

Ref: CB2/H/1

**Questions Raised by Hon Margaret NG
for Special House Committee Meeting on 19 April 2002**

1. The Chief Secretary for Administration states that "we will legislate only if there is a genuine need to do so". Please explain what are the reasons the Administration regards as necessitating legislation. For example, why is it necessary to legislate for the civil service pay cut? Why is there still no legislation to extend the Prevention of Bribery Ordinance to the Chief Executive of the HKSAR?
2. In considering whether legislation is necessary, please explain how the need for transparency, recognition of the individual rights and freedoms and clear limitations within which the Government can lawfully exercise its power is taken into account.
3. The Chief Secretary for Administration states that "if there is genuine need to legislate there is no question of our resorting to administrative measures". Please explain why the Administration has been resorting increasingly to blanket provisions of power for the executive to use administrative means which are stipulated as "not subsidiary legislation" and therefore not open to the scrutiny of the legislature.
4. There are many out-dated wide powers reserved to the Chief Executive left over by the colonial era. The most extraordinary efforts have been made to resist any diminishment of such powers, important or otherwise, whenever they arise in the course of legislative proposals. Often, the reply to query is that the executive has not exercised and will be unlikely to exercise the power, or will exercise the power only against bad people. Please explain whether it is the Administration's policy to enlarge, or at least maintain categorically such powers.
5. The Chief Secretary for Administration appears to consider legislation potentially imposes costs on the community. Please explain whether this refers to the fact that every legislation which appropriates power to the executive curtails the freedom of the public, or whether this refers to completely different costs. If the former is the case, please explain why increasingly (for example, in the Copyright (Amendment) Ordinance 2001, Karaoke Establishments Bill and Gambling (Amendment) Bill 2000) the proposed legislation consistently inflicts greater restriction on a wider public than is strictly necessary to achieve the purpose of the policy.

6. It is the experience of a number of Bills Committees that bills under scrutiny are immature in conception, particularly with respect to the details regarding the concrete effect of implementation. Serious remedial measures then have to be found, involving emergency operations. Is the Chief Secretary for Administration aware of the problem? Can he explain the reasons why this has happened, and what measures are being taken to minimize recurrence, so as to ensure that the laws of the HKSAR are consistently of the highest standard?
7. On the annual Legislative Programme, I am very disappointed to observe that the Land Title Bill has been taken off from the Programme. Given such a complex Bill involving every owner of property and potential purchaser in Hong Kong, further delay would expose the Bill to the risk of inadequate consultation and scrutiny. Can the Chief Secretary for Administration give a firm timetable regarding this Bill, and assure LegCo that there will be no slippage from that timetable?
8. Still on legislative timetable and slippage, a provision to make the 16 Ordinances already identified by the Administration to be binding on state organs in Hong Kong has yet to be introduced. This matter has been outstanding for 4 years. The House Committee was last reassured in June 2001 in the name of the Chief Secretary for Administration that the matter would be expedited. The Acting Secretary for Constitutional Affairs also informed the Panel on Administration of Justice and Legal Services at its meeting on 26 June 2001 that the Chief Secretary for Administration had given clear instruction that the relevant Policy Bureaux and departments should try their best to expedite action and speed up the legislative work as a matter of priority. Can the Chief Secretary for Administration inform us of the progress of this matter and explain the cause for the substantial delay?