

立法會
Legislative Council

LC Paper No. CB(2) 2401/99-00

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 28th meeting
held in the Legislative Council Chamber
at 5:25 pm on Friday, 16 June 2000**

Members present :

Dr Hon LEONG Che-hung, JP (Chairman)
Dr Hon YEUNG Sum (Deputy Chairman)
Hon David CHU Yu-lin
Hon HO Sai-chu, SBS, JP
Hon Cyd HO Sau-lan
Hon Albert HO Chun-yan
Hon Michael HO Mun-ka
Ir Dr Hon Raymond HO Chung-tai, JP
Hon LEE Wing-tat
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 CHAN Kwok-keung
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 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 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 Timothy FOK Tsun-ting, SBS, JP
Hon TAM Yiu-chung, GBS, JP
Dr Hon TANG Siu-tong, JP

Members absent :

Hon Kenneth TING Woo-shou, JP
Hon James TIEN Pei-chun, JP
Hon Edward HO Sing-tin, SBS, JP
Hon LEE Cheuk-yan
Hon Martin LEE Chu-ming, SC, JP
Dr Hon David LI Kwok-po, JP
Hon Christine LOH Kung-wai
Hon Gary CHENG Kai-nam, JP
Hon SIN Chung-kai
Hon LAU Kong-wah
Hon LAU Wong-fat, GBS, 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
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
Miss Anita HO	Assistant Legal Adviser 2
Mr Stephen LAM	Assistant Legal Adviser 4
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
Ms LEUNG Siu-kum	Chief Assistant Secretary (1)4
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
Mrs Mary TANG	Chief Assistant Secretary (1)6 (Acting)
Miss Mary SO	Senior Assistant Secretary (2)8

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I. Confirmation of the minutes of the 27th meeting held on 9 June 2000
(LC Paper No. CB(2) 2301/99-00)

The minutes were confirmed.

II. Matters arising

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

(i) First Council meeting of the next term

2. The Chairman said that CS had informed him that the present thinking was for the term to begin on 1 October 2000, the oath-taking proceeding and the election of the President to take place on 4 October 2000 and the Policy Address to be delivered on 11 October 2000. The Chairman added that the Administration would notify the Council of the arrangements formally.

(ii) Adaptation of Laws Bills

3. The Chairman said that the Administration had agreed that the approach adopted for the Adaptation of Laws (No.16) Bill 1999 and Adaptation of Laws (No. 3) Bill 1999 should be applied to eight other adaptation of laws bills which contained similar adaptation.

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4. The Chairman further said that the Legal Service Division's reports on the eight adaptation of laws bills concerned would be dealt with under agenda item IV(a) to (h) below.

(iii) Resumption dispute between owners and tenants of Wah Kai Industrial Centre and Lands Department

5. The Chairman said that the Administration would consider the proposals made at the case conference on 10 June 2000. He added that Members of the case conference would discuss the matter further with the Administration on 24 June 2000.

(b) Proposed new subrule (p) to rule 22 of the House Rules regarding procedural arrangements for the processing of motion at Panel meetings

(Paragraphs 114 to 117 of minutes of 27th meeting held on 9 June 2000)

6. Members endorsed the revised wording of new subrule (p) to rule 22 of the House Rules.

III. Business arising from previous Council meetings

(a) Legal Service Division's report on bills referred to the House Committee in accordance with Rule 54(4)

Smoking (Public Health) (Amendment) Bill 2000

(LC Paper No. LS 161/99-00)

7. The Chairman said that as he was the Member in charge of the Bill, and in order that the Deputy Chairman could chair the meeting over the consideration of this Bill, he would withdraw from the meeting temporarily.

8. The Deputy Chairman took the chair during the temporary absence of the Chairman.

9. The Legal Adviser introduced the paper and said that the Bill was a Member's Bill which concerned the designation of no smoking areas in restaurants and tobacco health warnings. He added that the Bill was legally in order.

10. The Deputy Chairman said that the Secretariat had received 12 submissions from the public, including representations from the restaurant and tobacco trades. The Deputy Chairman further said that it was the usual practice for a Bills Committee to be formed to consider submissions made by

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affected parties on a legislative proposal. The Deputy Chairman sought members' views on the way forward, given the House Committee's decision on 26 May 2000 that no more Bills Committees on the waiting list would be activated during the remainder of the current legislative session.

11. Miss Emily LAU, Mr Albert HO, Mrs Selina CHOW, Mr CHAN Wing-chun and Mr HUI Cheung-ching were of the view that the Bill should be studied by a Bills Committee.

12. The Deputy Chairman suggested and members agreed that a Bills Committee should be formed and join the queue at 12th position. The Deputy Chairman added that scrutiny of the Bill as well as the 11 Government bills on the waiting list would not commence within the current legislative term.

(b) **Legal Service Division's report on subsidiary legislation tabled in Council on 14 June 2000 (gazetted on 9 June 1999)**
(LC Paper No. LS 155/99-00)

13. The Chairman resumed chairing the meeting at this point.

14. Members did not raise any query on the four items of subsidiary legislation gazetted on 9 June 2000.

15. The Chairman reminded members that the deadline for amending the subsidiary legislation was the second meeting of the Council in the next session, or the third meeting of the Council in the next session if extended by resolution.

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

(a) **Adaptation of Laws (No. 12) Bill 1999**
(LC Paper No. LS 157/99-00)

(b) **Adaptation of Laws (No. 13) Bill 1999**
(LC Paper No. LS 158/99-00)

(c) **Adaptation of Laws (No. 11) Bill 1998**
(LC Paper No. LS 156/99-00)

(d) **Adaptation of Laws (No. 2) Bill 1999**
(LC Paper No. LS 164/99-00)

(e) **Adaptation of Laws (No. 19) Bill 1999**
(LC Paper No. LS 165/99-00)

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(f) **Adaptation of Laws (No. 32) Bill 1999**
(LC Paper No. LS 160/99-00)

(g) **Adaptation of Laws (No. 33) Bill 1999**
(LC Paper No. LS 166/99-00)

(h) **Adaptation of Laws (No. 16) Bill 1998**
(LC Paper No. LS 168/99-00)

16. The Chairman said that the above eight Bills dealt with the adaptation of a number of ordinances under the Adaptation of Laws Programme. He added that members previously agreed to defer consideration of these eight Bills until certain issues common to other adaptation of laws bills had been resolved by the Bills Committees concerned.

17. The Chairman further said that in the light of the resolution of these issues by the Bills Committees concerned and the Administration's agreement to move Committee Stage amendments (CSAs) to delete the provisions relating to the adaptation of "Crown" to "State" in non-immunity provisions concerning certain statutory bodies from the Adaptation of Laws (No. 16) Bill 1999, the Administration had now proposed CSAs to these eight Bills in similar terms. He added that the Legal Service Division was of the view that the eight Bills concerned were ready for resumption of Second Reading debates.

18. Members did not raise objection to the resumption of the Second Reading debates on these eight Bills.

(i) **Adaptation of Laws (No. 34) Bill 1999**
(LC Paper No. LS 159/99-00)

19. The Chairman drew members' attention to paragraphs 1 to 3 of the paper which explained why the Administration would propose CSAs to delete section 2 of Schedule 8 to the Bill relating to section 12 of the Hong Kong and Kowloon Wharf and Godown Company Limited By-laws.

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

21. The Legal Adviser said that there remained only two adaptation of laws bills that the Administration had not sought to resume Second Reading debate. One was the Adaptation of Laws (No. 9) Bill 1999 which dealt with the adaptation of ordinances relating to roads and tunnels. The other was the Adaptation of Laws (No. 27) Bill 1999 which dealt with the adaptation of the Legislative Council (Powers and Privileges) Ordinance, The Legislative Council Commission Ordinance and the Private Bills Ordinance. Members

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had earlier formed a Bills Committee on the Adaptation of Laws (No. 27) Bill 1999 and it was currently at 11th position of the waiting list.

V. Further business for the Council meeting on 21 June 2000

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

- (a) **Adaptation of Laws (No. 3) Bill 1999**
- (b) **Supplementary Appropriation (1999-2000) Bill 2000**
- (c) **Companies (Amendment) Bill 2000**
- (d) **Building Management (Amendment) Bill 2000**
- (e) **Broadcasting Bill**

22. The Chairman said that in addition to the above five Bills, three other Bills, viz. the Legal Practitioners (Amendment) Bill 1999, Evidence (Amendment) Bill 1999 and Human Reproductive Technology Bill, would resume Second Reading debates at the Council meeting of 21 June 2000.

23. The Chairman further said that Mr Eric LI had given notice to move CSAs to clause 39 of the Companies (Amendment) Bill 2000.

24. The Chairman informed members that the Council meeting of 21 June 2000 would commence at 9:30 am.

VI. Business for the Council meeting on 26 June 2000

- (a) **Questions**
(*LC Paper No. CB(3) 1020/99-00*)

25. The Chairman said that 17 questions (six oral and 11 written) had been tentatively scheduled. He reminded members that the deadline for giving notice of questions was midnight on 16 June 2000.

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

26. Members noted that no notice had been received.

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- (c) **Bills - resumption of debate on Second Reading, Committee Stage and Third Reading**
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- (i) **Intellectual Property (Miscellaneous Amendments) Bill 2000**
 - (ii) **Adaptation of Laws (No. 12) Bill 1999**
 - (iii) **Adaptation of Laws (No. 13) Bill 1999**
 - (iv) **Urban Renewal Authority Bill**
 - (v) **Adaptation of Laws (No. 11) Bill 1998**
 - (vi) **Road Traffic Legislation (Amendment) Bill 1999**
 - (vii) **Road Traffic Legislation (Amendment) Bill 2000**
 - (viii) **Employment (Amendment) Bill 2000**
 - (ix) **Employees' Compensation (Amendment) (No.2) Bill 2000**
 - (x) **Adaptation of Laws (No. 2) Bill 1999**
 - (xi) **Adaptation of Laws (No. 19) Bill 1999**
 - (xii) **Adaptation of Laws (No. 32) Bill 1999**
 - (xiii) **Adaptation of Laws (No. 33) Bill 1999**
 - (xiv) **Dutiable Commodities (Amendment) Bill 1999**
 - (xv) **Securities and Futures Legislation (Provision of False Information) Bill 2000**
 - (xvi) **Adaptation of Laws (No.16) Bill 1999**
 - (xvii) **Witness Protection Bill**
 - (xviii) **Dangerous Drugs, Independent Commission Against Corruption and Police Force (Amendment) Bill 1999**
 - (xix) **Adaptation of Laws (No.34) Bill 1999**
 - (xx) **Adaptation of Laws (No. 16) Bill 1998**

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27. The Chairman said that the Bills Committees on the Bills listed in (i), (iv), (vii), (viii), (ix), (xv) and (xvii) would report under agenda item VII below.

(d) Government motions

(i) Resolution under section 4(2) of the Dutiable Commodities Ordinance (Cap. 109) - to be moved by the Secretary for the Environment and Food
(LC Paper No. LS 163/99-00)

28. The Legal Adviser said that the proposed resolution sought to amend Part III of Schedule 1 to the Dutiable Commodities Ordinance by imposing a duty for ultra low sulphur diesel (ULSD) at the rate of \$2.00 per litre from 1 January 2000 to 31 December 2001. He added that the legal and drafting aspects of the proposed resolution were in order.

29. The Chairman said that the Motor Trades Association and the oil companies supported the introduction of ULSD.

30. Mrs Miriam LAU said that given that ULSD was an environmentally cleaner fuel, the possibility of introducing a concessionary duty rate for ULSD at an earlier date should be explored. She suggested that a subcommittee should be formed to discuss the matter with the Administration. Members agreed. The following members agreed to join the subcommittee : Mr Andrew WONG, Mrs Miriam LAU Kin-ye, Miss Emily LAU and Mr LAW Chi-kwong (as advised by Mr LEE Wing-tat).

31. The Chairman said that the deadline for giving notice of amendment to the proposed resolution was midnight on 19 June 2000.

(ii) 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 167/99-00)

32. The Chairman explained that the proposed resolution sought to amend the Poisons List in the Poisons List Regulations and the Schedules to the Pharmacy and Poisons Regulations, for the purpose of imposing or updating control on a number of medicines. The Legal Adviser added that the proposed resolution was legally in order.

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

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(iii) **Resolution under section 4 of the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) - to be moved by the Secretary for Security**

34. The Chairman said that the Subcommittee to study the Italy Order, the South Korea Order and the Switzerland Order had reported to the House Committee on 9 June 2000 recommending that the proposed resolution, which dealt with the Switzerland Order, be supported.

(e) **Members' motions**

(i) **Motion on "Vote of no confidence in the Chairman of the Housing Authority and the Director of Housing"**

35. Members noted the wording of the above motion which would be moved by Mr Fred LI Wah-ming.

(ii) **Motion on "The Government not requiring the two power companies to increase their interconnection capacity and approving their financial plans"**

36. Members noted the wording of the above motion which would be moved by Dr YEUNG Sum.

(iii) **Valedictory motion**

37. Members noted the wording of the above motion which would be moved by the Chairman on behalf of the House Committee.

38. The Chairman said that the speaking time limits stipulated in rule 17(c) of the House Rules would apply to the above three motion debates.

VII. Reports

(a) **Position report on Bills Committees/Subcommittees**
(*LC Paper No. CB(2) 2323/99-00*)

39. The Chairman said that four Bills Committees were still in action. The Chairmen of the Bills Committees concerned would give verbal reports at the meeting.

40. The Chairman said that there were five subcommittees in action, including the subcommittee formed earlier at the meeting under agenda item VI(d)(i) above.

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(b) Report of the Bills Committee on Witness Protection Bill
(LC Paper No. CB(2) 2335/99-00)

41. Mr James TO, Chairman of the Bills Committee, introduced the paper which detailed the Bills Committee's deliberations on the Bill. Mr TO added that the Bills Committee supported the CSAs to be moved by the Administration and had recommended that the Second Reading debate on the Bill be resumed.

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

(c) Report of the Bills Committee on Dangerous Drugs, Independent Commission Against Corruption and Police Force (Amendment) Bill 1999

43. Mr James TO, Chairman of the Bills Committee, made a verbal report on the main deliberations of the Bills Committee, pending a written report to the House Committee on 23 June 2000.

44. Mr TO said that the Bill sought to empower Police and Independent Commission Against Corruption officers to take non-intimate sample from a person without his consent, as well as to give Police officers the power to take intimate samples from a person with his consent, in respect of serious arrestable offences. The Administration had agreed to move a number of CSAs to address the concerns raised by the Bills Committee. He added that the Bills Committee had recommended that the Second Reading debate on the Bill be resumed at the Council meeting of 26 June 2000.

45. Mr TO further said that he would on his own propose amendments to the Bill to -

- (a) specify that the use of intimate and non-intimate samples and DNA information derived therefrom for investigation of an offence or undetected crime should be restricted to serious arrestable offences only; and
- (b) add an express provision that the State would be bound by the proposed section 59G of the Police Force ordinance in respect of access to or use of information stored in the DNA database.

Mr TO pointed out that members of the Bills Committee had divergent views on his proposed amendments.

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46. The Chairman said that as the Bills Committee had just completed work in the morning, the President had given permission for the deadline for giving notice of CSAs to the Bill be extended to 19 June 2000.

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

(d) Report of the Bills Committee on Urban Renewal Authority Bill

48. The Chairman said that as the Bills Committee would hold a further meeting on 17 June 2000 to continue discussion with the Administration, the President had agreed to extend the deadline for giving notice of CSAs to the Bill to 19 June 2000.

49. Mr LEE Wing-tat, a member of the Bills Committee, made a verbal report on behalf of Mr Edward HO, Chairman of the Bills Committee, pending a written report to the House Committee on 23 June 2000.

50. Mr LEE said that two of the major issues deliberated by the Bills Committee concerned the chairmanship of the Urban Renewal Authority (URA) Board and the lack of an appeal mechanism against the Secretary for Planning and Lands' decision in respect of a development project. In response to the Bills Committee, the Administration had agreed to move CSAs to specify that the Chairman of the URA Board would not at the same time be one of its executive directors and also to put in place an appeal mechanism for a development project.

51. Mr LEE further said that although the Bill did not include provisions on compensation, the Bills Committee considered that the amount of compensation payable to affected landowners for the land resumed should be fair and reasonable. The Bills Committee was of the view that the compensation issue should be pursued by the Finance Committee when it considered funding proposals from the Administration on individual development projects.

52. On the issue of rehousing affected tenants, Mr LEE said that the Hong Kong Housing Society (HS) and the Hong Kong Housing Authority (HA) had each agreed to provide an annual quota of 1 000 public rental housing units for rehousing tenants affected by the urban renewal programme. At the request of the Bills Committee, the Administration had secured HS's consent to reserve 20% of the annual quota of public rental housing units for allocation by the URA at its discretion. However, the HA had yet to agree to a similar request. The Bills Committee would further discuss this issue with the Administration at a meeting scheduled for 17 June 2000.

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53. Mr LEE also said that Mr LEE Cheuk-yan would move CSAs to specify that a certain number of the non-executive directors of the URA Board would be elected by LegCo Members from among their own number.

54. Mr LEE added that he might move CSAs to the Bill proposing that -

- (a) the appointment of the Chairman, executive directors and non-executive directors of the URA Board should be subject to the approval of LegCo;
- (b) the Chairman of the URA Board should attend meetings of the relevant LegCo committee;
- (c) a bridging loan should be made to affected landowners; and
- (d) meetings of the URA Board should be open meetings.

55. The Chairman said that he would consider moving CSAs on his own to provide that the Managing Director and the two executive directors of the URA should be appointed by the URA Board instead of by CE and that the statement of accounts of the URA should be subject to audit by the Director of Audit.

56. The Chairman added that the Administration had given notice to resume the Second Reading debate on the Bill at the Council meeting of 26 June 2000.

57. Members raised no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 26 June 2000.

(e) **Report of the Bills Committee on Dutiable Commodities (Amendment) Bill 1999**

(LC Paper No. CB(1) 1839/99-00)

58. The Chairman said that Mr James TO, Chairman of the Bills Committee, had reported to the House Committee on 9 June 2000 recommending that the Second Reading debate on the bill be resumed.

(f) **Report of the Bills Committee on Securities and Futures Legislation (Provision of False Information) Bill 2000**

(LC Paper No. CB(1) 1848/99-00)

59. Mr Albert HO introduced the paper on behalf of Mr Ronald ARCULLI, Chairman of the Bills Committee.

60. Mr HO highlighted the Bills Committee's deliberations on the scope of circumstances constituting an offence as detailed in paragraphs 11 to 21 of the

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paper. He added that the Bills Committee had recommended that the Second Reading debate on the Bill be resumed at the Council meeting of 26 June 2000.

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

**(g) Report of the Bills Committee on Road Traffic Legislation
(Amendment) Bill 1999**

(LC Paper No. CB(1) 1846/99-00)

62. Mr David CHU, Chairman of the Bills Committee, said that Mr CHAN Wing-chan had made a verbal report on the deliberations of the Bills Committee on 9 June 2000. He added that the Bills Committee supported the Bill but a member of the Bills Committee would move CSAs to provide that the proposed probationary driving license scheme should be extended to cover drivers of private cars and light good vehicles.

**(h) Report of the Bills Committee on Road Traffic Legislation
(Amendment) Bill 2000**

63. Mr CHAN Kwok-keung, Chairman of the Bills Committee, made a verbal report on the deliberations of the Bills Committee, pending a written report to the House Committee on 23 June 2000.

64. Mr CHAN said that the Bills Committee was generally in support of the proposals in the Bill to increase the penalty levels for the more serious speeding offences. To address the Bills Committee's concern about the low speed limits on certain road sections and the lack of warning signs about abrupt changes in speed limits ahead, the Administration had agreed to review the speed limits of all trunk roads and primary distributors in the periphery of new towns with speed limits set at 50 km/h, and to place "reduce speed signs" and paint yellow bar road markings on major highways and approaches to road tunnels. The Administration had also undertaken to report to the Panel on Transport on the outcome of the speed limit review and the installation works of road signs and road markings before introducing the relevant subsidiary legislation.

65. Mr CHAN further said that the Bills Committee had considered streamlining the existing speed limit structure into a three-tier system (i.e. 50/70/100 km/h or 60/80/100 km/h) and examined whether it was feasible to impose different penalties for different speeding offences with reference to the speed limits of roads. According to the Administration, the implementation of such measures would send a wrong signal to road users that speeding on roads with a lower speed limit was less serious or dangerous, which would go against the objective of enhancing road safety.

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66. Mr CHAN also said that a member of the Bills Committee was of the view that pending the outcome of the review of the speed limits of certain road sections, the existing penalty levels for serious speeding offences on roads with a speed limit of 50 km/h and 70 km/h should be maintained. The member concerned had indicated that he would consider moving a CSA to that effect. Another member of the Bills Committee had given notice to move a CSA to delete the provision to increase driving-offence points from 5 to 6 for speeding offences in excess of 30 km/h but below 45 km/h.

67. Mr CHAN added that the Bills Committee had recommended that the Second Reading debate on the Bill be resumed at the Council meeting of 26 June 2000.

68. Members raised no objection to the recommendation of the Bills Committee.

(i) Report of the Bills Committee on Employees' Compensation (Amendment) (No. 2) Bill 2000

(LC Paper No. CB(2) 2326/99-00)

69. Mr LEE Kai-ming introduced the paper on behalf of Mr Kenneth TING, Chairman of the Bills Committee.

70. Mr LEE highlighted the Bills Committee's deliberations on the settlement mechanism of fatal compensation claims, funeral and medical attendance expenses and penalty levels as detailed in paragraphs 9 to 12, paragraphs 14 to 18 and paragraphs 23 to 24 respectively. He further said that the Bills Committee supported the CSAs to be moved by the Administration and had recommended that the Second Reading debate on the Bill be resumed.

71. Miss Margaret NG asked whether the proposals in the Bill would affect the relevant provisions in the Fatal Accidents Ordinance. Mr LEE responded that the Administration had advised the Bills Committee that the proposals in the Bill would have no effects on the provisions in the Fatal Accidents Ordinance.

72. Members raised no objection to the recommendation of the Bills Committee.

(j) Report of the Bills Committee on Interpretation and General Clauses (Amendment) Bill 1999

(LC Paper No. CB(2) 2336/99-00)

73. Mr Albert HO, Chairman of the Bills Committee, introduced the paper which detailed the Bills Committee's deliberations on the Bill.

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74. Mr HO highlighted the views of the Bills Committee as detailed in paragraphs 11 of the paper. He added that as the Administration had not fully addressed the concerns of the Bills Committee over several aspects of the Bill, the Bills Committee had concluded that it would not support the resumption of the Second Reading debate on the Bill in the current legislative session.

(k) Report of the Bills Committee on Employment (Amendment) Bill 2000

(LC Paper No. CB(2) 2251/99-00)

75. Mr LEE Kai-ming, Chairman of the Bills Committee, highlighted the Bills Committee's deliberations on the proposed amendments to section 9 of the Employment Ordinance, definition of "strike" and right to reinstatement as detailed in paragraphs 7 to 10, paragraphs 11 to 14 and paragraphs 15 to 16 of the paper respectively. Mr LEE said that the Bills Committee generally supported the Bill, but a member of the Bills Committee had given notice to move CSAs to provide for the right to reinstatement for employees dismissed for taking part in strikes. Mr LEE added that the CSAs proposed by the member concerned were being considered by the President.

76. Mr LEE further said that the Bills Committee had recommended that the Second Reading debate on the Bill be resumed at the Council meeting of 26 June 2000.

(l) Bills Committee on Intellectual Property (Miscellaneous Amendments) Bill 2000

77. Mr MA Fung-kwok made a verbal report on the deliberations of the Bills Committee on behalf of Mr SIN Chung-kai, Chairman of the Bills Committee, pending a written report to the House Committee on 23 June 2000.

78. Mr MA said that the Bill sought to create an offence of unauthorized possession of video-recording equipment in a place of public entertainment, and also to clarify the law to facilitate prosecution of end-user corporate copyright piracy offenders. He added that 18 movie industry associations had expressed support for the proposals in the Bill. Six copyright-based organizations had also made a joint submission supporting the early passage of the Bill.

79. Mr MA further said that the Bills Committee considered that it would be unjustifiable to criminalize a person who merely possessed a video-recording equipment and had no intention of bootlegging in cinemas. In response to the Bills Committee, the Administration had agreed to move CSAs to introduce "reasonable excuse" defence provisions for the offence of unauthorized possession of video-recording equipment in a place of public entertainment. The Administration had also agreed to move CSAs to provide for a statutory

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requirement for places of public entertainment to display warning notices on the prohibition of unauthorized possession of video-recording equipment.

80. Mr MA added that the Bills Committee had recommended that the Second Reading debate on the Bill be resumed at the Council meeting of 26 June 2000.

81. Members raised no objection to the recommendation of the Bills Committee.

(m) Report of the Subcommittee on regulations relating to occupational safety and health

82. Mr Andrew CHENG, Chairman of the subcommittee, made a verbal report on the subcommittee's deliberations on the proposed Factories and Industrial Undertakings (Medical Examination) Regulation ("the Regulation").

83. Mr CHENG said that the subcommittee had held a total of 10 meetings since July 1999 to examine the Regulation. It had also consulted 37 organizations and discussed with 22 deputations on the proposals in the Regulation.

84. Mr CHENG further said that the subcommittee was fully in support of the objectives of the Regulation which sought to better protect workers' occupational health through mandatory medical examinations. The subcommittee had however expressed concerns over a number of aspects in the Regulation. In particular, some members of the subcommittee had pointed out that the proposed temporary suspension of employment on medical grounds would be incompatible with the provisions in the Employment Ordinance. In response to subcommittee' repeated queries, the Administration had sought further legal advice and informed the subcommittee on 13 June 2000 that the Employment Ordinance did not cater for the situation of temporary suspension on grounds of medical unfitness. The Administration had also advised that as an amendment bill would need to be introduced first to amend section 7 of the Factories and Industrial Undertakings Ordinance, it would not be possible for the Administration to move the resolution on the Regulation before the end of the current legislative session.

85. Mr CHENG informed members that the subcommittee had expressed disappointment that the Administration had not addressed the subcommittee's concern about the temporary suspension arrangements at an early stage, resulting in insufficient time to move the necessary amendments. He added that the subcommittee agreed that the Chairman of the House Committee should reflect the subcommittee's disappointment to CS.

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86. The Chairman said that he would raise the matter at his meeting with CS next week. Members agreed.

87. Mr CHENG said that he would move a motion at the next House Committee meeting on 23 June 2000 urging the House Committee to regret the way in which the Administration had handled the matter.

88. Dr YEUNG Sum said that Mr CHENG should provide the wording of the motion prior to the next House Committee meeting, to facilitate members' consideration of the motion at that meeting. The Chairman added that the wording of the motion should reach the Clerk not later than 5:00 pm on Tuesday, 20 June 2000.

(n) **Report of the Subcommittee on Road Traffic (Safety Equipment) (Amendment) Regulation 2000 and Road Traffic (Construction and Maintenance of Vehicles) (Amendment) (No. 2) Regulation 2000**
(LC Paper No. CB(1) 1847/99-00)

89. The Chairman referred members to the paper and said that Mr CHAN Kwok-keung had made a verbal report on behalf of Mrs Miriam LAU, Chairman of the subcommittee, at the House Committee meeting on 9 June 2000 recommending that the two Amendment Regulations be supported.

(o) **Report of the Subcommittee on Rules of the District Court and District Court Civil Procedure (Fees) (Amendment) Rules 2000**
(LC Paper No. CB(2) 2333/99-00)

90. Miss Margaret NG, Chairman of the subcommittee, introduced the paper and said that she had made a verbal report on the deliberations of the subcommittee at the House Committee meeting on 9 June 2000. She added that the proposed amendments to The Rules of the District Court had been examined by the Legal Service Division and were found to be in order.

91. Miss NG further said that the Administration had given notice to move a motion to amend The Rules of the District Court at the Council meeting of 21 June 2000.

(p) **Report of the Panel on Administration of Justice and Legal Services regarding appointment of Judges of the Court of Final Appeal**
(Miss Margaret NG's speaking noted tabled at the meeting and issued vide LC Paper No. CB(2) 2409/99-00 on 20 June 2000)

92. Miss Margaret NG said that as a number of queries were raised by Panel members at the special Panel meeting on 13 June 2000, another meeting would be held on 17 June 2000 to continue discussion with the Administration on the matter. At the Panel's request, the Administration had just provided a LegCo

Action

Brief on the motion to be moved by CS at the Council meeting of 21 June 2000 seeking the Council's endorsement for the appointment of judges of the Court of Final Appeal.

(q) Report of the Parliamentary Liaison Subcommittee, 1999-2000
(LC Paper No. CB(3) 1023/99-00)

93. Introducing the paper on behalf of Mr Edward HO, Chairman of the subcommittee, Miss Emily LAU highlighted the work of the subcommittee as detailed in paragraphs 3 to 5 of the paper.

VIII. Any other business

94. There being no further business, the meeting ended at 6:30 pm.

Legislative Council Secretariat
22 June 2000