

立法會
Legislative Council

LC Paper No. CB(2) 2213/99-00

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 26th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 2 June 2000**

Members present :

Dr Hon LEONG Che-hung, JP (Chairman)
Dr Hon YEUNG Sum (Deputy Chairman)
Hon Kenneth TING Woo-shou, JP
Hon James TIEN Pei-chun, JP
Hon David CHU Yu-lin
Hon Cyd HO Sau-lan
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, JP
Hon LEE Wing-tat
Hon LEE Kai-ming, SBS, JP
Hon Fred LI Wah-ming, JP
Dr Hon LUI Ming-wah, JP
Hon NG Leung-sing
Prof Hon NG Ching-fai
Hon Mrs Selina CHOW LIANG Shuk-ye, JP
Hon MA Fung-kwok
Hon James TO Kun-sun
Hon CHAN Kwok-keung
Hon CHAN Yuen-han
Hon Bernard CHAN
Hon CHAN Wing-chan
Hon CHAN Kam-lam
Hon Mrs Sophie LEUNG LAU Yau-fun, JP
Hon Gary CHENG Kai-nam, JP
Hon SIN Chung-kai
Hon Jasper TSANG Yok-sing, JP
Hon Howard YOUNG, JP
Hon YEUNG Yiu-chung
Hon LAU Chin-shek, JP
Hon LAU Kong-wah

Hon LAU Wong-fat, GBS, JP
Hon Mrs Miriam LAU Kin-yee, JP
Hon Ambrose LAU Hon-chuen, JP
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo
Hon SZETO Wah
Hon Timothy FOK Tsun-ting, SBS, JP
Hon LAW Chi-kwong, JP
Hon TAM Yiu-chung, GBS, JP
Hon FUNG Chi-kin
Dr Hon TANG Siu-tong, JP

Members absent :

Hon HO Sai-chu, SBS, JP
Hon Edward HO Sing-tin, SBS, JP
Hon Michael HO Mun-ka
Hon LEE Cheuk-yan
Hon Martin LEE Chu-ming, SC, JP
Hon Eric LI Ka-cheung, JP
Dr Hon David LI Kwok-po, JP
Hon Margaret NG
Hon Ronald ARCULLI, JP
Hon CHEUNG Man-kwong
Hon HUI Cheung-ching
Hon Christine LOH Kung-wai
Hon LEUNG Yiu-chung
Hon Andrew WONG Wang-fat, JP
Dr Hon Philip WONG Yu-hong
Hon WONG Yung-kan
Hon Emily LAU Wai-hing, JP

Clerk in attendance :

Mrs Justina LAM Clerk to the House Committee

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 LEE Yu-sung	Senior Assistant Legal Adviser
Ms Pauline NG	Assistant Secretary General 1

Mr Ray CHAN	Assistant Secretary General 3
Ms Bernice WONG	Assistant Legal Adviser 1
Miss Anita HO	Assistant Legal Adviser 2
Mr Stephen LAM	Assistant Legal Adviser 4
Mrs Vivian KAM	Chief Assistant Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Miss Salumi CHAN	Chief Assistant Secretary (1)5
Mr LAW Wing-lok	Chief Assistant Secretary (2)5
Mrs Betty LEUNG	Chief Assistant Secretary (3)1
Miss Mary SO	Senior Assistant Secretary (2)8

Action

I. Confirmation of the minutes of the 25th meeting held on 26 May 2000
(LC Paper No. CB(2) 2143/99-00)

The minutes were confirmed.

II. Matters arising

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

(Director of Administration's letter of 2 June 2000 tabled at the meeting and issued vide LC Paper No. CB(2) 2218/99-00 on 5 June 2000)

2. Referring to the letter, the Chairman informed members that the Administration had proposed that priority be given to the scrutiny of the Rehabilitation Centres Bill and Adaptation of Laws (No. 27) Bill 1999.

3. The Chairman sought members' views as to whether the Bills Committees on these two Bills should be activated. He said that the Rehabilitation Centres Bill was an original bill and it would be necessary to invite organizations concerned to give their views on it. He further said that the proposed amendments in the Adaptation of Laws (No. 27) Bill 1999 involved ordinances such as the Legislative Council (Powers and Privileges) Ordinance and The Legislative Council Commission Ordinance which concerned the operation of the Council and should be studied in detail.

4. Mr SIN Chung-kai said that there was very limited time left for the scrutiny of the two Bills, given that the notices for the Bills to resume Second Reading debates at the Council meeting on 26 June 2000 would need to be given by 10 June 2000. Mr SIN added that the House Committee had already decided at the last meeting that no more Bills Committees would be activated. He considered that the decision should be adhered to. Mr LEE Wing-tat echoed Mr SIN's views.

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5. Members agreed that the Administration's request that priority be given to the scrutiny of the Rehabilitation Centres Bill and Adaptation of Laws (No. 27) Bill 1999 should not be acceded to.

(b) **Chinese Medicine Practitioners (Registration) Regulation and Chinese Medicine Practitioners (Discipline) Regulation**

6. Dr YEUNG Sum said that Mr Michael HO had studied the two Regulations and did not consider it necessary to form a subcommittee.

7. Members did not raise any query on the two Regulations.

III. Business arising from previous Council meetings

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

Arbitration (Amendment) Bill 2000
(*LC Paper No. LS 144/99-00*)

8. The Legal Adviser explained that the Bill sought to amend the Arbitration Ordinance to clarify that the summary procedure for enforcement of awards, orders and directions under section 2GG of the Ordinance applied to awards, orders and directions made either in or outside Hong Kong. He added that the Legal Service Division was of the view that the legal and drafting aspects of the Bill were in order.

9. The Legal Adviser said that during the deliberations of the Bills Committee on the Arbitration (Amendment) Bill 1999, the local arbitration community had expressed the hope that the proposal to amend section 2GG of the Ordinance should be implemented as soon as possible so as to enhance Hong Kong's prestige and efficiency as an international arbitration centre. The Panel on Administration of Justice and Legal Services had been consulted and agreed that the Bill should be passed within this LegCo term.

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

(b) **Legal Service Division's report on subsidiary legislation tabled in Council on 31 May 2000 (gazetted on 26 and 30 May 1999)**
(*LC Paper No. LS 148/99-00*)

11. The Chairman introduced the paper which detailed the 10 items of subsidiary legislation gazetted on 26 and 30 May 2000.

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12. Referring to the Securities (Stock Lending) Rules, the Legal Adviser said that in response to the Legal Service Division's query on the Rules, the Administration had clarified that the penalty for a lender in breach of rule 3(1) and (2) of the Rules would be provided for in subsidiary legislation to be made in October 2000.

13. Members did not raise any query on the subsidiary legislation covered in the paper.

14. The Chairman reminded members that the deadline for amending the subsidiary legislation was 26 June 2000, or the second meeting of the Council in the next session if extended by resolution.

IV. Further business for the Council meeting on 7 June 2000

(a) **Questions**
(*LC Paper No. CB(3) 950/99-00*)

15. The Chairman said that 20 questions (six oral and 14 written) had been scheduled.

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

Telecommunication (Amendment) Bill 1999

16. The Chairman said that members agreed at the meeting on 26 May 2000 that the Second Reading debate on the above Bill be resumed.

V. Business for the Council meeting on 14 June 2000

(a) **Questions**
(*LC Paper No. CB(3) 951/99-00*)

17. The Chairman said that 20 questions (six oral and 14 written) had been tentatively scheduled.

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

18. Members noted that no notice had been received.

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

- (i) **Buildings (Amendment) Bill 2000**
- (ii) **Entertainment Special Effects Bill**
- (iii) **Family Status Discrimination (Amendment) Bill 2000**

19. The Chairman said that members agreed at the meeting on 26 May 2000 that the Second Reading debates on the above Bills be resumed.

(d) **Government motions**

Two resolutions under section 31(2) of the Kowloon-Canton Railway Corporation Ordinance (Cap. 372) - to be moved by the Secretary for Transport
(LC Paper No. LS 146/99-00)

20. The Legal Adviser introduced the paper which detailed the two proposed resolutions seeking the Council's approval for the North-west Railway (Amendment) Bylaw 2000 and the Kowloon-Canton Railway Corporation (Amendment) Bylaw 2000 made by the Kowloon-Canton Railway Corporation. The Legal Adviser added that the Legal Service Division was of the view that the legal and drafting aspects of the two proposed resolutions were in order.

21. Members did not raise any query on the two proposed resolutions.

(e) **Members' motions**

- (i) **Motion on "Development of the HKSAR's political system"**

22. Members noted the wording of the above motion which would be moved by the Chairman on behalf of the House Committee.

23. The Chairman reminded members that the House Committee had previously agreed that no amendments would be proposed to the motion.

- (ii) **Motion on "Health care reform consultation paper"**

24. Members noted the wording of the above motion which would be moved by Dr LEONG Che-hung.

25. The Chairman reminded members that the deadline for giving notice of amendments (if any) to the motion was 7 June 2000.

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26. The Chairman said that the speaking time limits stipulated in rule 17(c) of the House Rules would apply to both motions.

27. The Chairman added that it was likely that the Council meeting on 14 June 2000 would last until 15 June 2000.

VI. Advance information on business for the Council meeting on 21 June 2000

(a) Government motions

(i) Resolution under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1) - to be moved by the Secretary for Trade and Industry

(ii) Resolution under section 7 of the Factories and Industrial Undertakings Ordinance (Cap. 59) - to be moved by the Secretary for Education and Manpower

28. The Chairman said that the first resolution to be moved by the Secretary for Trade and Industry sought the Council's approval for certain functions currently exercised by the Secretary for Trade and Industry and the Director-General of Industry to be transferred to the Secretary for Economic Services and the Commissioner for Innovation and Technology respectively. The purpose of the second resolution to be moved by the Secretary for Education and Manpower was to amend section 15(1)(b) of the Factories and Industrial Undertakings (Asbestos) Regulation by repealing "Industry Department" and substituting "Commissioner for Innovation and Technology on behalf of the Government". The Chairman added that the changes were made consequent upon the reorganization of the Trade and Industry Bureau.

29. The Chairman further said that the Legal Service Division would submit reports on the two proposed resolutions to the House Committee on 9 June 2000.

(b) Members' motions

(i) Motion to be moved by Hon TAM Yiu-chung

30. Members noted that Mr TAM Yiu-chung had been allocated a debate slot.

(ii) Motion to be moved by Hon FUNG Chi-kin

31. Members noted that Mr FUNG Chi-kin had been allocated a debate slot.

Action

32. The Deputy Chairman reminded members that the deadlines for giving notice of motions and amendments (if any) to the motions were 5 June 2000 and 14 June 2000 respectively. The speaking time limits stipulated in rule 17(c) of the House Rules would apply.

VII. Reports

(a) **Position report on Bills Committees/Subcommittees**
(LC Paper No. CB(2) 2147/99-00)

33. The Chairman said that some more Bills Committees had completed work and would submit reports to the House Committee on 9 June 2000. The Chairman added that eight subcommittees were still in action.

(b) **Report of the Bills Committee on Town Planning Bill**
(LC Paper No. CB(1) 1726/99-00)

34. The Chairman introduced the paper on behalf of Mr James TO, Chairman of the Bills Committee, who had just left the meeting.

35. The Chairman said that the House Committee agreed at the meeting on 5 May 2000 that the work of the Bills Committee should be curtailed and the Bills Committee dissolved. He added that the paper, which set out the major issues deliberated by the Bills Committee, was submitted for members' information.

(c) **Report of the Bills Committee on Buildings (Amendment) Bill 2000**
(LC Paper No. CB(1) 1713/99-00)

36. The Chairman referred members to the paper which detailed the Bills Committee's deliberations on the Bill. He said that the Administration had agreed to move Committee Stage amendments (CSAs) to address the Bills Committee's concern over certain aspects of the Bill.

37. The Chairman further said that members were informed at the last House Committee meeting on 26 May 2000 that the Bills Committee had recommended that the Second Reading debate on the Bill be resumed on 14 June 2000. He added that no objection to the Bills Committee's recommendation was raised by members at the last meeting.

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(d) **Report of the Bills Committee on Entertainment Special Effects Bill**
(LC Paper No. CB(2) 2138/99-00)

38. Mr Howard YOUNG, Chairman of the Bills Committee, said that Mr YEUNG Yiu-chung had made a verbal report to the House Committee on 26 May 2000 recommending that the Bill be supported. He drew members' attention to the revised set of CSAs tabled at the meeting which mainly involved amendments of a technical nature.

(e) **Report of the Bills Committee on Family Status Discrimination (Amendment) Bill 2000**
(LC Paper No. CB(2) 2152/99-00)

39. The Chairman said that Dr YEUNG Sum, Chairman of the Bills Committee, had made a verbal report on the main deliberations of the Bills Committee at the House Committee meeting on 26 May 2000.

40. Members did not object to the Bills Committee's recommendation that the Second Reading debate on the Bill be resumed on 14 June 2000.

(f) **Second report of the Subcommittee on subsidiary legislation relating to Mandatory Provident Fund Schemes**
(LC Paper No. CB(1) 1718/99-00)

41. Mr SIN Chung-kai introduced the paper on behalf of Mr Ronald ARCULLI, Chairman of the subcommittee. Mr SIN said that the subcommittee had recommended that the five items of subsidiary legislation as detailed in Appendices III to VII to the paper be supported.

VIII. Any other business

(a) **Valedictory motion**

42. The Chairman referred members to the draft wording of the valedictory motion which he proposed to move at the Council meeting on 26 June 2000 on behalf of the House Committee. He said that Members who had any views on the wording of the valedictory motion should submit their views to the Secretariat not later than 7 June 2000.

43. The Chairman suggested and members agreed that the speaking time limits stipulated in rule 17(c) of the House Rules would apply.

Action

(b) **Council meetings of 21 and 26 June 2000**

44. The Chairman said that the Council meeting on 21 June 2000 would begin at 9:30 am and would be likely to last until 22 June 2000. He reminded members that the Chief Executive's Question and Answer session would be held on 23 June 2000 from 11:30 am to 12:30 pm.

45. The Chairman said that the last Council meeting would be held on 26 June 2000 and would begin at 9:30 am. He added that whether the meeting would last several days would depend on the amount of business to be dealt with.

46. There being no further business, the meeting ended at 2:54 pm.

Legislative Council Secretariat

7 June 2000