

**立法會**  
***Legislative Council***

LC Paper No. CB(2) 1534/00-01

Ref : CB2/H/5

**House Committee of the Legislative Council**

**Minutes of the 27<sup>th</sup> meeting  
held in the Legislative Council Chamber  
at 2:30 pm on Friday, 11 May 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 Cyd HO Sau-lan  
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 David LI Kwok-po, JP  
Hon NG Leung-sing  
Prof Hon NG Ching-fai  
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 Mrs Sophie LEUNG LAU Yau-fun, SBS, JP  
Hon LEUNG Yiu-chung  
Hon SIN Chung-kai  
Hon WONG Yung-kan  
Hon Jasper TSANG Yok-sing, JP  
Dr Hon YEUNG Sum  
Hon YEUNG Yiu-chung  
Hon LAU Chin-shek, JP  
Hon LAU Kong-wah

Hon LAU Wong-fat, GBS, JP  
Hon Ambrose LAU Hon-chuen, JP  
Hon Emily LAU Wai-hing, JP  
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 Albert CHAN Wai-yip  
Hon LEUNG Fu-wah, MH, JP  
Dr Hon LO Wing-lok  
Hon WONG Sing-chi  
Hon IP Kwok-him, JP  
Hon LAU Ping-cheung  
Hon Audrey EU Yuet-mee, SC, JP

**Members absent :**

Hon David CHU Yu-lin  
Hon Albert HO Chun-yan  
Dr Hon LUI Ming-wah, JP  
Hon Andrew WONG Wang-fat, JP  
Dr Hon Philip WONG Yu-hong  
Hon Howard YOUNG, JP  
Hon Mrs Miriam LAU Kin-yee, JP  
Hon CHOY So-yuk  
Hon Michael MAK Kwok-fung  
Hon Frederick FUNG Kin-kee

**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
Mr Stephen LAM	Assistant Legal Adviser 4
Mr Arthur CHEUNG	Assistant Legal Adviser 5
Miss Kathleen LAU	Chief Public Information Officer
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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Action

**I. Confirmation of the minutes of the 26th meeting held on 4 May 2001  
(LC Paper No. CB(2) 1456/00-01)**

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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(a) Meeting between CS and Members

2. The Chairman informed Members that CS would attend a meeting of the House Committee on 18 May 2001 at 2:30 pm. The duration of the meeting would be one hour.

3. The Chairman further said that CS agreed that active frequent dialogue with Members should be maintained, but since the coming meeting would be the first one, the question as to how regular such meetings should be would depend on how the first meeting went and the need.

4. The Chairman added that CS was also informed of the topics suggested by some Members. CS hoped that Members could steer away from matters which were the responsibilities of the Financial Secretary and the bureau secretaries.

5. Ms Emily LAU said that she would like to ask CS questions relating to Police security measures for the FORTUNE Global Forum, Police powers and the use of force in handling/arresting protestors at the Forum. She hoped that CS would not decline to answer such questions

Action

because they concerned matters which were the responsibilities of the Secretary for Security.

6. The Chairman pointed out that CS had publicly commented on these matters and it would be reasonable for Members to seek an exchange of views with CS on those comments. She undertook to convey Ms LAU's request to CS.

7. Mr Fred LI asked whether there would be any criteria for determining the order for asking questions at the meeting with CS. He said that if many Members wanted to ask questions at the meeting with CS, the House Committee should consider adopting a system similar to that for determining the order of questions at the Chief Executive's Question and Answer sessions.

8. Ms Emily LAU said that in determining Members' order of asking questions at the Chief Executive's Question and Answer Sessions, the President would take into account factors such as whether a Member was the spokesperson of a political grouping for a policy area, and the number of times that a Member had asked questions at previous meetings. She considered it important that Members belonging to different political groupings should have equal opportunities to raise questions at the meeting with CS.

9. The Chairman suggested that at the meeting on 18 May 2001, Members should press the "Request to Speak" button to indicate their intention to ask questions. She would then call upon Members belonging to different political groupings and those without any declared political affiliation to ask questions in turn. The Chairman further suggested that for future meetings with CS, reference would also be made to the number of times that a Member had asked questions at previous meetings. Members agreed to the Chairman's suggestions.

(b) Telecommunications (Amendment) Bill 2001

10. The Chairman informed Members that CS had clarified that the Administration had not blamed Members for delaying the auction and that the media report concerned must have arisen out of misunderstanding. CS had also emphasized the importance of competition in the telecommunications market and the urgency of the matter, and had appealed to Members for their assistance in scrutinising the legislation as early as possible.

11. The Chairman said that she had pointed out that it was not uncommon that Members had to scrutinise many items of proposed

Action

legislation within a short time, particularly at the end of a session. She hoped that Members and the Administration could have better communication and that Members could be given sufficient time for the scrutiny work. CS had responded that he would consider ways to improve the situation of "bunching".

**III. Business arising from previous Council meetings**

**(a) Legal Service Division's report on bills referred to the House Committee in accordance with Rule 54(4)**

**Boilers and Pressure Vessels (Amendment) Bill 2001**  
*(LC Paper No. LS 92/00-01)*

12. Introducing the report, the Legal Adviser reported that the Bill contained a series of proposals to address certain practical problems identified since 1997 in relation to the issue of certificates of competency to operators of boilers and steam receivers. The Bill proposed to expressly empower the Commissioner for Labour to conduct examinations for the issue or endorsement of a certificate; to provide more clearly how fees would be charged for applications for certificates; to re-define the criteria for the issue or endorsement of a certificate; and to provide for a right of appeal from those decisions.

13. The Legal Adviser said that according to the LegCo Brief on the Bill, the Labour Advisory Board had been consulted and the fee charging arrangements had been endorsed. The Panel on Manpower was also briefed on the main features of the Bill at its meeting on 14 December 2000.

14. The Legal Adviser further said that the Bill contained provisions empowering the Commissioner for Labour to make rules providing for, inter alia, the conditions to be satisfied by candidates before taking examinations and the standards of competency to be attained by candidates at the examinations. It was stipulated in the Bill that such rules were not subsidiary legislation. The Legal Adviser pointed out that as these rules to be made by the Commissioner for Labour were not subsidiary legislation, there would not be a legal requirement for the publication of the rules in the Gazette and would not be subject to the scrutiny of the Council. He said that, subject to Members' decision, the Legal Service Division would like to seek further clarification from the Administration as to why these rules would not be subsidiary legislation.

Action

15. The Chairman proposed that a decision on the Bill be deferred pending the Administration's response. Members agreed.

**(b) Legal Service Division's report on subsidiary legislation tabled in Council on 9 May 2001 (gazetted on 4 May 2001)**  
*(LC Paper No. LS 94/00-01)*

16. Referring to the report, the Legal Adviser reported that four items of subsidiary legislation were gazetted on 9 May 2001. He said that the Notice on Specification of Public Office was to enable the Chief Secretary for Administration to delegate to other public officers his power under section 9(3) of the Scout Association of Hong Kong Ordinance.

17. As regards the Protection of Children and Juveniles (Places of Refuge) (Amendment) Order 2001, Places of Detention (Juvenile Offenders) Appointment (Consolidation) (Amendment) Order 2001, and Remand Home (Amendment) Rules 2001, the Legal Adviser said that the proposals in the three items of subsidiary legislation aimed to achieve more cost-effective use of space and resources in the relevant centres.

18. The Legal Adviser further said that the legal and drafting aspects of these items of subsidiary legislation were in order.

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

20. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 6 June 2001, or 13 June 2001 if extended by resolution.

**IV. Further business for the Council meeting on 16 May 2001**

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

**Telecommunications (Amendment) Bill 2001**

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

Action

**V. Business for the Council meeting on 23 May 2001**

**(a) Questions**

*(LC Paper No. CB(3) 651/00-01)*

22. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 23 May 2001.

**(b) Bills - First Reading and moving of Second Reading**

23. The Chairman said that no notice had been received from the Administration.

**(c) Government motion**

24. The Chairman said that no notice had been received from the Administration.

**(d) Members' motions**

**(i) Motion on "Conserving valuable and old trees"**

25. The Chairman said that the motion would be moved by Miss CHOY So-yuk and the wording had been issued to Members.

**(ii) Motion on "Opposing Japan's textbooks distorting history "**

26. The Chairman said that the motion would be moved by Mr Jasper TSANG Yok-sing and the wording had been issued to Members.

27. The Chairman reminded Members that the deadline for giving notice of amendments was 16 May 2001.

**VI. Bills Committee and subcommittee reports**

**Position report on Bills Committees/subcommittees**

*(LC Paper No. CB(2) 1468/00-01)*

28. The Chairman said that there were 15 Bills Committees and five subcommittees in action. The Bills Committee on the Revenue (No.3) Bill 2001 and the Bills Committee on the Banking (Amendment) Bill 2001 were on the waiting list.

Action

**VII. Third report of Subcommittee on overseas duty visits undertaken by Panels and other committees concerning participation of non-committee Members in overseas duty visits and related funding arrangements**

*(LC Paper No. CB(2) 1486/00-01)*

29. The Chairman said that in accordance with the outcome of consultation with Members, the Subcommittee recommended that a non-committee Member could join an overseas duty visit of a committee with the consent of the committee and the Member could use the allocation in the Member's overseas duty visit account to finance the visit.

30. The Chairman further said that the Subcommittee also recommended two general guidelines to assist committees in determining the size and composition of a delegation for an overseas duty visit. Firstly, members of a committee should have priority in participating in an overseas duty visit undertaken by the committee. Secondly, a delegation undertaking an overseas duty visit should be of a manageable size in order not to create difficulties in logistical arrangements.

31. Miss Margaret NG asked whether a committee undertaking an overseas duty visit should first determine the size of the delegation and the number of staff members who would accompany the delegation, before considering requests from non-committee Members to join the overseas duty visit. This would obviate the need for the committee chairman concerned to decide whether to accede to requests from non-committee Members to join the visit.

32. The Chairman responded that the general guidelines recommended by the Subcommittee were for assisting a committee in deciding on the size and composition of a delegation for an overseas duty visit. The decision was for the committee, and not the committee chairman, to make. Mr James TIEN added that committees should have regard to the fact that the overseas organisations to be visited might have difficulties in receiving a delegation if it exceeded a certain size.

33. In response to the Chairman, the Secretary General said that normally one Secretariat staff member, who would usually be the committee clerk, would accompany a delegation undertaking an overseas duty visit.

34. Members endorsed the Subcommittee's recommendations in paragraphs 8 and 9 of the paper. The Chairman said that the subcommittee's recommendations would be submitted to The Legislative Council Commission for approval.

Action

**VIII. Any other business**

35. There being no further business, the meeting ended at 2:58 pm.

Legislative Council Secretariat  
16 May 2001