

立法會
Legislative Council

LC Paper No. CB(2) 1983/99-00

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 23rd meeting
held in the Legislative Council Chamber
at 5:06 pm on Friday, 12 May 2000**

Members present :

Dr Hon YEUNG Sum (Deputy Chairman)
Hon Kenneth TING Woo-shou, 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 Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, JP
Hon LEE Wing-tat
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 Ronald ARCULLI, JP
Hon MA Fung-kwok
Hon James TO Kun-sun
Hon HUI Cheung-ching
Hon CHAN Kwok-keung
Hon CHAN Wing-chan
Hon CHAN Kam-lam
Hon Mrs Sophie LEUNG LAU Yau-fun, JP
Hon SIN Chung-kai
Hon Andrew WONG Wang-fat, JP
Hon Howard YOUNG, JP
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 LAW Chi-kwong, JP
Hon TAM Yiu-chung, GBS, JP
Hon FUNG Chi-kin
Dr Hon TANG Siu-tong, JP

Members absent :

Dr Hon LEONG Che-hung, JP (Chairman)
Hon James TIEN Pei-chun, JP
Hon Michael HO Mun-ka
Hon LEE Cheuk-yan
Hon Martin LEE Chu-ming, SC, JP
Dr Hon David LI Kwok-po, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, JP
Hon CHEUNG Man-kwong
Hon Christine LOH Kung-wai
Hon CHAN Yuen-han
Hon Bernard CHAN
Hon LEUNG Yiu-chung
Hon Gary CHENG Kai-nam, JP
Dr Hon Philip WONG Yu-hong
Hon WONG Yung-kan
Hon Jasper TSANG Yok-sing, JP
Hon YEUNG Yiu-chung
Hon LAU Chin-shek, JP
Hon LAU Kong-wah
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, SBS, 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
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 22nd meeting held on 5 May 2000
(*LC Paper No. CB(2) 1913/99-00*)

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 of 12 May 2000 tabled at the meeting and issued under LC Paper No. CB(2) 1992/99-00 on 16 May 2000*)

2. Referring to the letter, the Deputy Chairman informed members that the Administration had proposed a revised priority list of bills. Mr SIN Chung-kai said that the scrutiny of the Intellectual Property (Miscellaneous Amendments) Bill 2000 should commence as early as possible. He suggested that the matter be further discussed under agenda item VIII(a) below.

3. The Deputy Chairman said that CS would approach the Chief Executive(CE)'s Office to find out when the next CE's Question and Answer session would be held. The Deputy Chairman added that he had advised CS that members would like to discuss the topic of water quality control measures with CE. Mrs Sophie LEUNG suggested that the issue of Hong Kong's business environment should also be raised with CE. The Deputy Chairman asked members to notify the Clerk in writing if they wished to propose other topics for the session.

III. Legal Service Division's report on subsidiary legislation tabled in Council on 10 May 2000 (gazetted on 5 May 2000)
(*LC Paper No. LS 132/99-00*)

4. Members did not raise any query on the four items of subsidiary legislation gazetted on 5 May 2000.

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5. The Deputy Chairman reminded members that the deadline for amending the subsidiary legislation was 7 June 2000, or 14 June 2000 if extended by resolution.

IV. Further reports by the Legal Service Division on outstanding bills

Insurance Companies (Amendment) Bill 2000

(LC Paper No. LS 135/99-00)

6. The Legal Adviser explained that the Bill sought to allow the Insurance Authority to accept other standards comparable to prescribed standards with which an appointed actuary must comply, and also to disclose information obtained from insurers in the interest of the policy holders or the public.

7. The Legal Adviser added that as the Administration had proposed Committee Stage amendments (CSAs) to address queries on certain drafting and policy issues of the Bill raised by the Legal Service Division, the legal and drafting aspects of the Bill were now in order.

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

V. Further business for the Council meeting on 17 May 2000

Questions

(LC Paper No. CB(3) 857/99-00)

9. Members noted the new oral question (Question No. 4) which would be raised by Mr CHAN Wing-chan.

VI. Business for the Council meeting on 24 May 2000

(a) Questions

(LC Paper No. CB(3) 858/99-00)

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

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

11. 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**

12. Members noted that no notice had been received.

(d) **Government motions**

Resolution under section 47 of the Mandatory Provident Fund Schemes Ordinance (Cap. 485) - to be moved by the Secretary for Financial Services

(LC Paper No. LS 137/99-00)

13. The Deputy Chairman said that the proposed resolution sought the Council's approval for the Mandatory Provident Fund Schemes Rules (the Rules) made by the Mandatory Provident Fund Schemes Authority under section 47 of the Mandatory Provident Fund Schemes Ordinance.

14. The Deputy Chairman suggested that the Rules be studied by the subcommittee under the chairmanship of Mr Ronald ARCULLI which was currently examining other items of subsidiary legislation related to the Mandatory Provident Fund Schemes. Members agreed.

15. The Deputy Chairman said that the Secretariat would ask the Administration to withdraw the notice for moving the proposed resolution at the Council meeting on 24 May 2000.

(e) **Members' motions**

(i) **Motion on "Environmental protection and tourism"**

16. Members noted the wording of the above motion which would be moved by Mr HO Sai-chu.

(ii) **Motion on "Remarks of official of the Central People's Government's Liaison Office"**

17. Members noted the wording of the above motion which would be moved by Mr Martin LEE Chu-ming.

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

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

(a) Government motions

(i) Resolution under section 100A of the Interpretation and General Clauses Ordinance (Cap. 1) - to be moved by the Secretary for Education and Manpower

19. The Legal Adviser said that the proposed resolution sought to increase the fines for offences under the Education Ordinance and Education Regulations. He added that the Legal Service Division would provide a report for members' consideration at the next meeting on 19 May 2000.

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

20. The Deputy Chairman said that the Panel on Environmental Affairs and Panel on Transport had held a joint meeting in the morning to discuss the proposed legislative amendments to tighten control on diesel vehicle emission. The two Panels would hold a further meeting on 23 May 2000 to discuss the proposed resolution and other issues. He added that non-Panel Members were welcome to attend the meeting.

21. The Legal Adviser said that the proposed resolution only dealt with the proposal to increase the penalty for vehicles emitting excessive smoke or visible vapour under the Fixed Penalty (Criminal Proceedings) Ordinance from \$450 to \$1,000. He added that any proposals to increase the fines for smoky vehicles provided in other legislation would need to be dealt with separately.

(b) Members' motions

(i) Motion on "Eliminating feminization of poverty"

22. Members noted that Miss Cyd HO Sau-lan had been allocated a debate slot.

(ii) Motion to be moved by Hon CHAN Yuen-han

23. Members noted that Miss CHAN Yuen-han had been allocated a debate slot.

24. The Deputy Chairman reminded members that the deadlines for giving notice of motions and amendments (if any) to the motions were 16 May 2000

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and 24 May 2000 respectively. The speaking time limits stipulated in rule 17(c) of the House Rules would apply.

VIII. Reports

(a) **Position report on Bills Committees/Subcommittees**
(LC Paper No. CB(2) 1919/99-00)

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

26. The Deputy Chairman further said that the Bills Committee on the Securities (Amendment) Bill 1999 had completed work and would report under item (b) below. The vacant slot had been taken up by the Bills Committee on the Securities and Futures Legislation (Provision of False Information) Bill 2000.

27. Referring to the Administration's revised priority of bills, Mr SIN Chung-kai suggested that the Road Traffic Legislation (Amendment) Bill 2000 and Road Traffic Legislation (Amendment) Bill 1999, which were occupying first and third positions on the revised priority list of bills, should be studied by one Bills Committee. This would enable the scrutiny of the Intellectual Property (Miscellaneous Amendments) Bill 2000 to start as soon as possible as 19 organizations had written in requesting the early enactment of the Bill.

28. Mr Ronald ARCULLI asked whether the subject matters of the two Road Traffic Legislation (Amendment) Bills were related.

29. Mrs Miriam LAU said that the Road Traffic Legislation (Amendment) Bill 2000 sought to increase the penalty levels for excessive speeding offences, while the Road Traffic Legislation (Amendment) Bill 1999 proposed to introduce a probationary driving licence scheme to regulate inexperienced motorcyclists.

30. Mrs LAU further said that the motorcycle trade had expressed reservations on certain proposals contained in the Road Traffic Legislation (Amendment) Bill 1999. In the case of the Road Traffic Legislation (Amendment) Bill 2000, Mrs LAU pointed out that the Panel on Transport was generally in support of the Bill, but some Panel members were of the view that the speed limits of certain road sections should be reviewed before the new fines were brought into effect.

31. Mr LEE Wing-tat expressed support for Mr SIN's suggestion as the ultimate aim of the two Road Traffic Legislation (Amendment) Bills was to

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improve road safety. Mrs Miriam LAU said that she had no strong views if members decided that the two Bills should be studied by one Bills Committee.

32. Mr Ronald ARCULLI said that the Bills Committee on the Companies (Amendment) Bill 2000 was expected to complete work on 18 May 2000. He anticipated that there should be no problem for the Bills Committee on the Intellectual Property (Miscellaneous Amendments) Bill 2000 to commence work soon as there might be other Bills Committees completing work within the following one to two weeks.

33. Mr CHAN Kam-lam objected to the two Road Traffic Legislation (Amendment) Bills being studied by one Bills Committee. He said that as the transport-related issues dealt with by the two Bills were of different nature, a member wishing to study one Bill might not be interested in the other one.

34. The Deputy Chairman proposed that the Road Traffic Legislation (Amendment) Bill 2000 and Road Traffic Legislation (Amendment) Bill 1999 should be studied by two separate Bills Committees, and that the Administration's revised priority list of bills be supported. Members agreed.

(b) **Report of the Bills Committee on Securities (Amendment) Bill 1999**
(*LC Paper No. CB(2)1947/99-00*)

35. The Legal Adviser introduced the paper on behalf of Mr Ronald ARCULLI, Chairman of the Bills Committee, who had left the meeting.

36. The Legal Adviser highlighted the Bills Committee's deliberations on offences under the proposed sections 80B and 80C in the Bill as detailed in paragraphs 29 to 35 of the paper. He added that the Administration's proposed CSAs to address the concerns of the industry and the Bills Committee had just been received and were tabled for members' information. He further said that the Bills Committee had recommended that the Second Reading debate on the Bill be resumed on 24 May 2000.

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

38. The Deputy Chairman reminded members that the deadline for giving notice of CSAs was 15 May 2000.

(c) **Report on the Legislative Council Delegation's Visit to Europe**
(*LC Paper No. CB(3) 839/99-00*)

39. Mr Edward HO, Chairman of the Parliamentary Liaison Subcommittee, introduced the paper which detailed the activities of the delegation's visit to Europe. Mr HO added that a set of papers and materials presented to the

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delegation had been placed in the Library of the Legislative Council for Members' perusal on request.

IX. Any other business

40. There being no further business, the meeting ended at 5:39 pm.

Legislative Council Secretariat
17 May 2000