

立法會
Legislative Council

LC Paper No. CB(2) 349/03-04

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 6th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 14 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
Ir Dr Hon Raymond HO Chung-tai, JP
Hon LEE Cheuk-yan
Hon Martin LEE Chu-ming, SC, JP
Dr Hon LUI Ming-wah, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP
Hon James TO Kun-sun
Hon HUI Cheung-ching, JP
Hon CHAN Yuen-han, JP
Hon Bernard CHAN, 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, 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 Kong-wah, 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
Dr 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, JP
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
Hon Albert HO Chun-yan
Dr Hon Eric LI Ka-cheung, GBS, JP
Dr Hon David LI Kwok-po, GBS, JP
Hon NG Leung-sing, JP
Hon CHEUNG Man-kwong
Hon CHAN Kwok-keung, JP
Hon CHAN Kam-lam, JP
Hon Timothy FOK Tsun-ting, SBS, 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
Mrs Constance LI	Chief Assistant Secretary (2)5
Mrs Betty LEUNG	Chief Assistant Secretary (3)1
Miss Anita HO	Assistant Legal Adviser 2
Miss Monna LAI	Assistant Legal Adviser 7
Miss Lolita SHEK	Senior Assistant Secretary (2)7

Action

I. Confirmation of the minutes of the 5th meeting held on 7 November 2003
(*LC Paper No. CB(2) 283/03-04*)

The minutes were confirmed.

II. Matters arising

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

2. The Chairman said that she had informed CS that a subcommittee had been formed under the House Committee to follow up the policy issues arising from the review on juvenile justice system.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 7 November 2003 and tabled in Council on 12 November 2003
(*LC Paper No. LS 14/03-04*)

3. The Legal Adviser said that there was only one item of subsidiary legislation, i.e. the Pension Benefits Ordinance (Established Offices) (Amendment) Order 2003, gazetted on 7 November 2003 and tabled in Council on 12 November 2003. The Legal Adviser further said that no difficulties in relation to the drafting and legal aspects of the Order had been identified.

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

Action

5. The Legal Adviser said that the Legal Service Division report also covered the United Nations Sanctions (Liberia) Regulation 2003 which was made under the United Nations Sanctions Ordinance (Cap. 537) by the Chief Executive on the instruction of the Ministry of Foreign Affairs of the People's Republic of China (MFA) after consultation with the Executive Council. The Legal Adviser explained that the Regulation was not required to be laid before the Council and was not subject to amendment by the Council, as section 3(5) of the Ordinance provided that sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1) would not apply to regulations so made.

6. The Legal Adviser added that the Legal Service Division had requested the Administration to provide the relevant instruction given by the MFA for Members' reference, in accordance with the recommendation of the Subcommittee on United Nations Sanctions (Afghanistan) (Amendment) Regulation 2002 and United Nations Sanctions (Angola) (Suspension of Operation) Regulation 2002 made to the House Committee on 3 October 2003. However, the Administration had maintained that the instruction was intended for internal use only and declined to release the relevant instruction.

7. The Chairman said that the former Chairman of the House Committee had written to CS on 6 October 2003 to convey the recommendations of the Subcommittee, and CS's reply had just been received.

8. Miss Margaret NG said that a subcommittee should be formed to study the Regulation. The Chairman proposed that a subcommittee be formed. Members agreed. The following Members agreed to join: Ms Cyd HO, Miss Margaret NG, Mr Andrew WONG and Ms Audrey EU.

IV. Further business for the Council meeting on 19 November 2003

Questions

(LC Paper No. CB(3) 150/03-04)

9. The Chairman informed Members that Ir Dr Raymond HO and Ms Emily LAU had replaced their previous oral questions.

V. Business for the Council meeting on 26 November 2003

(a) Questions

(LC Paper No. CB(3) 151/03-04)

10. The Chairman informed Members that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 26 November 2003.

Action

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

Hong Kong Sports Development Board (Repeal) Bill 2003

11. The Chairman informed Members that the Administration had given notice to introduce the above Bill into the Council on 26 November 2003. The House Committee would consider the Bill at its meeting on 28 November 2003.

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

Hong Kong Examinations and Assessment Authority (Amendment) Bill 2003

12. The Chairman said that at the House Committee meeting on 31 October 2003, Members had not raised objection to the resumption of the Second Reading debate on the Bill.

(d) **Government motions**

- (i) **Proposed resolution to be moved by the Secretary for Economic Development and Labour under the Factories and Industrial Undertakings Ordinance and the Interpretation and General Clauses Ordinance relating to Construction Sites (Safety) (Amendment) Regulation 2003**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 133/03-04 dated 6 November 2003.)

- (ii) **Proposed resolution to be moved by the Secretary for Economic Development and Labour under the Factories and Industrial Undertakings Ordinance relating to:**

- **Factories and Industrial Undertakings (Lifting Appliances and Lifting Gear) (Amendment) Regulation 2003;**
- **Factories and Industrial Undertakings (Suspended Working Platforms) (Amendment) Regulation 2003; and**
- **Factories and Industrial Undertakings (Loadshifting Machinery) (Amendment) Regulation 2003**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 134/03-04 dated 6 November 2003.)

Action

13. The Chairman said that a subcommittee had examined the two proposed resolutions and reported to the House Committee on 3 October 2003. The Chairman further said that Members had not raised objection to the Secretary for Economic Development and Labour giving fresh notice to move the two proposed resolutions.

(e) **Members' motions**

(i) **Motion on “West Kowloon Cultural District development project”**

(Wording of the motion issued vide LC Paper No. CB(3) 157/03-04 dated 13 November 2003.)

(ii) **Motion on “Credibility of the Equal Opportunities Commission”**

(Wording of the motion issued vide LC Paper No. CB(3) 158/03-04 dated 13 November 2003.)

14. The Chairman said that the above motions would be moved by Mr WONG Sing-chi and Mr Fred LI respectively, and the wording of their motions had been forwarded to Members.

15. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 19 November 2003.

VI. Report of Bills Committees and subcommittees

(a) **Report of the Subcommittee on Commencement Notices under the Chinese Medicine Ordinance, Chinese Medicine (Fees) Regulation and Chinese Medicines Regulation**

16. Ms Cyd HO, Chairman of the Subcommittee, said that some members of the Subcommittee had expressed concern about the system of appointments to the Chinese Medicine Council and its boards and committees. They also had reservations about the readiness of implementation of the provisions concerning registration of proprietary Chinese medicines referred to in the Chinese Medicine Ordinance (Cap. 549) (Commencement) (No. 2) Notice 2003, Chinese Medicine (Fees) Regulation (Cap. 549 sub. leg. E) (Commencement) (No. 2) Notice 2003 and the Chinese Medicines Regulation (Cap. 549 sub. leg. F) (Commencement) (No. 2) Notice 2003. Ms HO further said that the Subcommittee had requested the Administration to consider repealing the three Commencement Notices. If the Administration refused to do so, she would move a motion on behalf of the Subcommittee to repeal the Notices.

Action

17. Ms HO informed Members that to allow time for the Administration to respond to the Subcommittee's request, she would move a motion at the Council meeting on 19 November 2003 to extend the scrutiny period of the three Commencement Notices to 17 December 2003.

18. Ms Cyd HO added that the Subcommittee would provide a written report to the House Committee after considering the Administration's response.

(b) Report of the Subcommittee on Trade Descriptions (Country of Origin) (Watches) (Amendment) Order 2003 and Trade Descriptions (Place of Manufacture) (Piece-Knitted Garments) Notice

(LC Paper No. CB(1) 308/03-04)

19. Mr HUI Cheung-ching, Chairman of the Subcommittee, said that the Subcommittee did not seek to amend the Amendment Order and the Notice which would take effect on 1 January 2004 to tie in with the implementation date of the Closer Economic Partnership Arrangement (CEPA).

20. Mr HUI further said that as CEPA was subject to an ongoing process of refinement with further scope for tariff preference, the Subcommittee had urged the Administration to review the relevant provisions in the Trade Descriptions Ordinance (Cap. 362) and its subsidiary legislation, with a view to devising a better approach to deal with the necessary legislative amendments to provide for the origin of eligible products to enable them to benefit from zero tariff under CEPA. Mr HUI added that the Administration had agreed to look into the issue, and the Panel on Commerce and Industry would keep in view the Administration's review and follow up where appropriate.

21. The Chairman reminded Members that the deadline for giving notice of amendments was 19 November 2003.

VII. Position on Bills Committees/subcommittees

(LC Paper No. CB(2) 298/03-04)

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

VIII. Any other business

LegCo Fun Day 2003-2004

(LC Paper No. AS 42/03-04)

Action

23. Members agreed that a LegCo Fun Day would be held in the 2003-2004 session as proposed in paragraph 4 of the paper, and that an Organizing Committee should be formed to decide on the details of the Fun Day.
24. There being no other business, the meeting ended at 2:50 pm.

Council Business Division 2
Legislative Council Secretariat
19 November 2003