

立法會
Legislative Council

LC Paper No. CB(2) 2395/01-02

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 28th meeting
held in the Legislative Council Chamber
at 4:25 pm on Friday, 21 June 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 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 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

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
Miss Connie FUNG	Assistant Legal Adviser 3
Miss Monna LAI	Assistant Legal Adviser 7
Miss Kathleen LAU	Chief Public Information Officer
Miss Becky YU	Chief Assistant Secretary (1)1
Miss Salumi CHAN	Chief Assistant Secretary (1)5
Mrs Constance LI	Chief Assistant Secretary (2)5
Miss Betty MA	Senior Assistant Secretary (2)1

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I. Confirmation of the minutes of the 27th meeting held on 14 June 2002
(LC Paper No. CB(2) 2324/01-02)

The minutes were confirmed.

II. Matters arising

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

Briefing for Legislative Council (LegCo) on important announcements

2. The Chairman said that she had relayed to CS Members' concerns raised at the last meeting of the House Committee. CS had said that he recognised that the Administration had the duty to be accountable to the Legislative Council (LegCo). He pointed out that the number of meetings between CS and the Council had in fact increased. He agreed that the recent two incidents were unfortunate, but he urged that the Administration and the Council should look ahead and see how improvement could be made.

3. The Chairman further said that CS was inclined to brief Members through Panels, as there would be more flexibility. As for the suggestion to make announcements at Council meetings, CS considered that the constraint in relation to the order of business at a Council meeting stipulated in the Rules of Procedure would have to be looked into.

4. The Chairman said that she had advised CS that Members had no objection to the Administration briefing the relevant Panels, and non-Panel Members could be invited to attend the briefing. All that Members wanted was that the Council should be the first briefed when important announcements

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of wide public concern were to be made.

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5. The Chairman added that CS was apologetic that the recent incidents had given Members an impression of disrespect for the Council. He suggested that as each case might be different, the Administration should consult the Chairman and Deputy Chairman of a Panel in the first instance, and they would determine whether and how a briefing should be held. In addition, information briefs would be prepared in an appropriate manner and sent to Members as quickly as possible. CS had reiterated that the arrangements to brief Members should be as flexible as possible and should be made possible at short notice.

6. The Chairman said that she agreed that the Chairman and Deputy Chairman of a Panel could be the contact points, and they could instruct the LegCo Secretariat to make suitable arrangements.

7. The Chairman further said that she had also raised with CS Ms Emily LAU's suggestion of a briefing by the Chief Executive (CE) on the appointment of principal officials, Permanent Secretaries and members of the Executive Council (ExCo) upon the passage of the motion moved by the Secretary for Constitutional Affairs at the Council meeting on 19 June 2002. The Chairman added that she had also informed CS that Ms LAU had written to CE, and copies of the letter had been sent to her and CS.

8. The Chairman said that CS had advised that CE would consider Ms LAU's request carefully. CS had also pointed out that the appointment of principal officials was a decision of the Central People's Government, and he had reservations about the request.

9. The Chairman further said that in response to her earlier letter to CE, the Private Secretary to CE had replied that the next CE's Question and Answer Session would be held from 3:00 pm to 4:00 pm on Monday, 8 July 2002.

10. Ms Emily LAU said that she was disappointed that CE had delayed the announcement of the new appointments to be made under the accountability system for principal officials, now that the resolution transferring statutory functions to the principal officials under the accountability system had already been passed by the Council on 19 June 2002.

11. Ms Emily LAU stressed that a constitutional convention should be established whereby the Administration should first brief LegCo on any important announcements or matters. Ms LAU requested the Chairman to raise with CS again that CE should brief LegCo on the new appointments under the accountability system, prior to briefing the press. Members did not raise objection to Ms LAU's request. The Chairman said that she would raise the matter at her meeting with CS on Monday, 24 June 2002.

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12. The Chairman added that the Administration was looking at the procedural arrangements for making important announcements and matters at Council meetings, having regard to the constraints in relation to the order of business at a Council meeting stipulated in the Rules of Procedure. She said that the LegCo Secretariat would follow up with the Director of Administration (D of Adm).

13. The Secretary General said that according to the order of business at a Council meeting stipulated in the Rules of Procedure, "statements by designated public officers" should follow "the asking and answering of questions put to the Government". Based on past experience, the asking and answering of questions would end around 4:15 pm. The Secretary General added that the Secretariat was looking into the matter with D of Adm.

14. Ms Emily LAU said that if current provisions in the Rules of Procedure did not allow CE or designated public officers to make important announcements at Council meetings at short notice, then the Committee on Rules of Procedure (CRoP) should be invited to consider how the Rules of Procedure should be amended to enable CE or designated public officers to do so. The Chairman said that the matter would be referred to CRoP for consideration, if necessary.

15. The Chairman said that Members might wish to consider whether a subcommittee should be set up under the House Committee to examine whether the structure of, and distribution of work among Panels, should be reviewed in the light of the reorganisation of policy bureaux under the accountability system for principal officials.

16. Dr YEUNG Sum expressed support for the Chairman's suggestion. Dr YEUNG added that a subcommittee should be set up as soon as possible to study the matter.

17. Miss Margaret NG said that there was not much information, at the present stage, to enable Members to meaningfully discuss the matter, as the Administration had not yet worked out the details of the reorganisation under the accountability system. She considered that the proposal of setting up a subcommittee should be considered at the first meeting of the House Committee in the next session. She further said that she would prefer matters relating to the structure of Panels and other changes affecting LegCo be discussed by House Committee, and not a subcommittee under the House Committee. Miss NG added that Members might also need to consider whether the likely appointment of leaders of political parties, who were LegCo Members, as members of ExCo would have any impact on the operation of LegCo.

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18. Mr Andrew WONG shared Ms NG's views. He said that the Chairman's suggestion should be discussed at the beginning of the next session when more information on the Administration's thinking would be available. He further said that he preferred having fewer Panels, and they should focus more on policy studies instead of monitoring the day-to-day operation of the Government. He added that it was not necessary for each Panel to correspond to a particular policy bureau.

19. Mr IP Kwok-him agreed that a subcommittee should be set up to study the distribution of work among Panels in the light of the reorganisation of policy bureaux. However, he did not consider that there was urgency for the subcommittee to convene meetings immediately as there were still a few more months before the start of the next session, and more information from the Government was required to facilitate the work of the subcommittee.

20. Dr YEUNG Sum said that a subcommittee could be set up before the end of this session to enable preparatory work to be carried out and to obtain information from the Administration. He agreed that it would not be necessary for each of the 18 Panels to correspond to a particular policy bureau. As regards Miss Margaret NG's concern about the appointment of LegCo Members who were leaders of political parties as members of ExCo, Dr YEUNG considered that there should not be any special treatment for these Members. He pointed out that at present there was also a LegCo Member appointed as a member of ExCo, and the Member did not have any special treatment in LegCo.

21. Miss Margaret NG and Mr Andrew WONG said that with the implementation of the accountability system, the Administration might impose certain requirements on those LegCo Members who were appointed as ExCo members, and they might have specific roles to play in LegCo. Mr WONG considered that since changes had been made to the political system, Members might also need to consider the impact of these changes on the operation of LegCo, for example, whether it would be appropriate for LegCo Members who were also ExCo members to be the chairmen of certain committees or Panels. Miss NG and Mr WONG said that Members would need to know more about the Administration's plans and thinking, before they could discuss the future structure of LegCo committees, and other related issues meaningfully.

22. Mr TAM Yiu-chung said that he was a member of ExCo and also the Chairman of the Panel on Public Service. He did not see any difference in role between that of a LegCo Member who was appointed as a member of ExCo, and that of other LegCo Members.

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23. Ms Emily LAU commented that it might not be necessary to change the current structure of Panels and other committees after the reorganisation of the policy bureaux. She sought clarification on whether a subcommittee was necessary, and what it was going to study.

24. The Chairman responded that LegCo should take a proactive approach to consider whether the new organisation of the policy bureaux would affect the present structure of, and distribution of work among, LegCo Panels. She said that it was for Members to decide whether it was necessary to set up a subcommittee before the end of this session. The Chairman added that the subcommittee, if formed, would determine the scope of its work, and report its findings and recommendations to the House Committee for consideration.

25. Dr YEUNG Sum said that Members might wish to have more time to consider the proposal of setting up a subcommittee, as the proposal was not on the agenda for this meeting. The Chairman suggested that the proposal of setting up a subcommittee be placed on the agenda of the next meeting for further discussion. Members agreed.

26. Ms Cyd HO asked whether there would be changes to the arrangements for debate on CE's Policy Address to be delivered in October 2002. Mr TSANG Yok-sing advised that CRoP had just completed a review and consulted Members on the arrangements introduced for the debate on the 2001 Policy Address. CRoP was seeking the views of the Administration on the proposed adjustments to the arrangements and a response was awaited. In response to Ms Emily LAU, Mr TSANG pointed out that CRoP had taken into account that there would be changes under the accountability system for principal officials, but these should not have impact on the arrangements for the debate on CE's Policy Address as the sessions were grouped by policy areas.

27. The Chairman said that CRoP would follow up the matter and keep Members posted of development.

Copyright (Suspension of Amendments) Ordinance 2001

28. The Chairman said that CS and D of Adm had confirmed that the Secretary for Commerce and Industry would move a resolution to seek extension of the suspension and introduce a bill afterwards.

29. The Chairman informed Members that the Secretary for Commerce and Industry had just given notice to move the resolution at the Council meeting on 10 July 2002. The Chairman further said that the Panel on Commerce and Industry had scheduled a special meeting for Tuesday, 25 June 2002, at 2:30 pm to discuss the proposed extension of the suspension period by one

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more year, and non-Panel Members were also welcome to attend the meeting.

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30. In reply to Miss Margaret NG, the Legal Adviser confirmed that under the Copyright (Suspension of Amendments) Ordinance 2001, the suspension would cease to have effect on 31 July 2002, unless extended by resolution of the Council.

Words of thanks

31. The Chairman informed Members that CS had said that he would like to thank Members for their hard work in coping with the late rush of Government proposals at the end of the session. He appreciated in particular the work of the Subcommittee to Study the Proposed Accountability System for Principal Officials and Related Issues, under the leadership of Mr IP Kwok-him.

(b) CITIC Ka Wah Bank (Limited) Merger Bill

32. The Chairman said that at the last House Committee meeting, Members agreed to Mr James TO's request to further defer a decision on the Bill to this meeting.

33. Mr James TO said that only the banking business and related property of CITIC Ka Wah Bank Limited (CKWB) were to be transferred to The Hong Kong Chinese Bank, Limited (HKCB), and that "excluded property and liabilities" included, subject to the agreement of HKCB, such other property and liabilities of CKWB as might be specified by way of a resolution or resolutions of the board of directors of CKWB.

34. Mr TO informed Members after discussing with the solicitors for CKWB, he understood that the Member-in-charge of the Bill, Dr David LI, would state at the resumption of Second Reading debate on the Bill, the categories of property and liabilities that would be excluded from being transferred to HKCB. A detailed list of the property and liabilities to be transferred, and those to be excluded would be prepared afterwards for the information of the Panel on Financial Affairs (FA Panel). Mr TO said that he considered the proposed arrangement acceptable, as details of "excluded property and liabilities" would be placed on public record. Mr TO added that he did not consider a Bills Committee to study the Bill necessary.

35. The Chairman suggested that the detailed list of transferred property and liabilities and excluded property and liabilities should be provided to all Members, as Dr David LI would be making such an undertaking to LegCo, and not to the FA Panel. Mr TO responded that he believed that the solicitors for CKWB would not object to the suggestion. He added that the list could be issued to the FA Panel and copied to all non-Panel Members.

36. Members did not raise objection to the resumption of Second Reading

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debate on the Bill.

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)**

Supplementary Appropriation (2001-2002) Bill 2002
(LC Paper No. LS 122/01-02)

37. Referring to the paper, the Legal Adviser said that the Bill sought the Council's approval to make supplementary provisions for the specified heads of expenditure in the financial year which ended on 31 March 2002. The heads in which there had been excess and the amounts of excess were specified in the Schedule to the Bill.

38. The Legal Adviser further said that no difficulties relating to the legal and drafting aspects of the Bill had been identified.

39. Members did not raise objection to the resumption of Second Reading debate on the Bill.

(b) **Legal Service Division report on subsidiary legislation gazetted on 14 June 2002**

(LC Paper No. LS 120/01-02)

40. The Legal Adviser said that two items of subsidiary legislation were gazetted on 14 June 2002.

41. Regarding the Designation of Public Funeral Hall (Repeal) Order 2002, the Legal Adviser explained that the Director of Food and Environmental Hygiene had repealed the Designation of Public Funeral Hall Order (Cap. 132 sub. leg.) as from the date of gazette, as the operation of Hung Hom Public Funeral Parlour had been contracted out and was no longer a public funeral hall. The Legal Adviser added that according to the Administration, the usage rate of the Parlour was persistently low. The Administration considered it more cost-effective and efficient to contract out the operation of the Parlour to the private sector.

42. Referring to the Hong Kong Court of Final Appeal (Amendment) Ordinance 2002 (11 of 2002) (Commencement) Notice 2002, the Legal Adviser said that the Chief Justice had appointed 2 December 2002 as the day on which the Hong Kong Court of Final Appeal (Amendment) Ordinance 2002 (11 of 2002) was to come into operation. The Legal Adviser explained that the Amendment Ordinance provided for an appeals mechanism, commonly known as the "leapfrog appeal", whereby civil appeals might be brought directly from the Court of First Instance to the Court of Final Appeal. He

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added that the proposal had been examined by a Bills Committee.

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43. Members did not raise any queries on the two items of subsidiary legislation.

44. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was the second meeting of LegCo in the next session.

IV. Business for the Council meeting on 3 July 2002

(a) Questions

(LC Paper No. CB(3) 726/01-02)

45. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 3 July 2002.

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

46. 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

Land Registration (Amendment) Bill 2000

47. The Chairman said that as agreed at the last House Committee meeting, the Bills Committee had provided an addendum (LC Paper No. CB(1)2057/01-02 issued vide LC Paper No. CB(2) 2368/01-02 dated 20 June 2002) to the report on the Bill. She added that the Administration had given notice to resume the Second Reading debate on the Bill at the Council meeting on 3 July 2002.

48. Miss Margaret NG said that the Administration had considered the comments from the Hong Kong Bar Association. The Administration had also discussed with the Law Society of Hong Kong the possibility of further amendments to add back the provisions on stopped deeds to the Bill within this session. However, it was agreed that it was not possible to do so within this session. Miss NG further said that the Administration had undertaken to provide a draft of proposed new legislation on power to remove stopped deeds for consideration by the Law Society in July 2002. It was expected that the Administration would present the legislative amendments to LegCo in October 2002.

(d) **Government motion**

Proposed resolution to be moved by the Secretary for Health and Welfare under the Hong Kong Academy of Medicine Ordinance relating to the Hong Kong Academy of Medicine (Amendment) Regulation 2002

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 720/01-02 dated 14 June 2002.)
(LC Paper No. LS 121/01-02)

49. The Legal Adviser said that the proposed resolution sought the Council's approval of the Hong Kong Academy of Medicine (Amendment) Regulation 2002, made by the Hong Kong Academy of Medicine.

50. The Legal Adviser explained that the Amendment Regulation repealed section 9(3) of the Hong Kong Academy of Medicine Regulation, as the Council of the Academy believed that section 9(4) was sufficient to cover a Fellow's maximum tenure, and there was no strong reason of discontinuing a Fellow's service at the end of the eighth year while he was allowed to serve a total of 12 years on the Council.

51. The Legal Adviser said that the proposed resolution was in order from the legal and drafting points of view.

52. Members did not raise objection to the Secretary for Health and Welfare moving the proposed resolution to seek the Council's approval for the Amendment Regulation.

(e) **Members' motions**

(i) **Proposed resolution to be moved by Hon Jasper TSANG Yok-sing under Article 75 of the Basic Law of the Hong Kong Special Administrative Region**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 731/01-02 dated 19 June 2002.)

53. The Chairman said that as agreed at previous House Committee meetings, Mr TSANG Yok-sing, Chairman of CRoP, would move a motion to amend the Rules of Procedure concerning -

- (a) the tenure of Chairmen and Deputy Chairmen of the Finance Committee and the House Committee; and

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(b) textual amendments relating to declaration of interests by Members as recommended by the Committee on Members' Interests.

(ii) **Motion on "Report of the Sports Policy Review Team"**
(Wording of the motion issued vide LC Paper No. CB(3) 719/01-02 dated 14 June 2002.)

54. The Chairman said that the above motion would be moved by Mr IP Kwok-him and the wording of the motion had been issued to Members.

(iii) **Motion on "Trade policy"**
(Wording of the motion issued vide LC Paper No. CB(3) 733/01-02 dated 19 June 2002.)

55. The Chairman said that the above motion would be moved by Mr Bernard CHAN and the wording of the motion had been issued to Members.

56. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Tuesday, 25 June 2002.

V. Report of Bills Committee and subcommittee

(a) **Position report on Bills Committees/subcommittees**
(Director of Administration's letter dated 20 June 2002 on "Proposed Priority in the Scrutiny of Bills by Members")
(LC Paper No. CB(2) 2328/01-02)

57. The Chairman said that there were 12 Bills Committees and four Subcommittees in action as well as 11 Bills Committees on the waiting list.

58. Referring to D of Adm's letter dated 20 June 2002, the Chairman said that the Administration had requested priority be given to the scrutiny of the Telecommunications (Amendment) Bill 2002. Members agreed to D of Adm's request.

59. The Chairman further said that the Bills Committee on the Telecommunications (Amendment) Bill 2002, the Bills Committee on the Fire Services (Amendment) Bill 2001, and the Bills Committee on the Juvenile Offenders (Amendment) Bill 2001 could commence work immediately, as there would be three vacant slots after three Bills Committees had reported under agenda item V (b), (c) and (d) below.

(b) **Report of the Bills Committee on Import and Export (Electronic Transactions) Bill 2001**

(LC Paper No. CB(1) 2032/01-02)

60. Mr Kenneth TING, Chairman of the Bills Committee, said that under the Import and Export Ordinance (Cap. 60), carriers of cargo imported into and exported from Hong Kong were required to submit cargo manifests to the Customs and Excise Department for the purposes of cargo clearance and compilation of trade statistics. The Bill aimed to provide the legal framework for processing submission of cargo manifests by electronic means.

61. Mr TING further said that members noted that the industry generally supported the electronic collection, submission, distribution and sharing of data to improve efficiency, cost-effectiveness and quality of cargo operations. However, concerns had been raised on the need for processing submission of cargo manifests by electronic means.

62. Mr TING informed Members that the industry considered that the proposed fees were too high given that cargo manifests submitted in paper form were free of charge at the moment. Moreover, the need for the industry to upgrade their computer systems to ensure compatibility with the system of Tradelink would have impact on the industry.

63. Mr TING further informed Members that the air cargo trade was particularly concerned that the implementation of Electronic Data Interchange service for cargo manifests (EMAN) would eventually replace the Customs' Air Cargo Clearance System (ACCS). In addition, the river trade companies urged that the Administration should look into the interface between Hong Kong and the Pearl River Delta Region in respect of submission of export manifests in electronic form, so as to avoid double handling of cargo data to meet the requirements of both Hong Kong and individual Mainland authorities.

64. Mr TING said that according to the Administration, it was only fair for Tradelink to charge a service fee in order to recoup the considerable investment it had made in developing the front-end system and providing the package of services to carriers. Given that Tradelink's exclusive franchise would expire at the end of 2003, effort was being made to introduce competition for the provision of front-end EDI services by engaging two new service providers, in addition to Tradelink. It was expected that market competition would generally increase efficiency, lower prices and improve service quality. Meanwhile, Tradelink was still discussing with carriers on the EMAN fee to be charged.

65. Mr Kenneth TING pointed out that to allay the concern of the air cargo trade, the Secretary for Commerce and Industry would, in his speech to be

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delivered at the resumption of the Second Reading debate on the Bill, make an undertaking that EMAN would not replace the existing ACCS. Mr TING said that as the Mainland authorities were conducting trial runs on a new scheme under which carriers were required to submit manifests electronically in advance, the Administration was considering whether Tradelink could work out with the Mainland service provider a one-stop shop for electronic submission of manifests. Mr TING added that Members, however, held the view that the Administration should take a proactive role, and make use of all available channels to discuss with the decision-making authorities in the Mainland with a view to expediting the interface process.

66. Mr Kenneth TING further pointed out that the Bill proposed that a manifest should be furnished to the Director-General of Trade and Industry using an electronic service provided by a specified body within 14 days after the arrival or departure of every vessel, aircraft or vehicle. Failure to do so without reasonable excuse constituted an offence. Mr TING said that doubt had been cast on the propriety of imposing such a sanction which was at variance with the current practice whereby failure to deliver a copy of every cargo manifest to the Director for trade control purpose would not attract any penalty. In the light of members' concern, the Administration agreed to move a Committee Stage amendment (CSA) to empower the Director to have access to information contained in a manifest lodged with the Commissioner of Customs and Excise, thereby dispensing with the need to create any new offence.

67. Mr TING said that to allow the industry to adapt to the change, the Bill provided a transitional period during which both paper and electronic submission of cargo manifests would be allowed. The duration of the transition would depend on the readiness of the industry, and a review would be conducted in this connection. Mr TING added that at the request of the Bills Committee, the Administration had undertaken to inform LegCo of the outcome of the review.

68. Mr Kenneth TING said that the Bills Committee supported the resumption of the Second Reading debate on the Bill on 10 July 2002, and the CSAs to be moved by the Administration.

69. Members did not raise objection to the resumption of the Second Reading debate on the Bill. The Chairman reminded Members that the deadline for notice of CSAs was Saturday, 29 June 2002.

(c) **Report of the Bills Committee on Fire Safety (Buildings) Bill**
(*LC Paper No. CB(2) 2330/01-02*)

70. Mr IP Kwok-him, Chairman of the Bills Committee, reported that the

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Bills Committee had held 17 meetings, and had also met with deputations.

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71. Mr IP Kwok-him said that the Bills Committee was concerned that some owners of the composite buildings or domestic buildings built before 1 March 1987 might have practical and financial difficulties to fully comply with the fire safety measures proposed in the Bill. Mr IP further said that the Administration had responded that it would take a pragmatic approach in dealing with those cases where the owners had practical difficulties in complying with the fire safety standards. In this connection, the enforcement authorities would exercise discretion in determining relaxation or even exemption having regard to the circumstances of each case.

72. Mr IP Kwok-him further said that members had also expressed concern that the owners affected by the Bill would need time to obtain funding for carrying out the improvement works in order to comply with the fire safety measures. The Bills Committee had strongly urged that the Administration should first consult LegCo before appointing a date for bringing the Bill into effect. The Administration had confirmed that it had no intention to bring the Bill into operation before necessary amendments were made to the Building Management Ordinance to empower owners' corporations to borrow money from the Loan Scheme to cover the shares of the costs that should be borne by the missing or irresponsible owners.

73. Mr IP Kwok-him informed Members that the Administration had agreed to move amendments to the Bill. The Bills Committee had accepted the Administration's proposed amendments on the basis of the Administration's undertakings detailed in paragraph 85 of the report. Mr IP added that the Bills Committee would not move any amendment to the Bill.

74. In response to Mr James TO, Mr IP confirmed that the Administration had undertaken that it would not bring the Bill into operation without first obtaining the support of "a great majority" (絕大多數) of the members of the Panel on Security.

75. The Chairman asked what was meant by "a great majority" (絕大多數) of members. Mr James TO responded that the understanding was that there should be consensus among members of the Panel before the Administration would bring the Bill into operation. He did not expect that the Panel had to take a vote on the matter.

76. Mr IP added that the Administration intended to resume Second Reading debate on the Bill on 3 July 2002.

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77. Members did not raise objection to the resumption of the Second Reading debate on the Bill on 3 July 2002. The Chairman reminded Members that the deadline for giving notice of CSAs was Saturday, 22 June 2002.

(d) **Report of the Bills Committee on Karaoke Establishments Bill**
(*LC Paper No. CB(2) 2331/01-02*)

78. Mr James TO, Chairman of the Bills Committee, reported that the Bills Committee had held 29 meetings to scrutinise the Bill in detail. The Bills Committee had also invited public views, and met with the Karaoke Concern Group, which represented the karaoke establishments of seven operators, and the International Federation of the Phonographic Industry Ltd.

79. Mr James TO informed Members that there was at present no specific control of karaoke establishments. However, if the karaoke business was conducted in places which were licensed as restaurants or operated with a liquor licence, they were subject to regulatory control which applied to the respective licences. The Administration had explained that without proper fire safety constructions and installations, the risk of fire in a karaoke establishment remained high, particularly because these premises were often partitioned into small cubicles, and the special layout made it difficult to escape in case of fire.

80. Mr James TO further said that following discussion with the Bills Committee, the Administration had proposed that apart from the exemption to "bona fide" restaurants, the Bill would also not apply to establishments where the aggregate floor area of the karaoke rooms was not more than 30m², and the number of rooms used for karaoke activities did not exceed three. Mr TO explained that "bona fide" restaurants referred to those restaurants with aggregate areas of all karaoke rooms not exceeding 30% of the seating area and having no more than one karaoke room per 100m² in the seating area.

81. Mr TO said that the Bill proposed that an applicant for a permit or licence must be a fit and proper person, and the proposed operation must be in a "suitable place" and "suitable area". According to the Administration, the place must be suitable for the operation of a karaoke establishment, for example, in relation to fire safety, an industrial building or level 4 (or below) of any basement, was not a suitable place. The Administration had also pointed out that as a matter of policy, the licensing authority would take into account the views of persons residing or working in the immediate vicinity of the place of proposed operation.

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82. Mr TO further said that the Administration had explained that the licensing authority would only revoke a licence or permit on the basis that it was no longer located in an area suitable for the operation of a karaoke establishment in extreme cases and on very rare occasions. The Administration would give an undertaking in this respect during the resumption of the Second Reading debate on the Bill.

83. Mr TO informed Members that the Administration had also agreed to delete the reference to "public interest" in clauses relating to the issue, revocation and suspension of a licence or permit. The Administration would also move an amendment to the effect that the decision of non-renewal of a licence or permit would not come into force, pending the outcome of an appeal. Mr TO added that the Administration had also agreed to move amendments in relation to the powers of seizure and forfeiture, the duration of a licence or permit, etc.

84. Mr TO said that the Bills Committee supported the resumption of the Second Reading debate on the Bill on 3 July 2002.

85. The Chairman reminded Members that the deadline for notice of CSAs was Saturday, 22 June 2002.

(e) **Report of the Bills Committee on United Nations (Anti-Terrorism Measures) Bill**

86. Mr LAU Kong-wah, Chairman of the Bills Committee, reported that the Bills Committee had held eight meetings since May 2002, and further meetings had been scheduled for 24, 25 and 27 June 2002. Mr LAU said that the Administration had stressed the need for early enactment of the Bill and hoped to resume the Second Reading debate on the Bill at the Council meeting on 10 July 2002. In this connection, the Bills Committee would make its best efforts to complete its scrutiny work by 27 June 2002. A written report would be provided for the House Committee meeting on 28 June 2002.

87. Mr LAU Kong-wah informed Members that the Administration had accepted many of the Bills Committee's proposals and would introduce a number of amendments.

88. Mr LAU Kong-wah said that as the Administration would need to give notice of the resumption of the Second Reading debate on the Bill by Monday, 24 June 2002, the Bills Committee would have to consider at its meeting on 24 June 2002 whether it would support the resumption of the Second Reading debate on the Bill on 10 July 2002.

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89. Ms Emily LAU said that she would like to listen to the views of all deputations before taking a view on whether to support the resumption of the Second Reading debate. However, as a further meeting with deputations was scheduled for 25 June 2002, she had doubts whether the Bills Committee should be rushed into making a decision on whether to support the Administration to give notice on 24 June 2002 for the Bill to resume Second Reading debate on 10 July 2002.

90. The Chairman said that it would be for the Bills Committee to decide whether or not to express support of the Administration's giving notice on Monday, 24 June 2002.

91. Dr YEUNG Sum said that the Bills Committee noted that there was urgency to enact the Bill. He pointed out that the Administration had accepted a number of proposals raised by members, and agreed to move amendments to the Bill.

92. The Chairman reminded Members that if the Second Reading debate on the Bill was to resume at the Council meeting on 10 July 2002, the deadline for notice of CSAs would be Saturday, 29 June 2002.

VI. Proposed overseas duty visit by the Panel on Planning, Lands and Works
(*LC Paper No. CB(1) 2040/01-02*)

93. Dr TANG Siu-tong, Chairman of the Panel on Planning, Lands and Works, said that the paper sought the permission of the House Committee for the Panel to conduct an overseas duty visit in early September 2002 to London, Berlin, Prague and Singapore to study their experiences in town planning, urban renewal and heritage preservation. Dr TANG said that eight Panel members and four non-Panel Members had indicated interest in participating in the visit so far. He added that the deadline for Members to indicate interest in joining the visit was 5 July 2002.

94. Dr TANG Siu-tong further said that the estimated expenditure to be incurred by each participating Member for the visit was around \$61,000. He added that in accordance with the funding arrangement endorsed by the House Committee on 9 February 2001 and approved by The Legislative Council Commission on 20 February 2001, the expenditure of each Member for the visit would be deducted from the allocation of \$61,000 for use in a four-year term for overseas duty visits organised by Panels or other committees. Any expenditure incurred in one term in excess of \$61,000 would have to be paid by the Member personally.

95. Members endorsed the proposed visit by the Panel.

Action

VII. Any other business

The reply of the Secretary for Economic Services (SES) to Hon Albert CHAN's written question (No. 7) raised at the Council meeting on 19 June 2002

(Hon Albert CHAN's question and SES's reply)

96. Mr Albert CHAN said that he had raised a written question (No. 7) containing five parts at the Council meeting on 19 June 2002. However, the written reply given by SES was very brief, and contained only three sentences.

97. Mr Albert CHAN considered that SES should have given more information in his reply, such as explaining the background and scope of the legal advice being sought by the Administration. He pointed out that even the press reports on the matter contained more information than SES's reply. He said that the Administration had the duty to answer Members' questions, and such a brief reply by SES was disrespectful to LegCo. The Chairman said that she would raise the matter with CS. Members agreed.

98. There being no further business, the meeting ended at 5:45 pm.

Council Business Division 2
Legislative Council Secretariat
26 June 2002