

立法會
Legislative Council

LC Paper No. CB(2) 582/03-04

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 9th meeting
held in the Legislative Council Chamber
at 2:35 pm on Friday, 5 December 2003**

Members present :

Hon Miriam LAU Kin-yee, 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
Dr Hon Eric LI Ka-cheung, GBS, JP
Dr Hon LUI Ming-wah, JP
Hon NG Leung-sing, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon HUI Cheung-ching, JP
Hon CHAN Kwok-keung, 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, GBS
Hon WONG Yung-kan
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Dr Hon YEUNG Sum
Hon YEUNG Yiu-chung, BBS

Hon LAU Chin-shek, JP
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo
Hon SZETO Wah
Hon Timothy FOK Tsun-ting, SBS, JP
Dr Hon LAW Chi-kwong, JP
Hon TAM Yiu-chung, GBS, JP
Dr Hon TANG Siu-tong, JP
Hon Abraham SHEK Lai-him, JP
Hon LI Fung-ying, JP
Hon Henry WU King-cheong, BBS, JP
Hon Michael MAK Kwok-fung
Hon Albert CHAN Wai-yip
Hon LEUNG Fu-wah, MH, JP
Dr Hon LO Wing-lok, JP
Hon WONG Sing-chi
Hon Frederick FUNG Kin-kee
Hon IP Kwok-him, JP
Hon LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, JP

Members absent :

Hon Albert HO Chun-yan
Dr Hon David LI Kwok-po, GBS, JP
Hon CHAN Yuen-han, JP
Hon LAU Kong-wah, JP
Hon LAU Wong-fat, GBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon MA Fung-kwok, JP

Clerk in attendance :

Mrs Justina LAM	Clerk to the House Committee
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Staff in attendance :

Mr Ricky C C FUNG, JP	Secretary General
Mr Jimmy MA, JP	Legal Adviser
Mr LAW Kam-sang, JP	Deputy Secretary General
Ms Pauline NG	Assistant Secretary General 1

Mr Ray CHAN	Assistant Secretary General 3
Mr LEE Yu-sung	Senior Assistant Legal Adviser 1
Mrs Vivian KAM	Principal Assistant Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Mrs Constance LI	Chief Assistant Secretary (2)5
Mrs Betty LEUNG	Chief Assistant Secretary (3)1
Miss Anita HO	Assistant Legal Adviser 2
Miss Connie FUNG	Assistant Legal Adviser 3
Miss Lolita SHEK	Senior Assistant Secretary (2)7

Action

I. Confirmation of the minutes of the 8th meeting held on 28 November 2003
(LC Paper No. CB(2) 508/03-04)

The minutes were confirmed.

II. Matters arising

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

2. The Chairman said that she had informed CS that a Bills Committee had been formed to study the Hong Kong Sports Development Board (Repeal) Bill, and Members had agreed to give priority to the scrutiny of the Bill, as requested by the Administration. She had also informed CS that the Bills Committee could commence work immediately.

III. Business arising from previous Council meetings

(a) Legal Service Division report on bills referred to the House Committee in accordance with Rule 54(4)

Employees Compensation Assistance (Miscellaneous Amendments) Bill 2003
(LC Paper No. LS 22/03-04)

3. The Legal Adviser explained that the Bill sought to amend the Employees Compensation Assistance Ordinance (Cap. 365) (ECAO) and the Employees Compensation Assistance (Amendment) Ordinance 2002 (the Amendment Ordinance) to -

- (a) make it clear that the Employees Compensation Assistance Fund Board could, in addition to assisting employers in payment of

Action

compensation or damages, assist employers in payment of costs in relation to proceedings brought by their employees for employment-related injuries; and

- (b) clarify the policy intention that, after the provisions relating to insurer insolvency were excised from the ECAO upon the establishment of the Employees Compensation Insurer Insolvency Scheme, the ECAO would continue to cover those claims for which the insurer had become insolvent before that date, irrespective of whether the employer's liability to pay compensation or damages was determined before, on or after that date.

4. The Legal Adviser said that the Amendment Ordinance 2002 had been scrutinised by a Bills Committee, and some of its provisions had not yet commenced operation. The Bill was proposed to remove certain technical ambiguities in these provisions.

5. The Legal Adviser further said that the Labour Advisory Board and the Employees Compensation Assistance Fund Board had been consulted and they supported the proposals. The Panel on Manpower had also been briefed on the proposals in the Bill on 21 October 2003, and members did not raise any queries on the proposals.

6. The Legal Adviser said that the proposals in the Bill were technical in nature and the drafting of the Bill presented no difficulty. Subject to Members' views, the Bill was ready for resumption of Second Reading debate.

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

(b) **Legal Service Division report on subsidiary legislation gazetted on 28 November 2003 and tabled in Council on 3 December 2003**
(*LC Paper No. LS 18/03-04*)

8. The Legal Adviser said that there were three items of subsidiary legislation, including two Commencement Notices, gazetted on 28 November 2003 and tabled in the Legislative Council (LegCo) on 3 December 2003.

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

10. The Chairman said that the deadline for amending these items of subsidiary legislation was 17 December 2003 or 4 February 2004, if extended by resolution.

Action

IV. Further business for the Council meeting on 10 December 2003

(a) Questions

(LC Paper No. CB(3) 216/03-04)

11. The Chairman said that Ms Emily LAU and Mr Tommy CHEUNG had replaced their previous oral questions.

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

Public Officers Pay Adjustments (2004/2005) Bill

12. The Chairman said that the Bills Committee had reported at the last House Committee meeting, and Members had not raised objection to the resumption of the Second Reading debate on the Bill.

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

Ling Liang World-Wide Evangelistic Mission Incorporation (Amendment) Bill 2003

13. The Chairman said that Mr Kenneth TING had given notice to introduce the above Bill into the Council on 10 December 2003. The House Committee would consider the Bill at its meeting on 12 December 2003.

V. Business for the Council meeting on 17 December 2003

(a) Questions

(LC Paper No. CB(3)217/03-04)

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

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

Waste Disposal (Amendment) (No. 2) Bill 2003

15. The Chairman said that that the Administration had given notice to introduce the above Bill into the Council on 17 December 2003. The House Committee would consider the Bill at its meeting on 19 December 2003.

Action

(c) **Government motions**

Two proposed resolutions to be moved by the Secretary for Health, Welfare and Food under the Pharmacy and Poisons Ordinance

(Wording of the proposed resolutions issued vide LC Paper No. CB(3) 218/03-04 dated 1 December 2003.)

(LC Paper No. LS 19/03-04)

16. The Legal Adviser said that the Secretary for Health, Welfare and Food (SHWF) had given notice to move the two proposed resolutions at the Council meeting on 17 December 2003.

17. The Legal Adviser explained that the first proposed resolution dealt with the Pharmacy and Poisons (Amendment) (No. 4) Regulation 2003 and the Poisons List (Amendment) (No. 4) Regulation 2003 which sought to impose control on 13 newly-registered pharmaceutical products. The Legal Adviser added that these two Amendment Regulations would come into operation on the day when they were published in the Gazette if they were approved by LegCo, i.e. on 19 December 2003.

18. The Legal Adviser further explained that the second proposed resolution dealt with the Pharmacy and Poisons (Amendment) (No. 5) Regulation 2003 and the Poisons List (Amendment) (No. 5) Regulation 2003 which sought to add 20 substances, now classified as non-poisons, to Part I of the Poisons List and the First and Third Schedules to the Pharmacy and Poisons Regulations, so that pharmaceutical products containing any of these substances had to be sold in pharmacies under the supervision of registered pharmacists and in their presence, with the support of prescriptions. The Legal Adviser added that these two Amendment Regulations would come into operation on 19 January 2004.

19. The Legal Adviser said that the four Amendment Regulations were in order from the legal point of view.

20. Members did not raise objection to SHWF moving the two proposed resolutions at the Council meeting on 17 December 2003.

(d) **Members' motions**

(i) **Motion on "Digital 21 Strategy"**

(Wording of the motion issued vide LC Paper No. CB(3) 227/03-04 dated 4 December 2003.)

(ii) **Motion on "Labelling Scheme on Nutrition Information".**

(Wording of the motion issued vide LC Paper No. CB(3) 228/03-04 dated 4 December 2003.)

Action

21. The Chairman said that the above motions would be moved by Mr SIN Chung-kai and Mr Fred LI respectively, and the wording of their motions had been issued to Members.

22. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 10 December 2003.

VI. Report of Bills Committees and subcommittees

Report of the Subcommittee on Commencement Notices under the Chinese Medicine Ordinance, Chinese Medicine (Fees) Regulation and Chinese Medicines Regulation

23. Ms Cyd HO, Chairman of the Subcommittee, said that the scrutiny period of the three Commencement Notices had been extended to 17 December 2003. Ms HO further said that as decided by the Subcommittee at its meeting on 12 November 2003, she would move a motion on behalf of the Subcommittee to repeal the three Commencement Notices at the Council meeting on 17 December 2003.

24. Mrs Selina CHOW said that after the verbal report made by the Subcommittee to the House Committee on 14 November 2003, the Subcommittee had held further meetings to discuss the Commencement Notices and related issues with the Administration. The Subcommittee had also received views from deputations at its meeting on 28 November 2003. Mrs CHOW further said that members of the Subcommittee held different views on the proposed commencement date of the registration system of proprietary Chinese medicines (PCMs). She asked Members to carefully consider these views which would be detailed in the written report to be submitted by the Subcommittee at the next House Committee meeting.

25. Ms Cyd HO said that the provisions in the Chinese Medicine Ordinance (Cap. 549) covered by these Commencement Notices involved very complicated issues, and members of the Subcommittee held different views on whether the registration system of PCMs should commence on 19 December 2003 as provided in the Commencement Notices.

26. Miss Margaret NG added that the Subcommittee would recommend to the House Committee that the implementation of the Chinese Medicine Ordinance should be followed up by LegCo in a suitable forum.

27. Ms Cyd HO further said that the Subcommittee would hold a further meeting after this House Committee meeting to discuss outstanding issues with the Administration. A written report on the Subcommittee's deliberations and

Action

recommendations would be provided for the House Committee meeting on 12 December 2003.

28. The Chairman reminded Members that the deadline for giving notice of amendments to the three Commencement Notices was Wednesday, 10 December 2003.

VII. Position on Bills Committees/subcommittees

(LC Paper No. CB(2) 528/03-04)

29. The Chairman said that there were 15 Bills Committees and six subcommittees in action, as well as four Bills Committees on the waiting list.

VIII. Information Note for the House Committee regarding members of the Select Committee to inquire into the handling of the Severe Acute Respiratory Syndrome outbreak by the Government and the Hospital Authority serving as Duty Roster Members for the Legislative Council Redress System

(LC Paper No. CB(2) 529/03-04)

30. Dr LAW Chi-kwong, Chairman of the Select Committee, invited Members to note the decisions of the Select Committee regarding its members serving as Duty Roster Members for the LegCo Redress System, as detailed in paragraphs 2 to 5 of the paper.

31. Ms Emily LAU asked whether the Complaints Division had received many cases from members of the public which contained information directly relevant to the terms of reference of the Select Committee. Ms LAU also asked whether it was the existing practice to seek the consent of the member of the public concerned to refer information on his/her case to the relevant Panel.

32. Principal Assistant Secretary (Complaints) responded that the Complaints Division had not received any such cases so far. She explained that when forwarding views from members of the public to LegCo committees or the Administration, the Complaints Division would normally not disclose their identities. However, as information referred to the Select Committee might be made public and the identities of the members of the public concerned might be disclosed, their consent would have to be sought for such referrals.

33. Referring to paragraph 5 of the paper, Ms Emily LAU asked whether the Members concerned should deal with such cases or refer them to the Select Committee.

Action

34. Dr LAW Chi-kwong responded that the Select Committee would not deal with complaints as this was outside its terms of reference. It would be for the Members concerned to decide whether to deal with such complaints.

IX. Any other business

35. There being no other business, the meeting ended at 2:55 pm.

Council Business Division 2
Legislative Council Secretariat
10 December 2003