

5 November 2002

The Honourable Mr. Lau Ping Cheung
Chairman, the Bill Committee on the
Land (Miscellaneous Provisions) (Amendment) Bill 2002
Legislative Council Secretariat
3rd Floor, Citibank Tower
3 Garden Road, Central
Hong Kong.

(By Fax 21210420 & By Post)

Our Ref.: L/21035/02-11

Dear Mr. Lau

Land (Miscellaneous Provisions) (Amendment) Bill 2002

Thank you for your letter dated 25 October 2002 inviting us to express our views on the captioned subject, which we summarise as follows:-

1. Section 10F "Nominated permittee" and 10I "Approval by Authority of nomination"

These two Sections in effect stipulate that the Authority may withdraw approval to the nomination of a contractor as a nominated permittee if he is incapable of complying with the Ordinance and permit conditions.

CLP Power concurs that incapable or irresponsible contractors should be banned from works. However, to minimise controversies and the potential delay to the excavation works due to unexpected disapproval of contractors, a fair and open system to measure and publicise the performance of contractors should be put in place to facilitate UUs' appointing or nominating acceptable contractors. This will send a very strong message to the construction industry to behave more conscientiously.

2. Section 10Q Provision of safety precautions and support

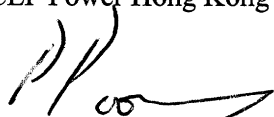
This Section states that "a permittee and nominated permittee who contravenes this Section shall be guilty of an offence to a fine at level 5 and to imprisonment for 6 months."

All along, CLP Power has reservation about the fairness to UUs in inflicting criminal sanction upon them for non-compliances of their contractors. However, we are pleased to learn about, and indeed welcome, the proposal of the Authority to withdraw the imprisonment provision and confine the penalty to a fine at Level 5.

With the withdrawal of the imprisonment provision, CLP Power has no major concern about the Amendment Bill. For issues raised in Item (1) above, we believe they could be addressed at a technical level.

As our views have been expressed explicitly in this and previous letters, we will not participate in the coming Bill Committee Meeting on 11th November 2002.

Yours faithfully,
CLP Power Hong Kong Limited



Paul WY Poon
Director, Power Systems

 PWYP:jfc:wbl



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	Mr. HC Wong	Highways Department	2714 5216
	Mr. SP Liu	Hutchison Global Communication Ltd.	2123 1675
	Mr. CL Wong	New World Telephone Ltd.	2133 2036
	Mr. KC Cheung	Pacific Century Cyber works Ltd.	2635 3277
	Mr. KW Li	The Hong Kong Electric	2510 7843
	Mr. Simon Ngo	The Hong Kong China Gas Co., Ltd.	2561 6313
	Mr. Bill Yeung	Wharf New T & T Ltd.	2112 7883
	Mr. Allan Law	HK Cable Television Ltd.	2112 7810
	Mr. WL Chung	Drainage Services Department	2827 6657
	Mr. KW Chan	Water Supplies Department	2824 0578
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