

立法會
Legislative Council

LC Paper No. CB(2) 2080/01-02

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 24th meeting
held in the Legislative Council Chamber
at 4:10 pm on Friday, 24 May 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 Cyd HO Sau-lan
Ir Dr Hon Raymond HO Chung-tai, 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 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
Dr Hon Philip WONG Yu-hong
Hon WONG Yung-kan
Hon Jasper TSANG Yok-sing, JP
Dr Hon YEUNG Sum
Hon YEUNG Yiu-chung, BBS
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 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
Dr Hon LO Wing-lok
Hon WONG Sing-chi
Hon IP Kwok-him, JP
Hon LAU Ping-cheung
Hon MA Fung-kwok

Members absent :

Hon James TIEN Pei-chun, GBS, JP
Dr Hon David CHU Yu-lin, JP
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon Martin LEE Chu-ming, SC, JP
Hon Eric LI Ka-cheung, JP
Dr Hon David LI Kwok-po, GBS, JP
Hon CHAN Yuen-han, JP
Hon Bernard CHAN
Hon Howard YOUNG, JP
Hon LAU Chin-shek, JP
Hon Timothy FOK Tsun-ting, SBS, JP
Hon LEUNG Fu-wah, MH, JP
Hon Frederick FUNG Kin-kee
Hon Audrey EU Yuet-mee, SC, 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
Mr Stephen LAM	Assistant Legal Adviser 4
Miss Kitty CHENG	Assistant Legal Adviser 5
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 23rd meeting held on 17 May 2002
(*LC Paper No. CB(2) 1998/01-02*)

The minutes were confirmed.

II. Matters arising

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

2. The Chairman said that the Deputy Chairman met with the Acting CS on 21 May 2002 and informed him that Members had agreed to give priority to the scrutiny of the Mandatory Provident Fund Schemes (Amendment) Bill 2002.

(b) United Nations Sanctions (Sierra Leone) (Prohibition Against Importation of Diamonds) Regulation 2002

(*LC Paper No. LS 102/01-02*)

3. The Legal Adviser said that at the House Committee meeting on 17 May 2002, a Member enquired about the reason for the decision of the Security Council of the United Nations in Resolution 1385 of 19 December 2001 on prohibition against importation of rough diamonds from Sierra Leone. The Legal Adviser further said that the Legal Service Division had obtained more information from the Administration and provided a further report.

4. Members did not raise further query on the Regulation.

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III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 17 May 2002

(LC Paper No. LS 100/01-02)

5. The Legal Adviser said that a total of 19 items of subsidiary legislation were gazetted on 17 May 2002.

6. Referring to Part I of the report, the Legal Adviser said that it covered four items of subsidiary legislation relating to intellectual property, namely, the Registered Designs Ordinance (Amendment of Schedule) Regulation 2002, the Patents Ordinance (Amendment of Schedule 1) Order 2002, the Layout-design (Topography) of Integrated Circuits (Designation of Qualifying Countries, Territories or Areas) Regulation and the Trade Marks Ordinance (Amendment of Schedule) Order 2002. The Legal Adviser explained that these items of subsidiary legislation, which would come into operation on 11 July 2002, were made to update the lists of countries which had acceded to the Paris Convention as well as countries, territories and areas which had acceded to the World Trade Organisation.

7. The Legal Adviser said that Part II of the report covered seven items of subsidiary legislation which were related to appointment of rehabilitation centres for young offenders, the operation and management of these centres, and the treatment and welfare of the young offenders therein. The Legal Adviser further said that the subsidiary legislation would come into operation on 11 July 2002.

8. The Legal Adviser informed Members that the four items of subsidiary legislation covered in Part III of the report included the -

- (a) Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2002;
- (b) Commodities Trading (Trading Limits and Position Limits) (Amendment) Rules 2002;
- (c) Lands Tribunal Rules (Amendment) Rules 2002; and
- (d) Banking (Specification of Public Sector Entities in Hong Kong (Amendment) Notice 2002.

9. The Legal Adviser added that the four items of subsidiary legislation detailed in Part IV of the report were all Commencement Notices.

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10. The Legal Adviser advised that the legal and drafting aspects of these 19 items of subsidiary legislation were in order.

11. Members did not raise any queries on these items of subsidiary legislation.

12. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 19 June 2002, or 10 July 2002 if extended by resolution.

IV. Further business for the Council meeting on 29 May 2002

(a) Members' Bills - First Reading and moving of Second Reading

CITIC Ka Wah Bank (Limited) Merger Bill

13. The Chairman said that the Bill would be introduced by Dr David LI Kwok-po into the Council on 29 May 2002 and considered by the House Committee on 31 May 2002.

(b) Government Motion

14. The Chairman informed Members that Mr Martin LEE had given notice to move an amendment to the motion on the proposed accountability system for principal officials scheduled for debate at the Council meeting on 29 May 2002. The Chairman said that the wording of Mr Martin LEE's proposed amendment had just been issued to Members vide LC Paper No. CB(3) 653/01-02.

V. Business for the Council meeting on 5 June 2002

(a) Questions

(LC Paper No. CB(3) 640/01-02)

15. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 5 June 2002.

(b) Bills - First and Second Readings

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

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

(i) **Adaptation of Laws (Miscellaneous Provisions) Bill 2002**

17. The Chairman said that at the last meeting, Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(ii) **Boilers and Pressure Vessels (Amendment) Bill 2001**

18. The Chairman said that the Bills Committee concerned provided a report to the House Committee on 17 May 2002, and Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(d) **Government motion**

Proposed resolution to be moved by the Secretary for Education and Manpower under the Factories and Industrial Undertakings Ordinance and the Interpretation and General Clauses Ordinance relating to the Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) (Amendment) Regulation 2001

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 644/01-02 dated 22 May 2002.)
(*LC Paper No. LS 101/01-02*)

19. The Legal Adviser explained that the motion sought the Council's approval of the Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) (Amendment) Regulation 2001 (the Amendment Regulation) subject to certain amendments. The Legal Adviser further explained that at present, the principal Regulations applied to construction sites and shipyards only. The Amendment Regulation aimed to extend the coverage to the container handling industry and to enhance the professionalism and training of safety officers in general.

20. The Legal Adviser said that Secretary for Education and Manpower (SEM) had originally intended to move the motion on the Amendment Regulation at the Council meeting on 11 July 2001. The Legal Adviser further said that the Legal Service Division had raised some queries on the drafting aspect of the Amendment Regulation. The Administration subsequently accepted in principle some of the proposed amendments, and the Legal Service Division provided a further report to the House Committee on 10 July 2001. As Members needed time to consider the proposed amendments to the Amendment Regulation, SEM subsequently withdrew the notice of motion at Members' request. The Legal Adviser added that the Administration had

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also explained that it had not been able to re-introduce the motion containing the Amendment Regulation earlier because of other more pressing issues.

21. The Legal Adviser informed Members that the Panel on Manpower was briefed on the policy aspect of the Amendment Regulation at its meeting on 30 March 2000, and members did not express any views on the legislative proposal, apart from seeking clarifications on the registration of safety officers and the discretionary power of the Commissioner for Labour. The Legal Adviser added that according to the Administration, the Labour Advisory Board had been consulted on the Amendment Regulation and endorsed the proposal.

22. The Legal Adviser advised that the legal and drafting aspects of the Amendment Regulation were in order.

23. Members did not raise any queries on the Amendment Regulation.

(e) **Members' motions**

(i) **Motion on "Solving the problem of 'prolonged immigration and customs clearance'"**

(Wording of the motion issued vide LC Paper No. CB(3) 647/01-02 dated 23 May 2002.)

24. The Chairman said that the above motion would be moved by Mr Jasper TSANG Yok-sing and the wording of the motion had been issued to Members.

(ii) **Motion on "Life education"**

(Wording of the motion issued vide LC Paper No. CB(3) 654/01-02 dated 24 May 2002.)

25. The Chairman said that the above motion would be moved by Mr WONG Sing-chi and the wording of the motion had been issued to Members.

26. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 29 May 2002.

VI. Report of Bills Committee and subcommittee on subsidiary legislation

(a) **Position report on Bills Committees/subcommittees**

(LC Paper No. CB(2) 2028/01-02)

27. The Chairman said that there were 15 Bills Committees and five Subcommittees in action as well as 13 Bills Committees on the waiting list.

(b) Interim report of the Subcommittee to Study the Proposed System of Accountability for Principal Officials and Related Issues
(LC Paper No. CB(2) 2015/01-02)

28. Mr IP Kwok-him, Chairman of the Subcommittee, said that the Subcommittee was formed on 19 April 2002 to study the proposed accountability system and related issues, and had so far held 11 meetings, or 20 two-hour sessions. Submissions had been received from 126 organisations and individuals, and a total of 89 organisations and individuals had appeared before the Subcommittee to present their views.

29. Mr IP said that at its meeting on 21 May 2002, the Subcommittee agreed that an interim report highlighting the main points of discussion should be provided to the House Committee, before the debate on the Government motion at the Council meeting on 29 May 2002. He hoped that the report would be of some use to Members in preparation for the debate, and added that all the relevant papers of the Subcommittee listed in Appendix IV were available on the Legislative Council website.

30. Miss Margaret NG said that members of the Subcommittee should have been given an advance copy of the report.

31. Mr Andrew WONG commented that the heading before item (c) in paragraph 174 of the report was not appropriate.

32. Mr IP said that the Administration had formally informed the Subcommittee that the Administration would move a resolution under section 54A of the Interpretation and General Clauses Ordinance, at the Council meeting on 19 June 2002, to effect the transfer of statutory functions to the principal officials. The Administration would give formal notice of the resolution on 3 June 2002. Mr IP added that the Administration had also informed the Subcommittee that proposals relating to the 14 principal official positions would be put to the Establishment Subcommittee and the Finance Committee on 6 June and 14 June 2002 respectively.

VII. Any other business

33. Mr IP Kwok-him, Chairman of the Panel on Home Affairs, said that at the meeting of the Panel on 23 May 2002, members were briefed on the "Report of the Sports Policy Review Team". The Panel considered that a motion debate on the Report should be held before the end of the consultation period on 31 July 2002, and a paper would be presented to the House Committee at its next meeting.

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34. The Chairman said that the matter would be discussed at the next meeting on 31 May 2002.

35. There being no further business, the meeting ended at 4:35 pm.

Council Business Division 2
Legislative Council Secretariat
29 May 2002