

立法會
Legislative Council

LC Paper No. CB(2) 952/00-01

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 18th meeting
held in the Legislative Council Chamber
at 5:03 pm on Friday, 23 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 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
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 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 Kong-wah
Hon LAU Wong-fat, GBS, JP
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
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 David CHU Yu-lin
Dr Hon David LI Kwok-po, JP
Dr Hon LUI Ming-wah, JP
Prof Hon NG Ching-fai
Hon Bernard CHAN
Hon Howard YOUNG, JP
Hon LAU Chin-shek, JP
Hon Albert CHAN Wai-yip
Hon LEUNG Fu-wah, MH, JP

Clerk in attendance :

Mrs Justina LAM Clerk to the House Committee

Staff in attendance :

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 Connie FUNG	Assistant Legal Adviser 3
Mrs Vivian KAM	Chief Assistant Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Mrs Betty LEUNG	Chief Assistant Secretary (3)1
Miss Betty MA	Senior Assistant Secretary (2)1
Miss Mary SO	Senior Assistant Secretary (2)8

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**I. Confirmation of the minutes of the 17th meeting held on 16 February 2001
(LC Paper No. CB(2) 900/00-01)**

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 was informed that the only Bills Committee slot available had been allocated to the Telecommunications (Amendment) Bill 2001, as requested by the Administration.

**III. Legal Service Division's report on subsidiary legislation tabled in Council on 21 February 2001 (gazetted on 16 February 2001)
(LC Paper No. LS 59/00-01)**

3. Referring to Part I of the paper, the Legal Adviser said that two of the four items of subsidiary legislation gazetted on 16 February 2001 were related to the declaration of a public market.

4. Regarding the Intellectual Property (Miscellaneous Amendments) Ordinance 2000 (64 of 2000) (Commencement) Notice 2001, the Legal Adviser explained that it sought to appoint the commencement date for the Intellectual Property (Miscellaneous Amendments) Ordinance 2000 which, among other things, created an offence of unauthorised possession of video recording equipment in a place of public entertainment. The Legal Adviser further explained that to tie in with this offence provision, the Prevention of Copyright Piracy (Notices) Regulation which prescribed the form of notices to be displayed to warn the public of the offence was gazetted on 9 February 2001. He added that a subcommittee had been formed by the House Committee to study the Regulation.

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5. Mr Timothy FOK, Chairman of the Subcommittee on the Prevention of Copyright Piracy (Notices) Regulation, said that the Subcommittee had just met to examine the Regulation. The Subcommittee would submit a written report to the House Committee on 2 March 2001.

6. Miss Margaret NG said that at the last meeting, concern was raised as to whether the Regulation had fully reflected the effect required of it by section 31E of the Ordinance. The Legal Adviser responded that the Administration had proposed to amend the Regulation to address the concern. The Chairman said that the matter could be further discussed at the next meeting when the Subcommittee's report was available. Members agreed.

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

8. The Chairman said that the deadline for amending the subsidiary legislation was 14 March 2001, or 28 March 2001 if extended by resolution.

IV. Business for the Council meeting on 7 March 2001

(a) Questions

(LC Paper No. CB(3) 439/00-01)

9. The Chairman said that 20 written questions had been scheduled.

(b) Bills - First and Second Readings

Appropriation Bill 2001

10. The Chairman said that the Financial Secretary (FS) would address the Council on the 2001-02 Budget.

V. Bills Committee and subcommittee report

Position report on Bills Committees/subcommittees

(LC Paper No. CB(2) 903/00-01)

11. The Chairman said that there were 15 Bills Committees and five subcommittees in action. She added that one Bills Committee was on the waiting list.

VI. Any other business

(a) Proposed invitation to Mr Donald TSANG and Mr Antony LEUNG to attend House Committee meeting

(Hon Emily LAU Wai-hing's letter of 19 February 2001 to Chairman of the House Committee attached)

12. Referring to her letter of 19 February 2001, Miss Emily LAU said that Mr Donald TSANG, CS (designate), and Mr Antony LEUNG, FS (designate), should be invited to separately attend a House Committee meeting to talk about their aspirations and answer Members' questions. Miss LAU further said that although the Chief Executive had undertaken to consider a system of accountability for principal officials, there was little information on the development. The proposed meetings with Mr TSANG and Mr LEUNG would help enhance the transparency of the two appointments. Miss LAU hoped that Members would support her proposal.

13. Miss LAU also urged that Mr TSANG and Mr LEUNG should be requested to make known to the public and the Legislative Council (LegCo) detailed information about their academic background and working experience.

14. Mr IP Kwok-him said that as reshuffle of senior government officials was normal, it was not appropriate to require these officials to brief Members every time they were given new postings. Mr IP also said that although Members belonging to the Democratic Alliance for Betterment of Hong Kong (DAB) had reservations about Miss LAU's proposal, they would not oppose to meeting with Mr TSANG and Mr LEUNG if they were willing to come to a House Committee meeting. He added that should a vote be taken on the matter, Members belonging to DAB would not take part in the voting.

15. Mr LEE Cheuk-yan said that the appointments of Mr TSANG and Mr LEUNG as CS and FS respectively were not ordinary postings. He added that unless an invitation was extended, Members would not know whether Mr TSANG and Mr LEUNG were willing to come to a House Committee meeting.

16. Mr Andrew WONG said that while he understood Miss LAU's underlying concern that there should be arrangements similar to the congressional hearings on appointments of senior officials in the United States, he had reservations about the proposed meetings. He said that Mr TSANG and Mr LEUNG would be put in an awkward position as they had not yet taken up the new posts. Moreover, Mr TSANG was currently fully occupied in preparing the 2001-02 Budget.

17. Mr NG Leung-sing also expressed reservations about Miss LAU's proposal. He opined that the proposed meetings with Mr TSANG and Mr

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LEUNG to discuss their new appointments would serve little purpose as Mr TSANG was the incumbent FS while Mr LEUNG was still a private sector employee.

18. Mr Martin LEE said that the proposed meetings with Mr TSANG and Mr LEUNG were nothing unusual or extraordinary. Members could consider deferring the invitation if the present moment was not the appropriate time to hold such meetings.

19. Mr James TIEN said that he was concerned that the proposed meetings might turn out to be "hearings" on whether Mr TSANG and Mr LEUNG were suitable choices for the positions of CS and FS. He pointed out that constitutionally, LegCo had no role to play in the appointment of principal officials. From such an angle, he considered that inviting Mr TSANG and Mr LEUNG to attend a House Committee meeting was not appropriate.

20. Ms Cyd HO and Dr YEUNG Sum expressed support for Miss LAU's proposal. They considered that the proposed meetings with Mr TSANG and Mr LEUNG would facilitate an exchange of views. Dr YEUNG added that being a new appointee to the Administration from the private sector, Mr LEUNG might welcome the opportunity to meet with Members.

21. Referring to Mr James TIEN's concern, Miss LAU responded that there was no mechanism for hearings to be held prior to the appointment of senior Government officials. Nevertheless, her proposal to invite Mr TSANG and Mr LEUNG to separately attend a House Committee meeting to talk about their new positions would help enhance the transparency and accountability of the present system of appointment of senior Government officials.

22. The Chairman said that as the proposal of inviting Mr TSANG and Mr LEUNG to separately attend a House Committee meeting had been thoroughly discussed, she would put it to vote. Members agreed. The result was 17 Members voted for the proposal and four Members voted against the proposal. The Chairman said that she would write to Mr TSANG and Mr LEUNG to extend the invitation.

(b) Proposed motion debate on Consultation Document on Health Care Reform

(Hon Mrs Sophie LEUNG's letter of 21 February 2001 to Chairman of the House Committee attached)

23. Mrs Sophie LEUNG said that the Panel on Health Services had discussed the Consultation Document on Health Care Reform at three separate meetings. She proposed that the Chairman of the House Committee should move a motion on the Consultation Document on Health Care Reform for debate at the Council meeting on 14 March 2001 so that Members could

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express their views before the end of the public consultation period on 15 March 2001.

24. The Chairman said that there were precedents of the Chairman of the House Committee moving a motion on a subject matter under public consultation, such as the Consultation Paper on the Urban Renewal Authority Bill, for debate in Council.

25. Dr YEUNG Sum expressed support for Mrs LEUNG's proposal. Miss Emily LAU said that she had no objection to the proposal. However, she suggested that there should only be one other debate on a Member's motion with no legislative effect in addition to the motion debate on the Consultation Document on Health Care Reform at the Council meeting on 14 March 2001. Mr TSANG Yok-shing expressed support for Miss LAU's suggestion.

26. The Chairman proposed that she would give notice to move the motion "That this Council notes the Consultation Document on Health Care Reform" at the Council meeting on 14 March 2001. Members agreed. Members also agreed to the following arrangements -

- (a) only one Member's motion debate, in addition to the motion debate on the Consultation Document on Health Care Reform, should be scheduled for the Council meeting on 14 March 2001;
- (b) the motion debate on the Consultation Document on Health Care Reform should be held first;
- (c) the debate slot should not be counted as the Chairman's own debate slot as an individual Member; and
- (d) no amendment should be proposed to the motion.

27. In reply to Dr LO Wing-lok, the Chairman said that the speaking time limits stipulated in rule 17(b) of the House Rules would apply.

28. There being no further business, the meeting ended at 5:30 pm.

Legislative Council Secretariat
28 February 2001