

立法會
Legislative Council

LC Paper No. CB(2) 1470/01-02

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 18th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 22 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 Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, JP
Hon LEE Cheuk-yan
Hon Eric LI Ka-cheung, JP
Dr Hon David LI Kwok-po, GBS, 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 LEUNG Yiu-chung
Hon SIN Chung-kai
Hon Andrew WONG Wang-fat, JP
Dr Hon Philip WONG Yu-hong
Hon WONG Yung-kan
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 Miriam LAU Kin-ye, JP

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
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 17th meeting held on 8 March 2002
(LC Paper No. CB(2) 1317/01-02)

The minutes were confirmed.

II. Matters arising

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

Special House Committee meeting on 19 April 2002

2. The Chairman said that she had informed CS that the agenda of the meeting on 19 April 2002 would include CS's visits to Beijing and cooperation between Guangdong and Hong Kong, as well as Government's policy on legislation and administrative measures.

3. The Chairman further said that she had conveyed to CS Miss Margaret NG's request that sufficient time be allowed for discussion on the latter subject, and that Members had agreed to allocate 45 minutes for each subject. She had suggested that CS be flexible regarding the duration of the meeting. CS had responded that he had explained fully the Administration's position in his letter to Miss Margaret NG.

4. The Chairman informed Members that CS had proposed that Members should be invited to put up questions they intended to raise before the meeting. The Chairman added that the Secretariat had subsequently issued a circular inviting Members to forward their questions to the Clerk to the House Committee on or before 26 March 2002, if they so wished.

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)**

Extension of Vetting Period (Legislative Council) Bill 2002
(LC Paper No. LS 63/01-02)

5. Acting Legal Adviser said that the Bill sought to extend the time within which the subsidiary legislation and other instruments to be laid on the table of the Legislative Council (LegCo) for "negative vetting" might be amended. He further said that Members had from time to time found the existing scrutiny period too short, especially when there was an intervening recess break or in the case of a controversial or complex piece of subsidiary legislation. He added that the matter had been studied by the Panel on Constitutional Affairs and its recommendations were endorsed by the House Committee (HC) on 20 April 2001.

6. Acting Legal Adviser further said that the Administration had agreed to the Panel's proposal and sought to implement it by legislation. The new formula would not affect the initial scrutiny period of 28 days. However, the extension period would be lengthened to the 21st day after the standard 28-day period if there was a sitting on the 21st day, or if there was no sitting on the 21st day, the sitting day immediately following that 21st day.

7. Acting Legal Adviser added that the new mechanism would also apply to the scrutiny of instruments such as codes of practice and technical instruments made under certain ordinances.

8. Acting Legal Adviser advised that the legal and drafting aspects of the Bill were in order, and that subject to Members' views, the Bill was ready for resumption of Second Reading debate. Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(b) **Legal Service Division report on Public Revenue Protection (Revenue) Order 2002 made under section 2 of the Public Revenue Protection Ordinance (Cap. 120)**
(LC Paper No. LS 64/01-02)

9. Acting Legal Adviser said that the Order made by the Chief Executive (CE) under section 2 of the Public Revenue Protection Ordinance was a temporary measure to give effect to one of the revenue proposals announced in the Budget Speech. The Order aimed to increase the rate of duty on wine from 60% to 80%, and it had already come into force at 2:30 pm on 6 March 2002. Acting Legal Adviser further said that the Revenue Bill 2002 and other legislative proposals giving long-term effect to these revenue proposals would be introduced into LegCo under the ordinary legislative procedures.

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10. In response to Mr James TIEN, Acting Legal Adviser explained that Members had the power to repeal the Order, but not the power to amend the provisions therein. A repeal of the Order had to be made by 10 April 2002, or 17 April 2002 if the scrutiny period was extended by resolution of the Council. Acting Legal Adviser further explained that Members could scrutinise and amend the Revenue Bill 2002 after it had been introduced into the Council.

11. Members did not raise any query on the Order.

(c) Legal Service Division report on subsidiary legislation gazetted on 8 March 2002

(LC Paper No. LS 65/01-02)

12. Acting Legal Adviser said that five items of subsidiary legislation were gazetted on 8 March 2002. He advised that the Telecommunications (Amendment) Regulation 2002 and Telecommunications (Carrier Licences) (Amendment) Regulation 2002 were to reduce the annual Public Radio-communication Service Licence and the mobile carrier licence fee per mobile station from \$30 to \$24 with effect from 1 May 2002. Acting Legal Adviser added that the legal and drafting aspects of these two Amendment Regulations were in order.

13. The Chairman said that the Panel on Information Technology and Broadcasting had been consulted and was supportive of the proposal.

14. Members did not raise any query on these items of subsidiary legislation. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 10 April 2002, or 17 April 2002 if extended by resolution.

(d) Legal Service Division report on subsidiary legislation gazetted on 12 March 2002

(Assistant Legal Adviser 1's letter dated 13 March 2002 to Secretary for the Treasury issued vide LC Papers No. CB(2) 1351 and 1363/01-02 dated 13 and 15 March 2002)

(LC Paper No. LS 68/01-02)

15. Acting Legal Adviser advised that only one item of subsidiary legislation, the Revenue (Variation and Reduction of Fees and Charges) Order 2002, was gazetted on 12 March 2002. He said that the Order, which would come into operation on 1 April 2002, was made by CE under section 39A(a) of the Public Finance Ordinance (PFO) after consultation with the Executive Council to give effect to certain revenue proposals announced in the Budget Speech delivered by the Financial Secretary on 6 March 2002. He further said that according to the Administration, the proposed business registration

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fee waiver and the proposed water charges and sewage charges reductions were a one-off package providing for a time-limited relief to the community in the current economic downturn.

16. Acting Legal Adviser said that the Administration had provided a response to the queries raised by the Legal Service Division. He added that the Legal Service Division was seeking further clarification from the Administration on certain technical points, such as the reasons for calculating the maximum amount allowed to be deducted in respect of a bill of water charges on a monthly, instead of four-monthly, basis.

17. Miss Margaret NG said that at the last House Committee meeting, she had raised the query why the Administration had used an Order under the PFO to give effect to the concessions, as she was concerned whether the Executive Authorities had acted strictly in accordance with the law, and whether the Order would be subject to the scrutiny of LegCo. Given that this was a one-off and time-limited measure and that the power for CE to make an Order under section 39A of PFO was subject to the restriction that "no variation thereof shall cause such fee or charge to exceed the original figure", she found the arrangement acceptable.

18. Miss Margaret NG noted that the Legal Service Division had raised queries on some technical points. Miss NG suggested that a subcommittee should be set up to examine, among other things, whether the Order would achieve the intended legal effect.

19. The Chairman proposed that a subcommittee be set up. Members agreed. The following Members agreed to join: Mr Albert HO Chun-yan, Miss Margaret NG, and Mr Andrew WONG.

20. To allow time for the Subcommittee to scrutinise the Order, Acting Legal Adviser suggested that the scrutiny period be extended. The Chairman said that she would give notice to move a motion at the Council meeting on 10 April 2002 to extend the scrutiny period to the Council meeting on 17 April 2002. Members agreed.

IV. Legal Service Division report on subsidiary legislation to be tabled in Council on 10 April 2002

Legal Service Division report on subsidiary legislation gazetted on 15 March 2002

(LC Paper No. LS 70/01-02)

21. Acting Legal Adviser said that only one item of subsidiary legislation, the Resolution of the Board of Directors of the Po Leung Kuk, was gazetted on 15 March 2002. He explained that the Resolution, which would be tabled in

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Council on 10 April 2002, sought to amend paragraph 1 of Schedule 1 to the Po Leung Kuk Ordinance to enable it to undertake charitable work outside Hong Kong with the prior approval of the Secretary for Home Affairs (SHA).

22. Acting Legal Adviser further said that the Legal Service Division was seeking clarification from the Administration on certain legal and drafting points, and a further report would be provided. He added that the deadline for amending this item of subsidiary legislation was 8 May 2002, or 15 May 2002 if extended by resolution.

23. Mr HUI Cheung-ching said that he had attended the "Joint Meeting between the Po Leung Kuk Advisory Board and the Board of Directors 2001/02" on 21 March 2002. He was given to understand that LegCo had approved a similar amendment to the Tung Wah Group of Hospitals Ordinance (Cap. 1051) before 1997. Representatives of the Administration attending the meeting had also explained to him that prior approval of SHA would be required for the Po Leung Kuk to undertake charitable work outside Hong Kong. Moreover, separate accounts had to be maintained for the donations received and expenditure incurred in connection with the charitable work undertaken outside Hong Kong. Mr HUI said that he had requested the Administration and the Po Leung Kuk to provide a written response to the queries raised by the Legal Service Division.

24. Ms Emily LAU said that SHA should explain the policy of charitable organisations which received public funding/donations, such as the Po Leung Kuk, undertaking charitable work outside Hong Kong. She considered that there should be a mechanism for the public to be informed of how public funds/donations were spent. She further said that SHA should also explain his role in the granting of approval for these organisations to undertake charitable work outside Hong Kong.

25. Ms Emily LAU also expressed concern whether the Po Leung Kuk would undertake charitable work outside Hong Kong before LegCo had completed scrutiny of the subsidiary legislation. Mr HUI Cheung-ching responded that there was no urgent need for the Po Leung Kuk to undertake charitable work outside Hong Kong for the time being.

26. Acting Legal Adviser advised that the Resolution had already taken effect from the date of its publication in the Gazette, i.e. 15 March 2002. While LegCo could make amendment to the Resolution within the scrutiny period, the amendment would only take effect from the date it was published in the Gazette. In response to Miss Margaret NG, Acting Legal Adviser said that LegCo had the power to repeal or amend the Resolution within the scrutiny period.

27. Ms Emily LAU suggested that the Chairman should relay Members' concern to the Po Leung Kuk or the Administration that pending the scrutiny

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of the Resolution by LegCo, the Po Leung Kuk would not undertake charitable work outside Hong Kong. She said that this was to avoid any unnecessary complication should LegCo decide to amend or repeal the Resolution.

28. The Chairman said that she would write to SHA to convey Members' concern about the matter. To allow more time for Members to discuss the related policy issues with the Administration, the Chairman proposed that a subcommittee be set up right away. Members agreed. The following Members agreed to join : Miss Margaret NG, Mr HUI Cheung-ching, Mr Andrew WONG, Ms Emily LAU, Mr LAW Chi-kwong (as advised by Mr Sin Chung-kai), Mr Henry WU, and Mr IP Kwok-him. Ms Emily LAU requested the Secretariat to provide information on the similar amendment to the Tung Wah Group of Hospitals Ordinance referred to in paragraph 23 above to the subcommittee.

(Post-meeting note : The Chairman's letter dated 25 March 2002 to SHA and SHA's reply dated 4 April 2002 were issued vide LC Paper No. CB(2) 1545/01-02 dated 9 April 2002.)

V. Business for the Council meeting of 10 and 11 April 2002

2nd Budget meeting

29. The Chairman said that in accordance with Rule 36(5) of the Rules of Procedure, Members would each have a maximum of 15 minutes to speak on the Budget upon the resumption of the Second Reading debate on the Appropriation Bill 2002.

Questions

(LC Paper No. CB(3) 497/01-02)

30. The Chairman informed Members that 20 written questions had been scheduled for the Council meeting on 10 April 2002.

VI. Business for the Council meeting on 17 April 2002

3rd Budget meeting

31. The Chairman said that the Administration would respond to Members' comments on the Appropriation Bill 2002 at the Council meeting on 17 April 2002.

Bills - First Reading and moving of Second Reading

(i) Marine Fish Culture (Amendment) Bill 2002

(ii) Occupational Deafness (Compensation) (Amendment) Bill 2002

32. The Chairman said that the two Bills would be introduced into the Council on 17 April 2002 and considered by the House Committee on 26 April 2002.

VII. Report of Bills Committee and subcommittee on subsidiary legislation

(a) Position report on Bills Committees/subcommittees

(LC Paper No. CB(2) 1385/01-02)

33. The Chairman said that 13 Bills Committee and four subcommittees were in action, and 12 Bills Committees were on the waiting list.

34. The Chairman referred Members to the Director of Administration's letter dated 21 March 2002 requesting priority be given to the scrutiny of the Prevention of Child Pornography Bill and the Chemical Weapons (Convention) Bill. She said that as there would be two vacant slots after two Bills Committees had reported under items (b) and (c) below, the Bills Committee on the Prevention of Child Pornography Bill and the Bills Committee on the Chemical Weapons (Convention) Bill could commence work immediately, if Members agreed to the Administration's request. Members agreed.

(b) Report of the Bills Committee on Travel Agents (Amendment) Bill 2001

(LC Paper No. CB(2) 1336/01-02)

35. Mr SIN Chung-kai, Chairman of the Bills Committee, said that the Bills Committee had held five meetings to discuss the Bill with the Administration and to meet with representatives of the industry. The Bills Committee had also discussed in detail the points raised by Mr Ambrose LAU concerning the policy intent and the drafting of the proposed section 4A. Mr SIN further said that the Administration had accepted Mr LAU's suggestion and would move amendments to section 4 and the proposed section 4A to the effect that a person was an outbound/inbound travel agent if he "carries on the business of" obtaining for another person the services stipulated in the legislation.

36. Referring to Appendix III of the report, Miss Margaret NG asked whether the drafting of the Bill had clearly reflected the policy intent that the Bill only applied to persons who carried on business as inbound travel agents in Hong Kong. She considered it unsatisfactory to set out in a list, which did not form part of the Bill, examples of activities/organisations which were not subject to the licensing requirement. She said that some bills were drafted in

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such a way that they were of a much wider scope than intended, and one example was the Karaoke Establishments Bill which was being scrutinised by a Bills Committee at the moment. She considered that the policy intent should be clearly reflected in the bill instead of relying on the relevant enforcement agencies to restrict its regulatory work to the intended targets after the passage of the bill.

37. Mr SIN Chung-kai responded that the Bills Committee had discussed the policy intent and the drafting of the Bill in detail. The Administration had explained that any organisation that "carries on" inbound travel activities/services as a business and on a regular and commercial basis with an objective of acquisition of pecuniary gain would require a licence. Mr SIN further said that local organisations such as universities or kaifong welfare associations which occasionally arranged travel-related services for participants of an exchange programme or event would not require a licence, as such activities were not the "core business" of these organisations.

38. Mr Ambrose LAU said that he accepted the Administration's explanation and proposed amendments. Mr Howard YOUNG added that the Bill aimed at extending the existing regulatory control of outbound travel agents to inbound travel agents, and the industry had clear understanding of the policy intent and scope of the Bill.

39. Mr SIN Chung-kai informed Members that the Travel Industry Council of Hong Kong (TIC) had suggested the appointment of four additional independent directors to the Board of Directors of the TIC. Most members of the Bills Committee were of the view that all the four additional directors should be nominated by the Government to enhance the Board's transparency and credibility. Mr SIN said that Administration had undertaken to take up the matter with the TIC and its reply (tabled) had just been received. Mr SIN further said that the TIC had pointed out that as the Government had the ultimate authority to appoint all of the four additional independent directors, it could choose not to appoint someone nominated by the TIC. The TIC had also stressed that its recommendations would be based on the nominees' professional expertise, and there would be sufficient communication between the Government and the TIC before it put up any nomination.

40. In response to the Chairman, Mr SIN explained that the composition of the Board of Directors of the TIC was related to, but did not form part of, the Bill.

41. Mr SIN said that the Administration had also proposed Committee Stage amendments (CSAs) to maintain consistency with the proposed section 4A(1) and to improve the clarity of the various provisions. Mr SIN added that the Bills Committee supported all the amendments proposed by the Administration and the resumption of the Second Reading debate on the Bill on 24 April 2002.

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42. The Chairman reminded Members that the deadline for notice of CSAs was 15 April 2002.

(c) Report of the Bills Committee on Medical and Health Care (Miscellaneous Amendments) Bill 2001

(LC Paper No. CB(2) 1367/01-02)

43. Dr LO Wing-lok, Chairman of the Bills Committee, said that the Bills Committee had held two meetings, including one meeting to meet with representatives of the professional associations. The Bills Committee had completed scrutiny of the Bill and supported the resumption of the Second Reading debate on the Bill on 24 April 2002. Dr LO added that neither the Administration nor the Bills Committee had proposed any CSAs.

44. Members did not raise objection to the resumption of the Second Reading debate on the Bill on 24 April 2002.

45. The Chairman reminded Members that the deadline for notice of CSAs was 15 April 2002.

(d) Report of the Subcommittee on Occupational Safety and Health (Display Screen Equipment) Regulation

(LC Paper No. CB(2) 1384/01-02)

46. Mr LEE Cheuk-yan reported on behalf of the Chairman of the Subcommittee, Mr Andrew CHENG Kar-foo, that at the HC's request, the Subcommittee had held further meetings to discuss with the Administration concerns raised by Members about the impact of the Regulation on the business environment as well as the implementation details and enforcement of the Regulation.

47. Mr LEE Cheuk-yan informed Members that under the Regulation, a person responsible for a workplace was required to conduct a risk assessment of a workstation, take necessary measures to reduce risks, keep assessment records and provide necessary safety and health training to Display Screen Equipment (DSE) users.

48. Concerning the cost implications for complying with the Regulation, Mr LEE Cheuk-yan said that the Administration had estimated that the average compliance cost per workstation would be about \$90. Mr LEE further said that the Administration had now proposed to revise the definition of "user" in section 2 of the Regulation. It would also elaborate the definition of "user" in a code of practice, instead of in the Health Guide, to mean an employee who was required to use DSE almost every day continuously for at least four hours during a day or cumulatively for at least six hours during a day. Mr LEE added that while the Health Guide was only an advisory document and had no

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legal effect, the code of practice would be issued under section 40 of the Occupational Safety and Health Ordinance.

49. Regarding the requirements for conducting a risk assessment, Mr LEE further informed Members that the Administration had now proposed that a risk assessment checklist would also be provided in the code of practice. Mr LEE added that the Subcommittee accepted the proposed arrangement.

50. As regards offences of strict liability, Mr LEE informed Members that the Administration had explained that such offences were necessary to encourage greater vigilance in complying with the Regulation. Nevertheless, the Administration had agreed to extend the defence of reasonable practicability to offences in sections 4(5), 6, 8 and 9 of the Regulation. Moreover, the Administration had advised that in the case of non-compliance with the Regulation, the Labour Department would normally issue warning letters first, before proceeding to institute prosecution.

51. Mr LEE further said that the Subcommittee recommended that the motion on the Regulation be moved by the Secretary for Education and Manpower (SEM) at the Council meeting on 17 April 2002. He added that he would move a motion to amend the definition of "user" to mean an employee who was required to use DSE almost every day and cumulatively for four hours or more during a day. Mr Andrew CHENG would also move an amendment in his own name to require DSE users to take appropriate rest breaks or alternative tasks after prolonged DSE work.

52. Members did not raise objection to the Subcommittee's recommendation.

53. The Chairman reminded Members that the deadline for giving notice to amend the motion to be moved by SEM was 10 April 2002.

VIII. Textual amendments to Rule 84 proposed by the Committee on Members' Interests

(LC Paper No. CMI/14/01-02)

54. Referring to the paper, Dr David CHU YU-lin, Chairman of the Committee on Members' Interests (CMI), explained that the proposed amendments aimed to improve the clarity of the rules concerning disclosure of direct pecuniary interest and requirement for withdrawal from voting.

55. Dr David CHU further said that the Committee on Rules of Procedure (CRoP) had been consulted on the proposed amendments. He welcomed Members' views on these amendments. Mr TSANG Yok-sing advised that Dr David CHU had explained to CRoP the amendments proposed by CMI, and CRoP had agreed to the amendments.

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56. Mr LAU Ping-cheung enquired about the meaning of "direct pecuniary interest". He further asked whether it would cover a contingent or probable interest which might arise in future. The Chairman advised that proposed textual amendments did not seek to change the existing meaning of "direct pecuniary interest". She requested the Legal Adviser to provide a written response to Mr LAU's enquiry for Members' reference.

57. Ms Emily LAU enquired about the effect of the proposed amendments to Rule 84. The Chairman said that the proposed amendments only sought to enhance the clarity of Rule 84 and did not change the existing withdrawal requirement for a Member who had a direct pecuniary interest on a question to be voted on in the Council or a committee of the whole Council. She requested the Secretariat to further explain the requirement to Ms LAU after the meeting.

58. Dr David CHU informed Members that subject to Members' views, CMI had agreed that Mr TSANG Yok-sing, Chairman of CRoP, should move a motion at a future Council meeting to amend Rules 83, 84 and 85 of the Rules of Procedure. Members agreed to the amendments proposed by CMI.

IX. Reports on legislation to the House Committee

(LC Paper No. CB(2) 1372/01-02)

59. The Chairman said that at the last House Committee meeting, she had relayed to Members the following suggestions made by the "Working Group to Review the Organization and Structure of the Legislative Council Secretariat"-

- (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.

60. The Chairman further said that the Secretariat considered that the format and content of the reports of bills could be enhanced by providing an analysis of the policy issues and an executive summary, as suggested by the Working Group. The information which would be covered in the analysis of policy issues was given in paragraph 7 of the paper.

61. Members endorsed the proposals made in paragraphs 7 and 8 of the paper.

X. Arrangements for House Committee meetings

(LC Paper No. CB(2) 1373/01-02)

62. The Chairman said that at the last HC meeting, Mr James TIEN had raised the concern about HC meetings being delayed because Finance Committee (FC) meetings could not finish at 4:30 pm. The Chairman said that the Secretariat had provided a paper proposing four possible options regarding the arrangements for FC and HC meetings.

63. Dr YEUNG Sum said that Members belonging to the Democratic Party proposed that no change be made to the existing arrangements for meetings of FC and HC. He pointed out that according to the statistics in Appendix III, the average duration of FC meetings in the 2000-01 and 2001-02 sessions was within two hours. He considered that FC meetings could finish at 4:30 pm sharp if members' questions were more concise. Dr YEUNG further said that HC meetings sometimes lasted more than one hour, and the meetings could be even longer if controversial subject matters were discussed.

64. Dr Philip WONG said that as Chairman of FC, he welcomed any suggestion that would enable more effective use of meeting time. He explained, however, that sometimes it was difficult to cut short the discussion of an item, as some members wanted to know more about the financial proposal and they were not members of the relevant Panel(s). He considered that FC meetings could be shorter if members' questions were more concise and to the point.

65. Assistant Secretary General 1 (ASG1) said that it had always been the practice for FC meetings to be held before the HC meeting, if both meetings were scheduled for the same Friday afternoon. In 1995, to address some Members' concern about the delay caused to HC meetings when FC meetings ran beyond 4:30 pm, the meeting arrangement was reviewed by FC and the suggestion of swapping the meetings time of FC and HC was examined. At that time, HC meetings were relatively longer. The uncertainty of the ending time would make it difficult for the public officers attending FC meetings to plan their engagements for that afternoon. FC therefore decided on 28 April 1995 that its meetings should continue to start at 2:30 pm but should end at 4:30 pm sharp.

66. ASG1 further said that in the current session, there were only two occasions where FC meetings could not finish at 4:30 pm. On both occasions, the Administration advised that the items that had not been dealt with before 4:30 pm were time critical and could not be deferred to a later meeting. It was on this basis that the meetings had to run beyond 4:30 pm. To ensure that FC meetings could finish before 4:30 pm, the Chairman of FC had agreed that the Administration should be reminded of the need to place time-critical items on the earlier part of the agenda.

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67. Mr Henry WU expressed support that the existing arrangement should not be changed. He pointed out that according to the statistics in Appendices III and IV of the paper, six FC meetings held in the 2000-01 session lasted one hour, whereas seven HC meetings lasted longer than two hours. He agreed with Dr Philip WONG that efforts should be made to ensure that FC meetings could finish at 4:30 pm.

68. Mr James TIEN pointed out that although FC had decided in April 1995 that its meetings should end at 4:30 pm sharp, this finishing time had not been strictly observed. He noted that because of the pressure for FC to finish its meeting at 4:30 pm, there was often insufficient time for members to ask questions on the last one or two items on the agenda. Mr TIEN said that he would only accept that the present arrangement be maintained if FC meetings would end at 4:30 pm sharp, and any unfinished business be deferred to future meetings.

69. Mr James TIEN further said that Members could also consider the option of holding HC meetings before FC meetings, i.e. HC meetings to start at 2:30 pm and finish at, say, 3:45 pm. He suggested that public officers attending FC meeting could be advised to arrive around 3:45 pm. He pointed out that under the present arrangement, public officers attending FC meetings would still have to wait for their turn to present their papers and answer Members' questions. He was of the view that swapping the FC and HC meetings would ensure that there would be sufficient time for discussion of all FC items on the agenda, as the FC meeting would not be under pressure to end at 4:30 pm and could last as long as Members considered necessary.

70. Mr Andrew WONG said that he was the Chairman of FC when the matter was discussed in April 1995. He was of the view that unless HC meetings could end before a finishing time of, say, 3:45 pm, public officers attending FC meetings would have to wait for a long time, and urgent government business which required the decision of FC might be delayed. He pointed out that it was the duty of LegCo Members to examine government proposals, and this should take priority over HC meetings, which mainly dealt with preparatory work for Council meetings and other in-house business.

71. Mr Andrew WONG further said that FC had made the right decision in April 1995 that its meetings should be held before HC meetings. He considered that only some fine-tuning to the present arrangement was necessary. Mr WONG suggested that to enable more effective use of the time of FC meetings, Members should make their best efforts to join more Panels and the two subcommittees under FC, so that questions about the policy aspects of the financial proposals could be raised and answered before discussion at the relevant FC meetings.

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72. Miss Margaret NG said that FC meetings should be held before HC meetings, as government business should take priority over in-house matters. Miss NG further said that she supported in principle that FC meetings should end at 4:30 pm sharp, and any unfinished business should be dealt with at future meetings. However, she considered that the FC agenda should not include too many items for a two-hour meeting, and the Administration should not place the more important and urgent items on the latter part of the agenda. She pointed out that scrutiny of financial proposals was one of the important powers of LegCo, and Members should be allowed sufficient time to raise questions on these proposals. She suggested that if necessary, additional FC meetings should be scheduled to continue discussion of any unfinished business.

73. Mr IP Kwok-him said that he had no problem with the existing arrangement, except that sometimes an FC meeting might overrun and delay the HC meeting scheduled to be held after the FC meeting. He further said that if Members were to consider swapping the meeting time of FC and HC, a finishing time should be set for the HC meeting in order not to delay the FC meeting. He added that he would accept the swapping of the two meetings only on the condition that a finishing time of, say, 3:30 pm, was set for HC meetings.

74. The Chairman said that the crux of the problem was that the finishing time of 4:30 pm for FC meetings was not strictly observed. She said that if Members agreed that FC meetings should strictly observe the finishing time, a clear message should be sent to the Administration that FC meetings must end at 4:30 pm sharp, and any unfinished business would be dealt with at another meeting.

75. Mr Andrew WONG said that although a member could, under the FC Procedure, move without notice that discussion on an item or further proceedings of the committee be adjourned, it would be for the members present to take a vote to decide whether the meeting should be adjourned. He further said that even with better planning of the agenda, it was still possible that FC meetings might overrun when there was heated discussion on controversial items. He was not in favour of making it a rule for FC to adjourn its meetings at 4:30 pm sharp, as there would be occasions where discussion had to continue beyond 4:30 pm when an urgent item was involved.

76. Miss Margaret NG said that should a member move without notice that the proceedings of the meeting be adjourned, the Chairman of FC should deal with this motion in accordance with the FC Procedure. If this happened frequently and posed a problem to the smooth conduct of FC and HC meetings, the existing arrangement should be reviewed again.

77. Mr Henry WU, Mr Albert HO and Ms Emily LAU considered that there should be some flexibility for an FC meeting to continue for five or ten more

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minutes after 4:30 pm in order to conclude the discussion on a particular item. The Chairman advised that committees should make their best endeavours to finish their meetings within the two-hour time slot. Although the chairman concerned could allow the discussion to continue for a few more minutes, it would not be appropriate to start discussing a new item towards the end of the meeting. She added that to ensure effective use of meeting time, Members should bear in mind the need to be concise and to the point in asking questions. Mr IP Kwok-him, Dr YEUNG Sum and Mr James TIEN concurred with the Chairman.

78. The Chairman concluded that most Members were of the view that no change be made to the existing arrangements for FC and HC meetings, and the finishing time of 4:30 pm for FC meetings should be strictly observed. The Chairman suggested that the Chairman of FC should convey Members' views to the Administration and request it to better plan the agenda for FC meetings. Members agreed.

XI. Any other business

79. The Chairman said that she had just received a letter from Ms Cyd HO expressing concern that CS had spoken at length on the accountability system for principal officials at a luncheon meeting on 18 March 2002, while the Panel on Constitutional Affairs was not provided with such information by the Secretary for Constitutional Affairs at its meeting held on the same day. The Chairman said that the matter would be included in the agenda for the next HC meeting.

80. There being no further business, the meeting ended at 4:20 pm.