

立法會
Legislative Council

LC Paper No. CB(1)369/18-19
(These minutes have been seen
by the Administration)

Ref : CB1/SS/4/18/1

**Subcommittee on
Land (Miscellaneous Provisions) (Amendment) Regulation 2018**

**Minutes of the second meeting on
Tuesday, 20 November 2018, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon Abraham SHEK Lai-him, GBS, JP (Chairman)
Dr Hon CHIANG Lai-wan, SBS, JP
Hon CHU Hoi-dick

Member absent : Hon CHEUNG Kwok-kwan, JP

**Public officers
attending** : **Agenda item I**

Mr Vitus NG
Principal Assistant Secretary for Development (Works)3

Mr HO Yiu-kwong
Assistant Director/Technical
Highways Department

Mr Alan LO Kam-lun
Assistant Director (Specialist 2)
Lands Department

Mr HO Kwok-tim
Senior Engineer/Utilities
Highways Department

Mr WONG Kwai-sun
Senior Land Executive/Land Control (1)
Lands Department

Mr Salvador TSANG
Government Counsel
Department of Justice

Clerk in attendance : Ms Doris LO
Chief Council Secretary (1)2

Staff in attendance : Ms Clara TAM
Assistant Legal Adviser 9

Miss Rita YUNG
Senior Council Secretary (1)2

Ms Christina SHIU
Legislative Assistant (1)2

Action

I Meeting with the Administration

- (L.N. 205 of 2018 — Land (Miscellaneous Provisions) (Amendment) Regulation 2018
(issued by the Development Bureau — Legislative Council Brief in October 2018)
LC Paper No. LS9/18-19 — Legal Service Division Report
LC Paper No. CB(1)160/18-19(01) — Marked-up copy of the Land (Miscellaneous Provisions) (Amendment) Regulation 2018 prepared by the Legal Service Division (Restricted to members)
LC Paper No. CB(1)160/18-19(02) — Background brief prepared by the Legislative Council Secretariat
LC Paper No. CB(1)182/18-19(01) — List of follow-up actions arising from the discussion at the meeting on 13 November 2018

Action

LC Paper No. CB(1)182/18-19(02) — Administration's response to the issues raised at the meeting on 13 November 2018)

Discussion

The Subcommittee deliberated (Index of proceedings attached at **Appendix**).

Follow-up actions to be taken by the Administration

2. The Administration was requested to provide the following information:
 - (a) the reports of (i) the review conducted by the Hong Kong University of Science and Technology on the standard permit period assessment ("PPA") templates for utility trench works, which was completed in 2012; and (ii) the follow-up review conducted by the Hong Kong Polytechnic University on the PPA templates for excavation works other than utility trench works, which was completed in 2013; and
 - (b) a full list of the existing locations where trial common utility tunnels are implemented.

(Post-meeting note: The Administration's response was issued to members vide LC Paper No. CB(1)251/18-19(02) on 3 December 2018.)

Legislative timetable

3. The Chairman said that the Subcommittee had completed the scrutiny of the Land (Miscellaneous Provisions) (Amendment) Regulation 2018 ("Amendment Regulation").

4. The Chairman reminded members that as agreed at the last meeting, he would move a motion at the Council meeting of 21 November 2018 to extend the scrutiny period of the Amendment Regulation to the Council meeting of 9 January 2019. Upon extension of the scrutiny period, the deadline for giving notice of motion to amend the Amendment Regulation would be 2 January 2019. The Chairman said that he would report the deliberations of the Subcommittee to the House Committee at its meeting on 14 December 2018.

Action

(*Post-meeting note*: At the Council meeting of 21 November 2018, the Council passed a motion to extend the scrutiny period of the Amendment Regulation to the Council meeting of 9 January 2019.)

II Any other business

5. There being no other business, the meeting ended at 3:08 pm.

Council Business Division 1
Legislative Council Secretariat
19 December 2018

**Proceedings of the second meeting of the
Subcommittee on Land (Miscellaneous Provisions) (Amendment) Regulation 2018
on Tuesday, 20 November 2018, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex**

Time Marker	Speaker	Subject(s)	Action Required
Agenda item I — Meeting with the Administration			
000808 – 000829	Chairman	Opening remarks	
000830 – 001051	Chairman Administration	Briefing by the Administration on its response (LC Paper No. CB(1)182/18-19(02)) to the issues raised by members at the meeting on 13 November 2018 (LC Paper No. CB(1)182/18-19(01))	
001052 – 001601	Chairman Dr CHIANG Lai-wan Administration	<p>On the enquiry of Dr CHIANG Lai-wan, the Administration undertook to provide the reports of (i) the review conducted by the Hong Kong University of Science and Technology on the standard permit period assessment ("PPA") templates for utility trench works, which was completed in 2012; and (ii) the follow-up review conducted by the Hong Kong Polytechnic University on the PPA templates for excavation works other than utility trench works, which was completed in 2013.</p> <p>Dr CHIANG Lai-wan expressed the views that:</p> <p>(a) repeated excavation works on the same road section gave rise to various problems, including inconvenience to the public and loss of business to roadside shops in the vicinity; and</p> <p>(b) the Administration should step up its efforts in managing and monitoring road excavation works.</p> <p>The Administration responded that:</p> <p>(a) to reduce the need for repeated excavations in the same area, the Highways Department ("HyD") would identify other proposed excavation works within 30 metres of a</p>	Administration (paragraph 2(a) of the minutes refers)

Time Marker	Speaker	Subject(s)	Action Required
		<p>proposed works site under application and request the applicants concerned to coordinate their works, such as by drawing up a coordinated works programme to ensure that the trench opening could accommodate all the works of the applicants concerned; and</p> <p>(b) HyD in general would not issue an excavation permit ("XP") on the same road section within six months for the same applicant or three months for other applicants, except for emergency cases.</p>	
001602 – 002001	Chairman Dr CHIANG Lai-wan Administration	<p>Dr CHIANG Lai-wan expressed concern that, according to Chapter 4: Government's efforts in managing excavation works on public roads of Report No. 70 of the Director of Audit ("Audit Report No. 70"), the number of XPs with the validity period extended had increased by 78% from 727 in 2010 to 1 293 in 2016. The average extension period also increased by 90% from 48 days to 91 days during the period.</p> <p>The Administration responded that:</p> <p>(a) obstruction by existing underground utilities, difficult underground conditions and inclement weather were common reasons for granting extension of the validity period of an XP ("permit period"); and</p> <p>(b) for cases where obstruction by existing congested underground utilities had repeatedly led to extensions of permit period in respect of excavation works carried out there previously, HyD would compile statistics and provide information on the degree of congestion of underground utilities of such road sections to utilities undertakings to consider adopting alternative works plan and alignment of the proposed underground utility installations, with a view to avoiding possible delay of the proposed works.</p>	
002002 – 002850	Chairman Mr CHU Hoi-dick Administration	Mr CHU Hoi-dick referred to Audit Report No. 70 which had revealed that as at December 2017, there were 6 779 rejected Completion Notices ("CNs") pending rectification of the reinstatement works, among which 2 581 (38%)	

Time Marker	Speaker	Subject(s)	Action Required
		<p>had remained outstanding for over two years, and he urged the Administration to take measures to address the problem of long-outstanding rectification works.</p> <p>The Administration responded that:</p> <p>(a) the reasons for CNs being rejected might include substandard reinstatement works, late submission of site photographs and test reports by XP permittees, etc.; and</p> <p>(b) HyD had been closely following up with utility undertakings on the quality of their reinstatement works, and the timely submission of site photographs and test reports for HyD to determine whether the standard of their reinstatement works was to HyD's satisfaction.</p>	
002851 – 003531	Chairman Dr CHIANG Lai-wan Administration	<p>Dr CHIANG Lai-wan reiterated that the Administration should make greater efforts to improve the coordination of road excavation works in close proximity, and suggested that HyD should consider publishing information on XP sites on its website or mobile application for the public's information.</p> <p>The Administration took note of Dr CHIANG's views and suggestion.</p>	
003532 – 003637	Chairman Dr CHIANG Lai-wan Administration	On the enquiry of Dr CHIANG Lai-wan, the Administration undertook to provide a full list of the existing locations where trial common utility tunnels were implemented.	Administration (paragraph 2(b) of the minutes refers)
Examination of the provisions of the Land (Miscellaneous Provisions) (Amendment) Regulation 2018 (L.N. 205 of 2018)			
003638 – 004039	Chairman Administration	<p><u>Section 1 – Commencement</u></p> <p><u>Section 2 – Land (Miscellaneous Provisions) Regulations amended</u></p> <p><u>Section 3 – Schedule 3 amended (fees)</u></p> <p>No enquiry from members on these sections.</p>	

Time Marker	Speaker	Subject(s)	Action Required
004040 – 004134	Chairman Dr CHIANG Lai-wan Administration	Completion of scrutiny The Administration was requested to provide supplementary information on issues raised at the meeting for members' reference. The Chairman advised that the Public Accounts Committee would monitor the Administration's progress made in implementing the various recommendations made by the Director of Audit in Audit Report No. 70.	
Agenda item II — Any other business			
004135 – 004213	Chairman	Legislative timetable and concluding remarks	