

立法會  
*Legislative Council*

LC Paper No. CB(2) 1847/99-00

Ref : CB2/H/5

**House Committee of the Legislative Council**

**Minutes of the 21<sup>st</sup> meeting  
held in the Legislative Council Chamber  
at 4:05 pm on Friday, 28 April 2000**

**Members present :**

Dr Hon LEONG Che-hung, JP (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  
Hon Albert HO Chun-yan  
Hon Michael HO Mun-ka  
Ir Dr Hon Raymond HO Chung-tai, JP  
Hon LEE Wing-tat  
Hon LEE Cheuk-yan  
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-ye, JP  
Hon Ronald ARCULLI, JP  
Hon MA Fung-kwok  
Hon James TO Kun-sun  
Hon CHEUNG Man-kwong  
Hon HUI Cheung-ching  
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 WONG Yung-kan

Hon LAU Kong-wah  
Hon Mrs Miriam LAU Kin-ye, JP  
Hon Ambrose LAU Hon-chuen, JP  
Hon CHOY So-yuk  
Hon Andrew CHENG Kar-foo  
Hon SZETO Wah  
Hon Timothy FOK Tsun-ting, SBS, JP  
Hon TAM Yiu-chung, GBS, JP  
Dr Hon TANG Siu-tong, JP

**Members absent :**

Dr Hon YEUNG Sum (Deputy Chairman)  
Hon David CHU Yu-lin  
Hon Martin LEE Chu-ming, SC, JP  
Dr Hon David LI Kwok-po, JP  
Hon Christine LOH Kung-wai  
Hon CHAN Kwok-keung  
Hon CHAN Yuen-han  
Hon LEUNG Yiu-chung  
Hon Andrew WONG Wang-fat, JP  
Dr Hon Philip WONG Yu-hong  
Hon Jasper TSANG Yok-sing, JP  
Hon Howard YOUNG, JP  
Hon YEUNG Yiu-chung  
Hon LAU Chin-shek, JP  
Hon LAU Wong-fat, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon LAW Chi-kwong, 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                          |
| Ms Pauline NG         | Assistant Secretary General 1          |
| Mr Ray CHAN           | Assistant Secretary General 3          |
| Miss Anita HO         | Assistant Legal Adviser 2              |
| Mrs Vivian KAM        | Chief Assistant Secretary (Complaints) |

|                   |                                  |
|-------------------|----------------------------------|
| Miss Kathleen LAU | Chief Public Information Officer |
| 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 20th meeting held on 14 April 2000**  
(*LC Paper No. CB(2) 1736/99-00*)

The minutes were confirmed.

**II. Matters arising**

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

2. The Chairman referred to the Director of Administration's letter of 26 April 2000 for discussion under agenda item VIII(a) below and said that the Administration had proposed that priority be given to the scrutiny of the Intellectual Property (Miscellaneous Amendments) Bill 2000 and Employees' Compensation (Amendment) (No. 2) Bill 2000. Members agreed to the Administration's proposed priority.

3. Referring to the Intellectual Property (Miscellaneous Amendments) Bill 2000, Mr SIN Chung-kai asked whether any adjustment to the priority of the bills on the waiting list required the consent of the Administration.

4. The Chairman said that the priority of bills on the waiting list was proposed by the Administration and agreed to by members. The Chairman added that organizations concerned could approach the Administration direct if they wished that a particular bill should be given priority.

**III. Legal Service Division's reports on subsidiary legislation to be tabled in Council on 3 May 2000 (gazetted on 14 and 20 April 2000)**  
(*LC Papers No. LS 117/99-00 and LS 119/99-00*)

LC Paper No. LS 117/99-00

5. Members did not raise any query on the six items of subsidiary legislation.

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LC Paper No. LS 119/99-00

6. The Chairman introduced the paper which detailed the nine items of subsidiary legislation gazetted on 20 April 2000.

7. The Legal Adviser said that the Administration had briefed the Bills Committee on Securities (Margin Financing) (Amendment) Bill 1999 on the draft new Financial Resources Rules during the scrutiny of the Bill. The Bills Committee was of the view that the proposed Rules should be studied in detail by a subcommittee after they had been gazetted.

8. Mr Ambrose LAU said that Mr FUNG Chi-kin who was unable to attend the meeting would like to suggest that a subcommittee be formed to study the Rules. Members agreed. The following members agreed to join : Mr Eric LI Ka-cheung, Mr HUI Cheung-ching, Mr Jasper TSANG Yok-shing, Mr Ambrose LAU and Mr FUNG Chi-kin (as advised by Mr Ambrose LAU).

9. The Legal Adviser suggested that the subcommittee should also study the Commodities Trading (Accounts and Audit)(Amendment) Rules 2000 and the Securities (Margin Financing) (Amendment) Ordinance 2000 (20 of 2000) (Commencement) Notice 2000 as the three items of subsidiary legislation were related. Members agreed.

10. The Chairman said that as the deadline for amending the three items of subsidiary legislation concerned was 31 May 2000, the subcommittee should consider whether it was necessary for the scrutiny period to be extended to 7 June 2000.

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

#### **IV. Further reports by the Legal Service Division on outstanding bills**

**(a) Adaptation of Laws (No. 27) Bill 1999**  
(LC Paper No. LS 124/99-00)

12. The Legal Adviser said that the Bill dealt with the adaptation of the Private Bills Ordinance (Cap.69), Legislative Council (Powers and Privileges) Ordinance (Cap.382) and its subsidiary legislation and The Legislative Council Commission Ordinance (Cap. 443).

13. The Legal Adviser further said that although the Administration's clarifications on a number of legal and drafting points raised by the Legal Service Division relating to Cap. 382 were legally in order, members might wish to form a Bills Committee as the proposed amendments in the Bill

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involved the operation of the Council. Moreover, the relationship between certain provisions in the Bill and the relevant provisions in the Basic Law also warranted detailed study. The Legal Adviser added that in case the scrutiny of the Bill could not be completed in time for the Bill's passage within the current term, the non-enactment of the Bill would not affect the underlying legal position of the ordinances concerned.

14. Miss Margaret NG suggested that a Bills Committee be formed to study the Bill. Members agreed. The following members agreed to join : Miss Margaret NG, Mr James TO Kun-sun, Mr Jasper TSANG Yok-sing and Mrs Miriam LAU Kin-ye.

(b) **Air Cargo Transshipment (Facilitation) Bill 2000**  
(*LC Paper No. LS 121/99-00*)

15. The Legal Adviser said that the Bill sought to relax the import and export control over certain categories of air cargo that were transhipped through Hong Kong by air.

16. The Legal Adviser informed members that the Administration had clarified that there would be additional safeguards to detect and deter smuggling and illegal transshipment of air cargo at the Airport. He added that as the Administration had also proposed Committee Stage amendments to address certain legal and drafting issues raised by the Legal Service Division, the legal and drafting aspects of the Bill were in order.

17. Mrs Miriam LAU said that the air cargo industry hoped that the Bill could be enacted as soon as possible, as the proposed measures in the Bill would directly bolster the air transshipment cargo trade.

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

**V. Further business for the Council meeting on 3 May 2000**

(a) **Questions**  
(*LC Paper No. CB(3) 813/99-00*)

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

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(b) **Members' motion**

**Resolution under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) - to be moved by Prof Hon NG Ching-fai**

20. The Chairman said that the proposed resolution sought to repeal the Chinese Medicine (Fees) Regulation. The Chairman further said that Prof NG Ching-fai, Chairman of the subcommittee formed to study the Regulation, would report under agenda item VIII(c) below.

**VI. Business for the Council meeting on 10 May 2000**

(a) **Questions**

*(LC Paper No. CB(3) 814/99-00)*

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

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

22. Members noted that no notice had been received.

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

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**Revenue (No. 2) Bill 2000**

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

(d) **Government motion**

**Resolution under section 29 of the Pharmacy and Poisons Ordinance (Cap. 138) - to be moved by the Secretary for Health and Welfare**

*(LC Paper No. LS 118/99-00)*

24. The Chairman said that members agreed at the House Committee meeting on 14 April 2000 that the Administration be requested to withdraw its notice of moving the proposed resolution at the Council meeting on 3 May 2000 in order to allow time for the Legal Service Division to submit a report for members' consideration.

25. Introducing the paper, the Legal Adviser said that the proposed

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resolution sought the Council's approval of the Pharmacy and Poisons (Amendment) (No. 2) Regulation 2000 and Poisons List (Amendment) (No. 2) Regulation 2000. He explained that the objects of the two Amendment Regulations were to amend the Schedules to the Pharmacy and Poisons Regulations and the Poisons List in the Poisons List Regulations, for the purpose of imposing or updating control on a number of medicines.

26. The Legal Adviser further said that the Legal Service Division was of the view that the proposed resolution and the Amendment Regulations were legally in order.

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

(e) **Members' motions**

(i) **Motion on "Encouraging people to achieve continuous self-improvement"**

28. Members noted that the above motion which would be moved by Hon Ambrose LAU Hon-chuen.

(ii) **Motion on "Opposing the independence of Taiwan"**

29. Members noted that the above motion which would be moved by Hon Jasper TSANG Yok-sing.

30. The Chairman reminded members that the deadline for giving notice of amendments (if any) to the motions was 3 May 2000. 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 17 May 2000**

(a) **Government motions**

(i) **Resolution under section 36 of the Pneumoconiosis (Compensation) Ordinance (Cap. 360) - to be moved by the Secretary for Education and Manpower**

31. The Chairman said that the proposed resolution sought to reduce the levy rate imposed by the Pneumoconiosis Compensation Fund Board on the construction and quarrying industries from 0.3% to 0.25%.

(ii) **Resolution under section 11 of the Provision of Municipal Services (Reorganization) Ordinance (Cap. 552) - to be**

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**moved by the Secretary for Environment and Food**

32. The Chairman said that the proposed resolution sought the Council's approval of the Provision of Municipal Services (Reorganization) Order made by the Chief Executive in Council. He added that the Order made further consequential amendments to a number of enactments and subsidiary legislation that were necessary for the better implementation of the provisions of the Provision of Municipal Services (Reorganization) Ordinance.

33. The Chairman further said that the Legal Service Division would submit reports on the above two proposed resolutions for members' consideration at the next meeting on 5 May 2000.

**(b) Members' motions**

**(i) Motion on "The 4 June incident"**

34. Members noted that Hon SZETO Wah had been allocated a debate slot.

**(ii) Motion to be moved by Hon LEE Cheuk-yan**

35. Members noted that Hon LEE Cheuk-yan had been allocated a debate slot. The Chairman informed members that the topic of Mr LEE's motion was "Minimum wage".

36. The Chairman reminded members that the deadline for giving notice of amendments (if any) to the motions was 9 May 2000. 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) 1759/99-00)*

*(Letter dated 26 April 2000 from the Director of Administration)*

37. The Chairman said that there were 15 Bills Committees and eight subcommittees in action, including the subcommittee formed earlier at the meeting to study the Commodities Trading (Accounts and Audit) (Amendment) Rules 2000, Financial Resources Rules and Securities (Margin Financing) (Amendment) Ordinance 2000 (20 of 2000) (Commencement) Notice 2000.

38. The Chairman further said that the Bills Committee on Legal Aid (Amendment) Bill 1999 had completed work and would report under VIII(b) below.



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39. Miss Margaret NG said that one more Bills Committee slot could be vacated, as the Bills Committee on District Court (Amendment) Bill 1999 had just completed deliberation on the Bill and would submit a written report to the House Committee on 5 May 2000. Miss NG further said that the Bills Committee supported the Bill and had recommended that the Second Reading debate on the Bill be resumed on 17 May 2000.

40. The Chairman said that the two vacant slots would be taken up by the Bills Committee on Buildings (Amendment) Bill 2000 and the Bills Committee on Evidence (Amendment) Bill 1999. The Bills Committee on Entertainment Special Effects Bill and the Bills Committee on Family Status Discrimination (Amendment) Bill 2000, which had moved to first and second positions on the waiting list, could commence preparatory work. The Chairman added that there were 20 Bills Committees on the waiting list, including the Bills Committee on the Adaptation of Laws (No.27) Bill 1999 formed earlier at the meeting.

41. The Chairman added that as members had earlier agreed to give priority to the scrutiny of the Intellectual Property (Miscellaneous Amendments) Bill 2000 and the Employees' Compensation (Amendment) (No. 2) Bill 2000, the Bills Committee on Intellectual Property (Miscellaneous Amendments) Bill 2000 and the Bills Committee on Employees' Compensation (Amendment) (No. 2) Bill 2000 would move up to sixth and seventh positions respectively on the waiting list.

(b) **Report of the Bills Committee on Legal Aid (Amendment) Bill 1999**  
(*LC Paper No. CB(2) 1779/99-00*)  
(*Letter dated 26 April 2000 from the Director of Administration*)

42. Mr Ambrose LAU, Chairman of the Bills Committee, introduced the paper which detailed the Bills Committee's deliberations on the Bill. Mr LAU further said that the Bill Committee supported the Bill and recommended that the Administration's proposal that the Second Reading debate on the Bill be resumed on 3 May 2000 be supported.

43. Members did not raise objection to the resumption of the Second Reading debate on the Bill on 3 May 2000.

(c) **Report of the Subcommittee on Chinese Medicine (Fees) Regulation**  
(*LC Paper No. CB(2) 1752/99-00*)

44. Prof NG Ching-fai, Chairman of the subcommittee, highlighted the subcommittee's views on the Chinese Medicine (Fees) Regulation as detailed in paragraphs 12 to 15 of the paper. Prof NG said that the subcommittee had recommended that he would give notice to move a motion at the Council meeting on 3 May 2000 to repeal the Regulation. Prof NG hoped that

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Members would support the subcommittee's recommendation.

**(d) Report of the Panel on Education on the Grant Schools Provident Fund (Amendment) Rules 2000 and the Subsidized Schools Provident Fund (Amendment) Rules 2000**

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45. Prof NG Ching-fai, Deputy Chairman of the Panel, reported that the Panel held a special meeting on 25 April 2000 to study the two Amendment Rules which aimed to facilitate teachers of aided schools to remain in the statutory Grant Schools Provident Fund (GSPF) Scheme and the Subsidized Schools Provident Fund (SSPF) Scheme when they switched employment to Direct Schools Scheme (DSS) schools.

46. Prof NG said that some Panel members had pointed out that the current subsidy given to DSS schools included an element for provident fund contribution by employers and that this element accounted for about 8% of the total recurrent subsidy. These members were concerned that the provident fund element in the recurrent subsidy given to DSS schools might not be sufficient to cover DSS schools' contributions to the two statutory provident funds, particularly in respect of schools which employed a considerable number of teachers with long years of service who were entitled to the maximum rate of contributions (at 15% of teachers' salaries) from their employers.

47. Prof NG further said that the Administration had provided a written response on 27 April 2000 to address the Panel's concern. The Administration had pointed out that with effect from the 1999/2000 school year, the unit (i.e. per student) subsidy rate for DSS secondary schools with an operating history of 16 years or above was about 4% to 5% higher than that for schools with an operating history of 15 years or below. The higher recurrent subsidy given to DSS schools with a longer operating history was to take account of higher maintenance cost and salary expenditure of these schools. Furthermore, DSS schools could meet the shortfall through redeployment of the various components in the subsidy or making use of revenue generated from other sources such as school fees or donations. The Administration had also re-affirmed the Government's commitment to the development of a strong DSS sector and stressed that the latest proposal to preserve the provident fund benefits of aided school teachers who joined DSS schools was a positive measure in this direction.

48. Prof NG added that the Panel had recommended that the two Amendment Rules be supported and that a written report would be submitted to the House Committee on 5 May 2000.

49. The Chairman reminded members that the deadline for giving notice of amendments to the Amendment Rules was 3 May 2000.

## **IX. Report of the Committee on Rules of Procedure**

### **Report on the Application of the Rule of Anticipation to Council Business**

(LC Paper No. CB(1) 1437/99-00)

50. Mrs Selina CHOW, Chairman of the Committee of Rules of Procedure (the Committee), introduced the paper which proposed that the Rules of Procedure be amended to provide for the application of the rule of anticipation to Council business. Mrs CHOW also highlighted the proposed amendments to Rules 25 and 31 of the Rules of Procedure as detailed in Appendices 1(a) and 1(b) of the paper. Mrs CHOW further said that subject to members' agreement, she would give notice to move a motion at a Council meeting within the current legislative session for the Rules of Procedure to be amended as proposed.

51. Members raised no objection to Mrs CHOW giving notice to move a motion to amend the Rules of Procedure as proposed.

## **X. Any other business**

### **(a) Review of the progress of scrutiny of bills**

52. The Chairman said that there was a need to review the progress of work of the 16 Bills Committees in action to ascertain if they could complete work before 9 June 2000, which was the date of the second last House Committee meeting at which Bills Committees should submit reports.

53. The Chairman further said that the findings of the review would enable members to consider the way forward for those Bills that were unlikely to complete scrutiny by 9 June 2000. The Chairman suggested that the Chairmen of the 16 Bills Committees concerned should be asked to give an indication at the next House Committee meeting on 5 May 2000 as to whether the Bills Committees under their chairmanship would be able to complete work by 9 June 2000. Members agreed.

54. Mr LEE Wing-tat asked whether the Chairmen of the 16 Bills Committees should consult the members of the Bills Committees concerned. The Chairman said that it would be up to the Chairmen of the Bills Committees to decide whether consultation with their members was necessary.

55. Mrs Selina CHOW said that the Chairmen of Bills Committees should take into account the number of meeting slots available and the work commitments of their members in assessing whether their Bills Committees

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would be able to complete scrutiny by 9 June 2000. She added that scheduling meetings during lunch hour and in the evening for the purpose of expediting scrutiny work should be avoided.

56. The Chairman suggested that the Legal Adviser should be asked to advise on the complexity of the bills on the waiting list so as to assist members in assessing which Bills Committees would likely be able to complete scrutiny in time for the bills concerned to resume Second Reading debate within the current session if slots were available within a short period of time. The Chairman added that such an assessment would facilitate discussion with the Administration on whether the order of bills on the waiting list should be revised. Miss CHOY So-yuk and Miss Margaret NG concurred with the Chairman. The Chairman further suggested that he would raise the matter with CS at their next meeting. Members agreed to the Chairman's suggestions.

57. Referring to the Bills Committee studying the Town Planning Bill which was accorded priority by the Administration, Mr Edward HO asked whether the Bills Committee was required to continue work until mid-June 2000 if the Bills Committee was of the view that it would not be able to complete scrutiny of the Bill within the current session. The Chairman responded that the decision as to whether the Bills Committee should suspend its work was a matter for the House Committee to decide.

58. Mr SIN Chung-kai said that higher priority should be given to the Intellectual Property (Miscellaneous Amendments) Bill 2000, given that the issues involved were mainly of a technical nature and 19 organizations had written in requesting the early enactment of the Bill.

**(b) Submission of Panel reports to the Council**

59. The Chairman asked the Secretariat to issue a schedule setting out the dates of the Council meetings at which the Panels would submit reports to the Council on their work during the 1999-2000 Legislative Council session.

60. There being no further business, the meeting ended at 4:55 pm.