

立法會
Legislative Council

LC Paper No. CB(2) 1913/99-00

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 22nd meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 5 May 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 HO Sai-chu, SBS, JP

Hon Cyd HO Sau-lan

Hon Edward HO Sing-tin, SBS, JP

Hon Michael HO Mun-ka

Ir Dr Hon Raymond HO Chung-tai, JP

Hon LEE Wing-tat

Hon LEE Cheuk-yan

Hon Eric LI Ka-cheung, JP

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 Margaret NG

Hon Ronald ARCELLI, JP

Hon MA Fung-kwok

Hon James TO Kun-sun

Hon CHEUNG Man-kwong

Hon HUI Cheung-ching

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 LEUNG Yiu-chung
Hon Gary CHENG Kai-nam, JP
Hon Andrew WONG Wang-fat, JP
Dr Hon Philip WONG Yu-hong
Hon Jasper TSANG Yok-sing, JP
Hon Howard YOUNG, JP
Hon LAU Chin-shek, JP
Hon LAU Kong-wah
Hon LAU Wong-fat, GBS, JP
Hon Mrs Miriam LAU Kin-yeo, JP
Hon Ambrose LAU Hon-chuen, JP
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo
Hon SZETO Wah
Hon TAM Yiu-chung, GBS, JP
Dr Hon TANG Siu-tong, JP

Members absent :

Hon Albert HO Chun-yan
Hon Martin LEE Chu-ming, SC, JP
Dr Hon David LI Kwok-po, JP
Hon Mrs Selina CHOW LIANG Shuk-yeo, JP
Hon Christine LOH Kung-wai
Hon SIN Chung-kai
Hon WONG Yung-kan
Hon YEUNG Yiu-chung
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, SBS, JP
Hon LAW Chi-kwong, JP
Hon FUNG Chi-kin

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
Mr Arthur CHEUNG	Assistant Legal Adviser 5
Mr KAU Kin-wah	Assistant Legal Adviser 6
Mrs Vivian KAM	Chief Assistant Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
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

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I. Confirmation of the minutes of the 21st meeting held on 28 April 2000
(LC Paper No. CB(2) 1847/99-00)

The minutes were confirmed.

II. Matters arising

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

2. The Chairman said that he had discussed with CS the need for the Administration to review the priority of bills on the waiting list. He added that the Administration's response was awaited.

(b) Review of the progress of scrutiny of bills
(LC Paper No. CB(2) 1869/99-00)

3. Referring to the paper, the Chairman said that 14 of the 16 Bills Committees in action would be able to complete work by 9 June 2000. He added that the Bills Committee on the Evidence (Amendment) Bill 1999 was unable to make an assessment until after its next meeting on 15 May 2000.

4. Mrs Miriam LAU said that the Bills Committee on the Road Traffic (Amendment) Bill 2000 had just completed work and could release the slot for a Bills Committee on the waiting list.

5. Mr James TQ said that at the meeting of the Bills Committee on the Town Planning Bill on 4 May 2000, the Administration expressed the view that if a consensus on the major issues deliberated by the Bills Committee could be reached and if the Bills Committee agreed to put aside other issues, there was a possibility that scrutiny of the Bill could be completed within the current session. However, the Bills Committee was of the unanimous view that it would not be able to complete work within the limited time available.

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6. The Chairman said that under rule 21(n) of the House Rules, a Bills Committee could be dissolved when the House Committee so decided. He sought members' views as to whether the Bills Committee on the Town Planning Bill should be dissolved in the light of the unanimous view of the Bills Committee.

7. Mr James TO suggested that a decision on the dissolution of the Bills Committee on the Town Planning Bill be deferred to the next meeting so as to allow time for the Chairman to raise the matter with CS first.

8. Mr Ronald ARCULLI did not consider it necessary to discuss with CS before a decision was taken by the House Committee, given that the Administration was well aware of the Bills Committee's position.

9. Mr LEE Wing-tat suggested that a Bills Committee on the waiting list be activated pending the decision of the House Committee at its next meeting. Mr LEE Cheuk-yan and Mr James TO expressed support for Mr LEE Wing-tat's suggestion.

10. The Chairman suggested that the matter be put to a vote. The result was 33 members voted in favour of dissolving the Bills Committee, no member voted against it, and one member abstained from voting. The Chairman declared that the Bills Committee on the Town Planning Bill was dissolved.

11. Mr James TO, Chairman of the Bills Committee on the Witness Protection Bill, said that the Bills Committee would be able to complete work by holding one more meeting in about three weeks' time. He suggested that the work of the Bills Committee be held in abeyance in the interim so as to vacate a slot for a Bills Committee on the waiting list. Messrs Ronald ARCULLI and CHAN Kam-lam expressed support for Mr TO's suggestion.

12. Miss Margaret NG considered it more appropriate to temporarily increase the quota of active Bills Committees from 16 to 17. The Secretary General advised that according to past practice, a Bills Committee which was holding its work in abeyance had to wait for a vacant slot before it could be re-activated.

13. Members agreed to Miss NG's proposal of increasing the present quota of active Bills Committees from 16 to 17.

14. The Chairman said that as there were three vacant slots, the respective Bills Committees formed to study the Entertainment Special Effects Bill, Family Status Discrimination (Amendment) Bill 2000 and Dutiable Commodities (Amendment) Bill 1999 would be activated. The Chairman added that the Bills Committee on the Securities and Futures Legislation (Provision of False Information) Bill 2000 and the Bills Committee on the Road Traffic Legislation (Amendment) Bill 2000 could commence preparatory work.

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15. Mr CHAN Kam-lam said that in allocating vacant slots to the Bills Committees on the waiting list, the House Committee should consider whether the Bills Committee concerned could complete work within the current session.

16. Referring to the Road Traffic Legislation (Amendment) Bill 2000, Mrs Miriam LAU said that the Panel on Transport supported the proposal in the Bill which sought to increase the penalty levels for excessive speeding offences. Mrs LAU was of the view that the concerns expressed by some Panel members about the need for a review of the speed limits of certain road sections could be dealt with separately by the Panel. Mrs LAU asked whether, in view of the public concern about the spate of speeding incidents resulting in fatalities, the Bill could be accorded higher priority. She further asked whether the Bill could resume Second Reading debate without it having been scrutinized by a Bills Committee, given that the Administration had indicated that it would consult the Panel on the Bill's commencement date after the enactment of the Bill.

17. Mrs LAU further suggested that priority be given to the Road Traffic Legislation (Amendment) Bill 1999 which proposed to introduce a probationary driving licence scheme to regulate inexperienced motorcyclists.

18. The Chairman said that the Administration had been asked to review the priority of bills on the waiting list. The Chairman was of the view that unless the House Committee decided otherwise, the priority of bills on the waiting list should preferably not be adjusted until a revised priority list had been provided by the Administration for members' consideration.

19. Miss Margaret NG said that as a matter of principle, it would be inappropriate to pass the Road Traffic Legislation (Amendment) Bill 2000 first and then defer its commencement date until other issues related to the Bill had been addressed.

20. The Chairman said that members had previously decided to form a Bills Committee to study the Road Traffic Legislation (Amendment) Bill 2000. He saw no valid reasons for not adhering to the decision. Members agreed.

21. Mr Ronald ARCULLI suggested that the three Bills Committees which had been allocated slots to commence work should, at their first meetings, make an assessment of the complexity of the Bills, and report to the House Committee at the earliest opportunity if it would be unlikely that scrutiny work could be completed by 9 June 2000. Mr ARCULLI further suggested that any Bills Committee now in action should notify the Secretariat as soon as it had completed work so that the Bills Committee next in line on the waiting list could start work as soon as possible. Members agreed to Mr ARCULLI's suggestions.

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22. Mr ARCULLI said that given that the Bills Committees in action all aimed to complete work within the current session, it would be difficult at times to avoid clashing of Panel and Bills Committee meetings.

23. Mr Edward HO pointed out that the problem of committees not being able to form a quorum might arise if a Panel meeting and a Bills Committee meeting were scheduled for the same time slot.

24. The Chairman said that it would be difficult to lay down hard and fast rules to avoid the clashing of committee meetings. He urged committee chairmen to exercise discretion in scheduling committee meetings for the same time slot.

III. Legal Service Division's report on subsidiary legislation tabled in Council on 3 May 2000 (gazetted on 28 April 2000)
(LC Paper No. LS 126/99-00)

25. The Chairman introduced the paper which detailed the 22 items of subsidiary legislation gazetted on 28 April 2000.

26. The Chairman sought members' views as to whether the three Commencement Notices relating to Mandatory Provident Schemes Legislation (L.N. 119 - L.N. 121) should be studied by the subcommittee which was currently examining the Mandatory Provident Fund Schemes Ordinance (Amendment of Schedule 1) Notice and the Mandatory Provident Fund Schemes (General) (Amendment) Regulation 2000.

27. Mr Ronald ARCULLI suggested that the subcommittee should also study the three Commencement Notices. Members agreed.

28. Members did not raise any query on the remaining 19 items of subsidiary legislation covered in the paper.

29. The Chairman reminded members that the deadline for amending the subsidiary legislation was 31 May 2000, or 7 June 2000 if extended by resolution.

IV. Business for the Council meeting on 17 May 2000

(a) Questions
(LC Paper No. CB(3) 837/99-00)

30. Members noted that 20 questions (six oral and 14 written) had been scheduled.

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

31. Members noted that no notice had been received.

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

(i) District Court (Amendment) Bill 1999

32. The Chairman said that the Bills Committee on District Court (Amendment) Bill 1999 would report under agenda item VII(b) below.

(ii) Air Cargo Transhipment (Facilitation) Bill 2000

33. The Chairman said that members agreed at the meeting on 28 April 2000 that the Second Reading debate on the above Bill be resumed.

(d) Government motions

(i) Resolution under section 36 of the Pneumoconiosis (Compensation) Ordinance (Cap. 360) - to be moved by the Secretary for Education and Manpower
(LC Paper No. LS 120/99-00)

34. The Chairman said that the proposed resolution sought to reduce the levy rate imposed by the Pneumoconiosis Compensation Fund Board on the construction and quarrying industries from 0.3% to 0.25%. He added that the Legal Service Division was of the view that the legal and drafting aspects of the proposed resolution were in order.

35. Members did not raise any query on the proposed resolution.

(ii) Resolution under section 11 of the Provision of Municipal Services (Reorganization) Ordinance (Cap. 552) - to be moved by the Secretary for Environment and Food
(LC Paper No. LS 128/99-00)

36. Introducing the paper, the Chairman said that the purpose of the proposed resolution was to seek the Council's approval for the Provision of Municipal Services (Reorganization) Order made by the Chief Executive in Council. The Chairman explained that the Order made further consequential amendments to a number of enactments and subsidiary legislation that were necessary for the better implementation of the provisions of the Provision of Municipal Services (Reorganization) Ordinance.

37. Members did not raise any query on the proposed resolution.

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(iii) Resolution under section 3 of the Dogs and Cats Ordinance (Cap. 167) and section 35 of the Interpretation and General Clauses Ordinance (Cap. 1) - to be moved by the Secretary for Environment and Food

38. The Chairman said that the subcommittee formed to study the proposed resolution had reported to the House Committee on 14 April 2000.

(e) Members' motions

(i) Motion on "The 4 June incident"

39. Members noted the wording of the above motion which would be moved by Mr SZETO Wah.

(ii) Motion on "Minimum wage"

40. Members noted the wording of the above motion which would be moved by Mr LEE Cheuk-yan.

41. The Chairman reminded members that the deadline for giving notice of amendments (if any) to the motions was 9 May 2000. The speaking time limits stipulated in rule 17(c) of the House Rules would apply.

V. Advance information on business for the Council meeting on 24 May 2000

Members' motions

(a) Motion on "Environmental protection and tourism"

42. Members noted that Mr HO Sai-chu had been allocated a debate slot.

(b) Motion to be moved by Hon Martin LEE Chu-ming

43. Members noted that Mr Martin LEE Chu-ming had been allocated a debate slot.

44. The Chairman reminded members that the deadlines for giving notice of motions and amendments (if any) to the motions were 8 May 2000 and 17 May 2000 respectively. The speaking time limits stipulated in rule 17(c) of the House Rules would apply.

VI. Advance information on business for the Council meeting on 31 May 2000

Government motion

Resolution under section 12 of the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) - to be moved by the Secretary for Environment and Food

(*LC Paper No. LS 129/99-00*)

45. The Chairman said that the proposed resolution sought the Council's approval for the proposal to increase the fine for vehicles emitting excessive smoke or visible vapour from \$450 to \$1,000. The Chairman added that the Administration had briefed the Panel on Environmental Affairs and Panel on Transport on several occasions on the proposal to increase the fine for excessive emission.

46. The Chairman said that a joint meeting of the Panel on Environmental Affairs and Panel on Transport would be held on 12 May 2000 to discuss proposed legislative amendments to tighten control on diesel vehicle emission. He suggested that the proposed resolution be further discussed at the next House Committee meeting, if necessary.

VII. Reports

(a) Position report on Bills Committees/Subcommittees

(*LC Paper No. CB(2) 1843/99-00*)

47. The Chairman said that there were eight subcommittees and 17 Bills Committees in action.

(b) Report of the Bills Committee on District Court (Amendment) Bill 1999

(*LC Paper No. CB(2) 1850/99-00*)

48. Miss Margaret NG, Chairman of the Bills Committee, introduced the paper which detailed the Bills Committee's deliberations on the Bill. Miss NG added that the Bills Committee had recommended that, subject to the Administration moving the Committee Stage amendments set out in Appendix II to the paper, the Second Reading debate on the Bill be resumed on 17 May 2000.

49. Members raised no objection to the recommendation of the Bills Committee.

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- (c) **Report of the Panel on Education to study the Grant Schools Provident Fund (Amendment) Rules 2000 and Subsidized Schools Provident Fund (Amendment) Rules 2000**

(LC Paper No. CB(2) 1838/99-00)

50. The Chairman said that Prof NG Ching-fai, Deputy Chairman of the Panel, had made a verbal report at the last meeting recommending that the two sets of Amendment Rules be supported.

- (d) **Paper of the Panel on Constitutional Affairs on Allocation of a Debate Slot**

(LC Paper No. CB(2) 1849/99-00)

51. Introducing the paper, Mr Andrew WONG, Chairman of the Panel on Constitutional Affairs (CA Panel), said that the CA Panel had agreed that a report on "Development of HKSAR's political system" be presented to the Council and that he would, in his capacity as the Chairman of the CA Panel, move a motion on the subject for debate in Council before the end of the current session. He then highlighted the proposals in paragraph 7 of the paper on which the House Committee's endorsement was sought.

52. The Chairman invited members' views as to whether the CA Panel's request should be agreed to. He said that motion debates sponsored by the Chairmen of the Public Accounts Committee (PAC), House Committee and select committees were accorded similar treatment as that proposed by the CA Panel.

53. Mr Eric LI pointed out that to enable Members to debate the subject matters covered in a PAC report, the Chairman of PAC would, with the agreement of PAC members, sponsor a motion for debate in Council.

54. Mr James TIEN was of the view that if members agreed to the CA Panel's request, other Panels might make similar requests in future.

55. Miss Margaret NG said that the CA Panel's request should be considered on its own merits. In her view, even if the CA Panel's request was endorsed on this occasion, it would not necessarily set a precedent as other Panels wishing to make similar requests would be subject to the House Committee's consideration on a case-by-case basis.

56. Dr YEUNG Sum said that he supported the proposals in paragraph 7 of the paper, given that the subject matter of the motion was an important issue. He pointed out that the proposals had been agreed to by the CA Panel whose membership was broadly representative of the membership of the Council.

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57. Mr James TIEN asked whether he could move a motion to amend the proposals in paragraph 7 of the paper. The Legal Adviser replied that as no procedure had expressly been laid down in the Rules of Procedure for dealing with motions at House Committee meetings, it would be for the Committee to decide on its own practice and procedure.

58. Mr TIEN proposed that all references to "Hon Andrew WONG" appearing in paragraph 7(a) - (c) of the paper should be replaced by "the Chairman of the House Committee".

59. The Chairman put Mr TIEN's proposed amendments to a vote. The result was 12 members voted in favour of the amendments, 10 voted against the amendments, and seven members abstained from voting. The Chairman declared that Mr TIEN's amendments were agreed to.

60. Mr Andrew WONG asked whether he could move a motion to amend all references to "Hon Andrew WONG" in paragraph 7(a) - (c) of the paper to "the Chairman of the Panel on Constitutional Affairs".

61. The Chairman ruled that the amendments proposed by Mr WONG could not be proceeded with as they were inconsistent with the decision of the House Committee taken earlier on Mr TIEN's amendments.

62. Mr Jasper TSANG Yok-sing said that Members belonging to the Democratic Alliance for Betterment for Hong Kong objected to the Chairman of the House Committee moving the motion for debate on 14 June 2000 as such a decision went against the consensus of the CA Panel.

63. The Chairman put to vote the question that the proposals in paragraph 7(a) - (c) of the paper as amended by Mr TIEN be agreed to. The result was 13 members voted in favour of the question, six members voted against it, and four members abstained from voting. The Chairman declared that the question was agreed to.

64. Members also endorsed the proposal in paragraph 7(d) of the paper.

65. Mr Eric LI suggested that the President be asked to give priority to members of the CA Panel in the speaking order at the motion debate on 14 June 2000. The Chairman responded that he would convey Mr LI's suggestion to the President, but it would be for the President to decide.

VIII. Any other business

(a) Verbal report by the Chairman of the Panel on Housing

66. Mr LEE Wing-tat, Chairman of the Panel, reported that at the Panel meeting on 4 May 2000, the Panel passed a motion urging the Administration

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to, among other things, provide an interim report on the investigation of the site settlement problem in Tseung Kwan O by 31 May 2000. Mr LEE added that the Panel had suggested that the Chairman of the House Committee should, at his meeting with CS next week, raise the matter with the Administration.

67. The Chairman said that he would raise the matter with CS.

(b) Verbal report by the Deputy Chairman of the Panel on Environmental Affairs

68. Mr HUI Cheung-ching, Deputy Chairman of the Panel, said that at the meeting held in the morning, the Panel had agreed that the Chairman of the House Committee be asked to write to the Chief Executive requesting him to attend a Council meeting to discuss water quality control measures with Members.

69. The Chairman said that at least one more Chief Executive's Question and Answer session was scheduled to take place before the end of the current session. He suggested that the issue on water quality control measures be raised at the session. He also asked members to propose other topics for the session at the next meeting.

70. There being no further business, the meeting ended at 4:06 pm.

Legislative Council Secretariat

10 May 2000