

Ref. MI/1

Record of meeting of the
Legislative Council House Committee
held in the LegCo Chamber of the
Legislative Council Building
on Friday, 9 October 1992 at 2:30 p.m.

Present : Hon Mrs Elsie TU, CBE (Chairman)
Hon Andrew WONG, OBE, JP (Deputy Chairman)
Hon Allen LEE, CBE, JP
Hon Stephen CHEONG, CBE, JP
Hon Mrs Selina CHOW, OBE, JP
Hon HUI Yin-fat, OBE, JP
Hon Martin LEE, QC, JP
Hon PANG Chun-hoi, MBE
Hon SZETO Wah
Hon TAM Yiu-chung
Hon Edward S T HO, OBE, JP
Hon Ronald Arculli, JP
Hon Martin Barrow, OBE, JP
Hon Mrs Peggy LAM, MBE, JP
Hon Mrs Miriam LAU Kin-yee, OBE, JP
Hon LAU Wah-sum, OBE, JP
Dr Hon LEONG Che-hung, OBE
Hon J D McGregor, OBE, ISO, JP
Hon Peter WONG Hong-yuen, JP
Hon Albert CHAN Wai-yip
Hon Vincent CHENG Hoi-chuen
Hon Moses CHENG Mo-chi
Hon CHEUNG Man-kwong
Hon CHIM Pui-chung
Rev Hon FUNG Chi-wood
Hon Michael HO Mun-ka
Dr Hon HUANG Chen-ya, MBE

Hon Simon IP Sik-on, JP
Dr Hon LAM Kui-chun
Dr Hon Conrad LAM Kui-shing
Hon LAU Chin-shek
Hon Emily LAU Wai-hing
Hon LEE Wing-tat
Hon Gilbert LEUNG Kam-ho
Hon Eric LI Ka-cheung, JP
Hon LI Wah-ming
Hon MAN Sai-cheong
Hon Steven POON Kwok-lim
Hon Henry TANG Ying-yen, JP
Hon TIK Chi-yuen
Dr Hon Samuel WONG Ping-wai, MBE, JP
Dr Hon Philip WONG Yu-hong
Dr Hon YEUNG Sum
Hon Howard YOUNG, JP
Hon Zachary WONG Wai-yin
Dr Hon TANG Siu-tong, JP

Absent with
apologies

Hon David K P LI, OBE, JP)
Hon NGAI Shiu-kit, OBE, JP)
Hon LAU Wong-fat, OBE, JP)away from
Hon Marvin CHEUNG Kin-tung, JP)Hong Kong
Hon Frederick FUNG Kin-kee)
Hon Timothy HA Wing-ho, MBE, JP)
Hon James TO Kun-sun)

In attendance

SG LA ASG1 ASG2 SALA ALA1
ALA2 ALA3 PASC OPS PAPS(L) CASA
CAST1 CAST2 CAST3 CAST5 SAST12 ACCT

- (1) Subsidiary legislation tabled in the Legislative Council on 7.10.92 (Items gazetted on 2.10.92)

(LegCo Paper No. 100/92-93)

Referring to LegCo Paper No. 100/92-93, the Legal Adviser drew Members' attention to item (1) concerning the Waterworks (Amendment) (No. 2) Regulation 1992. He said that the Regulation was related to the Waterworks (Amendment) Bill 1992 which would be introduced into the Legislative Council on 14.10.92 and Members might wish to look into the Regulation in conjunction with the Bill.

Subject to no queries on the above Regulation, Members agreed to support the list of subsidiary legislation contained in LegCo Paper No 100/92-93.

- (2) Outstanding business for the LegCo sitting on 14.10.92

- (a) Bill - 1st and 2nd Reading

Travel Agents (Amendment) Bill 1992

Mrs Elsie TU informed Members that the above Bill was originally scheduled for introduction into the Legislative Council at the sitting on 21/22.10.92, but the Secretariat had just received notice from the Administration that the first and second readings of the Bill would be advanced by one week to the sitting on 14.10.92. She said that the Bill was listed on the agenda for Members' information only. In accordance with Standing Order 42(3A), the bill would be referred to the House Committee after it was formally introduced into the Council on 14.10.92. She suggested and Members agreed that the Bill should be considered at the House Committee meeting to be held on 16.10.92.

- (b) Resumption of Debate on 2nd Reading, Committee Stage and 3rd Reading

Buildings (Amendment) (No. 2) Bill 1992

(LegCo Paper No. 98/92-93)

Mr Edward HO, Convener, referred to LegCo Paper No. 98/92-93 and reported that the main purpose of the Bill was to empower the Building Authority to order owners of suspected dangerous buildings to carry out investigations and necessary remedial works. The Group was in support of the principle of the Bill, but was

concerned about its impact on people living in small, old and dilapidated buildings, who might have difficulties to organize amongst themselves in carrying out the repair works. In response to the Group's concern, the Administration assured that they would give necessary assistance to any affected residents. The Administration also accepted some suggestions relating to the administrative arrangements for implementing the proposals in the Bill. In the light of the explanation and action taken by the Administration, the Group recommended that the Bill be passed subject to the Committee Stage amendments annexed to the Paper.

Members endorsed the Ad Hoc Group's recommendation and agreed that the Second Reading debate on the Bill should be resumed on 14.10.92.

(3) Business for the LegCo sitting on 21/22.10.92

(a) Questions

Mrs Elsie TU informed Members that in accordance with the previous practice, no oral questions would be scheduled for the LegCo sitting on 21/22.10.92, on which the Policy Debate would be held. Members noted that 20 written questions would instead be scheduled for the sitting.

(b) Debate on Motion of Thanks

(Members other than ex-officio Members speak)

Mrs Elsie TU said that except for those Members who might be out of town, it was expected that all Members would speak during the Policy Debate scheduled for the sitting on 21/22.10.92. In accordance with the previous practice and subject to Members' decision on item 3(c) below, the speaking order would be arranged in accordance with Members' seniority.

(c) Members' speaking order during debates

Mr Fred LI Wah-ming suggested that the current practice of Members speaking in accordance with their seniority should be replaced by a system of balloting or rotation.

Mr Andrew WONG proposed a third option. He said that in anticipation of the winding up of OMELCO and its panels, Members might wish to decide, in due course, on setting up subject committees under the Council to monitor Government policies. Consideration might then be given to allowing Members of a particular subject committee the priority of speaking in a debate on a relevant subject. In view of possible future changes to the committee structure of the Legislative Council, he considered it undesirable to make too many interim changes at this stage. He suggested and Members agreed that the status quo should be maintained for the time being.

(4) Any Other Business

(a) Position of Bills introduced into the LegCo in the past Session

(i) Bills still being studied by LegCo Ad Hoc Groups

(LegCo Paper No. 113/92-93)

Mrs Elsie TU referred to LegCo Paper No. 113/92-93 and invited Members to take note of the updated position of outstanding bills which were introduced in the last LegCo session and still being studied by LegCo Ad Hoc Groups. She also invited Members to bear these bills in mind when considering the formation of new Subcommittees or Bills Committees in future.

Members noted that there were in existence 11 active Ad Hoc Groups on Bills. The number was in excess of that proposed under the new committee system, i.e. number of Bills Committees should normally be limited to 10 at any one time. In view of the position, Members agreed that any new committees formed to study bills would have to join the queuing system, unless there were bills which Members agreed would require urgent attention.

Referring to the LegCo Ad Hoc Group to study the Human Organ Transplant Bill, Mr Ronald Arculli, Convener, said that the Group might need to hold the Bill in abeyance if the relevant information being sought from some overseas countries could not be available in the next couple of weeks. In such case, the House Committee might consider admitting for examination the next bill in the queue.

Responding to Ms Emily LAU Wai-hing's suggestion that all the outstanding bills should be examined under the new committee system and their meetings should be open to the public, Mr Andrew WONG said that this could be done by either reconstituting the existing Ad Hoc Groups to become subcommittees of the House Committee or committing the bills to Bills Committees by a resolution of the Council. The legal Adviser was requested to look into the proposal and report to Members at the next meeting. The Secretary General confirmed that all administrative preparations were in place for setting up the Bills Committees.

(ii) Bills still under consideration of the Legal Unit

Computer Crimes Bill 1992

(LegCo Paper No. 123/92-93)

The Legal Adviser referred to LegCo Paper No. 123/92-93 and reported that the Bill had attracted concern amongst the relevant trades and associations. Members agreed that a subcommittee be formed to study the Bill. The following Members agreed to join : Mrs Selina CHOW, Mr Peter WONG Hong-yuen, Ms Emily LAU Wai-hing, Mr Steven POON Kwok-lim and Dr Samuel WONG Ping-wai.

Business Registration (Amendment) Bill 1992 and Business Registration (Amendment) Regulation 1992

(LegCo Paper No. 118/92-93)

The Legal Adviser referred to LegCo Paper No. 118/92-93 and reported that the Bill and the amendment Regulation were purely technical and administrative in nature. They presented no drafting difficulty.

Members agreed to support the Bill and the amendment Regulation.

Companies (Amendment) Bill 1992

(LegCo Paper No. 115/92-93)

The Legal Adviser referred to LegCo Paper No. 115/92-93 and reported that arising from public representations on the Bill, the Administration had proposed some Committee Stage Amendments to the Bill.

In view of the proposed CSAs by the Administration, Members agreed that a subcommittee be formed to study the Bill. The following Members agreed to join : Mr Ronald Arculli, Mr Martin Barrow, Mrs Miriam LAU Kin-yee, Mr LAU Wah-sum, Mr Peter WONG Hong-yuen, Mr Moses CHENG Mo-chi, Mr CHIM Pui-chung, Mr Simon IP Sik-on, Mr Eric LI Ka-cheung and Mr Henry TANG Ying-yen.

Insurance Companies (Amendment)
(No. 3) Bill 1992

(LegCo Paper No. 114/92-93)

The Legal Adviser referred to LegCo Paper No. 114/92-93 and reported that the Bill was related to the management of retirement schemes. Concern on the Bill was raised by the accounting and insurance trades. Mr Ronald Arculli suggested and Members agreed that Members of the Technical Subgroup set up under the Ad Hoc Group to study the Occupational and Retirements Schemes Bill should be invited to look into this Bill. Mr CHIM Pui-chung indicated that he would like to join the deliberations on this Bill.

(b) LegCo Ad Hoc Group on Review of Allowances
for LEGCO Members

(LegCo Paper No. 64/92-93)

Mr Andrew WONG, Convener, gave an interim report on the work of the Ad Hoc Group as contained in LegCo Paper No. 64/92-93. The preliminary findings of the Ad Hoc Group revealed that the level of allowances and benefits currently received by LegCo Members in Hong Kong was generally below that received by members of other parliaments in USA and UK. The Group also considered it necessary to strengthen the supporting services to Members, particularly in the areas of research and library services.

Members concurred in principle with the Ad Hoc Group's findings and recommendations. Some Members pointed out that at present they had to rely heavily on the Administration for information and research materials. This situation was not desirable. Members considered it both necessary and important that they should be provided with independent research facilities to enable them to effectively discharge their public duties particularly in the monitoring of Government policies.

Mr TAM Yiu-chung expressed concern as to whether it was appropriate for Members themselves to review their own allowances and benefits as they all had a vested interest in the subject matter. He suggested that the review should be done by an independent commission appointed by the Government, comprising representatives from the Administration, former Members of ExCo and LegCo as well as members of the public.

Some Members supported the suggestion for an independent commission but considered that it should not be set up by the Government. Mr Andrew WONG supplemented that in the case of UK, such review was done by a commission set up under the House of Commons comprising largely senior Members of Parliament.

After discussion, Members agreed that the Ad Hoc Group should continue with their deliberations on the basis of the interim report, taking into account the views expressed at the meeting, and report to the House Committee again. Members who had any views on the matter should forward them to the Group.

As the Administration was also conducting a similar review separately, Ms Emily LAU Wai-hing suggested and Mrs Elsie TU agreed to follow the matter up at her next meeting with the Chief Secretary.

(c) Follow-up on the Governor's Address to the Legislative Council on 7.10.92 concerning OMELCO

Referring to the Governor's Address to the LegCo on 7.10.92 and his decision to separate the Executive and legislative Councils, Mrs Elsie TU invited Members' views on how to take forward the Governor's suggestion and to work out proposals for developing financial and managerial autonomy in the administrative and support facilities for Members. Mrs TU then read out a letter received shortly before the meeting from Baroness DUNN (copy at Appendix A) conveying to Members Mr William Purves and her decision to formally withdraw from OMELCO.

At the suggestion of Mrs Elsie TU, Members agreed that a Working Group should be set up to look into the various aspects of existing activities and to make recommendations to the House Committee. The following Members were nominated to join the Working Group: Mrs Elsie TU, Mr Andrew WONG, Mr Allen LEE, Mr SZETO Wah, Mr TAM Yiu-chung, Mr Ronald Arculli,

Dr LEONG Che-hung, Mr J D McGregor, Ms Emily LAU Wai-hing and Mr LEE Wing-tat. It was suggested that the Clerk to the Legislative Council and representatives of the Administration should be invited to attend the Working Group's meetings where necessary.

The following issues were suggested for the consideration of the Working Group:

- (i) the future role and operation of existing (OMELCO) Panels;
- (ii) LegCo's working relationship with the Administration and other parliamentary bodies;
- (iii) the operation of the (OMELCO) Redress System and its relationship with the Commission for Administrative Complaints (COMAC) in the light of the proposal to provide direct access to the COMAC and to extend the COMAC's jurisdiction to cover statutory bodies;
- (iv) the ways and means by which the Legislative Council could achieve financial and managerial autonomy in running its business; and
- (v) the sort of support service the Legislative Council would require for the efficient discharge of the Council's functions, hence the functions, status and the staffing requirements of a Secretariat to help Members.

On a proposal of LegCo committee structure reform put forward by Dr LEONG Che-hung tabled at the meeting (Appendix B), Members agreed that it should be referred to the Working Group for consideration.

Members also agreed that before any new system would be put in place, the OMELCO Secretariat Company Ltd should continue to function as usual. The following interim arrangements would however be made to activities under OMELCO :

- (i) the OMELCO In-house meetings would discontinue with immediate effect;
- (ii) the existing OMELCO panels would be renamed LegCo panels and their business would continue; and

- (iii) the OMELCO Complaints Division would be renamed LegCo Complaints Division.

Mrs Elsie TU also took the opportunity to assure the staff that irrespective of any changes that might be introduced, their career with the Council would not be jeopardized. Mr Martin LEE added that in his view, the staff of the future LegCo Secretariat should have an independent pay structure different from the Government, having regard to the less favourable promotion prospects in the Secretariat.

- (d) Briefings by Branch Secretaries on the Governor's Address to LegCo

At the suggestion of some Members, it was agreed that the Secretary for Home Affairs should be invited to brief Members on the District Administration Programme covered in the Governor's Address.

As to the format of the briefing sessions and in the light of experience gained in the SCA's briefing that morning, Members agreed that the briefings to be given by other Branch Secretaries should continue to be held in the LegCo Chamber and be open to members of the public and the press. Members noted that since the sessions were not formal sittings of the Council, they would not be covered by the provisions of the Legislative Council (Powers and privileges) Ordinance.

There being no other business, the meeting was adjourned at 4:20 p.m.

The OMELCO Secretariat

RCD-3

14 October 1992

JOHN SWIRE & SONS (H.K.) LTD

Swire House, 9 Connaught Road, C., Hong Kong

The Baroness Dunn
Director



Appendix A

The Swire Group
G.P.O. Box No. 1
Hong Kong
Tel 8408811
Fax 8--2098

The Hon. Elsie Tu, CBE,
c/o Legislative Council,
Jackson Road,
Hong Kong.

8th October, 1992

Dear Elsie,

Following the Policy Speech yesterday and the decision to separate the Executive and Legislative Councils, there is no longer a role for Omelco. I am very glad that the Government is committed to giving the Legislative Council financial and managerial autonomy in organizing their own administration and support facilities. You and Legco colleagues will wish to consider how to take this forward. This task is for Members of Legco. I suggest, therefore, that Willie Purves and I now formally withdraw from Omelco and all its activities. Naturally, we hold ourselves available should you require any assistance in the transition.

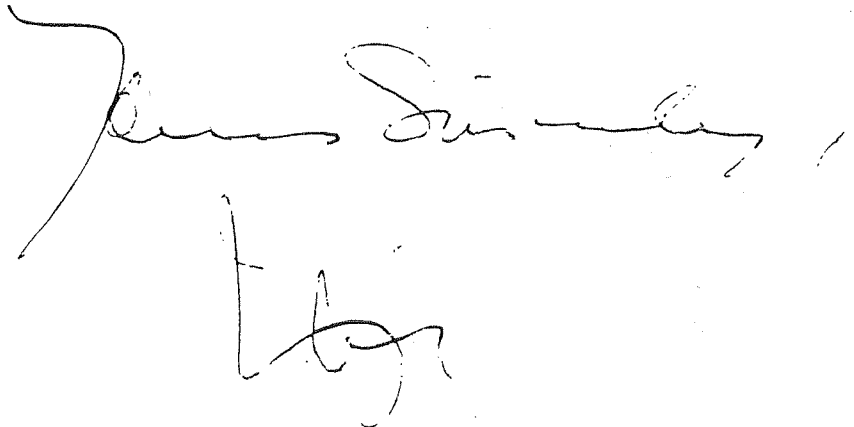
Before political groupings, and while they emerged, Omelco served our purposes well as a forum for Members of the two Councils to exchange views. It is right that it should now be replaced by arrangements more suitable for today's political developments. It has been a great honour and privilege for me to have been a Member of Omelco and its Senior Member in the last four years. Please convey my appreciation to all colleagues for their support and co-operation. I am sure that there will be occasions when we shall come together.

Cont'd.../2

- 2 -

I wish also to place on record my deep appreciation to the Omelco Secretariat and staff. They do an outstanding job. Their loyalty and dedication are exemplary. We owe them a great debt.

Willie Purves has asked to be associated with these sentiments. We wish all of you great success in these important years ahead.

A large, cursive handwritten signature, likely reading "James S. Dunn", is written in dark ink. The signature is fluid and somewhat stylized, with a long horizontal stroke at the end.

Dunn

c.c. Hon. William Purves

Appendix B

FRAMEWORK OF LEGISLATIVE COUNCIL STRUCTURE REFORM

Proposals by Leong Che Hung
on behalf of Meeting Point

9/10/1992

Old edifice which no longer suit current need ought to be demolished to make room for reform. I propose the following changes to Legco's structure, with the aim of streamlining Legco's function.

1 Erect at least 16 permanent Legco Plenary Boards. 12 of which should correspond, in area of responsibility, to each of the government branches. The remaining four are to assume responsibilities currently undertaken by:

Finance Committee (All Legco members are to be automatic members)

Public Accounts Committee

Committee on Airport and related projects

Members' Interests Committee to oversee members' matters, including declaration of interests, members' allowance, and members' conduct.

2 Further Boards may be set up on matters of significant importance, and which do not fall within the perimeter of the above 16 Boards.

3 These Plenary Boards are of equal status, all enjoying the powers and privileges under the Legislative Council (Powers and Privileges) Ordinance.

4 The objects of these Plenary Boards are to:

- (a) Monitor government policy in the ambit of its designated area of responsibility;
- (b) Consider legislation and draft legislation

5 Retain the House Committee to conduct house keeping affairs.

6 Abolish OMELCO Panels.

Leong Che Hung contd/2

7 Bridging liaison between the Administration and Legco on particular issues are to be conducted through the appropriate Legco Plenary Board. Officials are invited to attend and brief members of the Board which area of responsibility correspond with their branch.

8 Reinforcement services to the Legco are to be provided by an independent Legco Secretariat, which should be:

- (a) A statutory body;
- (b) With an annual allocation of funds from the budget;
- (c) Internal distribution of resources determined by Legco;
- (d) Staffed by staff of the Secretariat, not seconded civil servants;
- (f) Answerable to Legco through the Deputy President (and later on to his successor)

8 Demolish the OMELCO Secretariat and the Secretariat limited company.

9 Change the OMELCO Complaints Unit to Legco Complaints Unit. This Unit will be part of the Legco structure, handled by staff of the Legco Secretariat. This unit is answerable to Legco via the Deputy President (and later his successor).

10 Implementation of this revised structure ought to be made at the earliest possible time. In the interim, I suggest current arrangements be retained. That is to retain:

- (a) Bills Committee;
- (b) Current Bills studying Ad Hoc groups;
- (c) The business of existing OMELCO Panels are to continue until the Legco Plenary Boards have been set up, in the meantime rename these Panels Temporary Legco Panels.

END