

立法會
Legislative Council

LC Paper No. CB(1)492/04-05
(These minutes have been seen
by the Administration)

Ref: CB1/BC/4/04/1

**Bills Committee on
Trade Descriptions (Amendment) Bill 2004**

**Minutes of meeting
held on Wednesday, 1 December 2004, at 8:30 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Margaret NG (Chairman)
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon SIN Chung-kai, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon WONG Ting-kwong, BBS
Hon Ronny TONG Ka-wah, SC
- Public officers attending** : Mr Gordon LEUNG
Principal Assistant Secretary for Commerce, Industry
and Technology (Commerce and Industry)
- Miss Noel TSANG
Assistant Secretary for Commerce, Industry and
Technology (Commerce and Industry)
- Mr Raymond WONG
Head of Trade Controls
Customs and Excise Department
- Mr W L CHEUNG
Senior Government Counsel
Department of Justice
- Clerk in attendance** : Miss Polly YEUNG
Chief Council Secretary (1)3

Staff in attendance : Miss Anita HO
Assistant Legal Adviser 2

Ms Debbie YAU
Senior Council Secretary (1)1

I Election of Chairman

Ms Margaret NG, the member who had the highest precedence in the Council among all members of the Bills Committee, presided over the election of the Chairman of the Bills Committee. She invited nominations for the chairmanship of the Bills Committee.

2. Ms Margaret NG was nominated by Mr LEUNG Kwan-yuen and seconded by Mr Ronny TONG. Ms NG accepted the nomination. There being no other nominations, Ms Margaret NG was elected the Chairman.

II Meeting with the Administration

LC Paper No. CB(1)377/04-05(01)–(03) -Correspondences between
(*Chinese version tabled at the meeting Hon Ronny TONG and the*
and subsequently issued to members on Assistant Legal Adviser
2 December 2004)

LC Paper No. CB(1)367/04-05(01) -Information paper provided
by the Administration

LC Paper No. CB(3)104/04-05 - The Bill

LC Paper No. CB(1)367/04-05(02) -Marked-up copy of the Bill
incorporating the
Administration's proposed
Committee Stage
Amendments prepared by the
Legal Service Division

CIB CR S/F TO CR 62/42/1/5(03) -The Legislative Council
Brief issued by the
Commerce, Industry and
Technology Bureau

LC Paper No. LS10/04-05 -The Legal Service Division
Report on the Bill

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| LC Paper No. LS19/04-05 | -The Legal Service Division
Further Report on the Bill |
| LC Paper No. CB(1)366/04-05 | -Background brief on Trade
Descriptions (Amendment)
Bill 2004 prepared by the
Secretariat |

Other relevant papers issued previously for reference:

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| LC Paper No. CB(1)308/03-04 | -Report of the Subcommittee
on Trade Descriptions
(Country of Origin)
(Watches) (Amendment)
Order 2003 and Trade
Descriptions (Place of
Manufacture) (Piece-Knitted
Garments) Notice to the
House Committee |
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3. The Bills Committee deliberated (Index of proceedings attached at Appendix).

Timetable of enacting the Bill

4. On the urgency or otherwise of the Bill, the Administration confirmed that the scrutiny of the Bill would not affect the commencement of the Trade Descriptions (Country of Manufacture) (Textile Made-up Articles) Order, Trade Descriptions (Place of Manufacture) (Textile Made-up Articles) Notice and Trade Descriptions (Country of Manufacture) (Piece-knitted Garments) Order with effect from 1 January 2005 because the aforesaid Orders and Notice were made under existing provisions of the Trade Descriptions Ordinance (Cap 362) and these provisions would still subsist even if the Bill was not passed before 1 January 2005.

5. Mrs Sophie LEUNG highlighted the need to provide certainty for the industry and was very concerned that any delay in the enactment of the Bill might affect the textile trade in preparing the necessary documentation relating to Certificates of Origins (COs) upon the implementation of CEPA II and the elimination of the quantitative restriction on textiles and clothing products on 1 January 2005.

6. In response, the Administration advised that as the Bill did not deal with the application and issuance of COs for textiles and clothing products, the relevant documentation in this respect should not be affected as a result. At the request of the Chairman, the Administration agreed to confirm this in writing as soon as possible.

(*post-meeting note*: The Administration's written explanation on the matter was subsequently issued to members vide LC Paper No CB(1)402/04-05.)

Drafting aspect

7. The Chairman remarked that while there was no query on the policy objective, it was necessary to ensure precise drafting in order that the Bill could achieve its intended purposes.

8. On the reference to the origin of goods, members noted that Mr Ronny TONG had outlined his views and proposed amendments in his "Note on proposed amendment to Cap 362" (CB(1)377/04-05(01)). The Chairman also suggested that the Administration might consider including a general definition on "country" or "place" in the Interpretation section. The Administration undertook to address Mr TONG's concerns and examine members' suggestions and revert to the Bills Committee.

Date of next meeting

9. Members agreed that the next meeting would be held on Tuesday, 4 January 2005 at 10:45 am. The Chairman advised that the Administration should endeavour to provide its response and proposed Committee Stage Amendments, if any, well in advance for the consideration of members and the Assistant Legal Adviser.

III Any other business

10. There being no other business, the meeting ended at 9:10 am.

Council Business Division 1
Legislative Council Secretariat
14 December 2004

**Proceedings of the first meeting of the
Bills Committee on Trade Descriptions (Amendment) Bill 2004
on Wednesday, 1 December 2004, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 000106	Ms Margaret NG Mr LEUNG Kwan-yuen Mr Ronny TONG	Election of Chairman	
000107 - 000704	Chairman The Administration	(i) The Administration's advice that scrutiny of the Bill would not affect the commencement of the Orders and Notice made under Trade Descriptions Ordinance (TDO) (Cap 362) on 1 January 2005. (ii) Background of the Bill and one of the purposes of TDO to prohibit "false trade description" to be applied to goods.	
000705 - 001644	Chairman Mr Ronny TONG The Administration Mrs Sophie LEUNG	(i) Mr Ronny TONG's explanation of the "Note on proposed amendment to Cap 362" prepared by him (CB(1)377/04-05(01)) and his view on the effect of the Bill, if enacted, on importers. (ii) The Administration's advice that TDO applied to both the export and import of goods within Hong Kong jurisdiction. (iii) Whether the scope of "place" was wide enough to include "country", or would only be taken to mean an area within a country.	
001655 - 001935	Chairman Mr SIN Chung-kai The Administration	(i) The World Trade Organization (WTO) adopted a general reference to "country of origin" when referring to the origin of goods. (ii) Whether a general definition on "country" or "place" should be provided to facilitate reference to the origin requirements of goods.	
001936 - 002300	Chairman Mrs Sophie LEUNG The Administration	The Administration confirmed that the Bill did not deal with the application and issuance of COs for textiles and clothing products.	The Administration to follow-up as per paragraph 6 of the minutes.

Time Marker	Speaker	Subject(s)	Action Required
002301 - 003130	Chairman The Administration	The Administration introduced its proposed Committee Stage Amendments to the Bill (CB(1)367/04-05(02)).	
003131 - 003617	Chairman Clerk Mrs Sophie LEUNG The Administration	Date of next meeting: 4 January 2005 at 10:45am.	The Administration to follow-up as per paragraphs 8 and 9 of the minutes.

Council Business Division 1
Legislative Council Secretariat
14 December 2004