

立法會
Legislative Council

LC Paper No. CB(2) 812/02-03

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 11th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 3 January 2003**

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
Ir Dr Hon Raymond HO Chung-tai, JP
Hon Martin LEE Chu-ming, SC, JP
Hon Eric LI Ka-cheung, JP
Hon NG Leung-sing, JP
Hon Margaret NG
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 LEUNG Yiu-chung
Hon SIN Chung-kai
Hon Andrew WONG Wang-fat, JP
Dr Hon Philip WONG Yu-hong
Hon Jasper TSANG Yok-sing, GBS, JP
Dr Hon YEUNG Sum
Hon YEUNG Yiu-chung, BBS
Hon LAU Kong-wah
Hon LAU Wong-fat, GBS, JP
Hon Miriam LAU Kin-yee, JP
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo
Hon SZETO Wah

Dr Hon TANG Siu-tong, JP
Hon Abraham SHEK Lai-him, JP
Hon Henry WU King-cheong, BBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Hon Albert CHAN Wai-yip
Hon Frederick FUNG Kin-kee
Hon IP Kwok-him, JP
Hon LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, JP
Hon MA Fung-kwok, JP

Members absent :

Dr Hon David CHU Yu-lin, JP
Hon Cyd HO Sau-lan
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Dr Hon David LI Kwok-po, GBS, JP
Dr Hon LUI Ming-wah, JP
Hon CHAN Kwok-keung
Hon WONG Yung-kan
Hon Howard YOUNG, JP
Hon LAU Chin-shek, JP
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, SBS, JP
Hon LAW Chi-kwong, JP
Hon TAM Yiu-chung, GBS, JP
Hon LI Fung-ying, JP
Hon LEUNG Fu-wah, MH, JP
Dr Hon LO Wing-lok
Hon WONG Sing-chi

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 LEE Yu-sung	Acting Legal Adviser
Mr LAW Kam-sang, JP	Deputy Secretary General
Miss Salumi CHAN	Acting Assistant Secretary General 1

Mr Ray CHAN	Assistant Secretary General 3
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
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
Ms Bernice WONG	Assistant Legal Adviser 1
Miss Anita HO	Assistant Legal Adviser 2
Miss Kitty CHENG	Assistant Legal Adviser 5
Mr KAU Kin-wah	Assistant Legal Adviser 6
Miss Betty MA	Senior Assistant Secretary (2)1

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I. Confirmation of the minutes of the 10th meeting held on 13 December 2002

(LC Paper No. CB(2) 696/02-03)

The minutes were confirmed.

II. Matters arising

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

Attendance by CS at House Committee meetings

2. The Chairman informed Members that regarding CS's attendance at the special meeting of the House Committee on 7 February 2003, CS had said that he would select topics which were popular at the time of the meeting. The Chairman added that CS also welcomed Members' suggestions.

(b) Legal Service Division report on subsidiary legislation gazetted on 6 December 2002

(LC Paper No. LS 29/02-03 issued vide LC Paper No. CB(2) 665/02-03 dated 12 December 2002)

(i) Securities and Futures (Client Securities) Rules (L.N. 201)

(ii) Securities and Futures (Client Money) Rules (L.N. 202)

(iii) Securities and Futures (Associated Entities —Notice) Rules (L.N. 203)

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- (iv) **Securities and Futures (Registration of Appeals Tribunal Orders) Rules (L.N. 205)**
- (v) **Securities and Futures (Registration of Market Misconduct Tribunal Orders) Rules (L.N. 206)**
- (vi) **Securities and Futures (Collective Investment Schemes) Notice (L.N. 207)**
- (vii) **Companies Ordinance (Exemption of Companies and Prospectuses from Compliance with Provisions) (Amendment) Notice 2002 (L.N. 204)**

3. The Chairman said that Members agreed at the last meeting on 13 December 2002 to defer a decision on these seven items of subsidiary legislation to this meeting.

4. Mr Henry WU said that the securities and futures industry had studied the seven sets of Rules and Notices, and had not raised any queries.

5. Members agreed that it was not necessary to set up a subcommittee to study any of these seven items of subsidiary legislation.

6. The Chairman advised that the scrutiny period of these seven items of subsidiary legislation had been extended to 12 February 2003.

III. Business arising from previous Council meetings

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

Land Titles Bill

(LC Paper No. LS 27/02-03)

7. The Chairman said that given the complexity of the issues involved, the Bill should be studied in detail.

8. The Chairman proposed that a Bills Committee should be formed. Members agreed. The following Members agreed to join : Mr Albert HO (as advised by Dr YEUNG Sum), Miss Margaret NG, Ms Miriam LAU, Mr Albert CHAN, Mr WONG Sing-chi (as advised by Dr YEUNG Sum), Mr IP Kwok-him, Mr LAU Ping-cheung and Ms Audrey EU.

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(b) Legal Service Division report on subsidiary legislation gazetted on 13 December 2002

(LC Paper No. LS 32/02-03)

9. Acting Legal Adviser said that 25 items of subsidiary legislation were gazetted on 13 December 2002 and tabled in Council on 18 December 2002.

10. Referring to the 23 items of subsidiary legislation made under the Securities and Futures Ordinance, Acting Legal Adviser said that the Subcommittee on Draft Subsidiary Legislation to be made under the Securities and Futures Ordinance had studied the draft of these items of subsidiary legislation and had provided a report to the House Committee at the meeting on 6 December 2002.

11. Acting Legal Adviser pointed out that both the contents of and the underlying policies reflected in the subsidiary legislation had the support of the Subcommittee. Acting Legal Adviser further pointed out that the Legal Service Division had made some observations and recommendations on the drafting of the Chinese text, and the Administration was still considering these recommendations. A further report would be made in due course.

12. Acting Legal Adviser further said that the 23 items of subsidiary legislation would come into operation on the same day as the principal Ordinance, and the Administration had announced that the target date was 1 April 2003.

13. Mr Henry WU said that the securities and futures industry had studied the English text of these 23 sets of subsidiary legislation and had not raised any queries.

14. The Chairman proposed that a decision on these 23 items of subsidiary legislation be deferred to the next House Committee meeting. Members agreed.

15. The Chairman suggested that as the Legal Service Division would provide a further report, she would give notice to move a motion at the Council meeting commencing on 15 January 2003 to extend the scrutiny period to 12 February 2003. Members agreed.

16. Referring to the Harmful Substances in Food (Amendment) Regulation 2001 (L.N. 148 of 2001) (Commencement) Notice 2002, Acting Legal Adviser explained that the effect of the Commencement Notice was that the control of

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the nine agricultural and veterinary chemicals prescribed in the new First Schedule to the Regulation would commence operation. Acting Legal Adviser further explained that a person who imported, consigned, delivered, manufactured or sold, for human consumption, the food specified in that Schedule which contained any of the nine chemicals in greater concentration than was specified in that Schedule would commit an offence.

17. As regards the Public Health (Animals and Birds) (Chemical Residues) Regulation (Cap. 139 sub. leg.) (Commencement) Notice 2002, Acting Legal Adviser said that the items that would take effect under the Notice were the same agricultural and veterinary chemicals referred to in the Harmful Substances in Food (Amendment) Regulation 2001 (L.N. 148 of 2001) (Commencement) Notice 2002. A food animal farmer or a food animal trader who supplied food animals or milk containing these chemicals exceeding the maximum residue limits specified in the Schedules would commit an offence.

18. Members did not raise any queries on these two Commencement Notices.

19. The Chairman reminded Members that the deadline for amending these two items of subsidiary legislation was 15 January 2003, or 12 February 2003 if extended by resolution.

IV. Legal Service Division report on subsidiary legislation gazetted on 20 December 2002

(LC Paper No. LS 35/02-03)

20. Acting Legal Adviser said that only one item of subsidiary legislation, the Pilotage (Dues) (Amendment) Order 2002, was gazetted on 20 December 2002.

21. Acting Legal Adviser explained that the Order amended the Pilotage (Dues) Order to reduce pilotage dues, and pilotage dues were charged by licensed pilots for the provision of pilotage services. He added that pilotage dues were not government fees and the reduction was supported by the Pilotage Advisory Committee. The Order would come into operation on a day to be appointed by the Director of Marine by notice published in the Gazette. The proposal had not been referred to any Panel.

22. Members did not raise any queries on this item of subsidiary legislation.

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23. The Chairman reminded Members that the deadline for amending this item of subsidiary legislation was 22 January 2003, or 26 February 2003 if extended by resolution.

V. Chief Executive's Question and Answer Session on 9 January 2003

24. The Chairman said that the Chief Executive's Question and Answer Session would start at 3:00 pm on Thursday, 9 January 2003.

VI. Business for the Council meeting of 15, 16 and 17 January 2003

25. The Chairman said that the Administration had undertaken to provide its proposals on the grouping of policy areas for the five debate sessions on the day the Policy Address was delivered i.e. 8 January 2003. The Chairman further said that the House Committee would consider the proposals at its next meeting on 10 January 2003.

(a) Questions

(LC Paper No. CB(3) 258/02-03)

26. The Chairman said that 20 written questions had been scheduled.

(b) Members' motions

- (i) Proposed resolution to be moved by Hon Jasper TSANG Yok-sing under the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region**
(Wording of the proposed resolution issued vide LC Paper No. CB(3) 262/02-03 dated 30 December 2002.)

27. The Chairman said that Mr TSANG Yok-sing had given notice to move the proposed resolution at the Council meeting of 15 January 2003. The Chairman further said that the purpose of the resolution was to suspend Rule 13(1) of the Rules of Procedure to enable the debate on the Motion of Thanks to be held in the week immediately following the Policy Address.

(ii) Motion of Thanks

28. The Chairman said that as Chairman of the House Committee, she would move the Motion of Thanks for debating the Chief Executive's Policy Address in the 2002-03 session.

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VII. Report of Bills Committee and subcommittee

Position report on Bills Committees/subcommittees

(LC Paper No. CB(2) 779/02-03)

29. The Chairman said that there were 15 Bills Committees and five subcommittees in action as well as five Bills Committees, including the Bills Committee on the Land Titles Bill formed under agenda item III(a) above, on the waiting list.

VIII. Any other business

30. Dr YEUNG Sum said that the Administration had just published its Progress Report on Policy Objectives (2001). Dr YEUNG pointed out that when such reports were issued in the past, press conferences were held by the Administration to explain to the public the progress made against policy commitments and pledges in the Policy Addresses. Dr YEUNG considered it regrettable that the Administration had not done so on this occasion, and requested the Chairman to ask CS why no press conference was held by the Administration this year.

31. Dr YEUNG Sum further said that Panels should discuss the relevant parts of the report.

32. The Chairman reminded Members that a fire drill would be held immediately after the meeting.

33. There being no further business, the meeting ended at 2:42 pm.