

立法會
Legislative Council

LC Paper No. CB(1)1919/02-03
(These minutes has been seen by
the Administration)

Ref: CB1/BC/11/01/2

**Bills Committee on
Telecommunications (Amendment) Bill 2002**

**Meeting on
Friday, 23 May 2003, at 4:30 pm
in Conference Room A of the Legislative Council Building**

- Members present** : Hon SIN Chung-kai (Chairman)
Dr Hon David CHU Yu-lin, JP
Hon Eric LI Ka-cheung, JP
Hon Fred LI Wah-ming, JP
Hon CHAN Kwok-keung
Hon Howard YOUNG, JP
Hon Emily LAU Wai-hing, JP
Hon Albert CHAN Wai-yip
- Members absent** : Hon YEUNG Yiu-chung, BBS
Hon Abraham SHEK Lai-him, JP
Hon MA Fung-kwok, JP
- Public officers
Attending** : Mrs Marion LAI, JP
Deputy Secretary for Commerce, Industry ;
Technology
(Information Technology and Broadcasting)
- Ms Gracie FOO
Principal Assistant Secretary for Commerce, Industry
and Technology
(Information Technology and Broadcasting)
- Miss Linda SO
Assistant Secretary for Commerce, Industry and
Technology
(Information Technology and Broadcasting)

Mr M H AU, JP
Deputy Director-General of Telecommunications

Mr Edward WHITEHORN
Head, Competition Affairs Branch, Office of the
Telecommunications Authority

Mr Michael LAM
Senior Government Counsel, Department of Justice

Clerk in attendance : Miss Polly YEUNG
Chief Assistant Secretary (1)3

Staff in attendance : Miss Connie FUNG
Assistant Legal Adviser 3

Ms Debbie YAU
Senior Assistant Secretary (1)1

I Confirmation of minutes

LC Paper No. CB(1)1729/02-03 - Minutes of 11th meeting on 12
May 2003

The minutes of the meeting held on 12 May 2003 were confirmed.

II Meeting with the Administration

LC Paper No. CB(1)1715/02-03(01) - Administration's reply to further
issues raised by the Bills
Committee on 12 May 2003

LC Paper No. CB(1)1730/02-03(02) - A full set of Committee Stage
Amendments provided by the
Administration

LC Paper No. CB(1)1730/02-03(03) - Updated marked-up copy of the
Committee Stage Amendments
proposed by the Administration (as
at 17 May 2003) to the Bill
prepared by the Legal Service
Division

- LC Paper No. CB(1)1730/02-03(01) - Joint submission from eight telecommunications operators (English version only)
- LC Paper No. CB(3)593/01-02 - The Bill
- LC Paper No. CB(1)2256/01-02(03) - Marked-up copy of the Bill
- LC Paper No. CB(1)1730/02-03(04) - Checklist on issue which require further consideration/follow-up action (as at 20 May 2003)
- LC Paper No. CB(1)1620/02-03(01) - Administration's further proposed Committee Stage Amendments and other improvements
- LC Paper No. CB(1)1620/02-03(02) - Summary of depositions on Administration's proposed Committee Stage Amendments and other improvements and Administration's response on issues not covered in the paper of "Administration's further Committee Stage Amendments and other improvements"

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

Issues which required follow-up actions/consideration by the Administration

3. At the request of the Bills Committee, the Administration agreed to provide a written response to the joint submission from eight telecommunications operators (LC Paper no. CB(1)1730/02-03(01)), further to the verbal response at the meeting.

4. At the Chairman's request, the Administration confirmed that prior to making the Commencement Notice, the Administration would consult the industry after the enactment of the Bill on the "Guidelines on the Competition Analysis of Mergers and Acquisitions in Telecommunications Markets" (M&A Guidelines). At the Chairman's request, the Administration would also provide the draft M&A Guidelines (after consultation) to the Panel on Information Technology and Broadcasting for consideration before they were issued. Given that the Commencement Notice was subsidiary legislation subject to negative vetting by the Legislative Council, the Bills Committee agreed that if necessary, a Subcommittee might be formed to enable members to scrutinize the M&A Guidelines before allowing clauses 3, 4, 5, 6 and 7 to be brought into operation.

5. The Bills Committee had completed scrutiny of the Bill and would report to the House Committee on 6 June 2003. Members noted that the Administration intended to resume the Second Reading debate on the Bill on 18 June 2003.

III Any other business

6. There being no other business, the meeting ended at 5:05 pm.

Council Business Division 1
Legislative Council Secretariat
12 June 2003

Appendix

**Proceedings of the meeting of the
Bills Committee on Telecommunications (Amendment) Bill 2002
on Friday, 23 May 2003, at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 000134	Chairman	(a) Introductory remarks and confirmation of minutes of meeting on 12 May 2003 (b) No members had proposed any Committee Stage Amendments (CSAs) so far.	
000135 - 000723	Chairman Administration	The Administration introduced the paper (LC Paper No. CB(1) 1715/02-03(01)).	
000724 - 000912	Chairman ALA3	ALA3 briefed members on the updated marked-up copy of the CSAs proposed by the Administration (as at 17 May 2003) to the Bill (LC Paper No. CB(1) 1730/02-03(03)) and confirmed that both Chinese and English versions of the CSAs were in order.	
000913 - 003117	Chairman Administration	The Administration's response to the joint submission from eight telecommunications operators. (LC Paper no. CB(1)1730/02-03(01))	The Administration to provide a written response to the joint submission.
003118- 003426	Chairman Administration	(a) Commencement Notice and "Guidelines on the Competition Analysis of Mergers and Acquisitions in Telecommunications Markets" (b) Members noted the Administration's intention to resume Second Reading debate of the Bill on 18 June 2003. (c) Deadline for giving notice of CSAs was 9 June 2003.	The Administration to note as per paragraph 4 of the minutes.