

**立法會**  
***Legislative Council***

LC Paper No. CB(2) 1051/00-01

Ref : CB2/H/5

**House Committee of the Legislative Council**

**Minutes of the 20<sup>th</sup> meeting  
held in the Legislative Council Chamber  
at 4:30 pm on Friday, 9 March 2001**

**Members present :**

Hon Mrs Selina CHOW LIANG Shuk-ye, JP (Chairman)

Hon Fred LI Wah-ming, JP (Deputy Chairman)

Hon Kenneth TING Woo-shou, JP

Hon James TIEN Pei-chun, JP

Hon David CHU Yu-lin

Hon Cyd HO Sau-lan

Hon Albert HO Chun-yan

Ir Dr Hon Raymond HO Chung-tai, JP

Hon LEE Cheuk-yan

Hon Martin LEE Chu-ming, SC, JP

Hon Eric LI Ka-cheung, JP

Dr Hon LUI Ming-wah, JP

Hon NG Leung-sing

Hon Margaret NG

Hon James TO Kun-sun

Hon CHEUNG Man-kwong

Hon HUI Cheung-ching

Hon CHAN Kwok-keung

Hon CHAN Yuen-han

Hon Bernard CHAN

Hon CHAN Kam-lam

Hon LEUNG Yiu-chung

Hon SIN Chung-kai

Hon Andrew WONG Wang-fat, JP

Dr Hon Philip WONG Yu-hong

Hon WONG Yung-kan

Hon Jasper TSANG Yok-sing, JP

Hon Howard YOUNG, JP

Dr Hon YEUNG Sum

Hon YEUNG Yiu-chung

Hon LAU Kong-wah  
Hon Mrs Miriam LAU Kin-ye, JP  
Hon Emily LAU Wai-hing, JP  
Hon CHOY So-yuk  
Hon Andrew CHENG Kar-foo  
Hon SZETO Wah  
Hon Timothy FOK Tsun-ting, SBS, JP  
Hon LAW Chi-kwong, JP  
Hon TAM Yiu-chung, GBS, JP  
Dr Hon TANG Siu-tong, JP  
Hon Abraham SHEK Lai-him, JP  
Hon LI Fung-ying, JP  
Hon Henry WU King-cheong, BBS  
Hon Tommy CHEUNG Yu-yan, JP  
Hon Michael MAK Kwok-fung  
Hon Albert CHAN Wai-yip  
Hon LEUNG Fu-wah, MH, JP  
Dr Hon LO Wing-lok  
Hon WONG Sing-chi  
Hon Frederick FUNG Kin-kee  
Hon IP Kwok-him, JP  
Hon LAU Ping-cheung  
Hon Audrey EU Yuet-mee, SC, JP

**Members absent :**

Dr Hon David LI Kwok-po, JP  
Prof Hon NG Ching-fai  
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP  
Hon LAU Chin-shek, JP  
Hon LAU Wong-fat, GBS, JP  
Hon Ambrose LAU Hon-chuen, JP

**Clerk in attendance :**

Mrs Justina LAM    Clerk to the House Committee

**Staff in attendance :**

Mr Ricky C C FUNG, JP	Secretary General
Mr Jimmy MA, JP	Legal Adviser
Mr LAW Kam-sang, JP	Deputy Secretary General
Mr LEE Yu-sung	Senior Assistant Legal Adviser

Ms Pauline NG	Assistant Secretary General 1
Mr Ray CHAN	Assistant Secretary General 3
Ms Bernice WONG	Assistant Legal Adviser 1
Mrs Anna LO	Principal Assistant Secretary (Administration)
Mrs Vivian KAM	Chief Assistant Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Mr Andy LAU	Chief Assistant Secretary (1)2
Mrs Constance LI	Chief Assistant Secretary (2)5
Mrs Betty LEUNG	Chief Assistant Secretary (3)1
Miss Betty MA	Senior Assistant Secretary (2)1

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**I. Confirmation of the minutes of the 19th meeting held on 2 March 2001**

*(LC Paper No. CB(2) 998/00-01)*

The minutes were confirmed.

**II. Matters arising**

**Report by the Chairman on her meeting with the Chief Secretary for Administration (CS)**

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2. The Chairman said that she had raised with CS that letters and papers should be provided in both Chinese and English. CS had responded that the Administration had always aimed to issue letters and papers in both languages as far as possible.

**III. Legal Service Division's report on subsidiary legislation tabled in Council on 7 March 2001 (gazetted on 2 March 2001)**

*(LC Paper No. LS 70/00-01)*

3. The Legal Adviser said that of the six items of subsidiary legislation tabled in Council on 7 March 2001, the Immigration (Amendment) Regulation 2001 and Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2001 were related to reduction in fees and charges.

4. As regards the Securities (Miscellaneous) (Amendment) Rules 2001, the Legal Adviser said that these Rules exempted, subject to certain specified conditions, the sale of shares of Exchange Trade Funds from the short selling restrictions under section 80(1) of the principal ordinance. The Rules would come into operation on 6 April 2001. Mr Henry WU

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said that he would like to consult the industry on the Rules and report to the House Committee if necessary.

5. Members did not raise any query on these items of subsidiary legislation.

6. The Chairman reminded Members that the deadline for amending the subsidiary legislation was 4 April 2001, or 25 April 2001 if extended by resolution.

**IV. Further business for the Council meeting on 14 March 2001**

**(a) Questions**

*(LC Paper No. CB(3) 493/00-01)*

7. The Chairman drew Members' attention to the new oral question to be asked by Miss Cyd HO.

**(b) Bills - First and Second Readings**

**Chief Executive Election Bill**

8. The Chairman said that the above Bill would be introduced into the Council on 14 March 2001 and considered by the House Committee on 16 March 2001.

**(c) Bills - resumption of debate on Second Reading, Committee Stage and Third Reading**

**Hong Kong Tourist Association (Amendment) Bill 2001**

9. The Chairman said that at the last House Committee meeting on 2 March 2001, Members did not raise objection to the resumption of the Second Reading debate on the Bill on 14 March 2001.

**(d) Government motion**

**Proposed resolution under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) - to be moved by the Secretary for Commerce and Industry**

10. The Chairman said that the Secretary for Commerce and Industry had given notice to move a motion to amend the Prevention of Copyright Piracy (Notices) Regulation to address concerns raised by the subcommittee formed to study the Regulation. The Chairman added that

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the subcommittee's report was presented to the House Committee at the last meeting on 2 March 2001.

**V. Business for the Council meeting on 28 and 29 March 2001**

**(a) Questions**

11. The Chairman said that 20 written questions had been scheduled for the Council meeting on 28 and 29 March 2001.

**(b) Bills - First and Second Readings**

12. The Chairman said that no notice had been received from the Government.

**(c) Bills - resumption of debate on Second Reading, Committee Stage and Third Reading**

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**Appropriation Bill 2001**

13. The Chairman advised that, in accordance with Rule 36(5) of the Rules of Procedure, Members could each make a speech of not more than 15 minutes in the debate on the Bill.

**VI. Bills Committee and subcommittee reports**

**(a) Position report on Bills Committees/subcommittees**  
*(LC Paper No. CB(2) 1003/00-01)*

14. The Chairman said that there were 14 Bills Committees and four subcommittees in action, and two Bills Committees on the waiting list. As the Bills Committee on Hong Kong Science and Technology Parks Corporation Bill would report under (b) below, the vacant slot would be taken up by the Bills Committee on Fixed Penalty (Public Cleanliness Offences) Bill.

**(b) Report of the Bills Committee on Hong Kong Science and Technology Parks Corporation Bill**  
*(LC Paper No. CB(1) 763/00-01)*

15. Mr Kenneth TING, Chairman of the Bills Committee, said that the Bills Committee's main concern was whether the new Corporation could fulfil its public mission to facilitate and support the development and application of new technologies in industry in Hong Kong. As the new

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Corporation was to operate on prudent commercial principles, some members were worried that the new Corporation might set fees for services at a level which was higher than their actual costs in order to generate financial returns.

16. Mr Kenneth TING further said that the Bills Committee agreed that there should be a balance between assisting industrial and technological development and avoiding unlimited subsidies. The Administration had advised that the Bill provided flexibility for the new Corporation to determine the level of its fees with regard to the nature of services, the needs of different users and the overall financial position of the Corporation. The Administration had assured Members that the new Corporation would have sufficient resources and income to achieve the objective of facilitating the development of industry in Hong Kong. Mr TING added that the Bills Committee had also discussed the financial monitoring of the new Corporation and the composition of its Board of Directors.

17. Mr Kenneth TING said that the Administration had accepted a number of the Bills Committee's suggestions and would move Committee Stage amendments (CSAs) accordingly. The Bills Committee had not proposed any CSAs and supported the resumption of the Second Reading debate on the Bill on 4 April 2001.

18. Members did not raise objection to the resumption of the Second Reading debate on the Bill.

**VII. Report of the Subcommittee on overseas duty visits undertaken by Panels and other committees**  
(*LC Paper No. AS 258/00-01*)

19. Introducing the paper, the Chairman referred Members to the four recommendations of the Subcommittee on Overseas Duty Visits undertaken by Panels and other Committees, as set out in paragraph 8 (a)-(d) of the paper.

20. Mr James TIEN said that he was a member of the Subcommittee and he was originally in favour of pro-rated entitlements for Members who did not serve a full term. However, some other members of the Subcommittee felt strongly that it was inappropriate to scale down a Member's allocation for overseas duty visits retrospectively if he/she vacated his/her seat before the end of a LegCo term, on the ground that it was part of a Member's official duty to participate in an overseas duty visit undertaken by a committee. A Member who did not serve his/her full term would personally have to face public criticisms that resources spent

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by him/her on a visit might be wasted. In view of these comments, Mr TIEN said that he had no strong views on the recommendation referred to in paragraph 8(a) which represented the majority view of the Subcommittee.

21. Mr James TIEN added that he supported the Subcommittee's recommendation that a Member returned by a by-election should be provided with a full term allocation of \$61,000.

22. As regards the recommendation in paragraph 8(c) of the paper, Mr James TIEN was of the view that it would be too harsh to require a non-committee Member to join an overseas duty visit on a self-financing basis. He said that some Panels might not consider it necessary to conduct any overseas duty visit during the four-year term, but their members might find it worthwhile to join the overseas duty visits organised by other Panels. He suggested that non-Panel Members should be allowed to join these visits using the allocation of \$61,000, instead of on a self-financing basis.

23. Mr Andrew WONG and Mr Frederick FUNG expressed support for Mr TIEN's suggestion. Mr IP Kwok-him said that Mr TIEN's suggestion was worth considering by the Subcommittee. Mr Andrew WONG and Mr IP Kwok-him added that they were also members of the Subcommittee.

24. The Chairman said that at the House Committee meeting held on 9 February 2001, Members had already agreed that membership of a delegation for an overseas duty visit should be restricted to members of the relevant committee. In line with the House Committee's decision, the Subcommittee was now recommending that if Members wanted to join an overseas duty visit undertaken by a committee of which they were not members, they could only do so with the consent of the committee and on a self-financing basis. She added that Mr TIEN's suggestion was contrary to the previous decision of the House Committee. She pointed out that Mr TIEN's suggestion should have been brought up for discussion during the Subcommittee's deliberation.

25. Miss Emily LAU agreed with the Chairman. She said that Members should respect the committee system, and that the suggestion should have been raised for consideration by the Subcommittee in the first instance.

26. Mr James TIEN explained that the Subcommittee's discussion on 1 March 2001 was focused on whether a Member should be entitled to a full-term allocation if he/she did not serve a full term. The issue of participation in an overseas duty visit of a committee by non-committee

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Members was not discussed in detail at the meeting. He added that Members should be allowed to give other views and suggestions on the Subcommittee's report at the House Committee meeting.

27. Mr Martin LEE said that while he appreciated the Chairman's concern, the House Committee should accept new views and suggestions for consideration.

28. Mr IP Kwok-him said that the House Committee should first consider the Subcommittee's recommendations in paragraph 8 (a), (b) and (d) of the paper. The Subcommittee could re-visit the issue of participation in an overseas duty visit of a committee by non-committee Members at a later stage. Mr CHAN Kam-lam expressed support for the suggestion.

29. Mr LAU Ping-cheung considered that it was inappropriate for a delegation representing a committee on an overseas duty visit to comprise more non-committee members than members of the committee itself.

30. Dr LO Wing-lok expressed support for the Subcommittee's recommendation that non-committee Members could only join an overseas duty visit on a self-financing basis and with the consent of the relevant committee. He said that the arrangement was not to encourage spending the allocations in Members' accounts as these were public funds, but rather to provide additional expertise to the delegation as necessary.

31. Mr Martin LEE asked whether non-Panel Members were, at present, allowed to join local visits organised by Panels. Assistant Secretary General 1 responded that while non-Panel Members had not been refused to join local visits, it was the established practice that an overseas duty visit undertaken by a committee was confined to members of that committee. Mr Martin LEE was of the view that if non-Panel Members were allowed to join local visits, the same practice should apply to overseas visits.

32. Mr Andrew WONG said that some Members did not have time to join all the Panels or other committees in which they were interested. He considered that Members not belonging to a certain committee should be allowed to take part in an overseas duty visit undertaken by that committee, using the allocation of \$61,000.

33. The Chairman explained that an overseas duty visit was undertaken for studying specific topics or areas, and members of the delegation were expected to have the relevant knowledge and background to facilitate understanding and exchange of views on the topics or areas under study. The membership of the delegation should therefore be restricted to



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members of the relevant committee. However, given that new views were expressed at the meeting, she suggested that the Subcommittee should further discuss the matter. The Chairman said that Members who had any views on the subject should forward them in writing to the Subcommittee. In this connection, the Chairman requested the Secretariat to prepare a consultation paper for circulation to all Members.

34. Members endorsed the Subcommittee's recommendations in paragraph 8 (a), (b) and (d) of the paper. Members also agreed to defer a decision on the recommendation in paragraph 8(c) of the paper, pending further deliberation by the Subcommittee.

**VIII. Any other business**

35. There being no further business, the meeting ended at 5:15 pm.

Legislative Council Secretariat  
14 March 2001