

**LEGISLATIVE COUNCIL BILLS COMMITTEE
ON TUNG CHUNG CABLE CAR BILL**

Information for the Bills Committee

INTRODUCTION

This paper addresses questions raised by Members of the Legislative Council Bills Committee on the Tung Chung Cable Car Bill (the Bills Committee) at its meeting held on 11 April 2003.

BACKGROUND

2. At the fourth meeting of the Bills Committee held on 11 April 2003, Members requested the Administration to consider the following issues:

- (a) to review the time limit allowed for affected land owners to claim compensation under clause 13(2) with reference to other local legislation; and
- (b) to review the time limit allowed for submitting claims to the Lands Tribunal under clause 13(6) in the light of the time limit under clause 13(4) for the Director of Lands to assess claims put forward by claimants.

Clause 13

3. The time limit of 12 months for the submission of claims for compensation under clause 13(2) is consistent with provisions dealing with submission of claims in various other legislation, including the Electricity Networks (Statutory Easements) Ordinance (Cap. 357), the Railways Ordinance (Cap. 519) and the Road (Works, Use and Compensation) Ordinance (RWUCO) (Cap. 370). The proposed alignment for the Cable Car System principally crosses the country park, and is unlikely to have significant impact on any private property, other than land on the Airport Island. Based on the preliminary survey done

by the Lands Department, there are no known graveyards along the proposed alignment of the Cable Car System. We consider that the 12-month period for submission of claims is reasonable.

4. As regards the provisions under clause 13(4) and clause 13(6), we consider that the requirement under clause 13(4) on the Director of Lands to assess claims and notify the claimant of his decision within 6 months after receiving a claim reasonable. This provides a safeguard against any undue delay in processing the claim, and is consistent with other legislation, including the Railways Ordinance and the RWUCO.

5. We have reviewed the requirement under clause 13(6) for unresolved claims to be submitted to the Lands Tribunal. This was modeled on a similar provision in the Electricity Networks (Statutory Easements) Ordinance (ENSEO) (Cap. 357). Under the ENSEO, the claimant may submit a claim to the Lands Tribunal for determination not later than 60 days after the expiry of the 28-day period for agreement with the power company on the compensation for any diminution of the value of his estate or property. Having regard to the concern raised by Members, we have reviewed provisions in other legislation and consider that if there is no time limit on bringing unresolved claims to the Lands Tribunal, it would encourage resolution of the claims through mutual agreement. Under other legislation, such as the Railways Ordinance and RWUCO, there is no time limit for submitting unresolved claims to the Lands Tribunal. Accordingly, we accept that there should be no time limit and we **will propose a Committee Stage Amendment to delete the phrase “, not later than 60 days after the expiration of that period,” under clause 13(6).**

Clause 14

6. The Bills Committee also requested us to consider the provisions for claims for compensation from the Company for loss or damage arising from emergency entry under clause 14 as we review the provisions under clause 13. We consider that it would be reasonable to extend the time limit within which claims may be submitted to the Company to tie in with the 12-month period allowed for under

clause 13(2). Accordingly, we **will propose a Committee Stage Amendment to clause 14(5)(c) to relax the time limit from 3 months to 12 months.**

CONCLUSION

7. Members are invited to note the information presented in this paper.

**Tourism Commission
Economic Development and Labour Bureau
17 April 2003**