

立法會
Legislative Council

LC Paper No. CB(2) 900/00-01

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 17th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 16 February 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
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 Bernard CHAN
Hon CHAN Kam-lam
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon LEUNG Yiu-chung
Hon Andrew WONG Wang-fat, JP
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 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
Hon CHAN Yuen-han
Hon SIN Chung-kai
Dr Hon Philip WONG Yu-hong
Hon Howard YOUNG, JP
Hon YEUNG Yiu-chung
Hon LAU Wong-fat, GBS, 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
Miss Anita HO	Assistant Legal Adviser 2
Miss Connie FUNG	Assistant Legal Adviser 3
Mrs Vivian KAM	Chief Assistant Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Miss Odelia LEUNG	Chief Assistant Secretary (1) Select Committee
Mrs Betty LEUNG	Chief Assistant Secretary (3)1
Ms Sarah YUEN	Senior Assistant Secretary (1)4
Miss Betty MA	Senior Assistant Secretary (2)1
Mrs Eleanor CHOW	Senior Assistant Secretary (2)7
Miss Mary SO	Senior Assistant Secretary (2)8

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I. Confirmation of the minutes of the 16th meeting held on 9 February 2001

(LC Paper No. CB(2) 853/00-01)

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 she had conveyed to CS Members' dissatisfaction that the Housing Authority (HA) had taken a decision to lower the income and asset limits for households applying for public rental housing and Home Ownership Scheme flats only a few days after the Panel on Housing had passed a motion urging HA to fully consult the public and the Legislative Council (LegCo) first. The Chairman added that she had raised with CS that Members had considered that this was not conducive to improving the relationship between the Administration and LegCo.

3. The Chairman further said that CS had responded that the Administration would consider any suggestion to enhance the communication between the Administration and LegCo. However, CS had pointed out that HA had statutory powers and that HA had channels to consult the public and an established mechanism to adjust the income and asset limits. CS also said that as far as the specific case was concerned, the Administration had drawn HA's attention to the Panel on Housing's motion, but it was inappropriate to interfere with HA's deliberation and decision.

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4. The Chairman added that the Panel on Housing would discuss HA's decision on adjusting the income and asset limits at its meeting on 5 March 2001.

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) Fire Safety (Buildings) Bill
(LC Paper No. LS 57/00-01)

5. Introducing the paper, the Legal Adviser said that the objects of the Bill were to empower the Director of Buildings and the Director of Fire Services to require an owner of a composite building or a domestic building to improve the fire safety measures in the building as well as to provide for related matters. Although the requirements were similar to those specified in the Fire Safety (Commercial Premises) Ordinance, the Bill also contained some new provisions. For instance, it provided that an advisory committee be set up to advise the relevant enforcement authority. The Legal Adviser added that the Legal Service Division would seek clarification from the Administration on the legal and drafting aspects of the Bill.

6. The Legal Adviser further said that the Administration had launched a public consultation exercise on the proposals to improve fire safety in private buildings in 1998. The Panel on Security was briefed on the main proposals at its meeting on 2 November 2000 and some members had raised a number of concerns. As the Bill contained important policy issues, the Legal Adviser recommended that a Bills Committee should be formed.

7. The Chairman said that as the number of buildings and owners affected by the Bill was large and the financial implications substantial, she considered that a Bills Committee should be formed to scrutinise the Bill. The Chairman proposed that a Bills Committee be formed. Members agreed. The following Members agreed to join : Ir Dr Raymond HO, Mr James TO (as advised by Mr CHEUNG Man-kwong), Miss CHAN Yuen-han (as advised by Mr CHAN Kwok-keung), Mrs Sophie LEUNG, Mr Abraham SHEK, Mr IP Kwok-him (as advised by Mr Jasper TSANG), Mr LAU Ping-cheung and Ms Audrey EU.

8. Referring to the Director of Administration's letter dated 15 February 2001, the Chairman said that the Administration had proposed that priority be given to scrutinising the Telecommunications

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(Amendment) Bill 2001, as there was only one vacant Bills Committee slot. The Chairman suggested that the Administration's proposal be considered after Members had taken a decision on whether a Bills Committee to study the Telecommunications (Amendment) Bill 2001 was required. Members agreed.

(ii) Telecommunications (Amendment) Bill 2001
(LC Paper No. LS 60/00-01)

9. Presenting the paper, the Legal Adviser said that in preparation for the issue of carrier licences for the third generation ("3G") mobile services and future licensing exercises, the Bill sought to make provisions in respect of the determination of the spectrum utilisation fees by auction and/or tender and empowering the Telecommunications Authority to regard the spectrum utilisation fees arising from a spectrum auction or tender as a determining factor in issuing telecommunications licences and assigning frequencies of the radio spectrum.

10. The Legal Adviser said that the Panel on Information Technology and Broadcasting was consulted on the Bill at its meeting on 12 February 2001. Panel members considered that detailed scrutiny of the Bill by a Bills Committee was necessary having regard to the fact that legal disputes had arisen from spectrum auctioning in Europe. The Chairman added that Panel members also considered that the same Bills Committee should become the subcommittee to study the related subsidiary legislation which would be introduced after the enactment of the Bill.

11. The Legal Adviser further said that the Legal Service Division was seeking clarification from the Administration on the legal and drafting aspects of the Bill.

12. The Chairman proposed that a Bills Committee be formed. Members agreed. The following Members agreed to join : Mr James TIEN, Mr Eric LI, Mr Fred LI, Mr CHEUNG Man-kwong, Mr CHAN Kwok-keung, Mr SIN Chung-kai (as advised by Mr LAW Chi-kwong) and Miss Emily LAU.

13. The Chairman then sought Members' views on the Director of Administration's proposal to accord priority to the scrutiny of the Telecommunications (Amendment) Bill 2001. Members agreed to the proposal. The Chairman said that the Bills Committee on the Fire Safety (Buildings) Bill would be placed on the waiting list until a vacant slot was available.

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(b) Legal Service Division's report on subsidiary legislation tabled in Council on 14 February 2001 (gazetted on 9 February 2001) (LC Paper No. LS 58/00-01)

14. The Legal Adviser said that two items of subsidiary legislation were gazetted on 9 February 2001. Concerning the Prevention of Copyright Piracy (Notices) Regulation (the Regulation), the Legal Adviser explained that under the new section 31E of the Prevention of Copyright Piracy Ordinance (the Ordinance), the manager of a place of public entertainment was required to display notices to the effect that the unauthorised possession of video recording equipment in that place was prohibited. The Regulation made provisions relating to the form of and statements to be included in the notices and the locations in which the manager of a place of public entertainment was required to display the notices. The Legal Adviser pointed out that the notice made by the Regulation prescribed that it was an offence to bring video recording equipment into a cinema, theatre or concert hall without the express consent of the manager. As the relevant offence was one of possession of rather than bringing into a cinema etc. video recording equipment, the Legal Service Division was seeking clarification from the Administration on whether the Regulation had fully reflected the effect required of it by section 31E of the Ordinance.

15. Mr Timothy FOK said that he would like to consult the industry on the Regulation. He suggested that a decision on the subsidiary legislation be deferred.

16. While expressing support for the prohibition, Mrs Miriam LAU said that the Regulation should be studied in detail as it would affect the public at large. She was in favour of setting up a subcommittee. Mr CHAN Kam-lam concurred with Mrs LAU.

17. Mr Martin LEE asked whether there was any provision whereby the production of evidence to prove that a defendant had no intention of bringing a video recording equipment into a place of public entertainment for unauthorised use would be a defence. The Legal Adviser responded that there was no such provision in the Ordinance or the Regulation

18. The Chairman proposed that a subcommittee be formed to study the Regulation. Members agreed. The following Members agreed to join : Mr Kenneth TING, Mr CHAN Kam-lam, Mr Timothy FOK and Mr Henry WU.

19. On the Commodities Trading (Trading Limits and Position Limits) (Amendment) (No. 2) Rules 2001, the Legal Adviser said that the Rules sought to fix the trading and position limits for two new contracts, namely,

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the MSCI China Free Index futures contract and the MSCI China Free Index options contract. Members did not raise any query on this item of subsidiary legislation.

20. The Chairman reminded Members that the deadline for amending the subsidiary legislation was 14 March 2001, or 28 March 2001 if extended by resolution of the Council.

IV. Further business for the Council meeting on 21 February 2001

(a) Questions

(LC Paper No. CB(3) 409/00-01)

21. The Chairman drew Members' attention to the new oral question which would be asked by Mr Kenneth TING.

(b) Members' motions

(i) Motion on "Conditions of employment offered by subvented organizations and contractors of government projects or services"

22. The Chairman said that the wording of Mr LEE Cheuk-yan's motion had been circulated to Members. The Chairman added that Mr YEUNG Yiu-chung had given notice to amend the motion.

(ii) Motion on "Negative Assets"

23. The Chairman said that the wording of Mr Howard YOUNG's motion had been circulated to Members. The Chairman added that Mr Albert HO, Mr CHAN Kam-lam and Mr Frederick FUNG had given separate notices to amend the motion.

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

V. Business for the Council meeting on 28 February 2001

(a) Questions

(LC Paper No. CB(3) 410/00-01)

25. The Chairman said that 20 questions had been scheduled for the Council meeting on 28 February 2001.

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

(i) **Dutiable Commodities (Amendment) Bill 2001**

(ii) **Fixed Penalty (Public Cleanliness Offences) Bill**

(iii) **Public Health and Municipal Services (Amendment) Bill 2001**

26. The Chairman said that the Bills would be introduced into the Council on 28 February 2001 and considered by the House Committee on 2 March 2001.

(c) **Government motion**

Resolution under section 29 of the Pharmacy and Poisons Ordinance (Cap. 138) - to be moved by the Secretary for Health and Welfare

27. The Chairman said that the proposed resolution to be moved by the Secretary for Health and Welfare sought the Council's approval to revise the fees payable for examination, registration and certification of pharmacists. She added that the subcommittee formed to study the proposed resolution had reported to the House Committee on 19 January 2001.

28. The Chairman informed Members that Mr LAU Chin-shek had given notice to move a motion to amend the proposed resolution.

(d) **Members' motions**

(i) **Motion on "Expediting the implementation of public works projects"**

29. The Chairman said that Mr NG Leung-sing would move the above motion at the Council meeting on 28 February 2001.

(ii) **Motion to be moved by Prof Hon NG Ching-fai**

30. The Chairman said that the subject of Prof NG Ching-fai's motion was "Human resource policy".

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

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VI. Bills Committee and subcommittee reports

(a) Position report on Bills Committees/subcommittees
(LC Paper No. CB(2) 851/00-01)

32. The Chairman said that there were 14 Bills Committees and four subcommittees in action.

(b) Report of the Subcommittee on subsidiary legislation relating to revision of fees gazetted on 12 January 2001
(LC Paper No. CB(2) 856/00-01)

33. The Chairman said that the Subcommittee Chairman had made a verbal report at the last meeting. The written report was now provided for Members' information.

34. The Chairman said that the scrutiny period of the four items of subsidiary legislation had been extended to 21 February 2001 by resolution of the Council. She added that Mr James TIEN and Mr LAU Chin-shek had given separate notices to repeal or amend the subsidiary legislation.

VII. Nomination of Members for appointment to the Select Committee to Inquire into Building Problems in Production of Public Housing Units
(LC Paper No. CB(2) 824/00-01 issued vide LC Paper No. CB(2) 829/00-01 dated 8 February 2001)
(Paragraphs 41 to 49 of the minutes of the 16th House Committee meeting held on 9 February 2001)

35. The Chairman said that Members agreed that the select committee should comprise no more than 15 members. Members also endorsed the nomination procedure as set out in LC Paper No. CB(2) 824/00-01 at the last meeting on 9 February 2001. The Chairman then invited nominations from Members.

36. The following 15 Members were nominated -

Mr Albert HO
Ir Dr Raymond HO
Mr LEE Cheuk-yan
Mr LUI Ming-wah
Mr James TO
Mr CHAN Yuen-han
Mr CHAN Kam-lam
Dr Philip WONG

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Mr Howard YOUNG
Mrs Miriam LAU
Dr TANG Siu-tong
Mr Abraham SHEK
Mr Michael MAK
Mr LAU Ping-cheung
Ms Audrey EU

37. The Chairman suspended the meeting for 10 minutes to allow the nominated Members to nominate from among themselves the Chairman and Deputy Chairman of the select committee.

(The meeting resumed after the 10-minute break)

38. Members endorsed the nomination of Mrs Miriam LAU and Mr Albert HO for appointment as the Chairman and Deputy Chairman respectively.

39. The Chairman said that the House Committee's recommendations in regard to the size and membership of the select committee would be submitted to the President for appointment.

VIII. Any other business

40. The Chairman reminded Members that the dinner reception of the LegCo Fun Day 2000-01 would start at 5:30 pm.

41. There being no further business, the meeting ended at 3:25 pm.

Legislative Council Secretariat
21 February 2001