

立法會
Legislative Council

LC Paper No. CB(2) 2362/03-04

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 24th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 7 May 2004**

Members present :

Hon Miriam LAU Kin-yee, JP (Chairman)
Hon Fred LI Wah-ming, JP (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Dr Hon David CHU Yu-lin, 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 Eric LI Ka-cheung, GBS, JP
Dr Hon David LI Kwok-po, 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 James TO Kun-sun
Hon CHEUNG Man-kwong
Hon CHAN Yuen-han, 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
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Dr Hon YEUNG Sum
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
Hon TAM Yiu-chung, GBS, JP
Dr Hon TANG Siu-tong, 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 Albert CHAN Wai-yip
Hon LEUNG Fu-wah, MH, JP
Dr Hon LO Wing-lok, JP
Hon WONG Sing-chi
Hon IP Kwok-him, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon MA Fung-kwok, JP

Members absent :

Hon Kenneth TING Woo-shou, JP
Hon Albert HO Chun-yan
Hon HUI Cheung-ching, JP
Hon CHAN Kwok-keung, JP
Hon Bernard CHAN, JP
Hon LEUNG Yiu-chung
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan
Hon YEUNG Yiu-chung, BBS
Hon LAU Kong-wah, JP
Hon Abraham SHEK Lai-him, JP
Hon Frederick FUNG Kin-kee
Hon LAU Ping-cheung

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 LEE Yu-sung	Senior Assistant Legal Adviser 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mrs Vivian KAM	Principal Council Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Miss Salumi CHAN	Chief Council Secretary (1)5
Mrs Constance LI	Chief Council Secretary (2)5
Miss Connie FUNG	Assistant Legal Adviser 3
Mr KAU Kin-wah	Assistant Legal Adviser 6
Miss Lolita SHEK	Senior Council Secretary (2)7

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I. Confirmation of the minutes of the 23rd meeting held on 30 April 2004
(LC Paper No. CB(2) 2235/03-04)

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 on 6 May 2004

2. The Chairman said that she had conveyed to CS Members' request for CE to stay longer for the Question and Answer Session on 6 May 2004. The Administration subsequently informed the Legislative Council (LegCo) Secretariat that the existing arrangement would apply.

3. Ms Emily LAU expressed dissatisfaction that CE should have stayed for at least half an hour more to answer questions on important issues. The Chairman said that she would convey Ms LAU's view to CS at their meeting on Monday.

Proposed resolution to be moved by the Financial Secretary (FS) under the Loans Ordinance

(FS's letter dated 7 May 2004 on "Proposed Issuance of Government Bonds - proposed resolution under Section 3(1) of the Loans Ordinance (Cap. 61)" to the Chairman of the House Committee issued vide LC Paper No. CB(2) 2292/03-04 dated 7 May 2004)

4. The Chairman said that she had informed CS that a subcommittee had been formed to study the proposed resolution and would meet on 13 May 2004. As requested by the House Committee, FS had withdrawn his notice for moving the proposed resolution at the Council meeting on 12 May 2004.

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5. Referring to FS's letter dated 7 May 2004, the Chairman further said that FS had now proposed to move the resolution at the Council meeting on 19 May 2004, subject to the subcommittee's support of the proposed resolution. FS had requested the House Committee's support in principle for the President to waive the notice requirement.

6. Ms Emily LAU said that to facilitate the discussion at the subcommittee meeting on 13 May 2004, the LegCo Secretariat should collate public views received on the proposed resolution, and the Administration should also provide a paper for the meeting.

7. Assistant Secretary General 1 (ASG1) informed Members that the Administration was preparing a paper for the subcommittee meeting, and the LegCo Secretariat had also invited organizations and individuals who had expressed views on the proposed issuance of Government bonds to provide submissions to the subcommittee by 11 May 2004. As no House Committee meeting was scheduled for 14 May 2004, the Administration hoped that the subcommittee would provide a report after its meeting on 13 May 2004 for circulation to the House Committee.

8. Mr SIN Chung-kai said that he supported in principle FS's proposal of moving the proposed resolution at the Council meeting on 19 May 2004.

9. The Chairman said that if the subcommittee could complete scrutiny of the proposed resolution at its meeting on 13 May 2004, its report would be circulated to the House Committee.

10. Members expressed support in principle for FS's request to seek the President's permission to waive the notice requirement for moving the proposed resolution at the Council meeting on 19 May 2004, subject to the subcommittee's support of the proposed resolution.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 30 April 2004 and tabled in Council on 5 May 2004

(LC Paper No. LS 74/03-04)

11. The Legal Adviser said that there were nine items of subsidiary legislation, including three Commencement Notices, gazetted on 30 April 2004 and tabled in Council on 5 May 2004.

12. The Legal Adviser explained that by the Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997 (94 of 1997) (Commencement)

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Notice 2004, 1 July 2004 was appointed as the day on which section 13 of the Ordinance would come into operation. The Legal Adviser further explained that section 13 of the Ordinance amended section 74 of the Legal Practitioners Ordinance (Cap. 159) to add four members to the Costs Committee which had the power to make rules regulating solicitors' costs in respect of non-contentious business. One of these new members was a member of the Law Society of Hong Kong nominated by the Society and approved by the Chief Justice, and the other three were persons appointed by CE who, in his opinion, could represent the interests of consumers of legal services.

13. The Legal Adviser added that the Department of Justice had provided on 4 May 2004 an explanation for not bringing the provision into operation on an earlier date. The explanation was annexed to the Legal Service Division report.

14. Miss Margaret NG said that membership of the Costs Committee was a controversial subject. Miss NG asked whether the Administration had consulted the Law Society of Hong Kong on the commencement date of section 13 of the Ordinance. The Legal Adviser said that according to the letter from the Department of Justice dated 4 May 2004, the Law Society of Hong Kong had been involved in the discussion on the commencement of section 13.

15. Miss Margaret NG requested the House Committee to defer a decision on the Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997 (94 of 1997) (Commencement) Notice 2004 to the next meeting, as she wished to consult the Law Society of Hong Kong. Members did not raise objection.

16. Members did not raise any queries on the other eight items of subsidiary legislation.

17. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 2 June 2004, or 23 June 2004, if extended by resolution.

IV. Bills pending decision of the House Committee

Professional Accountants (Amendment) Bill 2004

(Report of the Panel on Financial Affairs on the policy issues relating to the Professional Accountants (Amendment) Bill 2004 (LC Paper No. CB(1) 1721/03-04))

(Director of Administration's letter dated 7 May 2004 on "Proposed Priority in the Scrutiny of Bills by Members" to the Chairman of the House Committee issued vide LC Paper No. CB(2) 2292/03-04 dated 7 May 2004)

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18. Mr Ambrose LAU, Chairman of the Panel on Financial Affairs (FA Panel), said that as agreed by the House Committee at its meeting on 23 April 2004, the FA Panel had discussed the policy issues relating to the Professional Accountants (Amendment) Bill 2004 at its meeting on 3 May 2004.

19. Mr LAU said that the Panel considered that as the Bill could have significant impact on the accountancy profession and the public, it would be prudent to form a Bills Committee to examine the relevant policy and technical issues of the Bill in detail. Mr LAU further said that the Panel supported Dr Eric LI's request that priority be given to the scrutiny of the Bill, should the House Committee decide that a Bills Committee be formed to study the Bill. The Panel also suggested increasing the quota of Bills Committee in action from 15 to 16.

20. Mr LAU added that the Panel had written to seek the Administration's view on whether it had any objection to giving priority to the Bill, if a Bills Committee was formed. The Administration had suggested, in the Director of Administration's (D of Adm) letter dated 7 May 2004, that the Bill be placed third on the waiting list.

21. The Chairman proposed that, having regard to the Panel's view, a Bills Committee be formed to scrutinize the Bill. Members agreed. The following Members agreed to join: Mr Kenneth TING (as advised by Mrs Selina CHOW), Mr Albert HO (as advised by Mr CHEUNG Man-kwong), Dr Eric LI, Dr David LI, Mr Jasper TSANG, Ms Emily LAU and Mr SZETO Wah.

22. The Chairman said that D of Adm's letter dated 7 May 2004 also proposed a revised priority order of Government bills between now and the end of the current term. The Chairman added that the Administration had proposed that priority be accorded to the Merchant Shipping (Security of Ships and Port Facilities) Bill and the Road Traffic (Amendment) Bill 2003.

23. Ms Emily LAU asked whether there would be vacant slots available in the near future, so that the Bills Committee on Professional Accountants (Amendment) Bill 2004, if placed third on the waiting list, could commence work shortly and complete the scrutiny of the Bill in time for resumption of Second Reading debate to take place before the end of the current term.

24. The Chairman said that the Merchant Shipping (Security of Ships and Port Facilities) Bill and the Road Traffic (Amendment) Bill 2003 were relatively straightforward, and there was a reasonable chance that the scrutiny of these two Bills could be completed quickly. However, activation of Bills Committees on the waiting list depended on the availability of vacant slots. The Chairman asked whether any of the 15 Bills Committees in action would complete their work and vacate their slots shortly.

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25. ASG1 said that if a vacant slot was not available in the near future and if the House Committee agreed to give priority to the scrutiny of the Professional Accountants (Amendment) Bill 2004, Members might wish to consider FA Panel's suggestion of increasing the quota of Bills Committees in action from 15 to 16, so that the Bills Committee could commence work immediately. Referring to rule 21(f) of the House Rules, ASG1 explained that such an arrangement would not alter the order of Government bills on the waiting list.

26. Mrs Selina CHOW said that Members belonging to the Liberal Party (LP) supported that the Professional Accountants (Amendment) Bill 2004 be placed third on the waiting list. However, LP Members had reservations about increasing the quota of Bills Committees in action to 16. Mrs CHOW further said that Members and the LegCo Secretariat were already heavily involved in the scrutiny work of the 15 Bills Committees in action. It would be more realistic to review the progress of work and assess whether any vacant slots would be available soon.

27. Ms Emily LAU suggested that the House Committee should review the progress of the 15 Bills Committees in action at the next meeting on 21 May 2004.

28. Dr Eric LI said that he would like to thank Members, on behalf of the Hong Kong Society of Accountants, for their support in according priority to the scrutiny of the Professional Accountants (Amendment) Bill 2004. Dr LI said that the revised priority order of bills proposed by D of Adm was acceptable to him and he would not request that the quota of Bills Committees in action be increased.

29. Members agreed to the Administration's proposed revised priority order of Government bills. Members also agreed that the Bills Committee on Professional Accountants (Amendment) Bill 2004 be placed the third on the waiting list, having regard to the Administration's view. Ms Emily LAU suggested that, pending activation of the Bills Committee, the LegCo Secretariat could start making preparatory work, such as drafting background briefs and collating views from organizations concerned, in respect of the Professional Accountants (Amendment) Bill 2004.

30. The Chairman said that the progress of the 15 Bills Committees in action would be reviewed at the next House Committee meeting on 21 May 2004. The Chairman further said that given the limited time between now and June 2004, the Bills Committees in action might have to work even harder in order to complete their scrutiny work.

31. Miss Margaret NG said that the time taken to scrutinize some of the bills had been longer than expected because the policy aspects were not well

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thought-out, and consultation with the public and the organizations concerned was still incomplete when the bills were presented to the Council. Miss NG further said that the Administration had not allowed sufficient time for the drafting work of certain complex bills which proposed substantive policy changes, such as the Buildings (Amendment) Bill 2003. As a result, the Bills Committees concerned had to spend a lot of time and efforts in discussing the legal and drafting aspects of these Bills. Miss NG added that the Administration should allow reasonable time for Members to study the proposed Committee Stage amendments (CSAs). She suggested that the Chairman of the House Committee should convey Members' concerns to CS.

32. Ms Audrey EU said that there were practical difficulties for Bills Committees to convene more meetings because meeting venues and time slots were not readily available. Ms EU added that both Members and staff of the LegCo Secretariat had been working very hard in scrutinizing bills. However, Members and the Legal Service Division often had little time to study draft CSAs as they were provided by the Administration at the last minute.

33. Ms Cyd HO shared the views of Miss Margaret NG and Ms Audrey EU. Ms HO said that scrutiny work could be expedited if the Administration had conducted thorough consultation before introduction of the bill concerned. Ms HO added that the Administration often provided draft CSAs, and in English only, just before the relevant meeting.

34. Mr SIN Chung-kai said that Members' attendance at Bills Committee meetings was a problem given the heavy schedule of committee meetings. Mr SIN considered that the work of the Bills Committees could be expedited if the Administration could provide quicker and more comprehensive response to issues and concerns raised by Members.

35. Ms Emily LAU suggested that the House Committee should discuss these various concerns and difficulties raised by Bills Committees at the end of the current term, so that they could be conveyed to the Administration for improvement in the next term.

36. Mrs Selina CHOW said that it was not necessary to wait until the end of the term to convey Members' concerns to the Administration. Mrs CHOW considered that to facilitate scrutiny of bills in the remainder of the current term, the House Committee Chairman should convey to CS, at their next meeting, the concerns raised by Members and request cooperation from the Administration.

37. Dr Eric LI said that policy bureaux were also very concerned about the progress of the Bills Committees. Dr LI agreed that it was necessary to enlist the Administration's cooperation in expediting the work of the Bills Committees. He expressed support for the House Committee Chairman to convey Members' concerns to CS.

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38. The Chairman said that she would convey Members' concerns and suggestions to CS at their meeting on 10 May 2004.

V. Further business for the Council meeting on 12 May 2004

(a) **Questions**

(LC Paper No. CB(3) 579/03-04)

39. The Chairman informed Members that Mr Ambrose LAU, Mr LAU Kong-wah and Ms Emily LAU had replaced their previous questions.

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

Revenue Bill 2004

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

VI. Business for the Council meeting on 19 May 2004

(a) **Questions**

(LC Paper No. CB(3) 580/03-04)

41. The Chairman informed Members that 19 questions (six oral and 13 written) had been scheduled for the Council meeting on 19 May 2004.

42. The Chairman reminded Members that the deadline for giving notice of questions was Monday, 10 May 2004.

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

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

(c) **Government motion**

Proposed resolution to be moved by the Secretary for the Environment, Transport and Works under the Fixed Penalty (Criminal Proceedings) Ordinance

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 567/03-04 dated 30 April 2004.)

(LC Paper No. LS 75/03-04)

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44. The Legal Adviser explained that the proposed resolution sought LegCo's approval to amend item 53 of the Schedule to the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) to the effect that drivers of public light buses would not be subject to a fixed penalty when passengers in the front seats were under the age of 15 and were not securely fastened with seat belts.

45. The Legal Adviser said that the proposed resolution was to reflect the change in the responsibility of wearing seat belts on public light buses made in the Road Traffic (Safety Equipment) (Amendment) Regulation 2002.

46. The Legal Adviser said that the Panel on Transport was briefed on 5 December 2003 on the proposal. The proposed resolution, if passed, would come into operation on a day to be appointed by the Secretary for the Environment, Transport and Works (SETW) by notice published in the Gazette.

47. Mr IP Kwok-him said that Members belonging to the Democratic Alliance for Betterment of Hong Kong (DAB) were concerned that some young passengers in the front seat who were below the age of 15 might not be aware of the requirement to wear seat belts, and the drivers of public light buses had a responsibility to remind these passengers of such a requirement. Mr IP asked whether this issue had been considered by the Administration and the Panel on Transport.

48. The Legal Adviser said that the LegCo Brief on the proposed resolution did not provide information which addressed the issue raised. Mr IP Kwok-him considered that the Administration should be invited to explain the implementation of the proposed resolution. He suggested that a subcommittee should be formed.

49. The Chairman proposed that a subcommittee be formed to study the proposed resolution. Members agreed. The following Members agreed to join: Mr Andrew CHENG (as advised by Mr James TO), Ms Miriam LAU and Mr IP Kwok-him.

50. The Chairman said that SETW would be requested to withdraw the notice for moving the proposed resolution.

(d) Members' motions

(i) Motion to be moved by Dr Hon TANG Siu-tong

51. The Chairman said that the subject matter of Dr TANG's motion was "Anti-gambling". The wording of the motion had been issued to Members vide LC Paper No. CB(3) 590/03-04 dated 6 May 2004.

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(ii) Motion to be moved by Hon Albert HO Chun-yan

52. The Chairman said that Mr Albert HO had been allocated a debate slot. The draft wording of Mr HO's motion was tabled for Members' reference, pending the President's approval.

53. The Chairman said that the speaking time limits under House Rule 17 (b) for debating Members' motions scheduled for 19 May 2004 would be recommended to the President.

54. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 12 May 2004.

VII. Position on Bills Committees/subcommittees
(*LC Paper No. CB(2) 2244/03-04*)

55. The Chairman said that there were 15 Bills Committees and seven subcommittees in action. There were also nine Bills Committees on the waiting list, including the Bills Committee on Professional Accountants (Amendment) Bill 2004 formed under agenda item IV above.

56. The Chairman added that the House Committee had agreed to the revised priority order of Government bills proposed by the Administration under agenda item IV.

VIII. Any other business

57. There being no other business, the meeting ended at 3:17 pm.