

立法會  
*Legislative Council*

LC Paper No. CB(2) 1795/02-03

Ref : CB2/H/5

**House Committee of the Legislative Council**

**Minutes of the 21st meeting  
held in the Legislative Council Chamber  
at 4:37 pm on Friday, 11 April 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

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 LEE Cheuk-yan

Hon Martin LEE Chu-ming, SC, JP

Hon Eric LI Ka-cheung, 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 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 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-ye, 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  
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 WONG Sing-chi  
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 LI Kwok-po, GBS, JP  
Hon CHAN Yuen-han, JP  
Hon Jasper TSANG Yok-sing, GBS, JP  
Hon LAU Chin-shek, JP  
Hon Timothy FOK Tsun-ting, SBS, JP  
Hon Albert CHAN Wai-yip  
Hon Frederick FUNG Kin-kee

**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 Salumi CHAN	Chief Assistant Secretary (1)5
Mrs Constance LI	Chief Assistant Secretary (2)5
Mrs Betty LEUNG	Chief Assistant Secretary (3)1
Miss Connie FUNG	Assistant Legal Adviser 3
Mr Stephen LAM	Assistant Legal Adviser 4
Miss Kitty CHENG	Assistant Legal Adviser 5
Mr KAU Kin-wah	Assistant Legal Adviser 6
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 20th meeting held on 28 March 2003  
(LC Paper No. CB(2) 1642/02-03)**

The minutes were confirmed.

**II. Matters arising**

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

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

2. The Chairman said that CS had informed her that CE had not yet decided on the date of the next Question and Answer Session.

**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) Construction Industry Levy (Miscellaneous Amendments) Bill 2003  
(LC Paper No. LS 82/02-03)**

3. The Legal Adviser explained that the Bill sought mainly to amend the Industrial Training (Construction Industry) Ordinance and the

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Pneumoconiosis (Compensation) Ordinance (PCO) to extend the application of construction industry levy to electrical and mechanical works in the construction industry.

4. The Legal Adviser further explained that at present, construction works exceeding a value of \$1,000,000 were subject to the construction industry levy of 0.4% of the value of the construction works, and the current rate of the levy under PCO was 0.25% of the value of construction works with a value of more than \$1,000,000.

5. The Legal Adviser said that when the Administration consulted the Panel on Manpower at its meeting on 18 July 2002 on the proposal to extend the existing construction industry levy to cover electrical and mechanical works in the construction industry, various concerns were raised by Panel members.

6. The Chairman proposed that a Bills Committee be formed to study the Bill. Members agreed. The following Members agreed to join : Ir Dr Raymond HO, Ms LI Fung-ying, Mr LEUNG Fu-wah and Mr LAU Ping-cheung.

7. The Chairman said that the Bills Committee would be placed on the waiting list.

**(ii) Education (Miscellaneous Amendments) Bill 2003**  
(*LC Paper No. LS 87/02-03*)

8. The Legal Adviser said that the Bill sought to make miscellaneous amendments to the Education Ordinance, the Education Regulations and the Post Secondary Colleges Ordinance to revise the qualification requirements of Registered and Permitted Teachers with effect from 1 September 2003.

9. The Legal Adviser further said that the Legal Service Division had sought clarification from the Administration on a number of drafting points and was studying its reply.

10. The Legal Adviser pointed out that when the Panel on Education was briefed on the legislative proposals at its meeting on 17 February 2003, members had expressed concern about the proposal to revise the qualification requirements of Registered Teachers without any transitional arrangements.

11. The Chairman proposed that a Bills Committee be formed to study the Bill. Members agreed. The following Members agreed to join : Ms Cyd HO, Mr CHEUNG Man-kwong, Dr YEUNG Sum, Mr YEUNG Yiu-chung, Ms Emily LAU, Mr Tommy CHEUNG and Ms Audrey EU.

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12. The Chairman said that the Bills Committee would be placed on the waiting list.

**(iii) Betting Duty (Amendment) Bill 2003**  
(*LC Paper No. LS 92/02-03*)

13. The Legal Adviser explained that the Bill sought to amend the Betting Duty Ordinance to, among other things, empower the Secretary for Home Affairs to grant a licence to a company to conduct betting on football matches, and to charge a duty in relation to authorized betting on football matches.

14. The Chairman proposed that a Bills Committee should be formed as the Bill involved controversial issues of policy. Members agreed. The following Members agreed to join : Ms Cyd HO, Mr Eric LI, Mrs Selina CHOW, Mr SIN Chung-kai, Mr Howard YOUNG, Mr Andrew CHENG, Mr Tommy CHEUNG, Mr WONG Sing-chi, Mr IP Kwok-him and Ms Audrey EU.

15. The Chairman said that the Bills Committee would be placed on the waiting list.

**(iv) Revenue Bill 2003**  
(*LC Paper No. LS 88/02-03*)

16. The Legal Adviser said that the Bill sought to implement the revenue proposal in the 2003-04 Budget relating to motor vehicles first registration tax. The Legal Adviser further said that a subcommittee had been formed to study the Public Revenue Protection (Revenue) Order 2003 which gave temporary effect to the proposed increase in motor vehicles first registration tax as set out in the Budget speech delivered by the Financial Secretary (FS) on 5 March 2003.

17. Ms Audrey EU, Chairman of the Subcommittee on Public Revenue Protection (Revenue) Order 2003 made under section 2 of the Public Revenue Protection Ordinance (Cap.120), said that the Subcommittee had met with representatives of the motor vehicle trade associations. The representatives had pointed out that the proposed increase in first registration tax, which was applicable to both private cars and motorcycles, had significant impact on the business of the motor vehicle trade.

18. Ms EU further said that as the Public Revenue Protection (Revenue) Order 2003 only gave temporary effect to the proposed increase in the first registration tax, the Subcommittee considered that a Bills Committee should be set up to study the Revenue Bill 2003 as soon as possible.

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19. Ms Miriam LAU said that the proposed increase in the first registration tax was drastic, and had significant impact on the motor vehicle trade. Ms LAU further said that as the revised first registration tax had already come into effect on 5 March 2003 under the Public Revenue Protection (Revenue) Order 2003, it would only be fair to the trade that scrutiny of the Revenue Bill 2003 should commence as early as possible. Ms LAU suggested that priority should be given to the activation of the Bills Committee on the Bill, if formed.

20. The Chairman said that the deputations had expressed concern that the present uncertainty about the level of first registration tax had made it difficult for the motor vehicle trade to make adjustments to the market. The deputations considered that a decision on whether the tax would be increased, as proposed in the Bill, should be made as early as possible.

21. The Chairman proposed that a Bills Committee be formed to study the Bill. Members agreed. The following Members agreed to join : Ms Cyd HO, Mrs Selina CHOW, Mr CHAN Kam-lam, Mr SIN Chung-kai, Mr Andrew WONG, Ms Miriam LAU, Ms Emily LAU, Ms Audrey EU and Mr MA Fung-kwok.

22. The Chairman said that although the Administration had not requested priority scrutiny of any Government Bill, the House Committee could determine whether priority should be given to the activation of a certain Bills Committee. The Chairman further said that in view of the concern of the motor vehicle trade, Members might wish to consider according priority to this Bill.

23. Ms Emily LAU expressed support for giving priority to the scrutiny of the Revenue Bill 2003 and enquired about the latest position of Bills Committees on the waiting list.

24. Assistant Secretary General 2 (ASG2) responded that a vacant slot would be available after the Bills Committee on Occupational Deafness (Compensation) (Amendment) Bill 2002 had reported under agenda item VI(b) below, and the Bills Committee on the Legislative Council (Amendment) Bill 2003 was currently at the top of the waiting list. ASG2 further said that if Members agreed that priority should be given to the activation of the Bills Committee on the Revenue Bill 2003, it could commence work immediately.

25. Ms Emily LAU requested the Legislative Council (LegCo) Secretariat to provide details of the deliberations of the Subcommittee and the various concerns raised by the motor vehicle trade to the Bills Committee.

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26. Members agreed that priority be given to scrutiny of the Revenue Bill 2003.

(v) **Revenue (No. 2) Bill 2003**  
(*LC Paper No. LS 91/02-03*)

27. The Legal Adviser said that the Bill sought to amend the relevant provisions of the Inland Revenue Ordinance to implement the budgetary proposals relating to salaries, profits and property taxes, as announced by FS in his Budget Speech on 5 March 2003. The Legal Adviser further said that the only tax concession proposed in the Bill was to raise the existing ceiling for tax-exempted donations to approved charitable organizations from 10% of assessable income or profits to 25%.

28. The Chairman proposed that a Bills Committee be formed to study the Bill. Members agreed. The following Members agreed to join : Dr David CHU, Mr Albert HO, Mr Eric LI, Mrs Selina CHOW, Mr CHAN Kam-lam, Mr SIN Chung-kai, Mr Howard YOUNG, Ms Emily LAU, Mr Henry WU, Mr LAU Ping-cheung and Ms Audrey EU.

29. The Chairman said that the Bills Committee would be placed on the waiting list.

(vi) **Daughters of Mary Help of Christians Incorporation (Amendment) Bill 2002**  
(*LC Paper No. LS 81/02-03*)

30. The Legal Adviser said that this was a private Member's Bill introduced by Mr Andrew WONG. The Legal Adviser further said that the Bill sought to empower the corporation established under the Daughters of Mary Help of Christians Incorporation Ordinance to deal with or otherwise dispose of landed and house properties owned by the corporation.

31. Mr Andrew WONG explained that there was no provision in the Ordinance empowering the corporation to deal with or otherwise dispose of landed and house properties owned by the corporation. Such power was intended to be conferred on the corporation, but was accidentally omitted when the Ordinance was enacted in 1954.

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

33. In response to Mr Andrew WONG's enquiry, the Chairman advised that if resumption of Second Reading debate was to take place at the Council meeting on 30 April 2003, the deadline for giving notice of resumption was 11 April 2003.

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**(b) Legal Service Division report on subsidiary legislation gazetted on 27 March 2003 and tabled in Council on 2 April 2003**  
*(LC Paper No. LS 89/02-03)*

34. The Legal Adviser said 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 tabled in Council on 2 April 2003.

35. The Legal Adviser explained that the two Orders sought to add "Severe Acute Respiratory Syndrome" (SARS) to the list of infectious diseases in the First Schedule of the Quarantine and Prevention of Disease Ordinance and the specified form of the Prevention of the Spread of Infectious Diseases Regulations.

36. The Legal Adviser further said that the subcommittee formed at the last House Committee meeting on 28 March 2003 to study the two Orders had completed its scrutiny work and would report under agenda item VI(d) below.

37. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 30 April 2003, or 21 May 2003 if extended by resolution.

**(c) Legal Service Division report on subsidiary legislation gazetted on 28 March 2003 and tabled in Council on 2 April 2003**  
*(LC Paper No. LS 85/02-03)*

38. The Legal Adviser said that 12 items of subsidiary legislation were gazetted on 28 March 2003 and tabled in Council on 2 April 2003.

39. The Legal Adviser explained that the Maximum Amount of Election Expenses (Village Representative Election) Regulation prescribed the maximum amount of election expenses for an election to elect Village Representatives, while the Electoral Procedure (Village Representative Election) Regulation provided for the procedure for the election of Village Representatives conducted under the Village Representative Election Ordinance.

40. The Chairman said that the Subcommittee on subsidiary legislation relating to Village Representative elections, chaired by Mr Andrew WONG, would hold its next meeting on 16 April 2003 to examine these two Regulations.

41. Regarding the Libraries (Amendment) Regulation 2003, the Legal Adviser said that it was made in consequence of the Registration of Persons (Amendment) Ordinance, which was passed on 19 March 2003, to cater for



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the use of the new multi-application identity cards with embodied chip as a means of access to library facilities. The Legal Adviser further said that the Amendment Regulation would come into operation on 26 May 2003.

42. Mr SIN Chung-kai said that as the proposal had not been discussed by any Panel, he suggested that either a subcommittee should be formed, or the Administration should provide more information on the new application capability to Members.

43. The Chairman said that the proposed application of the new identity cards as library cards had been mentioned to the Panel on Security and the Panel on Information Technology and Broadcasting when they were consulted on the smart identity card project.

44. Mr IP Kwok-him said that the proposed applications of the new identity cards had also been mentioned to the Bills Committee on Registration of Persons (Amendment) Bill 2001, but members held different views on the proposed applications.

45. Ms Cyd HO said that the Amendment Regulation had not been discussed by the Panel on Home Affairs. Ms HO further said that she would like to know what types of records would be stored in the chip of the smart identity card to enable it to be use as a library card, and how long such records would be kept.

46. The Chairman suggested that the Legal Service Division should seek information from the Administration on the queries raised by Mr SIN Chung-kai and Ms Cyd HO. Members agreed.

47. As regards the Securities and Futures (Contract Limits and Reportable Positions) (Amendment) Rules 2003, the Legal Adviser explained that these Amendment Rules added four new stock futures contracts and four new stock options contracts in respect of BOC Hong Kong (Holdings) Limited, Denway Motors Limited, Esprit Holdings Limited and the Kowloon Motor Bus Holdings Limited to the Schedules and set their respective limits and positions. The Legal Adviser further said that the Amendment Rules would come into operation on 23 May 2003

48. The Legal Adviser further explained that the Companies Ordinance (Exemption of Companies and Prospectuses from Compliance with Provisions) (Amendment) Notice 2003 sought to add certain classes of prospectuses which might be exempt from compliance with any or all the content requirements, if the Securities and Futures Commission considered such compliance irrelevant or unduly cumbersome. The Legal Adviser added that the Notice would come into operation on 23 May 2003.

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49. The Legal Adviser said that the Employees Retraining Ordinance (Amendment of Schedule 2) (No. 2) Notice 2003 added the College of Nursing, Hong Kong to the list of training bodies capable of providing or conducting retraining courses for the purposes of the Ordinance.

50. Regarding the Legal Practitioners (Amendment) Ordinance 2000 (42 of 2000) (Commencement) Notice 2003, the Legal Adviser said that the Legal Practitioners (Amendment) Ordinance was passed in June 2000 to make miscellaneous amendments to the Legal Practitioners Ordinance. The Commencement Notice appointed 28 March 2003 as the day on which the remaining provisions of the Amendment Ordinance would come into operation.

51. Referring to the other five Commencement Notices made under the Legal Practitioners Ordinance, the Legal Adviser said that these Notices appointed 28 March 2003 as the day on which the relevant Rules would come into operation.

52. The Chairman reminded Members that the deadline for amending these 12 items of subsidiary legislation was 30 April 2003, or 21 May 2003 if extended by resolution.

**(d) Legal Service Division report on subsidiary legislation gazetted on 4 April 2003 and tabled in Council on 9 April 2003**  
*(LC Paper No. LS 90/02-03)*

53. The Legal Adviser said that Part I of the report covered two items of subsidiary legislation which were gazetted on 4 April 2003 and tabled in Council on 9 April 2003.

54. Referring to the Import and Export (General) (Amendment) (No. 2) Regulation 2003, the Legal Adviser said that a new Part VA was added to the Regulation to provide for the delivery of import, export and transshipment notifications by electronic means in relation to the import or export of textiles whether as transshipment or otherwise in reliance on an exemption issued under regulation 6(3A) of the Regulation.

55. The Legal Adviser further said that the Administration intended to introduce an open-ended transitional period during which traders might submit notifications either by electronic means or in paper. After the expiration of the transitional period, no notification could be submitted in paper.

56. The Legal Adviser informed Members that the Panel on Commerce and Industry was consulted on the Amendment Regulation at its meeting on 18 December 2001. The Legal Adviser added that the Legal Service Division

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had sought clarification from the Administration on certain drafting matters and was studying its reply. A further report would be provided if necessary.

57. Regarding the Immigration (Anchorages and Landing Places) (Amendment) (No. 2) Order 2003, the Legal Adviser explained that the Order sought to add provisions specifying immigration anchorage for ships which were approved by the Airport Authority to berth at the airport, and which regularly conveyed transit passengers between the Hong Kong International Airport and other parts of China outside Hong Kong. The Legal Adviser further said that the Order would come into operation on 29 May 2003.

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

59. The Chairman reminded Members that the deadline for amending these two items of subsidiary legislation was 7 May 2003, or 28 May 2003 if extended by resolution.

60. Referring to Part II of the report, the Legal Adviser said that it covered the United Nations Sanctions (Angola) (Repeal) Regulation 2003 and the United Nations Sanctions (Sierra Leone) (Prohibition Against Importation of Diamonds) Regulation 2003 which were not required to be tabled in Council.

**IV. Business for the Council meeting on 30 April 2003**

**(a) Questions**

61. The Chairman reminded Members that the deadline for giving notice of questions was 17 April 2003.

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

**(i) Buildings (Amendment) Bill 2003**

**(ii) Hong Kong Examinations and Assessment Authority (Amendment) Bill 2003**

**(iii) Deposit Protection Scheme Bill**

62. The Chairman said that the above three Bills would be introduced into the Council on 30 April 2003 and considered by the House Committee on 2 May 2003.

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

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

63. The Chairman said that at the last House Committee meeting on 28 March 2003, Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(d) **Government motion**

**Proposed resolution to be moved by the Secretary for Financial Services and the Treasury under section 29 of the Public Finance Ordinance relating to the Land Fund**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 548/02-03 dated 9 April 2003.)

(*LC Paper No. LS 93/02-03*)

64. The Legal Adviser said that the proposed resolution sought to amend the resolution establishing the Land Fund by adding provisions authorizing FS to transfer, from time to time, from the Land Fund to the general revenue any balance held in the Fund which was not in his opinion reasonably required for the purposes of the Land Fund.

65. The Legal Adviser further said that the Administration had briefed the Panel on Financial Affairs on the proposal at its meeting on 7 April 2003. Some members had expressed the following concerns -

- (a) whether any mechanism would be put in place to govern the timing and circumstances under which the Fund balance would be transferred to the General Revenue Account as and when needed; and
- (b) why the Administration did not seek to abolish the Land Fund once and for all so that the Land Fund could be freely utilized by FS as funds in the fiscal reserves.

66. Mr Andrew WONG enquired to which account the funds transferred from the Land Fund by FS would be credited. The Legal Adviser responded that such funds would be transferred to the General Revenue Account which financed the Government's general expenses.

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67. The Chairman proposed that in view of the concerns raised by Panel members, a subcommittee should be formed to study the proposed resolution. Members agreed. The following Members agreed to join : Dr David CHU, Mrs Selina CHOW, Mr CHAN Kam-lam, Mr SIN Chung-kai, Mr Andrew WONG, Ms Miriam LAU, Ms Emily LAU and Mr Henry WU.

68. The Chairman said that the Secretary for Financial Services and the Treasury would be asked to withdraw his notice for moving the proposed resolution at the Council meeting on 30 April 2003.

(e) **Members' motions**

(i) **Motion to be moved by Hon LAU Kong-wah**

(ii) **Motion to be moved by Hon LAU Chin-shek**

69. The Chairman said that Mr LAU Kong-wah and Mr LAU Chin-shek had each been allocated a debate slot.

70. The Chairman said that the wording of the two motions would be circulated to Members. She reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 23 April 2003.

**V. Advance information on business for the Council meeting on 7 May 2003**

**Bills - First Reading and moving of Second Reading**

**Merchant Shipping (Liability and Compensation for Oil Pollution) (Amendment) Bill 2003**

71. The Chairman said that the above Bill would be introduced into the Council on 7 May 2003 and considered by the House Committee on 9 May 2003.

**VI. Report of Bills Committee and subcommittee**

(a) **Position report on Bills Committees/subcommittees**  
(*LC Paper No. CB(2) 1702/02-03*)

72. The Chairman said that there were 14 Bills Committees and nine subcommittees in action. She further said that six Bills Committees, including the Bills Committee on Construction Industry Levy (Miscellaneous Amendments) Bill 2003, the Bills Committee on Education (Miscellaneous Amendments) Bill 2003, the Bills Committee on Betting Duty (Amendment)

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Bill 2003 and the Bills Committee on Revenue (No.2) Bill 2003 formed under agenda item III(a) above, were on the waiting list.

73. The Chairman said that the vacant slot would be taken up by the Bills Committee on Revenue Bill 2003, as agreed by Members under agenda item III(a)(iv) above.

**(b) Report of the Bills Committee on Occupational Deafness (Compensation) (Amendment) Bill 2002**  
*(LC Paper No. CB(2) 1718/02-03)*

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74. Dr LO Wing-lok, Chairman of the Bills Committee, said that the Occupational Deafness (Compensation) (Amendment) Bill 2002 sought to introduce a package of improvements to the Occupational Deafness Compensation Scheme.

75. Dr LO said that the Bills Committee had held six meetings with the Administration. To address concerns raised by the Bills Committee, the Administration would move Committee Stage amendments (CSAs) to the Bill, including adding a definition of discotheque, and raising the reimbursement ceilings for expenses incurred for the purchase, repair and replacement of hearing assistive devices.

76. Dr LO further said that one of the improvements proposed in the Bill was to expand the list of specified noisy occupations to cover slaughterhouse employees working wholly or mainly in the vicinity of a place where the electric stunning of pigs took place, substitute players in mahjong parlours as well as bartenders, waiters and disc jockeys working in discotheques. As the majority of the members present at the last meeting of the Bills Committee considered that the scope of protection should be widened to cover all categories of employees working in a pig slaughter house, a mahjong parlour or a discotheque, he would move CSAs to that effect on behalf of the Bills Committee. Dr LO pointed out that the Administration was opposed to the CSAs as they would depart from the current standard of designating a job process as a noisy occupation.

77. Mr Kenneth TING raised objection to the CSAs to be moved by Dr LO. Mr TING said that he was the only Member representing employers who attended the meeting when the decision to move the CSAs was made. Mr TING pointed out that the Administration's proposal was based on objective criteria and had been agreed to by the Labour Advisory Board. Mr TING considered that members should be prudent in proposing any changes, as the Scheme was financed by all employers under collective liability.

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

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

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79. Ms Audrey EU, Chairman of the Subcommittee, explained that the 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 FS on 5 March 2003.

80. Ms Audrey EU said that Members could only repeal and not amend the Order. The Subcommittee noted that if the Order was repealed but the Bill was passed by the Council, the Government would have to recover the first registration tax underpaid in respect of those applications made after the repeal of the Order. This would cause confusion to the motor vehicle trade.

81. Ms EU further said that if the Bill was not passed, any excess of tax paid under the Order over that payable immediately after the expiry of the Order would be repaid to the person who paid the same. The Subcommittee therefore did not consider it necessary to repeal the Order.

82. Ms EU added that a written report would be provided to the House Committee.

**(d) Report of the Subcommittee on Quarantine and Prevention of Disease Ordinance (Amendment of First Schedule) Order 2003 and Prevention of the Spread of Infectious Diseases Regulations (Amendment of Form) Order 2003**

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*(LC Paper No. CB(2) 1719/02-03)*

83. Mr Michael MAK, Chairman of the Subcommittee, reported that the Subcommittee met with the Administration on 7 April 2003 to discuss the two Amendment Orders which sought to add SARS to the list of infectious diseases under the Ordinance and its subsidiary legislation. Mr MAK added that members considered the two Amendment Orders necessary and recommended that they be supported.

84. Mr Michael MAK said that some Subcommittee members had requested the Administration to provide further information on a number of related issues, including the legal basis of the various measures being taken by the Administration to control the spread of SARS, the case definition of SARS, and the definition of close contact and social contact. Mr MAK further said that the Administration had undertaken to provide the information within two weeks. With the exception of one member who considered that the Subcommittee should hold further meeting(s) to discuss the issues, other

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members agreed that the issues should be followed up by the Panel on Health Services.

**VII. Paper of the Committee on Rules of Procedure**

**Resumption of Second Reading debate on bills**

*(LC Paper No. CROP 41/02-03)*

85. Referring to the paper, the Chairman said that the Committee on Rules of Procedure (CRoP) invited the House Committee to endorse -

- (a) the system of consultation required under Rule 54(5) of the Rules of Procedure, as recommended in paragraphs 9 to 16 of the paper; and
- (b) the proposed amendment to Rule 54(5) to the effect that the Administration could consult the Deputy Chairman of the House Committee under the specified circumstances contained in the proposed amendment in which the Chairman of the House Committee was not available for consultation.

86. The Chairman further said that CRoP was maintaining its view that when deciding when to carry out consultation with the Chairman of the House Committee in accordance with Rule 54(5), the public officer in charge of a bill should respect the view of the Bills Committee concerned and should allow the House Committee the opportunity to hear the view of the Bills Committee before such consultation took place.

87. Members expressed support for CRoP's proposals and its view described in paragraphs 85 and 86 above.

**VIII. Report of the delegation of the Panel on Planning, Lands and Works on its duty visit in September 2002 to study the experiences on town planning, urban renewal and heritage preservation in Singapore, Berlin and London**

*(LC Paper No. CB(2) 1402/02-03)*

88. Dr TANG Siu-tong, the delegation leader, said that the Panel on Planning, Lands and Works visited London, Berlin and Singapore in early September 2002 to study their experiences on town planning, urban renewal and heritage preservation. Dr TANG further said that the delegation had now provided a report for Members' information.



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89. Dr TANG Siu-tong said that the delegation would like to thank the organizations and persons concerned who had received the delegation, and those organizations, including the Singapore Consulate in Hong Kong, Consulate General of the Federal Republic of Germany in Hong Kong, British Consulate-General in Hong Kong, United Kingdom Foreign & Commonwealth Office in London, and the Hong Kong Economic and Trade Offices in Singapore, Brussels and London, which had assisted in making arrangements for the visit. Dr TANG added that although the delegation had cancelled its trip to Prague, the delegation wished to thank the Czech Republic Consulate in Hong Kong for the assistance it had provided.

90. Dr TANG further said that the delegation also wished to thank staff of the Secretariat for the support services provided for the duty visit.

**IX. Overseas duty visit to be conducted by the Panel on Food Safety and Environmental Hygiene**

91. Mr Fred LI, Chairman of the Panel, said that the Panel on Food Safety and Environmental Hygiene had decided to postpone its visit to Australia and Japan to a later date.

**X. Parliamentary visit to Singapore and Thailand**

92. Dr LUI Ming-wah, leader of the delegation, said that the delegation had decided to defer the visit to Singapore and Thailand to a later date.

**XI. 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 issued vide LC Paper No. CB(2) 1606/02-03 dated 26 March 2003 (Chinese version only))*

*(Hon Andrew CHENG Kar-foo's letter dated 27 March 2003 to the Chairman of the House Committee issued vide LC Paper No. CB(2) 1633/02-03 dated 28 March 2003 (Chinese version only))*

*(Paragraphs 30 and 31 of the minutes of the 20th House Committee meeting on 28 March 2003)*

93. The Chairman said that Members agreed at the last meeting on 28 March 2003 that discussion of this item be deferred to this meeting.

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94. Mr MA Fung-kwok said that the Bills Committee on Prevention of Child Pornography Bill had scheduled a meeting for 10:45 am on 25 March 2003 to be held in the Chamber, immediately after the meeting of the Bills Committee on National Security (Legislative Provisions) Bill. Mr MA further said that the meeting of the Bills Committee on National Security (Legislative Provisions) Bill ended at 10:55 am, which was slightly later than the scheduled end time, in order to conclude discussion on certain matters. Mr MA pointed out that most Members, including himself, left the Chamber to facilitate cleaning and other preparation work to be carried out, and when he returned to the Chamber around 11:00 am, he was surprised to learn that the Chairman of the Bills Committee on Prevention of Child Pornography Bill, Mr Andrew CHENG, had already declared that the meeting would not be held because a quorum was not present.

95. Mr MA said that he had asked the committee clerk concerned why she had not tried to locate members of the Bills Committee on Prevention of Child Pornography Bill who were in the LegCo Building, and was informed that Mr Andrew CHENG had not given such an instruction. Mr MA further said that as some members of the Bills Committee were in the vicinity of the Chamber around 11:00 am, a quorum would be present if only these members had been asked to return to the Chamber. Mr MA added that he would like Mr Andrew CHENG to clarify whether he had actually asked Secretariat staff to call members to the meeting, as reported by the press.

96. Mr MA said that committee chairmen should not cancel a meeting in a casual manner, because this would waste the time and resources of both Members and representatives of the Administration attending the meeting, and also delay the work of the committee concerned. Mr MA hoped that Members would consider how similar situations should be dealt with in the future. He also hoped that Secretariat staff concerned would remind committee chairmen to avoid cancellation of meetings as far as possible.

97. Mr Andrew CHENG said that as explained in his letter to the Chairman of the House Committee, his decision to cancel the meeting of the Bills Committee on Prevention of Child Pornography Bill on 25 March 2003 was made in accordance with rule 24(g) of the House Rules which stipulated that "unless a quorum is present within 15 minutes of the time appointed for the meeting, the meeting will not be held". Mr CHENG stressed that he had not cancelled the meeting in a casual manner.

98. Responding to Mr MA's enquiry, Mr CHENG said that just before he entered the Chamber at 11:00 am that morning, he had noticed that some security assistants were already checking with each other the whereabouts of Members in the LegCo Building. He had also observed that apart from himself, only Miss Margaret NG was in the Chamber at that time, while Mr MA Fung-kwok and Mr YEUNG Yiu-chung were in the Ante-Chamber. As

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the quorum was five members, including the Chairman, and as it was already 15 minutes after the appointed time of 10:45 am of the meeting, he had no choice but to cancel the meeting.

99. Mr Andrew CHENG reiterated that his decision to cancel the meeting was not made in a casual manner. He had to act in accordance with rule 24(g) of the House Rules, and could not change the appointed time of the meeting there and then. Mr CHENG further pointed out that for almost every meeting of the Bills Committee, the clerk had to spend the first five to ten minutes locating members. Mr CHENG said that Members should be punctual in attending meetings and should not rely on staff of the Secretariat to call them to a meeting.

100. Mr Andrew CHENG further said that if it was anticipated that a meeting could not end at or before the scheduled time and there was another meeting following, the chairman of the preceding meeting would normally consult the other chairman as to whether the meeting following could be deferred by a few minutes. For instance, the Chairman of the Finance Committee (FC) would normally consult the Chairman of the House Committee, if the relevant FC meeting had to overrun by a few minutes after 4:30 pm.

101. Mr CHENG pointed out that at the meeting of the Bills Committee on National Security (Legislative Provisions) Bill on 25 March 2003, Mr Martin LEE had actually reminded Mr IP Kwok-him, Chairman of the Bills Committee, that there was a meeting scheduled for 10:45 am in the Chamber. However, he was not consulted by Mr IP on whether he could defer his meeting, and Mr IP simply ruled that it was for the Bills Committee on National Security (Legislative Provisions) Bill to decide whether its meeting should continue beyond the time when it was scheduled to end.

102. The Chairman said that Members' discussion should focus on ways to avoid cancellation of meetings, and not on details of the events leading to the cancellation of the meeting of the Bills Committee on Prevention of Child Pornography Bill on 25 March 2003.

103. Mr IP Kwok-him said that he wished to clarify that he was not aware that a meeting of the Bills Committee on Prevention of Child Pornography Bill would be held immediately after the meeting of the Bills Committee on National Security (Legislative Provisions) Bill on 25 March 2003. He was also not aware that Mr Andrew CHENG was the Chairman of the Bills Committee on Prevention of Child Pornography Bill. He had therefore not requested Mr CHENG to defer his meeting. Mr IP further said that given the large number of committees meetings, some overlapping between meetings was unavoidable and Members should adopt an accommodating attitude. Committee chairmen and members should avoid cancellation of meetings as this would waste the time and resources of Members and the Administration,

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and also reflect badly on the Council. He added that Secretariat staff could also assist in calling Members to a meeting, which in fact was the existing practice.

104. Referring to Mr Andrew CHENG's remark that he had not been requested to defer the meeting of the Bills Committee on Prevention of Child Pornography Bill scheduled for 10:45 am on 25 March 2003, Mr MA Fung-kwok said that this showed that Mr CHENG was aware that a committee chairman had the discretion to defer a meeting, and that he had chosen not to exercise such discretion on 25 March 2003. Mr MA further said that committee chairmen should exercise discretion to avoid cancellation of meetings, and to ensure the smooth operation of committees.

105. Mr Albert HO said that he had doubts whether a committee chairman had the discretion to defer a meeting, as rule 24(g) clearly stipulated that a meeting would not be held unless a quorum was present within 15 minutes of the appointed time of a meeting. Mr HO further said that the appointed time of a meeting referred to the starting time of the meeting as given in the notice of meeting. Mr HO pointed out that the President had never deferred the starting time of a Council meeting in order to wait for a quorum to be present. Mr HO opined that the time limit of 15 minutes as stipulated in rule 24(g) was reasonable, and should be followed. Mr HO did not consider it necessary for a committee chairman to extend the time limit or instruct the clerk concerned to call members if a quorum was not present. Mr HO added that if committee chairmen were given such discretion, they would have to determine for how long the time limit should be extended whenever a quorum was not present, and this would pose operational difficulties.

106. Miss CHOY So-yuk agreed that a meeting should not be held if a quorum was not present within 15 minutes of the appointed time. Miss CHOY said that Members should make their best efforts to be punctual in attending meetings, as it was difficult to find time slots for holding meetings. Miss CHOY further said that if a quorum was not present, the chairman concerned could consider holding an informal briefing instead. Miss CHOY added that if it was the existing practice for committee chairmen to instruct the clerk concerned to call members to a meeting when a quorum was not present, then such a practice should continue. Miss CHOY enquired why Mr Andrew CHENG had not asked the Secretariat staff concerned to call members before he decided to cancel the meeting on 25 March 2003.

107. Mr Andrew CHENG reiterated that he was aware that some security assistants were already checking with each other the whereabouts of Members in the LegCo Building when he entered the Chamber around 11:00 am on 25 March 2003. Mr CHENG said that he also adhered to the practice of requesting Secretariat staff to call members to a meeting when a quorum was not present, provided that it was still within 15 minutes of the appointed time of

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the meeting. However, as 15 minutes had already elapsed and a quorum was still not present at 11:01 am on 25 March 2003, he had no choice but to cancel the meeting. Mr CHENG added that if Members considered that committee chairmen should be given the discretion to extend the time limit of 15 minutes for a quorum to be present, CRoP should be invited to review rule 24(g) of the House Rules.

108. The Chairman said that the crux of the matter was whether committee chairmen had the discretion to defer a meeting under existing rules, if a preceding meeting being held at the same venue could not finish at or before the scheduled time. The Chairman pointed out that some committee chairmen, such as Mr Andrew CHENG, had strictly adhered to the time limit of 15 minutes stipulated in rule 24(g), while some other chairmen were less strict. The Chairman further said that as cancellation of meetings had significant resource implications, Members might wish to consider inviting CRoP to review rule 24(g) of the House Rules.

109. In response to Mr IP Kwok-him's enquiry, the Legal Adviser said that the House Rules were guidelines to complement the Rules of Procedure. They also provided for those practices which were agreements among Members as to how certain business of the Council and its committees should be conducted. The Legal Adviser further said that following the letter of rule 24(g), appointed time, in the present case, meant 10:45 am. However, as the House Rules were guidelines only, it would be for the committee chairman concerned to decide how the rule should be applied having regard to the circumstances of each case.

110. Mr Henry WU said that arrangements should be put in place to avoid cancellation of meetings under similar circumstances in the future. Mr WU informed Members that a meeting of the Bills Committee on Evidence (Miscellaneous Amendments) Bill 2002 was scheduled to be held at 4:30 pm on 10 April 2003, immediately after a meeting of the Panel on Security. Mr WU said that as the Panel meeting had to overrun, Miss Margaret NG, Chairman of the Bills Committee, announced towards the end of the Panel meeting that the starting time of the Bills Committee meeting would be deferred by five minutes.

111. Mr Martin LEE said that in his view, committee chairmen did not have the discretion to extend the time limit of 15 minutes stipulated in rule 24(g), and the decision of a committee chairman to defer the starting time of a meeting could be challenged. Mr LEE further said that committee chairmen should conclude their meetings at or before the scheduled time, and that the House Rules should not give committee chairmen too much discretion, as it would give rise to difficulties in application.

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112. Mr SZETO Wah wished to state for the record that in his 17 years' service as a LegCo Member, he had always informed the Secretariat if he could not attend or would be late for a meeting. Mr SZETO said that in future, he would request a committee chairman to cancel a meeting if a quorum was not present within 15 minutes of the appointed time of a meeting, in accordance with rule 24(g). Mr SZETO added that those Members who were late for or absent from meetings should be held responsible for wasting the time and resources of other Members and the Administration.

113. Mr CHEUNG Man-kwong said that as Mr Andrew CHENG had acted in accordance with rule 24(g), Mr MA Fung-kwok should be asked to withdraw his remark that Mr Andrew CHENG had cancelled the meeting of the Bills Committee on Prevention of Child Pornography Bill on 25 March 2003 in a casual manner.

114. Mr MA Fung-kwok said that he had raised the matter as he wished to clarify whether Mr CHENG has actually asked Secretariat staff to call members to the meeting. He also wished to appeal to Members to adopt a cooperative attitude to avoid cancellation of meetings. Mr MA reiterated that there should be enough members to form a quorum for the meeting of the Bills Committee on Prevention of Child Pornography Bill on 25 March 2003, as Mr CHEUNG Man-kwong, Mr SIN Chung-kai and Dr David CHU were in the corridor outside the Chamber around 11:00 am. Mr MA further said that if committee chairmen did not have the discretion to postpone the starting time of a meeting under the present rules, it would mean that some committee chairmen had not acted properly in the past. Mr MA considered that the relevant rules should be reviewed, if they posed problems in application.

115. Mr Andrew CHENG said that the issue was not whether Members should be called to a meeting when a quorum was not present, but whether the time limit of 15 minutes stipulated in rule 24(g) should be strictly adhered to or should be reviewed. Mr CHENG stressed that it was Members' responsibility to be punctual in attending meetings, and they should not rely on Secretariat staff to remind them to attend meetings.

116. The Chairman added that it was not the responsibility of Secretariat staff to remind Members to turn up for meetings, although Secretariat staff had been doing this extra work in the past.

117. Mr SIN Chung-kai said that he recalled that he was not in the corridor outside the Chamber around 11:00 am on 25 March 2003, but at the meeting between Members and Kwai Tsing District Council in Conference Room A.

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118. Mr CHEUNG Man-kwong reiterated that Mr MA Fung-kwok should clarify that Mr Andrew CHENG had not cancelled the meeting of the Bills Committee on Prevention of Child Pornography Bill on 25 March 2003 in a casual manner.

119. Mr MA Fung-kwok responded that he had made a general remark that committee chairmen should not cancel meetings in a casual manner. However, he did have the feeling that Mr Andrew CHENG had cancelled the meeting of the Bills Committee on Prevention of Child Pornography Bill on 25 March 2003 in a casual manner. Mr MA further said that he did see Mr SIN Chung-kai in the corridor outside the Chamber around 11:00 am.

120. Mr Andrew CHENG requested the Chairman to rule whether Mr MA Fung-kwok's remark that he had cancelled the meeting of the Bills Committee on Prevention of Child Pornography Bill on 25 March 2003 in a casual manner was offensive and insulting, under Rule 41(4) of the Rules of Procedure.

121. The Legal Adviser advised that Rule 41(4) was applicable to the proceedings of the House Committee and it was for the Chairman of the House Committee to determine whether, in making the remark, Mr MA had used offensive and insulting language about Mr Andrew CHENG. The Legal Adviser further advised that in considering whether a Member had used offensive and insulting language about Members of the Council, the President would normally have regard to the context in which the speech was made, and whether the remark was simply an expression of feeling or directed at a certain Member.

122. The Chairman ruled that, having regard to the context in which Mr MA made the remark in question, the expressions used did not amount to offensive and insulting language about Mr Andrew CHENG.

123. Mr Albert HO stated that Members belonging to the Democratic Party were of the view that Members should not adopt a casual attitude in being late for meetings and in not adhering to the time when meetings were scheduled to end.

124. The Chairman suggested that CRoP should be invited to review rule 24(g), if Members considered it necessary. Dr YEUNG Sum expressed support for the Chairman's suggestion.

125. Ms Cyd HO said that she objected to the Chairman's suggestion that CRoP should be invited to review rule 24(g). She considered that Members should adhere to a rule once it was agreed to.

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126. The Chairman concluded that as no other Member objected to inviting CRoP to review rule 24(g), CRoP would be invited to do so. The Chairman added that reviewing the rule did not necessarily mean that it had to be changed.

**XII. Any other business**

127. There being no other business, the meeting ended at 6:55 pm.

Council Business Division 2  
Legislative Council Secretariat  
23 April 2003