

立法會
Legislative Council

LC Paper No. CB(1)1209/02-03
(These minutes have been seen
by the Administration)

Ref: CB1/BC/10/01

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

**Meeting on
Tuesday, 18 March 2003, at 9:00 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon LAU Ping-cheung (Chairman)
Ir Dr Hon Raymond HO Chung-tai, JP
Hon Eric LI Ka-cheung, JP
Hon Fred LI Wah-ming, JP
Hon Margaret NG
Hon Miriam LAU Kin-yee, JP
Hon Emily LAU Wai-hing, JP
Dr Hon TANG Siu-tong, JP
Hon Abraham SHEK Lai-him, JP
Hon Albert CHAN Wai-yip
- Members absent** : Hon IP Kwok-him, JP
Hon Audrey EU Yuet-mee, SC, JP
- 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 : Mr Watson CHAN
Head, Research & Library Services Division

Miss Kitty CHENG
Assistant Legal Adviser 5

Miss Augusta HO
Research Officer 4

Ms Queenie YU
Senior Assistant Secretary (1)6

Action

I Confirmation of minutes of meeting

- (LC Paper No. CB(1)1084/02-03 - Minutes of meeting held on
13 February 2003; and
LC Paper No. CB(1)1095/02-03 - Minutes of meeting held on
25 February 2003)

The minutes of meetings held on 13 February and 25 February 2003 were confirmed.

II Meeting with the Administration

- (LC Paper No. CB(1)1096/02-03(01) - Information note provided by
Research and Library Services
Division on "Research on the
Methodology for the Calculation
of Economic Costs Relating to
Excavation Works on Pedestrian
Ways";
LC Paper No. CB(1)1096/02-03(02) - Submission from Hutchison
Global Communications
Limited ;
LC Paper No. CB(1)1135/02-03(01) - Submission from the Hongkong
Electric Co Ltd;
LC Paper No. CB(1)1135/02-03(02) - Submission from CLP Power
Hong Kong Limited;
LC Paper No. CB(1)1135/02-03(03) - Submission from Wharf New
T&T;
LC Paper No. CB(1)1135/02-03(04) - Submission from Hong Kong
Cable Television Ltd.;
LC Paper No. CB(1)1135/02-03(05) - Submission from PCCW
Limited ;

- LC Paper No. CB(1)1096/02-03(03) - Information paper provided by the Administration in response to issues raised at the meeting on 25.2.2003;
- LC Paper No. CB(1)1083/02-03 - Visit report prepared by the Legislative Council Secretariat;
- LC Paper No. CB(3)541/01-02 - The Bill; and
- Annex 1 to LC Paper No. CB(1)856/02-03(01) - Committee Stage amendments to the Bill as at 10 February 2003)

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 provide a progress update on the excavation works behind Regal Hong Kong; and
 - (b) To advise whether a member of the Review Panel/Review Board who intentionally concealed the fact that he had an interest in a particular subject under review would constitute an offence in law.

(Post-meeting note: The information provided by the Administration was issued to members vide LC Paper No. CB(1)1205/02-03 on 27 March 2003.)

III Any other business

4. The Bills Committee agreed that the next meeting of the Bills Committee would be held on Tuesday, 1 April 2003, at 9:00 am. Another Bills Committee meeting was scheduled for 7 April 2003 (Monday), at 9:00 am.
5. There being no other business, the meeting ended at 10:35 am.

**Proceedings of the meeting of the Bills Committee on
Land (Miscellaneous Provisions) (Amendment) Bill 2002
Tuesday, 18 March 2003, at 9:00 am
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action required
<i>Agenda Item I - Confirmation of minutes of meetings</i>			
000000-000059	Chairman	- Confirmation of minutes of meetings held on 13 and 25 February 2003	
<i>Agenda Item II – Meeting with the Administration</i>			
000100-000638	Chairman H(RL) Admin Ms Miriam LAU	- Briefing on the information note on "Research on the Methodology for the Calculation of Economic Costs Relating to Excavation Works on Pedestrian Ways" by the Head of Research and Library Services Division - Measures to mitigate economic loss of shop operators due to excavation works on pedestrian ways by making reference to practices adopted in overseas places	
000639-001523	Chairman Ms Emily LAU Admin Ir Dr Raymond HO Dr TANG Siu-tong Ms Emily LAU	- Submissions from utility undertakers (UUs) and the Admin's response - Incentive measures to encourage timely/early completion of works on pedestrian ways by UUs and contractors and impact of delay of works on pedestrians and shop operators	
001524-003736	Chairman Ms Emily LAU Ms Miriam LAU Admin	- Report of the visit to road excavation sites on 22 February 2003 and follow-up actions taken by the Admin - Proposed definition of "competent person" under the new section 10 Q(5)	Admin to provide the information as per paragraph 3(a)
003737-005102	Chairman Admin Ms Emily LAU ALA5	- Briefing by the Admin on LC Paper No. CB(1)1096/02-03(03) - Composition and quorum of the Review Board - Operation of the Review Board and consultation with the industry	
005103-005523	Ms Miriam LAU Admin Chairman	- Merit schemes to encourage contractors and UUs for early completion of road excavation works and Government's involvement in the schemes to ensure effectiveness	
005524-010231	Chairman Admin Ms Emily LAU ALA5	- Proposed procedures for declaration of interest by members of the Review Panel/Board in the Bill and practices adopted in other similar Review Boards - Legal responsibility of members of the Review Panel/Board for concealing	Admin to provide the information as per paragraph 3(b)

Time Marker	Speaker	Subject(s)	Action required
		<p>their interest in a particular subject under review</p> <ul style="list-style-type: none"> - Dissolution of the Review Board and nomination of another person to the new Review Board 	
010232-011040	Chairman Admin	<ul style="list-style-type: none"> - Committee Stage amendments (CSAs) to the new section 10O and 10P to delete the terms "principal excavation permit (EP)" or "principal emergency EP " - Proposed CSAs to the new section 10Q on "Provision of safety precautions and support" as previously discussed by the Bills Committee - Proposed CSAs to the new section 18 to specify the scope of application for provisions relating to "No claim to lie against the Government or Authority" and to reflect the correct title of the Secretary for the Environment, Transport and Works - Proposed CSAs to the new section 18B on "Appeals against decision" relating to the refund of economic costs - Proposed CSAs to include a new section, 18C, on "Authority's power to specify time limit and newly constructed street" 	
011041-012117	Admin Ms Miriam LAU Chairman	<ul style="list-style-type: none"> - Proposed CSAs to the Schedule regarding the designated authorities for controlling and managing unleased lands in urban areas and New Territories except New Kowloon - Proposed CSAs to the new section 3A of the Land (Miscellaneous Provisions) Regulations and Parts I, II and III of the Schedule therein on fees relating to EPs or emergency EP - Criteria for the determination of unleased land as strategic street or sensitive street and consultation with the industry - Arrangement for the issue of emergency EP and duration of Emergency EP 	
012118-012743	Admin Ms Emily LAU Chairman Ms Miriam LAU	<ul style="list-style-type: none"> - Clause 10 on transitional provisions - Consequential amendments to Land (Miscellaneous Provisions) Regulations under clause 11 to clause 14 - Consequential amendments to Administrative Appeals Board Ordinance (Cap.442) under clause 15 - Consequential amendments to Tsing Ma Control Area (General) Regulation (Cap.498 Sub.leg.) under clause 16 	

Time Marker	Speaker	Subject(s)	Action required
		- Annual review on fees payable in respect of EP	
<i>Agenda Item III - Any other business</i>			
012744-013028	Chairman Ms Emily LAU Admin	- Date of future meetings	

Council Business Division 1
Legislative Council Secretariat
28 March 2003