

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 6th meeting
held in the Legislative Council Chamber
at 4:35 pm on Friday, 12 November 1999**

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 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 Cheuk-yan
Hon Martin LEE Chu-ming, SC, JP
Hon LEE Kai-ming, SBS, JP
Hon Fred LI Wah-ming, JP
Dr Hon LUI Ming-wah, JP
Hon NG Leung-sing
Hon Margaret NG
Hon Ronald ARCULLI, JP
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon Ambrose CHEUNG Wing-sum, JP
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 Andrew WONG Wang-fat, JP

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
Mr KAU Kin-wah	Assistant Legal Adviser 6
Mrs Vivian KAM	Chief Assistant Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Ms LEUNG Siu-kum	Chief Assistant Secretary (1)2
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 5th meeting held on 5 November 1999
(LC Paper No. CB(2)318/99-00)**

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 again urged the Administration to designate a public officer to speak at the beginning of a motion debate to enable Members to have an understanding of the Administration's position before they spoke. CS had replied that the Administration considered the present system satisfactory and that depending on the motion concerned, a public officer would seek the President's permission to speak both at the beginning and towards the end of a debate.

3. The Chairman further said that he would move a motion on the Urban Renewal Authority White Bill for debate at the Council meeting 8 December 1999. He added that the Administration had announced at the meeting of the Subcommittee on the Urban Renewal Authority White Bill on 9 November 1999 that the consultation period of the White Bill would be extended to 31 December 1999. A press release had also been issued by the Administration.

(b) Solicitors (Professional Indemnity) (Amendment) (No.2) Rules 1999

4. Mr James TO said that he had studied the Amendment Rules and had no query to raise.

5. Members did not raise any query on the Amendment Rules.

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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)

(i) Exchanges and Clearing Houses (Merger) Bill

(LC Paper No. LS 26/99-00 and the letter dated 11 November 1999 from the Director of Administration)

6. The Chairman said that as the Bill represented the first legislative installment of the anticipated major restructuring of the securities and futures market in Hong Kong and would affect the development of Hong Kong as an international financial centre, it warranted detailed study by a Bills Committee.

7. Mr SIN Chung-kai suggested that a Bills Committee be formed. Members agreed. The following members agreed to join : Mr LEE Kai-ming, Mr NG Leung-sing, Mr Ronald ARCULLI, Miss CHAN Yuen-han, Mr Jasper TSANG Yok-sing and Mr SIN Chung-kai.

8. Members also agreed to the Administration's suggestion that the Bill be given top priority.

(ii) Rehabilitation Centres Bill

(LC Paper No. LS 15/99-00)

9. Referring to the paper, the Legal Adviser said that the Legal Service Division was seeking clarifications from the Administration on certain drafting issues. The Legal Adviser added that as the Bill sought to introduce new policy in tackling juvenile delinquency, members might wish to form a Bills Committee to examine the policy aspects of the Bill.

10. Dr YEUNG Sum suggested that a Bills Committee be formed. The following members agreed to join : Dr YEUNG Sum, Mr LEE Kai-ming, Mr James TO Kun-sun and Mr LAW Chi-kwong.

(iii) Order of Friars Minor in Hong Kong Incorporation Bill

(LC Paper No. LS 25/99-00)

11. The Legal Adviser said that the Bill, which was a Member's Bill presented by Mr Ambrose LAU, sought to provide for the incorporation of the representative in Hong Kong of the Order of Friars as a corporation sole.

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

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- (b) **Legal Service Division's report on subsidiary legislation tabled in Council on 10 November 1999 (gazetted on 5 November 1999)**
(LC Paper No. LS 27/99-00)

13. The Chairman referred to the paper which detailed the five items of subsidiary legislation gazetted on 10 November 1999 and asked if members had any queries.

14. Members did not raise any query on the subsidiary legislation.

15. The Chairman reminded members that the deadline for amending the subsidiary legislation was 8 December 1999, or 15 December 1999 if extended by resolution.

IV. Further business for the Council meeting on 17 November 1999

- (a) **Questions**
(LC Paper No. CB(3) 182/99-00)

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

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

Industrial Training (Construction Industry) (Amendment) Bill 1999

17. The Chairman said that members agreed at the meeting on 5 November 1999 that the Second Reading debate on the above Bill be resumed.

V. Business for the Council meeting on 24 November 1999

- (a) **Questions**
(LC Paper No. CB(3) 183/99-00)

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

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

19. Members noted that no notice had been received yet.

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

(i) **Customs and Excise Service Children's Education Trust Fund Bill**

(ii) **Protection of the Harbour (Amendment) Bill 1999**

(iii) **Adaptation of Laws (No. 29) Bill 1999**

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

(d) **Government motion**

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

21. The Chairman said that the resolution dealt with the Factories and Industrial Undertakings (Safety Management) Regulation made by the Commissioner of Labour. The subcommittee formed to study the Regulation would report under agenda item VII(b) below.

(e) **Members' motions**

(i) **Motion on "Freezing and reducing fees and charges"**

22. The Chairman said that Mr LEE Wing-tat had changed the subject of his motion from "Quality of public housing" to "Freezing and reducing fees and charges".

23. Members noted the wording of the motion to be moved by Mr LEE Wing-tat.

(ii) **Motion on "Allocation of secondary school places to boys and girls "**

24. Members noted the wording of the motion to be moved by Miss Christine LOH.

25. The Chairman said that the deadline for giving notice of amendments (if any) to the motions was 17 November 1999. The speaking time limits stipulated in rule 17(c) of the House Rules would apply.

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VI. Advance information on business for the Council meeting on 1 December 1999

(a) Bills - First and Second Readings

(i) Merchant Shipping (Safety) (Amendment) Bill 1999

(ii) Dangerous Goods (Amendment) Bill 1999

26. Members noted that the above Bills would be introduced into the Council on 1 December 1999 and considered by the House Committee on 3 December 1999.

(b) Members' motions

(i) Motion on "Small and medium enterprises"

27. Members noted that Mrs Selina CHOW had been allocated a debate slot.

(ii) Motion to be moved by Hon Gary CHENG Kai-nam

28. Members noted that Mr Gary CHENG had been allocated a debate slot.

VII. Reports

(a) Position report on Bills Committees/subcommittees
(LC Paper No. CB(2) 334/99-00)

29. The Chairman said that there were 13 Bills Committees and five subcommittees in action. As members had agreed earlier at the meeting to give the Exchanges and Clearing Houses (Merger) Bill top priority, the Chairman further said that the Bills Committees formed to study this Bill and the District Court (Amendment) Bill 1999 could be activated.

(b) Report of the subcommittee on Factories and Industrial Undertakings (Safety Management) Regulation
(LC Paper No. CB(2) 356/99-00)

30. Introducing the paper, Mr LEE Kai-ming, Chairman of the subcommittee, said that the subcommittee recommended that the Factories and Industrial Undertakings (Safety Management) Regulation be supported, subject to some technical amendments to be made to the Regulation by the Administration. He further said that the Administration had given notice to move a motion on 24 November 1999 to seek the Council's approval of the Regulation.

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31. Mr James TIEN expressed support for the Regulation.
- (c) **Report of the Bills Committee on Provision of Municipal Services (Reorganization) Bill**
(LC Paper No. CB(2) 357/99-00 and a letter dated 12 November 1999 from Mr Ambrose CHEUNG tabled at the meeting)
32. Mr Andrew WONG, Chairman of the Bills Committee, referred members to the report detailing the main deliberations of the Bills Committee and the proposed Committee Stage amendments (CSAs) to be moved by the Administration. Mr WONG highlighted in particular the Bills Committee's deliberations on the fee-setting mechanism for market stalls, membership of the Municipal Services Appeal Board and a proposal seeking to rename the proposed Food and Environmental Hygiene Department to Food and Environmental Health Department as detailed in paragraphs 29-34, 49-51 and 59 of the paper respectively.
33. Mr WONG informed members that Mr LEE Wing-tat had indicated that he would move CSAs to rename the proposed Food and Environmental Hygiene Department to Food and Environmental Health Department and to propose a formula for setting the fee for market stalls. Mr WONG further said that Mr Ambrose CHEUNG had indicated that he would propose amendments to the Bill to the effect that one Municipal Council and one Municipal Services Department should be formed to assume the responsibility for the delivery of municipal services. Mr WONG added that a further report on the Administration's response to the CSAs proposed by Mr LEE and Mr CHEUNG, together with the CSAs to be proposed by Mr Fred LI, would be submitted to the House Committee on 19 November 1999.
34. Miss Margaret NG referred members to paragraph 9 of the report and asked if the Bills Committee had formally resolved not to debate the issue of whether the two Provisional Municipal Councils (PMCs) should be dissolved. Mr Andrew WONG replied that no such resolution was made by the Bills Committee.
35. Referring to his letter, Mr Ambrose CHEUNG said that the delivery of municipal services should continue to be monitored by the relevant Panels of the Council after the dissolution of the two PMCs, so as to ensure that the quality of municipal services would not deteriorate. Mr CHEUNG further said that the Administration should be asked to give an undertaking that in the event of the dissolution of the two PMCs, the capital projects already approved by the PMCs would proceed as scheduled.
36. Mr Andrew WONG suggested that one way to address Mr CHEUNG's concern about the outstanding capital projects was to ask the Administration to

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give its commitment in the form of a submission to the Finance Committee. The Chairman said that he would raise this at his next meeting with CS.

37. Mr Fred LI enquired whether the duration of the Council meeting on 1 December 1999 would be extended, given the large number of CSAs to be dealt with by the Council.

38. Assistant Secretary General 3 responded that a circular had just been issued to inform Members that the President had decided that, should the need arise, she would suspend the meeting on 1 December 1999 at such time as she considered appropriate. The meeting would then resume on 2 December 1999 at such time as the President would determine at a later stage. Assistant Secretary General 3 requested members to bear this in mind in planning their commitments for the remainder of that week.

39. The Chairman reminded members that the deadline for giving notice of CSAs to the Bill was 22 November 1999.

(d) Report of the Bills Committee on Protection of Wages on Insolvency (Amendment) Bill 1999

(LC Paper No. CB(2) 358/99-00)

40. Mr HO Sai-chu introduced the report on behalf of Mr Eric LI, Chairman of the Bills Committee, who was unable to attend the meeting. Mr HO said that the Bills Committee had recommended the resumption of the Second Reading debate on the Bill at the Council meeting on 24 November 1999. He further said that in addition to the CSAs to be moved by the Administration to further improve the protection for employees, a member of the Bills Committee had also indicated that he would propose amendments to the Bill.

41. The Chairman reminded members that the deadline for giving notice of CSAs to the Bill was 15 November 1999.

(e) Report of the Panel on Trade and Industry on Organized and Serious Crime Ordinance (Amendment of Schedule 1) Order 1999
(LC Paper No. CB(1) 335/99-00)

42. Mr CHAN Kam-lam, Chairman of the Panel, sought members' view as to whether a subcommittee should be formed to study the Order before its introduction to the Council, given the impact on the manufacturers of the higher penalties proposed under the Order. Members agreed to form a subcommittee. The following members agreed to join : Mr James TO Kun-sun, Mrs Selina CHOW LIANG Shuk-ye (as advised by Mrs Miriam LAU) and Mr CHAN Kam-lam.

VIII. Any other business

(a) Order of asking questions at special House Committee meeting

43. The Chairman sought members' view as to whether the order of asking questions at special House Committee meetings should be left to the Chairman to decide, or the order should follow that registered by the computerized queuing system. The Chairman proposed that should the former be agreed to, he would follow the practice adopted by the President at Council meetings of inviting Members belonging to different political groupings to speak in turn.

44. Mr James TIEN said that given the time constraint of the meeting on 3 November 1999 and the wide public interest of the issue under discussion, it was important that Members from different political groupings should be given equal opportunities to ask questions. Mr TIEN further said that he preferred to leave the order of asking questions to the Chairman to decide, so long as the Chairman would call upon Members belonging to different political groupings to ask questions in turn.

45. Mr Fred LI asked how the Chairman would deal with the situation where, say, four Members from the same political grouping simultaneously raised their hands to ask questions. Mr Andrew WONG said that the Chairman could call the most senior Member amongst the four Members, or the Member who was the spokesperson for the relevant policy area to ask question first.

46. Mr Fred LI said that the Chairman might not know who the spokesperson of a particular political grouping for a policy area was. He further asked whether the number of times that a Member had asked questions at previous special House Committee meetings would be used as the basis for determining their order of asking questions at future special House Committee meetings.

47. Mr James TIEN responded that he reckoned that Members who raised their hands to ask questions were usually the ones who represented their own political groupings to ask questions. Mr TIEN added that in his view, the number of times that Members had asked questions at previous special House Committee meetings should not form the basis for determining the order of asking questions at future special House Committee meetings, given that the issues discussed at each special House Committee meeting were different.

48. Dr YEUNG Sum said that there was no need for the order of asking questions at a special House Committee to follow the order of speaking in debates at Council meetings, since the discussion of an issue at a special House Committee meeting was not the same as debating a motion in Council. He

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further pointed out that no particular rule was set for asking questions at the Chief Executive's question and answer sessions.

49. The Secretary General explained that no particular rule was adopted for the Chief Executive (CE)'s question and answer sessions, because unlike a special House Committee meeting which was devoted to discuss one subject matter, no restriction was imposed on the topics on which Members could ask CE questions.

50. The Chairman proposed that he would in future call upon Members belonging to different political groupings to ask questions in turn at special House Committee meetings. Members agreed.

(b) **Briefing by the Business and Professional Federation of Hong Kong**
(A letter dated 4 November 1999 from the Chairman of the Business and Professional Federation of Hong Kong to the President is attached)

51. Referring to the letter, the Chairman said that the Business and Professional Federation of Hong Kong (the Federation) wished to brief Members on its recently published report on Hong Kong's Economic Future. The letter was addressed to the President who had referred it to the House Committee to follow up. He added that if members wished to obtain extra copies of the Federation's report, they could approach the Secretariat.

52. The Chairman sought members' view as to whether the Federation's request should be referred to the Panel on Financial Affairs, given that similar requests made by outside organizations were normally handled by the relevant Panels. He reminded members that at the House Committee meeting on 25 September 1998, members agreed that the terms of reference of the Panel on Financial Affairs should include monitoring issues relating to the overall economic development of Hong Kong. The Chairman added that an alternative arrangement would be for the briefing to be held at a special House Committee meeting.

53. Mr James TIEN said that it would be more appropriate for the Panel on Financial Affairs to follow up the matter. Dr YEUNG Sum concurred with Mr TIEN.

54. Dr Raymond HO declared interest as he was a member of the Executive Committee of the Federation. He said that non-Panel Members should be invited to attend the briefing by the Federation.

55. Mr SIN Chung-kai said that it was for the Panel to decide whether the Federation's request should be acceded to.

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56. Members agreed that the matter be referred to the Panel on Financial Affairs to consider whether the Federation should be invited to give a briefing to Members on its report.

(c) **Reduction of visa fees for HKSAR passport holders**

(This item was not on the agenda)

(A letter dated 9 November 1999 from the Consul-General of Japan was tabled at the meeting)

57. Referring to the letter, Mr Edward HO, Chairman of the Parliamentary Liaison Subcommittee, said that in response to the request by the delegation of LegCo Members which visited Japan in February 1999, the Japanese Government had decided to reduce the visa fees for HKSAR passport holders travelling to Japan from the current levels of \$400 (for multiple entry) and \$200 (for single entry) to a flat rate of \$80 as of 1 December 1999, thereby bringing the visa fees for HKSAR passport holders in line with that for BNO passport holders.

58. There being no further business, the meeting ended at 5:26 pm.

Legislative Council Secretariat

17 November 1999