

立法會
Legislative Council

LC Paper No. CB(2) 1642/02-03

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 20th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 28 March 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 Cyd HO Sau-lan

Hon Albert HO Chun-yan

Ir Dr Hon Raymond HO Chung-tai, JP

Hon LEE Cheuk-yan

Hon Eric LI Ka-cheung, JP

Dr Hon David LI Kwok-po, GBS, JP

Hon NG Leung-sing, JP

Hon Margaret NG

Hon CHEUNG Man-kwong

Hon HUI Cheung-ching, JP

Hon CHAN Kwok-keung

Hon CHAN Kam-lam, JP

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

Hon LEUNG Yiu-chung

Hon SIN Chung-kai

Dr Hon Philip WONG Yu-hong

Hon WONG Yung-kan

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 Ambrose LAU Hon-chuen, GBS, JP

Hon Emily LAU Wai-hing, JP

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 Michael MAK Kwok-fung
Hon Albert CHAN Wai-yip
Hon LEUNG Fu-wah, MH, JP
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
Dr Hon David CHU Yu-lin, JP
Hon Martin LEE Chu-ming, SC, JP
Dr Hon LUI Ming-wah, JP
Hon James TO Kun-sun
Hon CHAN Yuen-han, JP
Hon Bernard CHAN, JP
Hon Andrew WONG Wang-fat, JP
Hon Howard YOUNG, JP
Hon LAU Chin-shek, JP
Hon Miriam LAU Kin-yee, JP
Hon CHOY So-yuk
Hon Tommy CHEUNG Yu-yan, JP
Dr Hon LO Wing-lok

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
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
Mrs Constance LI	Chief Assistant Secretary (2)5
Mrs Betty LEUNG	Chief Assistant Secretary (3)1
Mr KAU Kin-wah	Assistant Legal Adviser 6
Miss Betty MA	Senior Assistant Secretary (2)1

Action

I. Confirmation of minutes of meetings

- (a) **19th meeting held on 21 March 2003**
(LC Paper No. CB(2) 1585/02-03)
- (b) **Special meeting held on 28 February 2003**
(LC Paper No. CB(2) 1598/02-03)

The two sets of minutes were confirmed.

II. Matters arising

- (a) **Report by the Deputy Chairman on his meeting with the Chief Secretary for Administration (CS)**

Chief Executive (CE)'s Question and Answer Session

2. The Deputy Chairman said that he had asked CS when the next CE's Question and Answer Session would be held. CS had undertaken to take up the matter with CE.

Bills Committee on Interest on Arrears of Maintenance Bill 2001

3. The Deputy Chairman said that he had advised CS of Members' concern about the delay caused by the Administration in the scrutiny of the Bill. CS had responded that the Secretary for Home Affairs would look into the matter.

4. The Deputy Chairman further said that CS hoped that the Administration and the Legislative Council (LegCo) could maintain good co-operation. CS also hoped that response to requests from Bills Committees could be as prompt as possible.

5. The Chairman said that as agreed at the last House Committee meeting, she had written to CS requesting the Administration to follow up the matter.

Action

- (b) **Law Amendment and Reform (Miscellaneous Provisions) Bill 2003**
(Paragraphs 12 to 17 of the minutes of the 19th House Committee meeting on 21 March 2003)
(LC Paper No. LS 84/02-03)
[Previous paper: LC Paper No. LS 68/02-03 issued vide LC Paper No. CB(2) 1558/02-03 dated 20 March 2003]

6. The Legal Adviser said that at the last House Committee meeting, the Legal Service Division reported that certain drafting issues had to be clarified and it was studying the reply of the Administration. The Division had sought further clarification from the Administration and considered that the issues had been addressed. The Legal Adviser pointed out that in response to the Division's query, the Administration had undertaken to include the necessary amendments relating to the Chinese title of the Legal Practitioners Ordinance at the earliest possible opportunity. The Legal Adviser added that the correspondence exchanged with the Administration was attached to the report.

7. The Chairman said that at the last meeting, Members agreed that a Bills Committee to study the Bill was not necessary.

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

- (c) **The Bank of East Asia, Limited (Merger of Subsidiaries) Bill**
(Paragraphs 23 to 25 of the minutes of the 19th House Committee meeting on 21 March 2003)
(Hon NG Leung-sing's letter dated 25 March 2003 to the Clerk to the House Committee)
[Previous paper: LC Paper No. LS 74/02-03 issued vide LC Paper No. CB(2) 1545/02-03 dated 19 March 2003]

9. Referring to his letter, Mr NG Leung-sing said that he gave notice on 25 March 2003 to resume the Second Reading debate on the Bill on 9 April 2003. However, as the deadline for notice for resumption of Second Reading debate was 24 March 2003, he would like to seek the House Committee's support for the President to waive the notice requirement. Mr NG further said that the proposed effective merger date was 26 May 2003.

10. The Chairman said that at the last House Committee meeting on 21 March 2003, Members did not raise objection to the resumption of the Second Reading debate on the Bill. The Chairman added that the President would consider the House Committee's view in deciding whether the notice requirement should be waived.

11. Members expressed support for Mr NG's request.

Action

III. Further business for the Council meeting of 2 and 3 April 2003

(a) Subsidiary legislation gazetted on 27 March 2003 and to be tabled in Council on 2 April 2003

12. The Chairman informed Members that the Quarantine and Prevention of Disease Ordinance (Amendment of First Schedule) Order 2003 and the Prevention of the Spread of Infectious Diseases Regulations (Amendment of Form) Order 2003 were gazetted on 27 March 2003 and would be tabled in Council on 2 April 2003.

13. The Chairman further said that as the next House Committee meeting would not be held until 11 April 2003, Members might wish to consider at this meeting whether a subcommittee should be formed to study the two Orders.

14. Members expressed support for a subcommittee to be formed. The following Members agreed to join : Ms Cyd HO, Mr LEE Cheuk-yan, Miss Margaret NG, Mrs Sophie LEUNG (as advised by Mr Kenneth TING), Ms Emily LAU, Mr Andrew CHENG, Dr LAW Chi-kwong, Ms LI Fung-ying and Ms Audrey EU.

(b) Government motions

(i) Proposed resolution to be moved by the Secretary for Commerce, Industry and Technology under section 34(2) of the Interpretation and General Clauses Ordinance relating to the Trade Marks Rules

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 515/02-03 dated 26 March 2003.)

15. The Chairman said that the Secretary for Commerce, Industry and Technology had given notice to move the proposed resolution to amend the Trade Marks Rules at the Council meeting commencing on 2 April 2003.

16. The Chairman further said that the subcommittee formed to study the Trade Marks Rules supported the amendments, and its written report was submitted to the House Committee on 21 March 2003.

(ii) Proposed resolution to be moved by the Secretary for Economic Development and Labour under the Employees' Compensation Ordinance

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 514/02-03 dated 25 March 2003.)

Action

- (iii) **Proposed resolution to be moved by the Secretary for Economic Development and Labour under the Pneumoconiosis (Compensation) Ordinance**
(Wording of the proposed resolution issued vide LC Paper No. CB(3) 513/02-03 dated 25 March 2003.)

17. The Chairman said that the Secretary for Economic Development and Labour had given notice to move the two proposed resolutions at the Council meeting commencing on 2 April 2003.

18. The Chairman further said that the two proposed resolutions had been examined by a subcommittee, and a written report was submitted to the last House Committee meeting on 21 March 2003.

IV. Business for the Council meeting on 9 April 2003

- (a) **Questions**
(LC Paper No. CB(3) 510/02-03)

19. The Chairman said that 20 written questions had been scheduled for the Council meeting on 9 April 2003.

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

(i) **Construction Industry Levy (Miscellaneous Amendments) Bill 2003**

(ii) **Education (Miscellaneous Amendments) Bill 2003**

(iii) **Revenue Bill 2003**

20. The Chairman said that the above three Bills would be introduced into the Council on 9 April 2003 and considered by the House Committee on 11 April 2003.

- (c) **Bills - resumption of debate on Second Reading, Committee Stage and Third Reading**
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Appropriation Bill 2003

21. The Chairman said that the Administration would respond to Members' speeches on the Appropriation Bill 2003 at the Council meeting on 9 April 2003.

Action

(d) **Government motion**

22. The Chairman said that no notice had been received from the Administration.

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

Daughters of Mary Help of Christians Incorporation (Amendment) Bill 2002

23. The Chairman said that the Bill would be introduced by Mr Andrew WONG into the Council on 9 April 2003 and considered by the House Committee on 11 April 2003.

(f) **Members' motion**

Proposed resolution to be moved by Dr Hon YEUNG Sum under the Legislative Council (Powers and Privileges) Ordinance

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 519/02-03 dated 26 March 2003.)

24. The Chairman said that the purpose of Dr YEUNG Sum's motion was to seek the Council's approval for a select committee to be appointed and for the select committee to exercise the powers conferred by section 9(1) of the Legislative Council (Powers and Privileges) Ordinance to inquire into the incident of the Financial Secretary purchasing a vehicle shortly before the announcement of the increase in motor vehicles first registration tax, and related matters.

25. The Chairman added that the speaking time limit for the debate was 15 minutes.

V. Report of Bills Committee and subcommittee

(a) **Position report on Bills Committees/subcommittees**
(LC Paper No. CB(2) 1597/02-03)

26. The Chairman said that there were 15 Bills Committees and eight subcommittees in action as well as two Bills Committees on the waiting list.

(b) **Report of the Subcommittee on Public Revenue Protection (Revenue) Order 2003 made under section 2 of the Public Revenue Protection Ordinance (Cap.120)**

Action

27. Ms Audrey EU, Chairman of the Subcommittee, explained that the Public Revenue Protection (Revenue) Order was a temporary measure taken under the Public Revenue Protection Ordinance to give effect to the proposed increase in motor vehicles first registration tax as set out in the Budget Speech delivered by the Financial Secretary on 5 March 2003.

28. Ms EU said that the Subcommittee held its first meeting on 25 March 2003. As the Order had aroused wide public concern, the Subcommittee would listen to the views of deputations at its next meeting on 3 April 2003. Ms Audrey EU further said that to allow more time for the Subcommittee to study the Order, she would move a motion at the Council meeting on 9 April 2003 to extend the scrutiny period of the Order to 30 April 2003.

VI. Legislative Council delegation to visit Singapore and Thailand
(*LC Paper No. CB(3) 512/02-03*)

29. Referring to the paper, the Chairman invited Members to note the revised membership of the LegCo delegation to visit Singapore and Thailand, and the shortening of the Singapore visit by one day.

VII. Any other business

- (a) **Cancellation of the meeting of the Bills Committee on Prevention of Child Pornography Bill scheduled for 10:45 am on 25 March 2003 because a quorum was not present**
(Hon MA Fung-kwok's letter dated 25 March 2003 to the Chairman of the House Committee (Chinese version only))
(Hon Andrew CHENG's letter dated 27 March 2003 to the Chairman of the House Committee (Chinese version only))

30. The Chairman said that Mr MA Fung-kwok and Mr Andrew CHENG had separately written to her about the cancellation of the meeting of the Bills Committee on Prevention of Child Pornography Bill scheduled for 10:45 am on 25 March 2003, because a quorum was not present.

31. The Chairman further said that a special meeting of the Panel on Health Services would be held immediately after the House Committee meeting at 3:00 pm to discuss measures to control the spread of atypical pneumonia. As the subject matter was urgent and important, she proposed that discussion of this item be deferred to the next House Committee meeting in order that the special meeting could start on time at 3:00 pm. Members agreed.

Action

(b) Letter of gratitude to medical and health care personnel

32. Mr Kenneth TING said that the Panel on Manpower agreed at its meeting held in the morning of 28 March 2003 that a letter be sent to thank all medical and health care personnel for their hard work in combating atypical pneumonia. Mr TING suggested that the House Committee should consider sending a similar letter. Mr CHAN Kam-lam expressed support.

33. The Chairman said that on behalf of Members, she would write a letter to the Secretary for Health, Welfare and Food requesting him to convey Members' gratitude to the medical and health care personnel. Members agreed.

34. There being no other business, the meeting ended at 2:52 pm.