

立法會
Legislative Council

LC Paper No. CB(1)1556/02-03
(These minutes have been seen
by the Administration)

Ref: CB1/BC/4/02

**Bills Committee on
Tung Chung Cable Car Bill**

**Meeting on
Friday, 11 April 2003, at 10:45 am
in Conference Room A of the Legislative Council Building**

Members present : Hon James TIEN Pei-chun, GBS, JP (Chairman)
Ir Dr Hon Raymond HO Chung-tai, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon SIN Chung-kai
Hon Miriam LAU Kin-ye, JP
Hon TAM Yiu-chung, GBS, JP
Hon Albert CHAN Wai-yip

Members absent : Hon Cyd HO Sau-lan
Hon Howard YOUNG, JP

Public officers attending : Economic Development and Labour Bureau

Mr Duncan PESCOD
Deputy Commissioner for Tourism

Mrs Erika HUI
Assistant Commissioner for Tourism

Miss Joan HUNG
Administrative Officer (Tourism)

Department of Justice

Mr John WILSON
Consultant Counsel

Action

Ms Carmen CHU
Senior Government Counsel

Transport Department

Mr Peter LUK
Assistant Commissioner/NT

Mr LEE Yan-ming
Chief Engineer/NT West

Territory Development Department

Mr Patrick TANG
Senior Engineer

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

Staff in attendance : Miss Connie FUNG
Assistant Legal Adviser 3

Ms Debbie YAU
Senior Assistant Secretary (1)1

Action

- I Confirmation of minutes and matters arising**
(LC Paper No. CB(1)1416/02-03 - Minutes of meeting held on 31.3.2003)

The minutes of the meeting held on 31 March 2003 were confirmed.

- II Meeting with the Administration**
(LC Paper No. CB(1)1419/02-03(01) - Information paper provided by the Economic Development and Labour Bureau in response to issues raised at the meeting on 4.4.2003;
LC Paper No. CB(1)1419/02-03(02) - Information paper provided by the Transport Department in response to issues raised at the meeting on 4.4.2003;

Action

- LC Paper No. CB(3)329/02-03 - The Bill;
LC Paper No. CB(1)1094/02-03(01) - Letter dated 5.3.2003 from Assistant Legal Adviser to the Administration; and
LC Paper No. CB(1)1094/02-03(02) - The Administration's reply dated 13.3.2003 to the Assistant Legal Adviser)

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:
- (a) to review the time limit allowed for affected land owners to claim compensation under clause 13(2) with reference to other similar legislation;
 - (b) to review the time limit allowed for the Director of Lands to assess claims put forward by claimants under clause 13(4) with reference to other similar legislation; and
 - (c) to review the time limit allowed for claimants to negotiate with the Director of Lands on the amount of compensation under clause 13(6) with reference to other similar legislation.

Date of next meeting

4. The Bills Committee agreed that the next two meetings would be held on Wednesday, 23 April 2003 at 2:30 pm and Monday, 28 April 2003, at 4:30 pm to continue discussion with the Administration on the Bill.

(Post-meeting note: The meeting scheduled to be held on 23 April 2003 was cancelled to make way for the Administration to brief Members on the economic relief measures relating to the atypical pneumonia outbreak.)

III Any other business

5. There being no other business, the meeting ended at 12:25 pm.

Council Business Division 1
Legislative Council Secretariat
30 April 2003

**Proceedings of the meeting of the Bills Committee on
Tung Chung Cable Car Bill
Friday, 11 April 2003, at 10:45 am
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action Required
<i>Agenda Item I – Confirmation of minutes and matters arising</i>			
000000-000052	Chairman	<ul style="list-style-type: none"> • Welcoming remarks • Confirmation of minutes of meeting on 31 March 2003 	
<i>Agenda Item II – Meeting with the Administration</i>			
000053-000421	Chairman Admin	<ul style="list-style-type: none"> • Members noted the Administration's papers LC Paper Nos CB(1)1419/02-03(01) and (02) and raised no further comments on them 	
000422-000943	Chairman Mr SIN Chung-kai Admin Mr Albert CHAN Ir Dr Raymond HO	<u>Clause-by-clause examination</u> <u>Clause 1</u> <u>Clause 2(1) "Cable Car System"</u> <ul style="list-style-type: none"> • The phrase "including but not limited to" referred to minor modifications or additional facilities relating to the components of the "Cable Car System" as stipulated • Extension of the boundaries of the Cable Car System beyond Tung Chung and Ngong Ping would require separate approval by the Legislative Council 	
000944-001347	Chairman Ms Miriam LAU ALA3 Admin	<u>Clause 2(1) "Company"</u> <ul style="list-style-type: none"> • Proposed Committee Stage amendment (CSA) to the definition of "Company" to include any other company, other than MTR Corporation Limited (MTRCL) or a wholly-owned subsidiary of the MTRCL designated by the Secretary for Economic Development and labour (the Secretary), for the purposes of the Tung Chung Cable Car Ordinance 	
001348-001634	Chairman ALA3 Admin Ir Dr Raymond HO	<u>Clause 2(1) "aerial ropeway"</u> <ul style="list-style-type: none"> • Application of the Aerial Ropeways (Safety) Ordinance (Cap. 211) to regulate the operation and safety standards of the Cable Car system and no amendment to the Ordinance was necessary for the purposes of the Tung Chung Cable Car project 	
001635-001757	Chairman ALA3	<u>Clause 2(1) "commercial GFA"</u>	
001758-002233	Chairman Ms Miriam LAU Admin Mr SIN Chung-kai Mr TAM Yiu-chung	<u>Clause 2(1) "franchise period"</u> <ul style="list-style-type: none"> • Commencement date of the 30-year franchise period would be the date when the construction works for the Cable Car System actually commenced. The planning target was July 2003 • Any extension of the franchise period, except for the grounds specified under clause 4(3), would require separate approval by the 	

Time	Speaker	Subject(s)	Action Required
		<p>Legislative Council</p> <ul style="list-style-type: none"> • Possibility of granting the management right of the Cable Car system to MTRCL after the expiry of the franchise period instead of granting an extension of the franchise period to the Company 	
002234-002506	Chairman Admin	<p><u>Clause 2(1) "discharge date"</u></p> <ul style="list-style-type: none"> • Guarantee agreement would be required for a wholly-owned subsidiary of MTRCL if it was designated as a Company for the purposes of the Tung Chung Cable Car Ordinance 	
002507-002612	Chairman ALA3 Admin	<p><u>Clause 2(2)</u></p> <ul style="list-style-type: none"> • Designation of "a Company" in Gazette notice under clause 2(2) was not subsidiary legislation 	
002613-002930	Chairman Admin	<p><u>Clause 2(1) "Project"</u></p> <ul style="list-style-type: none"> • CSA to the definition of "Project" 	
002931-003046	Chairman Admin	<p><u>Clause 2(4)</u></p> <ul style="list-style-type: none"> • CSA to clause 2(4) 	
003047-003144	Chairman Admin ALA3	<p><u>New clause 2(6)</u></p> <ul style="list-style-type: none"> • CSA to include a new clause to define the meaning of "wholly-owned subsidiary" in line with the Company Ordinance (Cap. 32) 	
003145-003921	Chairman Mr SIN Chung-kai Admin Ir Dr Raymond HO	<p><u>Clause 3</u></p> <ul style="list-style-type: none"> • Concern about the discretionary power granted to the Secretary to vary the boundaries of the Cable Car System area or the route projection area, and whether such variation would be published in the Gazette as subsidiary legislation subject to scrutiny by the Legislative Council • Definition of the Cable Car System area and public facilities such as sewage treatment plant, electricity and water supply systems fell outside the boundaries of the area 	
003922-004512	Chairman Ms Miriam LAU Admin	<p><u>Clause 4</u></p> <ul style="list-style-type: none"> • Defence provision for MTRCL to seek extension of the franchise due to the delay in the completion of the construction works or the commencement of service of the Cable Car System 	
004513-004824	Chairman Admin	<p><u>Clause 5</u></p> <ul style="list-style-type: none"> • Provisions to reflect certain restrictions on the Company designated for the purposes of the Tung Chung Cable Car Ordinance relating to assignment or other disposal of franchise rights and obligations 	
004825-004924	Chairman	<p><u>Clauses 6 and 7</u></p>	
004925-005155	Chairman Ms Miriam LAU Admin	<p><u>Clause 8</u></p> <ul style="list-style-type: none"> • Right to occupy the commercial gross floor area (GFA) and to operate vehicle parking 	

Time	Speaker	Subject(s)	Action Required
	Mr SIN Chung-kai	facilities within the commercial GFA <ul style="list-style-type: none"> The Company would be given the right to grant licences (instead of leases) for the use and occupation of the commercial GFA as land title to Tung Chung Terminal and Ngong Ping Terminal was not vested in the Company. In return, the Company could demand and collect fees for such licences 	
005156-005400	Chairman	<u>Clauses 9 to 11</u>	
005401-005713	Chairman Admin	<u>Clause 12</u> <ul style="list-style-type: none"> Serving of notice of creation of easements in respect of the land in the route projection area within 28 days 	
005714-012255	Chairman Mrs Selina CHOW Admin Ir Dr Raymond HO Ms Miriam LAU Mr Albert CHAN	<u>Clause 13</u> <ul style="list-style-type: none"> Time limit allowed for affected land owners to claim compensation under clause 13(2), taking into account the fact that grave claimants, particularly those in overseas countries, might not be aware of the loss or damage until they visited the ancestral graves after a certain period of time Time limit allowed for the Director of Lands to assess claims put forward by claimants under clause 13(4) Time limit allowed for claimants to negotiate with the Director of Lands on the amount of compensation under clause 13(6) 	The Admin. to provide further information as per paragraphs 3(a), (b) and (c) of the minutes
012256-013530	Chairman ALA3 Mr Albert CHAN Admin	<u>Clause 14</u> <ul style="list-style-type: none"> Application of the procedure under clause 13(2) to (7) for a claim against the Company under clause 14 Whether the Company should take the initiative to assess the amount of compensation in respect of any diminution of the value of the owner's interest in the land instead of requiring an affected land owner to file his claim for loss or damage sustained in the first instance 	
013531-013549	Chairman	<u>Clause 15</u>	
<i>Agenda Item III – Any other business</i>			
013550-014048	Chairman Ms Miriam LAU Mr SIN Chung-kai Mr Albert CHAN	<u>Dates of next two meeting</u> <ul style="list-style-type: none"> Wednesday, 23 April 2003, at 2:30 pm Monday, 28 April 2003, at 4:30 pm 	