

立法會
Legislative Council

LC Paper No. CB(2)1804/04-05
(These minutes have been seen
by the Administration)

Ref : CB2/BC/4/04

**Bills Committee on Statute Law
(Miscellaneous Provisions) Bill 2005**

**Minutes of the third meeting
held on Monday, 9 May 2005 at 10:45 am
in Conference Room B of the Legislative Council Building**

Members present : Hon Margaret NG (Chairman)
Hon Albert HO Chun-yan
Hon Miriam LAU Kin-ye, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon KWONG Chi-kin

Public Officers attending : Mr Stephen Kai-yi WONG
Deputy Solicitor General
Department of Justice

Mr Michael SCOTT
Senior Assistant Solicitor General
Department of Justice

Mr Peter WONG
Senior Assistant Solicitor General
Department of Justice

Mr Michael LAM
Senior Government Counsel
Law Drafting Division
Department of Justice

Ms Vicki LEE
Senior Government Counsel
Law Drafting Division
Department of Justice

Ms Stella CHAN
Government Counsel
Legal Policy Division
Department of Justice

Mr Sidney CHAN
Assistant Director
Administration Wing

Mr Mike BISHOP
Principal Investigator/Special Duties
Independent Commission Against Corruption

Clerk in attendance : Mrs Percy MA
Chief Council Secretary (2)3

Staff in attendance : Miss Kitty CHENG
Assistant Legal Adviser 5

Mr Paul WOO
Senior Council Secretary (2)3

Action

I. Application for late membership of the Bills Committee

(LC Paper No. CB(2)1472/04-05(01) –Letter dated 28 April 2005 from Hon LI Kwok-ying)

The Chairman informed members that Hon LI Kwok-ying had submitted a written application for late membership of the Bills Committee. Hon LI Kwok-ying, however, had not provided reasons for the late application in his letter.

2. Members noted House Rules 23(b) and 23(c) on application for late membership of Bills Committees. As Hon LI Kwok-ying was not present at the meeting to give reasons for his late application, members agreed that the Secretariat should continue to provide relevant papers for the information of Hon LI Kwok-ying, pending further notification from him regarding his late application.

(Post-meeting note : Hon LI Kwok-ying verbally informed the Chairman subsequently that he decided to withdraw his application for late membership.)

II. Meeting with the Administration

(LC Paper No. CB(2)1472/04-05(02) – Letter dated 5 May 2005 from the Administration in response to issues raised at the meeting on 26 April 2005

LC Paper No. CB(3)379/04-05 – The Bill

Action

LC Paper No. CB(2)1162/04-05(01) – Marked up copy of the Bill)

3. The Bills Committee deliberated (index of proceedings attached at **Annex**).

Proposed amendments to the Prevention of Bribery Ordinance (POBO) to prohibit a person who is required to surrender his travel documents from leaving Hong Kong (Clauses 35 and 36 of the Bill)

4. Deputy Solicitor General said that to avoid possible confusion in interpretation, the Administration would move a Committee Stage amendment to remove the word “thereupon” and “因此” from section 17A(4) of POBO.

Submission of annual report by the Legal Aid Services Council (LASC)
(Clause 29 of the Bill)

5. Members noted that one of the reasons given for the proposed amendment to extend the time of submission of the annual report of LASC to the Chief Executive was the increasing workload of LASC. Members considered that matters relating to the workload and resources of LASC which might affect its operation should be followed up by the Panel on Administration of Justice and Legal Services.

6. The Bills Committee requested the Administration to respond in writing to the issues raised at the meeting –

Proposed amendments to POBO to prohibit a person who is required to surrender his travel document from leaving Hong Kong
(clauses 35 and 36 in Division 7, Part 3 of the Bill)

- (a) to confirm whether the Dangerous Drugs Ordinance (DDO) was the only other Ordinance which contained provisions similar to section 17A of POBO in relation to surrender of travel document prohibiting a suspect offender under investigation from leaving Hong Kong;
- (b) to consider whether the relevant provisions of DDO should be amended in the context of the current Bill, in view of the proposed amendments to POBO;
- (c) to consider members’ view that additional provisions should be included in the Bill to deal with the situation under which a person, after surrendering his travel document under section 17A of POBO, sought permission to leave Hong Kong without the need to apply for return of his travel document under section 17B. Members had pointed out that in practice, a Hong Kong resident could leave Hong Kong for Macau using only his Hong Kong Identity Card which was not a travel document;

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- (d) to reconsider the wording and format of the written notice issued by a magistrate to a person under section 17A(1) of POBO so that the person would know his legal liability under sections 17A and 17B;
- (e) to review whether the Chinese version of section 17A(4) of POBO and section 53A(5) of DDO were consistent; and

Submission of annual reports by statutory bodies

(an issue arising from the discussion of clause 29 in Division 2, Part 3 of the Bill)

- (f) to coordinate within the Administration a review of the time limit for submission of annual reports by statutory bodies. While members had no strong view about the proposed amendment in clause 29 of the Bill, they considered that there should not be undue delay for statutory bodies in preparing their annual reports and there should be consistency in the time limit within which the bodies should submit their annual reports.

(Post-meeting note : The Administration's written response was issued to the Bills Committee on 23 May 2005 vide LC Paper No. CB(2)1638/04-05(01).)

III. Date of next meeting

- 7. The fourth meeting of the Bills Committee would be held on 24 May 2005 at 2:30 pm.
- 8. The meeting ended at 12:40 pm.

Council Business Division 2
Legislative Council Secretariat
6 June 2005

**Proceedings of the third meeting of the Bills Committee on
Statute Law (Miscellaneous Provisions) Bill 2005
on Monday, 9 May 2005 at 10:45 am
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
000000 - 001022	Chairman Clerk ALA5 Ms Audrey EU	Application for late membership by Hon LI Kwok-ying (LC Paper No. CB(2)1472/04-05(01)).	
001023 - 001518	Admin	Paper provided by the Administration in response to the issues raised at the meeting on 26 April 2005 (LC Paper No. CB(2)1472/04-05(02)).	
001519 - 002256	Chairman Admin Ms Audrey EU	Provisions in the Dangerous Drugs Ordinance (DDO) similar to section 17A of the Prevention of Bribery Ordinance (POBO).	
002257 - 003448	Chairman Admin Ms Audrey EU Ms Miriam LAU Mr KWONG Chi-kin	Clause 29 of the Bill on proposed new section 12(1) of the Legal Aid Services Council Ordinance on submission of annual report by the Legal Aid Services Council (LASC).	Bills Committee to request Panel on Administration of Justice and Legal Services to follow up matters relating to workload and resources of LASC. Admin to coordinate a review of the time limit for submission of annual reports by statutory bodies (paragraph 6(f) of the minutes refers).
003449 - 010902	Ms Audrey EU Chairman Admin Mr KWONG Chi-kin Ms Miriam LAU Clerk ALA5	Clauses 35 and 36 of the Bill on proposed amendments to POBO to prohibit a person who is required to surrender his travel document from leaving Hong Kong. Proposal to include in the Bill amendments to DDO which contains provisions similar to section 17A of POBO. Committee Stage amendment (CSA) to remove the word "thereupon" and "因此" from section 17A(4) of POBO.	Admin to respond to the issues raised (paragraphs 6(a) to (e) of the minutes refer). Admin to provide the proposed CSA in due course (paragraph 4 of the minutes refers).

Time Marker	Speaker(s)	Subject(s)	Action required
010903 - 011113	Admin Ms Miriam LAU Chairman	Clause by clause examination of the Bill Clause 32 of the Bill.	
011114 - 011253	Admin Chairman	Clauses 33 and 34 of the Bill.	
011254 - 012453	Admin Chairman Mr Albert HO	Clause 39 of the Bill.	
012454 - 012635	Chairman Admin	Clauses 40 and 41 of the Bill.	
012636 - 012828	Chairman Admin	Clauses 42 to 46 of the Bill.	
012829 - 012930	Chairman Admin	Clauses 47 and 48 of the Bill.	
012931 - 013040	Chairman Admin	Clauses 49 to 51 of the Bill.	
013041 - 013231	Chairman Admin	Clauses 52 to 55 of the Bill.	
013232 - 013450	Chairman Admin	Clauses 56 to 61 of the Bill.	
013451 - 013650	Chairman Admin	Clauses 62 to 66 of the Bill.	
013651 - 013740	Chairman Admin	Clauses 67 and 68 of the Bill.	
013741 - 014031	Chairman Admin	Clauses 69 to 76 of the Bill.	
014032 - 014140	Chairman Admin	Clauses 77 to 79 of the Bill.	
014141 - 014719	Chairman Admin	Clauses 80 to 100 of the Bill.	
014720 - 015009	Chairman Admin	Clauses 101 to 111 of the Bill.	
015010 - 015317	Chairman Mr Albert HO Admin	Clauses 112 to 121 of the Bill.	
015318 - 015344	Chairman	Date of next meeting.	