

立法會
Legislative Council

LC Paper No. LS53/99-00

**Paper for the House Committee Meeting of the
Legislative Council
on 7 January 2000**

**Legal Service Division Report on
Resolution under section 59 of the
Electricity Ordinance (Cap. 406)**

The Secretary for Economic Services has given notice to move a motion at the meeting of 19 January 2000 to seek the Council's approval of the Electricity Supply Lines (Protection) Regulation.

2. A draft of the Regulation was scrutinized by the Bills Committee on the Electricity (Amendment) Bill 1999. The Bill was passed into law by this Council on 3 November 1999. The main purpose of the Bill was to enable the Chief Executive in Council to make regulations to provide for protection of electricity supply lines from damage arising out of works.

3. While scrutinizing the draft of the Regulation, members raised several concerns. In the present Regulation to be put to the Council for approval, it contains amendments to the draft which were made to address those concerns. Members may refer to paragraph 6 of the Legislative Council Brief (Ref. ECON 2/3231/97 (99) Pt. 9) issued by the Economic Services Bureau dated 23 December 1999 for an explanation of the amendments to sections 10(4), 10(5), 11(7), 11(8) and 18 of the draft Regulation.

4. On drafting, it is noted that the words 'or instructions' in section 17(5) have been omitted. This is only a minor technical amendment. The effect is that failure to comply with any direction (and not instruction) in a remedial notice will be an offence. Apart from the above-mentioned sections, the wordings in other sections of the Regulation are the same as those in the draft.

5. It was upon the proposal of the Bills Committee that the Regulation should be subject to the approval of the Legislative Council that the Amendment Bill was so amended. Members may wish to set up a Subcommittee to study the Regulation.

Prepared by
Ho Ying-chu, Anita
Assistant Legal Adviser
Legislative Council Secretariat
3 January 2000