

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 7th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 19 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 David CHU Yu-lin

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 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

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 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 SIN Chung-kai
Hon Andrew WONG Wang-fat, JP
Hon Jasper TSANG Yok-sing, JP
Hon YEUNG Yiu-chung
Hon LAU Kong-wah
Hon LAU Wong-fat, GBS, JP
Hon Mrs Miriam LAU Kin-ye, JP
Hon Ambrose LAU Hon-chuen, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon SZETO Wah
Hon LAW Chi-kwong, JP
Hon TAM Yiu-chung, GBS, JP
Dr Hon TANG Siu-tong, JP

Members absent :

Hon Albert HO Chun-yan
Dr Hon David LI Kwok-po, JP
Hon Fred LI Wah-ming, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, JP
Hon Ambrose CHEUNG Wing-sum, JP
Hon LEUNG Yiu-chung
Dr Hon Philip WONG Yu-hong
Hon WONG Yung-kan
Hon Howard YOUNG, JP
Hon LAU Chin-shek, JP
Hon Andrew CHENG Kar-foo
Hon Timothy FOK Tsun-ting, SBS, JP
Hon FUNG Chi-kin

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 KAU Kin-wah	Assistant Legal Adviser 6
Mrs Vivian KAM	Chief Assistant Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Mr LAW Wing-lok	Chief Assistant Secretary (2)5
Mrs Betty LEUNG	Chief Assistant Secretary (3)1
Miss Mary SO	Senior Assistant Secretary (2)8

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I. Confirmation of the minutes of the 6th meeting held on 12 November 1999 and the special meeting held on 3 November 1999

(LC Paper No. CB(2) 403/99-00)

(LC Paper No. CB(2) 409/99-00 issued via LC Paper No. CB(2) 410/99-00 dated 16 November 1999)

The two sets of 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 he had again reminded the Administration to introduce bills as soon as possible, as only a small number of the 52 bills listed in the 1999-2000 legislative programme had so far been introduced into the Council.

3. The Chairman further said that he had written to CS on Mr Ambrose CHEUNG's request that the Administration should give an undertaking to proceed with the capital projects which had been approved in principle by the two Provisional Municipal Councils (PMCs), should a decision be taken to dissolve the two PMCs.

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)

Dutiable Commodities (Amendment) Bill 1999

(LC Paper No. LS 22/99-00)

4. The Chairman said that the Bill sought to strengthen the enforcement efforts of the Customs and Excise Department in tackling the problem of the

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supply and use of illicit fuel as well as to relax control on home brewing. He added that the Administration had briefed the Panel on Financial Affairs on 29 October 1999 on the measures to strengthen enforcement efforts against the supply and use of illicit fuel. Panel members had expressed reservations on the penalty provisions proposed in the Bill. The Legal Adviser reported that no Panel had been briefed on the proposal to relax home brewing.

5. Mrs Miriam LAU said that the technical aspects of the proposed enforcement measures should be studied in detail, and suggested that a Bills Committee be formed. Members agreed. The following members agreed to join : Mr Ronald ARCULLI, Mr James TO Kun-sun, Mr HUI Cheung-ching and Mrs Miriam LAU Kin-ye.

(b) **Legal Service Division's report on subsidiary legislation tabled in Council on 17 November 1999 (gazetted on 12 November 1999)**
(LC Paper No. LS 29/99-00)

6. The Chairman introduced the paper which detailed the four items of subsidiary legislation gazetted on 12 November 1999.

7. Referring to the Immigration (Amendment) Regulation 1999, Miss Margaret NG suggested that a subcommittee be formed to study the practice and procedure of the Immigration Tribunal for dealing with appeals made under section 2AD(1) or (2) of the Immigration Ordinance. Members agreed. The following members agreed to join : Miss Margaret NG, Mr Ronald ARCULLI, Mr James TO Kun-sun and Miss Emily LAU Wai-hing.

8. The Legal Adviser said that the Legal Practitioners (Fees) (Amendment) Rules 1999 (the "Amendment Rules") sought to increase the fees payable for the issue of a practising certificate as a barrister from \$1,300 to \$1,400. He pointed out that the Bills Committee formed to study the Legal Practitioners (Amendment) Bill 1999 (the "Amendment Bill") which contained provisions relating to the Bar Council's power to make rules prescribing such fees subject to the approval of the Chief Justice had yet to commence work. He added that the Amendment Rules were legally in order and could be dealt with independently of the Amendment Bill.

9. Mr Ronald ARCULLI expressed concern that members' support for the proposed fee increase would have an impact on the motion debate on "Freezing and reducing fees and charges" to be held at the Council meeting on 24 November 1999. Miss Margaret NG explained that the fee was payable to the Hong Kong Bar Association and not the Government.

10. Members raised no further query on the Amendment Rules.

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

12. The Chairman reminded members that the deadline for amending the subsidiary legislation was 15 December 1999, or 5 January 2000 if extended by resolution.

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

Adaptation of Laws (No.20) Bill 1999

13. The Chairman said that at the House Committee meeting on 15 October 1999, members agreed to rescind the decision to support resumption of the Second Reading debate on the Bill to allow the Legal Service Division to seek clarification from the Administration on a query raised by Miss Margaret NG.

14. Miss Margaret NG said that she was satisfied with the Administration's clarification and had no further query to raise.

15. Members agreed that the Second Reading debate on the Bill could be resumed.

V. Further business for the Council meeting on 24 November 1999

(a) Questions
(*LC Paper No. CB(3) 208/99-00*)

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

(b) Bill - First and Second Readings

Industrial Training (Clothing Industry) (Amendment) Bill 1999

17. Members noted that the above Bill would be introduced into the Council on 24 November 1999 and considered by the House Committee on 26 November 1999.

(c) Proposed amendment to motion on "Freezing and reducing fees and charges"

(LC Paper No. CB(3) 232/99-00 tabled at the meeting)

18. The Chairman drew members' attention to Mr HO Sai-chu's proposed amendment detailed in the paper.

VI. Business for the Council meeting on 1 December 1999

(a) Questions

(LC Paper No. CB(3) 209/99-00)

19. Members noted the four new questions (Nos. 2,7, 10 and 15) set out in the paper.

(b) Bills - First and Second Readings

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

(ii) Dangerous Goods (Amendment) Bill 1999

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

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

(i) Provision of Municipal Services (Reorganization) Bill

(ii) Protection of Wages on Insolvency (Amendment) Bill 1999

21. The Chairman said that at the last meeting on 12 November 1999, members raised no objection to the resumption of the Second Reading debates on the above Bills.

22. The Chairman informed members that the President had decided that, should the need arise, she would suspend the meeting around 10:00 pm on 1 December 1999. The meeting would then resume on 2 December 1999 at 9:00 am. If there was still a substantial amount of unfinished business by 10:00 pm on 2 December 1999, the Council would continue to meet on 3 December 1999 at 9:00 am until all items of business on the agenda had been completed.

23. Miss Emily LAU suggested that the President should suspend the Council meeting at 8:00 pm instead of 10:00 pm on 2 December 1999, should there be a need for the Council to continue to meet on 3 December 1999.

24. Mr Martin LEE suggested that the Council meeting should start at 9:00 am on 1 December 1999 instead of 2:30 pm.

25. Miss Margaret NG suggested that in future if it was anticipated that the items of business on an agenda could not be completed within one day,

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consideration could be given to continuing any unfinished business at the next Council meeting in the following week, instead of dealing with all items of business on the agenda at one Council meeting lasting for two or more days.

26. The Chairman said that he would convey members' views to the President for consideration.

(d) Government motions

27. Members noted that no notice had been received.

(e) Members' motions

(i) Motion on "Small and medium enterprises"

28. Members noted the wording of the motion to be moved by Mrs Selina CHOW LIANG Shuk-ye.

(ii) Motion on "Quality of public housing"

29. Members noted the wording of the motion to be moved by Mr Gary CHENG Kai-nam.

30. The Chairman said that the deadline for giving notice of amendments (if any) to the motions was 24 November 1999. The speaking time limits stipulated in rule 17(c) of the House Rules would apply.

VII. Advance information on business for the Council meeting on 8 December 1999

Members' motion

(i) Motion on "Urban Renewal Authority White Bill"

31. Members noted that the Chairman would move the above motion on behalf of the House Committee.

32. The Chairman reminded members that no amendments should be proposed to the motion.

(ii) Motion on "Child Support Agency"

33. Members noted that Miss CHOY So-yuk had been allocated a debate slot.

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34. The Chairman said that the deadline for giving notice of amendments (if any) to Miss CHOY's motion was 1 December 1999.

35. The Chairman added that the deadline for giving notice of the above motions was 23 November 1999. The speaking time limits stipulated in rule 17(c) of the House Rules would apply.

VIII. Reports

(a) **Position report on Bills Committees/subcommittees**
(*LC Paper No. CB(2)408/99-00*)

36. The Chairman said that there were 15 Bills Committees and seven subcommittees in action, including the subcommittee to study the Immigration (Amendment) Regulation 1999 formed earlier at the meeting.

37. The Chairman added that with the formation of the Bills Committee to study the Dutiable Commodities (Amendment) Bill 1999, there were 11 Bills Committees on the waiting list.

(b) **Further report of the Bills Committee on Provision of Municipal Services (Reorganization) Bill**
(*LC Paper No. CB(2)412/99-00 and a letter dated 16 November 1999 from Hon LEE Wing-tat*)

38. Mr Andrew WONG, Chairman of the Bills Committee, introduced the paper which detailed the Bill Committee's deliberations on the Committee Stage amendments (CSAs) proposed by Messrs Fred LI Wah-ming, LEE Wing-tat and Ambrose CHEUNG. Mr WONG said that Mr Ambrose CHEUNG might propose other CSAs relating to the subsidiary legislation made under the Public Health and Municipal Services Ordinance, but these had not been made available to the Bills Committee for consideration at its meeting on 12 November 1999. Mr WONG reminded members that the deadline for giving notice of CSAs to the Bill was midnight on Monday, 22 November 1999.

39. Referring to his letter, Mr LEE Wing-tat said that a matter on which a Bills Committee had taken a decision by vote should not be put to vote again, otherwise it would result in endless rounds of discussion on the matter by the Bills Committee concerned. Mr LEE was of the view that procedures should be put in place to prevent a Bills Committee from freely overturning an earlier decision it had taken on a matter.

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40. The Chairman suggested that as the issue raised in Mr LEE's letter involved procedural matters, it should be referred to the Committee on Rules of Procedure for follow up. Members agreed.

41. Mr WONG said that at the Bills Committee meeting on 29 October 1999, members voted on the proposal that the Bills Committee should move amendments to change the name of the new Department from "Food and Environmental Hygiene Department" to "Food and Environmental Health Department". As the result was a tie vote of three members in favour and three members against, he exercised his casting vote in favour but at the same time requested the Administration to consider the proposal.

42. Mr WONG further said that at the Bills Committee meeting on 5 November 1999, the Bills Committee took a vote on the Administration's request for the Bills Committee to re-consider its position on moving CSAs to change the name of the new Department in the name of the Bills Committee. The result of the vote was that eight members voted in favour of the Bills Committee re-considering its position and one member voted against. The Bills Committee then decided by a vote of three members in favour of and seven members against the Bills Committee moving CSAs to change the name of the new Department. Mr WONG added that Mr LEE had indicated that he would move CSAs in his own name but he had so far not submitted the CSAs to the Secretariat.

43. Mr LEE Wing-tat asked whether there were any rules governing the practice and procedure of a Bills Committee. The Secretary General responded that Rule 76(11) of the Rules of Procedure and rule 21(i)(iii) of the House Rules set out the guidelines on how a Bills Committee should conduct its business. The Secretary General added that the Secretariat would prepare a paper for discussion by the Committee on Rules of Procedure.

(c) **Proposed activities for parliamentary friendship groups**
(*LC Paper No. CB(3) 214/99-00*)

44. Mr Edward HO, Chairman of the Parliamentary Liaison Subcommittee, introduced the paper which detailed the Subcommittee's recommendations on the activities to be organized in the 1999-2000 session.

45. In regard to the proposed tour to visit the European, the United Kingdom and the German Parliaments from 6 to 13 February 2000, Mr HO said that in order to keep the budget for the proposed visit to Europe within \$400,000 provided for Members' visits to other legislatures for the current financial year, the delegation would travel on special business class and would not host any luncheon or dinner for their European counterparts. Mr HO explained that special business class was cheaper than ordinary business class,

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but there would be a stopover at Zurich en route from Hong Kong to London and return.

46. Miss Margaret NG said that time would be wasted if a longer route was chosen. She opined that Members should travel on ordinary business class if they were so entitled.

47. Miss Emily LAU enquired about the criteria for selecting Members to join the delegation if more than eight Members indicated interest.

48. Dr YEUNG Sum said that according to past practice, if the number of Members joining a delegation exceeded the recommended number, the additional expenses would be shared equally among the Members concerned.

49. Assistant Secretary General 3 said that the proposed size of the delegation of eight Members was worked out on the basis of this year's approved provision of \$400,000. He added that it was the usual practice for Members of a delegation to share any additional expenditure amongst themselves should the budgeted provision be exceeded.

50. Miss LAU responded that some Members might have difficulty in paying the excess amount out of their own pockets. Miss Margaret NG added that as a matter of principle, Members should not be required to subsidize an official visit.

51. Mr Edward HO pointed out that Members were entitled to travel on ordinary business class. However, the Legislative Council delegation visiting Japan in February 1999 travelled on economy class instead of business class because of over-subscription of Members and because the journey was relatively short. Mr HO added that Members of the delegation eventually did not have to contribute to the expenses of the visit because some Members withdrew after signing up for the visit.

52. The Secretary General undertook to find out the existing policy governing expenses for Members' overseas duty visits.

53. In reply to the Chairman's enquiry as to whether the \$400,000 was the maximum amount which could be spent on the visit, the Secretary General said that funds could be made available to cover the shortfall should the total expenditure exceed \$400,000.

54. Mr Ronald ARCULLI said that the criteria for selecting Members to join the delegation needed not be discussed until the number of Members indicating interest to join the delegation was known. Members agreed.

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55. Mr Edward HO said that the Subcommittee would draw up a detailed itinerary for members' consideration, if members' endorsed the proposed visit.

56. Members expressed support for the proposed activities set out in paragraph 5(a) and (b) of the paper.

IX. Any other business

Setting up of a subcommittee under the House Committee to monitor the development of the Hong Kong Disneyland project

57. Miss Margaret NG proposed that a subcommittee should be formed under the House Committee to monitor the progress of the Hong Kong Disneyland (HKD) project, given that the HKD project straddled the policy areas of several Panels.

58. Mr James TIEN, Chairman of the Panel on Economic Services, informed members that Miss NG had raised the above proposal at the special meeting of the Panel on Economic Services on 15 November 1999. Mr TIEN said that both Panel and non-Panel members present at the meeting generally agreed that the monitoring of the HKD project would more appropriately be undertaken by the Panel on Economic Services. Mr TIEN added that non-Panel members were invited to attend meetings of the Panel at which the HKD project was discussed.

59. The Chairman said that as the item was not on the agenda of the meeting, he would defer a decision to the next meeting on 26 November 1999.

60. There being no further business, the meeting ended at 3:17 pm.

Legislative Council Secretariat

24 November 1999