

立法會
Legislative Council

LC Paper No. CB(2) 1136/02-03

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 14th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 7 February 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
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
Hon Martin LEE Chu-ming, SC, JP
Dr Hon LUI Ming-wah, 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 Kwok-keung
Hon CHAN Yuen-han, JP
Hon Bernard CHAN, JP
Hon CHAN Kam-lam, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Dr Hon Philip WONG Yu-hong
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, 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 Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo

Hon SZETO Wah
Hon LAW Chi-kwong, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon LI Fung-ying, JP
Hon Henry WU King-cheong, BBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Dr Hon LO Wing-lok
Hon WONG Sing-chi
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 :

Hon James TIEN Pei-chun, GBS, JP
Hon LEE Cheuk-yan
Hon Eric LI Ka-cheung, JP
Dr Hon David LI Kwok-po, GBS, JP
Hon LEUNG Yiu-chung
Hon SIN Chung-kai
Hon Andrew WONG Wang-fat, JP
Hon WONG Yung-kan
Hon LAU Chin-shek, JP
Hon Timothy FOK Tsun-ting, SBS, JP
Dr Hon TANG Siu-tong, JP
Hon Albert CHAN Wai-yip
Hon LEUNG Fu-wah, MH, JP

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
Ms Pauline NG	Assistant Secretary General 1
Mrs Betty LEUNG	Acting Assistant Secretary General 3
Mr LEE Yu-sung	Senior Assistant Legal Adviser 1
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
Ms Bernice WONG	Assistant Legal Adviser 1
Miss Anita HO	Assistant Legal Adviser 2
Miss Connie FUNG	Assistant Legal Adviser 3
Mr Stephen LAM	Assistant Legal Adviser 4
Miss Kitty CHENG	Assistant Legal Adviser 5
Miss Monna LAI	Assistant Legal Adviser 7
Miss Betty MA	Senior Assistant Secretary (2)1

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I. Confirmation of the minutes of the 13th meeting held on 24 January 2003
(LC Paper No. CB(2) 1047/02-03)

Referring to the replacement sheets tabled at the meeting, the Chairman said that Mr LAU Ping-cheung would like to propose the following amendments -

- (a) the first and second lines of paragraph 71 should read : "The Chairman further said that it was in order for Mr LAU Ping-cheung to propose that the House Committee discuss his request. However, there was";
- (b) the sentence "Mr LAU also clarified that his request was not a case of "SIMA Zhao's trick (司馬昭之心)" as suggested by Mr Fred LI in the press report. He considered it unfair to him for Mr LI, as the Deputy Chairman, to have drawn such a conclusion without ascertaining the facts first." be added to the end of paragraph 77; and
- (c) the first sentence of paragraph 78 should read "Mr Fred LI said that regarding his comments to the press as mentioned by Mr LAU, he did not make them in his capacity as the Deputy Chairman of the House Committee."

- 2. The minutes were confirmed subject to the above amendments.

II. Matters arising

- (a) **Report by the Chairman on her meeting with the Chief Secretary for Administration (CS)**
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Attendance of CS at the special House Committee meeting on 28 February 2003

- 3. The Chairman said that she had reminded CS of the topics suggested by

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Members, i.e. "sustainable development" and "cooperation between Guangdong and Hong Kong".

4. The Chairman further said that she had requested CS to let Members know the topic(s) he would like to raise as early as possible. She had, however, pointed out that as the meeting would last only one and a half hours, perhaps there would not be enough time for more than three topics.

Proposed resolution to be moved by the Secretary for Housing, Planning and Lands under the Housing Ordinance at the Council meeting on 12 February

5. The Chairman said that she had informed CS that Members had agreed to defer a decision on the proposed resolution until this House Committee meeting. She had also pointed out that although the notice for the resolution was in compliance with the agreed arrangement, the problem was that because of intervening holidays, there would be no House Committee meeting until 7 February 2003. She requested that Policy Bureaux be asked to take into consideration the schedule of House Committee meetings and intervening holidays when giving notice for proposed resolutions. The Chairman added that CS had undertaken to cooperate in this respect.

Holding Council and committee meetings in English

6. The Chairman informed Members that CS had invited her to follow up the suggestion he made during the motion debate on "Promoting the Use of English in Hong Kong" on 22 January 2003 that Council and committee meetings be held in English once a month.

7. The Chairman said that she had advised CS that a discussion paper on his suggestion would be prepared for the House Committee's consideration.

Announcement of the way forward to implement Article 23 of the Basic Law and issuance of the Compendium of Submissions

8. Ms Emily LAU asked whether CS had informed the Chairman during their meeting on 27 January 2003 that the Administration was going to announce the outcome of the consultation exercise on the proposals to implement Article 23 of the Basic Law (BL23). The Chairman responded that CS did not mention the matter during their meeting.

9. Ms Emily LAU said that she was surprised that the Administration had not taken the initiative to brief the Legislative Council (LegCo) on such an important matter in the first instance. Ms LAU further said that it was widely reported by the press that the Executive Council (ExCo) would consider the

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Compendium of Submissions on the "Consultation Document on Proposals to Implement Article 23 of the Basic Law" on 28 January 2003. She had enquired with the LegCo Secretariat to ascertain whether the Administration had indicated that it would brief LegCo on the matter, and was informed that the Administration had not approached the Secretariat for a briefing to be held for Members on the matter. Ms LAU pointed out that the Chief Executive (CE) and the Secretary for Security (S for S), however, had held separate media briefings in the afternoon of 28 January 2003 to announce the way forward in implementing BL23 and the issuance of the Compendium of Submissions.

10. Ms Emily LAU said that although she understood that S for S had discussed with the Chairmen of the Panel on Security and Panel on Administration of Justice and Legal Services prior to the media briefings, she was of the view that the Administration should adhere to the agreed arrangement that the Administration should brief LegCo on important announcements and matters. She was unhappy that no briefing was arranged for LegCo on this occasion when CS had repeatedly been reminded of the importance of briefing LegCo on all important announcements and matters, prior to briefing the media.

11. Miss Margaret NG informed Members that at the joint meeting of the Panel on Security (Security Panel) and the Panel on Administration of Justice and Legal Services (AJLS Panel) on 17 January 2003, the Permanent Secretary for Security had indicated that the outcome of the consultation exercise on BL23 would be announced before the end of January 2003, although the exact date was not yet known. Members of the two Panels present at the joint meeting had tried to schedule a meeting to be held in the week of 27 January 2003. However, as most members were not free to attend a meeting in that week, it was decided that the meeting to discuss the outcome of the consultation exercise should be held on 6 February 2003.

12. Miss NG further said that she believed that this represented the general agreement of most members of the two Panels. She had therefore informed S for S that a joint meeting would be held on 6 February 2003 to discuss the Compendium of Submissions, when she and the Chairman of Panel on Security met S for S on 28 January 2003.

13. Mr Howard YOUNG said that he also attended the joint meeting of the Security Panel and AJLS Panel on 17 January 2003. He reiterated Miss NG's point that a joint meeting of the two Panels to discuss the Compendium of Submissions could only be arranged for 6 February 2003 as quite a number of members of the two Panels were not available to attend another meeting before the end of January 2003.

14. Ms Emily LAU stressed that the Administration should brief LegCo on

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important announcements or matters at the earliest opportunity, and that it had been the practice for the Administration to brief LegCo on important matters as soon as ExCo had taken a decision. Ms LAU pointed out that the Secretary for Health, Welfare and Food briefed the Panel on Health Services on the restructuring of fees and charges for public health services at a special meeting held immediately after ExCo had discussed the matter, and the Secretary for Housing, Planning and Lands (SHPL) had also made a statement on Government's housing policy at the Council meeting on 13 November 2002. Ms LAU further said that the Administration should have taken the initiative to brief LegCo immediately after the Compendium of Submissions was discussed by ExCo on 28 January 2003, even though some Members might not be able to attend the briefing.

15. Miss Margaret NG said that although the Administration had kept Members informed that the outcome of the consultation exercise on BL23 would be available before the end of January 2003, the Administration had never indicated when the bill to implement BL23 would be gazetted. Miss NG further said that when S for S was again asked on the timing of the introduction of the bill at the joint meeting on 17 January 2003, S for S had again refused to give a reply. Miss NG requested that the Chairman of the House Committee should convey to CS that once ExCo had given approval for the bill to be introduced into LegCo, the Administration should brief LegCo on the details of the bill, prior to briefing the media.

16. Mr Martin LEE remarked that Bishop Joseph ZEN had been informed by CS in advance of the issuance of the Compendium of Submissions on 28 January 2003, but no arrangement had been made by the Administration to brief LegCo on the Compendium.

17. Mr TAM Yiu-chung said that Members had expressed similar views before that the Administration should brief LegCo on important announcements and matters, and such views had been conveyed to CS by the Chairman on previous occasions. He considered that it would be for CS to decide how such briefing arrangements should be made having regard to Members' concerns.

18. Ms Cyd HO said that given that the Administration had still failed to brief LegCo on important announcements and matters despite being repeatedly reminded by the Chairman of the House Committee, a stronger message should be conveyed to CS this time that the Administration should take actions to prevent the recurrence of similar incidents.

19. The Chairman said that there were different ways and channels for the Administration to inform Members of important announcements and matters, but the arrangement might not meet the expectation of every Member. In the present case, the proposals to implement Article 23 of BL were being followed

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up by the Security Panel and AJLS Panel, and a joint meeting had in fact been scheduled to discuss the Compendium of Submissions, although not on the same day of the media briefings given by CE and S for S. Nevertheless, in view of the concerns raised by some Members, she would convey to CS again that the Administration should brief LegCo on important announcement or matters, prior to briefing the media.

(b) Legal Service Division report on subsidiary legislation tabled in Council on 15 January 2003

Ocean Park Bylaw

(Paragraphs 16 to 27 of the minutes of the 13th House Committee meeting on 24 January 2003)

[Previous paper: LC Paper No. LS 40/02-03 issued vide LC Paper No. CB(2) 1025/02-03 dated 23 January 2003]

20. The Legal Adviser said that at the last House Committee meeting, Mr James TO had raised queries about certain provisions in the Bylaw and the Legal Service Division had written to the Administration to seek clarification on these queries. The Legal Adviser further said that Administration's response had just been received. The Legal Service Division would further report to the House Committee after it had studied the Administration's response.

21. The Chairman said that as agreed at the last meeting, she would move a motion to extend the scrutiny period of the Bylaw to 5 March 2003. She suggested that a decision on the Bylaw be deferred to the next House Committee meeting on 14 February 2003. Members agreed.

(c) Legal Service Division report on subsidiary legislation tabled in Council on 22 January 2003

(i) Subsidiary Legislation made under the Legal Practitioners Ordinance:

- **Barristers (Admission) Rules**
- **Legal Practitioners (Fees) (Amendment) Rules 2002**
- **Practising Certificate (Barristers) (Amendment) Rules 2002**
- **Barristers (Advanced Legal Education Requirement) Rules**

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- **Barristers (Qualification for Admission and Pupillage) Rules**

(Paragraphs 36 to 39 of the minutes of the 13th House Committee meeting on 24 January 2003)
(LC Paper No. LS 58/02-03)

22. The Legal Adviser said that at the House Committee meeting on 24 January 2003, Members asked the Legal Service Division to make a further report to the House Committee on whether there were any differences between the draft Rules considered by the AJLS Panel and the gazetted Rules, and whether there were any problems with the Chinese text of the Rules.

23. The Legal Adviser further said that the Legal Service Division had completed the scrutiny of the Rules and highlighted the differences identified in paragraph 3 of the Legal Service Division report. The Legal Adviser pointed out that there were also extensive changes between the gazetted Rules and the draft Rules in terms of drafting. The differences, however, were mostly related to their drafting and technical aspects and did not affect their substance. The Legal Adviser added that no legal and drafting difficulties with regard to the gazetted Rules had been identified.

24. Miss Margaret NG said that as the differences between the draft Rules and the gazetted Rules did not affect their substance, she personally considered that it was not necessary to set up a subcommittee to study these Rules.

25. Members agreed that it was not necessary to set up a subcommittee to study these five sets of Rules.

(ii) **Securities and Futures (Insurance) Rules**

(Paragraphs 41 to 44 of the minutes of the 13th House Committee meeting on 24 January 2003)
(LC Paper No. LS 57/02-03)

26. The Chairman said that Members noted at the last meeting that the Legal Service Division had made certain observations on the Chinese text and was considering the Administration's reply.

27. The Legal Adviser said that the Administration had since agreed to introduce amendments to the Chinese text of the Rules. The Legal Adviser further said that the amendments would form part of the motion to be moved by the Secretary for Financial Services and the Treasury at the Council meeting on 12 February 2003. The motion also covered amendments to seven sets of subsidiary legislation made under the Securities and Futures Ordinance and gazetted on 13 December 2002.

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28. Mr Henry WU said that the industry did not have any further comments on the Securities and Futures (Insurance) Rules, as the gazetted version reflected the consensus of the Industry Work Group convened by the Securities and Futures Commission.

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(iii) **Commencement and Appointed Day Notices:**

- **Securities and Futures Ordinance (Cap. 571) (Commencement) Notice 2003**
- **Securities and Futures Ordinance (Cap. 571) (Appointment of Day — Repeal of Ordinances) Notice**
- **Securities and Futures Ordinance (Cap. 571) (Appointed Day — Unified Exchange Compensation Fund) Notice**
- **Securities and Futures Ordinance (Cap. 571) (Appointed Day — Futures Exchange Compensation Fund) Notice**
- **Banking (Amendment) Ordinance 2002 (6 of 2002) (Commencement) Notice 2003**

(Paragraphs 45 to 48 of the minutes of the 13th House Committee meeting on 24 January 2003)

[Previous paper: Paragraphs 33 to 42 of LC Paper No. LS 46/02-03 issued vide LC Paper No. CB(2) 1025/02-03 dated 23 January 2003]

29. The Chairman said that Members agreed at the last House Committee meeting to defer a decision on the five Commencement Notices to this meeting to allow time for the securities and futures industry to study the Commencement Notices.

30. Mr Henry WU said that the securities and futures industry had not raised any queries on these five Commencement Notices.

31. Members agreed that it was not necessary to set up a subcommittee to study these five Commencement Notices.

(d) **Proposed resolution to be moved by the Secretary for Housing, Planning and Lands under the Housing Ordinance relating to the Housing (Traffic Contraventions) (Fixed Penalty) (Amendment) Bylaw 2003**

(Paragraphs 55 to 61 of the minutes of the 13th House Committee meeting on 24 January 2003)

[Previous paper: LC Paper No. LS 49/02-03 tabled at the House Committee meeting on 24 January 2003]

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32. The Chairman said that Members agreed at the last House Committee meeting to defer a decision to this meeting to allow more time for Members to consider the proposed resolution.

33. The Chairman further said that at the last meeting, Mr Andrew WONG had asked whether the fines collected would be paid into the general revenue. The Legal Adviser advised that section 17A of the Public Finance Ordinance (Cap. 2) provided that any fine or penalty imposed by or under the authority of any Ordinance would be paid into the general revenue. The Legal Service Division had also confirmed with the Housing Department that the fines collected under the Housing Ordinance (Cap. 283) would be paid into the general revenue.

34. Members did not raise any objection to SHPL moving the proposed resolution at the Council meeting on 12 February 2003.

III. Legal Service Division report on subsidiary legislation gazetted on 24 January 2003

(LC Paper No. LS 50/02-03)

35. The Legal Adviser said that only one item of subsidiary legislation, the Practising Certificate (Special Conditions) Rules (L.N. 184 of 2002) (Commencement) Notice 2003, was gazetted on 24 January 2003 and would be tabled in Council on 12 February 2003. The Legal Adviser further said that when the Rules were considered by the House Committee, Members did not consider it necessary to form a subcommittee to study the Rules.

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

37. The Chairman reminded Members that the deadline for amending this item of subsidiary legislation was 12 March 2003, or 2 April 2003 if extended by resolution.

IV. Legal Service Division report on subsidiary legislation gazetted on 30 January 2003

(LC Paper No. LS 54/02-03)

38. The Legal Adviser said that two items of subsidiary legislation were gazetted on 30 January 2003 and would be tabled in Council on 12 February 2003.

39. Regarding the Official Languages (Alteration of Text under Section 4D) Order 2003, the Legal Adviser said that as agreed at the House Committee

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meeting on 24 January 2003, the Administration had now made an order to repeal "組織" in section 4(3)(b)(i) and (ii) of the Legal Practitioners (Risk Management Education) Rules and substitute it by "機構" so as to achieve consistency between the Chinese equivalent for "organisation" referred to in the Chinese text of the Rules and the Continuing Professional Development Rules. The Legal Adviser further said that the Order would come into operation on 4 April 2003.

40. The Legal Adviser explained that the Tax Reserve Certificates (Rate of Interest) Notice 2003 fixed at 0.0542% per annum the rate of interest payable on tax reserve certificates issued on or after 4 February 2003.

41. Members did not raise any queries on these two items of subsidiary legislation.

42. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 12 March 2003, or 2 April 2003 if extended by resolution.

V. Further business for the Council meeting on 12 February 2003

(a) Questions

(LC Paper No. CB(3) 332/02-03)

43. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 12 February 2003.

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

(i) Copyright (Amendment) Bill 2003

(ii) Tung Chung Cable Car Bill

44. The Chairman said that the above two Bills would be introduced into the Council on 12 February 2003 and considered by the House Committee on 14 February 2003.

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

Village Representative Election Bill

45. The Chairman said that the Bills Committee had reported to the House Committee at the last meeting on 24 January 2003, and Members had not raised

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objection to the resumption of the Second Reading debate on the Bill.

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(d) **Members' motions**

(i) **Proposed resolution to be moved by Hon Mrs Selina CHOW LIANG Shuk-yee under section 34(4) of the Interpretation and General Clauses Ordinance relating to the Ocean Park Bylaw**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 321/02-03 dated 28 January 2003.)

46. The Chairman said that as agreed at the last House Committee meeting on 24 January 2003, she would move a motion at the Council meeting on 12 February 2003 to extend the scrutiny period of the Ocean Park Bylaw to 5 March 2003.

(ii) **Motion on "Policy on heritage preservation"**

(Wording of the motion issued vide LC Paper No. CB(3) 326/02-03 dated 29 January 2003.)

47. The Chairman said that the above motion would be moved by Mr LAU Ping-cheung and the wording of the motion had been issued to Members.

VI. Business for the Council meeting on 19 February 2003

(a) **Questions**

(LC Paper No. CB(3) 333/02-03)

48. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 19 February 2003.

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

(i) **Foreshore, Sea-bed and Roads (Amendment) Bill 2003**

(ii) **Bills of Exchange (Amendment) Bill 2003**

49. The Chairman said that the above two Bills would be introduced into the Council on 19 February 2003 and considered by the House Committee on 21 February 2003.

(c) **Government motion**

Proposed resolution to be moved by the Secretary for Security under the Security and Guarding Services Ordinance

(Wording of the proposed resolution issued vide LC Paper No. CB(3)

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320/02-03 dated 28 January 2003.)
(*LC Paper No. LS 51/02-03*)

50. The Legal Adviser said that the purpose of the proposed resolution was to seek the Council's approval for the notice setting out the revised criteria (the 2003 Notice) for issuing a security personnel permit as specified by the Security and Guarding Services Industry Authority under the Security and Guarding Ordinance. The Legal Adviser further said that such notice was not subsidiary legislation and would not be published in the Gazette unless and until it had been laid before and approved by LegCo.

51. The Legal Adviser pointed out that according to the LegCo Brief on the amendments to criteria for issuing security personnel permits, the amendments aimed to tighten the criteria for issuing security personnel permits to persons with criminal records. Amendments were also proposed to replace the "Certification of Employment by Prospective Employer" criterion for applications by a "Proficiency in Security Work" criterion which would include the following three alternatives -

- (a) passage of a trade test recognised by the Authority within one year before application;
- (b) at least three years of cumulative working experience in performing security work lawfully in Hong Kong over the past five years; or
- (c) at least one year of cumulative working experience in performing security work lawfully in Hong Kong over the past two years.

52. The Legal Adviser said that the revised criteria were discussed at the meeting of the Panel on Security on 7 November 2002. The Legal Adviser further said that according to the Administration, security companies, trade associations, labour unions, owners' corporations and individual members of the public had been consulted.

53. The Legal Adviser informed Members that no difficulties relating to the legal and drafting aspects of the 2003 Notice and the proposed resolution had been identified.

54. Ms Miriam LAU declared that she was the Chairman of the Security and Guarding Services Industry Authority. Ms LAU advised that the major amendments made in the 2003 Notice were to tighten the criteria for issuing security personnel permits to persons with criminal records and to replace the existing requirement to produce employment certificate. Ms LAU further advised that the amendment to tighten the criteria for issuing security personnel permits to persons with criminal records was made in response to public

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expectation that the security personnel should have a high standard of personal integrity and credibility. Ms LAU added that the revised criteria were intended to take effect from 1 April 2003.

55. Mr CHAN Kwok-keung and Mr CHAN Kam-lam expressed concern about the impact on the security industry if the age limit for guarding work in a single private residential building was lowered from 70 to 65.

56. Ms Miriam LAU said that quite a number of persons had already passed the trade test and would be eligible for the security personnel permits once the 2003 Notice came into effect. It was therefore crucial for the 2003 Notice to take effect from 1 April 2003. Ms LAU further said that while she fully understood some Members' concerns about the age limit for holding a permit, the lowering of the age limit from 70 to 65 for guarding work in a single private residential building had been fully discussed previously.

57. In response to Mr CHAN Kam-lam's enquiry on whether amendments could be made to the age limit for holding a permit, the Legal Adviser advised that the Security and Guarding Services Industry Authority had in fact published in the Gazette in 1995 a set of criteria for issuing a security personnel permit which already specified that the age limit for guarding work in a single private residential building would be lowered from 70 to 65 with effect from 1 June 2001. In these circumstances, the revised age limit had been in force since 1 June 2001. The Legal Adviser further said that notices made under section 6(3) and 6(4) of the Security and Guarding Services Ordinance were not subsidiary legislation and therefore not subject to amendments by LegCo. Any amendments to the existing permit issuing criteria would have to be made by way of an amending bill, and Rule 51 of the Rules of Procedure would apply if the bill was a Member's Bill.

58. Members did not raise any objection to S for S moving the proposed resolution at the Council meeting on 19 February 2003.

(d) Members' motions

(i) Motion on "The 2003-04 Budget"

(ii) Motion on "Public consultation on constitutional reforms"

59. The Chairman said that the above motions would be moved by Dr YEUNG Sum and Ms Emily LAU respectively and the draft wording of the motions had been issued to Members.

60. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 12 February 2003.

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VII. Report of Bills Committee and subcommittee

(a) **Position report on Bills Committees/subcommittees**
(LC Paper No. CB(2) 1092/02-03)

61. The Chairman said that there were 14 Bills Committees and five subcommittees in action as well as three Bills Committees on the waiting list.

62. The Chairman said that as there would be a vacant slot after the Bills Committee on Education Reorganization (Miscellaneous Amendments) Bill 2002 had reported under item VII(b) below, the Bills Committee on Education (Amendment) Bill 2002 could commence work.

(b) **Report of the Bills Committee on Education Reorganization (Miscellaneous Amendments) Bill 2002**
(LC Paper No. CB(2) 1086/02-03)

63. Ms Cyd HO, Chairman of the Bills Committee, informed Members that the main objects of the Education Reorganization (Miscellaneous Amendments) Bill 2002 were to amend the Education Ordinance (Cap. 279) and other related Ordinances to -

- (a) transfer the functions of the Director of Education to the Permanent Secretary for Education and Manpower;
- (b) transfer the functions of the Education Department (ED) to the Education and Manpower Bureau (EMB); and
- (c) abolish the Board of Education (BoE).

64. Regarding the proposed merger of the Education Commission (EC) with BoE, Ms Cyd HO said that some members of the Bills Committee were of the view that the new EC following the merger should become a statutory body in the longer term in order to enhance its advisory role. As this was a policy issue which fell outside the scope of the Bill, she opined that the issue should be followed up by the Panel on Education.

65. Ms Cyd HO added that the Bills Committee considered that the new EC should operate with increased transparency and representation. The Bills Committee had therefore requested the Secretary for Education and Manpower to make a pledge in his speech at the resumption of the Second Reading debate on the Bill to that effect.

66. Ms Cyd HO further informed Members that the Finance Committee (FC) had approved a set of establishment changes for EMB and ED on 6 December

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2002 for such changes to take effect from 1 January 2003, ahead of the enactment of the Bill. Some members of the Bills Committee had found it unsatisfactory for the merger to take place ahead of the enactment of the Bill. Ms HO considered that any staffing and financial proposals should be put forward to FC after LegCo had approved the relevant legislative proposals. She suggested that the Chairman of the House Committee should raise the matter with CS.

67. Ms Cyd HO said that the Bills Committee supported the resumption of the Second Reading debate on the Bill on 19 February 2003.

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

VIII. Proposed overseas duty visit by the Panel on Food Safety and Environmental Hygiene

(LC Paper No. CB(2) 1085/02-03)

69. Referring to the paper, Mr Fred LI, Chairman of the Panel, said that the paper sought the House Committee's permission, under rule 22(t) of the House Rules, for the Panel on Food Safety and Environmental Hygiene to conduct an overseas duty visit to Australia and Japan in April 2003 to study the food regulatory systems in these places.

70. Members expressed support for the proposed visit.

IX. Any other business

71. There being no further business, the meeting ended at 3:11 pm.