

立法會
Legislative Council

LC Paper No. CB(2) 1873/00-01

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 32nd meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 15 June 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 Cyd HO Sau-lan

Hon Albert HO Chun-yan

Ir Dr Hon Raymond HO Chung-tai, JP

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 Margaret NG

Hon CHEUNG Man-kwong

Hon CHAN Kwok-keung

Hon CHAN Yuen-han

Hon Bernard CHAN

Hon CHAN Kam-lam

Hon LEUNG Yiu-chung

Hon SIN Chung-kai

Dr Hon Philip WONG Yu-hong

Hon WONG Yung-kan

Hon Jasper TSANG Yok-sing, JP

Dr Hon YEUNG Sum

Hon LAU Chin-shek, JP

Hon LAU Kong-wah

Hon Mrs Miriam LAU Kin-ye, JP

Hon Ambrose LAU Hon-chuen, JP

Hon Emily LAU Wai-hing, JP

Hon CHOY So-yuk

Hon Andrew CHENG Kar-foo
Hon SZETO Wah
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 :

Hon James TIEN Pei-chun, JP
Hon David CHU Yu-lin
Hon LEE Cheuk-yan
Hon James TO Kun-sun
Hon HUI Cheung-ching
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon Andrew WONG Wang-fat, JP
Hon Howard YOUNG, JP
Hon YEUNG Yiu-chung
Hon LAU Wong-fat, GBS, JP
Hon Timothy FOK Tsun-ting, SBS, 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
Miss Anita HO	Assistant Legal Adviser 2
Mr Stephen LAM	Assistant Legal Adviser 4
Mr Arthur CHEUNG	Assistant Legal Adviser 5
Mrs Vivian KAM	Chief Assistant Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Miss Salumi CHAN	Chief Assistant Secretary (1)5
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 31st meeting held on 8 June 2001
(LC Paper No. CB(2) 1789/00-01)

The minutes were confirmed.

II. Matters arising

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

Report of the Panel on Administration of Justice and Legal Services (AJLS Panel) on the applicability of Ordinances to the offices set up by the Central People's Government (CPG) in the Hong Kong Special Administrative Region

2. The Chairman said that she had urged CS that the Administration should provide, at the AJLS Panel meeting on 26 June 2001, information on what exactly CPG was consulted on and when the proposal on how to amend the Ordinances was forwarded to CPG.

3. The Chairman informed Members that CS had again undertaken to expedite action. CS had stressed that complex issues were involved and it was important to get the formulation right. CS also said that in view of the significance of the matter, consultation was considered necessary.

(b) Further report by the Legal Service Division on Code of Practice on Education under the Disability Discrimination Ordinance (Cap. 487) (G.N.3310) gazetted on 1 June 2001
(LC Paper No. LS 123/00-01)

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4. Presenting the report, the Legal Adviser said that the response of the Equal Opportunities Commission (EOC) to the queries raised by the Legal Service Division on certain drafting points had been received. The EOC had agreed to most of the technical amendments proposed by the Legal Service Division to the Code. The EOC had also agreed to request the Secretary for Health and Welfare to move a motion at a future Council meeting to amend the Code. The Legal Adviser added that with the proposed amendments, the Legal Service Division was satisfied that the Code was legally in order.

5. Dr YEUNG Sum said that the Panel on Education had discussed the Code and expressed support. The Panel had also urged the Administration to implement the Code expeditiously.

III. Business arising from previous Council meetings

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

(i) Hong Kong Court of Final Appeal (Amendment) Bill 2001
(LC Paper No. LS 110/00-01)

6. The Legal Adviser said that the Bill was to amend the Hong Kong Court of Final Appeal Ordinance to provide for an appeal mechanism, commonly known as the "leapfrog appeal", whereby civil appeals might be brought directly from the Court of First Instance (CFI) to the Court of Final Appeal (CFA).

7. The Legal Adviser explained that under the proposed appeal mechanism, an appeal could lie to the CFA at the discretion of the CFI and the CFA from any judgment of CFI in any civil cause or matter. An appeal would be admitted if a certificate had been issued by the trial judge of the CFI and leave to appeal was granted by the CFA.

8. The Legal Adviser pointed out that according to the Legislative Council (LegCo) Brief, the Law Society of Hong Kong and the Hong Kong Bar Association had been consulted and supported the Bill. The Legal Adviser added that the proposed amendments had been discussed by the AJLS Panel in the last term.

9. The Legal Adviser said that the Legal Service Division was seeking clarification from the Administration on certain technical issues and would issue a further report.

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10. Miss Margaret NG said that when the AJLS Panel was consulted on the proposed amendments in the last term, it had only expressed support in principle. The Panel was of the view that the detailed provisions in the Bill needed to be scrutinised. Miss NG suggested that a Bills Committee should be set up to study the Bill.

11. Ms Emily LAU expressed support for Miss Margaret NG's suggestion. Ms LAU pointed out that a similar "leapfrog appeal" mechanism was proposed in the Chief Executive (CE) Election Bill. She explained that while an election petition or an application for leave to apply for judicial review would first be heard by the CFI, an appeal against its ruling could be made to the CFA direct, subject to the granting of leave by the Appeal Committee of the CFA. She asked whether the "leapfrog appeal" mechanism proposed in the CE Election Bill and that proposed in the Hong Kong Court of Final Appeal (Amendment) Bill 2001 were related.

12. The Legal Adviser responded that the two proposals were independent of each other and could be dealt with separately. The Legal Adviser further explained that according to Article 53 of the Basic Law, a new CE had to be selected within six months in the event that the office of CE became vacant. The proposed "direct" appeal procedure was necessary to settle any legal challenge as a matter of urgency, so that there would be no doubt over the legality of the CE by the time he assumed office.

13. The Chairman proposed that a Bills Committee be formed. Members agreed. The following Members agreed to join : Miss Margaret NG, Dr Philip WONG, Mr TSANG Yok-sing, Ms Emily LAU, Ms CHOY So-yuk and Ms Audrey EU. The Chairman added that the Bills Committee would be placed on the waiting list.

(ii) Import and Export (Electronic Transactions) Bill 2001
(LC Paper No. LS 119/00-01)

14. Introducing the paper, the Legal Adviser explained that the Bill provided the legal basis for the use of electronic service for the submission of cargo manifests. The Legal Adviser further explained that schedule 1 added a new section 42 to the Ordinance to provide for a transitional period during which cargo manifests might be furnished to the Director-General of Trade and Industry either in paper form or by using services provided by a specific body.

15. The Legal Adviser said that the Bill also sought to propose miscellaneous amendments to the Industrial Training (Clothing Industry Ordinance) and the Protection of Non-Government Certificates of Origin

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Ordinance so as to bring some terms into consistency with those used in the Import and Export Ordinance.

16. The Legal Adviser pointed out that according to the LegCo Brief, the Administration and Tradelink had been jointly consulting the industry and had its support. He added that when consulted on 8 January 2001, the Panel on Commerce and Industry expressed general support for amending the relevant legislation, but concluded that the specific contents of the Bill could be scrutinised in detail.

17. The Legal Adviser added that the Legal Service Division was still scrutinising the legal and drafting aspects of the Bill.

18. The Chairman proposed that a decision on the Bill be deferred, pending a further report from the Legal Service Division. Members agreed.

**(iii) Medical and Health Care (Miscellaneous Amendments)
Bill 2001**
(LC Paper No. LS 120/00-01)

19. The Legal Adviser explained that the omnibus bill proposed minor amendments to the six Ordinances, namely, the Dentists Registration Ordinance, Midwives Registration Ordinance, Nurses Registration Ordinance, Hospitals, Nursing Homes and Maternity Homes Registration Ordinance, Radiation Ordinance, and Chinese Medicine Ordinance.

20. The Legal Adviser informed Members that a similar omnibus bill, the Medical and Health Care (Miscellaneous Amendments) Bill 2000, was introduced into the Council in January 2000, but the Bill lapsed upon the expiry of the first LegCo term. The Legal Adviser pointed out that the more controversial amendments proposed in the previous Bill were not included in the present Bill.

21. The Legal Adviser added that the Panel on Health Services (HS Panel) was consulted on 9 April 2001. The Legal Adviser pointed out that the proposed amendment to the Pharmacy and Poisons Ordinance, which formed part of the briefing and which was the more controversial item, was also not included in the present Bill. The Legal Adviser added that members of the Panel had expressed reservations about the use of an omnibus bill to propose amendments concerning different policy areas.

22. The Legal Adviser further informed Members that according to the Administration, the relevant regulatory bodies had been consulted and they had raised no objection.

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23. Dr LO Wing-lok said that given the concern of the members of the HS Panel, there might be a need to consider more views and to study the Bill in detail.

24. The Chairman said that the more controversial items were not included in the present Bill. She proposed that a decision on the Bill be deferred to enable the relevant regulatory bodies and the public to give views, if they so wished. Members agreed.

(iv) Bank of China (Hong Kong) Limited (Merger) Bill
(LC Paper No. LS 122/00-01)

25. Referring to the paper, the Legal Adviser said that the Bill was a Member's Bill presented by Dr David LI Kwok-po.

26. The Legal Adviser explained that the Bill sought to provide for the transfer to and vesting in the Po Sang Bank Limited (Po Sang) the business, existing property and liabilities of the banks stipulated in the Bill. The Bill also sought to provide for the transfer to Po Sang shares held by the Bank of China or its nominees. In addition, the Bill provided that the name of Po Sang be changed to "Bank of China (Hong Kong) Limited" (BOC(HK)) and became a note-issuing bank in the place of the Bank of China.

27. The Legal Adviser said that in preparing its report, the Legal Service Division had, from the legal and drafting aspects, compared this Bill with 11 Member's Bills introduced previously which dealt with the merging of banks.

28. The Legal Adviser also drew Members' attention to an unprecedented provision in the Bill relating to the application of the Personal Data (Privacy) Ordinance. Under this provision, the transfer to and vesting in Po Sang of the branches of the merging banks, and any disclosure to Po Sang of any information in contemplation or as a result thereof would not amount to a breach of any duty of confidentiality or to a contravention of the Ordinance or the data protection principles.

29. The Legal Adviser said that according to the solicitors for the Bank of China, all customers who had accounts with the merging banks in Hong Kong had been issued with the Bank of China Group's General Terms and Conditions for Banking Services. These Terms and Conditions contained a clause authorising the relevant merging bank to provide and divulge information in respect of the customer or in connection with the bank account or any service or transaction to any other member of the Bank of China Group. The Legal Adviser further

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said that the solicitors for the Bank had advised that the agreement amounted to prescribed consent to the arrangement.

30. The Legal Adviser added that the legal and drafting aspects of the Bill were in order.

31. Mr Albert HO said that the merging banks planned to have the Bill passed by the Council by the end of this session. He appreciated that the proposed merger was for the better conduct of the businesses of the Bank of China Group and would help enhance internal control of the banks concerned.

32. Mr HO informed Members that he had earlier sought clarification from the Administration and the Legal Service Division on the drafting of clause 10 as there were no matching provisions in the existing ordinances. Mr HO explained that by virtue of clause 10, BOC(HK) would be able to qualify under the Inland Revenue Ordinance to claim set-off of loss which might have been occurred by the merging banks against the profits of BOC(HK). Mr HO said that he was now satisfied that clause 10 and existing provisions in other ordinances had the same legal effect. The existing provisions deemed that any profits or losses of the merged bank would be treated for all purposes as profits or losses of the surviving bank of the merger.

33. Mr HO said that he was also concerned whether a mortgagor of an "all-monies mortgage" loan might be liable to a much larger debt than the mortgage loan, if the borrower concerned had taken out loans with the other merging banks. Mr HO further said that according to the solicitors for the Bank of China, it was not the Bank's intention to increase the liabilities of mortgagors. They had agreed to look into the matter and consider whether amendments to the Bill would be necessary.

34. Mr HO further said that the matter should be explained to Members at an open meeting. However, if a Bills Committee was to be formed, the enactment of the Bill might be delayed.

35. Ms Cyd HO said that as the Bank of China was presently a note-issuing bank, deliberation of the Bill should be held at an open meeting to enable the public to know what was being discussed. Ms HO suggested that a special meeting of the Panel on Financial Affairs (FA Panel) should be held for Members to be briefed on the Bill, and that representatives of the Bank, the Administration and other parties concerned should also be invited to attend the meeting. Ms HO further said that if the doubts and concerns expressed by Members could be satisfactorily addressed at the Panel meeting, then there would not be the need to form a Bills Committee.

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36. Dr David LI said that the Bank of China Group would be most happy to send representatives to meet with Members in the following week to clarify their doubts and queries on the Bill.

37. Mr NG Leung-sing declared that he held a remunerated office in the Bank of China Group. Mr NG said that a lot of time had been spent on drafting the Bill because of the complexity of the issues involved. He stressed that the proposed merger would enhance the cost-effectiveness and internal control of the banks concerned. Mr NG also expressed support that an open meeting should be held to discuss the Bill. He pointed out that the arrangement would facilitate the public, particularly the customers of the merging banks, to better understand the proposed merger. Mr NG, however, expressed concern that a special FA Panel meeting could not be arranged within a short time as there might be problems with the availability of meeting time slot and quorum. Mr NG suggested that an informal meeting be held for the purpose.

38. Ms Emily LAU said that the proposed merger was a complex matter. Members should be given sufficient time to study the legislative proposal before taking a decision on whether the resumption of the Second Reading debate on the Bill should be supported. Ms LAU further said that a formal meeting should be held to consider the Bill. She pointed out that holding an informal meeting to study such an important matter would be subject to public criticism. She added that a decision on the Bill should be deferred pending the special FA Panel meeting.

39. Mr TAM Yiu-chung expressed support that a special FA Panel meeting should be held to discuss the Bill. Mr TAM added that the Administration would closely monitor the proposed merger, as a note-issuing bank was involved.

40. Miss Margaret NG said that the scrutiny of the Bill should follow the established procedures of LegCo. Miss NG further said that a lot of people would be affected by the proposed merger and she objected to using any "unusual" approach to deal with the Bill. Miss NG added that the proposed FA Panel meeting should not be taken as a substitute for setting up a Bills Committee, if detailed scrutiny of the Bill was required.

41. Dr YEUNG Sum said that a formal meeting should be held to consider the Bill, and that all parties concerned should be invited to attend the meeting.

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42. Mr Eric LI agreed that a decision on the Bill should be deferred pending the arrangement of a suitable forum for Members to be briefed on the proposed merger. He expressed concern that the FA Panel might not be able to meet until the end of the following week. He added that if more meetings were required, the House Committee would not be able to take a decision on the Bill at the next meeting on 22 June 2001. Mr LI suggested that an informal working group be convened by the Member-in-charge of the Bill. Interested Members would be invited to join and attend meetings of the working group so that concerns and queries about the Bill could be dealt with expeditiously.

43. The Chairman said that a Bills Committee should be formed if Members considered that a bill referred to the House Committee, in accordance with Rule 54(4) of the Rules of Procedure, required detailed scrutiny. The Chairman pointed out that Mr LI's suggestion of forming a working group to study a bill was an unprecedented arrangement. She added that it was the established practice of the Council for Members to be briefed on a legislative proposal at a meeting of the relevant Panel.

44. Mr Ambrose LAU, Chairman of the FA Panel, declared that his law firm had business dealings with both the Bank of China Group and The Bank of East Asia. Mr LAU said that he would ask the Panel Clerk to make arrangement for the special meeting to be held at the earliest possible date.

45. Mr Albert HO suggested that Members should, as far as possible, forward their queries and concerns on the Bill to the Administration and the Member-in-charge of the Bill before the meeting. Mr NG Leung-sing expressed support for Mr HO's suggestion. Mr NG added that non-Panel Members should also be invited to attend the special Panel meeting.

46. Miss Margaret NG said that any legislative proposal must be allowed its due process, including public consultation. She further said that in fixing the date of the special FA Panel meeting, there should be sufficient notice to let the public know that a meeting to discuss the Bill had been scheduled. Mr LEUNG Yiu-chung shared Miss NG's view. Mr LEUNG added that public views should be invited, if considered necessary.

47. Ms Emily LAU said that the House Committee should discuss the need for a Bills Committee to study the Bill, if Members still had concerns and queries about the Bill after the special FA Panel meeting.

48. The Chairman proposed that the House Committee should defer a decision on the Bill to the next meeting on 22 June 2001, pending the special FA Panel meeting for Members to be briefed on the Bill.

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Members agreed. As regards the date of the Panel meeting, the Chairman said that it would be a matter for the Panel Chairman to decide. She added that the deadline for giving notice to resume the Second Reading debate on a bill at the Council meeting on 11 July 2001 was 23 June 2001.

(v) **The Bank of East Asia, Limited Bill**
(*LC Paper No. LS 114/00-01*)

49. The Chairman said that the Bill was a Member's Bill presented by Mr NG Leung-sing to provide for the vesting in The Bank of East Asia, Limited of the undertaking of United Chinese Bank Limited and for other related purposes.

50. The Chairman further said that Members had agreed that a special meeting of the FA Panel should be held to consider the Bank of China (Hong Kong) Limited (Merger) Bill. She proposed that Members should also be briefed on The Bank of East Asia, Limited Bill at the special Panel meeting. Members agreed.

51. The Chairman proposed that the House Committee should defer a decision on the Bill to the next meeting on 22 June 2001, pending the special FA Panel meeting at which Members would be briefed on the Bank of China (Hong Kong) Limited (Merger) Bill and this Bill. Members agreed.

(b) **Legal Service Division's report on subsidiary legislation tabled in Council on 13 June 2001 (gazetted on 8 June 2001)**
(*LC Paper No. LS 117/00-01*)

52. The Legal Adviser said that the report covered a total of nine items of subsidiary legislation gazetted on 8 June 2001.

53. Regarding the Chiropractors (Registration and Disciplinary Procedure) Rules, the Legal Adviser said that the Legal Service Division had asked the Administration to provide further information on certain points. A further report would be provided.

54. Members did not raise any query on the nine items of subsidiary legislation.

55. The Chairman reminded Members that the deadline for amendment of these items of subsidiary legislation was 11 July 2001, or the first Council meeting in the next session, if extended by resolution.

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- (c) **Legal Service Division's report on Import and Export (Strategic Commodities) Regulations (Amendment of Schedules 1 and 2) Order 2001 (L.N. 132) gazetted on 8 June 2001**
(LC Paper No. LS 124/00-01)

56. The Legal Adviser said that the Order amended Schedules 1 and 2 of the Import and Export (Strategic Commodities) Regulations mainly to relax and revise the control on certain strategic commodities such as microprocessors, computers and retail encryption products.

57. The Legal Adviser pointed out that the Order was made under section 6B of the principal ordinance, which empowered LegCo to repeal it, if necessary, but not amend it. The section also provided that the Order should only come into operation on a day to be appointed by the Director-General of Trade and Industry after the expiry of the period in which it might be repealed. The Legal Adviser added that the legal and drafting aspects were in order.

58. Members did not raise any query on the Order.

IV. Further business for the Council meeting on 20 June 2001

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

- (a) **Copyright (Suspension of Amendments) Bill 2001**
(b) **Revenue Bill 2001**
(c) **Revenue (No. 2) Bill 2001**

59. The Chairman said that the Bills Committees on the above Bills had reported to the House Committee meeting on 8 June 2001 and Members did not raise objection to the resumption of the Second Reading debate on the three Bills.

V. Business for the Council meeting on 27 June 2001

- (a) **Questions**
(LC Paper No. CB(3) 766/00-01)

60. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 27 June 2001.

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

Noise Control (Amendment) Bill 2001

61. The Chairman said that the above Bill would be introduced into the Council on 27 June 2001 and considered by the House Committee on 29 June 2001.

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

(i) **Post Secondary Colleges (Amendment) Bill 2001**

(ii) **Employment (Amendment) Bill 2001**

62. The Chairman said that at the House Committee meeting on 8 June 2001, Members raised no objection to the resumption of the Second Reading debate on the above two Bills.

(d) **Government motion**

63. The Chairman said that no notice had been received yet.

(e) **Members' motions**

(i) **Motion on "Increasing the opportunities for tertiary education"**

64. The Chairman said that the above motion would be moved by Mr CHEUNG Man-kwong and the wording had been issued to Members.

(ii) **Motion on "Through train to Shenzhen"**

65. The Chairman said that the above motion would be moved by Mr LAU Kong-wah and the wording had been issued to Members.

66. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the two motions was 19 June 2001.

VI. Bills Committee and subcommittee reports

(a) **Position report on Bills Committees/subcommittees**

(LC Paper No. CB(2) 1798/00-01)

(Letter of 12 June 2001 from Director of Administration on proposed priority in the scrutiny of bill by Members attached)

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67. The Chairman said that there were 14 Bills Committees and five subcommittees in action as well as four Bills Committees on the waiting list.

68. The Chairman sought Members' views on the Administration's request that priority be given to the scrutiny of The Ombudsman (Amendment) Bill 2001. Members agreed to the request.

69. The Chairman added that as a vacant slot would become available at this meeting following the report of the Bills Committee on the Immigration (Amendment) Bill 2000 under item VI(c) below, the Bills Committee on The Ombudsman (Amendment) Bill 2001 could start work immediately.

(b) Report of the Bills Committee on Copyright (Suspension of Amendments) Bill 2001

(LC Paper No. CB(1) 1521/00-01)

70. The Chairman said that the Subcommittee Chairman, Mr SIN Chung-kai, had made a verbal report at the last meeting. The Bills Committee's written report was now provided for Members' reference.

(c) Report of the Bills Committee on Immigration (Amendment) Bill 2000

(LC Paper No. CB(2) 1802/00-01)

71. Referring to the paper, Mr Ambrose LAU, Chairman of the Bills Committee, said that the deliberations of the Bills Committee were detailed in the report.

72. Mr LAU further said that the Bills Committee supported the resumption of the Second Reading debate on the Bill on 27 June 2001. He added that both the Administration and the Bills Committee would move Committee Stage amendments (CSAs) to the Bill.

73. The Chairman reminded Members that the deadline for notice of CSAs was 16 June 2001.

(d) Report of the Subcommittee on Dangerous Drugs, Independent Commission Against Corruption (ICAC) and Police Force (Amendment) Ordinance 2000 (68 of 2000) (Commencement) Notice 2001

74. Mr Ambrose LAU, reported on behalf of Mr James TO, Chairman of the Subcommittee. Mr LAU said that the Subcommittee had

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completed scrutiny of the commencement notice and the internal guidelines of the Police and the ICAC on sample taking for DNA comparison at the meeting on 14 June 2001. He further said that although further information from the ICAC was still awaited, the Subcommittee considered that the internal guidelines of the Police and the ICAC were in order and recommended that the subsidiary legislation be supported. Mr LAU added that a written report would be provided to the House Committee.

VII. Reports of the Committee on Rules of Procedure

(a) Debate on Policy Address

75. Mr TSANG Yok-sing, Chairman of the Committee on Rules of Procedure (CRoP), said that Members' views on the number of debate days had been sought and a majority of them preferred a four-day debate on the Policy Address. Mr TSANG further said that on the basis of a four-day debate, two options on the arrangement for the first three days of the debate had been put forward for consideration at the meeting of CRoP on 12 June 2001. Under the first option, there would only be one session for each day, focusing on one group of policy areas. Under the second option, there would be two sessions for each day, focusing on two groups of policy areas. The meeting agreed to consult Members on these options.

76. Referring to the summary of findings tabled at the meeting, Mr TSANG said that 20 Members preferred the first option, 36 Members preferred the first option, while one Member considered that the present mode of debating the policy address should not be changed.

77. Mr TSANG further said that subject to Members' views, CRoP would work out the detailed arrangements for a four-day debate on the basis that the first three days of the debate would comprise six sessions focusing on six groups of policy areas. Mr TSANG pointed out that the Director of Administration had undertaken that if the Chairman could let CS know the House Committee's recommendation on 18 June 2001, CS would give a response at the meeting with the Chairman and the Deputy Chairman on 26 June 2001.

78. Dr YEUNG Sum and Ms Emily LAU said that CRoP should proceed with working out the procedural arrangements for the new debate mode. Ms Emily LAU added that to maintain a quorum throughout the four-day debate would require Members' full commitment.

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79. Mr LEUNG Fu-wah enquired about the speaking time for a Member in each session and whether every Member could speak once in each session, if he/she so wished. Mr TSANG Yok-sing responded that each day of debate, which comprised two sessions, would start at 2:30 pm and end at about 10:00 pm, meaning that each session was about three hours and 45 minutes in duration. For each session, Members would speak for a maximum of three hours, leaving 45 minutes for the Administration to respond. As regards the speaking time, CRoP had proposed that the seven-minute rule should apply, but each Member would be allowed to select a group of policy area on which he could speak for not more than 15 minutes. Mr TSANG further said that a maximum of 25 Members could speak within a session if they would all speak for not more than seven minutes. However, if all those Members wishing to speak chose to make a speech for not more than 15 minutes, then only a maximum of 12 Members could speak.

80. Mr TSANG added that CRoP had yet to work out the detailed arrangements, including how the policy areas should be grouped, what order the six groups of policy areas should follow, and whether the duration of a session would be lengthened if a lot of Members wished to speak in that session.

81. Miss Margaret NG said that the new arrangements were not perfect. After they had been implemented on a trial basis in October 2001 when the new session commenced, a review would be conducted.

82. Ms Emily LAU said that CRoP would work out the procedural arrangements for the new mode of debating Policy Address. She considered it acceptable that not every Member would be able to speak in each session. She pointed out that Members could speak on any policy areas during the general debate on the fourth day. Ms LAU further said that if Members had any views in this regard, they should let CRoP know.

83. Mrs Miriam LAU suggested that priority should be given to those Members who had not spoken or who had spoken the least number of times in the previous sessions of the debate. The Chairman said that Members belonging to political parties and groupings could co-ordinate among themselves as to who would speak in which session. The Chairman added that as the Administration would only have about 45 minutes to respond, the speeches of the bureau secretaries concerned should be concise and to the point.

84. The Chairman said that she would convey to CS that Members preferred a four-day debate and that the first three days of the debate would be divided into six sessions, focusing on six groups of specific policy areas. Members agreed.

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(b) Report on the progress of the implementation of measures to improve the working mechanism of Panels and Bills Committees for the scrutiny of legislative and financial proposals

(LC Paper No. CB(1) 1520/00-01)

85. Mr TSANG Yok-sing, Chairman of CRoP, said that following consultation with the House Committee in January 2001 on certain measures recommended by CRoP to improve the working mechanism of Panels and Bills Committees in respect of the scrutiny of legislative and financial proposals, CRoP had conducted a review on the progress of the implementation of these improvement measures. The review findings and CRoP's recommendations were detailed in the paper.

86. Referring Members to paragraphs 8 and 9 of the paper, Mr TSANG said that most policy bureaux were unable to provide discussion papers well in advance of the relevant Panel meeting. CRoP had suggested that the Administration should be requested to strictly observe the requirement that discussion papers should be provided at least six working days before the relevant meeting. If the discussion paper for a particular agenda item was not received by the deadline, the Panel Chairman would decide whether or not the relevant item should be deleted from the agenda.

87. Mr TSANG informed Members that CRoP further recommended that the Administration should also be requested to provide more information in its papers on financial proposals when consulting Panels.

88. Mr TSANG further informed Members that the Panel on Planning, Lands and Works and some other Members had expressed concern about the increase in the number of financial proposals discussed at Panel meetings in recent months. They were of the view that only major financial proposals should be put forward to Panels for consideration. Mr TSANG said that CRoP, however, considered it difficult to define what constituted a major financial proposal. It recommended that it would be for individual Panels to decide whether a financial proposal proposed by the Administration should be placed on the agenda for a Panel meeting.

89. Mr TSANG said that subject to Members' views on the recommendations in paragraphs 9 and 11 of the paper, CRoP proposed that the Chairman should convey to CS the concern of Members about the late provision of discussion papers for meetings.

90. The Chairman said that the proposed requirement that discussion papers should be provided by the Administration at least six working days

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ahead of meetings would affect the operation of Panels and other committees. Members might wish to consider the proposal in greater detail, particularly, whether it would be practical to apply the same requirement to papers for Bills Committee meetings as they were sometimes held at very short notice. The Chairman proposed that Members be further consulted on the requirement. In the meantime, she would convey to CS the recommendations of CRoP and ask CS to give a response at the meeting with her and the Deputy Chairman on 26 June 2001.

91. Referring to paragraph 17 of the paper, Ms Audrey EU and Dr YEUNG Sum expressed concern that sometimes draft CSAs for discussion at a Bills Committee meeting were provided by the Administration at the last minute. The Chairman proposed that the matter be further considered by CRoP. Members agreed.

92. Mr TSANG Yok-sing said that the Administration had raised a different concern about draft CSAs. The Administration was of the view that if a Member wished to move an amendment to a Bill which was being studied by a Bills Committee, the Member should, as far as practicable, provide the proposed amendment to the Bills Committee for discussion.

VIII. Report of the Panel on Constitutional Affairs (CA Panel) on the application of certain provisions of the Prevention of Bribery Ordinance (POBO) to the Chief Executive (CE)

93. Ms Emily LAU, Deputy Chairman of CA Panel, informed Members that the application of the POBO to CE was discussed by the CA Panel at its meeting on 12 June 2001. The Panel was concerned that little progress had been made since February 1999, when the Panel first discussed the matter with the Administration. The Panel considered that there was urgency in extending the application of the POBO to CE before the CE election to be held in March next year. Ms LAU said that the Panel urged that the Administration should expedite action to introduce a legislative proposal to apply certain provisions of the POBO to CE. The Panel requested that the Chairman should raise the matter with CS.

94. The Chairman said that she would convey to CS the Panel's concern. Members agreed.

IX. Any other business

95. The Chairman reminded Members concerned to attend the meeting of the Subcommittee on Members' Remuneration and Operating Expenses

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Reimbursement to be held immediately after the House Committee meeting in Conference Room B.

96. There being no further business, the meeting ended at 4:10 pm.

Legislative Council Secretariat
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