

立法會
Legislative Council

LC Paper No. CB(2) 953/99-00

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 13th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 21 January 2000**

Members present :

Dr Hon LEONG Che-hung, JP (Chairman)
Dr Hon YEUNG Sum (Deputy Chairman)
Hon Kenneth TING Woo-shou, JP
Hon James TIEN Pei-chun, JP
Hon HO Sai-chu, SBS, JP
Hon Cyd HO Sau-lan
Hon Edward HO Sing-tin, SBS, JP
Ir Dr Hon Raymond HO Chung-tai, JP
Hon LEE Cheuk-yan
Hon Eric LI Ka-cheung, JP
Hon LEE Kai-ming, SBS, JP
Dr Hon David LI Kwok-po, 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-yee, JP
Hon MA Fung-kwok
Hon CHEUNG Man-kwong
Hon HUI Cheung-ching
Hon Christine LOH Kung-wai
Hon CHAN Kwok-keung
Hon CHAN Yuen-han
Hon CHAN Wing-chan
Hon CHAN Kam-lam
Hon Mrs Sophie LEUNG LAU Yau-fun, JP
Hon LEUNG Yiu-chung
Hon SIN Chung-kai
Hon Andrew WONG Wang-fat, JP

Dr Hon Philip WONG Yu-hong
Hon WONG Yung-kan
Hon Jasper TSANG Yok-sing, JP
Hon Howard YOUNG, JP
Hon LAU Chin-shek, JP
Hon LAU Kong-wah
Hon Mrs Miriam LAU Kin-yee, JP
Hon Ambrose LAU Hon-chuen, JP
Hon SZETO Wah
Hon Timothy FOK Tsun-ting, SBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon FUNG Chi-kin
Dr Hon TANG Siu-tong, JP

Members absent :

Hon David CHU Yu-lin
Hon Albert HO Chun-yan
Hon Michael HO Mun-ka
Hon LEE Wing-tat
Hon Martin LEE Chu-ming, SC, JP
Hon Ronald ARCULLI, JP
Hon James TO Kun-sun
Hon Bernard CHAN
Hon Gary CHENG Kai-nam, JP
Hon YEUNG Yiu-chung
Hon LAU Wong-fat, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo
Hon LAW Chi-kwong, 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
Mr KAU Kin-wah	Assistant Legal Adviser 6
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 12th meeting held on 14 January 2000
(LC Paper No. CB(2) 870/99-00)**

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 CS had pointed out that the Administration's proposals on civil service starting salaries were rejected by the Establishment Subcommittee despite having been discussed by the Panel on Public Service. CS had also said that Members should raise any queries on a legislative or financial proposal when it was being routed through the relevant Panel.

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) Companies (Amendment) Bill 2000
(LC Paper No. LS 58/99-00)**

3. The Legal Adviser said that the Legal Service Division was still scrutinizing the Bill which sought in the main to amend the Companies Ordinance to give effect to the recommendations contained in the Report on Corporate Rescue and Insolvent Trading issued by the Law Reform Commission. The Legal Adviser further said that some Members had indicated to him that they wished to study the Bill in detail.

4. Miss Margaret NG suggested that a Bills Committee be formed. Members agreed. The following members agreed to join : Mr LEE Cheuk-

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yan, Miss Margaret NG, Mr CHAN Kwok-keung, Miss CHAN Yuen-han, Mr Andrew WONG Wang-fat and Mr TAM Yiu-chung.

(ii) Medical and Health Care (Miscellaneous Amendments) Bill 2000

(LC Paper No. LS 66/99-00)

5. The Chairman introduced the paper and said that the Bill sought to make various amendments to a number of ordinances relating to the regulation of health care professions. He added that some professional bodies had expressed the wish to make submissions on the amendments proposed in the Bill.

6. The Legal Adviser said that members might wish to study the policy aspect of the proposed changes in the legislative scrutiny mechanism in respect of subsidiary legislation made under the Pharmacy and Poisons Ordinance and the Chiropractors Registration Ordinance detailed in paragraphs 5 and 6 of the paper.

7. The Chairman suggested that a Bills Committee be formed. Members agreed. The following members agreed to join : Dr LEONG Che-hung, Miss Cyd HO Sau-lan, Dr YEUNG Sum and Dr TANG Siu-tong.

(b) Legal Service Division's report on subsidiary legislation tabled in Council on 19 January 2000 (gazetted on 14 January 2000)
(LC Paper No. LS 63/99-00)

8. Members did not raise any query on the subsidiary legislation detailed in the paper.

9. The Chairman reminded members that the deadline for amending the subsidiary legislation was 16 February 2000, or 23 February 2000 if extended by resolution.

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

Consular Relations Bill

(LC Paper No. LS 64/99-00)

10. The Legal Adviser said that the Bill sought to replace the existing Consular Relations Ordinance and to provide a framework under which privileges and immunities conferred on consular post would be given the force of law in the HKSAR.

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11. The Legal Adviser further said that with the Committee Stage amendments (CSAs) proposed by the Administration as detailed in paragraph 3 of the paper, the Legal Service Division was of the view that the legal and drafting aspects of the Bill were in order.

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

V. Further business for the Council meeting on 26 January 2000

(a) Questions

(LC Paper No. CB(3)479/99-00)

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

(b) Bills - First and Second Readings

Dumping at Sea (Amendment) Bill 2000

14. Members noted that the above Bill would be introduced into the Council on 26 January 2000 and considered by the House Committee on 11 February 2000.

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

Hong Kong Arts Development Council (Amendment) Bill 1999

15. The Chairman said that members agreed at the meeting on 14 January 2000 that the Second Reading debate on the above Bill be resumed.

(d) Members' motion

Motion on "Review of Buildings Ordinance"

16. Members noted the wording of the amendments to Dr Raymond HO's motion proposed by Messrs Edward HO and LEE Wing-tat.

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VI. Reports

(a) **Position report on Bills Committees/subcommittees**
(LC Paper No. CB(2) 909/99-00)

17. The Chairman said that there were 13 Bills Committees and nine subcommittees in action. Two Bills Committees had just completed work and would make verbal reports under items (d) and (e) below. The two vacant slots would be taken up by the Bills Committee on Education (Amendment) Bill 1999 and the Bills Committee on Securities (Amendment) Bill 1999.

18. The Chairman further said that with the formation of two Bills Committees under agenda item III(a), there were 11 Bills Committees on the waiting list.

(b) **Report of the Bills Committee on Elections (Corrupt and Illegal Conduct) Bill**
(LC Paper No. CB(2) 901/99-00)

19. Introducing the paper on behalf of Mr Ronald ARCULLI, Chairman of the Bills Committee, the Chairman said that the Administration had proposed a number of CSAs to address the Bills Committee's concern about various aspects of the Bill. The Chairman hoped that Members would study the Bills Committee's report in detail.

20. Members raised no objection to the resumption of the Second Reading debate on the Bill on 16 February 2000.

(c) **Report of the Bills Committee on International Organizations (Privileges and Immunities) Bill**
(LC Paper No. CB(2) 903/99-00)

21. The Chairman said that Mr James TO Kun-sun, Chairman of the Bills Committee, had made a verbal report on the main deliberations of the Bills Committee at the House Committee meeting on 7 January 2000.

22. Members raised no objection to the resumption of the Second Reading debate on the Bill.

(d) **Report of the Bills Committee on Exchanges and Clearing Houses (Merger) Bill**

23. The Chairman said that Mr Ronald ARCULLI, Chairman of the Bills Committee, had asked him to inform members that the Bills Committee had completed its work and could release the slot for a Bills Committee on the

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waiting list. A written report would be submitted to the House Committee on 11 February 2000.

(e) **Report of the Bills Committee on Human Reproductive Technology Bill**

24. Miss Cyd HO Sau-lan, Chairman of the Bills Committee, said that the Bills Committee had just completed scrutiny of the Bill. In addition to a number of CSAs proposed by the Administration, two members of the Bills Committee would propose CSAs which were not supported by the majority of members of the Bills Committee. She added that the Bills Committee would submit a written report on 11 February 2000.

VII. Any other business

(a) **Response from Consulate-General of Japan in Hong Kong to the motion debate on "Demand for Compensation from Japan"**

(Letter of 13 January 2000 from Acting Consul-General of Japan to the President and each Member of the Legislative Council)

25. The Chairman sought members' views on how the matter should be taken forward.

26. Mr LAU Chin-shek said that the motion on "Demand for Compensation from Japan" passed by the Council on 12 January 2000 covered several aspects. In his view, the statement made in 1995 by the then Prime Minister of Japan, which was referred to in the letter, was not an official apology made on behalf of the Japanese Government. The letter also did not address the issue of making compensation to individual victims or their families for war crimes committed by the Japanese Government. Mr LAU added that the Acting Consul-General's assertion that the Diaoyu Islands were "an integral part of Japanese territory" was totally unacceptable. Mr LAU was of the view that a strongly-worded response along those lines should be sent to the Consul-General of Japan.

27. Mr LAU also suggested that the Administration should act in a more proactive manner and appeal to war crimes victims or their families to come forward to register their demand for compensation. He further suggested that the Administration should send the register to the Central People's Government for making compensation claims on behalf of the victims concerned.

28. Miss Margaret NG said that the Consul-General of Japan should be notified that the Council had made very clear its position on the issues covered in the motion which was passed unanimously by the Council on 12 January 2000. She considered it inappropriate for the House Committee to reconsider

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the Council's decision on the motion in the light of what was stated in the letter. Mr Andrew WONG concurred with Miss NG and said that under the Rules of Procedure, no further debate should be conducted on a motion in respect of which an affirmative decision had been taken by the Council except if there was a decision to rescind the original decision.

29. Mr SZETO Wah said that a copy of the Official Record of Proceedings of the debate on the motion should be sent to the Consul-General of Japan. Members agreed.

30. The Chairman said that he would also convey to the Consul-General of Japan members' views expressed at the meeting. Members agreed.

31. Mr Andrew WONG proposed that the Chairman should also write to the Chief Executive urging the Administration to adopt Mr LAU's suggestions in paragraph 27 above. Members agreed.

(b) LegCo Fun Day

32. The Chairman reminded members that the LegCo Fun Day would be held on Saturday, 22 January 2000 at the Happy Valley Stand of the Hong Kong Jockey Club. The Chief Executive would arrive at 3:15 pm.

(c) Membership of Panels

33. The Chairman proposed that following the Council's decision on 26 January 2000 on the restructuring of Panels, the Secretariat should issue a circular to invite Members to join the Panels concerned by Wednesday, 9 February 2000. Members agreed.

VIII. Date of next meeting

34. The Chairman reminded members that the next House Committee meeting would be held on 11 February 2000.

35. There being no further business, the meeting ended at 3:15 pm.

Legislative Council Secretariat
9 February 2000