

立法會
Legislative Council

LC Paper No. CB(2)1109/10-11
(The minutes have been seen
by the Administration)

Ref : CB2/BC/5/09

**Bills Committee on
Adaptation of Laws (Military References) Bill 2010**

**Minutes of the third meeting
held on Tuesday, 18 January 2011, at 4:30 pm
in Conference Room A of the Legislative Council Building**

Members present : Hon IP Kwok-him, GBS, JP (Chairman)
Dr Hon Margaret NG
Hon James TO Kun-sun
Hon LAU Kong-wah, JP
Hon Andrew LEUNG Kwan-yuen, GBS, JP
Hon Cyd HO Sau-lan
Dr Hon Priscilla LEUNG Mei-fun
Hon WONG Kwok-kin, BBS

Members absent : Hon CHAN Hak-kan
Hon Paul TSE Wai-chun

Public Officers attending : Agenda item II
Security Bureau

Ms Carol YIP, JP
Deputy Secretary for Security

Mr David LAU
Principal Assistant Secretary for Security

Department of Justice

Ms Francoise LAM
Senior Government Counsel

Attendance by invitation : Agenda item II

Mr Martin Oei
Political commentator

Clerk in attendance : Miss Odelia LEUNG
Chief Council Secretary (2)6

Staff in attendance : Mr Jimmy MA
Legal Adviser

Mr Watson CHAN
Head (Research)

Ms Clara TAM
Assistant Legal Adviser 9

Ms Catherina YU
Senior Council Secretary (2)7

Mr Raymond CHOW
Council Secretary (Research) 1

Ms Carmen HO
Legislative Assistant (2)6

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I. Confirmation of minutes
[LC Paper No. CB(2)782/10-11]

The minutes of the meeting held on 14 December 2010 were confirmed.

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II. Meeting with deputations and the Administration

(LC Paper No. CB(2)813/10-11(01) -- List of follow-up actions arising from the discussion at the second meeting on 14 December 2010

LC Paper No. CB(2)813/10-11(02) -- The Administration's response to issues raised at the second meeting on 14 December 2010

LC Paper No. CB(2)813/10-11(03) -- The Administration's response to the submission of the Hong Kong Bar Association

LC Paper No. IN04/10-11 -- Information note entitled "The Hong Kong Garrison of the Chinese People's Liberation Army" prepared by the Research Division of the Legislative Council Secretariat)

2. The Chairman said that the Bills Committee had agreed at the meeting held on 14 December 2010 to invite the Hong Kong Bar Association ("HKBA") and the Law Society of Hong Kong to attend its meeting to give views on the Bill and to post a notice onto the Legislative Council ("LegCo") website to invite views from members of the public. The Law Society of Hong Kong had advised that it would not attend the meeting. The HKBA and Hong Kong Human Rights Monitor ("HKHRM") had earlier indicated that they would attend the meeting but subsequently informed the Secretariat that they were unable to attend. The submission of the HKBA and the Administration's response to it had been issued to members. The submission of HKHRM was tabled at the meeting.

3. Members noted the information note entitled "The Hong Kong Garrison of the Chinese People's Liberation Army" prepared by the Research Division of the LegCo Secretariat (LC Paper No. IN04/10-11).

4. The Bills Committee deliberated (index of proceedings attached at **Annex**).

5. Deputy Secretary for Security ("DS for S") briefed members on the Administration's response to the issues raised at the last meeting and its response to the submission of the HKBA as detailed in its papers (LC Paper

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Nos. CB(2)813/10-11(02) and (03)).

6. Dr Margaret NG reiterated that many of the proposals in the Bill were beyond the scope of law adaptation. The constitutional status of the Hong Kong Garrison under the Basic Law was totally different from that of the British forces stationed in Hong Kong before the Reunification. The status of the British forces and the Chinese People's Liberation Army ("CPLA") was also different in their respective countries because the constitutional systems of the United Kingdom ("UK") and the People's Republic of China ("PRC") were fundamentally different. As pointed out by the HKHRM in its submission, the Governor of Hong Kong was the Commander of the military forces stationed in Hong Kong but the Chief Executive did not have such a role under Article 48 of the Basic Law. Dr NG pointed out that the Hong Kong Garrison should abide by the Law of People's Republic of China on the Garrisoning of the Hong Kong Special Administrative Region ("the Garrison Law") while the British forces had to comply with the British laws like all other UK civilians unless expressly provided otherwise in law. Given all these differences, she considered it inappropriate for the Administration to resort to amending military-related provisions in legislation under the adaptation exercise as the proposed amendments might in effect result in policy changes.

7. Dr Margaret NG opined that the Administration had an incorrect understanding of the Interpretation and General Clauses Ordinance (Cap.1). In her view, Cap.1 was not the binding and overriding guide but provided by default the interpretation for expressions not defined in ordinances. Guidelines of construction in Cap.1 were not substitute for policy-making decisions as highlighted in paragraph 17(c) of the HKBA's submission. The rights and obligations of the Hong Kong Garrison should be considered within the framework of the Garrison Law and the Basic Law instead of simply adapting from those relevant to the British forces stationed in Hong Kong before the Reunification. She considered that the Administration had not responded to the HKBA's comments in paragraph 17 and requested a written reply in this regard.

8. Dr Margaret NG stressed she was not worried about the possible expansion of power of the Hong Kong Garrison by the present law adaptation exercise as its scope of activities was restricted by the Garrison Law. She was sad to see the mutilation of the law by the Administration by using a completely wrong approach to achieving law amendments.

9. DS for S said that the Basic Law and the Garrison Law should be the premise for law adaptation. She explained that the adaptation proposals in the Bill followed an important interpretative principle promulgated by the

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Standing Committee of the National People's Congress, i.e. provisions relating to the rights, exemptions and obligations of the former British forces stationed in Hong Kong should, subject to the provisions of the Basic Law and the Garrison Law, continue to have effect and apply to the Hong Kong Garrison. The Bill made adaptation proposals to military-related references only and was prepared in accordance with the Basic Law and the Garrison Law. Proposals that might involve law reform or non-military-related references would not be included in the present adaptation exercise.

10. Dr Margaret NG pointed out that if the exemptions enjoyed by the British forces stationed in Hong Kong originated from the Crown immunity which was no longer applicable after the Reunification, it would be inappropriate to transfer such exemptions to the Hong Kong Garrison as this would not be in conformity with the constitution of PRC and the status of Hong Kong as a Special Administrative Region ("SAR") of PRC.

Oral presentation by Mr Martin OEI

11. The Chairman reminded Mr Martin OEI that when addressing the Bills Committee, he was not covered by the protection and immunity provided under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382). His written submission will also not be covered by the Ordinance.

12. Mr Martin OEI said that he considered the law adaptation approach taken by the Administration problematic. He opined that the British forces stationed in the colonies of UK were given substantial powers to deal with terrorist activities relating to the Irish Republican Army in the 1950s and 1960s. The British forces stationed in Hong Kong before the Reunification had the power to inspect illegal immigrants and it was questionable whether such power should be exercised by a military force after the Reunification which was accountable to and under the command of the Communist Party of China only and was not subject to the monitoring of the law-making body. In his view, it would be very dangerous to transfer the power of the British forces stationed in Hong Kong to the Hong Kong Garrison by way of law adaptation.

13. Mr Martin OEI further said that the British forces and the Hong Kong Garrison were different as far as the source of power was concerned. Although the British forces had enjoyed certain royal prerogatives, the royal prerogatives were restricted and were not applicable to laws enacted by the UK Parliament. Indeed, the human right standards of the British forces and the UK were ill-compared with those of continental European countries. In his view, the proper way was to enact a specific piece of legislation under the framework of the Basic Law and the Garrison Law taking into account the status of the

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CPLA under the constitutional system of PRC. The Administration should communicate with the Central People's Government ("CPG") in the formulation of the law, and the power of the Hong Kong Garrison should be limited to the defence and security of Hong Kong. He called on the Administration to withdraw the Bill.

14. Dr Margaret NG agreed with Mr Martin OEI's views, particularly on the importance of the power of the law-making body to enact laws to impose restrictions on military forces. Dr NG pointed out that the budget of the British forces was passed by the UK Parliament and this could serve as a check on their power. At the request of Dr Margaret NG, Mr OEI explained how the Parliament of UK could restrict the power of the British military forces through the scrutiny of budget, the appointment of the relevant officials and the enactment of the Human Right Act in 1998. He further said that he did not have information concerning members of the Hong Kong Garrison whose activities were not as transparent as those of the British forces stationed in Hong Kong. According to his understanding, unlike the British forces, CPLA engaged in commercial activities. If such activities were found to be in contravention of certain international covenants or acts, it would jeopardize the status of Hong Kong as an international finance centre. He would provide written information for the consideration of the Bills Committee.

15. Mr LAU Kong-wah said that the Bills Committee would depart from its terms of reference and misplace its focus should it dwell on issues relating to the Garrison Law or the CPLA. In his view, matters involving constitutional and law reforms could be discussed in other platforms, such as the Panel on Administration of Justice and Legal Services or the Panel on Security. He considered that while members could express their views on CPLA or the Hong Kong Garrison, the Bills Committee should move on to examine the adaptation proposals. Instead of discussing the Garrison Law or the Hong Kong Garrison in isolation, members could refer, where necessary, to the relevant articles of the Garrison Law in the context of examining the law adaptation proposals.

16. Dr Priscilla LEUNG echoed that the Bills Committee should not examine the Garrison Law for the purpose of law adaptation. When the Garrison Law was made, the situation in Hong Kong had been taken into consideration and detailed provisions for addressing the concerns of some Hong Kong people had been included in it. She was of the view that many issues raised by members had already been addressed in the drafting of the Basic Law. She considered that the Bills Committee should focus on the adaptation proposals in the Bill.

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17. Ms Cyd HO enquired whether the Hong Kong Garrison was subject to Article 39 of the Basic Law and the Hong Kong Bill of Rights Ordinance (Cap. 383). She reiterated the need to examine certain articles of the Garrison Law, in particular Articles 20 to 25 in Chapter V (i.e. Judicial Jurisdiction over Members of the Hong Kong Garrison) to enable members as well as the community to have a better picture of how civil or criminal proceedings involving the Hong Kong Garrison would be handled. She considered it irresponsible on the part of the Bills Committee to accept the law adaptation proposals without seeking the necessary clarifications. It was also necessary for members to understand the background of each adaptation proposal to ascertain if the legal effect of the provisions concerned would be changed by the proposed amendments.

18. The Chairman disagreed with Ms Cyd HO's view that the Bills Committee would be irresponsible if it did not examine the Garrison Law in detail. He considered that it was not the purview of the Bills Committee to study Chapter V of the Garrison Law in isolation. Members could seek specific information about the Garrison Law in the context of examining the adaptation proposals. He pointed out that members of the Bills Committee had already agreed on the approach to consider certain articles of the Garrison Law in the context of individual adaptation proposals in the Bill.

19. Noting members' diverse views on the approach that should be taken to adapt military-related provisions in the laws of Hong Kong, DS for S explained that these provisions had been construed in accordance with the interpretative principles enshrined in Cap. 1 and had taken effect since 1 July 1997. The adaptation of military-related provisions in the current exercise would provide legal certainty in the laws of Hong Kong. She reiterated that the Administration never had any intention of making law reform by way of the present adaptation exercise. The rationale of and justifications for the proposed adaptations of sections 1 to 45 of Schedule 1 to the Bill had been explained in the Administration's paper (Annex D to LC Paper No. CB(2)479/10-11(02)). The adaptation proposals would not change the legal effect of the provisions concerned.

20. DS for S further said that Article 14 of the Basic Law had made it clear that members of the Hong Kong Garrison should abide by national laws and the laws of HKSAR. Such requirement had also been expressly provided in Article 16(2) and Article 19 of the Garrison Law.

21. Mr James TO did not subscribe to Mr LAU Kwong-wah's view. He said that given the different roles and structures of the British forces stationed in Hong Kong and the Hong Kong Garrison and the different constitutional

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structures of British forces and CPLA, the power of the British forces stationed in Hong Kong and the Hong Kong Garrison should be different. It was therefore inappropriate to take the approach of law adaptation of the military-related provisions. A holistic review of the relationship between CPLA and Hong Kong and the structure and the role of CPLA was necessary in order to determine the extent of power to be conferred on the Hong Kong Garrison. He would therefore examine the individual proposals in the Bill from that perspective. Hence, he considered it necessary for the Bills Committee to discuss fundamental issues relating to the structures of CPLA and the Hong Kong Garrison.

22. The Chairman said that although members had different views on the approach that should be taken by the Administration to adapt military-related provisions, there had been consensus among members that the Bills Committee was tasked to deal with adaptation of military-related references and not legislative amendments for bringing about substantive changes. Members had also agreed that should the Bills Committee identify any adaptation proposals involving policy changes, such proposals should be taken out from the present law adaptation exercise and to be dealt with separately in future legislative exercises.

23. DS for S clarified that in formulating the adaptation proposals, the premise was not to equate exactly the power of the Hong Kong Garrison with that of the British Forces stationed in Hong Kong before the Reunification, but to ensure that provisions relating to the rights, exemptions, and obligations of the former British Forces stationed in Hong Kong should, subject to the provision of the Basic Law and the Garrison Law, continue to have effect and apply to the Hong Kong Garrison. The latter was the primary principle underlying the adaptation of military-related provisions as stipulated in section 2A(2)(c) of Cap.1.

(Mr Martin OEI left the meeting.)

24. Dr Margaret NG said that section 2A(2)(c) of Cap.1 had provided for the application of the provisions relevant to the British forces to the Hong Kong Garrison but had not precluded amendments to these provisions if considered warranted. The change of the Hong Kong status from a British colony to a SAR of PRC entailed the need to amend these provisions. For instance, it would not be appropriate for the Hong Kong Garrison to have the same power as the British forces stationed in Hong Kong to arrest illegal immigrants. Indeed, the provisions relating to the rights and obligations of the Hong Kong Garrison had already been taken into effect since 1 July 1997. By resorting to the law adaptation approach, the Administration ran the risk of

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changing the legal affect of the relevant provisions and not reflecting the actual situation.

25. Summarizing the discussions, the Chairman said that the task of the Bills Committee was to scrutinize the law adaptation proposals, and members should adhere to this principle. He requested the Legal Adviser ("LA") to draw to members' attention if the discussion had gone beyond the scope of law adaptation.

26. Noting that the official figure of the size of the Hong Kong Garrison had not been published as mentioned in paragraph 2.8 of the information note prepared by the Research Division, Ms Cyd HO requested the Administration to enquire with the Hong Kong Garrison in this regard. She said that such information was necessary for members to consider the adaptation proposals and evaluate their impact on the policies. She considered that such information should be published for public information. She also sought information on the relationship between the Hong Kong Garrison and members of the 41st and 42nd Group Armies from the Guangzhou Military Region ("GMR") and the South Sea Fleet as mentioned in paragraph 2.9.

27. Head (Research) responded that the Research Division had included all the available information concerning the Hong Kong Garrison in the paper and it would be difficult to retrieve further information. DS for S said that Article 3 of the Garrison Law provided that "the Hong Kong Garrison should be subject to the direction of the Central Military Commission ("CMC") of PRC. The number of its members shall be determined according to the need for the defence of the HKSAR." The Administration did not have further information in this regard and considered that such information was not relevant to the adaptation proposals in the Bill.

28. Ms Cyd HO remarked that the requisite information was relevant. If the Hong Kong Garrison was also accountable to the CMC, members should take this factor into account in ascertaining the extent of power conferred on the Hong Kong Garrison. In his capacity as a member of the National People's Congress, the Chairman said that the Hong Kong Garrison was subject to the direction of the CMC of PRC and their participation in any activity had to be approved by it.

29. While understanding that the Administration might not have the requisite information, Ms Cyd HO considered that the Administration should relay members' requests to the Hong Kong Garrison. The Chairman said that the Administration should endeavour to provide the information requested by members in the scrutiny of the adaptation proposals.

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30. DS for S said that the Administration would endeavour to provide additional reference information to members to facilitate their scrutiny of the Bill. Regarding the status of the Hong Kong Garrison, relevant information was included in Annex B to the Administration's paper (LC Paper No. CB(2)813/10-11(02)).

Clause-by-clause examination of the Bill
(LC Paper No. CB(2)228/10-11(05))

Cap. 1 Interpretation and General Clauses Ordinance

31. DS for S explained the proposed addition of four definitions in Cap. 1. She said that having regard to the views of certain members, the Administration was consulting the Department of Justice again on the drafting and would further examine the feasibility of various options and their impact, if any, on the existing legislation.

Military hospital

32. Ms Cyd HO sought information on whether the laws of Hong Kong concerning control and prevention of infectious diseases applied to military hospitals and whether military hospitals could admit members of the public. She noted from media reports that military hospitals before the Reunification had admitted members of the public. She also enquired whether the notification mechanism and measures for control and prevention of infectious diseases applicable to local hospitals also applied to military hospitals, and whether there was liaison between the Hospital Authority and the Hong Kong Garrison in this regard.

33. In response, DS for S said that as far as she was aware, the military hospital was not open to members of the public. As explained earlier, the Hong Kong Garrison needed to abide by the laws of Hong Kong, including the Prevention and Control of Disease Regulation (Cap. 599A).

34. LA advised that measures for control and prevention of infectious diseases applied to military hospitals.

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III. Any other business

Date of next meeting

35. Members agreed to hold the next meeting on 10 February 2011 at 10:45 am.

36. The meeting ended at 6:30 pm.

Council Business Division 2
Legislative Council Secretariat
18 February 2011

**Proceedings of the third meeting of the
Bills Committee on Adaptation of Laws (Military References) Bill 2010
on Tuesday, 18 January 2011, at 4:30 pm
in Conference Room A of the Legislative Council Building**

| Time marker | Speaker | Subject | Action required |
|--------------------|-------------------------------------|---|------------------------|
| 000000 - 000105 | Chairman | The Chairman informed members of the attendance and submissions of deputations. | |
| 000106 - 001250 | Chairman Admin | Briefing by the Administration on its response on the issues raised at the last meeting and its response to the submission of the Hong Kong Bar Association ("HKBA") and the Hong Kong Human Rights Monitor ("HKHRM"). | |
| 001251 - 002556 | Chairman Dr Margaret NG Admin | <p>Dr Margaret NG's views that given the differences in the constitutional status of the Hong Kong Garrison and the British forces stationed in Hong Kong; and the differences of the British forces and the CPLA, there would be policy changes, it was inappropriate for the Administration to resort to amending military-related provisions in legislation under the adaptation exercise as the proposed amendments might in effect result in policy changes.</p> <p>Dr Margaret NG's comments that the Administration's understanding about Cap.1 was wrong. Cap.1 was not the binding and overriding guide but provided by default the interpretation for expressions not defined in ordinances. Guidelines of construction in Cap. 1 were not substitute for policy-making decisions.</p> <p>Dr Margaret NG's request for the Administration to provide a written reply to the HKBA's comments in paragraph 17 of its submission.</p> <p>DS for S's explanation on the important interpretative principle for adaptation of laws promulgated by the Standing Committee of the National People's Congress. Should any adaptation proposal be identified to be in contravention of the Basic Law and the Garrison Law, it would have already been excluded from the present adaptation exercise.</p> | Admin |
| 002557 - 003149 | Chairman Mr Martin OEI | Presentation of views by Mr Martin OEI. | |

| Time marker | Speaker | Subject | Action required |
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| 003150 - 003859 | Chairman Dr Margaret NG Mr Martin OEI | In response to Dr Margaret NG, Mr Martin OEI explained how the Parliament of UK could restrict the power of the British military forces through the scrutiny of budget, the appointment of the relevant officials and the enactment of the Human Right Act in 1998. | |
| 003900 - 004135 | Chairman Mr LAU Kong-wah | Mr LAU Kong-wah's view that the Bills Committee would depart from its terms of reference and misplace its focus should it dwell on issues relating to the Garrison Law or the CPLA. Matters involving constitutional and law reforms could be discussed in other platforms. | |
| 004136 - 004625 | Chairman Dr Priscilla LEUNG | Dr Priscilla LEUNG's views that when the Garrison Law was made, the situations in Hong Kong had been taken into consideration and detailed provisions for addressing the concerns of some Hong Kong people had been included in it. Many issues raised by members had already been addressed in the drafting of the Basic Law. | |
| 004626 - 005432 | Chairman Ms Cyd HO Admin | <p>Ms Cyd HO's enquiry on whether the Hong Kong Garrison was subject to Article 39 of the Basic Law and the Hong Kong Bill of Rights Ordinance (Cap. 383).</p> <p>Ms Cyd HO reiterated the need to examine certain articles of the Garrison Law, in particular Articles 20 to 25 in Chapter V to enable members as well as the community to have a better picture of how civil or criminal proceedings involving the Hong Kong Garrison would be handled. She considered it irresponsible on the part of the Bills Committee to accept the law adaptation proposals without seeking the necessary clarifications.</p> | |
| 005433 - 010359 | Chairman Mr James TO Admin | <p>The Chairman's disagreed with Ms Cyd HO's view that the Bills Committee would be irresponsible if it did not examine the Garrison Law in detail. He considered that it was not the purview of the Bills Committee to study Chapter V of the Garrison Law in isolation. Members could seek specific information about the Garrison Law in the context of examining the adaptation proposals.</p> <p>The Administration's response that military-related provisions in the laws of Hong Kong had been construed in accordance with the interpretative principles enshrined in Cap. 1 and had taken effect since 1 July 1997. The adaptation of military-related provisions in the current exercise would provide legal certainty in the laws of Hong Kong. The Administration never had any intention of making law reform by way of the present adaptation exercise.</p> | |

| Time marker | Speaker | Subject | Action required |
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| | | <p>The Administration's response that Article 14 of the Basic Law had made it clear that members of the Hong Kong Garrison should abide by national laws and the laws of HKSAR. Such requirement had also been expressly provided in Article 16(2) and Article 19 of the Garrison Law.</p> <p>Mr James TO's comments that given the different roles and structures of the British forces stationed in Hong Kong and the Hong Kong Garrison and the different constitutional structures of British forces and CPLA, the power of the British forces stationed in Hong Kong and the Hong Kong Garrison should be different. It was therefore inappropriate to take the approach of law adaptation of the military-related provisions. A holistic review of the relationship between CPLA and Hong Kong and the structure and the role of CPLA was necessary in order to determine the extent of power to be conferred on the Hong Kong Garrison.</p> <p>Mr James TO's remarks that he would examine the individual proposals in the Bill from that perspective.</p> | |
| 010400 - 010606 | Chairman Mr Martin OEI Admin | <p>The Chairman's comments that although members had different views on the approach that should be taken by the Administration to adapt military-related provisions, there had been consensus among members that the Bills Committee was tasked to deal with adaptation of military-related references and not legislative amendments for bringing about substantive changes. Should the Bills Committee identify any adaptation proposals involving policy changes, such proposals should be taken out from the present law adaptation exercise.</p> <p>The Administration's explanation that in formulating the adaptation proposals, the premise was not to equate exactly the power of the Hong Kong Garrison with that of the British Forces stationed in Hong Kong before the Reunification, but to ensure that provisions relating to the rights, exemptions, and obligations of the former British Forces stationed in Hong Kong shall, subject to the provisions of the Basic Law and the Garrison Law, continue to have effect and apply to the Hong Kong Garrison. The latter was the primary principle underlying the adaptation of military-related provisions as stipulated in section 2A(2)(c) of Cap.1.</p> <p>Mr Martin OEI's remarks that according to his understanding, CPLA engaged in commercial activities. If such activities were found to be in contravention of certain international covenants or acts, it would jeopardize the status of Hong Kong as an international finance centre.</p> | |

| Time marker | Speaker | Subject | Action required |
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| 010607 - 011241 | Chairman Dr Margaret NG | Dr Margaret NG's comment that section 2A(2)(c) of Cap.1 had provided for the application of the provisions relevant to the British forces to the Hong Kong Garrison but had not precluded amendments to these provisions if considered warranted. The change of the Hong Kong status from a British colony to a SAR of PRC entailed the need to amend these provisions. | |
| 011242 - 011513 | Chairman Mr LAU Kong-wah | <p>The Chairman's remarks that the task of the Bills Committee was to scrutinize the law adaptation proposals, and members should adhere to this principle.</p> <p>Mr LAU Kong-wah's comment that the Bills Committee should adhere to its terms of reference. Should member consider it necessary to conduct a comprehensive review of the role of CPLA, they could raise it in other platforms.</p> | |
| 011514 - 012339 | Chairman Ms Cyd HO | <p>Ms Cyd HO's requests for information on the official figure of the size of the Hong Kong Garrison and the relationship between the Hong Kong Garrison and members of the 41st and 42nd Group Armies from the Guangzhou Military Region ("GMR") and the South Sea Fleet.</p> <p>The Chairman's view that such information was not relevant to the adaptation proposals under scrutiny.</p> | Admin |
| 012340 - 012924 | Chairman Dr Margaret NG Admin | <p>Dr Margaret NG's expression of views on the need for the Administration to provide information to members and the Administration's response that the relevant information had been provided.</p> <p>The Chairman's remarks that the Bills Committee should focus on law adaptation proposals. Members should adhere to this principle and Legal Advisor ("LA") should draw to the attention of the Bills Committee if its discussion had gone beyond the scope of law adaptation.</p> | |
| 012925 - 013210 | Chairman Admin | The Administration's reiteration of the need and the appropriateness for taking the adaptation of laws approach to adapt the military-related references in the laws of Hong Kong. | |
| 013211 - 014509 | Chairman Ms Cyd HO Admin | Ms Cyd HO's view that if the Hong Kong Garrison was accountable to the Guangzhou Military Region, members should take this factor into account in ascertaining the extent of power conferred on the Hong Kong Garrison. | |

| Time marker | Speaker | Subject | Action required |
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| | | <p>The Administration's reply that it would endeavour to provide additional reference information to members to facilitate their scrutiny of the Bill.</p> <p>The Chairman, in his capacity as a member of the National People's Congress, advised that the Hong Kong Garrison was subject to the direction of the Central Military Commission of PRC and their participation in any activity had to be approved by it.</p> | |
| 014510 - 015416 | Chairman Ms Cyd HO Admin LA | <p><u>Clause-by-clause examination</u></p> <p>The Administration's briefing on the adaptation proposals in Cap.1 and advised that it was consulting the Department of Justice again on the drafting and would further examine the feasibility of various options and their impact, if any, on the existing legislation.</p> <p>Ms Cyd HO sought information on whether the laws of Hong Kong concerning control and prevention of infectious diseases applied to military hospitals; whether military hospitals could admit members of the public; and whether the notification mechanism and measures for control and prevention of infectious diseases applicable to local hospitals also applied to military hospitals.</p> <p>The Administration's response that military hospital was not open to members of the public. The Hong Kong Garrison needed to abide by the laws of Hong Kong including the Prevention and Control of Disease Regulation (Cap. 599A).</p> <p>LA's advice that measures for control and prevention of infectious diseases applied to military hospitals.</p> | Admin |
| 015417 - 015620 | Chairman | Date of next meeting | |