

立法會
Legislative Council

LC Paper No. CB(2) 1501/99-00

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 18th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 24 March 2000**

Members present :

Dr Hon LEONG Che-hung, JP (Chairman)
Dr Hon YEUNG Sum (Deputy Chairman)
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 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-yee, JP
Hon Ronald ARCULLI, JP
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon HUI Cheung-ching
Hon CHAN Yuen-han
Hon Bernard CHAN
Hon CHAN Wing-chan
Hon CHAN Kam-lam
Hon Mrs Sophie LEUNG LAU Yau-fun, JP
Hon LEUNG Yiu-chung
Hon Gary CHENG Kai-nam, JP

Mr Ray CHAN	Assistant Secretary General 3
Mr Stephen LAM	Assistant Legal Adviser 4
Mr Arthur CHEUNG	Assistant Legal Adviser 5
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
Ms Sharon CHUNG	Senior Public Information Officer 2

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I. Confirmation of the minutes of the 17th meeting held on 17 March 2000

(LC Paper No. CB(2) 1438/99-00)

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 informed CS that Members had agreed that a subcommittee be formed to study the Road Traffic (Traffic Control) (Amendment) Regulation 2000 and that he had given notice to move a motion at the Council meeting on 29 March 2000 to repeal the Regulation. The Chairman informed members that the subcommittee would hold its first meeting on 7 April 2000.

(b) District Court (Fixed Costs in Matrimonial Causes) (Amendment) Rules 2000

3. Miss Margaret NG said that she had consulted the relevant professional bodies on the proposed increase in the fixed costs payable in respect of decrees or applications made in matrimonial causes. They were generally of the view that the higher fees would result in more legal practitioners adopting the fixed costs, although they had some reservations about the level of increase proposed for some of the items set out in the Amendment Rules. Miss NG added that they had raised no objection to the enactment of the Amendment Rules.

4. No queries on the Amendment Rules were raised by members.

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(c) **Discovery Bay Tunnel Link Bylaw**

5. The Legal Adviser drew members' attention to the letter tabled at the meeting, which detailed the Administration's response to the point raised by Miss Margaret NG as to whether the Discovery Bay Tunnel Link Ordinance and the Bylaw made thereunder should, as a matter of policy, be made applicable to State organs.

6. Miss Margaret NG said that she had no further point to raise on the proposed resolution in the light of the clarification provided by the Administration.

7. Members raised no further queries on the proposed resolution.

III. Legal Service Division's report on subsidiary legislation to be tabled in Council on 29 March 2000 (gazetted on 17 March 2000)

(LC Paper No. LS 110/99-00)

8. The Chairman said that the subcommittee on subsidiary legislation relating to the 2000 Legislative Council election would hold a meeting on 28 March 2000 to study the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) (Amendment) Regulation 2000 gazetted on 17 March 2000.

IV. Further business for the Council meeting on 29 and 30 March 2000

9. The Chairman informed members that he would move a motion to repeal the Road Traffic (Traffic Control) (Amendment) Regulation 2000 on the second day of the Council meeting of 29 March 2000 after all Members who wished to speak on the 2000-01 Budget had spoken.

V. Business for the Council meeting on 5 April 2000

(a) **Questions**

(LC Paper No. CB(3) 717/99-00)

10. The Chairman said that 15 written questions had been tentatively scheduled. He reminded members that the deadline for giving notice of questions was 25 March 2000.

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

Revenue (No. 2) Bill 2000

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11. The Chairman said that the above Bill would be introduced into the Council on 5 April 2000 and considered by the House Committee on 14 April 2000.

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

(i) **Appropriation Bill 2000**
(Response from the Administration)

12. The Chairman said that the Administration would respond to Members' speeches at the Council meeting of 29 March 2000 which would be devoted to the debate on the 2000-01 Budget.

13. The Chairman reminded members that the deadline for giving notice of Committee Stage amendments to the Appropriation Bill was 25 March 2000.

(ii) **Employees' Compensation (Amendment) Bill 2000**

(iii) **Revenue Bill 2000**

14. Members agreed at previous meetings that the Second Reading debates on the above Bills be resumed.

(d) **Government motion**

Resolution under section 7 of the Factories and Industrial Undertakings Ordinance (Cap. 59) - to be moved by the Secretary for Education and Manpower

15. The Chairman said that the purpose of the proposed resolution was to obtain the Council's approval for the Factories and Industrial Undertakings (Loadshifting Machinery) Regulation made by the Commissioner for Labour under section 7 of the Factories and Industrial Undertakings Ordinance. The Regulation sought to provide for training and certification requirements for operators of specified loadshifting machines. The Chairman added that the subcommittee formed to study the Regulation had submitted a report to the House Committee on 18 February 2000 recommending that the Regulation be supported.

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

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(e) **Members' motion**

Resolution under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China - to be moved by Hon Mrs Selina CHOW LIANG Shuk-ye

(Wording of the motion issued vide LC Paper No. CB(3) 725/99-00 dated 21 March 2000.)

17. The Chairman said that at the House Committee meeting on 17 March 2000, members endorsed the recommendation of the Committee on Rules of Procedure that Mrs Selina CHOW would move a motion at the Council meeting on 5 April 2000 to amend the Rules of Procedure as proposed in the resolution.

VI. Advance information on business for the Council meeting on 12 April 2000

Members' motions

(a) **Motion on "Seeking repayment of \$1.1 billion debt from the United Nations"**

18. Members noted that Mr CHAN Kam-lam had been allocated a debate slot.

(b) **Motion on "Sexual violence"**

19. Members noted that Mr James TO Kun-sun had been allocated a debate slot.

20. The Chairman informed members that the deadlines for giving notice of the above motions and notice of amendments (if any) to the motions were 27 March 2000 and 5 April 2000 respectively. The speaking time limits stipulated in rule 17(c) of the House Rules would apply.

VII. Report

(a) **Position report on Bills Committees/subcommittees**
(*LC Paper No. CB(2) 1435/99-00 & Director of Administration's letter of 22 March 2000 issued vide LC Paper No. CB(2) 1464/99-00 on 23 March 2000*)

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

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the waiting list.

22. The Chairman referred members to the Director of Administration's letter and said that the Administration had proposed that priority be given to the scrutiny of the Dutiable Commodities (Amendment) Bill 1999, the Securities and Futures Legislation (Provision of False Information) Bill 2000 and the Road Traffic Legislation (Amendment) Bill 2000. Members agreed to the Administration's proposal.

23. Referring to the large number of Bills Committees awaiting activation, Miss Margaret NG said that for the 2000-2001 financial year, the financial provision of the Law Drafting Division of the Department of Justice amounted to \$120 million, while that for the Legal Service Division of the LegCo Secretariat was only \$20 million. She was concerned that the Legal Service Division did not have adequate resources and asked how the matter could be taken forward.

24. The Chairman said that the matter should be referred to The Legislative Council Commission (the Commission). The Secretary General added that the review on the resources of the LegCo Secretariat was normally conducted in the context of the annual Resource Allocation Exercise, which took place in May each year.

25. Miss NG undertook to prepare a paper for the Commission's consideration and said that she would be happy to discuss with other Members in drafting the paper.

26. Mr Ronald ARCULLI said that the drafting of legislation and the scrutiny of legislation were two different things. If the Legal Service Division took on the task of drafting Committee Stage amendments (CSAs) initiated by individual Members, it would certainly require additional resources to handle the drafting work required. However, because of the Administration's position on Article 74 of the Basic Law, amendments initiated by a Bills Committee and agreed to by the Administration had been introduced by the Administration and the drafting of such amendments undertaken by the Law Drafting Division of the Department of Justice.

27. Mr ARCULLI further said that it had always been the practice of the Administration to introduce a large number of bills towards the end of a legislative term. This had often resulted in a number of bills having to lapse at the end of a term because there was insufficient time for Members to scrutinize the bills concerned. Mr ARCULLI was of the view that the Chairman should raise the matter at his meeting with CS next week. Mr James TIEN echoed Mr ARCULLI's views and requested that the Chairman should make it clear to CS that if Members were unable to

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complete scrutiny of all the bills that had been introduced, it was the Administration's responsibility and not the Council's.

28. Referring to the standard of law drafting, Miss Margaret NG said that the Law Drafting Division sometimes faced constraints in their work, such as imprecise or unclear drafting instructions given by Policy Bureaux. She stressed that Members, assisted by the Legal Service Division, must scrutinize every bill introduced into the Council with great care. Adequate resources should therefore be provided to the Legal Service Division.

29. The Chairman said that the progress of drafting work of a piece of legislation was sometimes delayed because the responsible law drafting officer was away on leave. He wondered whether the drafting work could be undertaken temporarily by another law drafting officer. Mr Ronald ARCULLI responded that it would be much better if the drafting of a piece of legislation was done by the same law drafting officer for reasons of continuity and consistency.

(b) Report of the Panel on Administration of Justice and Legal Services on proposed amendment to section 2GG of Arbitration Ordinance (Cap. 341)

(LC Paper No. CB(2) 1458/99-00)

30. Miss Margaret NG, Chairman of the Panel, highlighted the Panel's deliberations as detailed in the paper. Miss NG said that the Panel supported the Administration's proposal of introducing an amendment bill within the current legislative session to amend section 2GG of the Arbitration Ordinance to make it clear that section 2GG was applicable to awards made either in or outside Hong Kong. Miss NG sought members' views on -

- (a) the Administration's proposal of introducing an amendment bill within the current session, having regard to the Director of Administration's earlier advice to the House Committee that save for absolutely essential and urgent bills, no other bills would be introduced after 15 March 2000; and
- (b) the Panel's recommendation that no Bills Committee would be required if an amendment bill was introduced, given that the proposed amendment was straight-forward and involved no policy change.

31. The Chairman said that notwithstanding the Director of Administration's earlier advice, the Administration could still introduce a bill which was, in its view, essential and urgent. However, he considered it inappropriate for the House Committee to give an undertaking that a

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Bills Committee would not be formed without having studied the detailed provisions of the Bill. Dr YEUNG Sum echoed the Chairman's views.

32. Mr Andrew WONG said that it would be inappropriate for the House Committee to give such an undertaking before the Executive Council had given approval for the introduction of the bill into LegCo. He suggested that the Administration should provide a draft bill for discussion with the Panel prior to submitting the bill to the Executive Council.

33. Mr HO Sai-chu said that the proposed amendment was simple and straight-forward and need not be studied by a Bills Committee.

34. Miss Margaret NG explained that she was only seeking the House Committee's agreement in principle to the Panel's recommendation that no Bills Committees need be formed to study the Bill. She added that such agreement, if given, would not preclude the formation of a Bills Committee should this be considered necessary subsequently.

35. Mr Martin LEE said that he had no objection to the Administration introducing an amendment bill within the current session.

36. The Legal Adviser said that should members agree that an amendment bill be introduced within the current legislative session, the suggestion made by Mr WONG would be one way of facilitating the scrutiny of the bill by Members.

37. The Chairman said that as no members raised objection to the Administration's proposal of introducing an amendment bill within the current session, he would inform CS of members' consensus at his meeting with CS next week.

VIII. Any other business

38. Mr LEE Wing-tat said that at its special meeting on 20 March 2000, the Panel on Housing passed a motion urging the Housing Bureau to convey the Panel's views to the Chief Executive and request him to appoint a statutory committee to undertake a review of the operation of the construction industry and to follow up the investigations of the case of Tin Chung Court, Tin Shui Wai and Shatin Area 14B Phase 2 (Yuen Chau Kok).

39. Mr LEE added that it was important for the Chief Executive to reply to the Panel's request as soon as possible, so that Members could have time to consider how to take the matter forward in the event of the Chief Executive rejecting the Panel's request. Mr LEE suggested that the

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Chairman should, at his meeting with CS next week, ask the Administration to respond to the Panel's request as soon as possible.

40. Miss CHAN Yuen-han, Mr James TIEN and Dr YEUNG Sum echoed the sentiments expressed by Mr LEE.

41. The Chairman said that he would raise the matter with CS. Members agreed.

42. There being no further business, the meeting ended at 3:09 pm.

Legislative Council Secretariat

29 March 2000