

立法會
Legislative Council

LC Paper No. CB(2) 1359/02-03

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 17th meeting
held in the Legislative Council Chamber
at 4:23 pm on Friday, 28 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

Hon LEE Cheuk-yan

Hon Martin LEE Chu-ming, SC, JP

Dr Hon LUI Ming-wah, JP

Hon NG Leung-sing, JP

Hon Margaret NG

Hon HUI Cheung-ching, JP

Hon CHAN Kwok-keung

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 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 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 Timothy FOK Tsun-ting, SBS, JP
Hon LAW Chi-kwong, JP
Hon TAM Yiu-chung, GBS, JP
Dr Hon TANG Siu-tong, 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
Hon LEUNG Fu-wah, MH, JP
Dr Hon LO Wing-lok
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
Ir Dr Hon Raymond HO Chung-tai, JP
Hon Eric LI Ka-cheung, JP
Dr Hon David LI Kwok-po, GBS, JP
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon CHAN Yuen-han, JP
Hon Albert CHAN Wai-yip
Hon WONG Sing-chi

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
Mr Ray CHAN	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
Miss Becky YU	Chief Assistant Secretary (1)1
Mrs Constance LI	Chief Assistant Secretary (2)5
Mrs Betty LEUNG	Chief Assistant Secretary (3)1
Ms Bernice WONG	Assistant Legal Adviser 1
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 16th meeting held on 21 February 2003

(LC Paper No. CB(2) 1286/02-03)

The minutes were confirmed.

II. Matters arising

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

Briefing the Legislative Council (LegCo) on important announcements and matters

2. The Chairman said that she had conveyed to CS the request of the Panel on Manpower that a statement be made in Council on population policy as soon as the Executive Council had taken a decision on the matter and before briefing the media. CS had responded that the Administration would make announcements on major policies to the Council first in ways which would be most appropriate in the circumstances. The Chairman added that CS made a statement on population policy at the Council meeting on 26 February 2003.

Ocean Park Bylaw

3. Regarding the concern raised by the Subcommittee formed to study the Ocean Park Bylaw, the Chairman said that the Director of Administration (D of Adm) had agreed to remind Policy Bureaux to ensure that the statutory organizations within their purview followed the proper legislative procedure and to take immediate remedial action when non-compliance with procedure occurred.

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Holding Council and committee meetings in English

4. The Chairman said that she had advised CS of Members' view on his suggestion on holding Council and committee meetings in English.

5. The Chairman further said that CS considered it desirable to be systematic so as to enable public officers to prepare their speeches and replies in the scheduled language beforehand.

6. The Chairman added that she had informed CS that the President would be advised of the House Committee's decision and his view.

Industrial Training (Construction Industry) (Amendment) Bill 2001

7. The Chairman said that she had conveyed to CS Members' request that the Administration should expedite action on the introduction of the related regulation to be made under the Factories and Industrial Undertakings Ordinance.

8. The Chairman further said that D of Adm had provided a written response proposing that the Bill and the related regulation be held in abeyance for the time being. However, as D of Adm's letter was only received in the evening of 27 February 2003, Members might need more time to consider the proposal. The Chairman suggested that D of Adm's letter be discussed at the next meeting on 7 March 2003. Members agreed.

Consultation with Members on the Budget

9. Ms Emily LAU said that the Chief Executive (CE) had selectively met with some Members, and not others, to discuss the Budget. Ms LAU requested the Chairman to ask CS whether the Administration had adopted a new method of consulting Members on the Budget.

Population policy

10. Miss Margaret NG enquired how the recommendations made in the Report of the Task Force on Population Policy should be followed up by Members. Miss NG said that the Report had proposed, among other things, that a monthly levy of \$400 be imposed, with effect from 1 October 2003, under the Employees Retraining Ordinance for the employment of foreign domestic helpers. Miss NG expressed concern whether it was proper and legally in order for CE in Council to impose a levy of this kind, which was actually a new kind of tax, under section 14(3) of the Employees Retraining Ordinance.

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11. The Chairman said that the proposal of imposing a levy for the employment of foreign domestic helpers was mainly related to manpower policy which was within the purview of the Panel on Manpower. She suggested that the Panel on Manpower should take the lead in discussing the matter and non-Panel Members should be invited to attend the relevant meeting(s). Members agreed.

12. Miss Margaret NG requested the Legal Adviser to provide a written opinion on whether it was in order for the levy to be imposed under the Employees Retraining Ordinance.

(b) Proposed subcommittee to study new set of Ocean Park Bylaw to be gazetted

13. The Chairman said that as agreed at the last House Committee meeting on 21 February 2003, after the 2002 Bylaw had been repealed, another subcommittee would be formed to study the new set of Ocean Park Bylaw to be gazetted. The following Members agreed to join the subcommittee: Mrs Selina CHOW, Mr James TO (as advised by Dr YEUNG Sum), Mr Howard YOUNG, Miss CHOY So-yuk (as advised by Mr IP Kwok-him) and Mr Henry WU.

III. Business arising from previous Council meetings

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

(i) National Security (Legislative Provisions) Bill

(LC Paper No. LS 61/02-03)

(D of Adm's letter dated 27 February 2003 on "Proposed Priority in the Scrutiny of Bills by Members")

14. The Chairman referred Members to D of Adm's letter dated 27 February 2003 suggesting that priority be given to the scrutiny of this Bill.

15. Dr YEUNG Sum expressed reservations about the Administration's suggestion. He said that it was for the House Committee to decide on the order of priority for Bills Committees to be activated. He pointed out that the House Committee normally acceded to a request from the Administration for priority scrutiny of a bill on the ground that the bill was urgent and needed to be enacted before a specified time. He could not recall any occasion where the House Committee agreed to accord priority to a bill because the subject matter of the bill was "of immense interest to the community", which was the reason used by the Administration on this occasion.

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16. The Chairman advised that Members might wish to decide in the first instance whether a Bills Committee should be formed to study the Bill, before considering whether priority should be given to the scrutiny of the Bill.

17. Dr YEUNG Sum said that a Bills Committee should be formed to study the Bill.

18. The Chairman proposed that a Bills Committee be formed. Members agreed. The following Members agreed to join: Mr Kenneth TING, Dr David CHU, Ms Cyd HO, Mr Albert HO, Mr Martin LEE, Dr LUI Ming-wah, Mr NG Leung-sing, Miss Margaret NG, Mrs Selina CHOW, Mr James TO (as advised by Mr Martin LEE), Mr CHEUNG Man-kwong (as advised by Mr Martin LEE), Mr HUI Cheung-ching, Mr Bernard CHAN, Mr Andrew WONG, Dr Philip WONG, Mr WONG Yung-kan, Mr Jasper TSANG, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Ambrose LAU, Ms Emily LAU, Mr TAM Yiu-chung, Dr TANG Siu-tong, Mr Henry WU, Mr LEUNG Fu-wah, Mr IP Kwok-him and Ms Audrey EU.

19. Mr TAM Yiu-chung said that given that so many Members had joined the Bills Committee, it should commence work as early as possible. He further said that it was not necessary for Members to engage in detailed discussion on whether priority should be given to the scrutiny of the Bill, and suggested that a vote should be taken on the Administration's request.

20. Mr Martin LEE said that it was obvious why Members belonging to the Democratic Alliance for the Betterment of Hong Kong (DAB) were anxious to see the Bill enacted as early as possible since, according to press reports, they did not want the enactment of the Bill to adversely affect their chances of getting elected in the next LegCo election. Mr LEE pointed out that many people were opposed to the introduction of legislation to implement Article 23 of the Basic Law (BL23) at the present time. As Hong Kong went well without such legislation in the past five years, he did not see any urgency in enacting the Bill. Mr LEE further said that the fact that many members had joined a certain Bills Committee was not a reason for according priority to the scrutiny of the bill in question. He added that the Bill should be placed on the waiting list and wait for its turn to be activated.

21. Mr TSANG Yok-sing stressed that there was absolutely no truth in the saying that DAB Members would like to see the Bill enacted early so as not to affect their chances being returned in the next LegCo election. Mr TSANG further stressed that he had time and again refuted such sayings in his speeches made at Council meetings. Mr TSANG added that many people had reflected to him that the examination of the Bill should start early.

22. Miss Margaret NG said that as a matter of principle, she respected the Administration's requests for priority scrutiny of Government bills, but the

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present case was an exception. She pointed out that although many people had requested that a white bill should be introduced first for consulting the public, the Administration had refused to do so and had introduced a blue bill instead. She further said that sufficient time should be allowed for consultation on the Bill, and Members should not be rushed into starting the scrutiny work of the Bill. She therefore exceptionally objected to the Administration's request on this occasion.

23. Mr LEUNG Fu-wah said that it was also obvious why Members belonging to the Democratic Party (DP) wanted to delay the enactment of the Bill. He further said that legislation had to be enacted to implement BL23. There would be more time for consultation on the Bill if the scrutiny work could start early.

24. Mr Martin LEE said that Members belonging to DP had no intention of delaying the scrutiny work of the Bill. He reiterated that the Bills Committee should wait for its turn to be activated.

25. Ms Emily LAU said that many people had reflected to her their views on the Administration's proposals to implement BL23, but no one had requested that scrutiny of the Bill should be expedited. Ms LAU also enquired about the number of Bills Committees currently on the waiting list and the estimated time for this Bills Committee to start work if it was placed on the waiting list.

26. Assistant Secretary General (ASG) 2 said that there were currently four Bills Committees on the waiting list, including this Bills Committee, which was the last one on the waiting list. ASG2 further said that as there were three vacant slots, the first three Bills Committees on the waiting list could be activated at this meeting. ASG2 added that whether this Bills Committee could commence work shortly would depend on whether another Bills Committee in action could conclude its work and report to the House Committee, say, in the following week.

27. Ms Miriam LAU expressed support for the Administration's request for according priority to the Bill. Ms LAU said that the House Committee normally agreed to such requests made by the Administration in the past. She further said that early activation of a Bills Committee did not necessarily mean that the scrutiny work could be concluded early. Her main concern was that there should be sufficient time for consultation as the proposals in the Bill were controversial.

28. Mr SIN Chung-kai said that a few Bills Committees were about to conclude their work and more vacant slots would be available shortly. It was therefore not necessary to accord priority to this Bills Committee.

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29. Mr LEE Cheuk-yan objected to the Administration's request. He said that he did not agree with Ms Miriam LAU that this Bill could "jump the queue" to allow more time for scrutiny work, as there was still plenty of time for examination of the Bill before the end of the current term.

30. Mr LEUNG Yiu-chung said that in deciding whether priority should be accorded to this Bills Committee, there should be sufficient discussion on the justifications provided by the Administration. He further said that the House Committee should not agree to a request only because the majority of Members expressed support, without actually discussing the merits or otherwise of the request.

31. In response to Mr LEUNG Yiu-chung, ASG2 said that on this and previous occasions where the Administration requested priority scrutiny of a bill, D of Adm sent a letter to the Chairman of the House Committee giving reasons for the request, and his letter was also circulated to Members. ASG2 further said that it was for Members to decide whether to accede to the request after considering the reasons put forward by the Administration.

32. Dr Philip WONG said that as there would not be any new arguments on the matter, the Chairman should put the Administration's request to vote. Mr NG Leung-Sing concurred with Dr WONG. Mr NG added that it was unlikely that Members could reach consensus on the matter. He pointed out that all matters for the decision of the House Committee should be decided by a majority of the Members voting.

33. Mr Martin LEE said that he strongly objected to the remarks made by Dr WONG and Mr NG. He further said that Members should listen to each other's view before taking a decision on the matter. He was angry about the suggestion that if the majority of Members had indicated they were in favour of a certain proposal, they would not need to listen to the views of the other Members. Mr LEE pointed out that there was no rule prohibiting individual Members from stating their views at meetings.

34. Miss Margaret NG shared Mr LEE's view. She said that Members should respect the freedom of individual Members to express their views, and there should be sufficient discussion before a decision was taken on a matter, even if it was unlikely for Members to reach consensus.

35. Mr Andrew WONG said that as the Administration had the right to determine the order of priority of government business, he respected the Administration's requests for priority scrutiny of government bills irrespective of the reasons given for such requests. He further said that it was the normal practice for the House Committee to accede to the Administration's requests as far as possible, and Members should adhere to such practice in considering the Administration's present request.

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36. Mr HUI Cheung-ching concurred with Mr WONG that Members should adhere to existing practice and accede to the Administration's present request.

37. Mr IP Kwok-him also shared Mr Andrew WONG's view. Mr IP said that as far as he could recall, the House Committee had not once refused a request from the Administration for priority to be given to the scrutiny of a certain government bill. Mr IP added that as Members had expressed different views on this particular request, a vote should be taken.

38. Dr YEUNG Sum said that Members had not so far raised objection to the Administration's previous requests for according priority to bills because such requests were made on the ground of urgency. He pointed out that in D of Adm's letter dated 27 February 2003, the Administration had requested priority scrutiny of the Bill because implementation of BL23 was "a matter of immense interest to the community", and not on the ground of urgency.

39. Mr LEE Cheuk-yan said that the House Committee did not have to agree to every request made by the Administration for priority scrutiny of bills. Mr LEE further said that if the House Committee's agreement was automatic, the Administration would not need to provide reasons every time such a request was made. Mr LEE considered that it was for the House Committee to decide whether it accepted "immense interest of the community" as a good reason for according priority to the Bill. He added that the community was not concerned that the Bill should be enacted early, but rather the freedoms of the people of Hong Kong would be affected by the Bill.

40. Miss Margaret NG did not share Mr Andrew WONG's view and said that it should be made clear for the record that it was not the practice of the House Committee to agree automatically to any request from the Administration for according priority to bills. Ms NG stressed that it was for the House Committee to determine the order of priority of bills.

41. Ms Emily LAU said that she agreed that it was for the House Committee to decide whether priority should be accorded to a certain bill. She further said that it would be "deplorable" if Members themselves sought to undermine the powers of the House Committee.

42. Ms Cyd HO said that only those bills which were urgent, and not those bills which were of immense public interest, should be accorded priority. She did not agree that this Bills Committee should "jump the queue", and pointed out that it could be activated in a week or so.

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43. Mr TSANG Yok-sing said that there should not be prolonged discussion on the matter. Mr TSANG pointed out that according to press reports, Mr CHEUNG Man-kwong had said that Members belonging to DP would use all proper means to stop the Bill from being passed. Mr TSANG reckoned that delaying the activation of the Bills Committee was one of such means.

44. Mr Martin LEE reiterated that Members belonging to DP only requested that the activation of the Bills Committee should take its normal turn, and had not sought to delay its activation.

45. In concluding the discussion, the Chairman said that it was for the House Committee to decide on the order of priority of bills. She further said that it was never the practice of the House Committee to agree automatically to any request made by the Administration on priority scrutiny of bills. Each request was considered by Members on its own merits, having regard to the reasons put forward by the Administration to support its request.

46. The Chairman put the Administration's request to vote. Mr IP Kwok-him requested that the names of Members who voted be recorded. Members agreed.

47. The following 29 Members voted in favour of the Administration's proposal:

Mr Kenneth TING, Dr David CHU, Dr LUI Ming-wah, Mr NG Leung-sing, Mr HUI Cheung-ching, Mr Bernard CHAN, Mr CHAN Kam-lam, Mrs Sophie LEUNG, Mr Andrew WONG, Dr Philip WONG, Mr WONG Yung-kan, Mr Jasper TSANG, Mr Howard YOUNG, Mr YEUNG Yiu-chung, Mr LAU Kong-wah, Mr LAU Wong-fat, Ms Miriam LAU, Mr Ambrose LAU, Miss CHOY So-yuk, Mr TAM Yiu-chung, Dr TANG Siu-tong, Ms LI Fung-ying, Mr Henry WU, Mr Tommy CHEUNG, Mr LEUNG Fu-wah, Dr LO Wing-lok, Mr IP Kwok-him, Mr LAU Ping-cheung and Mr MA Fung-kwok.

48. The following 14 Members voted against the Administration's proposal:

Ms Cyd HO, Mr Albert HO, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Miss Margaret NG, Mr LEUNG Yiu-chung, Dr YEUNG Sum, Mr LAU Chin-shek, Ms Emily LAU, Mr Andrew CHENG, Mr SZETO Wah, Dr LAW Chi-kwong and Mr Michael MAK.

49. The Chairman said that the Bills Committee on National Security (Legislative Provisions) Bill could commence work immediately.

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(ii) **Legislative Council (Amendment) Bill 2003**
(*LC Paper No. LS 63/02-03*)

50. The Legal Adviser explained that the Bill sought to make the necessary provisions for elections to LegCo from the third term onwards, and also to provide financial assistance to candidates.

51. The Legal Adviser said that the Legal Service Division was still scrutinizing the legal and drafting aspects of the Bill. The Legal Adviser further said that Members might wish to consider forming a Bills Committee to study the Bill in detail.

52. The Chairman proposed that a Bills Committee be formed. Members agreed. The following Members agreed to join : Ms Cyd HO, Miss Margaret NG, Mr CHEUNG Man-kwong (as advised by Dr YEUNG Sum), Mr Andrew WONG, Mr WONG Yung-kan, Ms Miriam LAU, Ms Emily LAU, Mr Henry WU, Dr LO Wing-lok and Mr IP Kwok-him.

53. Ms Cyd HO asked whether Members could request priority scrutiny of the Legislative Council (Amendment) Bill 2003. She said that the Bills Committee should commence work as soon as possible, given that the elections to LegCo for the third term would be held in 2004, and the related subsidiary legislation could only be made and come into operation after the enactment of the Bill.

54. The Legal Adviser said that the House Committee could determine whether the activation of a certain Bills Committee should be given priority on grounds including its urgency.

55. Ms Cyd HO proposed that priority be given to the activation of this Bills Committee. Mr Martin LEE expressed support.

56. Mr LAU Ping-cheung said that while he had no strong view against the proposal, it would be unfair to require Members to make a decision at the meeting without prior notice.

57. The Chairman said that as the Bill was on the agenda, it was procedurally in order for Ms HO to put forward her proposal at the meeting.

58. Miss Margaret NG said that the Bill was both important and urgent. She would not object to Ms HO's proposal provided that it would not affect the activation of the Bills Committee on Land Titles Bill.

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59. The Legal Adviser said that the Bills Committee on Land Titles Bill was at the top of the waiting list and it could commence work immediately even if the Bills Committee on the Legislative Council (Amendment) Bill 2003 was activated, as there were two more vacant slots.

60. Mr NG Leung-sing said that it should be for the Administration to propose priority to a Government bill. As the Administration had not made such a request, there was no need for Members to consider according priority to the scrutiny of this Bill.

61. Mr Andrew CHENG expressed support for Ms HO's proposal. Mr CHENG said that the Bills Committee should commence work immediately to ensure that the necessary provisions were made in time for the third term LegCo elections in 2004. Mr CHENG further said that as discussed earlier at this meeting, it was the House Committee, and not the Administration, which determined the order of priority for the activation of Bills Committees.

62. Referring to Mr NG Leung-sing's remarks, Ms Cyd HO said that it should be for Members to decide on the priority of bills. She pointed out that scrutiny of this Bill was subject to a tight legislative time-table.

63. In response to Mr IP Kwok-him, the Chairman said that if Members agreed to Ms HO's proposal, the Bills Committee on Tung Chung Cable Car Bill, which was currently in second position on the waiting list, could only commence work when a further vacant slot was available.

64. The Chairman put Ms Cyd HO's proposal to vote. The result was 12 Members voted in favour of the proposal and 17 Members voted against it. The Chairman said that Ms Cyd HO's proposal would not be pursued.

65. The Chairman added that the Bills Committee would be placed on the waiting list.

(iii) Dao Heng Bank Limited (Merger) Bill
(LC Paper No. LS 60/02-03)

66. The Legal Adviser said that this was a Member's bill introduced by Dr David LI, with the consent of CE.

67. The Legal Adviser explained that the Bill sought to provide for the vesting in Dao Heng Bank Limited of the undertakings of DBS Kwong On Bank Limited and Overseas Trust Bank, Limited, and for other related purposes.

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68. The Legal Adviser pointed out that a Committee Stage amendment (CSA) would be introduced to amend the proposed new names of DBS Kwong On Bank Limited and Overseas Trust Bank, Limited in Clause 4(1)(a) of the Bill. The CSA was technical in nature and had no policy implications.

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

(b) Legal Service Division report on subsidiary legislation gazetted on 21 February 2003 and tabled in Council on 26 February 2003
(LC Paper No. LS 65/02-03)

70. The Legal Adviser said that three items of subsidiary legislation were gazetted on 21 February 2003 and tabled in Council on 26 February 2003.

71. The Legal Adviser explained that by the Security and Guarding Services Ordinance (Amendment of Schedule 2) Notice 2003, column 3 in Schedule 2 to the Security and Guarding Services Ordinance in respect of sexual and related offences would be amended from "imprisonment" to "any penalty". The Legal Adviser further explained that the effect of the amendment was that a security personnel permit holder convicted of sexual or related offences would have his permit revoked irrespective of the penalty imposed.

72. The Legal Adviser added that a resolution was passed by LegCo on 19 February 2003 to the effect that, inter alia, no person would normally be granted a security personnel permit if he was convicted of an offence specified in Schedule 2 to the Ordinance within five years before his application for such permit.

73. The Legal Adviser pointed out that the Panel on Security had been informed of this proposal when the proposed amendments to the criteria for issuing security personnel permits were discussed at its meeting on 7 November 2002.

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

75. Regarding the Village Representative Election (Registration of Electors)(Appeals) Regulation, the Legal Adviser said that it provided for the procedures for appeal to a Revising Officer against any decision of the Electoral Registration Officer made in respect of the registration of electors for the purposes of the Village Representative Election Ordinance.

76. The Chairman proposed that this Regulation and other regulations in relation to Village Representative election to be gazetted should also be studied by the Subcommittee on Electoral Affairs Commission (Registration of

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Electors) (Village Representative Election) Regulation formed on 21 February 2003. Members agreed.

77. As regards the Telecommunications (Telecommunications Apparatus) (Exemption from Licensing) Order (L.N. 4 of 2003) (Commencement) Notice 2003, the Legal Adviser explained that the Notice appointed 1 February 2003 as the day on which the Order would come into operation. The Legal Adviser further said that the Telecommunications (Telecommunications Apparatus) (Exemption from Licensing) Order had recently been made to exempt a person from the obligation to hold a licence under the Telecommunications Ordinance (Cap. 106) in respect of certain telecommunications apparatus, and Members had not raised any queries on the Order.

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

79. The Chairman reminded Members that the deadline for amending these three items of subsidiary legislation was 19 March 2003, or 30 April 2003 if extended by resolution.

IV. Further business for the Council meeting on 5 March 2003

Bills - First Reading and moving of Second Reading

Appropriation Bill 2003

80. The Chairman said that the Administration had advised the Clerk to LegCo that the Financial Secretary intended to present, at the Council meeting on 5 March 2003, the Appropriation Bill 2003 and the estimates of expenditure for the year ending 31 March 2004.

V. Business for the Council meeting on 12 March 2003

(a) Questions

(LC Paper No. CB(3) 411/02-03)

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

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

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

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(c) **Government motion**

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

(d) **Members' Bills - First Reading and moving of Second Reading**

The Bank of East Asia, Limited (Merger of Subsidiaries) Bill

84. The Chairman said that the Bill would be introduced by Mr NG Leung-sing into the Council on 12 March 2003 and considered by the House Committee on 21 March 2003.

(e) **Members' motions**

(i) **Proposed resolution to be moved by Hon Margaret NG under section 34(4) of the Interpretation and General Clauses Ordinance relating to the:**

- **Trade Marks Rules, published in the Gazette as Legal Notice No. 30 of 2003; and**
- **Trade Marks Ordinance (Cap. 559) (Commencement) Notice 2003, published in the Gazette as Legal Notice No. 31 of 2003**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 421/02-03 dated 27 February 2003.)

85. The Chairman said that a subcommittee had been formed to study the Trade Marks Rules and Trade Marks Ordinance (Cap. 559) (Commencement) Notice 2003. Miss Margaret NG, Chairman of the subcommittee, would move a motion to extend the scrutiny period of these two items of subsidiary legislation to 2 April 2003.

(ii) **Motion on "Medical fee waiver mechanism"**

(Wording of the motion issued vide LC Paper No. CB(3) 423/02-03 dated 27 February 2003.)

(iii) **Motion on "Legislating against racial discrimination"**

(Wording of the motion issued vide LC Paper No. CB(3) 424/02-03 dated 27 February 2003.)

86. The Chairman said that the above motions would be moved by Mr Frederick FUNG and Ms Audrey EU respectively and the wording of the motions had been issued to Members.

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87. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 5 March 2003.

VI. Advance information on business for the Council meeting on 19 March 2003

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

(i) Law Amendment and Reform (Miscellaneous Provisions) Bill 2003

(ii) Construction Workers Registration Bill

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

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

Bills of Exchange (Amendment) Bill 2003

89. The Chairman said that at the last House Committee meeting, Members had not raised objection to the resumption of the Second Reading debate on the Bill.

VII. Report of Bills Committee and subcommittee

(a) Position report on Bills Committees/subcommittees
(LC Paper No. CB(2) 1300/02-03)

90. The Chairman said that there were 12 Bills Committees and eight subcommittees in action as well as two Bills Committees, including the Bills Committee on Legislative Council (Amendment) Bill 2003 formed under agenda item III(a)(ii) above, on the waiting list. The Chairman further said that the three vacant slots would be taken up by the Bills Committee on National Security (Legislative Provisions) Bill formed under agenda item III(a)(i) above, the Bills Committee on Land Titles Bill and the Bills Committee on Tung Chung Cable Car Bill.

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(b) Report of the Bills Committee on Fire Services (Amendment) Bill 2001

(LC Paper No. CB(2)1296/02-03)

91. Mr IP Kwok-him, Chairman of the Bills Committee, reported that the Bills Committee had completed scrutiny of the Bill, and the deliberations were detailed in the report.

92. Mr IP Kwok-him informed Members that the Bills Committee had held five meetings with the Administration to discuss the various proposals in the Bill, and the policy aspects of the proposed Fire Service (Fire Hazard Abatement) Regulation. The Bills Committee had also met with deputations from the transport trade to discuss their concerns about the Bill and the proposed Regulation.

93. Mr IP Kwok-him said that after considering the views of the Bills Committee and the concerns of deputations from the transport trade, the Administration had agreed to move CSAs to a number of provisions in the Bill. The Administration had also undertaken to make amendments to the proposed Regulation.

94. Mr IP Kwok-him added that at the request of the Bills Committee, the Administration had undertaken to promulgate guidance notes on the conveyance and stowage of parts of motor vehicles to tie in with the implementation of the proposed Regulation. The Administration had also assured the Bills Committee that extensive publicity on the requirements of the proposed Regulation would be arranged before its commencement.

95. Mr IP Kwok-him further said that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting on 12 March 2003.

96. Members did not raise objection to the resumption of the Second Reading debate on the Bill at the Council meeting on 12 March 2003. The Chairman reminded Members that the deadline for giving notice of CSAs was Monday, 3 March 2003.

(c) Report of the Bills Committee on Juvenile Offenders (Amendment) Bill 2001

(LC Paper No. CB(2) 1307/02-03)

97. Miss Margaret NG, Chairman of the Bills Committee, reported that the Bills Committee had completed scrutiny of the Bill, and the deliberations were detailed in the report.

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98. Miss Margaret NG said that the Bill sought to implement the recommendation of the Law Reform Commission of raising the minimum age of criminal responsibility from seven years to 10 years by amending section 3 of the Juvenile Offenders Ordinance (Cap.226).

99. Miss Margaret NG further said that the Bills Committee had listened to the views of many deputations, and members generally agreed that the existing minimum age of criminal responsibility should be raised. She pointed out that while members considered that there would not be problems in raising the minimum age of criminal responsibility to 10 years, most members considered that it should be raised to an older age.

100. Miss Margaret NG said that the Bills Committee had expressed much concern about the availability of support services to juvenile offenders particularly those who were below the minimum age of criminal responsibility, and whether it was appropriate to subject juvenile offenders to criminal proceedings. Miss NG further said that as all deputations had expressed concern that improvements should be made to the existing systems for providing services and rehabilitation to juveniles, the Bills Committee had taken the opportunity to urge the Administration to introduce improvement measures.

101. Miss Margaret NG said that as requested by the Bills Committee, the Administration had undertaken to introduce new measures to improve existing support services for juveniles and the referral system for such services. Miss NG added that the Administration had commissioned a consultancy study on measures in handling unruly children.

102. Miss Margaret NG said that the majority of the Bills Committee members supported raising the minimum age of criminal responsibility to 12 years. As the Administration did not agree to propose amendments to this effect, the Bills Committee agreed that she, on behalf of the Bills Committee, should move CSAs to raise the minimum age of criminal responsibility to 12 years.

103. Miss Margaret NG further said that the Administration would also move CSAs to provide for a transitional arrangement and a consequential amendment to the Reformatory School Ordinance. She added that the Bills Committee supported the resumption of the Second Reading debate on the Bill on 12 March 2003.

104. Ms Emily LAU asked whether the CSAs to be moved by the Bills Committee had the support of the majority of its members. Miss Margaret NG responded that the Bills Committee took a vote at its meeting on 2 December 2002 on whether the minimum age of criminal responsibility should be raised to 10 or 12 years. As six out of the eight members present voted in

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favour of raising the minimum age to 12 years, the Administration was asked to consider whether it would propose the amendments. Ms NG further said that the Administration did not agree to move the amendments. The Bills Committee took a vote again at its meeting on 22 January 2003 on whether the CSAs should be moved by the Bills Committee, and three out of the four members present voted in favour of the Chairman of the Bills Committee moving the CSAs.

105. Members did not raise objection to the resumption of the Second Reading debate on the Bill at the Council meeting on 12 March 2003. The Chairman reminded Members that the deadline for giving notice of CSAs was 3 March 2003.

(d) **Report of the Bills Committee on Housing (Amendment) Bill 2002**
(*LC Paper No. CB(1) 988/02-03*)

106. Mr Howard YOUNG, Chairman of the Bills Committee, explained that the Bill proposed to amend the Housing Ordinance so that CE might appoint either an official, i.e. the Secretary for Housing, Planning and Lands (SHPL), or a non-official Housing Authority (HA) member to become Chairman of HA (CHA).

107. Mr Howard YOUNG further explained that as envisaged in “The Report of the Committee on the Review of the Institutional Framework for Public Housing” issued in June 2002, HA would eventually become an advisory body. The Report therefore recommended that the relevant principal official i.e. SHPL be appointed CHA ex officio.

108. Mr Howard YOUNG informed Members that it would be for SHPL to decide on the speed and manner of the evolution of HA. The Administration was reviewing the financial arrangements between the Government and HA to ensure that the new housing organization and HA could continue to carry out the functions expected of them by the Government during the interim. Members would be consulted on further legislative amendments to the Ordinance if it was decided that funding of the new housing organization was to be provided by the Government.

109. Mr Howard YOUNG further informed Members that the Bills Committee supported the resumption of the Second Reading debate on the Bill on 19 March 2003, and no amendment would be moved by the Administration or the Bills Committee.

110. Members did not raise objection to the resumption of the Second Reading debate on the Bill on 19 March 2003. The Chairman reminded Members that the deadline for giving notice of CSAs, if any, was 10 March 2003.

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VIII. Membership of the Legislative Council delegation to visit Singapore and Thailand

(LC Paper No. CB(3) 422/02-03)

111. Dr LUI Ming-wah, Chairman of the Subcommittee, said that at the meeting held on 14 February 2003, the House Committee endorsed the recommendation of the Parliamentary Liaison Subcommittee that a visit be made to Singapore and Thailand from 23 to 29 April 2003. The Parliamentary Liaison Subcommittee had now provided a report on the membership of the LegCo delegation to visit Singapore and Thailand.

112. Dr LUI informed Members that the Liberal Party (i.e. Group D) had not made any nomination, and Members with no declared affiliation, the Federation of Hong Kong and Kowloon Labour Unions and the New Century Forum (i.e. Group F) had nominated only one Member to join the delegation, although there were two places allocated to this group.

113. Mr Michael MAK asked whether the two untaken places could be taken up by Members belonging to another defined group, and if the untaken places could be transferred, whether he could be allowed to take up one of the two untaken places.

114. ASG3 said that at its meeting on 19 January 2001, the House Committee had agreed on a mechanism for selecting Members for joining the delegation. Members had also agreed that as it would be difficult to work out how places should be transferred among the different groupings in case there was untaken place(s) in one group, the matter would not be pursued.

115. Ms Emily LAU said that unless it was a conscious decision of the House Committee to disallow the transfer of untaken places from one group to another group, she did not see any strong reason to prevent interested Members from joining the delegation, as there were presently two untaken places.

116. The Chairman said that the allocation mechanism had been fully considered by the House Committee at its meeting on 19 January 2001. The Chairman further said that if the House Committee agreed that the untaken places should be filled by Members from other groups, the Parliamentary Liaison Subcommittee should invite other Members, and not just Mr MAK, to indicate their interest in taking up the two unallocated places.

117. ASG3 advised that the allocation of the eight places according to the six groupings was designed to ensure that the membership of a delegation on a parliamentary visit was broadly representative of the different groupings in the Council.

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118. Mr IP Kwok-him said that the selection of Members for parliamentary visits had been discussed in detail at previous meetings. Mr IP further said that if any untaken place(s) of one group could be transferred to another group, it would represent a fundamental change to the existing selection mechanism. He was of the view that it would not be appropriate to consider making such an important change at today's meeting, and suggested that the selection system be reviewed on a future occasion, if Members considered it necessary.

119. Ms Emily LAU agreed that Members could discuss how a mechanism for the allocation of any untaken place(s) should be devised.

120. The Chairman said that although the suggestion of putting in place a mechanism for the allocation of any untaken place(s) could be further considered by the Parliamentary Liaison Subcommittee, Members should bear in mind that any LegCo delegation should be broadly representative of the different groupings in the Council.

IX. Any other business

121 There being no other business, the meeting ended at 5:48 pm.