

立法會
Legislative Council

LC Paper No. CB(2) 1085/99-00

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 14th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 11 February 2000**

Members present :

Dr Hon LEONG Che-hung, JP (Chairman)

Dr Hon YEUNG Sum (Deputy Chairman)

Hon David CHU Yu-lin

Hon HO Sai-chu, SBS, JP

Hon Cyd HO Sau-lan

Hon Edward HO Sing-tin, SBS, JP

Hon Albert HO Chun-yan

Hon Michael HO Mun-ka

Ir Dr Hon Raymond HO Chung-tai, JP

Hon LEE Wing-tat

Hon Martin LEE Chu-ming, SC, JP

Hon LEE Kai-ming, SBS, JP

Dr Hon David LI Kwok-po, JP

Hon Fred LI Wah-ming, JP

Hon NG Leung-sing

Prof Hon NG Ching-fai

Hon Margaret NG

Hon MA Fung-kwok

Hon HUI Cheung-ching

Hon CHAN Kwok-keung

Hon CHAN Yuen-han

Hon Bernard CHAN

Hon CHAN Wing-chan

Hon CHAN Kam-lam

Hon LEUNG Yiu-chung

Hon SIN Chung-kai

Hon Andrew WONG Wang-fat, JP

Hon WONG Yung-kan

Hon Jasper TSANG Yok-sing, JP

Hon YEUNG Yiu-chung

Hon Ambrose LAU Hon-chuen, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo
Hon SZETO Wah
Hon TAM Yiu-chung, GBS, JP
Hon FUNG Chi-kin
Dr Hon TANG Siu-tong, JP

Members absent :

Hon Kenneth TING Woo-shou, JP
Hon James TIEN Pei-chun, JP
Hon LEE Cheuk-yan
Hon Eric LI Ka-cheung, JP
Dr Hon LUI Ming-wah, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, JP
Hon Ronald ARCULLI, JP
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon Christine LOH Kung-wai
Hon Mrs Sophie LEUNG LAU Yau-fun, JP
Hon Gary CHENG Kai-nam, JP
Dr Hon Philip WONG Yu-hong
Hon Howard YOUNG, JP
Hon LAU Chin-shek, JP
Hon LAU Kong-wah
Hon LAU Wong-fat, GBS, JP
Hon Mrs Miriam LAU Kin-ye, JP
Hon Timothy FOK Tsun-ting, SBS, JP
Hon LAW Chi-kwong, 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

Ms Bernice WONG	Assistant Legal Adviser 1
Miss Anita HO	Assistant Legal Adviser 2
Miss Connie FUNG	Assistant Legal Adviser 3
Mr Stephen LAM	Assistant Legal Adviser 4
Mr Arthur CHEUNG	Assistant Legal Adviser 5
Mr KAU Kin-wah	Assistant Legal Adviser 6
Mrs Vivian KAM	Chief Assistant Secretary (Complaints)
Miss Odelia LEUNG	Chief Assistant Secretary (1)1
Mr Andy LAU	Chief Assistant Secretary (1)2
Ms LEUNG Siu-kum	Chief Assistant Secretary (1)4
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
Ms Sharon CHUNG	Senior Public Information Officer 2

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I. Confirmation of the minutes of the 13th meeting held on 21 January 2000
(*LC Paper No. CB(2) 953/99-00*)

The minutes were confirmed.

II. Matters arising

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

(Director of Administration's letter dated 10 February 2000 tabled at the meeting and issued vide LC Paper No. CB(2) 1087/99-00 on 15 February 2000)

2. The Chairman referred members to the letter and said that the Administration had suggested that priority be given to the scrutiny of the Building Management (Amendment) Bill 2000 should a Bills Committee be formed under agenda item III(a)(iii) below, as well as the Companies (Amendment) Bill 2000. Members agreed.

III. Business arising from previous Council meetings

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

(i) Intellectual Property (Miscellaneous Amendments) Bill 2000
(*LC Paper No. LS 62/99-00*)

3. The Chairman introduced the paper and said that the proposal in the Bill

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relating to the creation of a new offence of unauthorized possession of video recording equipment in a place of public entertainment was discussed by the Panel on Trade and Industry. He added that the Panel was generally in support of this proposal but one Panel member had expressed reservations about the effectiveness of the proposal.

4. The Legal Adviser said that the definition of certain terms such as "place of public entertainment" and "video recording equipment" used in the new Part III and section 2 of the Prevention of Copyright Privacy Ordinance should be studied in detail.

5. Miss Margaret NG asked whether a person who purchased a new video recording equipment and brought it into a cinema would be regarded as committing an offence under the Bill. The Legal Adviser responded that the query raised by Miss NG was worth considering and was similar to those points on which the Legal Service Division was seeking clarification from the Administration.

6. Mr SIN Chung-kai suggested that a Bills Committee be formed. Members agreed. The following members agreed to join : Mrs Selina CHOW (as advised by Mr Edward HO) and Mr SIN Chung-kai.

(ii) Insurance Companies (Amendment) Bill 2000
(LC Paper No. LS 57/99-00)

7. The Legal Adviser said that the Legal Service Division was seeking clarification from the Administration on certain drafting and policy aspects of the Bill and would submit a further report.

8. The Chairman suggested that a decision on the Bill be deferred pending the Legal Service Division's further report. Members agreed.

(iii) Building Management (Amendment) Bill 2000
(LC Paper No. LS 67/99-00)

9. The Chairman said that the Administration had briefed the Panel on Home Affairs on the proposals in the Bill. The Panel supported in principle the proposals but some Panel members had expressed concern about the detailed arrangements for implementation of some of the proposals. The Chairman further said that the Hong Kong Society of Accountants and the Mass Transit Railway Corporation (MTRC) had made written submissions on the Bill. The Legal Adviser added that the MTRC, the submission of which was received after the report was issued, had urged that a Bills Committee be formed so that their views on the proposals contained in the Bill would be considered by Members.

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10. Mr Albert HO suggested that a Bills Committee be formed. Members agreed. The following members agreed to join : Mr HO Sai-chu, Mr Edward HO Sing-tin, Mr Albert HO Chun-yan, Mr Bernard CHAN, Mr LEE Wing-tat, Mr Fred LI Wah-ming, Mr Andrew WONG Wang-fat and Mr TAM Yiu-chung

(iv) Dumping at Sea (Amendment) Bill 2000
(LC Paper No. LS 71/99-00)

11. The Chairman said that the Bill sought to repeal the provision in the Dumping at Sea Ordinance which exempted reclamation authorized under the Foreshore and Sea-bed (Reclamations) Ordinance from the requirement for a permit for dumping at sea. He added that the proposed amendment had the support of the Advisory Council on the Environment and the Panel on Environmental Affairs.

12. The Legal Adviser said that the proposed amendment could be regarded as technical in nature and its effect reflected the current practice of obtaining permits for reclamation authorised under the Foreshore and Sea-bed (Reclamations) Ordinance. He added that the legal and drafting aspects of the Bill were in order.

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

(v) Mental Health (Amendment) Bill 2000
(LC Paper No. LS 72/99-00)

14. The Chairman introduced the paper and said that the Administration had briefed the Panel on Welfare Services on the Bill. The Panel was generally in support of the Bill.

15. The Legal Adviser explained that the Bill sought to add an explicit provision stipulating that removal of an organ from an adult mentally incapacitated person for transplanting was not medical treatment. He added that the provision did not involve any change in policy.

16. The Chairman said that he would like to consult some medical organizations on the Bill. He suggested that a decision on the Bill be deferred to the next meeting. Members agreed.

(b) Legal Service Division's report on subsidiary legislation tabled in Council on 26 January 2000 (gazetted on 21 January 2000)
(LC Paper No. LS 69/99-00)

17. The Chairman said that the Subcommittee on subsidiary legislation relating to 2000 LegCo election would study the four items of election-related

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subsidiary legislation detailed in the paper.

18. Members did not raise any query on the remaining three items of subsidiary legislation.

19. The Chairman reminded members that the deadline for amending the subsidiary legislation was 23 February 2000, or 1 March 2000 if extended by resolution.

(c) Legal Service Division's reports on subsidiary legislation to be tabled in Council on 16 February 2000 (gazetted on 28 January and 3 February 2000)

LC Papers No. LS 74/99-00

20. Members did not raise any query on the three items of subsidiary legislation gazetted on 28 January 2000.

LC Paper No. LS 80/99-00

21. The Chairman introduced the paper which detailed the 10 items of subsidiary legislation gazetted on 3 February 2000.

22. Referring to the Road Traffic (Traffic Control) (Amendment) Regulation 2000, the Chairman said the Administration had consulted the Transport Advisory Committee and the Panel on Transport on the Amendment Regulation. They had expressed support for the proposed amendment.

23. Mr LEE Wing-tat said that Mr James TO was seeking clarification from the Administration on the meaning of the term "driving" appearing in the Amendment Regulation. The Chairman suggested that a decision on the Amendment Regulation be deferred. Members agreed.

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

25. The Chairman reminded members that the deadline for amending the subsidiary legislation detailed in LS 74/99-00 and LS 80/99-00 was 15 March 2000, or 29 March 2000 if extended by resolution.

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IV. Business for the Council meeting on 16 February 2000

(a) Questions

(LC Paper No. CB(3) 545/99-00)

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

(b) Bills - First and Second Readings

**(i) Legislative Council (Amendment) Ordinance 1999
(Amendment) Bill 2000**

(ii) Town Planning Bill

(iii) Urban Renewal Authority Bill

(iv) Buildings (Amendment) Bill 2000

(v) Road Traffic (Amendment) Bill 2000

(vi) Employees' Compensation (Amendment) Bill 2000

(vii) Broadcasting Bill

(viii) Family Status Discrimination (Amendment) Bill 2000

(ix) Noise Control (Amendment) Bill 2000

(x) Security and Guarding Services (Amendment) Bill 2000

27. Members noted that the above Bills would be introduced into the Council on 16 February 2000 and considered by the House Committee on 18 February 2000.

28. Mr Edward HO said that scrutiny of the Town Planning Bill and the Urban Renewal Authority Bill would take quite some time to complete. He suggested that the Chairman should request the Administration to accord priority to these two bills at his meeting with CS next week.

29. The Chairman responded that the two bills referred to by Mr HO, together with the Security and Guarding Services (Amendment) Bill 2000, were among the bills proposed by the Director of Administration to be accorded priority in her letter discussed earlier.

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30. In response to Miss Emily LAU, the Chairman said that he had time and again urged CS that the Administration should introduce bills as early as possible, preferably not later than February this year, so as to allow Members adequate time for scrutiny. He pointed out that there were still some 21 bills listed in the 1999-2000 legislative programme which had yet to be introduced. He added that he would continue to impress upon the Administration to introduce bills as early as possible.

31. Miss Emily LAU said that to avoid a waste of time and efforts, a deadline should be set for Bills Committees to complete work. She added that in considering whether new Bills Committees should be formed, it should be borne in mind as to whether there would be sufficient time for the scrutiny work to be completed in time for the Second Reading debates to resume before the end of the current legislative term on 30 June 2000. In her view, it would be unlikely that the scrutiny of the Town Planning Bill could be completed within the current session.

32. Mr LEE Wing-tat shared Miss LAU's views and pointed out that a number of the 13 Bills Committees in action had only met once or twice, and it would take some time for the Bills Committees concerned to complete work and release slots for the Bills Committees on the waiting list. He was of the view that the Administration should, in consultation with Members, draw up a list of priority bills which should be dealt with by the Council within the current term.

33. The Chairman instructed the Secretariat to provide a schedule setting out the respective deadlines for Bills Committees to submit reports to the House Committee and for giving notices of Committee Stage amendments, if the Bills concerned were to be dealt with at the second last or last Council meetings on 21 and 28 June 2000.

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

(i) **Consular Relations Bill**

(ii) **Elections (Corrupt and Illegal Conduct) Bill**

(iii) **Factories and Industrial Undertakings (Amendment) (No. 2) Bill 1999**

34. The Chairman said that members agreed at previous meetings that the Second Reading debate on the above Bills be resumed.

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(d) **Government motions**

35. Members noted that no notice had been received.

(e) **Members' motions**

(i) **Motion on "Opposing the levy of a sales tax"**

36. The Chairman said that the wording of the motion which would be moved by Dr YEUNG Sum had been issued vide LC Paper No. CB(3) 514/99-00 dated 31 January 2000.

(ii) **Motion on "Preserving natural resources and developing leisure agriculture and fishery trades"**

37. The Chairman said that the wording of the motion which would be moved by Mr WONG Yung-kan had been issued vide LC Paper No. CB(3) 520/99-00 dated 31 January 2000.)

V. Business for the Council meeting on 23 February 2000

(a) **Questions**

(LC Paper No. CB(3) 546/99-00)

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

(b) **Bills - First and Second Readings**

(i) **Employment (Amendment) Bill 2000**

(ii) **Entertainment Special Effects Bill**

(iii) **Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Bill**

39. Members noted that the above Bills would be introduced into the Council on 23 February 2000 and considered by the House Committee on 3 March 2000.

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

40. Members noted that no notice had been received.

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(d) **Government motions**

41. Members noted that no notice had been received.

(e) **Members' motions**

(i) **Motion on "Developing the semi-conductor industry"**

42. The Chairman said that the wording of the motion which would be moved by Dr LUI Ming-wah had been issued vide LC Paper No. CB(3) 547/99-00 dated 3 February 2000.

(ii) **Motion on "The system of long-term employment for construction workers"**

43. Members noted the draft wording of the motion which would be moved by Mr Andrew CHENG Kar-foo.

44. The Chairman reminded members that the deadline for giving notice of amendments (if any) to the motions was 16 February 2000. The speaking time limits stipulated in rule 17(c) of the House Rules would apply.

VI. Reports

(a) **Position report on Bills Committees/subcommittees**
(LC Paper No. CB(2) 1023/99-00)

45. The Chairman said that the Bills Committee on Firearms and Ammunition (Amendment) Bill 1999 and the Bills Committee on Mass Transit Railway Bill had completed work and would report under items (d) and (e) below. He added that members had agreed earlier that the vacated slots be taken up by the Bills Committee on Building Management (Amendment) Bill 2000 and the Bills Committee on Companies (Amendment) Bill 2000.

(b) **Report of the Panel on Constitutional Affairs on Articles 50 and 51 of the Basic Law**
(LC Paper No. CB(2) 1022/99-00)

46. Mr Andrew WONG, Chairman of the Panel, introduced the paper and said that the Panel agreed to the Administration's interpretation, which was shared by the Legal Adviser, that the term "budget" in Articles 50 and 51 of the Basic Law (BL) referred to the Appropriation Bill. The Panel had recommended that the Administration's interpretation be accepted.

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47. Mr LEE Wing-tat said that Members belonging to the Democratic Party still had reservations about the Administration's interpretation. They were of the view that the term "budget" should cover both expenditure and revenue and that the Administration's interpretation, if accepted, would have implications on the Legislative Council (LegCo)'s power in monitoring Government's financial proposals as well as on the issue of dissolution of LegCo in the situations as described in BL 50.

(c) **Report of the Bills Committee on Human Reproductive Technology Bill**

(LC Paper No. CB(2) 999/99-00)

48. The Chairman said that Miss Cyd HO, Chairman of the Bills Committee, had reported to the House Committee on 21 January 2000 that the Bills Committee had recommended that the Second Reading debate on the Bill be resumed.

49. The Chairman further said that the Administration had yet to give notice for the resumption of the Second Reading debate on the Bill. He added that should Members have any views on the Bill, they could submit their views to the Administration or the Chairman of the Bills Committee.

(d) **Report of the Bills Committee on Firearms and Ammunition (Amendment) Bill 1999**

(LC Paper No. CB(2) 1016/99-00)

50. The Chairman introduced the paper in the absence of Mr James TO, Chairman of the Bills Committee.

51. Members raised no objection to the resumption of the Second Reading debate on 23 February 2000 as recommended by the Bills Committee.

52. The Chairman said that the deadline for giving notice of Committee Stage amendments (CSAs) to the Bill was 14 February 2000.

(e) **Report of the Bills Committee on Mass Transit Railway Bill**

(LC Paper No. CB(1) 940/99-00)

53. Mr Edward HO introduced the paper on behalf of Mrs Miriam LAU, Chairman of the Bills Committee. Mr HO highlighted the Bills Committee's deliberations on the following issues -

- (i) conflict of interest between the Government as a shareholder and a regulator; and granting of property development rights to the Mass Transit Railway Corporation Limited (paragraphs 9-19 of the paper);

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- (ii) appointment and composition of the future board of directors (paragraphs 20-26 of the paper);
- (iii) fare determination mechanism (paragraphs 27-35 of the paper);
- (iv) performance standards and safety (paragraphs 36-45 of the paper); and
- (v) employees' rights (paragraphs 46-54 of the paper).

Mr HO further said that individual members of the Bills Committee would move CSAs on their own relating to the above issues. In response to the Bills Committee, the Administration would also move a number of technical amendments to the Bill.

54. The Chairman reminded members that the deadline for giving notice of CSAs was 14 February 2000.

(f) Report of the Bills Committee on Exchanges and Clearing Houses (Merger) Bill

(LC Paper No. CB(1) 941/99-00)

55. The Chairman said that Mr Ronald ARCULLI, Chairman of the Bills Committee, had made a verbal report on 21 January 2000.

56. Mr Jasper TSANG Yok-shing introduced the paper on behalf of Mr ARCULLI. He highlighted the Bills Committee's deliberations on the board of directors of the new Hong Kong Exchanges and Clearing Limited, the establishment and functions of the Risk Management Committee and the re-delineation of the financial services functional constituency, as detailed in paragraphs 8-12, 13-14 and 17-19 of the paper respectively. He added that the Administration had agreed to move a number of CSAs to the Bill in response to the views expressed by members of the Bills Committee.

(g) Report of the subcommittee to study the Urban Renewal Authority White Bill

(LC Paper No. CB(1) 939/99-00)

57. Mr Edward HO, Chairman of the subcommittee, introduced the paper which detailed the subcommittee's deliberations on the Urban Renewal Authority White Bill.

58. The Chairman said that members agreed at the meeting on 29 October 1999 that the subcommittee should become the Bills Committee to study the "blue" Bill upon its introduction into the Council and that membership should be re-opened. The Chairman hoped that members of the subcommittee would continue to serve on the Bills Committee after it was formed.

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59. The Legal Adviser said that the "blue" Bill would basically be the same as the White Bill and since a Bills Committee would be formed to study the Bill, the Legal Service Division would not submit a report on the "blue" Bill following its introduction on 16 February 2000. The Legal Adviser added that he would inform members should any material discrepancies be identified.

(h) **Report of the Parliamentary Liaison Subcommittee**
(*LC Paper No. CB(3) 550/99-00*)

60. Mr Edward HO, Chairman of the subcommittee, introduced the paper which detailed the arrangements for receiving members of the Australia-Hong Kong Parliamentary Friendship Group who would be visiting Hong Kong from 27 February 2000 to 2 March 2000. Mr HO hoped that as many Members as possible would attend the meeting with the Australian delegation and the dinner reception scheduled to take place on 29 February 2000.

61. Miss Emily LAU asked whether a lunch reception should be held instead of a dinner.

62. Mr HO said that he would need to consult members of the subcommittee on Miss LAU's proposal. He pointed out that the subcommittee had spent some time in drawing up the programme for LegCo-related functions to be attended by the Australian delegation and that the hosting of a dinner reception was considered appropriate for the occasion.

63. The Chairman said that the programme drawn up by the subcommittee should be accepted unless there were compelling reasons necessitating a change. Members agreed.

VII. Any other business

Arrangements in respect of Members' Remuneration and Operating Expenses Reimbursement upon expiry of the current term on 30 June 2000

64. The Chairman said that he would put the item on the agenda for the next meeting on 18 February 2000. He further said that the LegCo Secretariat had raised the matter with the Administration some time ago and had not received a reply. He asked members to give it some thoughts prior to the next meeting, particularly as to whether Members should take no action and await the Administration's decision, or whether the matter should be referred to the Subcommittee on Review of Operating Expenses for Members of the Legislative Council to consider and forward Members' views to the Administration. He added that he would raise the matter at his meeting with CS next week.

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65. Mr LEUNG Yiu-chung, Miss Emily LAU and Miss Margaret NG agreed that the item be discussed at the House Committee meeting on 18 February 2000.

66. Mr Andrew WONG pointed out that Members of the former LegCo were, upon its dissolution, paid Members' remuneration and operating expenses on a pro-rata basis up to the date of the next election. He said that should the Administration decide that the payment of Members' remuneration and operating expenses reimbursement would cease upon the expiry of the current term on 30 June 2000, such a decision would be a departure from the past practice.

67. Miss Emily LAU said that her understanding was that the Administration would review the matter internally and submit its recommendations to the Executive Council and the Independent Commission on Remuneration for the Members of the Executive Council and the Legislature of the Hong Kong Special Administrative Region. She asked whether the Chairman would request the Administration to consult Members in the course of its review when he met CS next week.

68. The Chairman said that he would, at his meeting with CS next week, ask the Administration not to arrive at a decision until Members had the chance to give their views on the issue. Members agreed.

69. There being no further business, the meeting ended at 3:21 pm.

Legislative Council Secretariat
16 February 2000