

立法會
Legislative Council

LC Paper No. CB(2)585/02-03

Ref : CB2/BC/4/01

**Legislative Council
Bills Committee on Adaptation of Laws Bill 2001**

**Minutes of the third meeting
held on Tuesday, 5 November 2002 at 2:30 pm
in Conference Room B of the Legislative Council Building**

- Members present** : Hon Margaret NG (Chairman)
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, JP
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Audrey EU Yuet-mee, SC, JP
- Member absent** : Hon James TO Kun-sun
- Public officers attending** : Ms CHANG King-yiu
Deputy Director of Administration
- Ms Maggie WONG
Assistant Director of Administration
- Mr John WONG
Senior Government Counsel
Department of Justice
- Mr CHEUNG Man-yiu
Senior Government Counsel
Department of Justice
- Clerk in attendance** : Mrs Percy MA
Chief Assistant Secretary (2)3

Staff in attendance : Mr KAU Kin-wah
Assistant Legal Adviser 6

Mr Paul WOO
Senior Assistant Secretary (2)3

Action

I. Confirmation of minutes of meeting
(LC Paper No. CB(2)241/02-03)

The minutes of the meeting held on 17 September 2002 were confirmed.

II. Meeting with the Administration

2. The Bills Committee deliberated (index of proceedings attached at **Annex**).

Way forward for the Bill

(LC Paper Nos. CB(2)243/02-03(01) and (02))

3. Deputy Director of Administration (DDA) said that the Administration accepted that there were limitations of the proposed definition of "prescribed officer" in capturing future new offices that could have fallen within the scope of "Crown servant". However, the definition of "prescribed officer" could be amended there and then to include these new offices if considered necessary.

4. The Chairman said that she was not convinced that principal officials were covered under paragraph (a) of the proposed definition of "prescribed officer" as some of them were no longer civil servants. She was also of the view that the proposal to replace "Crown servant" with "prescribed officer" was not adaptation in nature.

5. In response to DDA, Members expressed agreement to the Administration's proposal to replace "Crown servant" by "prescribed officer" as proposed in the Bill. On the basis of this agreement, DDA said that the Administration was prepared to move Committee Stage Amendments (CSAs) to remove the proposed amendments to replace "Crown servant" with "prescribed officer" to an omnibus bill (the Law Amendment and Reform (Miscellaneous Provisions) Bill) and introduce the latter into the Council at the earliest opportunity. Members present at the meeting agreed to the Administration's suggestion. DDA said that the Administration would propose corresponding CSAs for the Bills Committee's consideration.

Action

6. The Chairman suggested that for the avoidance of doubt, the Administration should reconsider whether principal officials should also be listed under the definition of "prescribed officer" in the bill to be introduced, as in the case of the five listed offices. DDA undertook to revert to the Bills Committee in writing after consultation with the Department of Justice.

Admin

(Post-meeting note - The Administration's reply and proposed CSAs were circulated to the Bills Committee vide LC Paper No. CB(2)561/02-03 on 4 December 2002)

Application of Prevention of Bribery Ordinance (POBO) to the Chief Executive (CE)

7. DDA said that the Administration was considering, as a separate law reform exercise, an appropriate option to extend the general standard of bribery prevention applicable to the prescribed officers under POBO for application to the Chief Executive. The Bills Committee requested the Administration to expedite action.

Clause by clause examination of the Bill
(LC Paper No. CB(2)2570/01-02(02))

Clause 3(d) of Schedule 2 to the Bill - Appointment of the Commissioner of the Independent Commission Against Corruption

8. DDA said that the Administration would introduce a CSA to the clause, consequential to the Administration's agreement to delete all references to "prescribed officer" from the Bill.

Admin

9. The Bills Committee completed scrutiny of the Bill clause by clause.

CSAs proposed by the Administration

10. The Bills Committee agreed that the CSAs proposed by the Administration, when available, should be circulated for members' consideration. If members raised no queries on the CSAs, no further meeting of the Bills Committee would be necessary.

Clerk

11. There being no other business, the meeting ended at 3:20 pm

**Proceedings of the third meeting of the
Bills Committee on Adaptation of Laws Bill 2001
on Tuesday, 5 November 2002 at 2:30 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker (s)	Subject(s)	Action required
000001-000342	Chairman	Admin's response to issues raised at previous meeting regarding the limitations of the proposed definition of "prescribed officer" in preserving the same scope that "Crown servant" covered.	
000343-001327	Admin Chairman Ms Emily LAU Mr Jasper TSANG Mr Ambrose LAU	(a) Proposal to move Committee Stage amendments (CSAs) to delete the proposed amendments to replace "Crown servant" with "prescribed officer", and to introduce the relevant legislative amendments in an omnibus bill to be introduced into the Council as soon as possible; (b) Extension of the general standard of bribery prevention applicable to prescribed officers under the Prevention of Bribery Ordinance to the Chief Executive in a separate law reform exercise.	
001328-001739	Chairman Admin	The definition of "prescribed officer" in the omnibus bill to be introduced to include principal officials as a separate category	Admin to consider the proposal
001740-003409	Chairman Admin	Clause by clause examination of the Bill	
003410-003906	ALA Admin Chairman Mr Jasper TSANG	Clause 3(d) of Schedule 2 to the Bill relating to section 5 of the Independent Commission Against Corruption Ordinance on appointment of the Commissioner of the Independent Commission Against Corruption	

Time marker	Speaker (s)	Subject(s)	Action required
003907-004351	Chairman Mr Ambrose LAU Admin	Continue with clause by clause examination of the Bill	
004352-004655	Chairman Mr Ambrose LAU Admin Mr Jasper TSANG	Clause 3(d) of Schedule 2 to the Bill	Admin to introduce CSA to the clause
004656-004830	Chairman	Admin's proposed CSAs to be circulated to the Bills Committee for consideration	Admin to provide its proposed CSAs

Note : The audio records of the above proceedings are kept at the LegCo Library

Council Business Division 2
Legislative Council Secretariat
9 December 2002