

立法會  
*Legislative Council*

LC Paper No. CB(2) 2143/99-00

Ref : CB2/H/5

**House Committee of the Legislative Council**

**Minutes of the 25<sup>th</sup> meeting  
held in the Legislative Council Chamber  
at 5:06 pm on Friday, 26 May 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 David CHU Yu-lin  
Hon Cyd HO Sau-lan  
Hon Edward HO Sing-tin, SBS, JP  
Hon Michael HO Mun-ka  
Hon LEE Kai-ming, SBS, JP  
Dr Hon LUI Ming-wah, JP  
Hon NG Leung-sing  
Prof Hon NG Ching-fai  
Hon James TO Kun-sun  
Hon HUI Cheung-ching  
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 Gary CHENG Kai-nam, JP  
Hon SIN Chung-kai  
Hon Andrew WONG Wang-fat, JP  
Hon WONG Yung-kan  
Hon Jasper TSANG Yok-sing, JP  
Hon YEUNG Yiu-chung  
Hon LAU Chin-shek, JP  
Hon Mrs Miriam LAU Kin-yee, JP  
Hon Ambrose LAU Hon-chuen, JP  
Hon Emily LAU Wai-hing, JP

Hon CHOY So-yuk  
Hon Andrew CHENG Kar-foo  
Hon SZETO Wah  
Hon TAM Yiu-chung, GBS, JP  
Hon FUNG Chi-kin  
Dr Hon TANG Siu-tong, JP

**Members absent :**

Hon HO Sai-chu, SBS, JP  
Hon Albert HO Chun-yan  
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  
Dr Hon David LI Kwok-po, JP  
Hon Fred LI Wah-ming, JP  
Hon Margaret NG  
Hon Mrs Selina CHOW LIANG Shuk-ye, JP  
Hon Ronald ARCULLI, JP  
Hon MA Fung-kwok  
Hon CHEUNG Man-kwong  
Hon Christine LOH Kung-wai  
Hon Bernard CHAN  
Dr Hon Philip WONG Yu-hong  
Hon Howard YOUNG, JP  
Hon LAU Kong-wah  
Hon LAU Wong-fat, GBS, JP  
Hon Timothy FOK Tsun-ting, SBS, JP  
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 LAW Kam-sang, JP	Deputy Secretary General
Mr LEE Yu-sung	Legal Adviser (Acting)
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 Arthur CHEUNG	Assistant Legal Adviser 5
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 Polly YEUNG	Chief Assistant Secretary (1)3
Ms LEUNG Siu-kum	Chief Assistant Secretary (1)4
Mr LAW Wing-lok	Chief Assistant Secretary (2)5
Mrs Betty LEUNG	Chief Assistant Secretary (3)1
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 24th meeting held on 19 May 2000**  
(*LC Paper No. CB(2) 2066/99-00*)

The minutes were confirmed.

**II. Matters arising**

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

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2. The Chairman informed members that the Chief Executive (CE)'s Question and Answer session would be held on Friday, 23 June 2000 from 11:30 am to 12:30 pm.

**III. Legal Service Division's report on subsidiary legislation tabled in Council on 24 May 2000 (gazetted on 19 and 22 May 2000)**

(*LC Paper No. LS 142/99-00*)

3. The Chairman introduced the paper which detailed the 45 items of subsidiary legislation gazetted on 19 and 22 May 2000.

4. Referring to the Shipping and Port Control (Amendment) (No. 3) Regulation 2000, the Acting Legal Adviser said that the Amendment Regulation sought to prohibit vessels from anchoring within the prohibited anchorage area (PAA) adjacent to the Hong Kong Disneyland International Theme Park except with the permission of the Director of Marine. The Acting Legal Adviser added that some members of the Panel on Economic

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Services had expressed concern about the size of the PAA, imposition of a 24-hour restriction on anchorage and keeping vessels underway in the area.

5. Mrs Miriam LAU said that she had no objection to the designation of the PAA given that vessels which might have a need to anchor in the vicinity of the Theme Park could do so in the specified anchorage nearby.

6. Mr Michael HO said that he would need more time to study the Chinese Medicine Practitioners (Registration) Regulation and Chinese Medicine Practitioners (Discipline) Regulation. The Chairman suggested that a decision on these two items be deferred to the next meeting on 2 June 2000. Members agreed.

7. The Acting Legal Adviser drew members' attention to the Fixed Penalty (Criminal Proceedings) (Amendment) Regulation 2000 (L.N. 159) and Road Traffic (Safety Equipment) (Amendment) Regulation 2000 (L.N. 162), which sought to extend the seat belt legislation to cover rear seats of taxis as well as to improve and rectify the inconsistencies of existing seat belt legislation.

8. The Acting Legal Adviser explained that as the Administration had proposed that the new offences introduced by L.N. 162 could be punishable by fixed penalty under the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240), the Administration would move a motion at the Council meeting on 21 June 2000 to amend the Schedule to Cap. 240 to include the new offences as fixed penalty offences.

9. The Acting Legal Adviser said that as the amendments proposed in L.N. 159 were consequential upon the amendments to the Schedule to Cap. 240 being approved by the Council, the Legal Service Division had earlier asked the Administration to clarify the legal basis for making the amendments before the motion to amend the Schedule to Cap. 240 was passed by the Council. The Acting Legal Adviser added that the Administration had replied shortly before the meeting that it would gazette a new amendment regulation to repeal L.N. 159 and to make the relevant amendment after the Council's approval for the motion. With this arrangement, the Legal Service Division was of the view that the procedure of amendment was legally in order.

10. Mrs Miriam LAU said that certain technical aspects of the proposed amendments in L.N. 162 required clarification by the Administration. Mrs LAU further said that the Road Traffic (Construction and Maintenance of Vehicles) (Amendment) (No. 2) Regulation 2000 (L.N. 160), which sought to extend the emission tests to cover petrol and LPG vehicles and introduce exhaust emission standards for such vehicles, should be examined by a subcommittee.

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11. The Chairman suggested that a subcommittee be formed to study both L.N. 160 and L.N. 162. Members agreed. The following members agreed to join : Miss Cyd HO Sau-lan, Mr CHAN Kwok-keung, Mrs Miriam LAU Kin-ye and Mr FUNG Chi-kin.

12. Referring to the Mandatory Provident Fund Schemes (Contributions for Casual Employees) Order and the Mandatory Provident Fund Schemes (Specification of Permitted Periods) Notice, the Chairman suggested that the two items should be studied by the Subcommittee on subsidiary legislation relating to Mandatory Provident Fund Schemes. Members agreed.

13. Regarding The Rules of the District Court and District Court Civil Procedure (Fees) (Amendment) Rules 2000, the Chairman said that Miss Margaret NG had suggested that a subcommittee be formed to study the two sets of Rules.

14. The Acting Legal Adviser said that the Legal Service Division was still scrutinizing the two sets of Rules which dealt with changes to the civil procedure of the District Court. He further said that the majority of the Rules were modelled on The Rules of the High Court and that the Administration would issue a LegCo Brief which would contain a concordance table setting out the similarities and differences between The Rules of the High Court and The Rules of the District Court for Members' reference.

15. Mrs Miriam LAU said that members of the Bills Committee on the District Court (Amendment) Bill 1999 had agreed that they would study the two sets of Rules upon their introduction into the Council. The Chairman added that the Secretariat would issue a notice inviting members of the Bills Committee and other interested Members to join the subcommittee. Members agreed.

16. Members did not raise any query on the remaining 35 items of subsidiary legislation covered in the paper.

17. The Chairman reminded members that the deadline for amending the subsidiary legislation set out in the paper was 21 June 2000, or 28 June 2000 if extended by resolution.

**IV. Further business for the Council meeting on 31 May 2000**

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

**Arbitration (Amendment) Bill 2000**

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18. Members noted that the above Bill would be introduced into the Council on 31 May 2000 and considered by the House Committee on 2 June 2000.

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

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**(i) Statute Law (Miscellaneous Provisions) Bill 1999**

**(ii) Trade Marks Bill**

**(iii) Road Traffic (Amendment) Bill 2000**

**(iv) Adaptation of Laws (No. 8) Bill 1999**

19. The Chairman said that members agreed at the meeting on 19 May 2000 that the Second Reading debates on the above Bills be resumed.

**(c) Government motion**

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

20. The Chairman said that the proposed resolution was discussed at the joint meeting of the Panel on Environmental Affairs and Panel on Transport on 23 May 2000. He added that some Members had given notice to amend the proposed fine of \$1,000 for vehicles emitting excessive smoke or visible vapour, and that these amendments were being considered by the President.

**(ii) Resolution under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) - to be moved by the Secretary for Financial Services**

21. The Chairman said that the proposed resolution sought to amend the Financial Resources Rules (FRR) which were gazetted on 20 April 2000. He added that the subcommittee formed to study the FRR and other related subsidiary legislation would report under agenda item VII(g) below.

22. Mr SIN Chung-kai asked whether there was any likelihood that the Council meeting scheduled for 31 May 2000 would be extended to 1 June 2000.

23. Assistant Secretary General 3 responded that he had issued a circular on 23 May 2000 informing Members that the President had decided under the Rules of Procedure that when in her opinion it was unlikely that the business on the Agenda of a Council meeting could be finished by about midnight on the

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day of the meeting, she would suspend the meeting at 10:00 pm and order that the meeting resume the following day at 9:30 am for the continuation of business. He added that the decision applied to the remaining meetings of the Council in the current session.

**V. Business for the Council meeting on 7 June 2000**

**(a) Questions**

*(LC Paper No. CB(3) 915/99-00)*

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

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

**Supplementary Appropriation (1999-2000) Bill 2000**

25. The Chairman said that the above Bill would be introduced into the Council on 7 June 2000 and considered by the House Committee on 9 June 2000.

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

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**Adaptation of Laws (No. 17) Bill 1999**

26. The Chairman said that members agreed at the meeting on 3 March 2000 that the Second Reading debate on the above Bill be resumed.

**(d) Government motions**

27. Members noted that no notice had been received.

**(e) Members' motions**

**(i) Motion on "Investigatory body on medical incidents"**

28. Members noted the wording of the above motion which would be moved by Mr Michael HO Mun-ka.

**(ii) Motion on "Working hours"**

29. Members noted the wording of the above motion which would be moved by Mr LAU Chin-shek.

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30. The Chairman reminded members that the deadline for giving notice of amendments (if any) to the motions was 30 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 14 June 2000**

**Members' motions**

**(a) Motion on "Development of the HKSAR's political system"**

31. The Chairman said that he would move the above motion on behalf of the House Committee.

**(b) Motion on "Health Care Reform Consultation Paper"**

32. The Chairman said that he would move the above motion in his own capacity as a Member.

33. The Chairman further said that he would give notice of the above two motions before 29 May 2000. He added that members had previously agreed that no amendments would be proposed to the first motion. He reminded members that the deadline for giving notice of amendments to the second motion was 7 June 2000. The speaking time limits stipulated in rule 17(c) of the House Rules would apply to both motions.

**VII. Reports**

**(a) Position report on Bills Committees/Subcommittees**  
*(LC Paper No. CB(2) 2087/99-00)*

34. The Chairman said that there were now four vacant slots as four Bills Committees had just completed work. The four Bills Committees would report under items (c), (d), (h) and (i) below respectively.

35. The Chairman said that the Employment (Amendment) Bill 2000 and Intellectual Property (Miscellaneous Amendments) Bill 2000, which were occupying the first and second positions on the waiting list, were accorded priority by the Administration. He suggested that two of the four vacant slots be allocated to the Bills Committees on these two Bills. Members agreed.

36. The Chairman said that there had been some new developments since the Bills Committee on the Human Reproductive Technology Bill reported to the House Committee on 11 February 2000 recommending that the Second



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Reading debate on the Bill should resume. He invited Miss Cyd HO, Chairman of the Bills Committee, to report on the latest developments.

37. Miss Cyd HO said that the Administration had proposed further Committee Stage amendments (CSAs) to the Human Reproductive Technology Bill, incorporating amendments originally proposed by a member of the Bills Committee but which were previously not considered acceptable to the Administration. Miss HO requested that the Bills Committee should reconvene to consider the new CSAs proposed by the Administration.

38. The Chairman suggested that one of the remaining two vacant slots should be allocated to the Bills Committee on the Human Reproductive Technology Bill. Members agreed.

39. The Chairman said that with the commencement of work of the two Bills Committees referred to in paragraph 35 above, there were 11 Bills Committees on the waiting list. He sought members' views as to whether any more Bills Committees on the waiting list should be activated, given the large number of subcommittees in action and the possibility that more subsidiary legislation would be made in the coming weeks, which would also require Members' scrutiny.

40. Mr SIN Chung-kai said that it had already become increasingly difficult for committees to obtain meeting slots. He suggested that no more Bills Committees should be activated. Dr YEUNG Sum added that none of the bills on the waiting list was accorded priority by the Administration. Members agreed to Mr SIN's suggestion.

41. The Chairman said that he would advise the Administration of the House Committee's decision that scrutiny of the 11 bills on the waiting list would not commence during the remainder of the current legislative session.

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

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*(LC Paper No. CB(1) 1668/99-00)*

42. Mr SIN Chung-kai, Chairman of the Bills Committee, introduced the paper which detailed the Bills Committee's deliberations on the Bill.

43. Mr SIN said that the Bills Committee and the Administration had reached consensus on the more controversial issues relating to right of access to land/buildings and the appeal mechanism. He added that the Bills Committee had recommended that the Second Reading debate on the Bill be resumed on 7 June 2000.

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44. Members did not raise objection to the Bills Committee's recommendation.

(c) **Report of the Bills Committee on Companies (Amendment) Bill 2000**

45. The Chairman said that the Bills Committee had just completed work and would submit a written report to the House Committee on 9 June 2000.

(d) **Report of the Bills Committee on Buildings (Amendment) Bill 2000**

46. The Chairman said that the Bills Committee had completed scrutiny of the Bill on 24 May 2000. It would submit a written report to the House Committee on 2 June 2000 recommending that the Second Reading debate on the Bill be resumed on 14 June 2000.

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

(e) **Report of the Subcommittee on Road Traffic (Traffic Control) (Amendment) Regulation 2000**

*(LC Paper No. CB(1) 1671/99-00)*

48. Mrs Miriam LAU, Chairman of the subcommittee, highlighted the main deliberations of the subcommittee as detailed in the paper. Mrs LAU said that the subcommittee supported the revised rule to prohibit a driver from using a mobile phone while the vehicle was in motion.

49. The Chairman said that the Administration had published the revised Road Traffic (Traffic Control)(Amendment) (No.2) Regulation 2000 in the gazette on 26 May 2000. Mrs Miriam LAU added that there was no need for the revised Amendment Regulation to be studied by the subcommittee. Members agreed.

(f) **First report of the Subcommittee on subsidiary legislation relating to Mandatory Provident Fund Schemes**

*(LC Paper No. CB(1) 1661/99-00)*

50. The Chairman said that Mr Ronald ARCULLI, Chairman of the subcommittee, had made a verbal report to the House Committee on 19 May 2000.

51. The Acting Legal Adviser added that the subcommittee supported 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

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Mandatory Provident Fund Schemes (General) Regulation that had not yet come into operation would come into operation.

- (g) **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**  
*(LC Paper No. CB(1) 1669/99-00)*

52. Mr FUNG Chi-kin introduced the paper on behalf of Mr Ronald ARCULLI, Chairman of the subcommittee.

53. Mr FUNG highlighted the subcommittee's deliberations on the issues relating to returns and notifications to the Securities and Futures Commission, calculation of liquid assets and new minimum capital and liquid capital requirements for sole proprietors as detailed in paragraphs 8 to 9, paragraphs 10 to 11 and paragraph 12 respectively. He said that in response to the subcommittee, the Administration would move amendments to improve the drafting of the Financial Resources Rules. He added that subcommittee had recommended that the two sets of Rules and the Commencement Notice be supported.

- (h) **Report of the Bills Committee on Entertainment Special Effects Bill**

54. Mr YEUNG Yiu-chung reported on the work of the Bills Committee on behalf of Mr Howard YOUNG, Chairman of the Bills Committee.

55. Mr YEUNG said that the Bill aimed to provide the framework for the new regulatory system to regulate the supply, conveyance, storage and use of pyrotechnic special effects materials and non-pyrotechnic special effects materials for the purpose of producing special effects in films, television programmes and theatrical performances. The proposed new central regulatory authority would replace the existing regulatory system under which the provisions of the Dangerous Goods Ordinance and Gas Safety Ordinance relating to the conveyance, storage and use of such materials were under the jurisdiction of five different departments.

56. Mr YEUNG further said that the Bills Committee had met five deputations from the film and entertainment industry. Representatives of the industry and members of the Bills Committee were supportive of the proposals in the Bill, but they had put forth a number of suggestions regarding the arrangements for the implementation of the proposals. He added that the Administration had indicated that following the passage of the Bill, the new regulatory authority would make regulations and issue codes of practice for the purpose of carrying out the provisions of the Bill.

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57. Mr YEUNG added that the Bills Committee would submit a written report to the House Committee on 2 June 2000 recommending that the Second Reading debate on the Bill be resumed on 14 June 2000.

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

**(i) Report of the Bills Committee on Family Status Discrimination (Amendment) Bill 2000**

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59. Dr YEUNG Sum, Chairman of the Bills Committee, said that the Bill sought to amend the Family Status Discrimination Ordinance (the Ordinance) to clarify that it was not lawful for a person to afford benefits only to one or more immediate family members of his employees without affording the same to all immediate family members. Dr YEUNG Sum added that to put beyond doubt that it had never been the Administration's intention to require an employer to provide benefits to every immediate family member of his employee, the amendments would be deemed to have come into operation on 21 November 1997 when the Ordinance became effective.

60. Dr YEUNG Sum further said that the Administration had agreed to move CSAs to address the concern raised by several members of the Bills Committee about the retrospective provisions in the Bill. He added that the Bills Committee was generally in support of the Bill and would submit a written report to the House Committee on 2 June 2000 recommending that the Second Reading debate on the Bill be resumed on 14 June 2000.

**VIII. Any other business**

61. There being no further business, the meeting ended at 5:54 pm.

Legislative Council Secretariat  
31 May 2000