

立法會  
*Legislative Council*

LC Paper No. CB(2) 695/99-00

Ref : CB2/H/5

**House Committee of the Legislative Council**

**Minutes of the 10<sup>th</sup> meeting  
held in the Legislative Council Chamber  
at 4:28 pm on Friday, 17 December 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 David CHU Yu-lin  
Hon HO Sai-chu, SBS, JP  
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 Martin LEE Chu-ming, SC, JP  
Hon Eric LI Ka-cheung, JP  
Hon LEE Kai-ming, SBS, JP  
Hon Fred LI Wah-ming, JP  
Hon NG Leung-sing  
Prof Hon NG Ching-fai  
Hon Mrs Selina CHOW LIANG Shuk-yee, JP  
Hon Ronald ARCULLI, JP  
Hon MA Fung-kwok  
Hon CHEUNG Man-kwong  
Hon Ambrose CHEUNG Wing-sum, JP  
Hon HUI Cheung-ching  
Hon CHAN Kwok-keung  
Hon CHAN Yuen-han  
Hon Bernard CHAN  
Hon CHAN Wing-chan  
Hon CHAN Kam-lam  
Hon SIN Chung-kai  
Hon Andrew WONG Wang-fat, JP



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
Miss Connie FUNG	Assistant Legal Adviser 3
Mr Stephen LAM	Assistant Legal Adviser 4
Mr KAU Kin-wah	Assistant Legal Adviser 6
Mrs Vivian KAM	Chief Assistant Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Mr Andy LAU	Chief Assistant Secretary (1)2
Miss Salumi CHAN	Chief Assistant Secretary (1)5
Mrs Constance LI	Chief Assistant Secretary (2)2
Mr LAW Wing-lok	Chief Assistant Secretary (2)5
Mrs Mary TANG	Chief Assistant Secretary (1)6 (Temp)
Miss Mary SO	Senior Assistant Secretary (2)8

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**I. Confirmation of the minutes of the 9th meeting held on 3 December 1999**  
(*LC Paper No. CB(2) 567/99-00*)

The minutes were confirmed.

**II. Matters arising**

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

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2. The Chairman said that Bureau Secretaries had been urged to introduce bills as early as possible to avoid bunching. The Chairman added that he had requested the Administration to indicate the relative priority of new bills when they were introduced.

**(b) Monitoring of issues relating to the provision of municipal services by Legislative Council Panels**

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(*LC Paper No. CB(2) 631/99-00*)

3. The Chairman sought members' views on the options proposed in paragraph 15 of the paper. He urged members to reach a decision at the meeting as to which option should be adopted, so that the Council's approval of the new arrangement could be sought on 5 January 2000.

4. Mr Fred LI expressed support for the formation of two new Panels as proposed in paragraphs 8 and 12 of the paper. Mr LI further said that the two new Panels, if formed, should convene meetings as soon as possible to follow

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up the 169 outstanding capital works projects of the two Provisional Municipal Councils (PMCs).

5. Mr Eric LI asked which of the two Panels would be responsible for following up the outstanding projects. He said that it would be difficult to split these projects between the two Panels given the nature of some of the projects concerned. He considered it more effective to form a subcommittee to follow up these projects.

6. The Chairman said that the 169 outstanding projects would fall under the proposed ambit of the two new Panels. He added that should members agree to the formation of the two new Panels at this meeting, the Secretariat would invite applications to join the new Panels early next week in anticipation of the Council's approval of their formation on 5 January 2000.

7. Mr Andrew WONG expressed reservation about forming two new Panels. In his view, the structure of Panels should be as streamlined as possible, and he found it difficult to accept that there was a need to form two new Panels, given that only one new Bureau was formed under the new governmental structure for the provision of municipal services. However, he considered the proposal to form a subcommittee to specifically deal with the outstanding projects worth considering.

8. The Chairman said that the arrangement of having two Panels to monitor the policy areas under the ambit of one policy bureau already existed under the current structure of Panels. He further said that if no new Panel was formed, the ambit of certain existing Panels would need to be expanded to cover municipal services-related issues, which would render their workload too heavy for effective operation.

9. Dr YEUNG Sum said that there was a need to form two new Panels to cope with the increase in workload arising from the monitoring of municipal services-related issues which had hitherto been undertaken by the PMCs. He was of the view that if a new Panel on Leisure, Culture and Sport was not formed, the ambit of the existing Panel on Home Affairs (HA Panel) would need to be expanded to oversee the provision of leisure and cultural services, thus further increasing its already heavy workload. Mr Andrew CHENG added that the setting up of the new Panel on Leisure, Culture and Sport would demonstrate to the community that the Council attached great importance to the provision of leisure and cultural services.

10. Mr Andrew WONG said that the monitoring of issues relating to human rights, currently under the ambit of the HA Panel, could be taken up by the Panel on Constitutional Affairs (CA Panel) so as to avoid over-burdening the HA Panel.

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11. The Chairman said that it might not be desirable to transfer issues which had all along been monitored by a Panel to another Panel, given that there were only six more months before the end of the current legislative term.

12. Mr Ambrose CHEUNG said that he was in favour of forming a new Panel on Food Safety and Environmental Hygiene to oversee issues relating to food safety, environmental hygiene, food animal inspection and veterinary public health, with the existing Panel on Environmental Affairs (EA Panel) continuing to focus on environmental protection and conservation issues.

13. Mr Ambrose CHEUNG suggested that the HA Panel could deal with issues relating to the provision of leisure and cultural services for the remainder of the current legislative term, given that the workload arising therefrom would not be significant since the Administration had indicated that fees and charges for municipal services would not be revised in the short-term. He agreed with Mr WONG's view that human rights issues could be taken up by the CA Panel. He further said that the experience of the HA Panel in handling the additional workload over the next few months would serve as a useful reference for Members of the new LegCo term to consider whether there was a need for a separate Panel on Leisure, Culture and Sport.

14. Mr Ambrose CHEUNG added that it would be more appropriate to set up a subcommittee to follow up the 169 outstanding projects, given that a number of these projects involved the construction of multi-purpose complexes which straddled the policy areas of several Panels.

15. Miss CHAN Yuen-han expressed support for the formation of a new Panel on Food Safety and Environmental Hygiene. She added that she had no strong view as to whether leisure and cultural services should be taken up by the HA Panel or whether a new Panel on Leisure, Culture and Sport should be formed.

16. Mr Howard YOUNG did not favour the setting up of a new Panel on Leisure, Culture and Sport, as past experience indicated that the turn-up rate of members of the former Panel on Recreation and Culture was lower than that of other Panels and the items brought up for discussion were also fewer. Mr Fred LI responded that the situation would be very different now, as the Administration would take over the provision of municipal services with effect from 1 January 2000.

17. Mrs Selina CHOW and Mr Ronald ARCULLI were of the view that it was not necessary to form new Panels, as issues relating to food safety and environmental hygiene could be taken up by the EA Panel, while issues relating to provision of leisure and cultural services could be dealt with by the HA Panel. Mrs CHOW further said that the problem of forming a quorum for meetings would arise if too many Panels were formed. Mrs CHOW also

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agreed that a subcommittee should be formed to deal with transitional issues.

18. Dr TANG Siu-tong suggested the formation of a new Panel on Municipal Services to oversee all issues currently undertaken by the two PMCs. Prof NG Ching-fai expressed support for Dr TANG's suggestion.

19. Mr Ronald ARCULLI and Mrs Selina CHOW were not in favour of forming a new Panel on Municipal Services, as the work of a Panel should be delineated to correspond to that of a specific policy bureau.

20. Dr YEUNG Sum expressed concern about the additional workload imposed on Members and the Secretariat, having regard to the fact that issues relating to the provision of municipal services were presently undertaken by about 100 PMC members who were serviced by two secretariats.

21. Mrs Selina CHOW proposed that a subcommittee should be formed to consider the way forward, as there was no consensus amongst members on the various options raised at the meeting as to how Panels should be re-structured. Messrs Ronald ARCULLI, Andrew WONG and Howard YOUNG concurred with Mrs CHOW.

22. The Chairman suggested and members agreed to put Mrs CHOW's proposal to vote. The results of the vote were 18 members voted in favour of the proposal and 13 members voted against.

23. The Chairman said that the options that the subcommittee should consider should include the following -

- (i) no new Panels be formed; the issues relating to food safety and environmental hygiene be covered by the EA Panel, and the issues relating to the provision of leisure and cultural services be dealt with by the HA Panel;
- (ii) two new Panels be formed, viz: a Panel on Food Safety and Environmental Hygiene, and a Panel on Leisure, Culture and Sport;
- (iii) a new Panel on Food Safety and Environmental Hygiene be formed; and the ambit of the existing HA Panel be expanded to cover the monitoring of issues relating to the provision of leisure and cultural services. The monitoring of issues relating to human rights, currently within the terms of reference of the HA Panel, be transferred to the CA Panel; and
- (iv) a new Panel on Municipal Services be formed to oversee all issues relating to the provision of municipal services.

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24. The Chairman said that the subcommittee should comprise Members from different political parties and groupings. He further suggested that the subcommittee should submit a report to the House Committee on 7 January 2000. Members agreed.
25. Dr YEUNG Sum said that it was necessary to form a separate subcommittee to follow up the 169 outstanding projects.
26. Miss Emily LAU said that the Administration had indicated that it would consult the relevant Panels on how to follow up the outstanding projects.
27. Mr Ronald ARCULLI said that he was in favour of forming a subcommittee to follow up these projects, given that it was unlikely that the Administration would be able to complete the consultation process before the end of the current financial year.
28. The Chairman suggested that a separate subcommittee should be formed to follow up the 169 outstanding projects. Members agreed.
29. The Chairman instructed the Secretariat to issue circulars early next week inviting Members to join the two subcommittees.
30. The Chairman suggested that The Legislative Council Commission be requested to consider the issue of additional resources to enable the Secretariat to cope with anticipated increase in workload. He further suggested that the CA Panel should discuss whether the number of LegCo Members should be increased, given the Council's new responsibilities to monitor issues relating to the provision of municipal services.
31. The Chairman said that pending a decision on how the Panels would be re-structured, members who wished to bring up municipal services-related issues could raise them with the House Committee.

**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) **Consular Relations Bill**  
(*LC Paper No. LS 36/99-00*)
32. The Chairman referred to the paper and said that the Legal Service Division was seeking clarification from the Administration on a number of drafting and legal points and would submit a further report. The Chairman

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

**(ii) Road Traffic Legislation (Amendment) Bill 1999**  
(LC Paper No. LS 43/99-00)

33. The Chairman said that the main purpose of the Bill was to introduce a probationary driving licence scheme to regulate inexperienced drivers of motor cycles and motor tricycles.

34. The Chairman further said that the proposed probationary driving licence scheme was discussed at a meeting of the Panel on Transport in December 1998. Panel members had raised various issues with the Administration.

35. Mr Albert HO suggested that a Bills Committee be formed to study the Bill. Members agreed. The following members agreed to join : Mr Albert HO Chun-yan, Mrs Miriam LAU Kin-ye (as advised by Mr HO Sai-chu) and Mr Andrew CHENG Kar-foo.

**(iii) Landlord and Tenant (Consolidation) (Amendment) Bill 1999**  
(LC Paper No. LS 41/99-00)

36. The Chairman said that the object of the Bill was to improve and update the Landlord and Tenant (Consolidation) Ordinance. He added that as the Bill contained substantial amendments of a complex nature, it warranted detailed study by a Bills Committee.

37. Mr Fred LI suggested that a Bills Committee be formed. Members agreed. The following members agreed to join : Mr HO Sai-chu, Mr Albert HO Chun-yan and Mr James TO (as advised by Mr Fred LI Wah-ming).

**(iv) Education (Amendment) Bill 1999**  
(LC Paper No. LS 39/99-00)

38. Referring to the paper, the Chairman said that the Bill sought to amend the Education Ordinance to embody the existing retirement policy for teachers currently set out in the Codes of Aid in the light of the court judgement in June 1999. He added that the Administration had consulted the Panel on Education on 5 December 1999. Panel members had expressed support for the proposals in the Bill.

39. The Chairman further said that the Legal Service Division was seeking clarification from the Administration on certain aspects of the Bill. He suggested that a decision on the Bill be deferred pending the Legal Service Division's further report. Members agreed.

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(v) **Drug Trafficking and Organized Crimes (Amendment) Bill 1999**

*(LC Paper No. LS 38/99-00)*

40. The Chairman said that the Bill sought to tighten up certain provisions in the Drug Trafficking (Recovery of Proceeds) Ordinance and the Organized and Serious Crimes Ordinance to enhance the effectiveness of anti-money laundering regime. He added that according to the Administration, the two legal professional bodies, the Hong Kong Society of Accountants, financial regulators and the Action Committee Against Narcotics generally supported the proposals in the Bill.

41. The Chairman further said that the Legal Service Division was still scrutinizing the legal and drafting aspects of the bill. The Chairman added that as some members of the Panel on Security had expressed concern over certain aspects of the Bill, he recommended that a Bills Committee be formed to study the Bill in detail.

42. Mr Albert HO suggested that a Bills Committee be formed. The following members agreed to join : Dr LEONG Che-hung, Mr Albert HO Chun-yan, Mr YEUNG Yiu-chung and Mr James TO (as advised by Mr Fred LI Wah-ming).

(b) **Legal Service Division's reports on subsidiary legislation tabled in Council on 8 and 15 December 1999 (gazetted on 3 and 10 December 1999)**

*(LC Papers No. LS 42 and LS 45/99-00)*

LS 42/99-00

43. Members did not raise any query on the subsidiary legislation gazetted on 3 December 1999.

44. The Chairman reminded members that the deadline for amending the subsidiary legislation was 5 January 2000, or 12 January 2000 if extended by resolution.

LS 45/99-00

45. The Chairman introduced the paper which detailed the 11 items of subsidiary legislation gazetted on 10 December 1999.

46. The Chairman said that the subcommittee on subsidiary legislation relating to 2000 Legislative Council election held a meeting in the morning to consider the two items of election-related subsidiary legislation, viz. the

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Electoral Affairs Commission (Printing of Name of Organization and Emblem on Ballot Paper) (Legislative Council) Regulation and the Electoral Affairs Commission (Registration) (Electors for Functional Constituencies) (Voters for Subsectors) (Members of Election Committee) (Legislative Council) (Amendment) Regulation 1999. The Chairman added that Mr Ronald ARCULLI, Chairman of the subcommittee, would make a report under agenda item VII(e) below.

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

48. The Chairman reminded members that the deadline for amending the subsidiary legislation was 12 January 2000, or 19 January 2000 if extended by resolution.

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

**(a) Stamp Duty (Amendment) Bill 1999**  
*(LC Paper No. LS 40/99-00)*

49. The Legal Adviser said that the Bill sought to abolish the fee charged for mandatory adjudication, increase the fee for voluntary adjudication from \$20 to \$50 and transfer the regulation-making power from the Chief Executive in Council to the Financial Secretary.

50. The Legal Adviser further said that the Administration had clarified the conditions under which adjudication fee would be refunded and had proposed Committee Stage amendments (CSAs) to give effect to the policy intent that refund of adjudication fee was possible after the instrument had been stamped. He added that the Legal Service Division was of the view that the legal and drafting aspects of the Bill were in order.

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

**(b) Merchant Shipping (Safety) (Amendment) Bill 1999**  
*(LC Paper No. LS 46/99-00)*

52. The Legal Adviser drew members' attention to the Annex to the paper which detailed the Administration's response to the queries raised by the Legal Service Division. He said that the Administration had undertaken to consider making improvement to the Chinese text of section 26(5) of the Merchant Shipping (Safety) Ordinance when a suitable opportunity arose. He added that the Legal Service Division was satisfied that the provision in its present

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proposed form was legally effective and considered that the Bill was ready for resumption of Second Reading debate.

53. The Legal Adviser said that Hong Kong was obliged to implement the "1988 Protocol to the International Convention for the Safety of Life at Sea 1974" and "1988 Protocol to the International Convention on Load Lines 1966" through domestic legislation at the same time when the two Protocols came into effect internationally in February 2000. He added that the Administration would like to resume the Second Reading debate on the Bill in early January 2000.

54. Members did not raise objection to the resumption of the Second Reading debate on the Bill in early January 2000.

**V. Business for the Council meeting on 5 January 2000**

(a) **Questions**  
(*LC Paper No. CB(3) 331/99-00*)

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

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

**Securities (Amendment) Bill 1999**

56. Members noted that the above Bill would be introduced into the Council on 5 January 2000 and considered by the House Committee on 7 January 2000.

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

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(i) **Adaptation of Laws (No. 7) Bill 1998**

(ii) **Adaptation of Laws (No. 30) Bill 1999**

57. The Chairman said that members agreed at the meeting on 26 November 1999 that the Second Reading debate on the above Bills be resumed.

(d) **Government motions**

58. Members noted that no notice had been received.

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(e) **Members' motions**

(i) **Motion on "Assisting Hong Kong's labour force in meeting the economic challenges of the new millenium"**

59. Members noted the draft wording of the motion to be moved by Mr David CHU Yu-lin.

(ii) **Motion on "Establishing a labelling system for genetically-modified foods"**

60. Members noted the draft wording of the motion to be moved by Dr TANG Siu-tong.

61. The Chairman reminded members that the deadline for giving notice of amendments (if any) to the motions was 24 December 1999. 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 12 January 2000**

(a) **Questions**

*(LC Paper No. CB(3) 332/99-00)*

62. Members noted that 15 questions (six oral and nine written) had been tentatively scheduled.

63. The Chairman said that the deadline for giving notice of questions was 3 January 2000.

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

**Factories and Industrial Undertakings (Amendment) Bill 2000**

64. Members noted that the above Bill would be introduced into the Council on 12 January 2000 and considered by the House Committee on 14 January 2000.

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## VII. Reports

(a) **Position report on Bills Committees/subcommittees**  
(LC Paper No. CB(2) 624/99-00)

65. The Chairman said that there were 12 Bills Committees and 7 subcommittees in action. In addition, members agreed earlier to form two subcommittees under agenda item II(b).

66. The Chairman further said that as there were three vacant slots, the Bills Committee on Hong Kong Arts Development Council (Amendment) Bill 1999, which was currently holding its work in abeyance, could be reactivated following the passage of the Provision of Municipal Services (Reorganization) Bill. The remaining two vacant slots would be taken up by the Bills Committee on Dangerous Drugs, Independent Commission Against Corruption and Police Force (Amendment) Bill 1999 and the Bills Committee on Legal Aid (Amendment) Bill 1999.

67. The Chairman added that with the formation of three Bills Committees under agenda item III(a), there were 13 Bills Committees on the waiting list.

(b) **Report of the Bills Committee on Electronic Transactions Bill**  
(LC Paper No. CB(1) 609/99-00)

68. Mr SIN Chung-kai, Chairman of the Bills committee, introduced the paper and said that the Administration had proposed a number of CSAs to address the Bills Committee's concerns about various proposals in the Bill. He added that the Bills Committee had recommended the resumption of the Second Reading debate on the Bill to take place on 5 January 2000.

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

(c) **Report of the Bills Committee on Hong Kong Sports Development Board (Amendment) Bill 1999**  
(LC Paper No. CB(2) 610/99-00)

70. Mr Timothy FOK, Chairman of the Bills Committee, introduced the paper and highlighted the main provisions of the Bill as detailed in paragraph 3 of the paper. He added that the Bills Committee supported the Bill and recommended that the Second Reading debate on the Bill be resumed on 12 January 2000.

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

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**(d) Report of the Bills Committee on Arbitration (Amendment) Bill 1999**

*(LC Paper No. CB(2) 679/99-00 tabled and issued vide LC Paper No. CB(2) 691/99-00 on 20 December 1999)*

72. Mr Ronald ARCULLI introduced the paper on behalf of Miss Margaret NG, Chairman of the Bills Committee. He said that the main purpose of the Bill was to give effect to the reciprocal arrangement for the enforcement of arbitral awards agreed between the Mainland and the Hong Kong Special Administrative Region (HKSAR). He highlighted in particular the CSA to be moved by the Administration to amend clause 9. The purpose of the amendment was to preserve the existing scope of application of the Arbitration Ordinance so as to give the Administration time to consider a formulation which would apply the Arbitration Ordinance to any arbitration agreement including those entered into by the HKSAR Government or any offices set up in the HKSAR by the Central People's Government. He also said that the Bills Committee had recommended that the issue relating to section 2GG of the Arbitration Ordinance should be followed up by the Panel on Administration of Justice and Legal Services. As the arbitration community and the legal profession hoped that the Bill would be enacted as soon as possible, the Bills Committee had recommended that the Second Reading debate on the Bill be resumed on 5 January 2000.

73. The Legal Adviser explained that prior to 1 July 1997, reciprocal enforcement of arbitral awards between the Mainland and Hong Kong was governed by the "New York Convention". However, the Convention was no longer applicable to the enforcement of arbitral awards between the Mainland and the HKSAR after the reunification, although it continued to apply to the HKSAR as part of the People's Republic of China.

74. Members raised no objection to the resumption of the Second Reading debate on the Bill to take place on 5 January 2000.

75. The Chairman said that the deadline for giving notice of CSAs to the Bill was 22 December 1999.

**(e) First report of the subcommittee on subsidiary legislation relating to 2000 Legislative Council election**

*(LC Paper No. CB(2) 611/99-00)*

76. Mr Ronald ARCULLI, Chairman of the subcommittee, introduced the paper and said that the subcommittee had completed scrutiny of the Declaration of Geographical Constituencies (Legislative Council) Order 1999, the Legislative Council (Registration of Electors) (Appeals) (Amendment) Regulation 1999 and the Electoral Affairs Commission (Registration of electors) (Geographical constituencies) (Legislative Council) (Amendment)

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Regulation 1999. The subcommittee was of the view that the three items of subsidiary legislation did not involve any change in policy and were legally in order. He added that the subcommittee had recommended that the three items of subsidiary legislation be supported.

77. Mr ARCULLI further said that the subcommittee held a meeting in the morning to discuss the two items of election-related subsidiary legislation referred to in paragraph 46 above. He added that as the subcommittee would need more time to study the two items of subsidiary legislation, he would move a motion at the Council meeting on 5 January 2000 to extend the scrutiny period to 19 January 2000.

78. Mr Andrew WONG said that there were cases where the names of electors had been deleted from the register even though some of these persons had not changed their residential addresses. He was of the view that the letters sent by the Electoral Registration Officer should be more "user-friendly" and should draw the addressees' attention that if they did not respond for three consecutive times, their names would be deleted from the register. Dr YEUNG Sum echoed Mr WONG's view.

79. Mr ARCULLI said that the subcommittee would follow up the issue raised by Mr WONG.

**(f) Report of the subcommittee on Immigration (Amendment) Regulation 1999**  
*(LC Paper No. CB(2) 638/99-00)*

80. Introducing the paper on behalf of Miss Margaret NG, Chairman of the subcommittee, Mr Ronald ARCULLI highlighted the subcommittee's deliberations on the procedures for hearing appeals in the absence of appellants as detailed in paragraphs 14 and 15 of the paper. He added that the subcommittee had recommended that the Immigration (Amendment) Regulation 1999 be supported, subject to the amendments to be made by the Administration as set out in Annex II to the paper.

**(g) Report of the subcommittee on Organized and Serious Crimes Ordinance (Amendment of Schedule 1) Order 1999**

81. Mrs Selina CHOW, Chairman of the subcommittee, said that the Organized and Serious Crimes Ordinance (Amendment of Schedule 1) Order 1999 ("the Order") sought to amend Schedule 1 to the Organized and Serious Crimes Ordinance (OSCO) to add certain offences under the Trade Description Ordinance and the Copyright Ordinance. She added that the subcommittee had held three meetings with the Administration and met ten deputations which included optical disc manufacturing associations and copyright-based industries.

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82. Mrs CHOW added that the Optical Disc Manufacturing and Technologies Association Limited, which represented over 75% of the optical disc manufacturers in Hong Kong, had expressed strong objection to the making of the Order. The Association claimed that they had difficulties in tracing the chain of title of copyrights and had initially requested that optical disc manufacturers be excluded from the application of the Order. On the other hand, the Hong Kong Optical Disc Manufacturers Association was of the view that copyright protection was necessary and that optical disc manufacturers should not be exempted. Mrs CHOW added that the copyright-based industries and the Hong Kong Copyright Alliance had made a joint submission to the subcommittee expressing support for the provisions set out in the Order.

83. Mrs CHOW further said that the subcommittee supported the inclusion of piracy and counterfeiting offences in Schedule 1 to OSCO. However, the subcommittee accepted that optical disc manufacturers might experience difficulties in authenticating copyright authorizations, and it came to the view that more proactive measures should be taken by the Administration to assist manufacturers in the verification process. The subcommittee further considered that this and other issues related to the enforcement of the Prevention of Copyright Privacy Ordinance should be followed up by the Trade and Industry Panel. The subcommittee concluded that the Optical Disc Manufacturing and Technologies Association Limited's request for a two-year deferment of the implementation of the provisions in the Order should be rejected and recommended that the Order be supported.

84. Mrs CHOW said that the Administration wished to give notice to move a motion to seek the Council's approval of the Order as soon as possible. Members raised no objection.

**(h) Report of the Panel on Constitutional Affairs on designation of officials to attend LegCo meetings**  
*(LC Paper No. CB(2) 609/99-00)*

85. Mr Andrew WONG, Chairman of the Panel, highlighted the Panel's deliberations as detailed in the paper. He said that the Panel was of the view that the designation of officials to attend LegCo meetings under Article 62(6) of the Basic Law would not prejudice LegCo's power to invite any persons, including responsible persons of independent bodies, to attend committee meetings.

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- (i) **Report of the Panel on Home Affairs on 2006 Asian Games**  
(*LC Paper No. CB(2) 629/99-00 and the Secretary for Home Affairs' letter of 12 December 1999 tabled at the meeting*)

86. Miss CHOY So-yuk, Chairman of the Panel, introduced the paper which detailed the Panel's concern about the Administration's reluctance to make available the Government Economist's evaluation report for discussion by the Panel. She said that she had not had the opportunity to discuss the Secretary for Home Affairs' letter with Panel members, but added that the Panel had agreed to request the Chairman of the House Committee to urge the Administration to provide the evaluation report to the Panel for discussion on 10 January 2000.

87. Miss Emily LAU agreed that the Chairman of the House Committee should raise the matter with CS. Miss LAU said that the reasons set out in the Secretary for Home Affairs' letter for not releasing the evaluation report earlier were not convincing. In her view, the Administration could release the evaluation report to LegCo and the public without the part containing information considered to be "bid sensitive". She further said that delay in releasing the evaluation report would cast doubts on the Administration's commitment to supporting the bid for hosting the 2006 Asian Games.

88. The Chairman said that he would convey the Panel's request to the Administration at his next meeting with CS.

- (j) **Third report on the position of Year 2000 (Y2K) compliance work in Government and non-government organizations providing essential services to the public**  
(*LC Paper No. CB(1) 618/99-00*)

89. Assistant Secretary General 1 (ASG1) drew members' attention to paragraph 53 of the paper which detailed the concerns to be conveyed to the Administration in order that appropriate action could be taken before rollover to the new Millennium.

90. Members agreed that the Secretariat should write to the Administration reiterating the concerns and suggestions as detailed in paragraph 53 of the paper.

91. ASG1 said that Members who had any views on the Y2K compliance work in the Government and non-government essential service providers should let her know so that their views could be conveyed to the Administration.

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(k) **Report of the Parliamentary Liaison Subcommittee on visit to Europe**

*(LC Paper No. CB(3) 343/99-00 and Dr LUI Ming-wah's letter tabled at the meeting)*

92. The Chairman drew members' attention to Dr LUI Ming-wah's letter tabled at the meeting.

93. Mr Edward HO, Chairman of the subcommittee, explained the selection method as detailed in paragraphs 3 and 4 of the paper. Mr HO said that of the Members listed in the Appendix to the paper, Dr LUI Ming-wah and Professor NG Ching-fai had indicated that they should be regarded as belonging to the grouping of Members with no declared political affiliation, which included Mr Timothy FOK Tsun-ting. Mr HO said that the three Members had agreed that a ballot be taken to determine which two Members should join the delegation.

94. Mr CHAN Kwok-keung expressed strong objection to the selection method adopted by the subcommittee. He said that under such a selection method, Members belonging to a small political grouping would stand a much better chance of being nominated, whereas relatively "junior" Members affiliated to a large political grouping would have little or no chance to be nominated. He further said that he was in support of the proposals set out in Dr LUI's letter and added that he reluctantly accepted the subcommittee's decision on this occasion.

95. Mr Howard YOUNG said that the subcommittee's decision should be respected. However, he suggested that consideration be given to putting small political groupings as one group for the purpose of selecting Members to join a delegation on future occasions.

96. Miss Emily LAU did not favour the balloting method proposed in Dr LUI's letter, as it could result in a delegation being dominated by Members belonging to the larger political groupings. In her view, such a delegation would not be representative of the composition of the Council.

97. Dr YEUNG Sum agreed that the subcommittee's decision should be respected but suggested that the question of how Members should be selected on future occasions should be referred to The Legislative Council Commission for consideration.

98. The Legal Adviser said that the Commission would only deal with matters relating to the provision of funds for Member' overseas duty visits. It would not be for the Commission to give directives to the House Committee or the Parliamentary Liaison Subcommittee as to what selection criteria should be adopted in selecting Members to join a delegation.

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99. Mr Ronald ARCULLI added that as the Commission was only responsible for the provision of funds for Members' overseas duty visits, he could not see how the Commission could be in a position to determine the size of a delegation or the criteria for selecting Members to join a delegation.

100. Mr NG Leung-sing opined that the costs of sponsoring two more Members in excess of the agreed number of eight Members should be shared among the 10 Members listed in the Appendix.

101. Mr Edward HO explained that a total of 17 Members had expressed interest in joining the delegation, and it would not be fair to the selected Members if they were required to share the costs of sponsoring nine more Members for the visit, which would amount to quite a substantial amount per person.

102. The Chairman said that the Commission's decision in 1997 that Members selected for an overseas duty visit should be fully sponsored for their trip should be adhered to.

103. Deputy Secretary General said that the Commission agreed in 1997 that as a matter of principle, Members going on an overseas duty visit in their capacity as delegates of the Council should be fully sponsored for the trip. The Commission further agreed that for the purpose of budget control, the number of delegates sponsored for each overseas trip should, under normal circumstances, be limited to no more than six for a parliamentary visit and four for overseas duty visits. However, Members not selected to participate could join the delegation on a self-financing basis. Deputy Secretary General added that the House Committee could increase the number of sponsored delegates for a visit subject to the total costs of the visit not exceeding the approved provision for the visit.

104. Mrs Selina CHOW was of the view that a mechanism should be put in place to determine the size of a delegation as well as the criteria for selection. She added that Members selected to go on an overseas duty visit should be fully sponsored for the trip, and considered that the question of how to finance the costs of non-sponsored Members for future visits should be considered separately.

105. The Chairman said that members agreed at the House Committee meeting on 3 December 1999 that the delegation for the visit to Europe should comprise eight sponsored delegates to be nominated by the subcommittee. Members further agreed that Members not selected to be among the eight sponsored delegates could join the delegation on a self-financing basis in accordance with the Commission's decision in 1997. The Chairman added that members should decide on the membership of the delegation in the light of the decisions taken on 3 December 1999. The Chairman further said that the

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views expressed by Mr CHAN Kwok-keung, Mr Howard YOUNG and Mrs Selina CHOW, as well as the proposals set out in Dr LUI's letter, would be considered at a later stage.

106. Mr CHAN Kwok-keung said that he respected the decisions of the House Committee and the subcommittee, although he considered such decisions unfair and undemocratic. He then left the meeting in protest.

107. Dr YEUNG Sum said that Mr James TO and Mr SIN Chung-kai would sort out between themselves who would join the delegation. He suggested that a ballot be taken to determine which two of the three Members with no declared political affiliation listed in the Appendix should be selected to join the delegation.

108. Members agreed that lots be drawn by the Chairman of the House Committee. The result of the draw was that Dr LUI Ming-wah and Professor NG Ching-fai were selected to join the delegation for the visit to Europe.

### **VIII. Report of the Committee on Rules of Procedure**

#### **Further review of Rule 38 of the Rules of Procedure**

*(LC Paper No. CB(1) 610/99-00)*

109. Mrs Selina CHOW, Chairman of the Committee on Rules of Procedure ("the Committee"), drew members' attention to paragraphs 4 to 6 of the paper which detailed the Committee's preliminary views following its further review of Rule 38 of the Rules of Procedure on whether a Member might speak after the mover of the motion had made his reply. She said that the Committee would examine further whether stipulations should be made in the Rules of Procedure or other rules of the Council as regards the scope of speeches in a debate.

### **IX. Arrangements for Meetings-cum-luncheons with District Council Members**

*(LC Paper No. CB(2) 584/99-00)*

110. The Chairman said that the paper sought members' endorsement of the proposed arrangements for holding regular meetings-cum-luncheons with members of the District Councils in the 1999-2000 legislative session. He further said that as there was a lack of quorum, the paper would be considered at the next House Committee meeting on 7 January 2000.

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**X. Any other business**

111. There being no further business, the meeting ended at 6:41 pm.

Legislative Council Secretariat

5 January 2000