

立法會  
*Legislative Council*

LC Paper No. CB(2) 2156/03-04

Ref : CB2/H/5

**House Committee of the Legislative Council**

**Minutes of the 22<sup>nd</sup> meeting  
held in the Legislative Council Chamber  
at 2:30 pm on Friday, 23 April 2004**

**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 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 CHAN Kwok-keung, JP  
Hon CHAN Yuen-han, JP  
Hon Bernard CHAN, 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 LAU Kong-wah, 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 LI Fung-ying, JP  
Hon Henry WU King-cheong, BBS, JP  
Hon Tommy CHEUNG Yu-yan, JP  
Hon Michael MAK Kwok-fung  
Hon Albert CHAN Wai-yip  
Dr Hon LO Wing-lok, JP  
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  
Hon LEE Cheuk-yan  
Dr Hon David LI Kwok-po, GBS, JP  
Hon CHEUNG Man-kwong  
Hon HUI Cheung-ching, JP  
Hon CHAN Kam-lam, JP  
Hon YEUNG Yiu-chung, BBS  
Hon LAU Chin-shek, JP  
Hon LAU Wong-fat, GBS, JP  
Hon Abraham SHEK Lai-him, JP  
Hon LEUNG Fu-wah, MH, JP  
Hon WONG Sing-chi  
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

Mr Andy LAU	Acting 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 Council Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Miss Salumi CHAN	Chief Council Secretary (1)5
Mrs Constance LI	Chief Council Secretary (2)5
Mr KAU Kin-wah	Assistant Legal Adviser 6
Miss Monna LAI	Assistant Legal Adviser 7
Miss Lolita SHEK	Senior Council Secretary (2)7

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Action

**I. Confirmation of the minutes of the 21st meeting held on 16 April 2004**  
*(LC Paper No. CB(2) 2070/03-04)*

The minutes were confirmed.

**II. Matters arising**

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

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2. The Chairman said that CS had thanked Members for their hard work in the remaining months of the term, which were normally very busy.

**(b) Professional Accountants (Amendment) Bill 2004**  
*(Paragraphs 15 to 18 of the minutes of the 21st House Committee meeting on 16 April 2004)*

*[Previous papers:*

*Dr Hon Eric LI Ka-cheung's letter dated 30 March 2004 to the Chairman of the House Committee (LC Paper No. CB(2) 2009/03-04(01) issued vide LC Paper No. CB(2) 2009/03-04 dated 14 April 2004; and LC Paper No. LS 60/03-04 issued vide LC Paper No. CB(2) 2009/03-04 dated 14 April 2004]*

3. The Chairman said that at the last House Committee meeting, Members agreed to defer a decision on the Bill to this meeting.

4. Dr Eric LI informed Members that in response to the Government's request to enhance the oversight of the accountancy profession, the Hong Kong Society of Accountants had put forward legislative proposals to improve the

Action

present regulatory regime of the accountancy profession in Hong Kong. These legislative amendments aimed to enhance the integrity and credibility of the accountancy profession, especially after the recent corporate scandals in other countries. Dr LI said that he would be most happy to further explain the policy aspects of the Bill in any forum if Members considered it necessary.

5. Mr SIN Chung-kai suggested that the policy issues relating to the Bill should be further discussed by the Panel on Financial Affairs, and the parties concerned should be invited to join the discussion.

6. Mr LAU Ping-cheung said that a Bills Committee was not necessary because the proposed legislative amendments were largely technical. However, he agreed that the Panel on Financial Affairs could be requested to further discuss any policy issues relating to the Bill.

7. Mr Ambrose LAU, Chairman of the Panel on Financial Affairs, agreed that the Panel could further discuss the policy issues of the Bill at its next regular meeting on 3 May 2004.

8. The Chairman said that the Panel would brief Members on the result of its discussion at a future House Committee meeting.

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

#### **Legal Service Division report on subsidiary legislation gazetted on 16 April 2004 and tabled in Council of 21 and 22 April 2004**

*(LC Paper No. LS 68/03-04)*

9. The Legal Adviser said that only one item of subsidiary legislation, the Prisons (Hostel) (Amendment) Order 2004, was gazetted on 16 April 2004.

10. The Legal Adviser explained that this Order was made by the Secretary for Security (S for S) to discontinue the use of Flat 19B of Senior Staff Quarters in Block F of the Pamela Youde Nethersole Eastern Hospital situated at 3 Lok Man Road, Chai Wan, Hong Kong as a hostel. Consequential amendments were also made to the Prisons (Hostel) Order (Cap. 234 sub. leg. C). The Order would come into operation on 13 June 2004.

11. Members did not raise any queries on the Order.

12. The Chairman said that the deadline for amending this item of subsidiary legislation was 19 May 2004, or 9 June 2004 if extended by resolution.

Action

**IV. Further business for the Council meeting on 28 April 2004**

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

**Revenue Bill 2004**

13. The Chairman said that the Administration had given notice to introduce the above Bill into the Council on 28 April 2004. The House Committee would consider the Bill at its meeting on 30 April 2004.

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

**Standard Chartered Bank (Hong Kong) Limited (Merger) Bill**

14. The Chairman said that at the last House Committee meeting on 16 April 2004, Members did not raise objection to the resumption of the Second Reading debate on the Bill.

**V. Business for the Council meeting on 5 May 2004**

**(a) Questions**

*(LC Paper No. CB(3) 523/03-04)*

15. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 5 May 2004.

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

16. The Chairman said that no notice had been received yet.

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

**(i) Deposit Protection Scheme Bill**

17. The Chairman said that the relevant Bills Committee reported at the House Committee meeting on 19 March 2004, and Members did not raise objection to the resumption of the Second Reading debate on the Bill.

**(ii) Broadcasting (Amendment) Bill 2003**

18. The Chairman said that the relevant Bills Committee reported at the last House Committee meeting on 16 April 2004, and Members did not raise objection to the resumption of the Second Reading debate on the Bill.

Action

(d) **Government motion**

19. The Chairman said that no notice had been received yet.

(e) **Members' motions**

(i) **Motion to be moved by Hon Frederick FUNG Kin-kee**

20. The Chairman said that Mr Frederick FUNG would move a motion on "Requesting the Chief Executive to submit a supplementary report to the Standing Committee of the National People's Congress". The wording of the motion had just been issued to Members and also tabled at the meeting.

(ii) **Motion on "Curbing domestic violence"**

21. The Chairman said that the above motion would be moved by Ms Cyd HO, and the wording of the motion had been issued to Members.

22. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Tuesday, 27 April 2004.

**VI. Report of Bills Committees and subcommittees**

**Report of the Subcommittee on the Mutual Legal Assistance in Criminal Matters (Ukraine) Order and the Mutual Legal Assistance in Criminal Matters (Singapore) Order**

*(LC Paper No. CB(2) 2062/03-04)*

23. Mr James TO, Chairman of the Subcommittee, reported that the Subcommittee had examined the Mutual Legal Assistance in Criminal Matters (Ukraine) Order and the Mutual Legal Assistance in Criminal Matters (Singapore) Order. The Subcommittee supported S for S moving a motion to seek the Legislative Council (LegCo)'s approval for the two Orders at a future Council meeting.

24. Mr TO said that the Subcommittee had asked the Administration whether it would use compulsory measures, such as that provided under section 33 of the Telecommunications Ordinance (Cap. 106), to satisfy a mutual legal assistance request for location or identification of persons and articles.

25. Mr TO further said that the Administration had advised that the power to intercept communications under section 33 of the Telecommunications Ordinance could only be invoked if the Chief Executive considered that public interest so required. The consideration of public interest was multi-

Action

dimensional. While it would certainly include the prevention, investigation or prosecution of crimes with a Hong Kong element, it could not be ruled out that it might be considered to be in the public interest to assist a foreign jurisdiction to locate a person who was alleged to have committed a very serious crime, which did not itself have a Hong Kong element. Nevertheless, the Administration had confirmed that in practice, the Department of Justice had not processed any request for locating a person which would necessitate the Administration to invoke powers outside those under the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525).

26. Mr TO informed Members that the Singapore Order was silent on the provision of legal assistance in relation to the investigation of taxation offences since Singapore could not provide such assistance. Mr TO added that the Subcommittee had asked the Administration to confirm whether it was the policy that Hong Kong would refuse a request for legal assistance from another jurisdiction which could not provide reciprocal assistance.

27. Mr TO further informed Members that the Administration had advised that Hong Kong would attach great importance to the principle of reciprocity when considering whether to accede to requests for mutual legal assistance from foreign jurisdictions which fell outside the scope of the agreements. The Subcommittee had requested S for S to confirm this point in his speech in moving the motion on the two Orders at a future Council meeting.

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

*(LC Paper No. CB(2) 2079/03-04)*

28. The Chairman said that there were 15 Bills Committees and six subcommittees in action. There were also eight Bills Committees on the waiting list.

**VIII. Papers of the Committee on Rules of Procedure (CRoP)**

- (a) **Calling of emergency meetings and operation of the Legislative Council and its committees during the prorogation of the Council**  
*(LC Paper No. CROP 30/03-04)*

29. Mr Jasper TSANG, Chairman of CRoP, said that CRoP had considered the issue regarding the calling of emergency meetings and the operation of LegCo and its committees during prorogation. Mr TSANG further said that CRoP considered that it was not necessary to amend Rule 15 of the Rules of Procedure (RoP) to specially provide for the calling of emergency Council meetings during prorogation.

Action

30. Members noted CRoP's views as set out in paragraphs 7 and 8 of the paper. Members also endorsed CRoP's recommendation that the constitutional issues pertaining to prorogation be referred to the Panel on Constitutional Affairs for consideration.

31. In response to Mr Andrew WONG's enquiry, Mr Jasper TSANG said that the constitutional issues referred to the Panel on Constitutional Affairs included the suggestion made by some members that the power to prorogue the Council should be transferred from the Chief Executive to the President of LegCo.

**(b) Extension of Rules of Order to Committees**  
(*LC Paper No. CROP 31/03-04*)

32. Mr Jasper TSANG, Chairman of CRoP, said that as requested by the House Committee, CRoP had studied whether it was necessary to provide express authority for a panel chairman to deal with the situation where a Member was alleged to have used offensive or insulting language at a panel meeting, and whether Part I of the Rules of Procedure (RoP) concerning order at Council meetings, standing committees and select committees should be extended to other committees.

33. Mr TSANG informed Members that after consideration, CRoP took the view that meetings of the other committees of the Council were working meetings in nature. The existing power given to chairmen of these committees was adequate for them to deal with disputes at meetings. It was therefore not necessary to extend Rules 44 and 45 of RoP to cover other committees of the Council and their subcommittees.

34. Mr TSANG said that the LegCo Secretariat would be preparing a Chair's Guide to assist committee chairmen in presiding at meetings, including dealing with controversies about Members' speeches or conduct during meetings.

35. Members noted CRoP's view in paragraph 11 of the paper.

**IX. Report on the Legislative Council delegation's visit to Singapore and Thailand**  
(*LC Paper No. CB(3) 528/03-04*)

36. Dr LUI Ming-wah, leader of delegation, said that the delegation visited Bangkok in Thailand and Singapore from 12 to 18 February 2004. A detailed report on the visit was provided for Members' reference.

37. Dr LUI further said that the Thai National Assembly had expressed a keen interest in forming a parliamentary friendship group with LegCo. Its



Action

Committee on House of Representatives Affairs was prepared to set up a working group to study issues relating to the proposal. Dr LUI added that the delegation would refer the matter to the Parliamentary Liaison Subcommittee for consideration and follow-up.

**X. Any other business**

38. There being no other business, the meeting ended at 2:51 pm.

Council Business Division 2  
Legislative Council Secretariat  
28 April 2004