

立法會
Legislative Council

LC Paper No. CB(1)853/02-03
(These minutes have been seen
by the Administration)

Ref: CB1/BC/10/01

**Bills Committee on
Land (Miscellaneous Provisions) (Amendment) Bill 2002**

**Meeting on
Monday, 20 January 2003, at 4:30 pm
in Conference Room B of the Legislative Council Building**

- Members present** : Hon LAU Ping-cheung (Chairman)
Ir Dr Hon Raymond HO Chung-tai, JP
Hon Fred LI Wah-ming, JP
Hon Miriam LAU Kin-yee, JP
Hon Emily LAU Wai-hing, JP
Dr Hon TANG Siu-tong, JP
Hon IP Kwok-him, JP
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Hon Eric LI Ka-cheung, JP
Hon Margaret NG
Hon Abraham SHEK Lai-him, JP
Hon Albert CHAN Wai-yip
- Public officers attending** : Environment, Transport and Works Bureau

Mr C S WAI
Principal Assistant Secretary (Works)

Highways Department

Mr H C WONG
Assistant Director

Department of Justice

Ms Marie SIU
Senior Government Counsel

Clerk in attendance : Mr Andy LAU
Chief Assistant Secretary (1) 2

Staff in attendance : Miss Kitty CHENG
Assistant Legal Adviser 5

Ms Queenie YU
Senior Assistant Secretary (1)6

Action

I Confirmation of minutes of meeting

(LC Paper No. CB(1)731/02-03 - Minutes of meeting held on 7 January 2003)

The minutes of meeting held on 7 January 2003 were confirmed.

II Meeting with the Administration

(LC Paper No. CB(1)732/02-03(01) - Information paper provided by the Administration in response to issues raised at the meeting on 7.1.2003;
LC Paper No. CB(3)541/01-02 - The Bill;
Appendix III to LC Paper No. - Marked-up copy of the Bill
CB(1)2164/01-02

2. The Bills Committee deliberated (index of proceedings attached at **Annex A**).

3. The Bills Committee requested the Administration to provide further information on the following to facilitate their consideration of the Bill :

- (a) To improve the drafting of the relevant provision on service of notice under the new section 10L so as to avoid possible disputes;
- (b) To consider revising the new section 2A to the effect that an act or an omission by a public officer in contravention of Part III of the Bill could be stopped immediately through the proposed reporting mechanism;
- (c) To elaborate on the detailed procedures involved in an inquiry conducted by the Secretary for the Environment, Transport and Works and follow-up actions to be taken by the Secretary under the new sections 2A(4) and (5), including possible disciplinary actions against the concerned public officers;
- (d) To consider specifying a time limit in respect of the inquiry under the new section 2A(4);
- (e) To consider whether "查訊" was an appropriate Chinese rendition for the

term "inquire";

- (f) To consider improving the drafting of the Chinese rendition of the proposed Committee Stage amendment to the new section 10L(13) [根據第(12)款作出或根據第(12A)款被視為路政署署長的決定的決定是最終的決定...]
- (g) To report on the deliberations and outcome of the latest round of consultation with utility undertakers on the Bill;
- (h) To provide information on the proposed honorarium and guiding principles for the determination of honorarium for members of the Review Board under the new section 10M;
- (i) To consider replacing the terms "other persons" or "persons" under the new sections 10M and 10N with "non-public officers" so as to reflect clearly the intent of the provision; and
- (j) To consider defining the relationship between the Review Board and the Review Panel in the new section 10N, and reviewing the appropriateness of using the heading "Review Panel" in the new section 10N, given that the Review Panel merely served to provide a pool of candidates for subsequent appointment to the Review Board.

III Any other business

4. The Bills Committee agreed to reschedule the site visit to excavation sites originally scheduled for 8 February 2003 to 22 February 2003 from 9:30 am to 11:30 am.
5. The Bills Committee agreed that the next two meetings would be held on 13 February 2003 (Thursday) and 25 February 2003 (Tuesday) at 9:00 am.
6. There being no other business, the meeting ended at 6:00 pm.

**Proceedings of the meeting of the Bills Committee on
Land (Miscellaneous Provisions) (Amendment) Bill 2002
Monday, 20 January 2003, at 4:30 pm
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action required
<i>Agenda Item I - Confirmation of minutes of meeting</i>			
000000-000043	Chairman	- Confirmation of minutes of meeting held on 7 January 2003	
<i>Agenda Item II - Meeting with the Administration</i>			
000044-001647	Chairman Admin Ms Miriam LAU ALA5	- Briefing by the Administration on LC Paper No. CB(1) 732/02-03(01) - Service of notice under the new Section 10L	Admin to provide information as per paragraph 3(a)
001648-001750	Chairman Admin	- Briefing by the Administration on the proposed Committee Stage amendments (CSAs) to the Bill [LC Paper No. CB(1) 757/02-03]	
001751-001902	Admin Ms Miriam LAU	- Proposed CSAs to clause 1(2) regarding the post title of the Secretary for the Environment, Transport and Works - Proposed CSAs to the relevant provisions in the Bill to dispense with the concept of the deemed issue of "secondary excavation permit" or "secondary emergency excavation permit" to contractors	
001903-005115	Admin Ms Audrey EU Ms Miriam LAU Chairman Ms Emily LAU Ir Dr Raymond HO Mr IP Kwok-him	- Proposed CSAs to the new section 2A "Application to Government"	Admin to provide information as per paragraphs 3 (b) to 3 (e)
005116-005337	Admin Chairman Ms Emily LAU	- Proposed CSAs to the new section 10 on control of excavations in unleased land - Alternative approach proposed by the Administration to dispense with the concept of "secondary excavation permit" or "secondary emergency excavation permit" under the new section 10E	
005338-005452	Mr IP Kwok-him Admin	- Road excavation works without an excavation permit (EP)	
005453-005944	Chairman Admin	- Proposed CSAs to the new sections 10A(4)(b) and 10B(7)(b) to make	

Time Marker	Speaker	Subject(s)	Action required
	Ms Emily LAU Ms Miriam LAU	clear the circumstances where the authority might, without payment of any prescribed fee, extend the duration of an EP/ emergency EP. But permittees would have to substantiate their own case for not being able to have access to the land for carrying out excavation works beyond their control and the Authority had to verify the information so submitted to avoid abuse	
005945-010042	Admin	- Proposed CSAs to the new sections 10C to 10K arising from the deletion of the terms "principal emergency excavation permit" or "principal excavation permit"	
010043-010943	Admin Chairman Ms Emily LAU Ms Miriam LAU Mr IP Kwok-him	<ul style="list-style-type: none"> - Proposed CSAs to the new section 10L including amendments to make clear the course of action by the Authority relating to the notification of the result of the assessment review - Proposed CSAs to the new section 10L(13) and further amendments to be proposed by the Administration on the Chinese rendition of the proposed CSAs - Consultation with the Utility Undertakers on the proposed CSAs to the new section 10L and the Bill 	Admin to provide information as per paragraphs 3(f) to 3(g)
010944-012559	Admin Mr IP Kwok-him Chairman Ms Miriam LAU Ms Emily LAU	<ul style="list-style-type: none"> - Proposed CSAs to the new sections 10M and 10N on the Review Board and the Review Panel - Guiding principles for determining the remuneration payable to members of the Review Board and the Review Panel - The meaning of "other persons" or "other than public officers" referred to in the new section 10M - The relationship between the Review Board and the Review Panel and their respective functions - The Chinese rendition for the terms "Review Board" and "Review Panel" in the new sections 10M and 10N and the Chinese rendition for similar terms in other Ordinances 	Admin to provide information as per paragraphs 3(h) to 3 (j)
<i>Agenda Item III - Any other business</i>			
012600-012838	Chairman Admin Ms Emily LAU	<ul style="list-style-type: none"> - Date of future meetings - Re-scheduling of the surprise visit to street excavation work sites 	

Time Marker	Speaker	Subject(s)	Action required
	Ms Miriam LAU Mr IP Kwok-him Ir Dr Raymond HO		

Council Business Division 1
Legislative Council Secretariat
10 February 2003