

立法會
Legislative Council

LC Paper No. CB(2) 1317/01-02

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 17th meeting
held in the Legislative Council Chamber
at 5:20 pm on Friday, 8 March 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
Hon Albert HO Chun-yan
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 Bernard CHAN
Hon CHAN Kam-lam
Hon LEUNG Yiu-chung
Hon SIN Chung-kai
Hon Andrew WONG Wang-fat, JP
Hon WONG Yung-kan
Hon Howard YOUNG, JP
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 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 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
Hon WONG Sing-chi
Hon IP Kwok-him, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon MA Fung-kwok

Members absent :

Dr Hon David LI Kwok-po, GBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Dr Hon Philip WONG Yu-hong
Hon Jasper TSANG Yok-sing, JP
Dr Hon YEUNG Sum
Hon YEUNG Yiu-chung, BBS
Hon CHOY So-yuk
Hon Timothy FOK Tsun-ting, SBS, JP
Dr Hon LO Wing-lok
Hon Frederick FUNG Kin-kee
Hon LAU Ping-cheung

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 Connie FUNG	Assistant Legal Adviser 3
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 16th meeting held on 1 March 2002
(LC Paper No. CB(2) 1248/01-02)

The minutes were confirmed.

II. Matters arising

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

Budget arrangements

2. The Chairman said that she had told CS that some Members had expressed regret and were not convinced that the new arrangements were the most appropriate. The Chairman further said that she had emphasised that the crux of the matter was the lack of consultation rather than the merits of the arrangements.

Attendance of CS at House Committee meeting

3. The Chairman said that she had informed CS that the meeting would be held on 19 April 2002 at 2:30 pm, and Members had suggested two topics for discussion: CS's two visits to Beijing and Government's policy on legislation and administrative measures.

4. The Chairman informed Members that CS had said that he would be pleased to brief Members and answer questions on the two suggested topics. In addition, he intended to brief Members on the ideas for cooperation between Guangdong and Hong Kong.

5. The Chairman said that CS had requested that his letter to Miss Margaret NG, Chairman of the Panel on Administration of Justice and Legal Services (AJLS Panel) on the subject of Government's policy on legislation and administrative measures be circulated to Members. The Chairman

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further said that CS's letter had already been circulated to Members under LC Paper No. CB(2) 1214/01-02 issued vide LC Paper No. CB(2) 1227/01-02 on 28 February 2002.

6. The Chairman added that CS had agreed that the duration of the meeting should be about one and a half hours. CS had stressed that he would meet with Members regularly, and in the case of urgent matters, he would arrange to meet with Members at once.

7. Miss Margaret NG said that when the AJLS Panel invited CS to attend its meeting to discuss the subject of Government's policy on legislation and administrative measures, it had scheduled one hour for the discussion. She expressed concern that there might not be sufficient time to discuss this subject at the meeting with CS on 19 April 2002.

8. The Chairman responded that at the last meeting of the House Committee, Members agreed that the subject of Government's policy on legislation and administrative measures would be discussed as a separate agenda item. She further said that the topics of CS's visits to Beijing and cooperation between Guangdong and Hong Kong were related and could be grouped under one agenda item. She proposed that each item be allocated about 45 minutes. Members agreed. The Chairman further said that as CS had already provided a paper on his visit to Beijing on 30 and 31 January 2002, she would request CS to be brief in his introductory remarks.

Retirement benefits for Members of the Legislative Council

9. The Chairman said that when she enquired in November 2001 as to when the Administration was ready to revert to Members on the suggestion that the Administration should draw up a proposed pension scheme for Members, Acting CS, Mr Michael SUEN, had asked her to check again in two to three months time. The Chairman informed Members that she had raised the matter with CS on 4 March 2002, and the Director of Administration had responded that the Administration was still examining Members' request.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 1 March 2002

(LC Paper No. LS 62/01-02)

10. Referring to the report, the Legal Adviser said that two items of subsidiary legislation were gazetted on 1 March 2002.

11. The Legal Adviser explained that the Matrimonial Causes (Amendment) Rules 2002 sought to make it clear that the Rules of the District Court applied

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to the taxation of costs of matrimonial proceedings in the District Court, and the Registrar of the District Court had the power to tax costs of such proceedings in the District Court. The Legal Adviser further explained that the Amendment Rules also introduced technical amendments relating to discovery of documents and taxation of costs of judgment summonses.

12. The Legal Adviser added that according to the Administration, the Hong Kong Bar Association and Law Society of Hong Kong had been consulted, and they had no comments on the Amendment Rules.

13. The Legal Adviser further said that the Tax Reserve Certificates (Rate of Interest) (No. 3) Notice 2002 fixed the rate of interest payable on tax reserve certificates issued on or after 4 March 2002 at 0.5292% per annum.

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

15. The Chairman reminded Members that the deadline for amendment to the subsidiary legislation was 13 March 2002, or 10 April 2002 if extended by resolution.

IV. Further business for the Council meeting on 13 March 2002

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

Dangerous Goods (Amendment) Bill 2000

16. The Chairman said that the relevant Bills Committee had provided a report to the House Committee on 1 March 2002, and Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(b) Budget-related subsidiary legislation

17. Referring to Secretary for the Treasury (S for Tsy)'s letter dated 8 March 2002 tabled at the meeting, the Chairman said that S for Tsy intended to move a resolution at the Council meeting on 13 March 2002 to effect the proposed extension of the duty concession for ultra-low sulphur diesel for another year up to 31 March 2003. S for Tsy had separately written to the President to seek her agreement for the 12-day notice requirement under Rule 29(1) of the Rules of the Procedure to be waived. Members expressed support for S for Tsy's request for the notice requirement to be waived.

18. The Chairman further said that S for Tsy had also stated in her letter that to give effect to the one-off concessions on water, fresh water flushing, sewage charges, trade effluent surcharges and business registration fee, an Order made

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by the Chief Executive (CE) under the Public Finance Ordinance (PFO) would be tabled at the Council meeting on 13 March 2002, and the Order would take effect on 1 April 2002. The Chairman added that the Order would be considered at the next House Committee meeting on 22 March 2002, and the deadline for amendment was the Council meeting on 10 April 2002, or 17 April 2002 if extended by resolution.

19. Miss Margaret NG asked whether it was legally in order to effect the proposed concessions through an Order made by CE under the PFO instead of introducing a bill for the purpose. She recalled that there were occasions in the past where revenue measures took immediate effect upon announcement of the Budget, while the relevant bills were scrutinised and amended by the Legislative Council (LegCo) afterwards.

20. The Legal Adviser advised that the proposed one-off concessions could be effected by regulation made under the relevant principal ordinance. He pointed out that this was the first time that an order by CE made under the PFO was used to give effect to a package of concessions of different nature and involving different ordinances. In response to Miss Margaret NG, the Legal Adviser said that the Legal Service Division would provide a report on the Order as early as possible to facilitate Members' consideration.

V. Report of Bills Committee and subcommittee on subsidiary legislation

(a) Position report on Bills Committees/subcommittees
(LC Paper No. CB(2) 1259/01-02)

21. The Chairman said that there were 15 Bills Committees and five subcommittees in action, as well as 12 Bills Committees on the waiting list.

(b) Report of the Subcommittee on Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance (10 of 2001) (Commencement) Notice 2002
(LC Paper No. CB(2) 1254/01-02)

22. Ms Cyd HO, Chairman of the Subcommittee, reported that the Subcommittee had held two meetings with the Administration on 4 and 5 March 2002. The Subcommittee had also met with representatives of the Hong Kong Council of Social Service, as well as 13 of the 14 non-government organisations operating drug treatment and rehabilitation centres. Ms HO said that the meetings of the Subcommittee had provided an opportunity for the affected centres to explain their difficulties encountered in complying with the town planning and land use requirements, and for the Administration to explain its position and assistance rendered to these centres.

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23. Ms Cyd HO further said that according to the Administration, only eight out of the 38 existing drug treatment and rehabilitation centres were assessed as requiring applications for compliance with the Town Planning Ordinance (TPO). The Administration had also pledged to provide assistance to centres which had a genuine need for land to relocate or rectify existing irregularities. Ms HO added that the Commissioner for Narcotics had just informed her that the Town Planning Board had approved, at its meeting held earlier in the morning, a simplified procedure for town planning applications required of social welfare facility in "Green Belt" zone. As a result, the four centres requiring rezoning applications could now submit planning permission application under section 16 of the Town Planning Ordinance, and the processing time for such applications could be significantly reduced to about two months.

24. Ms Cyd HO said that the Administration had also agreed to set up an inter-departmental working group to further improve coordination in implementing the licensing scheme. Interested LegCo Members and representatives of the affected centres would also be invited to be members of the working group.

25. Ms Cyd HO informed Members that the Subcommittee did not have consensus on whether the Commencement Notice should be supported. She added that Mr James TO had given notice to repeal the Commencement Notice, while Mr LAW Chi-kwong had given notice to amend the commencement date to 1 October 2002.

26. Ms Emily LAU sought clarification on whether the Administration would assist all affected centres to meet the licensing requirements. She expressed concern that there might be problems after the Ordinance had come into operation.

27. Ms Cyd HO responded that it was in the community's interest to provide these rehabilitation centres and the Administration had pledged to provide full assistance to these centres. It was therefore a question of whether the Administration could be trusted to honour its undertaking. She added that with the coming into operation of the Ordinance, new centres would also be brought under the licensing scheme. Ms HO further said that in response to members' concerns, the Administration had agreed to establish an inter-departmental working group to coordinate the implementation of the licensing scheme, and meetings had been convened. She added that Mr James TO had suggested that the Panel on Security could, if necessary, review the progress of the inter-departmental working group, after three months.

28. In response to Ms Emily LAU's further question, Ms Cyd HO said that some existing operators supported early implementation of the licensing scheme so that they could apply for financial assistance from charitable funds

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to carry out upgrading works and improve the conditions of the centres. As far as the land use problem was concerned, the simplified procedure approved by the Town Planning Board had addressed the concern of the affected centres. Ms HO further said that the Ordinance had provided a grace period of four to eight years to enable the centres to carry out the necessary improvements in order to comply with the licensing requirements.

29. Mr IP Kwok-him said that he was a member of the Bills Committee formed to study the Bill. He further said that all the issues raised by the deputations, including the land use problem and the commencement date of the Ordinance, had been discussed by the Bills Committee.

30. Mr Michael MAK said that he was a member of the Subcommittee and he had visited two of the affected centres. He further said that the operators had expressed concern whether the Administration would assist the centres to comply with the licensing requirements, and that a few centres might need to be relocated if they could not comply with the land use requirements. Mr MAK further said that as the Administration had agreed to establish an inter-departmental working group to coordinate the licensing matters, he considered the commencement date of 1 April 2002 acceptable. However, he understood that the working group had not yet been set up.

31. Ms Cyd HO clarified that the inter-departmental working group was at present set up under the Social Welfare Department, and the Administration had now proposed to expand the membership of the working group to include LegCo Members and representatives of the affected centres.

32. The Chairman said that the scrutiny period of the Commencement Notice had already been extended to the Council meeting on 13 March 2002 to allow time for the Subcommittee to hold discussions with the Administration and affected centres. She said that as the Subcommittee had now completed its deliberations and provided a report, it would be for Members to decide whether to support the Commencement Notice, or the amendments to be moved by Mr James TO and Mr LAW Chi-kwong, at the Council meeting on 13 March 2002. The Chairman added that if the motions to be moved by Mr TO and Mr LAW were negatived, the Ordinance would come into operation on 1 April 2002 as specified in the Commencement Notice.

VI. Any other business

(a) Suggestions of the Working Group to Review the Organization and Structure of the Legislative Council Secretariat

33. The Chairman informed Members that the Working Group to Review the Organisation and Structure of the Legislative Council Secretariat had made the following suggestions -

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- (a) apart from assessing a bill from the legal perspective, reports on legislation to the House Committee should also provide an analysis of policy issues; and
- (b) consideration might be given to providing an executive summary stating the policy and legal implications of a bill in reports on legislation to the House Committee.

34. The Chairman said that the Working Group had referred the above suggestions to the House Committee for further consideration. The Chairman said that the matter would be discussed at the House Committee on 22 March 2002.

(b) Arrangements for House Committee meetings

35. Mr James TIEN said that the present arrangement of holding meetings of the House Committee immediately after meetings of the Finance Committee (FC) was not satisfactory, as FC meetings often ran beyond 4:30 pm, hence delaying the House Committee meetings. Mr TIEN pointed out that the present arrangement of holding FC meetings before House Committee meetings could not save the waiting time of Government officials attending FC meetings, as they still had to wait for their turn to present their papers and respond to Members' questions. Moreover, due to the pressure to finish FC meetings before 4:30 pm, Members sometimes did not have sufficient time to raise questions on the last one or two items on the agenda of the FC meeting. Mr TIEN suggested that the present arrangement should be reviewed, and consideration should be given to holding FC meetings after House Committee meetings.

36. The Chairman proposed that the matter be discussed at the next House Committee meeting. She requested the LegCo Secretariat to provide a paper proposing possible options, such as holding House Committee meetings at 2:30 pm, or requiring FC meetings to strictly observe the finishing time of 4:30 pm.

37. There being no further business, the meeting ended at 5:52 pm.