

立法會  
*Legislative Council*

LC Paper No. CB(2) 725/01-02

Ref : CB2/H/5

**House Committee of the Legislative Council**

**Minutes of the 9th meeting  
held in the Legislative Council Chamber  
at 4:10 pm on Friday, 14 December 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, GBS, JP  
Dr Hon David CHU Yu-lin, JP  
Hon Cyd HO Sau-lan  
Hon Eric LI Ka-cheung, 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 Bernard CHAN  
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 Howard YOUNG, JP  
Dr Hon YEUNG Sum  
Hon YEUNG Yiu-chung, BBS  
Hon LAU Chin-shek, JP  
Hon LAU Wong-fat, GBS, JP  
Hon Ambrose LAU Hon-chuen, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Andrew CHENG Kar-foo  
Hon SZETO Wah  
Dr Hon TANG Siu-tong, JP

Hon LI Fung-ying, JP  
Hon Henry WU King-cheong, BBS  
Hon Tommy CHEUNG Yu-yan, JP  
Hon Michael MAK Kwok-fung  
Hon LEUNG Fu-wah, MH, JP  
Dr Hon LO Wing-lok  
Hon WONG Sing-chi  
Hon Frederick FUNG Kin-kee  
Hon Audrey EU Yuet-mee, SC, JP

**Members absent :**

Hon Albert HO Chun-yan  
Ir Dr Hon Raymond HO Chung-tai, JP  
Hon LEE Cheuk-yan  
Hon Martin LEE Chu-ming, SC, JP  
Dr Hon David LI Kwok-po, GBS, JP  
Dr Hon LUI Ming-wah, JP  
Hon LEUNG Yiu-chung  
Hon WONG Yung-kan  
Hon Jasper TSANG Yok-sing, JP  
Hon LAU Kong-wah  
Hon Miriam LAU Kin-yea, JP  
Hon CHOY So-yuk  
Hon Timothy FOK Tsun-ting, SBS, JP  
Hon LAW Chi-kwong, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon Abraham SHEK Lai-him, JP  
Hon Albert CHAN Wai-yip  
Hon IP Kwok-him, JP  
Hon LAU Ping-cheung  
Hon MA Fung-kwok

**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
Mr Arthur CHEUNG	Assistant Legal Adviser 5
Miss CHENG Kit-yea, Kitty	Assistant Legal Adviser (Temp)

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 8th meeting held on 14 December 2001**  
*(LC Paper No. CB(2) 649/01-02)*

The minutes were confirmed.

**II. Matters arising**

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

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Financial Secretary's remarks made at the meeting of the Panel on Financial Affairs on 3 December 2001

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2. The Chairman said that she had conveyed to CS the views and points raised by Members. CS had responded that he fully appreciated the point that one-way media briefing was no substitute for briefing the Council. He promised that the Administration would provide as much information as possible for the Council and brief the Council on new developments. He pointed out, however, that the Administration was having frequent meetings with the Mainland authorities on Pearl River Delta developments and there might not be matters worthy of briefing the Council on every occasion.

3. The Chairman further said that CS had assured that he intended to meet with the Council more frequently than his predecessor had done.

4. Ms Emily LAU asked whether CS had agreed to prepare Legislative Council (LegCo) Briefs on officials visits to the Mainland or overseas made by senior Government officials to inform Members of the details of such visits. The Chairman responded that she had raised with CS that instead of just issuing press releases, LegCo Briefs should be prepared after such official visits, if there were new or important developments. Ms LAU said that the Administration should be requested to confirm that it would do so. The Chairman undertook to raise the matter with CS again.

Co-operation between the Administration and the Council

5. The Chairman further briefed Members that CS hoped that at a time when it was of paramount importance to increase people's confidence, there

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should be stronger co-operation between the Administration and the Council and fewer bickerings and conflicts.

6. The Chairman said that CS had expressed disappointment that the recent proposal to retain a supernumerary post to head the West Rail Division in the Railway Development Office had been rejected by the Finance Committee. She had responded that Members had no intention to make things difficult for the Administration. The Deputy Chairman had also explained that some Members considered it inappropriate to retain the post for the West Rail project longer than was necessary.

7. The Chairman further said that CS had pointed out that delays in infrastructure projects would affect employment opportunities adversely. Also, it was important not to give the Mainland authorities the impression that the Hong Kong Special Administrative Region Government was indecisive. He hoped that the Administration and the Council could maintain a constructive dialogue so that any contention would not come as a surprise.

8. Miss Margaret NG said that the Administration should understand that when a financial proposal was put forward by the Administration to LegCo for approval, Members would only consider the merits or otherwise of the proposal, and not how the relationship between the Executive Authorities and the Legislature would be affected if the proposal was approved or not approved by LegCo.

9. The Chairman said that she had made it very clear to CS that stronger co-operation between the Administration and the Council did not mean that Members and the Administration could not have different views.

**(b) Supplementary Information on Poisons List (Amendment) (No. 4) Regulation 2001 and Pharmacy and Poisons (Amendment) (No. 5) Regulation 2001**

*(LC Paper No. LS 38/01-02)*

10. Presenting the paper, the Legal Adviser said that the Administration had provided supplementary information on the substances referred to in the Poisons List (Amendment) (No. 4) Regulation 2001 and the Pharmacy and Poisons (Amendment) (No. 5) Regulation 2001.

11. Miss Margaret NG said that the Administration should provide Members with information in such detail when making similar proposals in future.

12. The Chairman said that the trade generally considered the two Amendment Regulations acceptable.

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13. Members did not raise objection to the Secretary for Health and Welfare moving a motion to seek the Council's approval for the two Amendment Regulations on 19 December 2001.

**III. Legal Service Division report on subsidiary legislation gazetted on 7 December 2001**

*(LC Paper No. LS 35/01-02)*

14. The Legal Adviser said that only one item of subsidiary legislation, the Attachment of Income Order (Amendment) Rules 2001, was gazetted on 7 December 2001.

15. The Legal Adviser explained that the Amendment Rules sought to amend the Attachment of Income Order Rules to give effect to the Attachment of Income Order (Amendment) Ordinance 2001 which was passed on 4 July 2001. The Amendment Rules made provisions for the information to be supplied and the procedures relating to the making of an attachment order.

16. The Legal Adviser pointed out that the Amendment Rules also provided that the maintenance payer had to notify the court and the relevant person of the change of his income source, and the court could, under certain circumstances, dispense with or relax any procedure or abridge any time limit specified in the existing Rules.

17. The Legal Adviser added that during the scrutiny of the Amendment Ordinance by the relevant Bills Committee, the Administration, in response to members' concern, had proposed that where an attachment order was in force and the maintenance payer ceased to receive any income from the income source to whom the order was directed, the maintenance payer should notify the court and the relevant person within 14 days after he ceased to receive any income from the original income source. The Legal Adviser pointed out that the notification period now prescribed in the Amendment Rules was, however, 21 days.

18. Mr SIN Chung-kai suggested on behalf of Mr LAW Chi-kwong that a subcommittee should be set up to study the Amendment Rules in detail. Members agreed. The following Members agreed to join : Ms Cyd HO, Miss Margaret NG, Miss CHAN Yuen-han, Mr Andrew WONG, Ms Miriam LAU (as advised by the Chairman) and Mr LAW Chi-kwong (as advised by Mr SIN Chung-kai).

19. The Chairman reminded Members that the deadline for amending the Amendment Rules was 9 January 2002, or 16 January 2002 if extended by resolution.

**IV. Further business for the Council meeting on 19 December 2001**

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

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**(i) Kowloon-Canton Railway Corporation (Amendment) Bill 2001**

20. The Chairman said that at the House Committee meeting on 7 December 2001, Members did not raise objection to the resumption of the Second Reading debate on the Bill.

**(ii) Banking (Amendment) Bill 2001**

21. The Chairman said that at the House Committee meeting on 30 November 2001, Members did not raise objection to the resumption of the Second Reading debate on the Bill.

**(b) Government motion**

**Proposed resolution to be moved by the Secretary for Constitutional Affairs under section 34(2) of the Interpretation and General Clauses Ordinance relating to the Chief Executive Election (Election Petition) Rules**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 248/01-02 dated 12 December 2001.)

22. The Chairman said that the Secretary for Constitutional Affairs would move a motion to amend the Chief Executive Election (Election Petition) Rules which had been scrutinised by the Subcommittee on subsidiary legislation relating to the Chief Executive election. The Chairman further said that the Subcommittee had provided a written report on its deliberations of the Rules at the last meeting of the House Committee on 7 December 2001.

**(c) Members' Bills - resumption of debate on Second Reading, Committee Stage and Third Reading**

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**(i) Mizuho Corporate Bank, Ltd. (Hong Kong Consolidation) Bill**

**(ii) The Bank of East Asia, Limited (Merger) Bill**

23. The Chairman said that at the House Committee meeting on 7 December 2001, Members did not raise objection to the resumption of the Second Reading debate on the two Members' Bills.

**V. Business for the Council meeting on 9 January 2002**

**(a) Questions**

24. The Chairman reminded Members that the deadline for giving notice of questions was 29 December 2001.

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

**Interest on Arrears of Maintenance Bill 2001**

25. The Chairman said that the Bill would be introduced into the Council on 9 January 2002 and considered by the House Committee on 11 January 2002.

**(c) Government motions**

26. The Chairman said that no notice had been received from the Administration.

**(d) Members' motions**

27. The Chairman reminded Members that the deadline for giving notice of motions was 21 December 2001.

**VI. Report of Bills Committee and subcommittee on subsidiary legislation**

**(a) Position report on Bills Committees/subcommittees**  
*(LC Paper No. CB(2) 669/01-02)*

28. The Chairman said that there were 15 Bills Committees and five subcommittees in action. The Chairman added that eight Bills Committees were on the waiting list.

**(b) Report of the Subcommittee on Dutiable Commodities (Amendment) Regulation 2001 and two related Commencement Notices**

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29. Mr Kenneth TING, Chairman of the Subcommittee, reported that the Subcommittee held its first meeting on 8 December 2001 to meet with the Administration and representatives from the trade. The Subcommittee would hold another meeting on 18 December 2001 to continue discussion with the Administration.

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30. Mr Kenneth TING said that to allow more time for the Subcommittee to examine the Dutiable Commodities (Amendment) Regulation 2001 and two related Commencement Notices, he would move a motion at the Council meeting on 19 December 2001 to extend the scrutiny period of these three items of subsidiary legislation to the Council meeting on 9 January 2002. He added that the Subcommittee would report its deliberations in writing to the House Committee on 4 January 2002.

31. Mr Kenneth TING further said that subject to the extension of the scrutiny period of the three items of subsidiary legislation to 9 January 2002, the deadline for giving notice of amendments was 2 January 2002.

**VII. Any other business**

32. Members did not raise any item for discussion.

33. The meeting ended at 4:30 pm.

Council Business Division 2  
Legislative Council Secretariat  
19 December 2001