

立法會
Legislative Council

LC Paper No. CB(2) 1736/99-00

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 20th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 14 April 2000**

Members present :

Dr Hon LEONG Che-hung, JP (Chairman)
Dr Hon YEUNG Sum (Deputy Chairman)
Hon Kenneth TING Woo-shou, JP
Hon HO Sai-chu, SBS, JP
Ir Dr Hon Raymond HO Chung-tai, JP
Hon LEE Wing-tat
Hon LEE Cheuk-yan
Hon Martin LEE Chu-ming, SC, JP
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 Mrs Selina CHOW LIANG Shuk-ye, JP
Hon James TO Kun-sun
Hon HUI Cheung-ching
Hon Christine LOH Kung-wai
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 Andrew WONG Wang-fat, JP
Dr Hon Philip WONG Yu-hong
Hon Jasper TSANG Yok-sing, JP

Hon YEUNG Yiu-chung
Hon LAU Kong-wah
Hon Mrs Miriam LAU Kin-yee, JP
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

Members absent :

Hon James TIEN Pei-chun, JP
Hon David CHU Yu-lin
Hon Cyd HO Sau-lan
Hon Edward HO Sing-tin, SBS, JP
Hon Albert HO Chun-yan
Hon Michael HO Mun-ka
Dr Hon David LI Kwok-po, JP
Hon Ronald ARCULLI, JP
Hon MA Fung-kwok
Hon CHEUNG Man-kwong
Hon LEUNG Yiu-chung
Hon SIN Chung-kai
Hon WONG Yung-kan
Hon Howard YOUNG, JP
Hon LAU Chin-shek, JP
Hon LAU Wong-fat, GBS, JP
Hon Timothy FOK Tsun-ting, SBS, JP
Hon LAW Chi-kwong, JP
Dr Hon TANG Siu-tong, 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 Arthur CHEUNG	Assistant Legal Adviser 5
Mrs Vivian KAM	Chief Assistant Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Ms LEUNG Siu-kum	Chief Assistant Secretary (1)4
Mrs Betty LEUNG	Chief Assistant Secretary (3)1
Miss Mary SO	Chief Assistant Secretary (2)5 (Acting)

Action

I. Confirmation of the minutes of the 19th meeting held on 31 March 2000

(LC Paper No. CB(2) 1566/99-00)

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 asked CS whether she would give regular briefings to Members. CS had responded that she would give a briefing when there was a specific issue. The Chairman further said that he had reminded CS that there was at least one more Chief Executive's Question and Answer Session for the current legislative session.

3. Miss Emily LAU enquired about the dates on which CS had given briefings to Members and the subject matters discussed. The Secretary General undertook to provide the information to members.

4. Miss Emily LAU hoped that CS would give a briefing to Members as soon as possible, as there were many issues that Members were very concerned about. The Chairman said that he had asked CS whether she would consider giving a briefing to Members on Civil Service Reform. CS had however considered that such a briefing should more appropriately be given by the Secretary for the Civil Service.

(b) Remarks made by the Director of Environmental Protection (DEP) during a radio programme interview on 29 March 2000

(LC Paper No. CB(2) 1560/99-00 issued on 3 April 2000)

(LC Paper No. CB(2) 1590/99-00 issued on 6 April 2000)

Action

(LC Paper No. CB(1) 1367/99-00)

5. The Chairman said that the transcript of DEP's radio interview on 29 March 2000, the Official Records of Proceedings of the relevant motion debates and an information paper entitled "Addressing the air pollution problem in Hong Kong" had been issued to members.

6. Miss Christine LOH said that having read the transcript of DEP's radio interview on 29 March 2000, she did not consider DEP's remarks to be defamatory.

7. Miss Margaret NG said that although DEP's remarks were not incorrect, they were however sweeping, and did have the effect of misleading the public that the worsening air pollution problem was due to Members not supporting the proposed mandatory diesel-to-petrol scheme. Nevertheless, Miss NG was of the view that it would not be desirable to dwell on DEP's remarks, as what mattered most to the public was what constructive actions would be taken by Members to address the worsening air pollution problem.

8. The Chairman concurred with Miss NG. He informed members that Mr James TIEN had applied for a slot to move a motion on air pollution for debate at the Council meeting on 10 May 2000.

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)

Revenue (No. 2) Bill 2000

(LC Paper No. LS 111/99-00)

9. The Chairman said that the Bill sought to extend the duration of the temporary concession on diesel duty and the first registration tax exemption for electric vehicles.

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

(b) Legal Service Division's reports on subsidiary legislation tabled in Council on 12 April 2000 (gazetted on 31 March and 7 April 2000)

(LC Papers No. LS 114/99-00 and LS 115/99-00)

LS 114/99-00

Action

11. Members did not raise any query on the three items of subsidiary legislation covered in the paper.

12. The Chairman reminded members that the deadline for amending the subsidiary legislation was 3 May 2000 or 10 May 2000, if extended by resolution.

LS 115/99-00

13. The Chairman referred members to the paper which detailed the seven items of subsidiary legislation gazetted on 7 April 2000.

14. Referring to the Grant Schools Provident Fund (Amendment) Rules 2000 and the Subsidized Schools Provident Fund (Amendment) Rules 2000, the Legal Adviser said that the object of these two Amendment Rules was to facilitate teachers of aided schools to remain in the statutory provident fund schemes when they switched employment to Direct Subsidy Scheme (DSS) Schools. He explained that a teacher employed in a grant school could continue to contribute to the Grant Schools Provident Fund if the school joined the DSS. However, for a teacher employed in a subsidized school, he could continue to contribute to the Subsidized Schools Provident Fund for a maximum period of five years if the school joined the DSS. The Legal Adviser added that the drafting and legal aspects of the two Amendment Rules were in order.

15. The Chairman said that although the Administration had submitted the proposals to allow ex-aided school teachers to stay in the statutory provident funds for consideration by the Panel on Education on 15 November 1999, Panel members had not discussed the proposals in detail due to lack of time. As the two Amendment Rules would give effect to the proposals, the Chairman sought members' view as to whether a subcommittee should be formed to study the two items of subsidiary legislation.

16. Mr SZETO Wah said that as the proposals to allow ex-aided school teachers to stay in the statutory provident funds were previously discussed by the Panel on Education, it would be preferable for the Panel to study the two Amendment Rules. Mr YEUNG Yiu-chung, Chairman of the Panel on Education, concurred with Mr SZETO.

17. The Legal Adviser said that as the deadline for amending the two Amendment Rules was 10 May 2000 or 17 May 2000, if extended by resolution, the Panel on Education should brief the House Committee on its deliberations of the Rules prior to the deadline on 10 May 2000. The

Action

Legal Adviser further pointed out that should the House Committee decide to form a subcommittee after the Panel on Education had completed consideration of the Rules, the subcommittee might have very little time to scrutinize the Amendment Rules.

18. The Chairman suggested deferring the decision of forming a subcommittee, but urged the Panel on Education to study the Amendment Rules as soon as possible. Members agreed.

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

IV. Business for the Council meeting on 3 May 2000

(a) Questions

(LC Paper No. CB(3) 783/99-00)

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

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

21. Members noted that no notice had been received.

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

22. Members noted that no notice had been received.

(d) Government motion

Resolution under section 29 of the Pharmacy and Poisons Ordinance - to be moved by the Secretary for Health and Welfare

(LC Paper No. CB(3) 799/99-00 tabled at the meeting)

23. The Chairman informed members that the Secretary for Health and Welfare had just given notice to move the proposed resolution at the Council meeting on 3 May 2000. The Legal Adviser said that the proposed resolution sought to amend the Poisons List in the Poisons List Regulations and the Schedules to the Pharmacy and Poisons Regulations, for the purpose of imposing or updating control on a number of medicines.

Action

24. The Chairman proposed that the Administration be requested to withdraw its notice to move the proposed resolution at the Council meeting on 3 May 2000, to allow time for members to study the resolution. Members agreed. The Legal Adviser said that a report on the proposed resolution would be submitted for members' consideration at the next House Committee meeting on 28 April 2000.

(e) **Members' motions**

(i) **Motion on "Enhancing the learning and teaching environment in schools"**

25. Members noted the draft wording of the motion which would be moved by Mr CHEUNG Man-kwong.

(ii) **Motion "Sound risk management and procedural arrangement for information technology-related stocks"**

26. Members noted the draft wording of the motion which would be moved by Mr Eric LI Ka-cheung.

27. The Chairman informed members that the deadline for giving notice of amendments (if any) to the motions was 25 April 2000. The speaking time limits stipulated in rule 17(c) of the House Rules would apply.

V. **Reports**

(a) **Position report on Bills Committees/Subcommittees**
(LC Paper No. CB(2) 1649/99-00)

28. The Chairman said that there were 16 Bills Committees and eight subcommittees in action. In addition, there were 21 Bills Committees on the waiting list.

(b) **Report of the Subcommittee on resolution under section 3 of the Dogs and Cats Ordinance (Cap.167) and Dogs and Cats (Amendment) Ordinance 1997 (97 of 1997) (Commencement) Notice 1999**

(LC Paper No. CB(1) 1363/99-00)

29. Mr CHAN Kwok-keung introduced the paper on behalf of Dr TANG Siu-tong, Chairman of the subcommittee. Mr CHAN said that having considered the views of the subcommittee, the Administration had

Action

revised the Dangerous Dogs Regulation as set out in Appendix III of the paper. While the subcommittee would not propose any amendments to the Regulation, individual members of the subcommittee might move amendments regarding neutering requirement for fighting dogs and ex-gratia payment to owners of fighting dogs.

30. Mr CHAN further said that the Administration intended to move the proposed resolution seeking the Council's approval of the Regulation on 10 May 2000.

(c) Report of the Subcommittee on Chinese Medicine (Fees) Regulation

31. Prof NG Ching-fai, Chairman of the subcommittee, said that the subcommittee held its first meeting on 12 April 2000 to meet the Administration and several associations of Chinese medicine practitioners. Members of the subcommittee were concerned as to how the Administration had arrived at the level of fees payable. The subcommittee had requested the Administration to provide a paper detailing the work of the secretariat which would serve the Chinese Medicine Council of Hong Kong and administer the registration system for discussion at the next meeting scheduled on 19 April 2000.

32. Prof NG further said that the subcommittee would complete its work and submit a written report to the House Committee on 28 April 2000. He reminded members that the deadline for giving notice to amend the Regulation was 25 April 2000.

(d) Paper of the Panel on Manpower on proposed study visit to Singapore

(LC Paper No. CB(2) 1660/99-00)

33. Mr LEE Kai-ming, Deputy Chairman of the Panel on Manpower, introduced the paper which sought the House Committee's permission for a visit to be made by a delegation of the Panel to Singapore from 7 to 10 May 2000. The purpose of the visit was to study the country's training system and manpower development strategies.

34. The Chairman said that in accordance with the system of allocation of funds for Members' overseas duty visits approved by The Legislative Council Commission, up to four members of a delegation of a Panel would be fully sponsored.

35. The Chairman asked whether funds were available for the Panel on Manpower to undertake the proposed study visit to Singapore. The

Action

Secretary General replied that funds had been set aside in the Commission's budget for 2000-2001 for Members to undertake overseas duty visits.

36. Mr Martin LEE enquired why members of the delegation would be travelling on business class for their study visit to Singapore.

37. The Secretary General replied that Members of the Legislative Council on overseas duty visits were entitled to travel on business class.

38. Miss Emily LAU enquired whether Members were only entitled to travel on business class for long-haul flights.

39. The Secretary General said that Members were entitled to travel on business class regardless of the distance of the journey. However, if a Member wished to travel on economy class, it would be entirely up to the Member concerned.

40. In reply to Miss Margaret NG's enquiry, the Secretary General said that the Legislative Council delegation which visited Europe in February 2000 had travelled on business class. Miss Margaret NG said that the Panel on Manpower should travel on business class if Members were entitled to do so.

41. The Chairman echoed Miss NG's views. He added that any Member who wished to introduce changes to the existing policy and practice on Members undertaking overseas duty visits should raise them with The Legislative Council Commission.

42. Members endorsed the Panel on Manpower's proposal to send a delegation to visit Singapore.

VI. Any other business

a) Revision of Government fees and charges

43. The Chairman said that although the proposals relating to the revision of Government fees and charges had been considered by the Panel on Financial Affairs on 13 April 2000, other Panels might wish to further discuss those fees and charges falling within their respective policy areas.

44. Mr Ambrose LAU, Chairman of the Panel on Financial Affairs, said that he had no objection to the proposals being further discussed by the relevant Panels. He however pointed out that Mr James TIEN had

Action

expressed reservations about the suggestion when the Chairman raised it at the Panel meeting on 13 April 2000. Chief Assistant Secretary (1) 4 explained that Mr TIEN's main concern was that Members who were not affiliated to any political parties or groupings might need to attend quite a number of Panel meetings. Mr LAU further said that Members who were not on the Panel on Financial Affairs had been invited to attend the Panel meeting on 13 April 2000. The Administration's paper detailing the proposals was also given to all Members.

45. Mr LEE Cheuk-yan said that the Secretary for the Treasury had informed Members at the meeting on 13 April 2000 that it was the Administration's intention to further discuss the fees and charges with the relevant Panels.

46. Dr YEUNG Sum considered it useful for other Panels to further discuss the proposals to revise Government fees and charges, given that some of these revisions had policy implications.

47. The Chairman said that it would be for individual Panels to decide whether they would follow up those proposals relating to the revision of fees and charges within their ambit. Members agreed.

(b) **Remarks made by Mr WANG Feng-chao, Deputy Director of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region, on 12 April 2000**
(Letter of 14 April 2000 from Mr James TO tabled at the meeting)

48. Mr James TO said that given the wide public concern over the remarks made Mr WANG Feng-chao, Deputy Director of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region (Central Government's Liaison Office), he sought members' views as to whether a special meeting of the House Committee or a joint meeting of the relevant Panels should be convened to discuss the matter.

49. Miss Margaret NG said that she did not object to holding a special House Committee meeting to discuss the matter. However, should it be decided that the matter be followed up by the relevant Panel, the one to do so should be the Panel on Constitutional Affairs. Miss NG explained that Mr WANG's remarks raised a more fundamental issue of the role of the Central Government's Liaison Office in Hong Kong, given that paragraph 1 of Article 22 of the Basic Law stipulated that "No department of the Central People's Government and no province, autonomous region, or municipality directly under the Central Government may interfere in the affairs which the Hong Kong Special Administrative Region administers

Action

on its own in accordance with this Law". Miss CHOY So-yuk, Chairman of the Panel on Home Affairs, expressed support for Miss NG's views.

50. Dr YEUNG Sum said that given the extensive public concern over the impact of Mr WANG's remarks on press freedom, it was also incumbent upon Members to hear the views of the Administration, the media and the academia.

51. Mr Gary CHENG was of the view that one option to follow up the matter was for the Panel on Constitutional Affairs and Panel on Home Affairs to hold a joint meeting to discuss the issues involved. Another option that could be considered was for individual Panels concerned to decide whether there was the need to discuss the relevant issues.

52. Mr Andrew WONG, Chairman of Panel on Constitutional Affairs, said that he had no objection to the Panel studying the role of the Central Government's Liaison Office in Hong Kong.

53. The Chairman said that the item was not on the agenda of the meeting, it would therefore not be appropriate to discuss Mr WANG's remarks in detail or to decide whether a special meeting of the House Committee should be convened. The Chairman added that it would be for the relevant Panels to decide whether or not to discuss the matter. Nevertheless, as there was general support for the views expressed, he proposed that the Panel on Constitutional Affairs could take the lead in following up the matter, or that the Panel on Constitutional Affairs and Panel on Home Affairs could consider holding a joint meeting. Members agreed.

54. The meeting ended at 3:15 pm.