal of imprisonment provision in relation to section 10Q and have no major concern on the Bill.	CLP	Thank you.
2.	Better to have a fair and open system to measure and publicise contractors' performance to facilitate UU's to appoint contractors and nomination. Government is introducing for the first time an approval system on private contractors. The system can disrupt the operation of the UU's utility works.	CLP, HGC, HKCA	We are considering setting up approved list system under for the purpose of s10Fc. See also point 3 of our response for up to 5 November 2002.

Item No.	Comment	Utility Undertakers raising the comment	Administration's Response
3.	Should not raise fine for section 10Q1 unless there is deterioration in safety situation. \$200,000 is too harsh	CTV, HKCA	We do not expect people to pay fines. The fines there is a deterrent. We should not wait until the situation deteriorates before we act. The rationale of the level of fine is described in our paper to the Bills Committee on 11 November 2002.
4.	There should be provision in the Bill to prevent conviction record be passed to the police.	CTV	Please refer to our paper to the Bills Committee on 11 November 2002.
5.	There is a need in the HyD to have an independent team to avoid the conflicting role problem.	CTV	The enforcement team in HyD will be independent and impartial.
6.	Levy of 'inspection fee' is bad for the business environment.	HGC, HKCA	Please see point 1 in our response for up to 5 November 2002.
7.	Unfair to directors to be implicated via Criminal Procedure Ordinance Section 101E which may have them end up in jail.	HGC	Please refer to point 2 in our response for up to 5 November 2002.
8.	The system is unfair to contractors as they have to pay additional fees and economic charges up front if the Authority underestimate the duration or the works is delayed for whatever reasons and have them get back the money later. Consultants will be reluctant in granting extension of time in contracts.	HKCA	The fees and economic charges should be paid by the permittee, who is not the contractor. The excavation permit system does not alter the position about granting of extension of time by consultant to contractors in construction contracts.