

立法會
Legislative Council

LC Paper No. CB(1)2136/02-03
(These minutes have been seen
by the Administration)

Ref : CB1/BC/3/01/2

**Bills Committee on
Chemical Weapons (Convention) Bill**

**Minutes of fifteenth meeting held on
Tuesday, 10 June 2003 at 10:45 am
in Conference Room B of the Legislative Council Building**

Members present : Hon Cyd HO Sau-lan (Chairman)
Hon HUI Cheung-ching, JP
Hon LAU Kong-wah
Hon Audrey EU Yuet-mee, SC, JP

Member absent : Hon James TO Kun-sun

**Public officers
attending** : Miss Clara TANG
Principal Assistant Secretary for Commerce,
Industry and Technology (Commerce and Industry)

Miss Amy CHAN
Assistant Secretary for Commerce,
Industry and Technology (Commerce and Industry)

Ms Vivian SUM
Assistant Director-General
Trade and Industry Department

Ms Peony LEUNG
Principal Trade Officer
Trade and Industry Department

Mr Andrew WONG
Head of Trade Controls
Customs and Excise Department

Mr Paul SIT
Principal Trade Controls Officer
Customs and Excise Department

Mr Geoffrey FOX
Senior Assistant Law Draftsman
Department of Justice

Ms Marie SIU
Senior Government Counsel
Department of Justice

Clerk in attendance : Miss Salumi CHAN
Chief Assistant Secretary (1)5

Staff in attendance : Miss Anita HO
Assistant Legal Adviser 2

Mr Joey LO
Senior Assistant Secretary (1)4

Action

I. Confirmation of minutes of meetings

(LC Paper No. CB(1)1827/02-03 — Minutes of thirteenth meeting held on
19 May 2003

LC Paper No. CB(1)1888/02-03 — Minutes of fourteenth meeting held on
26 May 2003)

The minutes of the meetings held on 19 and 26 May 2003 were confirmed.

Action

II. Meeting with the Administration

(LC Paper No. CB(1)1809/02-03(01) — “Follow-up to the fourteenth meeting on 26 May 2003” prepared by the Legislative Council Secretariat

LC Paper No. CB(1)1809/02-03(02) — Administration’s response to the issues of concern raised by members at the fourteenth meeting on 26 May 2003

Examination of the draft proposed Committee Stage Amendments

LC Paper No. CB(1)1897/02-03(01) — Letter dated 2 June 2003 from the Assistant Legal Adviser to the Administration

LC Paper No. CB(1)1897/02-03(02) — Reply dated 6 June 2003 from the Administration to the Assistant Legal Adviser

LC Paper No. CB(1)1897/02-03(03) — Draft proposed Committee Stage Amendments provided by the Administration (16th draft)

LC Paper No. CB(1)1897/02-03(04) — Explanatory notes on the draft proposed Committee Stage Amendments

LC Paper No. CB(1)1897/02-03(05) — Marked-up copy of the Bill (showing the draft proposed Committee Stage Amendments))

2. The Bills Committee deliberated (Index of proceedings attached at **Appendix**).

3. The Bills Committee completed scrutiny of the Bill and the draft proposed Committee Stage Amendments (CSAs). Members had no comments on the Administration’s draft proposed CSAs to clauses 21, 22, 23, 24, 30, 35, 38, 40, 44 and schedules 1 to 5.

Action

Follow-up actions to be taken by the Administration

4. As requested by the Bills Committee, the Administration undertook to take the follow-up actions listed below:

- (a) Annex I to the Administration's response to the issues of concern raised by members at the fourteenth meeting on 26 May 2003
(LC Paper No. CB(1)1809/02-03(02))

The Administration was requested to consider members' view that the last sentence of paragraph 4 of the speaking points on "in-country escorts" to be incorporated in the Secretary for Commerce, Industry and Technology's speech for the resumption of the Second Reading debate on the Bill should be deleted.

- (b) Clause 2

The Administration was requested to specify, in item (b) of the definition of "inspected state party", that the Annex being referred to was the "Annex on Implementation and Verification".

(Post-meeting note: The revised speaking points and revised draft CSAs were issued to members vide LC Paper No. CB(1)1938/02-03 on 11 June 2003.)

5. On the Commissioner of Customs and Excise's power of seizure, detention and forfeiture under the Bill, the Chairman pointed out that the Bills Committee had examined the relevant provisions in detail and suggested a number of amendments to safeguard the interest of the law enforcement authority and the owners of the seized articles, vessels and vehicles. As the Bills Committee's suggested amendments had been accepted by the Administration, the Chairman considered that the improved procedure should be applied to relevant provisions in other pieces of legislation such as the Karaoke Establishments Ordinance (Cap. 573). The Chairman requested the Administration to follow up this issue. The Principal Assistant Secretary for Commerce, Industry and Technology (Commerce and Industry) agreed to consider the Chairman's views.

Admin

Way forward

6. The Bills Committee agreed that the Bill, subject to the revised proposed CSAs, be supported. Members had no objection to the Administration's proposal that the Second Reading debate on the Bill be resumed on 2 July 2003.

Action

7. The Bills Committee also agreed that a verbal report be made to the House Committee on 13 June 2003, to be followed by a written report.

(Post-meeting note: The Bills Committee's written report was issued to members of the House Committee on 18 June 2003.)

III. Any other business

8. There being no other business, the meeting ended at 11:40 am.

Council Business Division 1
Legislative Council Secretariat
2 July 2003

Appendix

**Proceedings of the fifteenth meeting of the
Bills Committee on Chemical Weapons (Convention) Bill
on Tuesday, 10 June 2003 at 10:45 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000-000025	Chairman	Confirmation of minutes of the thirteenth and fourteenth meetings (LC Paper Nos. CB(1)1827/02-03 and 1888/02-03)	
000026-000159	Chairman	Internal discussion	
000200-000714	Chairman Administration	Briefing by the Administration on its response to the issues of concern raised by members at the fourteenth meeting on 26 May 2003 (LC Paper No. CB(1)1809/02-03(02))	
000715-001000	Chairman Administration Mr LAU Kong-wah Mr HUI Cheung-ching	Speaking points on “in-country escorts” to be incorporated into the Secretary for Commerce, Industry and Technology’s speech when the Second Reading debate on the Bill was resumed (Clause 2) (Annex I to LC Paper No. CB(1)1809/02-03(02))	Admin was requested to take action under paragraph 4(a) of the minutes
001001-001142	Ms Audrey EU	Whether the term “encourage” in clause 5(f) should be retained (LC Paper No. CB(1)1809/02-03(02))	

Time marker	Speaker	Subject(s)	Action Required
001143-001220	Chairman	Admin's response dated 6 June 2003 to ALA2's letter dated 2 June 2003 (LC Paper No. CB(1)1897/02-03(02))	
001221-001651	Chairman Administration Mr LAU Kong-wah	Definition of "in-country escort" (Clause 2) (LC Paper No. CB(1)1897/02-03(05))	
001652-001759	Chairman Assistant Legal Adviser 2 Administration	Definition of "inspected state party" (Clause 2) (LC Paper No. CB(1)1897/02-03(05))	Admin was requested to take action under paragraph 4(b) of the minutes
001800-001917	Chairman Administration	Definition of "inspection team" (Clause 2) (LC Paper No. CB(1)1897/02-03(05))	
001918-002430	Chairman Administration Assistant Legal Adviser 2	Examination of draft proposed Committee Stage Amendments (Clause 21(3) to 21(5), 21(7), 21(13)(b) and 21(14)) (LC Paper No. CB(1)1897/02-03(05))	
002431-002538	Chairman Administration	Power of seizure, detention and forfeiture of the Commissioner (Clauses 15, 16 and 21) (LC Paper No. CB(1)1897/02-03(05))	Admin was requested to consider the Chairman's views in paragraph 5 of the minutes

Time marker	Speaker	Subject(s)	Action Required
002539-002550	Chairman Administration	Determination of applications for forfeiture (Clause 22(1)) (LC Paper No. CB(1)1897/02-03(05))	
002551-002600	Chairman Administration	Power to release seized vessels and vehicles prior to hearing (Clause 23(1)) (LC Paper No. CB(1)1897/02-03(05))	
002601-003040	Chairman Assistant Legal Adviser 2 Administration	Whether the owner should bear the cost of assessing the value of vessel or vehicle by the Commissioner (Clause 23(3)) (LC Paper No. CB(1)1897/02-03(05))	
003041-003050	Chairman Administration	Power to dispose, etc., of perishables, etc. (Clause 24(2)) (LC Paper No. CB(1)1897/02-03(05))	
003051-003149	Chairman Administration	Adding the words “intentionally or recklessly” in clauses 30(1)(b), 30(2)(b) ad 30(3)(b) (Clause 30(1)(b), 30(2)(b) and 30(3)(b)) (LC Paper No. CB(1)1897/02-03(05))	

Time marker	Speaker	Subject(s)	Action Required
003150-003203	Chairman Administration	Deletion of clause 30(6) (Clause 30(6)) (LC Paper No. CB(1)1897/02-03(05))	
003204-003917	Chairman Administration Mr LAU Kong-wah Mr HUI Cheung-ching Assistant Legal Adviser 2	Clauses 35(1), 38, 40, 44 and schedules 1 to 5	
003918-004136	Chairman Administration Clerk Mr LAU Kong-wah Mr HUI Cheung-ching	Way forward	