

立法會
Legislative Council

LC Paper No. CB(2) 72/02-03

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 1st meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 11 October 2002**

Members present :

Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP (Chairman)

Hon Fred LI Wah-ming, JP (Deputy Chairman)

Hon Kenneth TING Woo-shou, JP

Hon James TIEN Pei-chun, GBS, JP

Dr Hon David CHU Yu-lin, JP

Hon Cyd HO Sau-lan

Hon Albert HO Chun-yan

Ir Dr Hon Raymond HO Chung-tai, JP

Dr Hon LUI Ming-wah, JP

Hon NG Leung-sing, JP

Hon James TO Kun-sun

Hon CHEUNG Man-kwong

Hon HUI Cheung-ching, JP

Hon CHAN Yuen-han, JP

Hon Bernard CHAN, JP

Hon CHAN Kam-lam, JP

Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP

Hon SIN Chung-kai

Hon Andrew WONG Wang-fat, JP

Hon WONG Yung-kan

Hon Jasper TSANG Yok-sing, GBS, JP

Hon Howard YOUNG, JP

Dr Hon YEUNG Sum

Hon YEUNG Yiu-chung, BBS

Hon LAU Chin-shek, JP

Hon LAU Kong-wah

Hon Ambrose LAU Hon-chuen, GBS, JP

Hon Emily LAU Wai-hing, JP

Hon Andrew CHENG Kar-foo

Hon SZETO Wah

Hon LAW Chi-kwong, JP
Hon TAM Yiu-chung, GBS, JP
Dr Hon TANG Siu-tong, JP
Hon LI Fung-ying, JP
Hon Henry WU King-cheong, BBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Hon Albert CHAN Wai-yip
Dr Hon LO Wing-lok
Hon IP Kwok-him, JP
Hon Audrey EU Yuet-mee, SC, JP

Members absent :

Hon LEE Cheuk-yan
Hon Martin LEE Chu-ming, SC, JP
Hon Eric LI Ka-cheung, JP
Dr Hon David LI Kwok-po, GBS, JP
Hon Margaret NG
Hon CHAN Kwok-keung
Hon LEUNG Yiu-chung
Dr Hon Philip WONG Yu-hong
Hon LAU Wong-fat, GBS, JP
Hon Miriam LAU Kin-yee, JP
Hon CHOY So-yuk
Hon Timothy FOK Tsun-ting, SBS, JP
Hon Abraham SHEK Lai-him, JP
Hon LEUNG Fu-wah, MH, JP
Hon WONG Sing-chi
Hon Frederick FUNG Kin-kee
Hon LAU Ping-cheung
Hon MA Fung-kwok, JP

Clerk in attendance :

Mrs Justina LAM	Clerk to the House Committee
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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 1

Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mr Andy LAU	Acting Assistant Secretary General 1
Mr Ray CHAN	Assistant Secretary General 3
Mr Stephen LAM	Assistant Legal Adviser 4
Miss Kitty CHENG	Assistant Legal Adviser 5
Mrs Vivian KAM	Principal Assistant Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Mrs Constance LI	Chief Assistant Secretary (2)5
Mrs Betty LEUNG	Chief Assistant Secretary (3)1
Miss Betty MA	Senior Assistant Secretary (2)1

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I. Confirmation of the minutes of meeting held on 4 October 2002
(LC Paper No. CB(2) 2886/01-02)

The minutes were confirmed.

II. Matters arising

Report by the Chairman on her meeting with the Chief Secretary for Administration

Co-operation between the Administration and the Council

2. The Chairman said that CS had emphasized that the Administration would try its best to co-operate with the Council in the new session, and he had reminded the Directors of Bureaux to avoid inadvertent slip-up in communication with the Council.

III. Business arising from previous Council meetings

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

(a) Village Representative Election Bill

(LC Paper No. LS 3/02-03)

(Director of Administration's letter dated 10 October 2002 on "Proposed Priority in the Scrutiny of Bills by Members")

3. The Legal Adviser said that the Bill provided for the elections of Resident Representatives for Existing Villages, and Indigenous Inhabitant Representatives for Indigenous Villages or Composite Indigenous Villages. He further said that the Bill also provided for the conduct of election, election

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petitions, appointment and functions of the Electoral Registration Officer, Returning Officers and Revising Officer, and other related and consequential amendments.

4. The Legal Adviser added that the Panel on Home Affairs was briefed on the proposed arrangement for the conduct of Village Representative elections at its meeting on 14 June 2002, and Panel members had raised various concerns about the proposal.

5. The Chairman proposed that a Bills Committee be set up to examine the Bill in detail. Members agreed. The following Members agreed to join the Bills Committee: Dr David CHU, Mr Andrew WONG, Mr WONG Yung-kan, Mr LAU Wong-fat (as advised by Mr Tommy CHEUNG), Mr Andrew CHENG, Dr TANG Siu-tong, Mr Tommy CHEUNG, Mr Albert CHAN, Mr WONG Sing-chi (as advised by Dr YEUNG Sum), and Mr IP Kwok-him.

6. The Chairman drew Members' attention to the Director of Administration (D of Adm)'s letter dated 10 October 2002 requesting priority be given to the scrutiny of the Village Representative Election Bill and the Electoral Provisions (Miscellaneous Amendments) Bill 2002. The Chairman advised that subject to Members' agreement to D of Adm's request, the Bills Committee on the Village Representative Election Bill could commence work immediately, as there would be a vacant slot after the Bills Committee on the Immigration (Amendment) Bill 2001 had reported under item VII(b) below. Members agreed.

(b) Electoral Provisions (Miscellaneous Amendments) Bill 2002
(LC Paper No. LS 1/02-03)

7. The Legal Adviser said that the main objectives of the Bill were to increase the number of elected members of the Islands, Sai Kung and Yuen Long District Councils, and to adjust the cycle for compiling and publishing electoral registers. The Legal Adviser further said that the legislative proposals were discussed at the joint meeting of the Panel on Constitutional Affairs and Panel on Home Affairs on 27 September 2002. While Members were generally supportive of the proposals, they had raised concerns about the basis of the proposed increases and whether these increases should be introduced by way of subsidiary legislation.

8. The Chairman proposed that a Bills Committee be set up to examine the Bill. Members agreed. The following Members agreed to join the Bills Committee: Mr Andrew WONG, Ms Emily LAU, Mr Andrew CHENG, Mr Tommy CHEUNG, Mr Albert CHAN and Mr IP Kwok-him.

9. The Chairman said that as Members had agreed to accord priority to the scrutiny of this Bill as requested by D of Adm, the Bills Committee would be

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placed on the waiting list as priority number one. In reply to Mr Andrew WONG, the Chairman said that the Bills Committee would commence work once a vacant slot was available.

IV. Legal Service Division report on subsidiary legislation gazetted on 4 October 2002

(LC Paper No. LS 2/02-03)

10. The Legal Adviser said that only one item of subsidiary legislation, the United Nations Sanctions (Liberia) Regulation 2002, was gazetted on 4 October 2002. The Regulation was not required to be laid before the Legislative Council (LegCo) and was not subject to amendment by LegCo. He further said that this Regulation gave effect to a decision of the Security Council of the United Nations in Resolution 1408 of 6 May 2002 to extend certain sanctions imposed on Liberia by the Security Council in Resolution 1343 (2001). He added that Resolution 1343 was implemented by the United Nations Sanctions (Liberia) Regulation (L.N. 280 of 2001) which had expired on 6 May 2002, and the present Regulation was similar to the previous one.

11. Members did not raise any queries on this Regulation.

V. Further business for the Council meeting on 16 October 2002

Government motion

Proposed resolution to be moved by the Secretary for Economic Development and Labour under section 34(2) of the Interpretation and General Clauses Ordinance relating to the Airport Authority (Permitted Airport-Related Activities) Order

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 35/02-03 dated 8 October 2002.)

12. The Chairman said that at the last House Committee meeting, Members agreed that the Administration should move amendments to section 5 of the Airport Authority (Permitted Airport-Related Activities) Order, to better reflect the policy intent regarding the amounts of consideration of any permitted airport-related activities that had been or to be engaged by the Airport Authority. The Chairman further said that the Secretary for Economic Development and Labour would move a motion at the Council meeting on 16 October 2002 to effect such amendments.

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VI. Business for the Council meeting on 23 October 2002

(a) Questions

(LC Paper No. CB(3) 32/02-03)

13. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 23 October 2002.

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

14. The Chairman said that no notice had been received yet.

(c) Government motion

15. The Chairman said that no notice had been received yet.

(d) Members' motions

(i) Motion on "'Local Agenda 21' and sustainable development"
(Wording of the motion issued vide LC Paper No. CB(3) 38/02-03 dated 9 October 2002.)

(ii) Motion on "Reducing transport fares"
(Wording of the motion issued vide LC Paper No. CB(3) 36/02-03 dated 8 October 2002.)

16. The Chairman said that the above motions would be moved by Hon CHOY So-yuk and Hon Andrew CHENG Kar-foo respectively, and the wording of the motions had been issued to Members.

17. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 16 October 2002.

VII. Report of Bills Committee and subcommittee

(a) Position report on Bills Committees/subcommittees

(LC Paper No. CB(2) 28/02-03)

18. The Chairman said that there were 14 Bills Committees and seven Subcommittees in action, as well as four Bills Committees, including the Bills Committee on Electoral Provisions (Miscellaneous Amendments) Bill 2002 formed under item III (b) above, on the waiting list.

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(b) **Report of the Bills Committee on Immigration (Amendment) Bill 2001**

(LC Paper No. CB(2) 26/02-03)

19. Mr James TO Kun-sun, Chairman of the Bills Committee, said that the Bill sought to exclude Mainland officials holding Chinese Travel Permits with a specific endorsement from being treated as ordinarily resident in Hong Kong for the purpose of the Immigration Ordinance during their stay as such holders. According to Article 24 of the Basic Law (BL), a Chinese citizen who had resided in Hong Kong for a continuous period of not less than seven years was a permanent resident. The main concern of the Bills Committee was whether the Bill was consistent with BL. Some members of the Bills Committee shared the concerns expressed by some members of the Constitutional Affairs Committee of the Law Society of Hong Kong that the Administration was seeking to impose restrictions on the meaning of "ordinarily resident" in BL 24 through amendment of local legislation.

20. Mr TO further said that the Bills Committee had completed scrutiny of the Bill, and supported resumption of Second Reading debate on the Bill on a date to be proposed by the Administration.

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

VIII. Election of a Member to fill the vacancy in the Public Accounts Committee

(LC Paper No. PAC 1/02-03)

22. Members agreed to hold an election to fill the vacancy in the Public Accounts Committee arising from Hon Fred LI's withdrawal from the Committee, at the House Committee meeting on 18 October 2002.

IX. Any other business

(a) **LegCo Fun Day 2002-2003**

(LC Paper No. AS 3/02-03)

23. Members agreed that a LegCo Fun Day should be held in the 2002-2003 session as proposed in paragraph 4 of the paper, and an Organizing Committee should be formed to decide on the details of the Fun Day.

(b) **Chief Executive's Question and Answer Session**

24. Ms Emily LAU said that it was odd for the Chief Executive to speak on

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the accountability system for principal officials at the end of the Question and Answer Session on 10 October 2002, as Members were not able to put questions to him on his remarks. Ms LAU requested that the Chairman should relay to CS at their coming meeting that such an arrangement should be avoided in future. Members agreed.

25. There being no further business, the meeting ended at 2:45 pm.

Council Business Division 2
Legislative Council Secretariat
16 October 2002