

立法會
Legislative Council

LC Paper No. CB(2) 283/03-04

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 5th meeting
held in the Legislative Council Chamber
at 3:20 pm on Friday, 7 November 2003**

Members present :

Hon Miriam LAU Kin-yee, JP (Chairman)
Hon Fred LI Wah-ming, JP (Deputy Chairman)
Hon Kenneth TING Woo-shou, JP
Hon James TIEN Pei-chun, GBS, JP
Hon Cyd HO Sau-lan
Hon Albert HO Chun-yan
Hon Martin LEE Chu-ming, SC, JP
Dr Hon Eric LI Ka-cheung, GBS, JP
Dr Hon LUI Ming-wah, JP
Hon NG Leung-sing, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP
Hon CHEUNG Man-kwong
Hon HUI Cheung-ching, JP
Hon CHAN Kwok-keung, JP
Hon CHAN Yuen-han, JP
Hon Bernard CHAN, JP
Hon CHAN Kam-lam, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon SIN Chung-kai
Hon Andrew WONG Wang-fat, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Dr Hon YEUNG Sum
Hon YEUNG Yiu-chung, BBS
Hon LAU Chin-shek, JP
Hon LAU Wong-fat, GBS, 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
Dr Hon LAW Chi-kwong, 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 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 :

Dr Hon David CHU Yu-lin, JP
Ir Dr Hon Raymond HO Chung-tai, JP
Hon LEE Cheuk-yan
Dr Hon David LI Kwok-po, GBS, JP
Hon James TO Kun-sun
Hon LEUNG Yiu-chung
Hon LAU Kong-wah, JP
Hon TAM Yiu-chung, GBS, JP
Hon Albert CHAN Wai-yip
Hon LEUNG Fu-wah, MH, JP
Dr Hon LO Wing-lok, JP

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
Ms Bernice WONG	Assistant Legal Adviser 1
Miss Lolita SHEK	Senior Assistant Secretary (2)7

Action

I. Confirmation of the minutes of the 4th meeting held on 31 October 2003
(LC Paper No. CB(2) 226/03-04)

The minutes were confirmed.

II. Matters arising

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

2. The Chairman said that she had informed CS that two subcommittees had been formed to study five items of subsidiary legislation. She had also informed him of the membership of the Select Committee to inquire into the handling of the Severe Acute Respiratory Syndrome outbreak by the Government and the Hospital Authority.

(b) Food Adulteration (Artificial Sweeteners) (Amendment) Regulation 2003 and Food and Drugs (Composition and Labelling) (Amendment) Regulation 2003

(LC Paper No. CB(2) 250/03-04(01))

3. The Chairman said that the two Regulations had been considered at the last House Committee meeting and Members had not raised any queries. However, the Hong Kong Retail Management Association had subsequently informed Mrs Selina CHOW that it had concerns about these two Regulations.

4. Mrs Selina CHOW said that the Association had just informed her that after seeking expert advice, the retail trade was satisfied that it would not be adversely affected by the two Regulations. Mrs CHOW added that a subcommittee was not necessary to study the two Regulations.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 31 October 2003 and tabled in Council on 5 November 2003

(LC Paper No. LS 11/03-04)

5. The Legal Adviser said that there were four items of subsidiary legislation gazetted on 31 October 2003 and tabled in Council on 5 November 2003.

6. The Legal Adviser explained that the main purpose of the Legal Practitioners (Risk Management Education) (Amendment) Rules 2003 was to repeal the specific timetable for application of the Risk Management Education (RME) Rules as set out in those Rules, and to enable the Council of the Law Society of Hong Kong to appoint, by notices published in the Gazette, different dates for application of the RME Rules. The Legal Adviser said that according to the Law Society, the joint providers for the relevant training courses had deferred their visit to Hong Kong due to the outbreak of the Severe Acute Respiratory Syndrome. It was therefore no longer feasible to have the core courses in place to enable the post-1990 principals to meet the requirement of completing all principal's core courses in their first practice year before 31 March 2004. The Law Society would appoint other dates for the application of the RME Rules.

7. The Legal Adviser further explained that the Admission and Registration (Amendment) (No. 2) Rules 2002 (Amendment) Rules 2003 were made consequent to the Legal Practitioners (Risk Management Education) (Amendment) Rules 2003 to enable the commencement day of section 2(a)(ii) and (b) of the Rules to correspond with the day to be appointed for the application of the RME Rules in relation to trainee solicitors.

8. Miss Margaret NG, Chairman of the Panel on Administration of Justice and Legal Services (AJLS Panel), said that while the two items of subsidiary legislation had not been discussed by the Panel, the Law Society had written to her on the subject matter and the letter had been circulated to members of the Panel. Miss NG further said that the two items of subsidiary legislation were not controversial and a subcommittee was not necessary.

9. The Legal Adviser said that no difficulties relating to the legal and drafting aspects of these four items of subsidiary legislation had been identified.

Action

10. Members did not raise any queries on these four items of subsidiary legislation. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 3 December 2003, or 7 January 2004, if extended by resolution.

IV. Further business for the Council meeting on 12 November 2003

Questions

(LC Paper No. CB(3) 125/03-04)

11. The Chairman drew Members' attention to the new oral and written questions to be raised by Dr LAW Chi-kwong and Ms Emily LAU respectively. She added that Mr CHEUNG Man-kwong had withdrawn his written question.

V. Business for the Council meeting on 19 November 2003

(a) Questions

(LC Paper No. CB(3) 126/03-04)

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

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

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

(c) Government motion

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

(d) Members' motions

(i) Motion on "Backbone industries as part of the infrastructure"

(Wording of the motion issued vide LC Paper No. CB(3) 131/03-04 dated 6 November 2003.)

(ii) Motion on "Grasping the opportunities brought about by CEPA to enhance employment"

(Wording of the motion issued vide LC Paper No. CB(3) 132/03-04 dated 6 November 2003.)

Action

15. The Chairman said that the above motions would be moved by Dr LUI Ming-wah and Miss CHAN Yuen-han respectively, and the wording of their motions had been forwarded to Members.

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

VI. Position on Bills Committees/subcommittees

(LC Paper No. CB(2) 243/03-04)

17. The Chairman informed Members that there were 15 Bills Committees and three subcommittees in action, as well as four Bills Committees on the waiting list.

VII. Report of the Panel on Administration of Justice and Legal Services and Panel on Security on review on juvenile justice system

(LC Paper No. CB(2) 246/03-04)

18. Miss Margaret NG, Chairman of the AJLS Panel, informed Members that a consultancy study commissioned by the Security Bureau on "Measures Alternative to Prosecution for Handling Unruly Children and Young Persons : Overseas Experiences and Options for Hong Kong" was completed in August 2003. The AJLS Panel and Panel on Security received a briefing on the consultancy report at a joint meeting on 27 October 2003. The Panels recommended that as the policy issues arising from the review on juvenile justice system straddled various policy areas, a subcommittee should be set up under the House Committee to follow up the relevant issues.

19. Members agreed to set up a subcommittee as recommended by the two Panels. The following Members agreed to join: Ms Cyd HO, Miss Margaret NG, Ms Miriam LAU, Ms Emily LAU, Ms LI Fung-ying and Mr Michael MAK.

VIII. Legislative Council delegation to visit Singapore and Thailand

20. Dr LUI Ming-wah, Chairman of the Parliamentary Liaison Subcommittee, said that at the House Committee meeting on 14 February 2003, Members endorsed the parliamentary visit to Singapore and Thailand. Dr LUI further said that the visit would be conducted from 12 to 18 February 2004.

Action

21. Dr LUI pointed out that there were still three vacancies for the delegation, one for the Members belonging to the Liberal Party, and two for Members under the group of "No declared affiliation and the Federation of Hong Kong and Kowloon Labour Unions". Dr LUI added that the LegCo Secretariat would invite these two groups to nominate their representatives to join the delegation.

IX. Any other business

22. There being no other business, the meeting ended at 3:38 pm.

Council Business Division 2
Legislative Council Secretariat
12 November 2003