

立法會  
*Legislative Council*

LC Paper No. CB(2) 2626/02-03

Ref : CB2/H/5

**House Committee of the Legislative Council**

**Minutes of the 30th meeting  
held in the Legislative Council Chamber  
at 3:03 pm on Friday, 20 June 2003**

**Members present :**

Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, 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  
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, JP  
Hon CHAN Kam-lam, JP  
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, GBS, JP  
Hon Howard YOUNG, JP  
Dr Hon YEUNG Sum



Mr LAW Kam-sang, JP	Deputy Secretary General
Ms Pauline NG	Assistant Secretary General 1
Mr Ray CHAN	Assistant Secretary General 3
Mr LEE Yu-sung	Senior Assistant Legal Adviser 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mrs Vivian KAM	Principal Assistant Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Miss Becky YU	Chief Assistant Secretary (1)1
Miss Polly YEUNG	Chief Assistant Secretary (1)3
Ms Connie SZETO	Chief Assistant Secretary (1)4
Mrs Constance LI	Chief Assistant Secretary (2)5
Mrs Betty LEUNG	Chief Assistant Secretary (3)1
Miss Anita HO	Assistant Legal Adviser 2
Miss Connie FUNG	Assistant Legal Adviser 3
Mr Stephen LAM	Assistant Legal Adviser 4
Miss Kitty CHENG	Assistant Legal Adviser 5
Miss Monna LAI	Assistant Legal Adviser 7
Miss Betty MA	Senior Assistant Secretary (2)1

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**I. Confirmation of the minutes of the 29th meeting held on 13 June 2003**  
(*LC Paper No. CB(2) 2499/02-03*)

The minutes were confirmed.

**II. Matters arising**

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

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Scrutiny of bills

2. The Chairman said that she had informed CS that Ms Emily LAU had expressed dissatisfaction over the rush to complete scrutiny of bills to enable the resumption of the Second Reading debates within the current session, and Members had urged the Administration to consider how improvements could be made.

3. The Chairman further said that CS had responded that the Administration would very much like to co-operate with the Council to improve productivity. CS had pointed out that the situation would be even more critical in the next session, as bills which could not be enacted within the session would lapse. CS had asked whether it was possible to limit the

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size of membership of Bills Committees so that more Bills Committees could be in action at any one time.

4. The Chairman said that she had responded that Members would find CS's suggestion unacceptable, as they had always been free to join Bills Committees.

5. The Chairman informed Members that the Director of Administration had said that although the Administration had introduced a large number of bills in the second half of the session, the Administration had expected that it might not be possible for them to be enacted within the current session.

6. The Chairman added that the Deputy Chairman had pointed out to CS that the scrutiny work of the Bills Committee on National Security (Legislative Provisions) Bill had taken up a lot of Members' time.

### **III. Business arising from previous Council meetings**

#### **Legal Service Division reports on bills referred to the House Committee in accordance with Rule 54(4)**

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**(a) Adoption (Amendment) Bill 2003**  
*(LC Paper No. LS 135/02-03)*

7. The Legal Adviser said that the Bill proposed changes and improvements to existing provisions on local adoption, such as prohibiting privately arranged adoption except under certain conditions. The Bill also proposed to add new provisions relating to intercountry adoption to provide the statutory basis for the application of the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption to Hong Kong.

8. The Legal Adviser pointed out that the Panel on Welfare Services had discussed the legislative proposals at its meeting on 14 April 2003, and recommended that a Bills Committee should be formed to study the Bill in detail.

9. The Legal Adviser further said that the Legal Service Division was still scrutinizing the technical aspects of the Bill.

10. The Chairman proposed that a Bills Committee be formed. Members agreed. The following Members agreed to join : Ms Cyd HO, Miss Margaret NG, Ms Miriam LAU and Dr LAW Chi-kwong (as advised by Dr YEUNG Sum).

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11. The Chairman added that the Bills Committee would be placed on the waiting list.

**(b) Supplementary Appropriation (2002-2003) Bill**  
(*LC Paper No. LS 124/02-03*)

12. The Legal Adviser said that the Bill sought to provide for the appropriation of \$270,917,342.37 for the services of the Government in the financial year which ended on 31 March 2003, in addition to the sum appropriated by the Appropriation Ordinance 2002 (No. 7 of 2002).

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

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

**IV. Further business for the Council meeting on 25 June 2003**

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

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**(a) Evidence (Miscellaneous Amendments) Bill 2002**

**(b) Revenue Bill 2003**

**(c) Revenue (No. 2) Bill 2003**

15. The Chairman said that the relevant Bills Committees reported to the House Committee at the last meeting on 13 June 2003, and Members did not raise objection to the resumption of the Second Reading debates on the above three Bills.

**V. Chief Executive's Question and Answer Session on 26 June 2003**

16. The Chairman said that the Chief Executive (CE)'s Question and Answer Session would start at 3:00 pm on Thursday, 26 June 2003.

**VI. Business for the Council meeting on 2 July 2003**

**(a) Questions**  
(*LC Paper No. CB(3) 749/02-03*)

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17. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 2 July 2003.

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

18. 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**

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(i) **Chemical Weapons (Convention) Bill**

(ii) **Copyright (Amendment) Bill 2001**

(iii) **Legislative Council (Amendment) Bill 2003**

19. The Chairman said that the relevant Bills Committees reported to the House Committee at the last meeting on 13 June 2003, and Members did not raise objection to the resumption of the Second Reading debates on the above three Bills.

(iv) **Companies (Amendment) Bill 2002**

20. The Chairman said that the relevant Bills Committee would report under agenda item VII(c) below.

(d) **Government motions**

(i) **Proposed resolution to be moved by the Chief Secretary for Administration under Article 73(7) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and section 7A of the Hong Kong Court of Final Appeal Ordinance**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 742/02-03 dated 16 June 2003.)

(ii) **Proposed resolution to be moved by the Chief Secretary for Administration under Article 73(7) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 743/02-03 dated 16 June 2003.)

21. The Chairman said that the subcommittee formed to study these senior judicial appointments to the Court of Final Appeal and High Court had reported to the House Committee at the last meeting and expressed support for these appointments.

- (iii) **Proposed resolution to be moved by the Chief Secretary for Administration under the Criminal Procedure Ordinance**  
(Wording of the proposed resolution issued vide LC Paper No. CB(3) 756/02-03 dated 17 June 2003.)  
(*LC Paper No. LS 137/02-03*)

22. The Legal Adviser said that the proposed resolution sought the Council's approval for the Legal Aid in Criminal Cases (Amendment) Rules 2003 as made by the Criminal Procedure Rules Committee on 12 June 2003.

23. The Legal Adviser explained that the Amendment Rules reduced the amounts of fees set out in the scale of maximum fees payable to lawyers in private practice engaged to undertake litigation work in respect of criminal cases on behalf of the Legal Aid Department. The reduction represented a 4.3% downward adjustment in accordance with the decrease in the Consumer Price Index (C) during the reference period from April 2000 to March 2002. The proposed fee adjustments had been approved by the Finance Committee on 13 June 2003.

24. The Legal Adviser further said that the Panel on Administration of Justice and Legal Services (AJLS Panel) had been briefed on the proposed reduction at its meeting on 26 May 2003.

25. Members did not raise objection to CS moving the proposed resolution to seek the Council's approval for the Amendment Rules at the Council meeting on 25 June 2003.

- (iv) **Proposed resolution to be moved by the Secretary for Commerce, Industry and Technology under the Copyright (Suspension of Amendments) Ordinance 2001**  
(Wording of the proposed resolution issued vide LC Paper No. CB(3) 727/02-03 dated 12 June 2003.)  
(*LC Paper No. LS 130/02-03*)

26. The Legal Adviser said that the proposed resolution sought the Council's approval for the Copyright (Suspension of Amendments) Ordinance 2001 (Amendment) Notice 2003.

27. The Legal Adviser explained that the purpose of the Notice was to amend the expiry date under section 3(1) of the Copyright (Suspension of Amendments) Ordinance 2001 from 31 July 2003 to 31 July 2004. The new criminal provisions of the Intellectual Property (Miscellaneous Amendments) Ordinance 2000 would be further suspended for one year except as they applied to computer programs, movies, television dramas and musical

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recordings.

28. The Legal Adviser pointed out that the Bills Committee on the Copyright (Amendment) Bill 2001 and Copyright (Amendment) Bill 2003 had been briefed on the Administration's proposal, and considered the further suspension necessary.

29. Members did not raise objection to the Secretary for Commerce, Industry and Technology moving the proposed resolution to seek the Council's approval for the Notice at the Council meeting on 25 June 2003.

(v) **Proposed resolution to be moved by the Secretary for Housing, Planning and Lands under the Buildings Ordinance**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 732/02-03 dated 13 June 2003.)

(*LC Paper No. LS 131/02-03*)

30. The Legal Adviser said that since the West Rail (Phase 1) of the Kowloon-Canton Railway Corporation was scheduled to come into operation in September 2003, the Administration sought to amend the description of Scheduled Area No. 3 in the Fifth Schedule to the Buildings Ordinance to include the railway protection areas along this new railway line.

31. The Legal Adviser further said that according to the Administration, railway protection areas were those within 30 metres from the edges of the railway structures. The Building Authority's prior approval of plans and consent was required for the commencement of all ground investigation and underground drainage works to be carried out within those areas.

32. The Legal Adviser added that no difficulties relating to the legal and drafting aspects of the proposed resolution had been identified.

33. Members did not raise objection to the Secretary for Housing, Planning and Lands moving the proposed resolution at the Council meeting on 25 June 2003.

(vi) **Proposed resolution to be moved by the Secretary for Health, Welfare and Food under the Pharmacy and Poisons Ordinance relating to:**

- **the Pharmacy and Poisons (Amendment) (No. 2) Regulation 2003;**

- **the Poisons List (Amendment) (No. 2) Regulation 2003;**

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- **the Pharmacy and Poisons (Amendment) (No. 3) Regulation 2003; and**
- **the Poisons List (Amendment) (No. 3) Regulation 2003**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 730/02-03 dated 13 June 2003.)  
(*LC Paper No. LS 133/02-03*)

34. The Legal Adviser said that the proposed resolution sought the Council's approval for four Amendment Regulations.

35. The Legal Adviser explained that the Pharmacy and Poisons (Amendment) (No. 2) Regulation 2003 and the Poisons List (Amendment) (No. 2) Regulation 2003 sought to add 10 new drugs/medicines. Their addition meant that pharmaceutical products containing any of these 10 substances must be sold in pharmacies, by or under the supervision of a registered pharmacist and in his presence, with the support of prescriptions. The Legal Adviser informed Members that the two Amendment Regulations would come into operation on the day when they were published in the Gazette after being approved by the Legislative Council (LegCo), i.e. 4 July 2003 to allow early control and sale of medicines containing these substances.

36. The Legal Adviser further explained that the Pharmacy and Poisons (Amendment) (No. 3) Regulation 2003 and the Poisons List (Amendment) (No. 3) Regulation 2003 sought to add 19 substances which were now classified as non-poisons. Their addition meant that pharmaceutical products containing any of these 19 substances must then be sold in pharmacies, by or under the supervision of a registered pharmacist and in his presence, with the support of prescriptions. The Legal Adviser pointed out that these two Amendment Regulations would come into operation on 4 August 2003 to allow time for the manufacturers and importers to recall pharmaceutical products containing these substances from medicines outlets other than pharmacies.

37. The Legal Adviser added that the Secretary for Health, Welfare and Food (SHWF) had provided, in addition to his draft speech, some supplementary information on these 29 drugs/medicines/substances which was in the Annex to the report.

38. Members did not raise objection to SHWF moving the proposed resolution to seek the Council's approval for the four Amendment Regulations at the Council meeting on 25 June 2003.

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(vii) **Proposed resolution to be moved by the Secretary for Security under the Mutual Legal Assistance in Criminal Matters Ordinance**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 731/02-03 dated 13 June 2003.)

39. The Chairman said that the proposed resolution sought the Council's approval for the making of the Mutual Legal Assistance in Criminal Matters (Ireland) Order.

40. The Chairman further said that the subcommittee formed to study the Ireland Order and the Mutual Legal Assistance in Criminal Matters (Netherlands) Order had reported to the House Committee at the last meeting. The subcommittee supported the Secretary for Security (S for S) moving the proposed resolution.

41. The Legal Adviser added that the Administration had to rectify a translation error found in the Netherlands Order by way of an exchange of Notes with the Dutch authorities. The subcommittee had no objection to S for S seeking the Council's approval for the Netherlands Order in the next session, upon completion of all the necessary procedures.

(e) **Members' motions**

(i) **Motion on "Fashion centre of Asia Pacific"**

(Wording of the motion issued vide LC Paper No. CB(3) 767/02-03 dated 19 June 2003.)

(ii) **Motion on "Mandatory inspection and maintenance of buildings"**

(Wording of the motion issued vide LC Paper No. CB(3) 764/02-03 dated 18 June 2003.)

42. The Chairman said that the above motions would be moved by Mrs Sophie LEUNG and Mr LAU Ping-cheung respectively and the wording of the motions had been issued to Members.

43. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Tuesday, 24 June 2003.

**VII. Report of Bills Committee and subcommittee**

(a) **Report of the Bills Committee on Chemical Weapons (Convention) Bill**

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*(LC Paper No. CB(1) 1935/02-03)*

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44. The Chairman said that Ms Cyd HO, Chairman of the Bills Committee, had made a verbal report at the last meeting, and the Bills Committee had now submitted a written report.

45. Ms Cyd HO said that the deliberations of the Bills Committee were detailed in the report, and she had nothing to add.

46. The Chairman said that the Second Reading debate on the Bill would resume on 2 July 2003, and the Administration would move Committee Stage amendments (CSAs) to the Bill. The Chairman added that the deadline for giving notice of CSAs was Saturday, 21 June 2003.

**(b) Report of the Bills Committee on Copyright (Amendment) Bill 2001 and Copyright (Amendment) Bill 2003**  
*(LC Paper No. CB(1) 1995/02-03)*

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47. Mr SIN Chung-kai, Chairman of the Bills Committee, said that he had made a verbal report on the deliberation of the Bills Committee on the Copyright (Amendment) Bill 2001 at the last meeting, and the Bills Committee had now submitted a written report.

48. Mr SIN informed Members that the Administration had accepted most of the suggestions made by the Hong Kong Bar Association on certain drafting issues, and had incorporated them in its CSAs. The Administration's CSAs had also addressed the concerns raised by the record industry.

49. Mr SIN further informed Members that the Bills Committee had received further views from the Law Society of Hong Kong that, in defining the scope of liberalization, the Bill should adopt a "positive" approach of specifying clearly in the law the types of articles that fell within the scope of liberalization. In the Administration's written response to the Law Society, it had explained that a "negative" approach of setting out the types of articles that fell outside the scope of liberalization was more appropriate. Mr SIN added that the submissions from the Law Society and the Administration's response had been circulated to members of the Bills Committee, and members did not raise any queries.

50. Mr SIN further informed Members that the Administration had proposed to exclude an article which had embodied in it a computer program and a movie or television drama of viewing duration of more than 15 minutes and 10 minutes respectively from the scope of liberalization. In addition, if an article was acquired for the purpose of obtaining an e-book, a movie or a television drama, a musical sound recording or musical visual recording which was embodied together with a computer program in the article, the article

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would be excluded from the scope of liberalization.

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51. Mr SIN Chung-kai said that the Bills Committee supported the resumption of the Second Reading debate on the Bill on 2 July 2003.

52. The Chairman said that the Chinese version of the CSAs proposed by the Administration was tabled at the meeting. The Chairman reminded Members that the deadline for giving notice of CSAs was Saturday, 21 June 2003.

(c) **Report of the Bills Committee on Companies (Amendment) Bill 2002**

*(LC Paper No. CB(1) 2007/02-03)*

53. Ms Audrey EU, Chairman of the Bills Committee, said that at the last House Committee meeting, she had informed Members that the Bills Committee had to hold further meetings on 16 and 17 June 2003 to discuss the Administration's proposed CSAs. Prior to the meeting on 16 June 2003, the legal adviser to the Bills Committee, the Administration and the professional bodies concerned had worked together to improve the drafting of the Bill. As a result, all the outstanding issues were resolved at the meeting and it was not necessary for the Bills Committee to meet again on 17 June 2003. The Bills Committee therefore supported the Administration giving notice on 16 June 2003, immediately after the Bills Committee meeting, in order that the Second Reading debate on the Bill could resume on 2 July 2003.

54. Ms EU further said that the Bills Committee had noted that if the deliberation of a Bills Committee was concluded at a very late stage which was close to the intended date for resumption of Second Reading debate, the public officer concerned could verbally consult the Chairman of the House Committee on the resumption date. The Bills Committee considered that she should first brief the Chairman of the House Committee on the outcome of the deliberation of the Bills Committee before the Secretary for Financial Services and the Treasury (SFST) consulted the Chairman. The Bills Committee suggested that such a step should be included in the existing arrangements for consultation with the Chairman of the House Committee required under Rule 54(5) of the Rules of Procedure. The Chairman concurred.

55. Referring to the report, Ms EU explained that the Bill sought to implement 17 recommendations of the Standing Committee on Company Law Reform (SCCLR) in relation to the rights of shareholders and duties of directors.

56. Ms EU further explained that to enhance participation of shareholders, the Bill proposed to reduce the existing threshold for circulation of requisitionists' proposal from not less than 5% of the voting rights or not less

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than 100 shareholders shares to 2.5% of the voting rights or 20 shareholders. Members were concerned that it would run contrary to the legislative intent if the expenses arising from circulation of requisitionists' proposals were too high. At members' request, the Administration agreed to include an undertaking in the speech to be delivered by SFST at the resumption of the Second Reading debate on the Bill that the Administration would examine the issue of cost implications for requisitionists.

57. Ms EU said that the Bills Committee had examined the practicality of requiring a company to file with the Registrar of Companies particulars of its directors, including shadow directors who did not wish to be known. The Bills Committee had originally proposed to delete this requirement. Noting that in the absence of such a requirement, it would be difficult, if not impossible, for auditors to include in their reports loans to shadow directors, members agreed that the provision should not be removed.

58. Ms EU further said that to address the concern raised by the accountancy profession about the requirement to disclose every relevant transaction in the accounts of loans to officers, the Administration agreed to move CSAs to require disclosure of relevant transactions in aggregate, provided that details of such transactions were entered and maintained in a register of the company for a period of 10 years.

59. Ms EU informed Members that the Bills Committee had expressed concern that the proposed definition of "conditional sale agreement" might include the standard agreement for sale and purchase of property by instalments. The Administration would move a CSA to better reflect its policy intent to prohibit the taking of possession of the property before full payment of purchase price.

60. Ms EU further informed Members that the Administration agreed with the Bills Committee that "credit transaction" should not cover a transaction under which the company leased or hired land or goods to its directors in return for periodic payments and the terms of the transaction were not more favourable than those terms offered at market rate. The Administration undertook to increase the prescribed transaction limit from \$500,000 to \$750,000 to take account of inflation since 1984.

61. Ms EU pointed out that members had questioned the propriety of extending the prohibition of loans, including quasi-loans and credit transactions, stipulated in the proposed new section 157H of the Companies Ordinance to directors of private companies. The Administration agreed with members that the proposed extension should not apply to a private company, except if it was a member of a group of companies one of which was a listed company. The Administration would move a CSA to this effect.

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62. Ms EU said that members were concerned that there were situations where transactions contravening section 157H were valid but unenforceable and had requested the Administration to further consider the issue. In order not to delay the passage of the Bill, the Administration had agreed to include in the speech to be delivered by SFST at the resumption of the Second Reading debate on the Bill an undertaking that the policy and drafting of the provisions on civil consequences of transactions contravening section 157H would be looked into by the Administration and referred to SCCLR.

63. Ms EU further said that a CSA would be moved by the Administration to the effect that for a one-member company where the member was its sole director, the company could nominate a reserve director who would be deemed to be a director of the company for all purposes upon the death of the sole member and director of the company. The Administration further proposed that under such circumstances, four months would be allowed for making the necessary arrangements.

64. The Chairman reminded Members that the deadline for giving notice of CSAs was Saturday, 21 June 2003.

**(d) Report of the Bills Committee on Legislative Council (Amendment)  
Bill 2003**

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*(LC Paper No. CB(2) 2524/02-03)*

65. Mr Andrew WONG, Chairman of the Bills Committee, said that the main points of the Bills Committee's deliberation were detailed in the report. Mr WONG further said that the Administration had originally proposed to add seven umbrella organizations to the Information and Technology functional constituency (IT FC). Some members of the Bills Committee had expressed concern about the eligibility criteria for registration as electors in the IT FC for four of the umbrella organizations. In response, the Administration agreed to revise its proposal to the effect that only the following two categories of corporate members of the organizations could become electors of the IT FC -

- (a) full members of the organizations which were represented in the organization's council; and
- (b) full members of the organization which had been in the IT business for at least five years.

66. Mr Andrew WONG informed Members that as a result of further deliberation at the last meeting of the Bills Committee on 16 June 2003, the Administration had proposed to further revise the eligibility criteria by -

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- (a) deleting members of the council or governing bodies of the four umbrella organizations from the electorate; and
- (b) reducing the period referred to in paragraph 65(b) above from five years to four years.

67. Mr Andrew WONG further informed Members that most of the organizations and individuals who had made submissions to the Bills Committee objected to the reduction from two rounds to one round of free mailing for candidates standing in the LegCo elections. One of the members of the Bills Committee suggested that candidates should be given the flexibility to opt between two rounds of free mailing service and one round of mailing service plus financial assistance under the proposed financial assistance scheme. Mr Andrew WONG added that members in general supported the Administration's proposal to reduce one round of free mailing service.

68. Mr Andrew WONG said that the Bills Committee recommended the resumption of the Second Reading debate on the Bill on 2 July 2003.

69. The Chairman reminded Members that the deadline for giving notice of CSAs was 21 June 2003.

(e) **Report of the Bills Committee on Prevention of Child Pornography Bill**  

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*(LC Paper No. CB(2) 2525/02-03)*

70. Presenting the report, Mr Andrew CHENG, Chairman of the Bills Committee, said that the Bills Committee had held 16 meetings with the Administration, met with 13 organizations, and received written submissions from four other organizations. Members of the Bills Committee also visited the Hong Kong Police Computer Forensics Laboratory to better understand how computer forensic investigation and digital evidence recovery would be conducted.

71. Mr Andrew CHENG pointed out that the Prevention of Child Pornography Bill and the Crimes (Amendment) Bill 1999 were introduced into LegCo in 1999, but lapsed at the end of the last term. In view of the common objective of protection of children against sexual exploitation, the Administration had decided that the two Bills should be combined as one to form the present Prevention of Child Pornography Bill.

72. Mr Andrew CHENG said that members of the Bills Committee had expressed concern about the use of the expression "appears to be a child" in the definition of child pornography, as the expression was not precise and

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different people might have different impressions as to the age of a person. Having regard to the concern raised by members, the Administration agreed to replace the expression "appears to be a child" by "depicted as being a child" in the definition of child pornography.

73. Mr CHENG further said that members had sought clarification on whether publicly displaying child pornography in private premises was an offence under the Bill. According to the Administration, a person who publicly displayed child pornography in private premises could be charged with an offence of publishing child pornography. A person who showed child pornography to another person in private caused harm to the child depicted and should be held responsible. At the suggestion of members, the Administration would move a technical amendment to improve the drafting of the relevant clause in the Bill.

74. Mr CHENG informed Members that the Bills Committee had expressed concern about the proposed two-tier definition of pornographic depiction involving persons under the age of 16 and persons of the age of 16 or above but under 18, as it was complicated and might cause confusion especially in enforcement. The Administration had explained that the proposed two-tier definition had the merit of affording greater protection of persons under the age of 16 from being used, procured or offered for making child pornography or for pornographic performances. In response to members' concern, the Administration had agreed to adopt the definition presently proposed for persons under the age of 16 to be applicable to all persons under the age of 18.

75. Mr CHENG further informed Members that the Bills Committee had discussed at length the offence of possession of child pornography and related defences. While members were in full support of the objective of the Bill to protect children against sexual exploitation, they had expressed concern about the proposed offence of possession. The Administration had explained that a person should not be guilty if he received unsolicited publication, e-mail or other electronic data, and neither knew nor suspected that the nature of the publication, e-mail or other electronic data was child pornography. The prosecution had the burden to prove the three elements, as detailed in paragraph 28 of the report, beyond reasonable doubt. The Administration had agreed to move CSAs to the proposed defence provisions to address members' various concerns.

76. Mr Andrew CHENG pointed out that the Bill also sought to extend the application of certain sexual offence provisions to acts committed against children outside Hong Kong.

77. Mr CHENG added that the Bills Committee supported the resumption of the Second Reading debate on the Bill on 9 July 2003.

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78. Members did not raise objection to the resumption of the Second Reading debate on the Bill. The Chairman reminded Members that the deadline for giving notice of CSAs was Saturday, 28 June 2003.

**(f) Report of the Bills Committee on Telecommunications (Amendment) Bill 2002**

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79. Mr SIN Chung-kai, Chairman of the Bills Committee, informed Members that the Bills Committee had held a further meeting on 19 June 2003 to discuss a revised set of CSAs drafted by the Administration after consultation with the telecommunications industry.

80. Mr SIN said that apart from retaining its earlier proposal that the Telecommunications Authority would assume the regulatory role in merger and acquisition activities in the telecommunications sector, the Administration had accepted most of his other suggestions.

81. Mr SIN further said that the Administration hoped that the Second Reading debate on the Bill could resume within the current session. As the Bills Committee would need more time to study the latest version of CSAs, it would hold another meeting on 24 June 2003. The Bills Committee, however, did not object to the Administration giving notice to resume the Second Reading debate on the Bill on 9 July 2003.

82. Members did not raise objection to the resumption of Second Reading debate on the Bill on 9 July 2003. The Chairman reminded Members that the deadline for giving notice of CSAs was Saturday, 28 June 2003.

**(g) Report of the Bills Committee on National Security (Legislative Provisions) Bill**

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83. Mr IP Kwok-him, Chairman of the Bills Committee, said that the Bills Committee had held 25 meetings, including four meetings to hear the views of 110 organizations and individuals. Mr IP further said that the Bills Committee had studied in detail the principles and policy issues of the Bill, and had examined the Bill clause by clause and the CSAs proposed by the Administration.

84. Mr IP informed Members that the Administration intended to resume the Second Reading debate on the Bill on 9 July 2003, and members of the Bills Committee had dissenting views on the resumption date. The matter was put to vote, and as the majority of the members supported the Administration's proposed resumption date, the Administration would give notice of resumption on 23 June 2003.

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85. Mr IP added that the Bills Committee would hold another meeting on 21 June 2003 to discuss the CSAs proposed by individual members. The Bills Committee would present its written report to the House Committee on 27 June 2003.

86. Miss Margaret NG said that she objected to the resumption of the Second Reading debate on the Bill on 9 July 2003. Miss NG pointed out that the Administration was still drafting its CSAs to the Bill, and the implications of these amendments on existing legislation and policies had yet to be studied in detail by the Bills Committee. It would be irresponsible of Members to pass the Bill when the scrutiny work of the Bills Committee had not yet been completed.

87. Miss NG further pointed out that in the normal course of deliberation of a Bills Committee on a bill, the Bills Committee would first study the policy implications of the legislative proposals in the bill, and then listened to views of deputations, if considered necessary. Members of the Bills Committee would raise their views and concerns, and the Administration would give its response including by indicating whether it would propose amendments to address members' concerns. When the Bills Committee proceeded to the clause by clause examination of the bill, the Administration would have already provided the Bills Committee with its draft CSAs to facilitate discussion. CSAs proposed by individual members, if any, would also be considered at this stage.

88. Miss NG said that as far as the scrutiny of the National Security (Legislative Provisions) Bill was concerned, the Bills Committee would not be discussing the CSAs proposed by individual members until the meeting on 21 June 2003. Up to the present moment, members did not have details of all the CSAs to be proposed by individual members, not to mention a consideration of the intended effect of such amendments and whether such proposed amendments were feasible. Miss NG added that the way the Bills Committee had proceeded with its work was totally different from the established practice.

89. Miss NG pointed out that in the last session, the Administration had given notice to resume the Second Reading debate on the United Nations (Anti-Terrorism) Measures Bill before the scrutiny of the Bill had been completed. While she had reservations about the Administration's approach, there was at least the requirement for the Administration to honour its international obligations to combat terrorist act to justify such an approach. Miss NG further said that she could not see any grounds for getting the Bill passed on 9 July 2003. She recalled that when the Administration announced that it would not issue a white bill before the introduction of a blue bill, the Administration had undertaken that there would be wide consultation, and it

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would keep an open mind about proposing amendments. Miss NG remarked that the Administration had failed to honour its undertaking.

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90. Miss NG said that the question before Members was not about the stance of individual Members on the Bill, but whether the resumption of the Second Reading debate on the Bill should be supported. She hoped that Members would give due regard to the fact that an undesirable precedent would be set if Members agreed to support the Administration giving notice to resume the Second Reading debate, when the Bills Committee had not completed its scrutiny work.

91. Miss NG pointed out that in the rush to complete scrutiny of the Bill, members had been prevented from asking questions at meetings, and the Bills Committee had voted not to conduct further consultation. No in-depth discussion on issues and areas of concern could be carried out, and papers provided by the Administration were not discussed in detail. Miss NG added that scrutiny of a bill should follow its due process, and she objected to the resumption of the Second Reading debate on the Bill on 9 July 2003.

92. Ms Emily LAU said that she shared Miss Margaret NG's views and objected to the resumption of the Second Reading debate on the Bill on 9 July 2003. Ms LAU said that although many organizations and individuals would like to make oral representations to the Bills Committee regarding the Administration's CSAs, the Bills Committee had, contrary to the normal practice of Bills Committees, voted against scheduling further meetings to receive public views.

93. Ms LAU pointed out that as the Bills Committee had decided not to hold further meetings to hear views and given the limited time for members to study the Bill, certain policy issues had to be taken up by the relevant Panel. Ms LAU informed Members that a special meeting of the AJLS Panel was held in the morning of 20 June 2003 to receive views on the Administration's revised proposals on the special procedures for appeal against proscription and arrangements for disposal of assets of a proscribed organization. Ms LAU added that she would request the Panel on Home Affairs to schedule a meeting to discuss freedom of speech, as the Administration would not address concerns relating to handling seditious publications in the Bills Committee.

94. Ms LAU said that at the special meeting of the AJLS Panel, some deputations had raised concerns about the arrangements for disposal of assets of a proscribed organization under the proposed new section 8A of the Societies Ordinance, and whether the procedures in the Companies Ordinance had ever been invoked for the purpose. The Administration could not provide an answer, and the Bill did not contain any express provisions dealing with the assets of a proscribed organization. Ms LAU expressed concern that the proposal would undermine the business environment in Hong Kong. Ms LAU informed Members that a deputation had pointed out at the AJLS Panel meeting that the procedures for appeals against proscription would not

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work in practice. This was because although it was an appellant's right to obtain the relevant documents held by the other party, it was not possible for the appellant to obtain the relevant documents, if the other party was in the Mainland.

95. Ms LAU said that the Bills Committee had not completed its scrutiny work, and there were still many outstanding issues which had to be discussed. Ms LAU reiterated that she did not support the resumption of the Second Reading debate on the Bill on 9 July 2003.

96. Ms Audrey EU said that when she made a verbal report on the Bills Committee on Companies (Amendment) Bill 2002 at the last meeting, Members considered that they should not be rushed into passing the Bill when there were still outstanding issues which had yet to be resolved. She believed that the same principle should apply to the National Security (Legislative Provisions) Bill.

97. Ms EU further said that there were still many fundamental issues which needed to be resolved. For instance, to assist members in considering the Administration's proposed CSA to add a new Schedule 2 to the Societies Ordinance, the Legal Service Division had prepared a paper on matters following proscription of an organization under the proposed new section 8A of the Societies Ordinance. A number of issues which had policy implications were discussed in the paper, but neither the Bills Committee nor the AJLS Panel had discussed the paper.

98. Ms EU pointed out that although an appeal mechanism against proscription was provided under the Bill, the related rules had yet to be made, and it was not certain whether the appeal mechanism could achieve its intended purpose. However, the Administration had refused to undertake that orders to proscribe any local organizations would not be made, pending the establishment of the appeal mechanism. Ms EU further pointed out that the Administration had proposed that the dissolution of a registered company would take place after proscription by S for S and not after the appeal was determined. Ms EU stressed that these were fundamental issues that needed to be addressed. She strongly opposed to the resumption of the Second Reading debate on the Bill on 9 July 2003.

99. Referring to Ms Emily LAU's concern that the business environment would be undermined by certain provisions, Mr James TIEN said that Legal Committee of the Hong Kong General Chamber of Commerce had studied the Bill and had advised that it did not find any problems with its provisions.

100. Mr NG Leung-sing pointed out that at the last House Committee meeting when the Chairman of the Bills Committee on Companies

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(Amendment) Bill 2002 made a verbal report on the latest development on the Bill, he supported that the House Committee should defer its decision on the resumption of the Second Reading debate on the Bill because the Bill covered many complex issues and the CSAs should be carefully considered. Mr NG said that while the Companies (Amendment) Bill 2002 proposed important changes to Companies Ordinance, the National Security (Legislative Provisions) Bill contained provisions on the proscription of organizations, some of which might be registered as a company under the Companies Ordinance. The Bill did not propose any changes to the existing arrangements for the winding up and dissolution of companies under the Ordinance.

101. Mr NG said that while some deputations had expressed concern that human rights would be affected, some other deputations considered that the current proposal on proscription of organizations should be tightened up further. These deputations were of the view that only those organizations engaging in activities that challenged and endangered national security would fear the enactment of the Bill. Mr NG further said that the legislative proposals in the Bill were no more stringent than similar legislation in the United States (US). Mr NG added that although there were views requesting that passage of the Bill be deferred, there were also strong calls from the community urging for early enactment of the Bill.

102. Mr NG said that he considered that the Bills Committee had spent a lot of time conducting consultation, listening to public views and scrutinizing the Bill. As members had very clear stance regarding whether or not they supported the Bill, holding further meetings of the Bills Committee would not change the views and stance of individual members.

103. Miss Margaret NG sought clarification on the advice given by the Legal Committee of the Hong Kong General Chamber of Commerce. Mr James TIEN responded that he would be happy to arrange a meeting between Miss Margaret NG and the Legal Committee to discuss the matter, if Miss NG so wished.

104. Mr IP Kwok-him said that being the Chairman of the Bills Committee, he would like to respond to the comments made by some Members about the operation of the Bills Committee. Mr IP pointed out that those members who had indicated that they would propose CSAs to the Bill were unable to attend the meeting on 16 June 2003. These members should appreciate that the meeting would have to deal with other business of the Bills Committee, and not their CSAs.

105. Mr IP further said that he disagreed with the comment that the Bills Committee had not permitted further consultation. Mr IP pointed out that the

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Bills Committee had invited submissions on the Administration's CSAs. A number of submissions were received, and some of the views and concerns put forward in the submissions were raised by members during the deliberation of the Bills Committee. Mr IP added that he also disagreed with the comment that the Bills Committee had not examined the provisions in the Bill in detail, given that over 90 hours had so far been spent by the Bills Committee on discussing the Bill.

106. Regarding the concern about the winding up and dissolution of a proscribed organization under the procedures in the Companies Ordinance, Mr IP clarified that the Administration had not proposed any amendments to the Companies Ordinance. The crux of the matter was how a proscribed registered company would be wound up under the Companies Ordinance and whether a proscribed registered company should be dissolved before or after the appeal was determined.

107. Mr IP said that personally, he could not see how the operation of the Bills Committee had departed from the practice of other Bills Committees, perhaps with the exception that a record number of Members had joined the Bills Committee, and the views of members were polarized.

108. Mr YEUNG Yiu-chung said that members of the Bills Committee had worked very hard to scrutinize the Bill. Mr YEUNG further said that he did not agree that the Bills Committee had refrained from conducting further public consultation. He pointed out that the Bills Committee had spent more than 10 hours to meet with deputations, and written submissions were welcomed. Mr YEUNG added that in the light of the efforts made by the Bills Committee, he supported the resumption of the Second Reading debate on the Bill on 9 July 2003.

109. Mr CHEUNG Man-kwong said that Members should consider whether the resumption of the Second Reading debate on the Bill on 9 July 2003 should be supported from two perspectives. Mr CHEUNG further said that given that the provisions in the Bills were very controversial, the views of the public should be fully considered at various stages of the deliberation of the Bills Committee. However, the Bills Committee had adopted measures to prevent the public from giving views. Mr CHEUNG believed that a lot more people would join the public demonstration scheduled for 1 July 2003, if Members supported the resumption of the Second Reading debate on the Bill on 9 July 2003. Mr CHEUNG added that Members should respect the views of the public; otherwise LegCo would have to bear the consequences.

110. Mr CHEUNG further said that Members should also consider whether it was the appropriate time to pass the Bill. Mr CHEUNG pointed out that Hong Kong had just been through the outbreak of Severe Acute Respiratory

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Syndrome (SARS). The economy was still in doldrums and the unemployment rate was at its all time high. Mr CHEUNG added that even professionals had voiced their opposition to the Bill, and its passage would further destabilize the society.

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111. Mr Martin LEE said that the Bills Committee had so far received 189 submissions and 103 discussion papers, and members did not have time to read through them and to understand their contents. He questioned how Members could agree to the Administration resuming the Second Reading debate on the Bill so hastily.

112. Mr Martin LEE further said that Mr John Kamm, who was a speaker at a conference about the Bill held at the University of Hong Kong on 14 and 15 June 2003, had pointed out that the enactment of the Bill would not only affect the people in Hong Kong, but also those in the Mainland. Mr Kamm had explained that the provisions on proscription would apply to any local organization which was subordinate to a proscribed organization in the Mainland, as officially proclaimed by means of an open decree by the Central Authorities under the law of the People's Republic of China (PRC). However, there was in fact no reference to "open decree" in the law of the PRC. The enactment of the Bill might result in the Mainland having to change its law, and human rights in the Mainland would be undermined.

113. Mr LEE pointed out that in the light of the comments made by Mr Kamm, the Administration had proposed to replace the reference to "open decree" by "open proclamation" in the proposed new section 8A(2)(c) at the Bills Committee meeting on 17 June 2003. Mr LEE added that the Administration had to be reminded by Miss Margaret NG that a similar amendment should also be proposed to the new section 8A(3)(b). It was obvious that it did not cross the Administration's mind that such an amendment was necessary.

114. Mr Martin LEE informed Members that while attending a phone-in programme during his recent visit to the US, he received a call from a person from the Mainland requesting that LegCo should safeguard and uphold human rights in Hong Kong; otherwise it would be a long road for the people in the Mainland to fight for human rights, if the Bill was enacted.

115. Mr Martin LEE said that the resumption of the Second Reading on the Bill should be deferred indefinitely.

116. Referring to Mr NG Leung-sing's earlier remarks that those organizations opposing the enactment of the Bill were in fear of being proscribed, Dr YEUNG said that while he was not sure which organizations Mr NG referring to, he was not afraid that any organizations to which he belonged would be proscribed. Dr YEUNG further said that it was pointed out by numerous local and overseas legal experts and academics that the proscription of an organization in Hong Kong on the ground that it was subordinated to a proscribed organization in the Mainland was beyond the scope of Article 23 of the Basic Law. The enactment of this provision would

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mean introducing Mainland legal concepts into the Hong Kong legal system.

117. Dr YEUNG added that if Members supported the resumption of the Second Reading debate on the Bill on 9 July 2003, he believed that it would encourage more people to take part in the public demonstration on 1 July 2003. Dr YEUNG stressed that Members should be very careful in deciding whether the resumption of the Second Reading debate on the Bill should be supported.

118. Mr LEUNG Fu-wah said that most of the views expressed at today's meeting had been expressed before. Mr LEUNG further said that Members had not been rushed into passing the Bill. On the contrary, some Members had indicated that they would use all means to delay the scrutiny of the Bill. Mr LEUNG added that it was obvious that by repeating their views at today's meeting, some Members were trying to drum up publicity for the demonstration on 1 July 2003.

119. Mr LEUNG pointed out that the Bills Committee had scheduled as many meetings as possible to study the Bill, but some members had chosen to pay overseas visits during the period; hence, these members should not complain that there was insufficient time to scrutinize the Bill. Mr LEUNG pointed out that although some members had indicated they would propose amendments to the Bill, they had not made available their amendments to the Bills Committee for discussion.

120. Mr LEUNG said that he was aware that the US Government had expressed views against the enactment of the Bill. He questioned the basis for the US Government to comment on the matter. He pointed out that in enacting the Bill, LegCo was discharging its constitutional responsibility. Mr LEUNG believed that even if more meetings of the Bills Committee were to be scheduled, those opposing the enactment of the Bill would still say that they did not have enough time to raise questions. Mr LEUNG added that as the Bills Committee had fully considered the Bill, he supported the resumption of the Second Reading debate on the Bill on 9 July 2003.

121. Mr James TO expressed disagreement that the scrutiny process of the Bills Committee had been deliberately delayed. Mr TO said that although Members belonging to the Democratic Party (DP) had indicated that they would adopt the strategy of using all proper means to delay the scrutiny of the Bill, the strategy was never put to use as there was insufficient time for asking questions. Mr TO further said that the Bill should be scrutinized with great care, as the maximum penalty for several offences under the Bill was life imprisonment. Mr TO pointed out that a lot of discussion papers and written responses prepared by the Administration had not been considered by the Bills Committee. He informed Members that the Administration had provided a paper responding to his questions relating to "instigating foreign armed forces

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to invade with force". The Administration had explained, among other things, that whether an act amounted to invasion would ultimately be decided by the court taking into account all the circumstances and facts. Mr TO added that this paper, which in his view merited detailed study, had not been discussed by the Bills Committee.

122. Mr TO further said that in the past two to three months, the only issue which had captured the public's attention was the outbreak of SARS. Even the Administration had admitted that the Bill was the most important legislation to be enacted since 1997, but the provisions in the Bill and the amendments proposed by the Administration had not been fully grasped by the public.

123. Mr TO pointed out that although the Bills Committee had held several meetings to receive public views, each deputation, including the Hong Kong Bar Association and the Law Society of Hong Kong, was given no more than five minutes to make their representations. Mr TO further pointed out that it was the normal practice of Bills Committees to allocate more time for representatives of the Bar Association and the Law Society, as they provided valuable professional advice to assist Members in the scrutiny of a bill.

124. Mr James TO said that while he considered that discussion on the principles of the Bill could be set aside, provisions of the Bill and certain outstanding issues had yet to be examined in detail. Mr TO further said that it was unusual for a Bills Committee on a bill to pass a motion to state that it had completed the clause by clause examination of the bill. He added that to resume the Second Reading debate on the National Security (Legislative Provisions) Bill when the scrutiny work of the Bills Committee had not been completed departed from the conventional way of how LegCo scrutinized a bill.

125. Mr CHAN Kam-lam said that Mr Martin LEE had clearly stated that he not only opposed the resumption date, he wanted to defer the enactment of the Bill indefinitely, i.e. not to enact the Bill at all.

126. Mr CHAN further said that he disagreed with the comments made by some Members that members could not speak freely at the meetings of the Bills Committee. Mr CHAN pointed out that as most members stated their stance before asking a question, it took more than half an hour for a member to ask one question plus a follow-up question, and for the Administration to respond to the questions. As a result, even though each meeting of the Bills Committee would normally last for four hours, not many questions could be asked at a meeting. Mr CHAN pointed out that he had proposed, on two occasions, to schedule more meetings and extend the meeting time. He believed that if some members had not deliberately delayed the discussion, the

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Bills Committee would have more time to examine the Bill. Mr CHAN added that instead of staying in Hong Kong to take part in the scrutiny of the Bill, some members had preferred to “kowtow” to some persons in the US.

127. Miss Margaret NG and Ms Emily LAU asked the Chairman to rule whether Mr CHAN Kam-lam had used offensive language about Members. Ms Emily LAU pointed out that Rule 41(4) of the Rules of Procedure stated that “it shall be out of order to use offensive and insulting language about Members of the Council”.

128. The Chairman ruled that Mr CHAN Kam-lam was making a general remark and not directing the remark at a Member. The Chairman reminded Members to focus their discussion on the subject matter.

129. Mr CHAN Kam-lam said that some other members had stayed away from the Bills Committee meetings even though they were somewhere in the LegCo Building. These members should not complain that there was insufficient time to study the Bill. Mr CHAN pointed out that he had no objection to extending the meeting time or holding more meetings, if members genuinely needed more time to consider the Bill.

130. Mr CHAN said that as the Bill had already been introduced into LegCo, it was the constitutional responsibility of LegCo to study the Bill. He disagreed that the resumption of the Second Reading debate on the Bill should be deferred. Mr CHAN further said that he was aware of the concern raised by some Members that the enactment of the Bill would give rise to social instability. He pointed out that similar concerns had in fact been raised by some Members in 1997 that democracy, human rights and the rule of law would be undermined after Hong Kong's reunification with the Mainland. He said that nothing like that had happened since then, and the public could see for themselves whether proscription of organization would take place immediately after the enactment of the Bill in July 2003. Mr CHAN added that the public should not and would not be misled or threatened.

131. Mr Martin LEE clarified that his proposal to defer the resumption of the Second Reading debate on the Bill indefinitely meant that no specific resumption date should be set at this point in time. Mr LEE said that he was surprised to hear the remark that some members had intentionally delayed the scrutiny work of the Bill. If this was the case, the Administration should also be accused of delaying the scrutiny process. He pointed out that at the special meeting of the AJLS Panel, when he enquired whether there were precedents of invoking section 360C of the Companies Ordinance by CE in Council to strike a company off the register of companies because of undesirable behaviour, the Administration agreed to provide further information after the meeting. Mr LEE wondered whether the

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Administration should also be blamed for delaying the scrutiny of the Bill by not giving an answer right away at the meeting.

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132. Miss Margaret NG said that Mr IP Kwok-him and Mr CHAN Kam-lam had earlier remarked that some members had asked questions with long preambles at the meetings of the Bills Committee, which had slowed down the progress of the scrutiny of the Bill. Miss NG pointed out that the purpose of the meetings was not for members to merely ask questions or state their stance, but also for them to raise concerns and give views on policy and drafting issues. Miss NG stressed that it was inappropriate to require members to ask short questions at meetings of Bills Committees.

133. Ms Cyd HO said that she was unable to attend the special meeting of the AJLS Panel as she had to attend another Bills Committee meeting. Ms HO asked whether the supplementary information to be provided by the Administration to the Panel would be copied to the Bills Committee.

134. Miss Margaret NG responded that according to the Administration, it would provide the supplementary information requested by the AJLS Panel to the Panel. The Administration would also provide the response to the Bills Committee if it had implications on the drafting of the Bill.

135. Dr David CHU said that as the stance of Members on the matter was very different, he could not see how consensus could be reached. Dr CHU suggested that a decision on the matter should be taken right away.

136. Ms Cyd HO disagreed with Dr David CHU. Ms HO said that Members should not support the resumption of the Second Reading debate on the Bill, if the Administration had not yet provided its response to issues and concerns raised by the AJLS Panel. Ms HO further said that the Bills Committee might need to consider holding further meetings to discuss the Administration's response.

137. Mr CHAN Kam-lam said that he was present at the special AJLS Panel meeting. He further said that Ms Cyd HO should not rely on hearsay about the follow-up actions to be taken by the Administration. He pointed out that the Administration had been requested to provide only supplementary information on Mr Martin LEE's enquiry referred to in paragraph 131 above.

138. Ms Audrey EU pointed out that Mr CHAN Kam-lam's clarification was only partly correct as Mr CHAN did not sit through the whole meeting of the AJLS Panel. Ms EU said that at the meeting, members were advised that the procedures provided for in the Companies Ordinance could be invoked under the proposed new Schedule 2 to be added to the Societies Ordinance. She had asked whether there was any precedent of striking the name of a company off the register of companies kept by the Registrar before the completion of the winding up process. The Administration had agreed to provide further information.

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139. Ms EU further said that she and Miss Margaret NG had provided a set of CSAs to the Bills Committee before it took a vote, at its meeting on 17 June 2003, on whether the resumption of the Second Reading debate on the Bill on 9 July 2003 should be supported.

140. Mr James TO said that under the normal practice of Bills Committees, the chairmen would remind members when to provide their draft CSAs, particularly when a bill was complicated, and then meeting(s) would be scheduled to discuss members' CSAs. Mr TO stressed that the scrutiny of a bill must be allowed its due process.

141. Mr IP Kwok-him said that he could not agree with Mr James TO's comments. Mr IP pointed out that the Bills Committee had drawn up its work schedule from the outset, and members had been reminded that their CSAs, if any, should be provided to the Bills Committee for consideration. Mr IP added that the work schedule of the Bills Committee should not be affected by the fact that some members were unable to attend a particular meeting of the Bills Committee.

142. Miss Margaret NG said that she had not requested the Bills Committee not to commence clause by clause examination of the Bill on 14 June 2003 because she was not able to attend the two meetings of the Bills Committee scheduled for that day. Miss NG further said that she had in fact requested the Bills Committee to consider her proposed CSAs at the meeting on 17 June 2003. Miss NG added that she was not blaming the Bill Committee for commencing the clause by clause examination of the Bill on 14 June 2003. She just wished to point out that members had not yet had the opportunity to explain their proposed CSAs and listen to the Administration's response to those CSAs.

143. Mr James TO said that the work schedule of the Bills Committee had been drawn up on the basis that the Second Reading debate on the Bill would resume at the Council meeting on 9 July 2003. Such an arrangement was putting the cart before the horse.

144. Dr YEUNG Sum asked, in the event that the House Committee decided to support the resumption of the Second Reading debate on the Bill on 9 July 2003, whether members would have the opportunity to discuss their proposed CSAs with the Administration.

145. The Chairman said that the Administration was required to give notice of resumption on or before 23 June 2003, if the House Committee supported the resumption of the Second Reading debate on the Bill on 9 July 2003. In the meantime, the Bills Committees could continue to hold meetings to discuss

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members' CSAs, if considered necessary by the Bills Committee.

146. The Legal Adviser advised that in accordance with the Rules of Procedure, the date of resumption of the Second Reading debate on a bill was a matter for the public officer in charge of the bill to decide.

147. The Chairman said that Bills Committee had recommended that the Administration's proposal to resume the Second Reading debate on the bill on 9 July 2003 be supported. The Chairman put the Bills Committee's recommendation to vote. The result was 30 Members voted in favour of the recommendation and 18 Members voted against the recommendation.

148. The Chairman reminded Members that the deadline for giving notice of CSAs was Saturday, 28 June 2003.

**(h) Report of the Subcommittee on Fire Services (Fire Hazard Abatement) Regulation**

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*(LC Paper No. CB(2) 2522/02-03)*

149. Mr IP Kwok-him, Chairman of the Subcommittee, explained that the Regulation mainly provided for the regulation of new forms of fire hazards and the making of a court order concerning fire hazards. The Regulation also provided for the following matters in relation to the new forms of fire hazards -

- (a) the regulation of the conveyance of land of a container that contained part of a motor vehicle which had fuel in its fuel tank or was otherwise stained with fuel;
- (b) the regulation of the stowage of a part of motor vehicle which had fuel in its fuel tank or was otherwise stained with fuel in a container that was or was to be conveyed on land; and
- (c) the prohibition of illegal vehicle refuelling activities.

150. Mr IP explained that the Subcommittee generally agreed to the policy aspects of the Regulation which had been discussed by the former Bills Committee on Fire Services (Amendment) Bill 2001. The Subcommittee had sought clarification from the Administration on the following matters -

- (a) enforcement of section 5 of the Regulation concerning the removal of articles or things to abate fire hazards;
- (b) liability of drivers of freight containers under sections 17 and 18 of the Regulation, as drivers had no right to inspect the content

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of the containers; and

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- (c) liability of a co-tenant who shared the use of the premises of illegal vehicle refueling activities, under section 20 of the Regulation.

151. Mr IP further said that the Subcommittee had noted that the level of fine for offences relating to fire hazard abatement notices, fire hazard orders, and obstruction and locking of means of escape had been increased four-fold to provide sufficient deterrence.

152. Mr IP added that the Subcommittee supported the Regulation, and the technical amendments to be moved by the Administration at the Council meeting on 2 July 2003.

- (i) **Report of the Subcommittee to follow up the outstanding capital works projects of the former municipal councils**  
*(LC Paper No. CB(2) 2523/02-03)*

153. Presenting the report, Dr TANG Siu-tong, Chairman of the Subcommittee, said that since November 2000, the Subcommittee had held a total of 16 meetings with the Administration, and had also considered the views expressed by the District Councils (DCs).

154. Dr TANG informed Members that the Subcommittee had, in the past two years, repeatedly urged the Administration to formulate plans and earmark funds to take forward the outstanding projects of the two former Provisional Municipal Councils (PMCs). The Administration had upgraded 12 projects to Category A of the Public Works Programme (PWP), formulated a five-year rolling programme, and also earmarked funds for the implementation of 64 priority projects involving leisure and recreational facilities. In addition, the Administration had agreed to carry out improvement works for 19 public markets and/or cooked food centres. Dr TANG added that some of these projects had already commenced, while the others would be submitted to the Finance Committee by phases for approval or implemented as minor works projects.

155. Dr TANG further informed Members that there were a total of 169 outstanding projects which were at various stages of planning at the time when the PMCs were dissolved in 2000. Given the changes in circumstances, the Administration had, after consultation with DCs, concluded that there was no real need for certain projects and they would not be proceeded with. As regards the remaining projects which had not been included in the five-year rolling programme, the Administration would continue to discuss with the DCs concerned and review the projects. Dr TANG added that having regard to the changes in the needs of the community and the present economic situation, the Subcommittee considered that it would not be practical to

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demand for implementation of all the 169 projects of the former PMCs.

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156. Dr TANG said that the Subcommittee was of the view that it had largely completed the mission of urging the Administration to implement the outstanding projects of the former PMCs. Since new policies for the provision of leisure, cultural and recreational facilities were being formulated by the Administration, the Subcommittee considered that these policy issues should be followed up by the relevant Panels. The Subcommittee had agreed that it should conclude its work and report to the House Committee. The Subcommittee recommended that the relevant Panels should continue to follow up the outstanding projects and receive periodic progress reports by the Administration. Dr TANG added that he would like to take the opportunity to thank members of the Subcommittee for their efforts in the past two years, and the LegCo Secretariat for their support.

157. Members endorsed the Subcommittee's recommendation.

**VIII. Position on Bills Committees/subcommittees**

*(LC Paper No. CB(2) 2528/02-03)*

158. The Chairman said that as there were three vacant slots, the following Bills Committees on the waiting list could commence work -

- (a) Bills Committee on Hong Kong Examinations and Assessment Authority (Amendment) Bill 2003;
- (b) Bills Committee on Deposit Protection Scheme Bill; and
- (c) Bills Committee on Broadcasting (Amendment) Bill 2003.

159. The Chairman further said that there were four Bills Committees on the waiting list, and 10 subcommittees in action.

160. Ms Cyd HO enquired about the position of those Bills Committees which had been holding their work in abeyance. The Chairman responded that the respective clerks to the Bills Committees had been following up with the Administration as to when it could revert to the Bills Committees on the outstanding issues. She suggested that the respective clerks should report the up-to-date position to the Bills Committees. The Chairman added that these Bills Committees could be re-activated if they were ready and vacant slots were available.

161. Mr SIN Chung-kai said that some of the Bills on the waiting list were very complicated. He suggested that the Bills Committees concerned, when activated, should hold their first meetings before the end of the current session so that the preparatory work, such as inviting public submissions, could be

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carried out during the summer break. Members agreed.

**IX. Report by the Panel on Food Safety and Environmental Hygiene on changes to the proposed overseas duty visit to Australia and Japan**  
(*LC Paper No. CB(2) 2518/02-03*)

162. Mr Fred LI, Chairman of the Panel, said that the Panel would visit Australia from 19 to 25 July 2003 to study its food regulatory systems. The visit to Japan would be deferred to December this year, pending the reorganization of the Japanese Ministry of Agriculture, Forestry and Fisheries.

**X. Matters arising from the meeting of the Subcommittee on subsidiary legislation relating to District Councils election gazetted on 16 May 2003 held on 9 June 2003**  
(*Hon Cyd HO Sau-lan's letter dated 16 June 2003 to the Chairman of the House Committee (Chinese version only)*)

163. Referring to her letter, Ms Cyd HO said that at the Subcommittee meeting on 9 June 2003, Mr Andrew WONG moved a motion requesting that the Secretary for Constitutional Affairs should attend a meeting of the Subcommittee to explain the proposed “decentralised” voting arrangement for the DC elections to be held in November 2003. Ms HO further said that when the motion was put to vote, the Subcommittee Chairman, Mr IP Kwok-him, voted against the motion, resulting in a tie situation, and the motion was not carried.

164. Ms HO said that there had been a tendency recently for committees to take decisions by voting. She would like to seek clarification on whether the Rules of Procedure had provisions governing the operation of subcommittees formed under the House Committee. Ms HO pointed out that it was the convention in LegCo that a committee chairman, or a Member presiding at a meeting, would refrain from exercising his original vote, even if it was allowed under the rules. Ms HO considered that the chairman of a committee should facilitate the work of the committee, and not use his vote to prevent members from discussing issues and areas of concern. She hoped that the matter could be referred to the Committee on Rules of Procedure (CRoP).

165. Mr IP Kwok-him explained that the Subcommittee was formed to study subsidiary legislation relating to DC elections. Mr IP said that some members of the Subcommittee considered that as Mr Andrew WONG wished to discuss the policy aspect of the proposed “decentralised” voting arrangement, it should more appropriately be pursued by the relevant Panel. Mr IP pointed out that Rule 76(8) of the Rules of Procedure provided that the chairman or any other member presiding at a Bills Committee meeting would

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have a casting vote, in addition to his original vote. While the Rules of Procedures clearly stipulated that the Chairman of the House Committee and the Chairman of Public Accounts Committee should not vote unless there was a tie, there was no such provision in respect of the chairman of a subcommittee.

166. Referring to Ms HO's point in her letter that the procedures for the House Committee should also apply to its subcommittees, Mr IP was of the view that it was more appropriate for subcommittees on subsidiary legislation to follow the procedures of Bills Committees, and the chairman of a Bills Committee had his original vote, in addition to the casting vote. Mr IP said that as a subcommittee sometimes only consisted of three Members including the chairman, it would be difficult for it to take decisions if the chairman was not allowed to vote. He added that the matter could be referred to CRoP, if Members considered that there were grey areas in the current rules.

167. The Legal Adviser said that the Rules of Procedure provided that the practices and procedures of a subcommittee formed under the House Committee, a Panel or a Bills Committee would be determined by the respective committee, subject to the Rules of Procedure, and taking into account any guidelines provided by the House Committee. However, there was no specific provision in the Rules of Procedure or the House Rules on whether or not the chairman of a subcommittee could vote.

168. Ms Cyd HO said that the right to vote and freedom of expression of a Member should be respected, and that specific provisions should be included in the rules to remove any doubt in this respect. Ms HO further said that the policy issue raised by Mr Andrew WONG at the Subcommittee meeting on 9 June 2003 was relevant to the item of subsidiary legislation the Subcommittee was studying. She added that due to the limited time available for scrutinizing the item, the Subcommittee could not wait for the issue to be discussed by the relevant Panel first.

169. Referring to Ms HO's comment, Mr IP Kwok-him said that it was not appropriate for the Subcommittee, which only consisted a few Members, to discuss the broad policy issue raised by Mr Andrew WONG.

170. Mr James TIEN said that he did not think that it was inappropriate for Mr IP, in this particular case, to suggest that the policy issue in question be referred to the relevant Panel.

171. The Chairman suggested that CRoP should be invited to study the following matters raised by Ms Cyd Ho and other Members -

- (a) whether the chairman of a subcommittee had both the original

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vote and casting vote;

- (b) the casting of the original vote by a committee chairman; and
- (c) the extent to which policy issues should be discussed during the deliberation of Bills Committees or subcommittees on legislative proposals/items.

172. Members agreed to the Chairman's suggestion.

173. Ms Emily LAU asked whether CRoP would invite Ms Cyd HO to the relevant meeting(s) of CRoP. The Chairman responded that it would be for CRoP to decide how it would pursue matters referred to it for study.

**XI. Resolution passed by the Panel on Constitutional Affairs at its meeting on 16 June 2003**

*(Hon Emily LAU Wai-hing's letter dated 17 June 2003 to the Chairman of the House Committee (Chinese version only))*

*(LC Paper No. CB(2) 2535/02-03)*

174. Referring to her letter and the background paper prepared by the Secretariat, Ms Emily LAU said that the Panel on Constitutional Affairs (CA Panel) had invited views from the public on whether the interpretation of paragraph 7 of Annex I to the Basic Law should include the third term CE, and whether the method for selecting the third term CE in 2007 should be included in the review on constitutional development to be conducted by the Administration in 2004 or 2005. She informed Members that over 370 submissions were received, and 35 organizations and individuals attended the meeting of the CA Panel to give oral representations at the meeting of the CA Panel on 16 June 2003.

175. Ms Emily LAU further informed Members that towards the end of the meeting, Mr NG Leung-sing moved a motion "that the Panel should resume the discussion on the 'Review of the method for selecting the CE under the Basic Law' only after the Administration has collated and studied all the views received on the subject matter". Ms LAU said that the motion was passed because some other members of the CA Panel had left the meeting around 4:30 pm to attend other committee meetings. Ms LAU further said that she was the only member who voted against the motion. She was strongly against the moving of such a motion which, if binding on the Panel, would have the effect of prohibiting other members from discussing the review on the method of selecting CE.

176. Ms Emily LAU pointed out that according to the background paper

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prepared by the Secretariat, there was no provision in the Rules of Procedure governing the binding effect of a Panel's decision on the Panel itself. However, rule 24(l) of the House Rules stated that "the decisions of a committee should not be reopened for discussion, unless with the permission of the committee", while rule 24(r) provided that "the chairmen may, with the agreement of committees, exercise some flexibility in applying the above guidelines".

177. Ms Emily LAU said that the community had different views on the method for selecting CE and the Panel did not have much discussion on the subject in the past. Given that the Panel had received so many submissions, it should listen to and study these views. Ms LAU further said that although pro-democracy Members had always been in the minority since 1991, she had never come across a committee which had adopted such a "brutal" approach to prohibit its members from discussing a subject matter. She found the approach regrettable and pointed out that the same thing had also happened at the meeting of the Bills Committee on the National Security (Legislative Provisions) Bill on 14 June 2003.

178. Ms LAU said that she had received many enquiries from the Consulates-General and the public about the reason for the CA Panel to suspend discussion on the method for selecting CE. She pointed out that it was the normal practice that a Panel would discuss and agree on the agenda items for future meetings, instead of moving a motion to suspend discussion on a certain item.

179. Mr NG Leung-sing said that he respected the decision of the Chairman of the CA Panel to allow him to move the motion at the meeting on 16 June 2003, and it was regrettable that Ms Emily was not happy with the motion. Mr NG explained that he had moved the motion after listening to the view expressed by many deputations that it was not the appropriate time to discuss the method for selecting the third term CE. He therefore considered that the issue should not be discussed again before the end of the session as the Administration would need time to study the views received. Mr NG added that it was a waste of time for Ms Emily LAU to raise this matter for discussion by the House Committee.

180. Mr NG further said that the meeting time of the CA Panel should be put to more effective use. He did not agree with Ms LAU that the passage of his motion would deprive other members of their right to discuss issues of public concern, as members were free to discuss these issues in other forums. He added that it was in order for any committee member to move a motion to express his view on an agenda item.

181. Mr NG said that the rules could be improved if Members found any

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problems with these rules. However, his motion was passed by a majority of the members voting at the meeting and Ms LAU should respect the decision taken. He added that a decision made by the majority should not be viewed as a "brutal" act against the minority.

182. Ms Emily LAU asked the Chairman to rule whether it was in order for Mr NG Leung-sing to say that she was wasting the House Committee's time.

183. The Chairman said that Mr NG, in making the remark, was merely expressing his own view. The Chairman further said that Ms Emily LAU had the right to raise for discussion by the House Committee matters relating to Council business, but the House Committee should not take on an "arbitrating" role. As it was for Panels to make decisions on their own affairs and the CA Panel had already made a decision on Mr NG's motion on 16 June 2003, the Chairman asked Ms LAU what specific course of action she would like the House Committee to consider.

184. Ms Emily LAU said that she was concerned that Members who were in the majority would in future restrict the rights of other Members to raise issues for discussion in Panels and other committees. She would like Members belonging to various political parties or groupings to give their views.

185. The Chairman said that as Members were free to join any committee, it was difficult to say that the Members belonging to a certain party or grouping were the majority. However, she would allow Members to express their views on the concern raised by Ms LAU.

186. Mr LEE Cheuk-yan said that he was disappointed that the CA Panel had passed a motion to prohibit other members from discussing the method for selecting CE. He considered that the moving of such a motion, although permissible under the Rules of Procedure, would not do any good to Hong Kong, as it would give the public an impression that LegCo could no longer perform its function of monitoring the work of the Government. He doubted whether a committee should discuss a subject only when the Administration was ready and within the scope defined by the Administration.

187. Mr CHEUNG Man-kwong said that he had attended the meeting of the CA Panel on 16 June 2003, which started at 2:30 pm, to listen to the views of the deputations. As there were a total of 35 deputations and as some of them had requested more time than the three minutes allocated to each deputation, the second round of deputations could only present their views at 4:30 pm, and there was no time for members to exchange views with the first round of deputations. Mr CHEUNG further said that he and some other members had to leave at 4:30 pm to attend the meeting of the Panel on Education scheduled to be held at 4:30 pm in Conference Room A.

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188. Mr CHEUNG considered that as the method for selecting CE was a subject of controversy and public concern, a motion should not have been moved to prohibit discussion on the subject by the Panel. He further said that it was unfair to other members of the CA Panel who had to leave the meeting to attend another Panel meeting, as they had not been notified of the moving of the motion and could not return to the meeting of the CA Panel to vote. Mr CHEUNG pointed out that some members, such as Mr YEUNG Yiu-chung, did receive a call during the meeting of the Panel on Education and was able to return to the meeting of the CA Panel to vote on the motion.

189. Mr TAM Yiu-chung said that he had attended the meeting of the CA Panel and voted in favour of Mr NG Leung-sing's motion. He considered that the matter was not as serious as described by Ms Emily LAU. Mr TAM explained that he and some other Panel members supported the motion because they shared the view of many deputations that it was not the appropriate time to discuss the method for selecting CE. The motion did not seek to limit the rights of other members or to prohibit them from raising subjects or issues for discussion. Mr TAM further said that as the CA Panel had already taken a decision on the motion, the House Committee should not waste its time to further discuss the matter. He remarked that the House Committee should avoid becoming an "appeals committee" for Panels and other committees.

190. Ms Cyd HO commented that it was not desirable to invite too many deputations to give views at a committee meeting, and that the chairman should allow time for members to exchange views with deputations. The Chairman pointed out that committee chairmen could make use of the timer in the Chamber to assist the deputations to watch their time when making their oral representations.

191. Mr Eric LI said that without a set of rules to govern matters such as the scope of discussion, speaking time and order of speaking, the taking of decisions by voting, etc, it would be difficult for a committee to ensure its smooth conduct of business. He further said that the "breakfast group" would not be happy to see some Members being prevented from raising issues for discussion by other Members. However, as more and more items were being raised for discussion in committees, he hoped that Members belonging to various political parties or groupings could enhance their co-operation in the work of committees.

192. Mr James TIEN said that Members belonging to the Liberal Party (LP) shared Mr Eric LI's view, and they did not support restricting or prohibiting other members from raising issues for discussion in committees. Mr TIEN further said that he had attended the meeting of CA Panel on 16 June 2003

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until 4:00 pm, as he had to attend another meeting at that time. Mr TIEN pointed out that representatives of DP and the Frontier had also attended the meeting to give oral representations to the Panel. He considered that as the views of DP and the Frontier could be conveyed through their LegCo Members, it was not necessary for the two organizations to send representatives to attend the meeting and their speaking time could have been allocated to other deputations.

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193. Mr TIEN added that Members belonging to LP supported Mr NG's motion that the method for selecting CE should not be discussed again in the current session, as there was only one more meeting left and it should be used to deal with other issues.

194. Mr CHEUNG Man-kwong said that the arrangements made by the Chairman of CA Panel for the deputations to express their views at the meeting on 16 June 2003 were reasonable. Mr CHEUNG further said that although he was a member of the CA Panel, what he said about a issue at a meeting did not always represent all the views of DP on that issue. Nevertheless, DP would consider Mr James TIEN's point about whether political parties or groupings of LegCo should send representatives to give views at committee meetings. Mr CHEUNG suggested that if a committee continued its meeting beyond the appointed ending time and a matter was put to vote during that time, those members who had left the meeting to attend other meetings in the LegCo Building should be notified.

195. Ms Emily LAU said the CA Panel meeting on 16 June 2003 was scheduled to be held from 2:30 pm to 4:30 pm, but it did not end until 6:00 pm. Ms LAU commented that the chairman of a committee should not allow a meeting to continue beyond the appointed ending time.

196. Mr Howard YOUNG said that he had attended the meeting of the CA Panel on 16 June 2003. Given that there was only one more meeting of the CA Panel before the end of the current session, and that there were divergent views from the deputations and written submissions over the method for selecting CE, he considered that it was only practical to suspend discussion of the subject for the current session, until the Administration had collated and analysed the views received. Mr YOUNG added that passage of the motion at the CA Panel meeting was procedurally in order.

197. Mr YEUNG Yiu-chung said that the motion passed by the CA Panel did not seek to prohibit other members from discussing the subject of the method for selecting CE. Mr YEUNG pointed out that he also had the experience of a motion, which he did not support, being passed after he had left a meeting. However, he had not complained about it. Mr YEUNG further said that Members belonging to various political parties or groupings should discuss how to deal with motions moved at a committee meeting after the appointed ending time of the meeting.

198. Mr SZETO Wah said that he had attended the meeting of the CA Panel on 16 June 2003 until 4:30 pm when he had to leave for the meeting of the Panel on Education. He suggested that there should be a rule to prohibit meetings to continue beyond 15 minutes after the appointed ending time.

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199. Ms Emily LAU said that she was pleased to hear that Members belonging to the Democratic Alliance for Betterment of Hong Kong, LP and the “breakfast group” had said that they had no intention to restrict the exercise of rights by other Members or to prohibit other Members from raising subjects and issues for discussion. Ms LAU suggested that CRoP should be invited to consider the following matters -

- (a) whether the division bell should be rung to summon Members to vote at meetings of the House Committee, Panels, Bills Committees and subcommittees; and;
- (b) whether some guidelines should be drawn up regarding how long a committee should continue a meeting beyond the appointed ending time.

200. In concluding the discussion, the Chairman said that the motion passed by the CA Panel at its meeting on 16 June 2003 was procedurally in order and it was not unreasonable for a committee to decide not to discuss an issue until after a certain period of time or when the Administration was ready to revert to members. The Chairman further said that she did not believe there were Members who would deliberately seek to restrict the rights of other Members to raise issues for discussion or express views in committees. It was also not possible to do so as different committees had different composition and Members were free to join them. However, it was not good for the Council if some Members had such feelings as a result of decisions or actions taken by other Members. The Chairman hoped that that this was something that all Members would pay attention to in future.

201. The Chairman further said that while it was necessary to set down rules to ensure the smooth conduct of meetings, committee chairmen should also exercise flexibility in applying the rules, having regard to the views of the committee concerned. The Chairman added that it was not possible to formulate rules to cater for all situations and, sometimes, Members had to rely on gentlemen’s agreements to deal with a situation. The Chairman proposed that CRoP should be invited to consider Ms Emily LAU’s suggestions in paragraph 199(a) and (b) above. Members agreed.

202. Ms Emily LAU asked whether CRoP should also be invited to consider the issue of moving motions at committee meetings without prior notice. The Chairman advised that the issue had been fully deliberated by CRoP in 2000. She requested the Secretariat to circulate the relevant background paper to Members for reference.

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**XII. Any other business**

**Hon Michael MAK's letter dated 17 June 2003**

203. The Chairman informed Members that Mr Michael MAK had sent her a letter complaining about the abuse of power by Mr LAU Kong-wah, Chairman of the Panel on Security, at the joint meeting of the Panel on Administration of Justice and Legal Services and the Panel on Security on 17 June 2003. The Chairman said that the letter would be discussed at the next meeting of the House Committee on 27 June 2003.

204. There being no other business, the meeting ended at 6:35 pm.

Council Business Division 2  
Legislative Council Secretariat  
26 June 2003