

立法會  
*Legislative Council*

LC Paper No. CB(2) 85/01-02

Ref : CB2/H/5

**House Committee of the Legislative Council**

**Minutes of the 1st meeting  
held in the Legislative Council Chamber  
at 2:30 pm on Friday, 12 October 2001**

**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  
Hon David CHU Yu-lin, JP  
Hon Cyd HO Sau-lan  
Ir Dr Hon Raymond HO Chung-tai, JP  
Hon Martin LEE Chu-ming, SC, 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 CHAN Kam-lam  
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 LAU Wong-fat, GBS, JP  
Hon Mrs 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
Mr Arthur CHEUNG	Assistant Legal Adviser 5
Mr KAU Kin-wah	Assistant Legal Adviser 6
Mrs Vivian KAM	Chief Assistant Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Miss Becky YU	Chief Assistant Secretary (1)1
Mrs Constance LI	Chief Assistant Secretary (2)5
Mrs Betty LEUNG	Chief Assistant Secretary (3)1
Miss Betty MA	Senior Assistant Secretary (2)1

---

Action

**I. Confirmation of the minutes of meeting on 5 October 2001**  
(LC Paper No. CB(2) 2392/00-01)

The minutes were confirmed.

**II. Matters arising**

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

Co-operation between the Executive and the Legislature and the need to legislate

2. The Chairman said that CS had emphasized that the Administration would work even harder to follow up issues raised by the House Committee in the new session. CS considered that the current depressing economic situation called for better co-operation rather than unnecessary confrontation. He was certain that although the Executive and the Legislature might not see eye to eye on all the issues, they shared the same objective of serving the people of Hong Kong.

3. The Chairman further said that CS had pointed out that it was important to examine critically the need to legislate, because legislating unnecessarily could be costly, not only to the Government, but also to people and enterprises affected by the legislation. Moreover, ineffective enforcement of legislation might give rise to more arguments and confrontations.

4. The Chairman informed Members that she had told CS that she agreed that the need for legislating should be closely examined, and hoped that there would be a greater degree of consultation between the Executive and the

Action

Legislature on policy matters. She considered it important for the Legislative Council (LegCo) to be consulted at an early stage.

Minutes of proceedings of committees

5. The Chairman said that she had informed CS of the new arrangements regarding preparation of minutes of proceedings of committees. CS agreed that the Administration would provide comments on the draft minutes in condensed form and draft minutes in the present form within three days and one week respectively.

6. The Chairman further said that as agreed at the last House Committee meeting, the new arrangements would be tried out for four months, after which a review would be conducted.

Response of the Administration to the motion moved by Hon LEUNG Yiu-chung under Article 159 of the Basic Law at the Council meeting on 4 July 2001

---

7. The Chairman said that she had conveyed Members' views on the use of the expression "聲稱" by the Acting Secretary for Constitutional Affairs in his speech made during the debate on the motion moved by Hon LEUNG Yiu-chung under Article 159 of the Basic Law at the Council meeting on 4 July 2001. CS had made the following points in response -

- (i) The Administration had no intention to doubt the President's ruling, but it was a fact that the Administration and the Council held different views on the interpretation of the provisions regarding the operation of the Legislature in the Basic Law;
- (ii) He was certain that the government official concerned had no intention to be disrespectful to the Council or the President; and
- (iii) Some countries could still not resolve problems in the interpretation of their Constitutions after hundreds of years.

**(b) Proposed groupings of policy areas for the debate on the Policy Address**

---

*(Director of Administration's letter of 11 October 2001)*

8. The Chairman said that she had informed CS of the detailed arrangements for the debate on the Policy Address as well as the speaking time limits for the debate.

Action

9. The Chairman invited Members' views on the proposed groupings of policy areas for the debate set out in the Director of Administration's letter of 11 October 2001. She also referred Members to Dr YEUNG Sum's letter dated 12 October 2001 (tabled at the meeting) which suggested certain changes to the groupings.

10. Mr CHEUNG Man-kwong said that the Administration had proposed that "Education", "Manpower" and "Information Technology and Broadcasting" should be covered in the third session, while "Environmental Affairs", "Food Safety and Environmental Hygiene", "Housing" as well as "Planning and Lands" should be debated in the fourth session. Mr CHEUNG explained that Members belonging to the Democratic Party envisaged that many Members would like to speak on issues relating to education, unemployment and housing which were given much emphasis in the Chief Executive (CE)'s Policy Address. Members belonging to the Democratic Party therefore proposed that the following changes be made to the groupings -

- (a) the second session on 17 October 2001 should also include "Information Technology and Broadcasting" and "Planning and Lands", in addition to "Security", "Transport" and "Works";
- (b) the third session on 18 October 2001 should only cover "Education" and "Manpower"; and
- (c) the fourth session on 18 October 2001 should only cover "Environmental Affairs", "Food Safety and Environmental Hygiene" and "Housing".

11. Mr IP Kwok-him expressed agreement that many Members would like to speak on the policy areas of education, manpower and housing. He added that the changes proposed in Dr YEUNG's letter were acceptable.

12. Members agreed to the changes proposed by Members belonging to the Democratic Party as set out in Dr YEUNG Sum's letter.

**III. Legal Service Division report on subsidiary legislation gazetted on 5 October 2001**

*(LC Paper No. LS 5/01-02)*

13. The Legal Adviser said that Part I of the report covered the following five items of subsidiary legislation which were related to the CE election -

- (a) Election Committee (Appeals) Regulation;

Action

- (b) Legislative Council (Formation of Election Committee) (Appeals) (Repeal) Regulation 2001;
- (c) Election Committee (Registration) (Voters for Subsectors) (Members of Election Committee) (Appeals) Regulation;
- (d) Registration of Electors (Appeals) (Amendment) Regulation 2001; and
- (e) Electoral Affairs Commission (Registration) (Electors for Functional Constituencies) (Voters for Subsectors) (Members of Election Committee) (Legislative Council) (Amendment) Regulation 2001.

14. The Legal Adviser added that more items of subsidiary legislation relating to the CE election were expected to be gazetted. The Chairman and Mr IP Kwok-him said that in line with past practice, a subcommittee should be set up to study all items of subsidiary legislation relating to the CE election. Members agreed. The following Members agreed to join: Ms Cyd HO, Mr SIN Chung-kai, Mr Howard YOUNG and Mr IP Kwok-him.

15. Referring to Part II of the report, the Legal Adviser said that the Rehabilitation Centres Regulation was made under the Rehabilitation Centres Ordinance passed by the Council on 2 May 2001. He further said that the Regulation was to provide for the operation and management of rehabilitation centres for young offenders from the age of 14 to below 21 who committed offences which called for a short-term custodial sentence.

16. Mr CHEUNG Man-kwong suggested that a subcommittee should be set up to examine the Regulation in detail. Members agreed. The following Members agreed to join : Mr James TO Kun-sun (as advised by Mr CHEUNG Man-kwong), Mr WONG Sing-chi and Mr IP Kwok-him.

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

18. The Chairman advised that the deadline for amending the subsidiary legislation is the Council meeting on 7 November, or 14 November 2001 if extended by resolution.

#### IV. Further report by the Legal Service Division on outstanding bills

**(a) Import and Export (Electronic Transactions) Bill 2001**  
(LC Paper No. LS 4/01-02)

19. Presenting the report, the Legal Adviser said that at the House Committee meeting on 15 June 2001, Members agreed to defer a decision on whether to set up a Bills Committee on the Bill, pending a further report from the Legal Service Division.

20. The Legal Adviser further informed Members that the Legal Service Division had sought clarification from the Administration on certain legal and drafting issues on the Bill and these were summarised in the report.

21. Mr HUI Cheung-ching said that while the trade generally accepted the arrangement for using electronic data interchange (EDI) to submit trade-related documents, the level of fees for submitting manifests through EDI had not yet been determined and some technical and operational issues had also not been resolved. He suggested that a Bills Committee should be set up to hold discussion with the Administration and also to seek the views of the trade on the Bill.

22. The Chairman proposed that a Bills Committee should be set up to study the Bill in detail. Members agreed. The following Members agreed to join: Mr Kenneth TING (as advised by Mr James TIEN), Mr NG Leung-sing, Mr HUI Cheung-ching, Mr CHAN Kam-lam, Mrs Sophie LEUNG (as advised by Mr James TIEN), Mr SIN Chung-kai and Mrs Miriam LAU.

**(b) Companies (Amendment) Bill 2001**  
(LC Paper No. LS 8/01-02)

23. The Legal Adviser said that the Legal Service Division had provided the final report on the Bill. The Bill was now ready for resumption of Second Reading debate as the Administration's proposed Committee Stage amendments had addressed the technical concerns raised by the Legal Service Division.

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

Action

**V. Business for the Council meeting of 17, 18, 19 and 24 October 2001**

**(a) Questions**

*(LC Paper No. CB(3) 24/01-02)*

25. The Chairman said that 20 written questions had been scheduled.

**(b) Members' motions**

**(i) Proposed resolution under section 34(4) of the Interpretation and General Clauses Ordinance - to be moved by Dr Hon LO Wing-lok**

*(Wording of the motion issued vide LC Paper No. CB(3) 28/01-02 dated 9 October 2001.)*

26. The Chairman said that Dr LO Wing-lok had given notice to move a motion at the Council meeting commencing on 17 October 2001 to extend the scrutiny period of the Public Health (Animals and Birds) (Chemical Residues) Regulation and the Harmful Substances in Food (Amendment) Regulation 2001 to the Council meeting on 31 October 2001.

**(ii) Proposed resolution under section 34(4) of the Interpretation and General Clauses Ordinance - to be moved by Hon CHAN Kam-lam**

*(Wording of the motion issued vide LC Paper No. CB(3) 27/01-02 dated 9 October 2001.)*

27. The Chairman said that Mr CHAN Kam-lam had given notice to move a motion at the Council meeting commencing on 17 October 2001 to extend the scrutiny period of the Estate Agents (Licensing) (Amendment) Regulation 2001 to the Council meeting on 31 October 2001.

**(iii) Proposed resolution under section 34(4) of the Interpretation and General Clauses Ordinance - to be moved by Hon Margaret NG**

28. The Chairman said that Miss Margaret NG had given notice to move a motion at the Council meeting commencing on 17 October 2001 to extend the scrutiny period of the Solicitors (Professional Indemnity) (Amendment) Rules 2001 to the Council meeting on 31 October 2001.

**(iv) Proposed resolution under the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region - to be moved by Hon TSANG Yok-sing**

*(Wording of the motion issued vide LC Paper No. CB(3) 11/01-02 dated 28 September 2001.)*



Action

29. The Chairman said that Mr TSANG Yok-sing had given notice to move a motion at the Council meeting commencing on 17 October 2001 to suspend Rule 13(1) of the Rules of Procedure.

(v) **Motion of Thanks**

30. The Chairman said that as Chairman of the House Committee, she would move the Motion of Thanks at the Council meeting commencing on 17 October 2001.

**VI. Business for the Council meeting on 31 October 2001**

(a) **Questions**

*(LC Paper No. CB(3) 29/01-02)*

31. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 31 October 2001.

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

**Kowloon-Canton Railway Corporation (Amendment) Bill 2001**

32. The Chairman said that the Bill would be introduced into the Council on 31 October 2001 and considered by the House Committee on 2 November 2001.

(c) **Government motion**

**Three proposed resolutions under the Mutual Legal Assistance in Criminal Matters Ordinance - to be moved by the Secretary for Security**

*(LC Paper No. LS 6/01-02)*

33. Presenting the report, the Legal Adviser said that the Secretary for Security had given notices to move three motions at the Council meeting on 31 October 2001 to seek the Council's approval for three Orders made under section 4 of the Mutual Legal Assistance in Criminal Matters Ordinance (Cap.525). He further said that the three Orders were made to implement the bilateral arrangements for mutual legal assistance in criminal matters with Canada, Philippines and Portugal. He added that Schedule 2 to each of the Orders set out the modifications to the Ordinance.

34. The Legal Adviser pointed out that section 4(7) of the Ordinance restricted the power of LegCo in amending the whole or any part of the

Action

subsidiary legislation by only allowing LegCo to accept or repeal the whole subsidiary legislation. He said that these Orders would come into operation on days to be appointed by the Secretary for Security by notice in the Gazette.

35. The Legal Adviser further advised that if Members wished to set up a subcommittee to examine the three Orders, the Administration should be requested to withdraw the notices for moving the three motions at the Council meeting on 31 October 2001.

36. The Chairman said that Mr James TO had proposed that a subcommittee should be set up to examine the three Orders. Members agreed. The following Members agreed to join : Miss Margaret NG, Mr James TO Kun-sun, Mr TSANG Yok-sing and Ms Audrey EU.

37. The Chairman said that the Administration would be requested to withdraw the notices for moving the three motions at the Council meeting on 31 October 2001.

## **VII. Bills Committee and subcommittee report**

(a) **Position report on Bills Committees/subcommittees**  
(*LC Paper No. CB(2) 13/01-02*)

38. The Chairman said that there were 15 Bills Committees and six subcommittees in action, as well as nine Bills Committees on the waiting list, including the Bills Committee on Import and Export (Electronic Transactions) Bill 2001 formed under agenda item IV(a) above.

(b) **Report of the Subcommittee on Public Health (Animals and Birds) (Chemical Residues) Regulation & Harmful Substances in Food (Amendment) Regulation 2001**

---

39. Dr LO Wing-lok, Chairman of the Subcommittee, reported that the Subcommittee held a further meeting on 11 October 2001, and two more meetings had been scheduled for 15 and 20 October 2001. The Subcommittee would report its deliberations in writing to the House Committee on 26 October 2001.

40. Dr LO Wing-lok further said that subject to the extension of the scrutiny period of the Regulation to 31 October 2001, the deadline for giving notice of amendments was 23 October 2001. He added that if any non-Subcommittee Member would like the Subcommittee to consider his/her views on the two items of subsidiary legislation, the Member should forward his/her views to the Subcommittee before 20 October 2001.

Action

(c) **Report of the Subcommittee on Estate Agents (Licensing) (Amendment) Regulation 2001**  

---

*(LC Paper No. CB(1) 14/01-02)*

41. Mr CHAN Kam-lam, Chairman of the Subcommittee, reported that the Subcommittee held a further meeting on 9 October 2001 and was now awaiting the Administration's response to issues raised at the meeting. He added that the Subcommittee would provide a written report to the House Committee on 26 October 2001.

42. Mr CHAN Kam-lam reminded Members that subject to the extension of the scrutiny period of the Regulation to 31 October 2001, the deadline for giving notice of amendments was 23 October 2001.

(d) **Report of the Subcommittee on Solicitors (Professional Indemnity) (Amendment) Rules 2001**  

---

43. Miss Margaret NG, Chairman of the Subcommittee, reported the Subcommittee held its first meeting on 10 October 2001 and would meet again on 16 October 2001 to consider proposed amendments to the Rules.

44. Miss Margaret NG further said that subject to the extension of the scrutiny period of the Rules to 31 October 2001, the deadline for giving notice of amendments was 23 October 2001.

**VIII. Nomination of Members of the Legislative Council to The English Schools Foundation**

*(LC Paper No. CB(2) 9/01-02)*

45. The Chairman said that Mr TSANG Yok-sing and Mr Ronald ARCULLI were elected in the first LegCo term to serve on The English Schools Foundation (ESF) and their terms of office would expire on 22 October 2001.

46. The Chairman further informed Members that according to the ESF Regulations, the nominated Members would serve for a period of three years, regardless of whether the Member remained a LegCo Member during the period.

47. The Chairman invited Members' nominations of two Members to serve on ESF.

48. Mr IP Kwok-him nominated Mr TSANG Yok-sing. Mr Ambrose LAU seconded the nomination. Mr TSANG Yok-sing accepted the nomination.

Action

49. Mr James TIEN nominated Mr CHEUNG Yu-yan. Mr IP Kwok-him seconded the nomination. Mr CHEUNG Yu-yan accepted the nomination.

50. As there were no other nominations, the Chairman declared that Mr TSANG Yok-sing and Mr CHEUNG Yu-yan were nominated to serve on ESF.

51. The Chairman suggested that Mr TSANG and Mr CHEUNG be requested to follow up with ESF the need to review the ESF Regulations to specify that elected members should be deemed to have resigned if they ceased to be members of the body which had elected them. She added that LegCo approval was not required for amending the ESF Regulations. Members agreed.

52. Mr SIN Chung-kai enquired about the need for LegCo Members to serve on ESF. The Chairman requested Mr TSANG and Mr CHEUNG to raise this with ESF. Mr TSANG and Mr CHEUNG agreed.

**IX. Membership of the Parliamentary Liaison Subcommittee**

*(LC Paper No. CB(3) 25/01-02)*

53. Referring to the paper, Dr LUI Ming-wah, Chairman of the Subcommittee, said that the House Committee agreed at its meeting on 13 October 2000 that the Parliamentary Liaison Committee could have a maximum of 12 members, and that it was not necessary to fill all the 12 seats if less than 12 nominations were received at the time of election. Dr LUI added that at the House Committee meeting on 20 October 2000, nine Members including Professor NG Ching-fai were elected to the Subcommittee. Following the resignation of Professor NG from the Council, there were now only eight members on the Subcommittee.

54. Dr LUI Ming-wah further said that as set out in paragraph 3 of the paper, the Subcommittee recommended that a Member be elected to fill the vacancy left by Prof NG, and that the election be held at the House Committee meeting on 26 October 2001.

55. Members endorsed the Subcommittee's recommendation in paragraph 3 of the paper.

**X. Any other business**

**(a) LegCo Fun Day 2001-2002**

*(LC Paper No. AS 15/01-02)*

56. Members agreed that a LegCo Fun Day should be held in the 2001-2002

Action

session as proposed in paragraph 6 of the paper (i.e. a dinner reception with indoor games), and an Organising Committee should be formed to decide on the details of the Fun Day.

**(b) Handling of Disturbances in the Public Galleries**

57. Dr Philip WONG said that the disturbance caused by some members of the public in the public gallery of the Council Chamber had interrupted the Chief Executive's Question and Answer Session on 11 October 2001. As it was not the first time that disturbances in the public galleries had interrupted Council proceedings, he asked whether The Legislative Council Commission should be requested to review the existing arrangements. He commented that although members of the public had the right and freedom to express their views, disorderly behaviour and disturbances in the public galleries would interrupt Council proceedings.

58. Mr CHAN Wai-yip said that what happened on 11 October 2001 was very trivial, and existing legislation and guidelines were adequate for dealing with disturbances in the public galleries which interrupted or were likely to interrupt the proceedings of the Council or a committee. He did not agree that LegCo should take the initiative to review the existing arrangements, as imposing more restrictions on the admission of members of the public to observe Council proceedings would affect the openness of LegCo.

59. Dr YEUNG Sum agreed with Mr CHAN Wai-yip that existing guidelines were adequate for dealing with disturbances which might interrupt the proceedings of the Council. He did not consider it necessary to request the Commission to discuss the matter.

60. Miss Margaret NG suggested that if the issue of handling disturbances in the public galleries had previously been discussed by the Commission, the relevant records should be provided to Dr Philip WONG for reference. Ms Emily LAU expressed support for the suggestion.

61. The Chairman said that the issue had been discussed by the Commission before. She proposed that the President be consulted on whether the relevant minutes of meetings could be provided to Dr Philip WONG for reference.

**(c) Notice of intention to speak for up to 15 minutes in the debate on the Policy Address at the Council meeting commencing on 17 October 2001**

---

62. The Chairman said that the Secretariat had very efficiently tabled a circular setting out the groupings of policy areas as determined by the House Committee under agenda item II(b) above. She reminded Members to give notice of their intention to speak for up to 15 minutes in one of the six sessions

Action

by 12 midnight on Friday, 12 October 2001. She added that Members would be informed on Monday, 15 October 2001, of the President's decision as regards which Members might speak up to 15 minutes in a specified session.

63. There being no further business, the meeting ended at 3:17 pm.

Council Business Division 2  
Legislative Council Secretariat  
23 October 2001