

立法會
Legislative Council

LC Paper No. CB(2) 753/00-01

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 14th meeting
held in the Legislative Council Chamber
at 2:50 pm on Friday, 19 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 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
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 Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
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
Dr Hon YEUNG Sum
Hon YEUNG Yiu-chung
Hon LAU Chin-shek, JP
Hon LAU Kong-wah
Hon LAU Wong-fat, GBS, JP

Ms Pauline NG	Assistant Secretary General 1
Mr Ray CHAN	Assistant Secretary General 3
Miss Anita HO	Assistant Legal Adviser 2
Mr Stephen LAM	Assistant Legal Adviser 4
Miss Odelia LEUNG	Chief Assistant Secretary (1)1
Mrs Florence LAM	Chief Assistant Secretary (1)4
Mrs Constance LI	Chief Assistant Secretary (2)5
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 13th meeting held on 12 January 2001

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

The minutes were confirmed.

II. Matters arising

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

2. Regarding Members' invitation to CS to attend a meeting of the House Committee to answer Members' questions on her decision to retire, the Chairman said that CS's reply of 18 January 2001 had been circulated to Members. CS had responded that she had nothing further to add to what she had said in public and in her earlier letter to Members. CS hoped that Members would respect her decision.

3. Miss Emily LAU said that it was a pity that CS had declined Members' invitation as the public would never be able to know the real reason behind CS's decision to retire. Nevertheless, she respected CS's decision.

4. Dr YEUNG Sum said that although disappointed, Members belonging to the Democratic Party respected CS's decision not to attend a meeting of the House Committee.

(b) Securities (Exchange-Traded Stock Options) (Amendment) (No.2) Rules 2000

5. Mr Henry WU said that he had consulted the industry on the Rules. The industry was agreeable to the technical amendments proposed therein.

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) **Land Registration (Amendment) Bill 2000**
(LC Paper No. LS 50/00-01)

6. Introducing the paper, the Legal Adviser said that the Bill sought to give effect to the Central Registration System, introduce colour imaging of plans, improve the registration and search functions and regulate existing practices of the Land Registry. The Legal Service Division was seeking clarification from the Administration on the legal and drafting aspects of the Bill, and a response was awaited.

7. The Legal Adviser added that the Administration had consulted the relevant parties and the Legislative Council (LegCo) Panel on Planning, Lands and Works. Concerns had been raised about protecting priority of registration and establishing title to the land. He advised that Members might wish to set up a Bills Committee to study the Bill in detail.

8. Mrs Miriam LAU said that as the land registration system was important to property transactions, she was in favour of setting up a Bills Committee.

9. The Chairman proposed that a Bills Committee be set up to study the Bill. Members agreed. The following Members agreed to join: Miss Margaret NG, Mrs Miriam LAU, Mr Abraham SHEK and Ms Audrey EU.

(ii) **Hong Kong Tourist Association (Amendment) Bill 2001**
(LC Paper No. LS 48/00-01)

10. Referring to the paper, the Legal Adviser explained that the purpose of the Amendment Bill was to replace the Hong Kong Tourist Association by a new body corporate, known as the Hong Kong Tourism Board, with its objects re-defined in order to distinguish its role from the recently established Tourism Commission. The Bill also provided for the composition of the Hong Kong Tourism Board. The Legal Adviser further said that the Legal Service Division was seeking clarification from the Administration on some technical points. It would be for Members to consider whether a Bills Committee was necessary.

11. The Chairman declared interest as Chairman of the Board of Management of the Hong Kong Tourist Association. She said that there

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had been detailed discussion on the policy aspects of the Bill by the Panel on Economic Services on 27 November 2000. As the Association planned to have its new identity established by 1 April 2001, she hoped that Members would assist in the early scrutiny of the Bill. She also hoped that the Administration would provide a response on the drafting points raised by the Legal Service Division as soon as possible.

12. In response to Miss Margaret NG, the Legal Adviser said that clause 3 of the Bill provided that the short title of the Ordinance would be amended to Hong Kong Tourism Board Ordinance.

13. Dr YEUNG Sum suggested that a Bills Committee should be formed as the Bill sought to put in place a new body corporate.

14. Mr James TO said that the Chairman might wish to consider whether it was appropriate for her to chair the discussion of this item. Miss Margaret NG said that as the House Committee was only discussing the need for a Bills Committee and not the content of the Bill, it was not necessary for the Chairman to refrain from chairing the discussion. Members agreed.

15. The Chairman proposed that a Bills Committee should be formed. Members agreed. The following Members agreed to join: Mrs Selina CHOW, Mr CHEUNG Man-kwong, Miss CHOY So-yuk, Mr Abraham SHEK, Mr Tommy CHEUNG and Mr LEUNG Fu-wah.

(b) Legal Service Division's report on subsidiary legislation tabled in Council on 17 January 2001 (gazetted on 12 January 2001)
(LC Paper No. LS 52/00-01)

16. Referring to the paper, the Legal Adviser said that of the 11 items of subsidiary legislation gazetted on 12 January 2001, four items were related to revision of fees while two items dealt with reduction in fees.

17. Mrs Miriam LAU suggested that a subcommittee be formed to study the four items on fee revision.

18. 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 and Mr SIN Chung-kai.

19. Mr Henry WU said that he had consulted the industry on the Securities and Futures Commission (Levy) (Future Contracts) (Amendment) Order 2001, Commodities Trading (Contract Levy) (Amendment) Rules 2001 and Securities (Exchange-Traded Stock Options)

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(Amendment) (No. 3) Rules 2000. The industry was agreeable to these items of subsidiary legislation.

20. Regarding the Broadcasting (Licence Fees) Regulation, the Telecommunication (Amendment) Ordinance 2000 (36 of 2000) (Commencement) Notice 2001, the Telecommunications (Carrier Licences) Regulation and the Telecommunications (Examination, Certification and Authorization of Radiocommunications Personnel) Order, Mr SIN Chung Kai said that the Panel on Information Technology and Broadcasting had been consulted and supported these four items of subsidiary legislation.

21. Members raised no query on the other items of subsidiary legislation.

22. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 14 February 2001, or 21 February 2001 if extended by resolution.

IV. Business for the Council meeting on 7 February 2001

(a) Questions
(LC Paper No. CB(3) 341/00-01)

23. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 7 February 2001.

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

Karaoke Establishments Bill

24. 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.

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

Intellectual Property (Miscellaneous Amendments) (No.2) Bill 2000

25. The Chairman said that at the last House Committee meeting, Members raised no objection to the resumption of the Second Reading debate on the Bill.

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(d) Government motion

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

(e) Members' motion

(i) Motion on "Appointment of a select committee"

(ii) Motion to be moved by Hon Tommy CHEUNG Yu-yan

(iii) Motion to be moved by Hon WONG Sing-chi

27. The Chairman said that the wording of her motion on "Appointment of a select committee" had been circulated to Members. The Chairman further said that Mr Tommy CHEUNG and Mr WONG Sing-chi had been allocated debate slots for the Council meeting on 7 February 2001. She added that the wording of their motions would be circulated to Members.

28. Referring to the letter of 17 January 2001 from Mr Ian Wingfield, Law Officer (Civil Law), on the motion on "Appointment of a select committee", Miss Emily LAU asked whether the Legal Adviser would advise Members on the issues raised by Mr Wingfield.

29. The Legal Adviser said that he had set out his preliminary observations on the points raised in a letter to Mr Wingfield and a response was awaited. He undertook to provide his advice to Members as soon as possible.

30. The Chairman said that the House Committee had thoroughly discussed and had taken a decision on the wording of the motion at the House Committee meeting on 5 January 2001. The Chairman further said that copies of the correspondence between Mr Ian Wingfield and the Legal Adviser should be circulated to Members, to facilitate Members' preparation for the motion debate on 7 February 2001.

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

31. The Chairman reminded Members that the Chief Executive's Question and Answer Session would be held from 3:00 pm to 4:00 pm.

VI. Bills Committee and subcommittee reports

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

(LC Paper No. CB(2) 713/00-01)

32. The Chairman said that there were 10 Bills Committees and five subcommittees in action.

(b) **Report of the Subcommittee on Waterworks (Amendment) Regulation 2000**

(LC Paper No. CB(1) 478/00-01)

33. Mr HUI Cheung-ching introduced the paper on behalf of Mr James TIEN, Chairman of the Subcommittee.

34. Mr HUI said that the Administration had explained that the proposed fee increases would not have impact on the livelihood of the general public, and that most of these fees were borne by the property developers. The Administration had also advised the Subcommittee that the Water Supplies Department had successfully contained the costs of providing various types of services, and that no proposal for revision of fees and charges was being contemplated. Mr HUI added that the Subcommittee considered that it would be for individual Members to decide whether to support the proposed fee increases.

35. The Chairman advised that Mr LAU Chin-shek had given notice to repeal the Regulation at the Council meeting on 7 February 2001.

(c) **Report of the Subcommittee on Proposed Resolution under Section 29 of the Pharmacy and Poisons Ordinance**

(LC Paper No. CB(2) 716/00-01)

36. Referring to the paper, Mr CHAN Kam-lam, Subcommittee Chairman, said that the Subcommittee met on 16 January 2001 to discuss the four items of revision of fees payable for examination, registration and certification of pharmacists with effect from 12 January 2001. The Subcommittee welcomed the item of fee decrease and noted that small amounts of increases were proposed for the other three items. Mr CHAN further said that according to the Administration, the fee revision, if implemented, would reduce Government revenue by \$75,000 per annum. The Subcommittee was of the view that it would be for individual Members to consider whether to support the proposed revision of fees.

37. The Chairman said that at the House Committee's request, the Administration had withdrawn the notice for moving the motion at the Council meeting on 10 January 2001. The Administration would have to give fresh notice for the motion, and that Members would be informed of the deadline for giving notice of amendments in due course.

VII. Proposed overseas duty visit to Europe by the Legislative Council Panel on Constitutional Affairs
(*LC Paper No. CB(2) 722/00-01*)

38. Miss Emily LAU introduced the paper on behalf of Mr Andrew WONG, Panel Chairman, who had to leave the meeting early.

39. Miss Emily LAU said that in accordance with rule 22 (u) of the House Rules, the House Committee's permission was sought for the Panel to undertake the proposed visit to France, Germany and the United Kingdom (UK) to study their systems of accountability of principal officials. Miss LAU informed Members that as the General Election in UK would likely be held in May 2001, the proposed visit would be from 6 to 15 June 2001. Four Panel members had indicated interest in participating in the visit, and the estimated expenditure was about \$320,000. She added that the assistance of the Hong Kong Economic and Trade Offices in London and Brussels would be sought in drawing up the detailed visit programme.

40. Miss Emily LAU further said that the LegCo Secretariat had earlier reminded Panels to bid for funds for overseas duty visits. This might have resulted in four duty visit proposals being put forward at about the same time to the House Committee. The Secretary General responded that The Legislative Council Commission had previously decided that Panels should be invited at the beginning of each session to bid for funds for overseas duty visits, in order to facilitate budget planning.

41. The Chairman said that under rule 22 (u) of the House Rules, Panels had to seek the prior permission of the House Committee for undertaking any activities outside Hong Kong, and that the House Committee's decision would be referred to the Commission for reference. The Chairman advised that for this item and items VIII and IX below, Members needed only to consider the proposed visit per se. The budget and delegation membership would be subject to the outcome of the review being conducted by the Subcommittee on overseas duty visits undertaken by Panels and other committees.

42. Referring to criticisms in press reports that the proposed overseas duty visits were too "luxurious", Miss LAU said that the budget for each visit should be clearly explained to the public.

43. The Chairman said that there was no question of the proposed visits being "luxurious" as expenses for overseas duty visits were calculated according to established guidelines and standards. Depending on the

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destination and itinerary, some visits, such as those to European countries, might incur higher expenses than visits to nearby places.

44. The Chairman said that the Subcommittee on overseas duty visits undertaken by Panels and other committees had held its first meeting in the morning to review the existing guidelines on allocation of funds for overseas duty visits. She said that the Subcommittee had agreed on a preliminary proposal which would provide equal opportunities for Members to participate in overseas duty visits with the financial resources available. Details of the proposal were being worked out and the Subcommittee aimed to submit its report to Members by 2 February 2001, in order that the House Committee could make a decision at its meeting on 9 February 2001.

45. In response to Miss Emily LAU, the Secretary General advised that the budget for overseas duty visits (excluding parliamentary visits) was \$896,000 for the current financial year. He added that there would be some flexibility for allocation of funds for visits which straddled two financial years.

46. Members endorsed the overseas duty visit proposed by the Panel on Constitutional Affairs.

VIII. Proposed overseas duty visit by the Legislative Council Panel on Environmental Affairs

(LC Paper No. CB(1) 474/00-01)

47. Ir Dr Raymond HO introduced the paper on behalf of the Panel Chairman, Professor NG Ching-fai.

48. Ir Dr Raymond HO said that the Panel planned to go to Britain, Germany, France and Monaco to visit sewage treatment plants using the Biological Aerated Filters (BAF) technology. Dr HO explained that BAF technology was recommended by the International Review Panel in its review report on the Strategic Sewage Disposal Scheme issued in November 2000.

49. Dr HO added that as eight Panel members had indicated interest in joining the visit, the Panel had agreed that members other than the Panel Chairman should draw lots to determine their priority for joining the visit. The estimated budget for four fully-sponsored members to participate in the visit was about \$ 300,000.

50. Members endorsed the overseas duty visit proposed by the Panel on Environmental Affairs.

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IX. Proposed overseas duty visit to London and New York by Bills Committee on Securities and Futures Bill and Banking (Amendment) Bill 2000

(LC Paper No. CB(1) 472/00-01)

51. Referring to the paper, Mr SIN Chung-kai, Chairman of the Bills Committee, said that the Bills Committee proposed to visit London and New York to enhance members' understanding of the securities and futures related regulatory framework and the legislative reforms taking place in these economies. Mr SIN added that the membership of the delegation would depend on the review being carried out by the Subcommittee on overseas duty visits undertaken by Panels and other committees.

52. Referring to the proposed visit to London and New York to be undertaken by the Panel on Financial Affairs, Mr CHAN Kam-lam asked whether two separate visits would be organised for the Panel and the Bills Committee. Assistant Secretary General 1 responded that while two separate programmes would be drawn up for the Panel and Bills Committee, some parts of the two programmes would be the same. She added that as agreed at the House Committee meeting on 15 December 2000, preparatory work for the visit of the Panel on Financial Affairs had already commenced, although the selection of members to participate in these visits would depend on the outcome of the current review being undertaken by the Subcommittee.

53. Members endorsed the proposed visit of the Bills Committee.

X. Selection of Members for parliamentary visits

(LC Paper No. CB(3) 339/00-01)

54. Dr LUI Ming-wah, Chairman of the Subcommittee on Parliamentary Liaison Subcommittee, introduced the report. He said that the Subcommittee had held three meetings to discuss the criteria for selecting Members to join delegations on parliamentary visits. After careful deliberations, the Subcommittee was of the view that a delegation on parliamentary visits should be made up of Members who were representative of the groupings in the Council. The Subcommittee recommended that the number of fully-sponsored Members for parliamentary visits should be eight. Dr LUI further explained that for the purpose of allocating the eight places, Members should be divided into six different groups, having regard to their affiliation and the number of Members in each grouping. The eight places would be allocated to the six groups of Members on a proportional basis in the manner set out in the

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Appendix to the paper. Each group would decide for itself the way for nominating the participating Member(s).

55. Dr LUI further said that up to two interested Members who were not selected could join the delegation at their own expense. Where there were more than two such Members, participation would be determined by drawing lots. Subject to the approved budget for the visit not being exceeded, the additional expenses incurred due to the addition of the two self-financing Members, other than those attributable to them individually, would be sponsored.

56. Mrs Sophie LEUNG expressed support for the proposed groupings set out in the Appendix to the paper. Miss Emily LAU said that she hoped that each group would be able to agree on the way to nominate the participating Member(s). Mr Ambrose LAU said that he did not envisage any problem in reaching agreement with Members in his group for making nomination(s).

57. Ms Audrey EU asked whether any untaken place(s) of one group could be transferred to another group. The Chairman responded that based on past experience, it was unlikely that there would be any untaken places. Moreover, it would be difficult to work out how places should be transferred among the different groupings.

58. Mr LAU Ping-cheung asked whether it was feasible to increase the number of self-financing Members for parliamentary visits. Dr LUI responded that there would be practical difficulties if the size of the delegation was too large. Mr Fred LI and Miss Emily LAU expressed support for limiting the size of the delegation to eight fully-sponsored Members and two self-financing Members. The Chairman agreed that increasing the number of self-financing Members would pose operational difficulties particularly if these Members chose to join only part of the programme.

59. Miss Margaret NG said that self-financing Members should make their best efforts to attend the whole programme. She further suggested that priority should be given to the group of Members with no declared affiliation when allocating the two places for self-financing Members.

60. Miss Emily LAU and Mr IP Kwok-him considered it difficult to implement Miss Margaret NG's proposal as this would entail laying down criteria to decide which two Members would have priority to join on a self-financing basis, if more than two Members from the group indicated interest. They preferred the method of drawing lots as proposed in the paper.

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61. The Chairman added that it was important to put in place an equitable system for selecting Members to form a delegation which was broadly representative of the different groupings in the Council. She said that the proposed allocation of the eight places according to the six groupings was designed to achieve this purpose.

62. In response to Mr LAU Ping-cheung, Assistant Secretary General 3 advised that the budget for parliamentary visits was separate from that for overseas duty visits undertaken by Panels and other committees. He added that in the past, the Parliamentary Liaison Subcommittee had organised normally one parliamentary visit in each session.

63. Members endorsed the Subcommittee's recommendations in paragraphs 8 to 11 of the paper and also agreed to recommend to The Legislative Council Commission that the number of fully-sponsored members on a parliamentary visit be set at eight.

XI. Any other business

LegCo Fun Day

64. The Chairman reminded Members that the LegCo Fun Day would be held on 16 February 2001. She appealed to Members for their support in contributing lucky draw prizes and participating in the "Guess Who" contest.

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

Legislative Council Secretariat
31 January 2001