

立法會  
*Legislative Council*

LC Paper No. CB(2) 825/01-02

Ref : CB2/H/5

**House Committee of the Legislative Council**

**Minutes of the 10th meeting  
held in the Legislative Council Chamber  
at 2:30 pm on Friday, 4 January 2002**

**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  
Ir Dr Hon Raymond HO Chung-tai, JP  
Hon LEE Cheuk-yan  
Hon Martin LEE Chu-ming, SC, JP  
Dr Hon LUI Ming-wah, JP  
Hon NG Leung-sing, JP  
Hon James TO Kun-sun  
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 LEUNG Yiu-chung  
Hon SIN Chung-kai  
Hon Andrew WONG Wang-fat, JP  
Hon WONG Yung-kan  
Hon Jasper TSANG Yok-sing, JP  
Dr Hon YEUNG Sum  
Hon YEUNG Yiu-chung, BBS  
Hon LAU Kong-wah  
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 Timothy FOK Tsun-ting, SBS, JP  
Hon LAW Chi-kwong, JP  
Hon TAM Yiu-chung, GBS, JP  
Dr Hon TANG Siu-tong, JP  
Hon Abraham SHEK Lai-him, JP  
Hon LI Fung-ying, 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  
Dr Hon LO Wing-lok  
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 Albert HO Chun-yan  
Hon Eric LI Ka-cheung, JP  
Dr Hon David LI Kwok-po, GBS, JP  
Hon Margaret NG  
Hon CHEUNG Man-kwong  
Dr Hon Philip WONG Yu-hong  
Hon Howard YOUNG, JP  
Hon LAU Chin-shek, JP  
Hon LAU Wong-fat, GBS, JP  
Hon Miriam LAU Kin-yee, JP

**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 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Ms Pauline NG	Assistant Secretary General 1
Mr Ray CHAN	Assistant Secretary General 3
Ms Bernice WONG	Assistant Legal Adviser 1

Miss Anita HO	Assistant Legal Adviser 2
Mr Stephen LAM	Assistant Legal Adviser 4
Mr KAU Kin-wah	Assistant Legal Adviser 6
Mrs Vivian KAM	Chief Assistant Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Miss Salumi CHAN	Chief Assistant Secretary (1)5
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 minutes of meetings**

(a) **Special meeting held on 14 December 2001**  
(LC Paper No. CB(2) 750/01-02)

(b) **9th meeting held on 14 December 2001**  
(LC Paper No. CB(2) 725/01-02)

The two sets of minutes were confirmed.

**II. Matters arising**

**Report by the Deputy Chairman on his meeting with the Chief Secretary for Administration (CS)**

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2. The Deputy Chairman said that CS had confirmed that Legislative Council Briefs on official visits made by senior Government officials to the Mainland or overseas would be provided for Members, if there were important developments.

**III. Business arising from previous Council meetings**

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

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(i) **Adaptation of Laws Bill 2001**  
(LC Paper No. LS 36/01-02)

3. The Legal Adviser explained that the object of the Bill was to adapt the Prevention of Bribery Ordinance and related Ordinances and subsidiary legislation to bring them into conformity with the Basic Law and with the status of Hong Kong as a Special Administrative Region of the People's Republic of China.

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4. The Legal Adviser said that most of the proposed amendments were in line with the Adaptation of Laws Programme Guiding Principles and Guideline Glossary of Terms. However, the proposed adaptation of the definition of "Commissioner" in the Prevention of Bribery Ordinance and the proposed definition of "prescribed officer" in place of "Crown servant" in that Ordinance and the Independent Commission Against Corruption Ordinance might be more than terminological changes. The Legal Adviser further said that Members might wish to consider whether a Bills Committee should be set up to study the Bill in detail.

5. The Chairman proposed that a Bills Committee should be formed. Members agreed. The following Members agreed to join : Mr James TO (as advised by Dr YEUNG Sum), Mr TSANG Yok-sing and Ms Emily LAU.

6. The Chairman added that the Bills Committee would be placed on the waiting list until a vacant slot was available.

**(ii) Copyright (Amendment) Bill 2001**  
*(LC Paper No. LS 37/01-02)*

7. The Legal Adviser said that the Bill proposed to liberalize the parallel importation of computer program. The Legal Adviser explained that under the Copyright Ordinance, a copy of a copyright work, though lawfully made outside Hong Kong, would have either infringed the copyright in that work or breached an exclusive licence agreement if it was to be imported into Hong Kong within 18 months after its first publication. The Bill proposed that criminal and civil liabilities in parallel importation into Hong Kong and subsequent dealings in a lawfully made computer program be removed with certain exceptions. The Legal Adviser further said that the Bill also applied retrospectively to existing parallel imported copies of these computer programs.

8. The Legal Adviser pointed out that the Panel on Commerce and Industry was briefed on the Bill on 26 June 2001. The Administration had also consulted the computer software industry and other interested parties.

9. The Chairman said that a Bills Committee should be formed to study the Bill in detail given wide public concern about matters relating to copyright. Members agreed. The following Members agreed to join : Mrs Selina CHOW, Mr HUI Cheung-ching, Mr CHAN Kam-lam, Mr SIN Chung-kai, Dr YEUNG Sum and Mr MA Fung-kuok.

10. The Chairman added that the Bills Committee would be placed on the waiting list until a vacant slot was available.

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**(b) Legal Service Division report on subsidiary legislation gazetted on 14 December 2001**

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*(LC Paper No. LS 41/01-02)*

11. The Legal Adviser said that a total of 13 items of subsidiary legislation, including six Commencement Notices, were gazetted on 14 December 2001 and tabled in Council on 19 December 2001.

12. Regarding the Matrimonial Causes (Amendment) Rules 2001, the Legal Adviser said that the Administration would move amendments to remove an inconsistency between the Chinese and the English versions of the forms set out in the Rules.

13. Members did not raise any query on the 13 items of subsidiary legislation.

14. The Chairman reminded Members that the deadline for amending these 13 items of subsidiary legislation was the Council meeting on 16 January 2002, or 23 January 2002 if extended by resolution.

15. The Legal Adviser added that the Legal Service Division report also covered two Legal Notices which were gazetted on 14 December 2001, but were not required to be tabled in Council. The Legal Notices were two sets of Regulations made under the United Nations Sanctions Ordinance.

**(c) Legal Service Division report on subsidiary legislation gazetted on 21 December 2001**

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*(LC Paper No. LS 39/01-02)*

16. The Legal Adviser said that three items of subsidiary legislation, including two Commencement Notices, were gazetted on 21 December 2001 and would be tabled in Council on 9 January 2002.

17. Members did not raise any query on these three items of subsidiary legislation.

18. The Chairman reminded Members that the deadline for amending these three items of subsidiary legislation was the Council meeting on 6 February 2002, or 27 February 2002 if extended by resolution.

**(d) Legal Service Division report on subsidiary legislation gazetted on 28 December 2001**

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*(LC Paper No. LS 44/01-02)*

19. The Legal Adviser said that a total of six items of subsidiary legislation, including three Commencement Notices, were gazetted on 28 December 2001 and would be tabled in Council on 9 January 2002.

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20. Regarding the Securities and Futures Commission (Levy) (Futures Contracts) (Amendment) (No. 3) Order 2001 and the Commodities Trading (Contract Levy) (Amendment) (No. 3) Rules 2001, the Legal Adviser said that the Legal Service Division had raised queries with the Administration and The Securities and Futures Commission on certain legal and drafting aspects. The Legal Service Division would provide a further report after receiving their response.

21. The Chairman proposed that a decision on these two items of subsidiary legislation be deferred pending a further report from the Legal Service Division. Members agreed.

**IV. Further business for the Council meeting on 9 January 2002**

**(a) Questions**

*(LC Paper No. CB(3) 286/01-02)*

22. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 9 January 2002.

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

**Registration of Persons (Amendment) Bill 2001**

23. 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 motion**

**Proposed resolution to be moved by the Secretary for Commerce and Industry under section 34(2) of the Interpretation and General Clauses Ordinance relating to the Dutiable Commodities (Amendment) Regulation 2001**

*(Wording of the motion issued vide LC Paper No. CB(3) 290/01-02 dated 3 January 2002.)*

24. The Chairman said that the Secretary for Commerce and Industry had given notice to move the proposed resolution at the Council meeting on 9 January 2002 to amend the Dutiable Commodities (Amendment) Regulation 2001.

25. The Chairman added that the Subcommittee on the Dutiable Commodities (Amendment) Regulation 2001 and two related Commencement Notices had completed scrutiny of the three items of subsidiary legislation and provided a report under agenda item VI(b) below.

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(d) **Members' motions**

(i) **Proposed resolution to be moved by Hon Margaret NG under section 34(4) of the Interpretation and General Clauses Ordinance relating to the Attachment of Income Order (Amendment) Rules 2001**

(Wording of the motion issued vide LC Paper No. CB(3) 280/01-02 dated 27 December 2001.)

26. The Chairman said that Miss Margaret NG had given notice to move a motion at the Council meeting on 9 January 2002 to extend the scrutiny period of the Attachment of Income Order (Amendment) Rules 2001 to the Council meeting on 16 January 2002.

27. The Chairman added that Ms Audrey EU would make a verbal report, on behalf of Miss Margaret NG, Chairman of the Subcommittee on the Attachment of Income Order (Amendment) Rules 2001, under agenda item VI(c) below.

(ii) **Motion on "Urban renewal projects"**

(Wording of the motion issued vide LC Paper No. CB(3) 279/01-02 dated 27 December 2001.)

28. The Chairman said that the above motion would be moved by Mr James TO and the wording of the motion had been issued to Members. The Chairman also referred Members to the amendment to be moved by Mr Frederick FUNG tabled at the meeting.

(iii) **Motion on "The Convention on the Rights of the Child"**

(Wording of the motion issued vide LC Paper No. CB(3) 283/01-02 dated 28 December 2001.)

29. The Chairman said that the above motion would be moved by Ms Cyd HO and the wording of the motion had been issued to Members.

V. **Business for the Council meeting on 16 January 2002**

(a) **Questions**

(LC Paper No. CB(3) 287/01-02)

30. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 16 January 2002.

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

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

(c) **Government motion**

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

(d) **Members' motion**

**Motion on "Rent concession for domestic and commercial tenants of public rental housing estates"**

33. The Chairman said that the above motion would be moved by Mr Albert HO and the draft wording of the motion had been issued to Members. The Chairman further said that only Mr Albert HO had applied for a debate slot.

34. The Chairman reminded Members that the deadline for giving notice of amendments, if any, was 9 January 2002.

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

(a) **Position report on Bills Committees/subcommittees**  
(LC Paper No. CB(2) 790/01-02)

35. The Chairman said that there were 15 Bills Committees and five subcommittees in action, as well as 10 Bills Committee, including the Bills Committee on Adaptation of Laws Bill 2001 and the Bills Committee on Copyright (Amendment) Bill 2001 formed under agenda item III(a) above, on the waiting list.

(b) **Report of the Subcommittee on Dutiable Commodities (Amendment) Regulation 2001 and two related Commencement Notices**  
(LC Paper No. CB(1) 694/01-02)

36. Mr Kenneth TING, Chairman of the Subcommittee, reported that the Subcommittee had completed scrutiny of the Dutiable Commodities (Amendment) Regulation 2001 and two related Commencement Notices, and the deliberations of the Subcommittee were detailed in the report.

37. Mr Kenneth TING said that the Amendment Regulation provided that an application for dutiable commodities permit (DCP) and surrender of permits should be in electronic form. The Subcommittee and the industry were in



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support of the policy objective. Mr TING pointed out that as the industry's various concerns about the proposed launch of the Electronic Data Interchange (EDI) service had been addressed by the Administration and Tradelink, the industry welcomed the early launch of EDI service for DCP.

38. Mr Kenneth TING further said that to allow the industry to adapt to the change, the Subcommittee and the industry supported the Administration's proposal of introducing a six-month transitional period during which both paper and electronic applications were allowed. However, members considered that the end date of the transitional period should be specified in the Regulation. The Administration had accepted the Subcommittee's suggestion and would amend the Regulation accordingly.

39. Mr Kenneth TING informed Members that the Administration had also accepted the Subcommittee's suggestion to state clearly in the Regulation that the Commissioner of Customs and Excise would only exercise his power to provide an additional option for traders to submit applications for DCPs in paper form where it was not practicable for an application to be submitted solely in electronic form.

40. Mr Kenneth TING added that the Subcommittee supported the resolution to be moved by the Secretary for Commerce and Industry at the Council meeting on 9 January 2002.

**(c) Report of the Subcommittee on Attachment of Income Order (Amendment) Rules 2001**

41. On behalf of Miss Margaret NG, Chairman of the Subcommittee, Ms Audrey EU reported that the Subcommittee had completed the scrutiny of the Attachment of Income Order (Amendment) Rules 2001, and the Administration would move amendments to the Rules to improve clarity. The Subcommittee would provide a written report to the House Committee on 11 January 2002.

42. Ms Audrey EU informed Members that Miss Margaret NG had given notice to move a motion at the Council meeting on 9 January 2002 to extend the scrutiny period of the Rules to the Council meeting on 16 January 2002.

43. Ms Audrey EU further said that subject to the extension of the scrutiny period of the Rules to 16 January 2002, the deadline for giving notice of amendments was 9 January 2002.

**VII. Report of the Legislative Council delegation to visit Canada and the United States concerning the visit**

*(LC Paper No. CB(3) 278/01-02)*

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44. Dr LUI Ming-wah, leader of the delegation, said that the House Committee agreed at the meeting on 9 November 2001 that a delegation should pay a nine-day visit to Toronto and Ottawa of Canada, and Washington DC of the United States (US) from 16 to 24 February 2002.

45. Dr LUI Ming-wah informed Members that the Washington Office of the Hong Kong Economic and Trade Office (HKETO) had confirmed that it could not line up any congressional calls during the period as the US Congress would be in recess, and no Congressmen would stay in Washington during the recess. Dr LUI said that taking into account the advice of HKETO and the fact that one of the stated objectives of the visit was to foster liaison with members of the US Congress, the delegation considered that it would not be worthwhile visiting Washington DC when no congressional meetings could be arranged.

46. Dr LO Wing-lok and Mr LEUNG Yiu-chung asked whether the delegation would consider rescheduling the visit to some other dates so that the delegation could meet members of both the US Congress and the Canadian Parliament. Mr LEUNG added that there was no pressing need to pay a visit to Canada this year.

47. Dr LUI Ming-wah responded that the delegation had discussed whether the visit should be rescheduled. Dr LUI pointed out that the dates of the visit had already been changed once because of what happened on 11 September 2001. As one of the objectives of the visit was to enhance the Council's ties with the Canada-Hong Kong Parliamentary Friendship Group and since it was unlikely that meetings with members of both the US Congress and the Canadian Parliament could be arranged in the near future, the delegation decided to make full use of the nine days to visit Toronto and Ottawa. Dr LUI added that the visit would be made during the Chinese New Year holiday break in order not to affect Members' participation in meetings of the Council and its committees.

48. Members endorsed the delegation's recommendation to cancel the US portion of the visit made in paragraph 5 of the report.

**VIII. Any other business**

49. There being no further business, the meeting ended at 2:55 pm.