

立法會
Legislative Council

LC Paper No. CB(2) 2066/99-00

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 24th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 19 May 2000**

Members present :

Dr Hon LEONG Che-hung, JP (Chairman)

Hon David CHU Yu-lin

Hon HO Sai-chu, SBS, JP

Hon Albert HO Chun-yan

Ir Dr Hon Raymond HO Chung-tai, JP

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 Ronald ARCULLI, JP

Hon MA Fung-kwok

Hon James TO Kun-sun

Hon CHEUNG Man-kwong

Hon HUI Cheung-ching

Hon CHAN Kwok-keung

Hon CHAN Yuen-han

Hon Bernard CHAN

Hon CHAN Wing-chan

Hon CHAN Kam-lam

Hon LEUNG Yiu-chung

Hon SIN Chung-kai

Hon Andrew WONG Wang-fat, JP

Hon Jasper TSANG Yok-sing, JP

Hon Howard YOUNG, 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 Andrew CHENG Kar-foo
Hon SZETO Wah
Hon Timothy FOK Tsun-ting, SBS, JP
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 YEUNG Sum (Deputy Chairman)
Hon Kenneth TING Woo-shou, JP
Hon James TIEN Pei-chun, JP
Hon Cyd HO Sau-lan
Hon Edward HO Sing-tin, SBS, JP
Hon Michael HO Mun-ka
Hon LEE Wing-tat
Dr Hon David LI Kwok-po, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, JP
Hon Christine LOH Kung-wai
Hon Mrs Sophie LEUNG LAU Yau-fun, JP
Hon Gary CHENG Kai-nam, JP
Dr Hon Philip WONG Yu-hong
Hon WONG Yung-kan
Hon LAU Chin-shek, JP
Hon LAU Wong-fat, GBS, JP
Hon CHOY So-yuk

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
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
Miss Odelia LEUNG	Chief Assistant Secretary (1)1
Miss Salumi CHAN	Chief Assistant Secretary (1)5
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 23rd meeting held on 12 May 2000
(LC Paper No. CB(2) 1983/99-00)

The minutes were confirmed.

II. Matters arising

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

2. The Chairman said that the Legislative Council Secretariat was in discussion with the Administration on when the next Chief Executive (CE)'s Question and Answer session would be held. The Chairman further said that he had informed CS that members would like to discuss the topics of water quality control measures and Hong Kong's business environment with CE. The Chairman asked members to notify the Clerk as soon as possible if they wished to propose other items for the session.

III. Legal Service Division's report on subsidiary legislation tabled in Council on 17 May 2000 (gazetted on 12 May 2000)
(LC Paper No. LS 139/99-00)

3. Members did not raise any query on the three items of subsidiary legislation gazetted on 12 May 2000.

4. The Chairman reminded members that the deadline for amending the subsidiary legislation was 14 June 2000, or 21 June 2000 if extended by resolution.

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IV. Further business for the Council meeting on 24 May 2000

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

(a) **Securities (Amendment) Bill 1999**

(b) **Insurance Companies (Amendment) Bill 2000**

5. The Chairman said that members agreed at the meeting on 12 May 2000 that the Second Reading debate on the above Bills be resumed.

V. Business for the Council meeting on 31 May 2000

(a) **Questions**

(LC Paper No. CB(3) 887/99-00)

6. The Chairman said that 20 questions (six oral and 14 written) had been scheduled.

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

7. Members noted that no notice had been received.

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

Adaptation of Laws (No. 8) Bill 1999

8. The Chairman said that the Bill dealt with the adaptation of 10 ordinances relating to environmental matters. He added that members agreed at the meeting on 7 January 2000 that the Second Reading debate on the Bill be resumed.

(d) **Government motions**

(i) **Resolution under section 7A of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) - to be moved by the Chief Secretary for Administration**

(LC Paper No. LS 141/99-00)

9. The Chairman said that the purpose of the proposed resolution was to seek the Council's endorsement for the appointment of permanent judges, non-permanent judges and judges from other common law jurisdictions under

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sections 7, 8 and 9 of the Hong Kong Court of Final Appeal Ordinance respectively.

10. The Chairman further said that the Panel on Administration of Justice and Legal Services would hold a special meeting on 3 June 2000 to discuss the legal and administrative matters relating to the appointment of judges of the Hong Kong Court of Final Appeal. He added that in view of the Panel meeting, the Administration had withdrawn its notice for moving the proposed resolution at the Council meeting on 31 May 2000.

11. Miss Margaret NG explained that the special meeting on 3 June 2000 was convened to enable Panel members to know more about the mechanism and procedures for the appointment of judges of the Hong Kong Court of Final Appeal.

(ii) Resolution under section 100A of the Interpretation and General Clauses Ordinance (Cap. 1) - to be moved by the Secretary for Education and Manpower
(LC Paper No. LS 140/99-00)

12. The Chairman said that the proposed resolution sought to increase the fines for offences under the Education Ordinance and Education Regulations.

13. The Chairman further said that the Administration had briefed the Panel on Education on the proposed revised fines on 20 March 2000 and 17 April 2000. In the light of the concern expressed by Panel members about over-enrollment in kindergartens, the Administration had revised the proposed maximum fine for over-enrollment under section 84(3) of the Education Ordinance from \$50,000 to \$250,000.

14. The Legal Adviser said that the fines for other offences under the Education Ordinance and Education Regulations set out in the proposed resolution had been revised to take account of inflation since the last adjustment in 1971. He added that the drafting of the resolution was in order.

15. Members did not raise any query on the proposed resolution.

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

16. The Chairman said that the Panel on Environmental Affairs and Panel on Transport would hold a joint meeting on 23 May 2000 to discuss the proposed resolution and other issues related to the control on diesel vehicle emission.

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17. Miss Emily LAU informed members that the Secretary for Health and Welfare had been requested to attend the joint meeting on 23 May 2000, to which members of the Panel on Health Services had also been invited. The Chairman added that other interested Members were also welcome to attend the meeting.

(e) **Members' motions**

(i) **Motion on "Women's Commission"**

18. Members noted the wording of the above motion which would be moved by Miss Cyd HO Sau-lan.

(ii) **Motion on "Drawing up the blueprint for Hong Kong's social welfare policies over the coming decade"**

19. Members noted the wording of the above motion which would be moved by Miss CHAN Yuen-han.

20. The Chairman reminded members that the deadline for giving notice of amendments (if any) to the motions was 24 May 2000. 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 7 June 2000

Members' motions

(a) **Motion on "Dental health of the elderly"**

21. Members noted that Mr Michael HO Mun-ka had been allocated a debate slot.

(b) **Motion to be moved by Hon LAU Chin-shek**

22. Members noted that Mr LAU Chin-shek had been allocated a debate slot.

23. The Chairman reminded members that the deadlines for giving notice of motions and amendments (if any) to the motions were 22 May 2000 and 30 May 2000 respectively. The speaking time limits stipulated in rule 17(c) of the House Rules would apply.

VII. Reports

(a) **Position report on Bills Committees/Subcommittees**
(LC Paper No. CB(2) 1996/99-00)

24. The Chairman said that there were 16 Bills Committees and eight subcommittees in action.

25. The Chairman further said that the Bills Committee on the Telecommunication (Amendment) Bill 1999 had just completed work and would report under item (g) below. The Chairman suggested that the vacant slot be taken up by the Bills Committee on the Interpretation and General Clauses (Amendment) Bill 1999 which had been holding its work in abeyance but was now ready to resume work. Members agreed.

26. The Chairman added that there were 14 Bills Committees on the waiting list.

(b) **Report of the Bills Committee on Trade Marks Bill**
(LC Paper No. CB(1) 1602/99-00)

27. Miss Margaret NG, Chairman of the Bills Committee, introduced the paper and highlighted the Bills Committee's deliberations on parallel importation of trade mark articles as detailed in paragraphs 23 to 32 of the paper. Miss NG said that the Bills Committee and the Administration had divergent views on the provision of information on the importer of goods. Miss NG added that she would, on behalf of the Bills Committee, move amendments to clause 19 of the Bill proposing that the provision of information on the importer be made a requirement.

28. Miss NG further said that the Administration would move a number of Committee Stage amendments (CSAs) to address the Bills Committee's concerns about various aspects of the Bill. Miss NG added that the Bills Committee had recommended that the Second Reading debate on the Bill be resumed on 31 May 2000.

29. Members did not raise objection to the recommendation of the Bills Committee.

(c) **Report of the Bills Committee on Statute Law (Miscellaneous Provisions) Bill 1999**
(LC Paper No. CB(2) 1989/99-00)

30. Introducing the paper, Mr Albert HO, Chairman of the Bills Committee, highlighted the Bills Committee's deliberations on the issues relating to the discharge of encumbrance and abrogation of the "Year and a Day Rule" as

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detailed in paragraphs 12 to 19 and paragraphs 20 to 22 respectively. Mr HO further said that the Bills Committee had recommended that subject to the Administration moving the CSAs set out in Appendix II to the paper, the Second Reading debate on the Bill be resumed on 31 May 2000.

31. Members did not raise objection to the recommendation of the Bills Committee.

(d) Report of the Bills Committee on Road Traffic (Amendment) Bill 2000

(LC Paper No. CB(2) 1928/99-00)

32. Mrs Miriam LAU, Chairman of the Bills Committee, introduced the paper which detailed the Bills Committee's deliberations on the Bill.

33. Mrs LAU said that the Administration had agreed to propose amendments to the Bill to make it clear that in determining what would be regarded as dangerous driving behaviour, the circumstances to be taken into account by the court or magistrate would include the physical condition of the driver. Mrs LAU further said that apart from a Bills Committee member who objected to the proposal in the Bill to replace "reckless driving" with "dangerous driving", all other members of the Bills Committee were in support of the Bill. Mrs LAU added that the Bills Committee had recommended the Second Reading debate on the Bill be resumed on 31 May 2000.

34. Members did not raise objection to the recommendation of the Bills Committee.

(e) Report of the Subcommittee on subsidiary legislation relating to Mandatory Provident Fund Schemes

35. Mr Ronald ARCULLI, Chairman of the subcommittee, said that the subcommittee had examined the three Commencement Notices which appointed 1 December 2000 as the date on which those provisions of the Mandatory Provident Fund Schemes Ordinance, Provident Schemes Legislation (Amendment) Ordinance 1998 and Mandatory Provident Fund Schemes (General) Regulation that had not yet come into operation would come into operation.

36. Mr ARCULLI further said that the subcommittee supported the three Commencement Notices and would submit a written report to the House Committee on 26 May 2000. Mr ARCULLI added that the subcommittee was concerned about the slippage of the Information Management System (IMS) of the Mandatory Provident Fund Schemes Authority. However, the Administration had assured the subcommittee that with the development of the standby systems, the Mandatory Provident Fund system would be operational

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on 1 December 2000 even if the IMS Core System was not ready for use by that date.

(f) Report of the Subcommittee on Financial Resources Rules, Commodities Trading (Accounts and Audit) (Amendment) Rules 2000 and Securities (Margin Financing) (Amendment) Ordinance 2000 (20 of 2000) (Commencement) Notice 2000

37. Mr Ronald ARCULLI, Chairman of the subcommittee, reported that the subcommittee had recommended that the two sets of Rules and the Commencement Notice be supported. He added that a written report would be submitted to the House Committee on 26 May 2000.

38. Mr ARCULLI reminded members that the deadline for giving notice to amend the Rules and Commencement Notice was 24 May 2000.

(g) Report of the Bills Committee on Telecommunication (Amendment) Bill 1999

39. Mr SIN Chung-kai, Chairman of the Bills Committee, reported that the Bills Committee had completed scrutiny of the Bill on 18 May 2000. It would submit a written report to the House Committee on 26 May 2000 recommending that the Second Reading debate on the Bill be resumed on 7 June 2000.

VIII. Any other business

40. There being no further business, the meeting ended at 2:55 pm.

Legislative Council Secretariat

24 May 2000