

立法會
Legislative Council

LC Paper No. CB(1)1677/03-04
(These minutes have been seen
by the Administration)

Ref: CB1/BC/16/02

**Bills Committee on
Electronic Transactions (Amendment) Bill 2003**

**Minutes of meeting
held on Friday, 23 April 2004, at 3:30 pm
in Conference Room A of the Legislative Council Building**

- Members present** : Hon SIN Chung-kai (Chairman)
Dr Hon Eric LI Ka-cheung, GBS, JP
Hon Howard YOUNG, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Hon Kenneth TING Woo-shou, JP
Hon HUI Cheung-ching, JP
Hon CHAN Kam-lam, JP
- Public officers
Attending** : Miss Adeline WONG
Principal Assistant Secretary for Commerce,
Industry and Technology
(Communications and Technology)
- Mr Gary LAI
Senior Systems Manager
Information Technology Services Department
- Mr Michael LAM
Senior Government Counsel
- Clerk in attendance** : Miss Polly YEUNG
Chief Council Secretary (1)3

Staff in attendance : Ms Connie FUNG
Assistant Legal Adviser 3

Ms Debbie YAU
Senior Council Secretary (1)1

Action

I Meeting with the Administration

Clause-by-clause examination of the Bill

- LC Paper No. CB(1)1590/03-04(01) - Marked-up copy of the Committee Stage Amendments proposed by the Administration (as at 21 April 2004) to the Bill prepared by the Legal Service Division
- LC Paper No. CB(1)1560/03-04(01) - Committee Stage Amendments to be moved by the Secretary for Commerce, Industry and Technology (revised)
- LC Paper No. CB(1)1560/03-04(02) - The Administration's responses to public submissions
- LC Paper No. CB(1)1271/03-04(01) - Information paper provided by the Administration explaining its proposed Committee Stage Amendments to the Bill
- LC Paper No. CB(3)734/02-03 - The Bill
- ITBB/IT 107/4/1(03) Pt.29 - The Legislative Council Brief issued by the Commerce, Industry and Technology Bureau on 11 June 2003
- LC Paper No. LS126/02-03 - The Legal Service Division Report on the Bill
- LC Paper No. CB(1)985/03-04 - Background brief on Electronic Transactions (Amendment) Bill 2003 prepared by the Secretariat
- LC Paper No. CB(1)1053/03-04(01) - Marked-up copy of the Bill

Action

- LC Paper No. CB(1)1053/03-04(02) - Letter dated 16 January 2004 from the Assistant Legal Adviser (ALA) to the Administration
- LC Paper No. CB(1)1053/03-04(03) - Reply dated 19 February 2004 from the Administration to ALA's letter of 16 January 2004
- LC Paper No. CB(1)1053/03-04(04) - Copies of the relevant provisions referred to in Schedule 3 to the Bill

Submissions from deputations/individuals

1. Office of the Privacy Commissioner for Personal Data, Hong Kong (LC Paper No. CB(1)1357/03-04(01))
2. PCCW-HKT Telephone Limited (LC Paper No. CB(1)1447/03-04(01) (English version only))
3. Hong Kong IT Alliance Limited (LC Paper No. CB(1)1447/03-04(02) (English version only))
4. Mr LAU Wai-cheung, a member of Sai Kung District Council (LC Paper No. CB(1)1447/03-04(03) (Chinese version only))
5. Mr Damien WONG (LC Paper No. CB(1)1447/03-04(04) (English version only))
6. Consumer Council (LC Paper No. CB(1)1472/03-04(01) (English version only))
7. Hong Kong Computer Society (LC Paper No. CB(1)1590/03-04(02) (English version only))
8. Hong Kong Society of Accountants (LC Paper No. CB(1)1590/03-04(03) (English version only))

The Bills Committee deliberated (index of proceedings attached at Appendix).

2. The Bills Committee examined the Bill clause-by-clause from Clauses 22 to 26. Members raised no query.
3. The Bills Committee scrutinized the Committee Stage Amendments (CSAs) proposed by the Secretary for Commerce, Industry and Technology and noted that the Administration had proposed CSAs to add new Clauses 20A, 22A and 22B, in addition to new Clauses 2A and 7A. In reply to the Chairman, the Principal

Action

Assistant Secretary for Commerce, Industry and Technology (Communications and Technology) said that the Administration intended to resume Second Reading debate on the Bill on 23 June 2004.

4. Members noted that the Administration had provided a written response to six of the eight submissions received on the Bill and that the Administration had undertaken to provide its response to the remaining two submissions by 28 April 2004. Members agreed that the Bills Committee should consider the Administration's written responses to all submissions at the next meeting scheduled to be held on 6 May 2004 at 4:30 pm.

5. Members also noted that Mr Charles MOK, President of the Hong Kong Information Technology Federation Ltd (HKITF) had indicated his intention to attend a meeting of the Bills Committee to present views on behalf of HKITF. The Chairman advised that HKITF should be invited to submit written views on the Bill and to indicate whether it would attend the next meeting of the Bills Committee on 6 May 2004.

(Post-meeting note: The letter from HKITF dated 18 March 2004 has been tabled at the meeting. The Secretariat has written to the President of HKITF inviting HKITF to provide written views on the Bill and to indicate whether it will attend the next meeting of the Bills Committee. Mr MOK has subsequently replied that HKITF will not submit any written views and will not attend the meeting of the Bills Committee on 6 May 2004.)

II Any other business

6. There being no other business, the meeting ended at 4:00 pm.

Council Business Division 1
Legislative Council Secretariat
5 May 2004

**Proceedings of the meeting of the
Bills Committee on Electronic Transaction (Amendment) Bill 2003
on Friday, 23 April 2004, at 3:30 pm
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000-000044	Chairman	Introductory remarks.	
000045-000519	Administration Chairman	<u>Clause-by-clause examination of the Bill</u> <u>Clauses 22 to 26</u> Members raised no query.	
000520-001219	Chairman Administration	<u>Committee Stage Amendments proposed by the Secretary for Commerce, Industry and Technology (LC Paper Nos CB(1)1560/03-04(01) and CB(1)1590/03-04(01))</u> (a) Members raised no query. (b) Members noted that a CSA (new Clause 20A) would be introduced to clarify that any list of repositories published in the Gazette under section 45(2) of the Electronic Transactions Ordinance (Cap 553) was not subsidiary legislation.	
001220-002318	Chairman Administration Ms Audrey EU Mr Eric LI Mr Howard YOUNG	(a) Members noted that eight submissions had been received by the Bills Committee and the Administration had provided a written response to six of them (LC Paper No CB(1)1560/03-04(02)). The Administration had undertaken to provide its response to the other two by 28 April 2004. (b) Members agreed to consider the Administration's responses to all submissions at the next meeting to be held on 6 May 2004, at 4:30 pm. (c) Members noted that the President of the Hong Kong Information Technology Federation Limited had indicated his intention to attend a meeting of the Bills Committee to present views. (d) Members noted that the Administration intended to resume Second Reading debate on the Bill on 23 June 2004.	The Administration to follow up as per paragraph 4 of the minutes.