

立法會
Legislative Council

LC Paper No. CB(2) 1566/99-00

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 19th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 31 March 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 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
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 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 LEUNG Yiu-chung

Hon SIN Chung-kai
Hon Andrew WONG Wang-fat, JP
Hon Jasper TSANG Yok-sing, JP
Hon YEUNG Yiu-chung
Hon LAU Chin-shek, JP
Hon LAU Kong-wah
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 LAW Chi-kwong, JP
Hon TAM Yiu-chung, GBS, JP
Hon FUNG Chi-kin

Members absent :

Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Dr Hon David LI Kwok-po, JP
Hon Fred LI Wah-ming, JP
Hon CHAN Kam-lam
Hon Mrs Sophie LEUNG LAU Yau-fun, JP
Hon Gary CHENG Kai-nam, JP
Dr Hon Philip WONG Yu-hong
Hon WONG Yung-kan
Hon Howard YOUNG, JP
Hon LAU Wong-fat, GBS, JP
Hon Timothy FOK Tsun-ting, SBS, JP
Dr Hon TANG Siu-tong, 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 Stephen LAM	Assistant Legal Adviser 4
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 18th meeting held on 24 March 2000

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

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 pointed out to CS that it might not be possible to complete scrutiny of all the Bills which had been introduced. He added that he had also reminded the Administration to regularly update the priority of the Bills awaiting scrutiny by Members.

3. The Chairman further said that CS had asked him to relay her appreciation of Members' co-operation in scrutinizing these Bills. CS had confirmed again that unless desperately urgent, no more bills would be introduced.

4. Referring to the Panel on Housing's request that a statutory committee be appointed by the Chief Executive to review 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), the Chairman informed members that CS had promised that the Administration would consider carefully the Panel's request and respond as soon as possible.

5. Miss Emily LAU asked whether the arrangement of CS giving regular briefings to Members had been discontinued. The Chairman said that he would raise the matter at his meeting with CS the following week.

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(b) Remuneration of Members of the First Legislative Council of the HKSAR upon expiry of their Term of Office on 30 June 2000

6. Members noted the Director of Administration's letter of 28 March 2000 on the captioned subject which was issued vide LC Paper No. CB(2) 1527/99-00 on 29 March 2000.

III. Legal Service Division's report on subsidiary legislation tabled in Council on 29 March 2000 (gazetted on 24 March 2000)

(LC Paper No. LS 112/99-00)

7. The Chairman introduced the paper which detailed the five items of subsidiary legislation gazetted on 24 March 2000.

8. The Legal Adviser said that the purpose of the Chinese Medicine (Fees) Regulation was to prescribe the various fees payable under the Chinese Medicine Ordinance in relation to registration as Chinese medicine practitioners. According to the Administration, the Department of Health would require a secretariat of 12 staff at an annual cost of about \$9 million to serve the Chinese Medicine Council of Hong Kong and to administer the registration system. The proposed fees, which were set in accordance with the cost recovery principle, would produce annual revenue of about \$6 million. The Legal Adviser added that the legal and drafting aspects of the Regulation were in order.

9. Mr Michael HO was of the view that a subcommittee should be formed to examine how the Administration had arrived at the fee levels proposed in the Regulation.

10. Mr LEE Wing-tat said that the relevant bodies should be invited to give their views and suggested that a subcommittee be formed to study the Regulation in detail. Members agreed. The following members agreed to join : Dr LEONG Che-hung, Mr HO Sai-chu, Mr Michael HO Mun-ka, Mr LEE Wing-tat and Professor NG Ching-fai.

11. The Chairman said that as the deadline for amending the Regulation was 12 April 2000, he would give notice to move a motion at the Council meeting on 12 April 2000 to extend the scrutiny period to 3 May 2000, so as to allow time for the subcommittee to complete its work and report its deliberations to the House Committee. Members agreed.

12. Referring to the Public Revenue Protection (Revenue) Order 2000 (the Order), Mr Andrew WONG asked whether it was necessary for the Order to be made as no tax increase proposal was involved. The Legal

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Adviser explained that an Order made under the Public Revenue Protection Ordinance could apply to tax concession measures.

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

IV. Business for the Council meeting on 12 April 2000

(a) Questions

(LC Paper No. CB(3) 742/99-00)

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

(b) Bills - First and Second Readings

15. Members noted that no notice had been received.

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

Security and Guarding Services (Amendment) Bill 2000

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

17. The Legal Adviser informed members that the Administration would move an additional technical amendment which was similar to the one considered at the meeting on 3 March 2000.

18. Members did not raise any query on the further amendment proposed by the Administration.

(d) Government motions

(i) Resolution under section 30 of the Discovery Bay Tunnel Link Ordinance (Cap. 520) - to be moved by the Secretary for Transport

19. The Chairman said that as members had raised no further queries on the Discovery Bay Tunnel Link Bylaw at the House Committee meeting on 24 March 2000, the Administration gave a fresh notice to move the proposed resolution at the Council meeting on 12 April 2000.

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- (ii) **Resolution under section 46 of the Mandatory Provident Fund Schemes Ordinance (Cap. 485) - to be moved by the Secretary for Financial Services**
- (iii) **Resolution under section 48 of the Mandatory Provident Fund Schemes Ordinance (Cap. 485) - to be moved by the Secretary for Financial Services**
(*LC Paper No. LS 113/99-00*)

20. The Legal Adviser said that the proposed resolutions sought the Council's approval of the Mandatory Provident Fund Schemes Ordinance (Amendment of Schedule 1) Notice 2000 and the Mandatory Provident Fund Schemes (General) (Amendment) Regulation 2000 made by the Chief Executive in Council under sections 48 and 46 of the Mandatory Provident Fund Schemes Ordinance respectively.

21. The Legal Adviser said that the proposed amendments included technical amendments as well as amendments to address the concerns expressed by members of the Mandatory Provident Fund industry that some requirements in the Mandatory Provident Fund Schemes (General) Regulation would cause operational difficulties. He was of the view that a subcommittee should be formed to study the amendments proposed in the two resolutions.

22. Mr Ronald ARCULLI suggested that a subcommittee be formed. Members agreed. The following members agreed to join : Mr Ronald ARCULLI, Miss CHAN Yuen-han, Mr Andrew CHENG Kar-foo and Mr FUNG Chi-kin.

23. Mr ARCULLI added that the subcommittee should also study any further items of subsidiary legislation to be made under the Mandatory Provident Fund Schemes Ordinance. Members agreed.

24. The Chairman said that the Administration would be asked to withdraw the notices to move the two resolutions at the Council meeting on 12 April 2000.

- (iv) **Resolution under section 59 of the Electricity Ordinance (Cap. 406) and section 35 of the Interpretation and General Clauses Ordinance (Cap. 1) - to be moved by the Secretary for Economic Services**

25. The Chairman said that the subcommittee on resolution under section 59 of the Electricity Ordinance had submitted a report to the House Committee on 17 March 2000 recommending that the Electricity

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Supply Lines (Protection) Regulation be supported subject to the amendments set out in the proposed resolution.

(e) **Members' motions**

(i) **Motion on "Elderly persons settling in their hometown"**

26. Members noted the wording of the motion which would be moved by Mr CHAN Kam-lam.

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

27. Members noted the wording of the motion which would be moved by Mr James TO Kun-sun.

28. The Chairman reminded members that the deadline for giving notice of amendments (if any) to the motions was 5 April 2000. The speaking time limits stipulated in rule 17(c) of the House Rules would apply.

V. Reports

(a) **Position report on Bills Committees/subcommittees**
(*LC Paper No. CB(2) 1503/99-00*)

29. In response to Mr Ronald ARCULLI's question on the priority of bills on the waiting list, the Chairman responded that the Administration had proposed and members had agreed that priority be given to the scrutiny of the following Bills -

- (i) Buildings (Amendment) Bill 2000;
- (ii) Evidence (Amendment) Bill 1999;
- (iii) Entertainment Special Effects Bill;
- (iv) Family Status Discrimination (Amendment) Bill 2000;
- (v) Dutiable Commodities (Amendment) Bill 1999;
- (vi) Securities and Futures Legislation (Provision of False Information) Bill 2000; and
- (vii) Road Traffic Legislation (Amendment) Bill 2000.

30. The Chairman added that the Bills Committee on Buildings (Amendment) Bill 2000 and the Bills Committee on Evidence (Amendment) Bill 1999 had commenced preparatory work pending activation.

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(b) **Report of the subcommittee on Mandatory Provident Fund Schemes (Exemption) Regulation (Specification of Date under sections 5 and 16) Notice**

(LC Paper No. CB(2) 1516/99-00 to follow)

31. Mr Ronald ARCULLI, Chairman of the subcommittee, highlighted the subcommittee's deliberations as detailed in the paper. He said that at the request of the subcommittee, the Administration had agreed to provide a progress report on the position of applications for exemption to the Panel on Financial Affairs before its next meeting on 13 April 2000. He added that the subcommittee had recommended that the specified date in the Notice be supported.

(c) **Fifth and final report of the subcommittee on subsidiary legislation relating to 2000 Legislative Council election**

(LC Paper No. CB(2) 1547/99-00 tabled at the meeting and issued vide LC Paper No. CB(2) 1573/99-00 on 5 April 2000)

32. Mr Ronald ARCULLI highlighted the subcommittee's deliberations on issues relating to marking of ballot papers, admission to polling station as well as polling stations and counting arrangements, which were detailed in paragraphs 7 to 9, paragraphs 10 to 11 and paragraphs 14 to 16 of the paper respectively. He added that the subcommittee had recommended that the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) (Amendment) Regulation 2000 be supported.

33. The Chairman reminded members that the deadline for giving notice of amendments, if any, to the Amendment Regulation was 5 April 2000.

VI. Any other business

Remarks made by the Director of Environmental Protection (DEP) during a radio programme on 29 March 2000

34. Mrs Selina CHOW said that during an interview on the radio programme "Hong Kong Today" on 29 March 2000, DEP had remarked that the Government had been let down by legislators five years ago when they did not support the mandatory diesel-to-petrol scheme proposed by the Government to improve air quality. She was of the view that DEP's remarks, which did not reflect accurately Members' stance on the mandatory scheme at the time, gave the public a wrong impression. She asked whether the Chairman would raise the matter with CS. Mr Edward HO echoed Mrs CHOW's views.

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35. Mrs Miriam LAU said that the motion on "Reduction of emissions from diesel vehicles", which she had sponsored, was debated at the meeting of the former LegCo on 13 December 1995. The motion urged the Government to review the mandatory scheme and replace it with incentive measures to attract owners of diesel vehicles to change to petrol vehicles on a voluntary basis, as well as to explore other measures in order to improve air quality. The motion was carried with 46 Members voting in favour of the motion and three Members voting against it. She added that during the debate no Member had rejected outright the Government's proposed mandatory diesel-to-petrol scheme.

36. Miss Christine LOH said that although the remarks made by DEP during the radio interview were not entirely correct, LegCo Members at the time, including herself, should take some blame for the current worsening air pollution problem. She further said that should the House Committee decide that the matter be raised with CS, the Chairman should make it clear to CS that she did not support the decision.

37. The Chairman suggested that members should listen to the tape or read the transcript of the interview first before deciding whether the matter should be taken up with CS. He added that an alternative course of action would be to hold a motion debate on the matter.

38. Miss Emily LAU suggested that in addition to the transcript, the Official Record of Proceedings of the motion debate on "Reduction of emissions from diesel vehicles" should be made available to members. She added that the remarks made by DEP on 29 March 2000 was the fourth time that he had made accusations against the legislature for obstructing the Government's initiatives to tackle the problem of air pollution. Mrs Selina CHOW concurred with Miss LAU and added that DEP had purposely and repeatedly made such accusations in order to put the blame for the worsening air pollution problem on the legislature.

39. Miss Margaret NG said that she would need to see the verbatim transcript of the interview as well as details of DEP's remarks on previous occasions before taking a stand on the matter.

40. Mr James TIEN was of the view that a motion debate should be held so that Members and the Administration could have a full debate on the air pollution problem. He suggested that the Official Records of Proceedings of debates on subjects related to the air pollution problem held since December 1995 should also be made available to Members.

41. Mr Martin LEE expressed reservations about the House Committee authorizing the Chairman to raise the matter with CS before Members had the opportunity to read the transcript of DEP's radio interview and other

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relevant documents. Mr James TO said that DEP was entitled to express his viewpoints. Members should ascertain the facts first before deciding on the course of action to take. Dr YEUNG Sum concurred with Mr Martin LEE and Mr James TO. Mr LEE Wing-tat added that what mattered most to the public was whether any concrete actions had been taken by Members and the Government to address the worsening air pollution problem.

42. The Chairman suggested that the matter be further discussed at the next meeting on 14 April 2000. The Chairman instructed the Secretariat to provide the following materials to members prior to the meeting -

- (a) the transcript of DEP's radio interview on 29 March 2000;
- (b) the Official Records of Proceedings of the motion debate on "Reduction of emissions from diesel vehicles";
- (c) the Official Records of Proceedings of other motion debates on subjects related to the air pollution problem; and
- (d) details of DEP's previous remarks referred to by Miss Emily LAU in paragraph 38 above.

43. There being no further business, the meeting ended at 3:16 pm.

Legislative Council Secretariat

12 April 2000