

立法會
Legislative Council

LC Paper No. CB(1)360/02-03
(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, 11 November 2002, at 8:30 am
in the Chamber 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 IP Kwok-him, JP
Hon Audrey EU Yuet-mee, SC, JP
- Member absent** : Hon Albert CHAN Wai-yip
- Public officers attending** : Environment, Transport and Works Bureau
Mr C S WAI
Principal Assistant Secretary (Works)
Department of Justice
Ms Marie SIU
Senior Government Counsel
- Attendance by Invitation** : Hong Kong Cable Television Ltd.
Mr Allen K K LAW
General Manager, OSP Engineering & Construction

Mr William K K CHOW
Corporate Lawyer

PCCW-HKT Telephone Ltd.

Mr CHEUNG Kwok-chi
Acting General Manager, Outside Plant Services

Hutchison Global Communications Ltd.

Mr S P LIU
Senior Manager External Plant

Mr K K TSANG
Implementation Manager

New World Telephone Ltd.

Mr Victor WONG
Senior Manager

Mr Tony WONG
Legal Counsel

Hong Kong Tramways Ltd.

Mr Steven CHAN
Engineering Manager

Hong Kong General Building Contractors Association

Mr CHAN Cheung
President

Mr CHOW Yan-wei
Vice-President

The Hong Kong Construction Association

Mr Alex WONG
Assistant Secretary General

Mr Martin HADAWAY
Member

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)235/02-03 - Minutes of meeting held on 24.10.2002)

The minutes of meeting held on 24 October 2002 were confirmed.

II Meeting with deputations/the Administration

(LC Paper Nos. CB(1)133/02-03(01) - Submission from Hong Kong Cable
and CB(1)236/02-03(01) Television Ltd.;

LC Paper No. CB(1)143/02-03(02) - Submission from PCCW Limited;

LC Paper Nos. CB(1)143/02-03(01) - Submission from Hutchison Global
and CB(1)236/02-03(02) Crossing Ltd.;

LC Paper No. CB(1)236/02-03(03) - Submission from New World
Telephone Ltd.;

LC Paper No. CB(1)236/02-03(04) - Submission from Hong Kong
General Building Contractor
Association;

LC Paper No. CB(1)236/02-03(05) - Submission from Hong Kong
Construction Association;

LC Paper No. CB(1)236/02-03(06) - Submission from The Hong Kong
Electric Co. Ltd.;

LC Paper No. CB(1)236/02-03(07) - Submission from Wharf New T&T;

LC Paper No. CB(1)236/02-03(08) - Submission from CLP Power Hong
Kong Limited;

LC Paper No. CB(1)236/02-03(09) - The Administration's consolidated
response to comments raised by
utility undertakers from 23 October
2002 to 5 November 2002;

LC Paper No. CB(1)262/02-03(01) - The Administration's consolidated
response to comments raised by
utility undertakers from 5 November
2002 to 8 November 2002;

LC Paper No. CB(1)242/02-03(01) - Information paper provided by the
Administration in response to issues
raised at the meeting on 24.10.2002;

LC Paper No. CB(1)85/02-03(01) - Letter dated 18.9.2002 from
Assistant Legal Adviser to the
Administration;

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| LC Paper No. CB(1)85/02-03(02) | - The Administration's reply dated 8.10.2002 to the Assistant Legal Adviser; |
| LC Paper No. CB(3)541/01-02 | - The Bill; |
| Appendix III to LC Paper No. CB(1)2164/01-02 | - Marked-up copy of the Bill) |

2. The Bills Committee received views from deputations and 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:

- (a) to make clear the meaning of "adopt all necessary safety precautions" in the new section 10Q(1)(a) and to consider issuing codes of practice and guidelines or introducing new administrative measures to facilitate the trade to comply with the safety precaution and support requirements set out in the proposed new section 10Q(1);
- (b) to consider pitching the level of fines involving breaches of the new section 10Q(1) with reference to the tender prices of projects;
- (c) to provide information on the level of penalties imposed by the court for past convictions involving breaches of section 8(1) of the Land (Miscellaneous) Provisions Ordinance (Cap. 28) and the tender prices of the related projects;
- (d) to provide information on the offences with fines ranging up to \$200,000 under the Factories and Industrial Undertakings Ordinance (Cap. 59) and its subsidiary legislation, and the level of fines imposed by the court for past convictions; and
- (e) to provide information on the respective numbers and percentages of excavation permits issued to utility undertakers and to works of Government utility undertakings.

(Post-meeting note: The information provided by the Administration was issued to members vide LC Paper Nos. CB(1)283/02-03(01) (English version) and CB(1)304/02-03 (Chinese version) on 14 November and 15 November 2002 respectively.)

III Any other business

4. The Bills Committee agreed that a visit to road excavation works sites be conducted to enhance members' understanding of the conditions in sites, complexity of the problems involved in the works, nuisances caused to the public, and provision of safety precautions and support. The Bills Committee requested the utility undertakers and the Administration to put forward suggested programme for consideration of the Bills Committee.

5. The Bills Committee noted that the next meeting had been scheduled for Monday, 18 November 2002, at 10:45am to continue discussion with the Administration.

6. There being no other business, the meeting ended at 10:30 am.

Council Business Division 1
Legislative Council Secretariat
25 November 2002

**Proceedings of the meeting of the Bills Committee on
Land (Miscellaneous Provisions) (Amendment) Bill 2002
Monday, 11 November 2002, at 8:30 am
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I - Confirmation of minutes of meeting</i>			
000000 - 000420	Chairman	- Confirmation of minutes of meetings - Introductory remarks by the Chairman	
<i>Agenda Item II - Meeting with deputations/the Administration</i>			
000421-000535	Chairman	Welcoming remarks	
000536-000851	Hong Kong Cable Television Ltd.	Presentation of views on the Bill [LC Paper Nos. CB(1)133/02-03(01) and 236/02-03(01)]	
000852-001209	PCCW Ltd.	Presentation of views on the Bill [LC Paper No. CB(1)143/02-03(02)]	
001210-001607	Hutchison Global Crossing Ltd.	Presentation of views on the Bill [LC Paper Nos. CB(1)143/02-03(01) and 236/02-03(02)]	
001608-001922	New World Telephone Ltd.	Presentation of views on the Bill [LC Paper No. CB(1)236/02-03(03)]	
001923-001907	The Hong Kong Construction Association	Presentation of views on the Bill [LC Paper No. CB(1)236/02-03(05)]	
001908-001926	Hong Kong Tramways Ltd.	Presentation of views on the Bill	
001927-002258	Hong Kong General Building Contractor Association (HKGBCA)	Presentation of views on the Bill [LC Paper No. CB(1)236/02-03(04)]	
002259-004020	Chairman Ms Emily LAU Admin	- Admin's response to deputations' views [LC Paper Nos. CB(1)236/02-03(09). 262/02-03(01) and 242/02-03(01)] - Nominated permittee	
004021-004235	Chairman Admin	Interpretation on the provision of one-stop-shop service	
004236-005234	Ms Audrey EU New World Telephone Ltd. HGC	- Nominated permittee under the new section 10F and Approval by Authority of nomination under the new section 10I - Provision of safety precautions and support under the new section 10Q(1)	
005235-005658	Chairman HGC Admin	- Basis for determining fee and frequency of audit site inspection - Provision of one-stop-shop service - Duties and responsibilities of site	

Time marker	Speaker	Subject(s)	Action required
		inspection by permittees	
005659-010259	Ms Audrey EU Chairman Admin	<ul style="list-style-type: none"> - Meaning of "adopt all necessary safety precautions" under the new section 10Q(1)(a) - Provision of guidelines and code of practice for contractors - Approval by Authority of nomination under the new section 10I - Duties and responsibilities of permittee and nominated permittee under the new section 10 	Admin to provide information as per paragraph 3(a) above
010300-010538	HKCA Chairman Ms Audrey EU Admin	<ul style="list-style-type: none"> - Justifications for inclusion of the safety precautions and support provision in the Bill 	
010539-012000	Ms Emily LAU Admin HKGBCA HK Cable TV Ltd HKCA	<ul style="list-style-type: none"> - Proposed visit to road excavation work sites - Views on the proposed amendment to the level of fines involving breaches of the new section 10Q(1) and the proposal to pitch the level of fines with reference to the tender prices of projects - Comparable fines in other ordinances - Policy on disclosure of conviction record 	Admin to provide information as per paragraph 3(c)
012001-012138	Ms Emily LAU Admin Chairman	<ul style="list-style-type: none"> - Justification for introducing the Bill 	
012139-013112	Mr Abraham SHEK Chairman Admin HKGBCA	<ul style="list-style-type: none"> - Discussions of the Public Accounts Committee (PAC) on control of utility openings - Penalty for non-compliance with the Land (Miscellaneous) Provisions Ordinance (Cap.28) - Fee charged for audit site inspection vis-à-vis the monitoring role of the Admin - Provision of one-stop-shop service by the Admin - Guidelines for permittees/nominated permittees on the provision of safety precautions and support requirements 	
013113-013626	Chairman Ir Dr Raymond HO Admin	<ul style="list-style-type: none"> - Basis for pitching the maximum fines at \$200,000 for breaches of the new section 10Q(1) - Rationale for charging fee for audit site inspection - Leading role played by the Admin in one-stop-shop service 	Admin to provide information as per paragraph 3(d)
013627-014442	Chairman Admin HKGBCA HKCA	<ul style="list-style-type: none"> - Adoption of a self-regulatory approach for audit site inspection and views of deputations on the approach 	

Time marker	Speaker	Subject(s)	Action required
	Ir Dr Raymond HO	- Effectiveness of the streamlined procedures implemented by the Admin for road excavation permit application - Better coordination of utility openings after commencement of works	
014443-015013	Ms Emily LAU Chairman Admin	- PAC's recommendations and conclusions on control of utility openings - Proposal of HKGBCA on lowering the level of fines involving breaches of the new section 10Q(1) - Fines and imprisonment under section 8(4) of the Land (Miscellaneous) Provisions Ordinance (Cap.28)	Admin to provide information as per paragraph 3(b), (c) and (d)
015014-015339	Mr Abraham SHEK Ms Emily LAU Chairman HGC	- Admin's performance on control of utility openings discussed by PAC - Breakdown of road opening works undertaken by government departments and UUs	Admin to provide information as per paragraph 3(e)
015340-015534	Chairman ALA5 Admin	- Policy on disclosure of conviction records and the relevant Bureau responsible for the subject area	
015535-015600	Chairman Ms Audrey EU	Discussion of LC Paper No. CB(1) 242/02-03 (01)	
015601-015644	HK Cable TV Ltd Admin Chairman	Separate provision for safety precautions and support under the new section 10Q	
<i>Agenda Item III - Any other business</i>			
015645-020057	Chairman Ms Emily LAU Admin	- Visit to road opening work sites - Road opening works undertaken by government departments - Attendance of deputations at the next meeting - Date of next meeting	Admin to provide information as per paragraph 3(e) above