

立法會
Legislative Council

LC Paper No. CB(2) 350/01-02

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 4th meeting
held in the Legislative Council Chamber
at 4:15 pm on Friday, 9 November 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 David CHU Yu-lin, JP
Hon Cyd HO Sau-lan
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
Dr Hon LUI Ming-wah, JP
Hon NG Leung-sing, JP
Hon Margaret NG
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon HUI Cheung-ching, JP
Hon CHAN Kwok-keung
Hon CHAN Yuen-han, JP
Hon CHAN Kam-lam
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon SIN Chung-kai
Hon Andrew WONG Wang-fat, JP
Dr Hon Philip WONG Yu-hong
Hon Jasper TSANG Yok-sing, JP
Hon Howard YOUNG, JP
Dr Hon YEUNG Sum
Hon YEUNG Yiu-chung, BBS
Hon LAU Chin-shek, JP
Hon LAU Kong-wah
Hon LAU Wong-fat, GBS, JP
Hon Miriam LAU Kin-ye, JP

Hon Ambrose LAU Hon-chuen, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo
Hon SZETO Wah
Hon LAW Chi-kwong, JP
Hon TAM Yiu-chung, GBS, JP
Dr Hon TANG Siu-tong, JP
Hon Abraham SHEK Lai-him, JP
Hon Henry WU King-cheong, BBS
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Hon Albert CHAN Wai-yip
Hon LEUNG Fu-wah, MH, JP
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
Hon MA Fung-kwok

Members absent :

Hon James TIEN Pei-chun, GBS, JP
Hon Albert HO Chun-yan
Dr Hon David LI Kwok-po, GBS, JP
Hon Bernard CHAN
Hon LEUNG Yiu-chung
Hon WONG Yung-kan
Hon Timothy FOK Tsun-ting, SBS, JP
Hon LI Fung-ying, JP
Dr Hon LO Wing-lok

Clerk in attendance :

Mrs Justina LAM Clerk to the House Committee

Staff in attendance :

Mr Ricky C C FUNG, JP	Secretary General
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
Ms Bernice WONG	Assistant Legal Adviser 1

Mr Arthur CHEUNG	Assistant Legal Adviser 5
Mr KAU Kin-wah	Assistant Legal Adviser 6
Mrs Vivian KAM	Chief Assistant Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Mrs Constance LI	Chief Assistant Secretary (2)5
Mrs Betty LEUNG	Chief Assistant Secretary (3)1
Miss Betty MA	Senior Assistant Secretary (2)1

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**I. Confirmation of the minutes of the 3rd meeting held on 2 November 2001
(LC Paper No. CB(2) 286/01-02)**

The minutes were confirmed.

II. Matters arising

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

Invitation to CS to attend a House Committee meeting

2. The Chairman said that CS had responded that he would be pleased to attend a meeting of the House Committee to brief Members not only on the issue of 24-hour operation at boundary control points, but also on other issues. However, CS had remarked that as there would be many meetings with the Mainland authorities, it might not be practicable for him to brief Members every time. He would brief Members when there was significant progress to report on.

3. The Chairman further said that CS had pointed out that he would have a series of speaking engagements in Europe in the latter half of November 2001. The Chairman added that the Secretary General would make arrangements with CS's Office for CS to attend a meeting of the House Committee after his return from Europe.

Invitation to the Financial Secretary (FS) to attend a meeting of the Panel on
Financial Affairs (FA Panel)

4. The Chairman said that CS was quite certain that FS would be happy to attend a meeting of the FA Panel. The Chairman added that the FA Panel had invited FS to attend its meeting scheduled for 3 December 2001.

2001 Population Census

5. The Chairman said that the FA Panel held a meeting on 8 November

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2001 for the Administration to give a briefing on the Summary Results of the 2001 Population Census.

6. The Chairman further said that she had relayed to CS the House Committee's request that in future a briefing to the Legislative Council (LegCo) should be conducted on major reports such as the 2001 Population Census at the point of publication, so that Members did not have to rely on media reports alone. The Chairman added that CS had agreed that the Administration would take the initiative to brief Members on reports of a similar scale in future.

Subcommittee on Members' Remuneration and Operating Expenses Reimbursement

7. The Chairman said that she had written to CS regarding Members' request for the Administration to propose a pension scheme for Members of LegCo.

(b) Government's Legislative Programme for the 2001-02 session

*(Director of Administration's letter dated 3 November 2001 issued vide LC Paper No. CB(2) 276/01-02 dated 5 November 2001)
(LC Paper No. CB(2) 326/01-02)*

8. The Chairman said that Ms Emily LAU had expressed concern that only 32 bills were listed in the Legislative Programme for the 2001-02 session provided by the Administration. The Chairman added that Ms LAU had requested the LegCo Secretariat to provide statistics on the number of bills introduced into and scrutinised by the Council since 1 July 1997. The statistics were detailed in LC Paper No. CB(2) 326/01-02.

9. Ms Emily LAU said that some government officials had told her in private that they were worried that LegCo Members had been over-cautious in scrutinising bills and might unduly delay the enactment of bills. Ms LAU further said that it was recently reported in the press that the Administration would consider using executive orders instead of legislating so as to "bypass" LegCo. As the statistics compiled by the Secretariat showed that far fewer bills would be introduced in the current session than in previous sessions, she said that clarification should be sought from CS to avoid any misunderstanding.

10. The Chairman said that it was also reported in the press that she, as Chairman of the House Committee, had requested the Administration to introduce fewer bills. The Chairman stressed that she had never made such a request. She had only reminded the Administration to provide the Legislative Programme for the 2001-02 session as soon as possible. She pointed out that CS had not said anything to her about using executive orders instead of

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legislating, and CS had also not made any complaint that LegCo had delayed the enactment of government bills.

11. Dr YEUNG Sum said that Members belonging to the Democratic Party were concerned that if the Administration resorted to using executive orders instead of legislating, it would undermine the power of LegCo in making laws and monitoring the work of the Government. Dr YEUNG further said that this was a serious matter and the Chairman should seek clarification from CS.

12. Miss Margaret NG said that during the deliberations of the Karaoke Establishments Bill, members of the Bills Committee had pointed out that the Administration could have proposed amendments to existing legislation regarding fire safety requirements for karaoke establishments, instead of introducing a new piece of legislation. She considered that it was the need for legislating and not Members' workload which should determine whether a legislative proposal should be introduced. Dr YEUNG concurred with Miss NG.

13. The Chairman said that she would relay Members' concerns to CS.

III. Business arising from previous Council meetings

(a) **Legal Service Division report on bills referred to the House Committee in accordance with Rule 54(4)**

Chemical Weapons (Convention) Bill
(*LC Paper No. LS 1/01-02*)

14. Referring to the report, the Legal Adviser said that the Bill was to implement the "Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction" in Hong Kong by controlling chemical weapons and certain chemicals capable of being used as chemical weapons. He advised that the People's Republic of China was a signatory to the Convention and the Central People's Government had extended the application of the Convention to Hong Kong.

15. The Legal Adviser further said that according to the LegCo Brief on the Bill, the chemical industry and other related establishments were informed of the new legislation and no concern was raised.

16. The Legal Adviser added that when the Panel on Commerce and Industry was briefed on the policy aspects of the Bill on 9 July 2001, members of the Panel raised concerns about the international inspection arrangements, the impact on the industry and the drafting aspects.

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17. The Legal Adviser said that the Legal Service Division had raised queries on certain legal and drafting aspects of the Bill with the Administration and was awaiting a reply.

18. The Chairman proposed that a Bills Committee should be formed to study the Bill in detail. Members agreed. The following Members agreed to join : Ms Cyd HO, Mr James TO, Mr LAU Kong-wah (as advised by Mr IP Kwok-him) and Ms Audrey EU.

19. The Chairman added that the Bills Committee would be placed on the waiting list.

(b) Legal Service Division report on subsidiary legislation gazetted on 2 November 2001

(LC Paper No. LS 19/01-02)

20. The Legal Adviser said that only one item of subsidiary legislation, the Tax Reserve Certificates (Rate of Interest) (No. 11) Notice 2001, was gazetted on 2 November 2001.

21. The Chairman reminded Members that the deadline for amending the Notice was the Council meeting on 5 December 2001, or 12 December 2001 if extended by resolution.

IV. Further business for the Council meeting on 14 November 2001

(a) Questions

(LC Paper No. CB(3) 111/01-02)

22. The Chairman drew Members' attention to the new oral question to be asked by Mr David CHU.

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

Massage Establishments (Amendment) Bill 2001

23. The Chairman said that at the House Committee meeting on 2 November 2001, Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(c) **Government motions**

(i) **Proposed resolutions under section 34(2) of the Interpretation and General Clauses Ordinance - to be moved by the Secretary for Constitutional Affairs**

(Wording of the motion issued vide LC Paper No. CB(3) 116/01-02 dated 7 November 2001.)

24. The Chairman said that the Secretary for Constitutional Affairs would move motions to amend the following three Regulations which had been scrutinised by the Subcommittee on subsidiary legislation relating to the Chief Executive (CE) election -

- (a) the Election Committee (Appeals) Regulation;
- (b) the Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation; and
- (c) the Registration of Electors (Appeals) (Amendment) Regulation 2001.

25. The Chairman added that the Subcommittee had provided a written report on the five items of subsidiary legislation relating to the CE election gazetted on 5 October 2001 at the last House Committee meeting.

(ii) **Proposed resolutions under section 34(2) of the Interpretation and General Clauses Ordinance - to be moved by the Secretary for Security**

(Wording of the motion issued vide LC Paper No. CB(3) 122/01-02 dated 8 November 2001.)

26. The Chairman said that the Secretary for Security would move a motion to amend the Rehabilitation Centres Regulation. The Chairman added that the Subcommittee formed to study the Regulation had provided a report under agenda item VI(d) below.

(d) **Members' motion**

Proposed resolution under section 34(4) of the Interpretation and General Clauses Ordinance

(Wording of the motion issued vide LC Paper No. CB(3) 103/01-02 dated 1 November 2001.)

27. The Chairman said that Mr IP Kwok-him would move a motion to extend the scrutiny period of the six items of subsidiary legislation relating to the CE election (gazetted on 12 October 2001) to 21 November 2001.

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V. Business for the Council meeting on 21 November 2001

(a) Questions

(LC Paper No. CB(3) 112/01-02)

28. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 21 November 2001.

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

Inland Revenue (Amendment) (No. 2) Bill 2001

29. The Chairman said that the Bill would be introduced into the Council on 21 November 2001 and considered by the House Committee on 23 November 2001.

(c) Government motion

Proposed resolution under the Occupational Safety and Health Ordinance and the Interpretation and General Clauses Ordinance - to be moved by the Secretary for Education and Manpower (SEM)

(Wording of the motion issued vide LC Paper No. CB(3) 117/01-02 dated 7 November 2001.)

30. The Chairman said that SEM would move a motion on 21 November 2001 to seek the Council's approval for the Occupational Safety and Health (Display Screen Equipment) Regulation. The Chairman further said that the Subcommittee formed to study the Regulation had provided a report under agenda item VI(c) below.

(d) Members' motions

(i) Motion on "Conservation policy"

31. The Chairman said that the above motion would be moved by Miss CHOY So-yuk and the draft wording of the motion had been issued to Members.

(ii) Motion on "Alleviating the disparity between the rich and the poor"

(Wording of the motion issued vide LC Paper No. CB(3) 124/01-02 dated 8 November 2001.)

32. The Chairman said that the above motion would be moved by Mr Frederick FUNG Kin-kee and the wording of the motion had been issued to Members.

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33. The Chairman reminded Members that the deadline for giving notice of amendments, if any, was 14 November 2001.

VI. Bills Committee and subcommittee reports

(a) Position report on Bills Committees/subcommittees
(LC Paper No. CB(2) 289/01-02)

34. The Chairman said that there were 14 Bills Committees and six subcommittees in action as well as nine Bills Committees, including the Bills Committee on the Chemical Weapons (Convention) Bill formed under agenda item III(a) above, on the waiting list. The Chairman added that the vacant slot would be taken up by the Bills Committee on the Landlord and Tenant (Consolidation) Bill 2001 on the waiting list.

(b) Report of the Bills Committee on Inland Revenue (Amendment) Bill 2001

(LC Paper No. CB(2) 304/01-02)

35. Mr HUI Cheung-ching, Deputy Chairman of the Bills Committee, said that the Bill sought to raise the tax-deduction ceiling for home loan interest from \$100,000 to \$150,000 for the years of assessment 2001-02 and 2002-03.

36. Mr HUI Cheung-ching reported that the Bills Committee had held two meetings to discuss the need for early enactment of the Bill and the application procedures for the holding over of payment of provisional salaries tax. Mr HUI further said that Mr Albert HO had indicated that he would consider moving an amendment to the Bill to increase the maximum amount of home loan interest deduction to \$180,000 for the years of assessment 2001-02 and 2002-03. He added that Miss CHAN Yuen-han was of the view that the proposed increase in home loan interest deduction should be extended to beyond the year of assessment 2002-03.

37. Mr HUI Cheung-ching pointed out that the Administration considered that both the proposals of Mr Albert HO and Miss CHAN Yuen-han would have charging effect as defined in Rule 57(6) of the Rules of Procedure because the proposals, if implemented, would result in a reduction of revenue from a lawfully established source at a future date.

38. Mr HUI Cheung-ching said that the Bills Committee supported the resumption of the Second Reading debate on the Bill on 21 November 2001.

39. The Chairman reminded Members that the deadline for giving notice of Committee Stage amendments to the Bill was 12 November 2001.

(c) **Report of the Subcommittee on Occupational Safety and Health (Display Screen Equipment) Regulation**
(LC Paper No. CB(2) 312/01-02)

40. Presenting the report, Mr Andrew CHENG, Chairman of the Subcommittee, said that the Subcommittee had held 11 meetings and had discussed in detail the provisions of the Occupational Safety and Health (Display Screen Equipment) Regulation and the draft Health Guide. He explained that non-compliance by a person responsible for a workplace with certain requirements stipulated in the Regulation was made offences of strict liability punishable with a fine at level 5 (\$50,000). As for a display screen equipment (DSE) user, non-compliance with any system of work or practice provided for his safety and health would be subject to a fine at level 3 (\$10,000).

41. Mr CHENG informed Members that the Administration had proposed a 12-month grace period before the Regulation took effect. As some of the provisions of the Regulation were quite controversial, the Subcommittee had requested that the Administration should brief the Panel on Manpower on the proposed commencement date of the Regulation and any changes made to the Health Guide before the commencement date was published by notice in the Gazette.

42. Mr Andrew CHENG said that members of the Subcommittee were in support of the objective of protecting the occupational safety and health of DSE users. However, some members had expressed concern about the need for the Regulation to be introduced at the present stage, and the Administration's proposal that non-compliance with certain requirements in the Regulation by responsible persons, employers and DSE users at workplaces would constitute an offence. These members considered that stepping up publicity and public education would be more effective than adopting a legislative approach.

43. Mr CHENG added that as compliance standards were not set out in the Regulation, members had expressed concern as to how employers and persons responsible for workplaces could discharge their responsibilities properly and how the Regulation could be enforced effectively. Mr CHENG pointed out that although the Health Guide would set out the compliance standards, it was only an advisory document and non-compliance would not be subject to any penalty.

44. Mr CHENG informed Members that Mr LEE Cheuk-yan had proposed to add to the Regulation a new section 11 to the effect that the guidelines issued by the Labour Department for the implementation of the Regulation would be admissible in evidence in any legal proceedings. Mr CHENG said that Mr LEE's proposal was modelled on section 40 of the Occupational Safety

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and Health Ordinance (OSHO). The Administration was of the view that Mr LEE's proposed amendments were inconsistent with section 40 of the OSHO and hence ultra vires, but the legal adviser to the Subcommittee held a different view. Mr CHENG added that some members had expressed reservations about Mr LEE's proposed amendments as they were worried that giving legal effect to the Health Guide would unnecessarily create tensions between employers and employees.

45. Mr Andrew CHENG further said that there were provisions for rest periods in the relevant legislation governing the use of DSE in the United Kingdom and the United States (US). He informed Members that he would seek to amend the Regulation to provide for DSE users to take appropriate rest breaks or alternative tasks after prolonged DSE work. He added that the Subcommittee had divergent views on his proposed amendment.

46. Mr Andrew CHENG further informed Members that the Subcommittee had discussed at length the requirements for a person responsible for a workplace to perform risk assessment of a workstation, record the findings and take steps to reduce the risks identified. Members had expressed concern that the responsible person might not have the knowledge to comply with such requirements. As non-compliance with these requirements was an offence, this would put undue pressure on the responsible person. The Administration had explained that performing a risk assessment for a workstation was a relatively simple process based on the checklist provided in the Health Guide. Moreover, the Labour Department would allow time for the responsible person to make improvements before considering whether to institute prosecution.

47. Mr Andrew CHENG pointed out that the offences of strict liability proposed in section 10(1) and (2) were the most controversial provisions of the Regulation. As some members had expressed strong reservations, the Administration had agreed to include the defence of reasonable practicability in sections 6, 8 and 9 of the Regulation.

48. Mr Andrew CHENG said that although the Administration had proposed a number of amendments to the Regulation, some members still had reservations as to whether the Regulation could achieve the objective of protecting the safety and health of DSE users. These members had proposed that the Regulation should be overhauled to restrict its application to specific occupations which required continuous use of DSE at work. The Administration, however, considered that the Regulation should protect DSE users in a broad spectrum of occupations and objected to overhauling the Regulation as proposed by some members.

49. Mr Eric LI said that he had strong reservations about introducing the Regulation at the present moment in view of its wide scope and the heavy penalty for non-compliance. Mr LI was concerned about the cost

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implications for the small and medium enterprises to carry out improvement measures to comply with the various requirements stipulated in the Regulation. He also expressed doubts as to whether the small and medium enterprises were aware of the provisions of the Regulation, including the offences of strict liability.

50. Mr Kenneth TING said that he was a member of the Subcommittee, and he objected to the Regulation as it would have significant cost implications for many sectors of the community. He added that he had pointed out to the Administration that it was becoming less common nowadays for workers to be engaged in pure data input work, and most DSE users did not need to use their DSE continuously for a long period. He was of the view that to protect the occupational safety and health of DSE users, stepping up public education was more appropriate and effective than legislating.

51. Ir Dr Raymond HO said that he was a member of the Subcommittee and he did not consider the Regulation necessary or effective. He was of the view that some health problems were caused not by the design of workstations but the incorrect posture of the user. Given that the Regulation contained some very controversial provisions, he would consider voting against the motion on the Regulation to be moved by SEM at the Council meeting on 21 November 2001.

52. Mr Henry WU said that he was a member of the Subcommittee. Mr WU further said that during the deliberations of the Subcommittee, members had raised concerns about the practical difficulties in implementing and enforcing the Regulation. He was of the view that the Regulation was not well thought-out and could lead to conflicts between employers and employees. He suggested that the Administration should be requested to withdraw the notice of the motion on the Regulation.

53. Dr David CHU said that he also had reservations about the Regulation as it would have a negative impact on the small and medium enterprises. He pointed out that CE had said in his Policy Address on 10 October 2001 that the Administration would ensure that prior to formulating new policies and legislation, the impact on the business environment would be fully assessed. He asked whether the Subcommittee had discussed with the Administration the impact of the Regulation on the business environment.

54. Mr Andrew CHENG responded that the Subcommittee had not discussed the impact of the Regulation on the business environment. He explained that members of the Subcommittee had raised various concerns and had already held 11 meetings to discuss these concerns in detail. Since the Subcommittee could not reach agreement on some of the more controversial issues, he considered it appropriate for the Subcommittee to conclude its work and let the Council decide whether the Regulation should be approved.

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55. Mr LEUNG Fu-wah said that it was not unusual for Members to have different views on a legislative proposal. As regards the Regulation, he pointed out that the Administration had provided a lot of information to the Subcommittee and had agreed to propose amendments in response to members' concerns. He further pointed out that some of the provisions in the Regulation already existed in the OSHO, and that employers could be prosecuted for not providing a healthy and safe workplace for computer users under the OSHO even without the Regulation. He said that the Regulation only sought to spell out explicitly the responsibility of employers and responsible persons in safeguarding the health and safety of DSE users at the workplace. Mr LEUNG added that as the Subcommittee had completed the scrutiny of the Regulation, a decision on whether the Regulation should be approved should be taken by the Council.

56. Mr LEE Chuek-yan explained that the Regulation only required a person responsible for a workplace in which DSE users worked to perform risk assessment of a workstation where any DSE user worked. He further explained that the compliance standards set out in the Health Guide were not legally binding. He added that as the Subcommittee had completed scrutiny of the Regulation, it would not serve any meaningful purpose for SEM's motion on the Regulation to be deferred.

57. Dr YEUNG Sum said that it would not be appropriate for the House Committee to discuss the Regulation as the Subcommittee had fully deliberated the Regulation and provided a detailed written report. He added that it would be for SEM to consider whether to withdraw her notice for the motion on the Regulation. Mr James TO concurred with Dr YEUNG. Mr TO pointed out that the membership of the Subcommittee was quite representative of the membership of the Council. He added that the Subcommittee could be asked to further discuss the Regulation if there were new views or arguments that the Subcommittee had not considered before.

58. Ms Miriam LAU said that she was a member of the Subcommittee. She pointed out that a number of issues raised by the Subcommittee had not been resolved and required further deliberation. She added that the Subcommittee had also not discussed with the Administration the impact of the Regulation on the business environment.

59. Mr LEUNG Fu-wah said that it would be for the Administration to assess the impact of the Regulation on business environment, although personally he did not think that the Regulation would have any impact on the business environment. He further said that a decision on the motion on the Regulation should be taken by the Council at its meeting on 21 November 2001.

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60. Mr Howard YOUNG said that he had reservations about the Regulation. He supported Mrs LAU's proposal that SEM should be requested to withdraw her notice for moving the motion on the Regulation given its far-reaching implications for many trades and industries and the concerns raised by Members. He said that Members should be mindful of the "confusion" caused to the community when the Intellectual Property (Miscellaneous Amendments) Ordinance 2000 came into operation. He added that LegCo should give thorough consideration to any legislative proposal, especially one which affected a vast majority of the public.

61. Miss Margaret NG said that the Regulation was far more complicated than originally envisaged, because offences of strict liability were proposed. While she had no disagreement that employers had the obligation to safeguard the occupational safety and health of employees, she was of the view that due consideration should be given to whether the requirements in the Regulation could, in practice, be complied with by employers and employees. She suggested that the Subcommittee should hold a further meeting, which should be open to all Members, to discuss the concerns raised at this meeting.

62. Mr Andrew CHENG said that as Members had raised a new concern about the impact of the Regulation on the business environment which the Subcommittee had not discussed before, he agreed that the Subcommittee should hold another meeting to discuss the concern with the Administration. He added that the meeting would also discuss Members' concerns about the implementation details and enforcement of the Regulation, and all Members would be invited to attend the meeting.

63. Mr SIN Chung-kai expressed support for Mr Andrew CHENG's suggestion. Mr SIN said that as the Regulation would apply to all workplaces in which DSE users worked, Members should consult the relevant trade associations, professional bodies and other organisations concerned on the practical difficulties they envisaged in complying with the Regulation.

64. Mr LEE Cheuk-yan expressed concern that the motion on the Regulation might be deferred for an indefinite period and asked whether the Subcommittee should only hold one more meeting to discuss the issues raised. Mr LEUNG Fu-wah suggested that to avoid protracted discussion, the Subcommittee should only discuss the new issues and concerns, such as the impact on business environment, which had not been covered in its previous discussions.

65. The Chairman and Miss Margaret NG said that it would not be appropriate for the House Committee to decide for the Subcommittee as to how many more meetings it would need to hold.

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66. The Chairman proposed that SEM should be requested to withdraw her notice for moving the motion on the Regulation at the Council meeting on 21 November 2001. Members agreed.

(d) Report of the Subcommittee on Rehabilitation Centres Regulation
(LC Paper No. CB(2) 265/01-02)

67. Mr James TO, Chairman of the Subcommittee, said that the Subcommittee supported the Regulation and the amendments to be moved by the Secretary for Security at the Council meeting on 14 November 2001.

68. Mr James TO explained that in response to members' concerns, the Administration would amend section 11(2) of the Regulation to state that religious instruction could be made available to an offender who did not yet belong to a religious denomination but had a genuine need for religious instruction, if the offender so desired and it was reasonably practicable to make such arrangements. As regards the conditions of a supervision order, Mr TO said that the Administration had agreed to extend the scope of paragraphs (j) and (k) of Schedule 1 to include any other convicted offences of the supervisee as it would help the supervisee to keep away from undesirable persons and places.

(e) Report of the Subcommittee on Fugitive Offenders (Sri Lanka) Order and Fugitive Offenders (Portugal) Order

69. Mr James TO, Chairman of the Subcommittee, said that the Subcommittee would need to hold another meeting to discuss the Administration's response to concerns raised by members. He explained that under the Fugitive Offenders (Sri Lanka) Order, a request for surrendering a fugitive offender could be made in respect of offences of a political character if the offender was involved in murder or any offence against the laws relating to explosives. He said that such a provision was not found in other Fugitive Offenders Orders made in the past.

70. Mr James TO further said that to allow more time for the Subcommittee to study the two Orders, he would move a motion at the Council meeting on 14 November 2001 to extend the scrutiny period of the two Orders to 21 November 2001.

71. The Chairman advised that LegCo could, by resolution, extend the scrutiny period for the two Orders to the Council meeting on 21 November 2001. She pointed out that the notice of such a motion had to be given at least 12 clear days before the Council meeting at which the motion would be moved. In this connection, it would be necessary to seek the President's leave to dispense with the notice requirement for Mr TO's motion. Members expressed support for the President's leave to be sought.

VII. Proposed parliamentary visit to Canada and the United States
(*LC Paper No. CB(3) 121/01-02*)

72. Dr LUI Ming-wah, Chairman of the Subcommittee, said that the Parliamentary Liaison Subcommittee had recommended that a visit to Canada (Toronto and Ottawa) and US (Washington DC) by a delegation of eight Members should be organised to enhance the Council's ties with the Canada-Hong Kong Parliamentary Friendship Group, foster liaison with members of the US Congress, and update them on the latest developments in the Hong Kong Special Administrative Region. It was intended that the programme would include meetings with parliament members and committees dealing with trade and commerce and international relations, as well as senior officials of the Canadian and US Governments, representatives of major overseas Chinese social and business communities, and other non-government organisations.

73. Dr LUI Ming-wah further said that the Subcommittee proposed that the visit should last for nine days from 16 to 24 February 2002 during the Chinese New Year holiday break. The draft budget as well as a proposed flight and boarding schedule were given in the Appendices to the report.

74. Dr LUI Ming-wah further said that in accordance with the selection method agreed at the House Committee meeting on 19 January 2001, Members were divided into six defined groups and the eight places would be allocated among these groups on a pro-rata basis. Dr LUI added that each group would decide its own way to nominate the participating Members.

75. Members endorsed the Subcommittee's proposals in paragraphs 4 to 7 of the report.

VIII. Any other business

76. There being no further business, the meeting ended at 5:32 pm.