

LC Paper No. CB(1)525/99-00
(These minutes have been
seen by the Administration)

Ref: CB1/BC/9/98/2

**Legislative Council
Bills Committee on
Electricity (Amendment) Bill 1999**

**Minutes of meeting held on
Thursday, 2 September 1999, at 10:45 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Fred LI Wah-ming, JP (Chairman)
Ir Dr Hon Raymond HO Chung-tai, JP
Hon SIN Chung-kai
- Member absent** : Hon Ronald ARCULLI, JP
Hon CHAN Kam-lam
- Public officers attending** : Mr Eric JOHNSON
Principal Assistant Secretary for Economic Services
- Mr Roger LAI Sze-hoi
Regulatory Services Controller
Electrical and Mechanical Services Department
- Mr Stephen CHAN Hung-cheung
Acting Chief Engineer (Electricity Legislation)
EMSD
- Mr SIU Kam-wah
Senior Engineer (Nuclear & Utility Safety)
EMSD
- Ms Anastasia KWONG
Acting Senior Assistant Law Draftsman
- Ms Phyllis POON
Government Counsel

Clerk in attendance : Ms Estella CHAN
Chief Assistant Secretary (1)4

Staff in attendance : Miss Anita HO
Assistant Legal Adviser 2

Mr Daniel HUI
Senior Assistant Secretary (1)5

I Discussion with the Administration

(LC Paper No. CB(1)1830/98-99(01) - Draft Committee Stage
Amendments (5th draft)

LC Paper No. CB(1)1830/98-99(02) - Revised draft Regulation

LC Paper No. CB(1)1830/98-99(03) - (20) Submissions from relevant
trade bodies

LC Paper No. CB(1)1852/98-99(01) - the Administration's response
to submissions from relevant
trade bodies

LC Paper No. CB(1)1852/98-99(02) - A submission from New
World Telephone Limited)

Updating members on developments since the last meeting on 29 June 1999, the Chairman said that submissions on the revised draft Electricity Supply Lines (Protection) Regulation (the Regulation) from relevant trade organizations had been received and the Administration's response to comments raised in the submissions had also been circulated to members.

The Administration's Response to comments raised in the trade organizations' written submissions

2. The Chief Engineer/Electricity Legislation (CE/EL) briefed members on the Administration's response to comments raised in the written submissions as set out in LC Paper No. CB(1)1852/98-99(01).

Construction Industry Training Authority (CITA)
(written submission - LC Paper No. CB(1)1830/98-99(03))

3. In reply to the Chairman's question on availability of sufficient supply of "competent persons" when the Regulation came into operation in future, CE/EL advised that there was currently about 250 persons qualified for registration as "competent persons" and CITA would continue to organize more training classes to ensure sufficient supply of "competent persons". He further advised

that the Administration's aim was to have about 400-500 "competent persons" in the market when the Regulation became effective, which should be sufficient to meet the market demand arising from about 1,500 work sites in the vicinity of underground electricity supply lines at any one time in Hong Kong.

4. As regards whether the Vocational Training Council would also organize such a training course, CE/EL advised that the training course would be offered by CITA only.

Institute of Electrical Engineers (IEE)

(written submission - LC Paper No. CB(1)1830/98-99(06))

5. Mr SIN Chung-kai noted that IEE had proposed that the draft Regulation should specify the restricted area/distance within which provisions of the draft Regulation would apply on the basis of the type/voltage of the electricity supply lines, instead of using word the "vicinity". He opined that this suggestion would provide a measurable criterion for application of the Regulation and requested the Administration to elaborate on the reasons for not accommodating IEE's proposal. In response, the Regulatory Services Controller (RSC) and CE/EL advised that IEE's proposal was based on the assumption that the higher the voltage of electricity supply lines, the larger the safety distance/area should be allowed. However, since all underground electricity cables were insulated and coated, the safety distance bore no direct relationship with the voltage of the underground electricity cables. It was also impractical for the contractors and workers to distinguish the voltage level of the underground electricity cables and overhead electricity lines. The contractors should seek advice from the electricity supplier on the safe working distance. The term "vicinity" as defined in the Code of Practice on Working near Electricity Supply Lines (Code of Practice) was considered appropriate.

Mass Transit Railway Corporation (MTRC)

(written submission - LC Paper No. CB(1)1830/98-99(08))

6. As regards MTRC's request for exemption under the draft Regulation for works undertaken by MTRC staff inside MTRC area, CE/EL confirmed that works carried out by MTRC staff on MTRC's own underground cables/overhead lines were not bound by the Regulation. However, MTRC was required to comply with the Regulation when carrying out any works in the vicinity of electricity supply lines owned by the power companies which were located inside the MTRC area.

7. Mr SIN Chung-kai was generally supportive of the Administration's stance in this regard from the safety point of view. He opined however that the issue raised by MTRC was also applicable to Kowloon-Canton Railway Corporation, Hong Kong Tramways Limited, etc. As requested by Mr SIN, the Administration agreed to provide further information on the presence of power companies' supply lines or other installations related to the supply of electricity

in areas under the control of major transport utility companies. The information would provide an indication on the size of the problem, if any.

(Post-meeting note : The requisite information provided by the Administration has been circulated to members vide LC Paper No. CB(1)1919/98-99(01).)

8. As to whether power companies' supply lines running above the ceiling of tunnels were protected by the Bill and the draft Regulation, CE/EL replied in the affirmative and advised that the Code of Practice had specified the details on the scope of application of the Code.

Hong Kong Tramways Limited

(written submission - LC Paper No. CB(1)1830/98-99(09))

9. In reply to the Chairman's question, RSC and CE/EL confirmed that the Administration's stance on application of the draft Regulation to works carried out by Hong Kong Tramways' staff in the company's area had not changed i.e. works carried out by the company's staff in the company's area would be bounded by the Regulation if the works were carried out in the vicinity of electricity supply lines of power companies. However, Hong Kong Tramways' own overhead electricity supply lines were not covered by the Bill and the draft Regulation. RSC added that exemptions granted to major transport companies were in respect of the electricity supply system owned by these transport companies. As the Bill and the draft Regulation aimed to protect electricity supply lines owned by power companies, there were no justifications for exempting transport companies from provisions of the Bill and the draft Regulation from the safety point of view.

Electrical and Mechanical Contractors' Association

(written submission - LC Paper No. CB(1)1830/98-99(11))

10. As regards the Association's request for representation in the appeal board under section 13(c) of the draft Regulation, CE/EL said that the appeal board would include representatives from the construction industry who might be electrical and mechanical contractors involving in construction works.

Draft Committee Stage Amendments (5th draft)

(LC Paper No. CB(1)1852/98-99(03) - Letter dated 23 August 1999 from the Assistant Legal Adviser to the Administration

LC Paper No. CB(1)1856/98-99 - Letter dated 2 September 1999 from the Administration)

11. Referring to the letter dated 23 August 1999 from the Assistant Legal Adviser 2 (ALA2) to the Administration which raised some queries on the draft

Committee Stage Amendments (CSAs) to the Bill and on the draft Regulation, the Chairman enquired about the Administration's response to the points raised in the letter. ALA2 advised that her comments were related to the drafting of the CSAs and the draft Regulation and that the Administration had agreed to make the amendments proposed by her except in respect of the CSA in paragraph (b) of clause 4. She pointed out that after amendment, the Regulation made for the purposes of section 59(1)(ia) of the Electricity Ordinance (Cap 406) should be subject to the approval of the Legislative Council (i.e. "positive vetting"). Under section 59(6) and (7), the Secretary for Economic Services (SES) might by order in Gazette amend Schedules to Regulations made under the Ordinance. Since such orders were only subject to "negative vetting" by the Legislative Council, it was therefore inconsistent with the "positive vetting" requirement for regulations made under the proposed section 59(1)(ia) and (8). In response, the Senior Assistant Law Draftsman (SALD) advised that there was currently only one Schedule to the Regulation which specified the relevant fees. While section 59(6) provided that SES might amend provisions contained in Schedules to regulations made under the Ordinance, section 59(7) precluded the exercise of this power in respect of imposing, varying or repealing any fee specified in any such Schedule.

12. As to whether the making of a new schedule under the Ordinance would require "positive vetting" by the Legislative Council, RSC advised that an amendment regulation had to be made before a new schedule could be added and the making of this amendment regulation would be subject to "positive vetting" by the Legislative Council. Members considered the provision acceptable and raised no further queries on the draft CSAs.

Way forward

13. Members agreed to scrutinize the draft Regulation at the next meeting on 16 September 1999 at 10:45 am.

(Post-meeting note : The meeting was subsequently rescheduled for 23 September 1999 at 10:45 am as a result of the hoisting of typhoon signal no. 10 on 16 September 1999.)

14. There being no other business, the Chairman declared the meeting closed at 12:10 pm.

Legislative Council Secretariat

2 December 1999