

立法會
Legislative Council

LC Paper No. CB(2) 702/00-01

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 13th meeting
held in the Legislative Council Chamber
at 3:50 pm on Friday, 12 January 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

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

Dr Hon LUI Ming-wah, JP

Hon NG Leung-sing

Prof Hon NG Ching-fai

Hon CHEUNG Man-kwong

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

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 Chin-shek, JP

Hon LAU Kong-wah

Hon Mrs Miriam LAU Kin-yee, JP
Hon Ambrose LAU Hon-chuen, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon SZETO Wah
Hon Timothy FOK Tsun-ting, SBS, 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 Audrey EU Yuet-mee, SC, JP

Members absent :

Hon Albert HO Chun-yan
Hon Margaret NG
Hon James TO Kun-sun
Hon HUI Cheung-ching
Hon Andrew WONG Wang-fat, JP
Hon LAU Wong-fat, GBS, JP
Hon Andrew CHENG Kar-foo
Hon LAW Chi-kwong, JP
Hon TAM Yiu-chung, GBS, JP
Hon LAU Ping-cheung

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
Miss Anita HO	Assistant Legal Adviser 2
Miss Connie FUNG	Assistant Legal Adviser 3
Mr Stephen LAM	Assistant Legal Adviser 4
Mr Arthur CHEUNG	Assistant Legal Adviser 5
Mr KAU Kin-wah	Assistant Legal Adviser 6
Mrs Vivian KAM	Chief Assistant Secretary (Complaints)
Miss Odelia LEUNG	Chief Assistant Secretary (1)1
Miss Salumi CHAN	Chief Assistant Secretary (1)5
Mrs Constance LI	Chief Assistant Secretary (2)5
Mrs Betty LEUNG	Chief Assistant Secretary (3)1
Mrs Mary TANG	Senior Assistant Secretary (1)2
Miss Betty MA	Senior Assistant Secretary (2)1
Ms Sharon CHUNG	Senior Public Information Officer 2

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I. Confirmation of the minutes of the 12th meeting held on 5 January 2001

(LC Paper No. CB(2) 639/00-01)

The minutes were confirmed.

II. Matters arising

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

2. The Chairman said that CS had undertaken to remind Bureaux to avoid giving notice of motions during long Council breaks when there was no House Committee meeting, unless the motions were urgent in nature.

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)

Education (Amendment) Bill 2000
(LC Paper No. LS 42/00-01)

3. The Chairman said that the Bill was a miscellany of unrelated proposals dealing with various aspects of the principal ordinance and the

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Education Regulations. She added that the Panel on Education had been consulted on 20 November 2000 but the discussion was very brief.

4. The Legal Adviser said that the Legal Service Division was discussing with the Administration a minor drafting problem and the Administration had agreed to consider moving an amendment to deal with it. The Legal Service Division would provide a further report after receiving the Administration's response.

5. The Chairman proposed that a decision on the Bill be deferred until the further report was ready. Members agreed.

(b) Legal Service Division's report on subsidiary legislation tabled in Council on 10 January 2001 (gazetted on 5 January 2001)
(LC Paper No. LS 46/00-01)

6. Introducing the paper, the Legal Adviser said that seven of the 10 items of subsidiary legislation gazetted on 5 January 2001 were related to revision of fees. Of these, six items were made to revise the fees relating to the control of plants and animals and the registration of veterinary surgeons. As for the Estates Agents (Registration of Determination and Appeal) (Amendment) Regulation, increase in fees was proposed for the filing, copying and certification of various documents.

7. Mr Fred LI suggested that a subcommittee be formed to study the seven items of subsidiary legislation relating to revision of fees.

8. The Chairman proposed that a subcommittee be formed. Members agreed. The following Members agreed to join: Mr James TIEN (as advised by Mrs Miriam LAU), Mr CHAN Kam-lam (as advised by Mr YEUNG Yiu-chung) and Mr SIN Chung-kai (as advised by Mr Fred LI).

9. On the Securities (Exchange - Traded Stock Options) (Amendment) (No.2) Rules 2000, Mr Henry WU said that he would like to consult the industry and suggested that a decision on the subsidiary legislation be deferred. Members did not raise objection.

10. Members did not raise any query on the other items of subsidiary legislation.

11. The Legal Adviser reminded Members that the deadline for amending the subsidiary legislation was 7 February 2001, or 14 February 2001 if extended by resolution.

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IV. Further report by the Legal Service Division on outstanding bills

Intellectual Property (Miscellaneous Amendments) (No. 2) Bill 2000
(*LC Paper No. LS 49/00-01*)

12. Referring to the further report, the Legal Adviser said that the Administration had agreed to repeal provisions which exempted the Registrar from costs of court proceedings so as to be in line with the new Trade Marks Ordinance. The Administration's draft Committee Stage amendments were legally in order. Regarding the question as to whether barristers and solicitors should be exempt from liability in infringement proceedings for groundless threats when acting in their professional capacity on behalf of their clients, the Legal Adviser informed Members that the Administration had agreed to include this proposal in the next consultation exercise on further amendments to the Patents Ordinance and the Registered Designs Ordinance. The Legal Adviser added that subject to Members' views, the Bill was ready for resumption of Second Reading debate.

13. Members raised no objection to the resumption of the Second Reading debate on the Bill.

V. Business for the Council meeting on 17 January 2001

(a) Questions
(*LC Paper No. CB(3) 324/00-01*)

14. The Chairman said that as Mr SIN Chung-kai had withdrawn his written question, there were now 19 questions (six oral and 13 written) scheduled for the Council meeting on 17 January 2001.

15. Miss Emily LAU said that both CS and the Chief Executive (CE) should explain to the Legislative Council (LegCo) CS's sudden decision to retire with effect from the end of April 2001. Miss LAU asked whether Members could ask an urgent question on the matter at the Council meeting on 17 January 2001.

16. The Chairman said that CS had explained that her decision to retire was based on personal reasons. Members should consider whether it was appropriate to ask questions of this nature at Council meetings. The Chairman added that there would be a CE's Question and Answer session on 8 February 2001.

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17. Mr Albert CHAN suggested that CS could be invited to a special meeting of the House Committee to answer Members' questions on her decision to retire.

18. Mr CHAN Kam-lam was of the view that it was not appropriate to ask a question in Council on CS's decision to retire. He pointed out that the appointment of principal officials was made by the Central People's Government, and that LegCo had no role to play in it.

19. The Chairman said that she would seek CS's views as to whether she would be agreeable to attend the next House Committee meeting on 19 January 2001, or a meeting arranged at her earliest convenience, to answer Members' questions regarding her decision to retire.

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

(i) Land Registration (Amendment) Bill 2000

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

20. The Chairman said that the two Bills would be introduced into the Council on 17 January 2001 and considered by the House Committee on 19 January 2001.

(c) Government motion

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

(d) Members' motions

(i) Resolution under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) - to be moved by Hon Mrs Selina CHOW LIANG Shuk-yee
(Wording of the motion issued vide LC Paper No. CB(3) 326/00-01 dated 9 January 2001.)

22. The Chairman said that as agreed by the House Committee, she had given notice to move a motion in Council to extend the scrutiny period of the Waterworks (Amendment) Regulation 2000 to 7 February 2001. She added that a subcommittee had been formed to study the Regulation.

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(ii) Four resolutions under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) - to be moved by Hon LAU Chin-shek and Hon James TIEN Pei-chun

(Wording of the motions issued vide LC Papers No. CB(3) 317 and 328/00-01 dated 5 and 10 January 2001 respectively.)

23. The Chairman said that Mr James TIEN and Mr LAU Chin-shek had given separate notices to amend or repeal four items of subsidiary legislation tabled in Council on 13 December 2000 which were related to revision of fees. She added that the subcommittee formed to study the subsidiary legislation had provided a report to the House Committee at the last meeting.

(iii) Motion on "Expediting the incorporation of Chinese medicine into the public health care system"

24. The Chairman said that the wording of the motion to be moved by Mr David CHU had been circulated to Members. The Chairman further said that Mrs Sophie LEUNG and Dr LO Wing-lok had given separate notices to move amendments to the motion.

(iv) Motion on "Developing renewable energy resources"

25. The Chairman said that the wording of the motion to be moved by Ir Dr Raymond HO had been circulated to Members.

26. The Chairman suggested and Members agreed that the speaking time limits in rule 17 (c) of the House Rules should apply.

VI. Advance information on business for the Council meeting on 7 February 2001

Bills - First Reading and moving of Second Reading

Karaoke Establishments Bill

27. The Chairman said that the Bill would be introduced into the Council on 7 February 2001 and considered by the House Committee on 9 February 2001.

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VII. Chief Executive's Question and Answer Session on 8 February 2001

28. The Chairman reminded Members that the Chief Executive's Question and Answer session would be held from 3:00 pm to 4:00 pm on Thursday, 8 February 2001.

VIII. Bills Committee and subcommittee report

Position report on Bills Committees/subcommittees

(LC Paper No. CB(2) 643/00-01)

29. The Chairman said that there were 10 Bills Committees and six subcommittees in action.

IX. Papers of the Committee on Rules of Procedure

(a) Consultation Paper on the working mechanism of Panels and Bills Committees for the scrutiny of legislative and financial proposals

(LC Paper No. CB(1) 442/00-01)

30. Introducing the consultation paper, Mr TSANG Yok-sing, Chairman of the Committee on Rules of Procedure, said that the Committee had discussed Ms Margaret NG's proposal on the working mechanism of Panels and Bills Committees for the scrutiny of legislative and financial proposals. The Committee had also made reference to the practice of overseas legislatures and invited views from the Chairmen and Deputy Chairmen of Panels and the Administration.

31. Mr TSANG said that the Panel Chairmen who gave views to the Committee considered that the current mechanism should be improved but they also pointed out that some of the specific measures in Ms NG's proposals might pose practical difficulties.

32. Mr TSANG also briefed Members on the four recommendations of the Committee, as detailed in paragraph 19 of the paper -

- (a) the Administration should provide periodic updates of the Legislative Programme to facilitate the relevant Panels to monitor the development of the proposed bills;
- (b) the Administration should consult the relevant Panels on major legislative and financial proposals as early as

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practicable and to provide the relevant papers well before the meetings;

- (c) the relevant Panel should allow sufficient time for discussion of any major legislative or financial proposal; and
- (d) any proposed Committee Stage amendments to the bills should preferably be discussed by the Bills Committees, so as to allow sufficient time for Members and the Administration to consider and exchange views on these amendments.

33. The Chairman said that Members were invited to forward their views on the consultation paper to the Secretariat on or before 19 January 2001.

(b) Allocation of debate slots for motions with no legislative effect at Council meetings

(LC Paper No. CB(1) 443/00-01)

34. Referring to the paper, Mr TSANG Yok-sing, Chairman of the Committee on Rules of Procedure (the Committee), said that the House Committee had requested the Committee to consider putting in place a procedure to deal with untaken slots for motion debates.

35. Mr TSANG explained that while the Rules of Procedure provided for a 12 clear days' notice requirement for motions, Members had all along adhered to the longer deadline stipulated in the House Rules for bidding debate slots. He said that the earlier cut-off date under the House Rules was to facilitate the drawing of lots when more than two applications were received. The question was how to deal with an untaken slot after the cut-off date for application for debate slots but before the deadline for giving notice of motions.

36. Referring to paragraph 8 of the paper, Mr TSANG said that the Committee recommended that applications for debate slots should be submitted with the wording of the motion to the Secretariat not later than 14 clear days before the relevant Council meeting. The drawing of lots, if required, would take place on the following working day, in order to allow one day for the Members who were allocated the debate slots to do some final touching-up of the wording of their motions before giving notice to the Clerk. Mr TSANG further said that the Committee also recommended that no application would be accepted after the cut-off date, even if there was any untaken slot.

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37. The Chairman asked whether it was the intention that only minor editorial changes to the draft wording of the motion would be allowed after the allocation of slots. Mr TSANG responded that Members who were allocated the debate slots could make any changes to their draft wording before the deadline for giving notice of motions. He explained that flexibility was necessary. For instance, the two Members allocated slots for a Council meeting might have picked the same subject matter for debate. Under the proposed arrangements, the Member who first secured a debate slot would have priority to move the subject matter for debate. The other Member would have to change the subject and wording of his or her motion.

38. Members endorsed the recommendations in paragraph 8 of the paper and the proposed amendments to rules 13, 14, and 17 of the House Rules as detailed in Appendices I to III to the paper.

X. Any other business

39. There being no further business, the meeting ended at 4:28 pm.

Legislative Council Secretariat
17 January 2001