立法會
Legislative Council

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(These minutes have been seen by the Administration)

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Subcommittee on resolution under the Immigration Ordinance

Minutes of meeting held on Saturday, 3 July 1999, at 9:00 am in the Chamber of the Legislative Council Building

Members present	:	Hon Ambrose LAU Hon-chuen, JP (Chairman) Hon David CHU Yu-lin Hon HO Sai-chu, SBS, JP Hon Cyd HO Sau-lan Hon NG Leung-sing Hon Maragret NG Hon James TO Kun-sun Hon HUI Cheung-ching Hon CHAN Kam-lam Hon Mrs Miriam LAU Kin-yee, JP Hon Emily LAU Wai-hing, JP Hon CHOY So-yuk
Members absent	:	Hon Albert HO Chun-yan Hon Mrs Selina CHOW LIANG Shuk-yee, JP Hon Ambrose CHEUNG Wing-sum, JP Hon Jasper TSANG Yok-sing, JP Hon Howard YOUNG, JP
Public Officers attending	:	Mrs Regina IP, JP Secretary for Security

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		Mr Timothy TONG Deputy Secretary for Security
		Miss Cathy CHU Principal Assistant Secretary for for Security
		Mr Andy CHAN Assistant Secretary for Security
		Mr Ian WINGFIELD, GBS, JP Law Officer (Civil Law)
		Mr Gilbert MO Deputy Law Draftsman
		Mr T K LAI Assistant Director of Immigration
Clerk in attendance	**:**	Mrs Sharon TONG Chief Assistant Secretary (2)1
Staff in attendance	**:**	Mr Jimmy MA, JP Legal Adviser
		Mr Raymond LAM Senior Assistant Secretary (2)5

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I. Meeting with the Administration

Law Officer (Civil Law) LO(CL) briefed members on the paper (tabled at the meeting and issued to absent members vide LC Paper No. CB(2) 2482/98-99), which sought to explain each provision of the proposed resolution under the Immigration Ordinance (Cap. 115) (IO) and respond to the issues raised in the LegCo Legal Service Division's Report. He highlighted the following points -

(a) the proposed amendment to paragraph 1(2)(a) and (b) of Schedule 1 reflected the Court of Final Appeal (CFA)'s decision on the status of children born out of wedlock. It provided that such children might derive their right of abode (ROA) from their father or their mother. The amendment was not related to the interpretation of

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the Standing Committee of the National People's Congress (NPCSC);

(b) no amendment was proposed to paragraph 1(2)(c) of Schedule 1 although the Court of First Instance had found that it contravened Article 24 of the Basic Law (BL24). As the Administration would appeal against the decision, it would be premature to repeal the paragraph;

(c) as the term "ROA" was not included in IO until 1 July 1987, different provisions were proposed for people born before 1 July 1987 in Hong Kong and people born on or after that date in Hong Kong. The absence of the "was settled" element in proposed paragraph 2(a)(i) reflected the introduction of the concept of ROA from 1 July 1987; and

(d) the proposed amendment to paragraph 2(c) of Schedule 1 sought to reflect the interpretation of NPCSC. As the concept of ROA was only introduced into IO on 1 July 1987, the use of that term was not appropriate for persons born before that date. The addition of a "was settled" criterion to paragraph 2(c) would not resolve the difficulty associated with the term "ROA".

Effective date of the resolution

2. On the question of when the resolution would take effect, LO(CL) said that as the resolution involved the repeal and re-enactment of provisions, it would take effect from the date when the resolution was gazetted. It was a technical amendment to ensure that provisions of IO were discernable in respect of persons who have the right. The rights of persons were determined in accordance with the BL, which had been interpreted by NPCSC. For a person whose status had been verified and was given ROA before the passing of the resolution, the status would remain unchanged. In respect of a person whose status had yet to be verified, his status would be verified in accordance with the interpretation of NPCSC.

3. Legal Adviser (LA) informed members that section 23 of the Interpretation and General Clauses Ordinance (Cap.1) provided that, in general terms, the repeal of an Ordinance should not affect any right, obligation, liability or privilege acquired, accrued or incurred under any Ordinance, including subsidiary legislation, so repealed. LO(CL) said that in relation to paragraph 2(a), the amendment had made the provision more generous and therefore it was unlikely to face future challenge in practical terms. Miss Margaret NG said that as the resolution relied on the interpretation of NPCSC, the Administration should explain when the interpretation of NPCSC would take effect.

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Issue of whether the court would determine a case on the basis of provisions in BL or Schedule 1 to IO

4. Mr HUI Cheung-ching said that it was a principle that legislation enacted at a later time would prevail over legislation enacted at an earlier time. On the other hand, BL was a major legislation that prevailed over other legislation in Hong Kong. He enquired whether the court would determine a case in accordance with the provisions in the amended Schedule 1 or BL. LO(CL) responded that for the amended Schedule 1 to be constitutional, it had to be consistent with BL 24. The court would examine its consistency with BL. If it was consistent, the court would determine the case in accordance with provisions in the Schedule. If it was inconsistent, the provisions in Schedule 1 would have no legal effect. He added that the drafters of BL clearly did not intend that children born in Hong Kong of illegal immigrants could acquire ROA in Hong Kong. As the matter was a subject of litigation in the court, there would eventually be a definite answer on the issue.

Issue of whether legislative amendments should be introduced at a time when there was still litigation before the court

錯誤! 尚未定義書籤。. LA said that it was very rare for legislative amendments to be introduced to an Ordinance when there was still litigation relating to the Ordinance. As litigation relating to BL24(2)(1) was before the court, it might not be an appropriate time to amend the Schedule, as such amendments might possibly pre-empt the decision of the court. LO(CL) responded that the litigation concerned was related to the part of the Schedule to which no amendment was proposed. Thus, the proposed amendments would not affect the outcome of litigation in the court. By extending the right to all persons born in Hong Kong before 1 July 1987, the provision had become more generous and would therefore not prejudice any person. Miss Emily LAU requested LA to examine whether the introduction of amendments to the Schedule while the litigation was not yet concluded would not affect justice in the court.

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The Administration's criteria for seeking interpretation from NPCSC

5. Referring to the litigation relating to ROA under BL24(2)(1) and paragraph 2(a) of Schedule 1, Miss Margaret NG enquired whether the Administration would seek the interpretation of NPCSC on the issue in the event that it lost in the litigation. Secretary for Security (S for S) stressed that the Administration's position was to seek interpretation from NPCSC only when such a need was strictly necessary and unavoidable. If the Administration intended to seek NPCSC's interpretation of the issue, it would have done so together with the recent request for interpretation by NPCSC. In response to

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Miss Emily LAU, she said that a large number of persons would acquire ROA if the Administration lost in the litigation relating to BL24(2)(1). A large number of Mainland people might also come to give birth to their children in Hong Kong.

6. Miss Margaret NG said that the Administration might not have sought NPCSC's interpretation of BL24(2)1 because it considered that the provision was not important. She expressed concern that the Administration had not ruled out the possibility of seeking NPCSC's interpretation of the provision in the future. She pointed out that many provisions in Schedule 1 were different from the relevant provisions in BL. As the Administration maintained that the Schedule was consistent with the legislative intent of BL, they should inform members of the documents related to the legislative intent of BL. S for S expressed doubt about whether it was necessary and practical to examine all the documents relevant to the legislative intent of BL in the scrutiny of the resolution. Miss NG said that even without the resolution, the Administration should still provide the documents related to the legislative intent of BL so that litigation could be avoided.

7. S for S said that although the Administration considered the provisions in paragraph 2(a) to be very important, it had not sought interpretation of BL24(2)(1). Under the principle that the seeking of NPCSC's interpretation should be kept to a minimum and only when strictly necessary, interpretation had not been sought on the provision. The Administration had also considered other options such as seeking interpretation after the litigation was over. She said that there were great difficulties in seeking to strike a balance between immigration control and upholding the rule of law. If the Administration lost in the litigation, persons born in Hong Kong of illegal immigrants or Two-way permit holders would have ROA and serious immigration control problems would arise.

8. Miss Emily LAU opined that the Administration should not seek NPCSC's interpretation of the provision, as the matter was within the autonomy of Hong Kong Special Administrative Region (HKSAR). S for S responded that as the issue also involved exit approval from the relevant Mainland authorities, it was not a matter within the autonomy of HKSAR. The criteria for determining whether NPCSC's interpretation should be sought on a BL provision had been discussed at length by the LegCo Panel on Constitutional Affairs (CA Panel). The Administration took the view that it was difficult to determine the circumstances under which interpretation would be sought from NPCSC. However, it would be kept to a minimum and only when absolutely necessary.

Gazette notice on the application procedure for Certificate of Entitlement (C of E)

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9. In response to Mr James TO's question on when the Administration could provide the draft gazette notice on the application procedure for C of E, S for S said that D of Imm would discuss the application procedure for C of E with the relevant Mainland authorities in the following week. While the Administration could provide a paper explaining the procedures, the detailed application procedure was not yet available.

Issue of absence of "was settled" from the proposed paragraph 2(a)(i)

10. In response to Miss Emily LAU's question of whether the absence of "was settled" from proposed paragraph 2(a)(i) would deprive the ROA of some persons, LO(CL) said that the amendment to paragraph 2(a)(i) was inclusionary rather than exclusionary. The Administration had simplified the position in respect of persons born in Hong Kong before 1 July 1987 and the proposed provision was more generous than the existing one. The use of the terms "settled" and "ROA" in paragraph 2(a) was not sufficient to enable all eligible persons under this paragraph to obtain ROA if their parents had to have that status at the time of their birth. The provision at paragraph 2(a)(i) was therefore proposed. As regards persons who were not born in Hong Kong before 1 July 1987 but had settled in Hong Kong, their status would be verified in accordance with paragraph 2(b), under which they would have to establish that they had ordinarily resided in Hong Kong for a continuous period of not less seven years. A person whose parent had satisfied the condition prescribed under paragraph 2(b) at the time of his birth would satisfy the requirement under paragraph 2(c) if his parent was settled in Hong Kong or had ROA at the time of his birth.

11. Responding to Miss LAU's question of whether paragraph 2(b) would be adequate for dealing with the ROA of persons who had settled in Hong Kong, LA said that the mere fact that a person had settled in Hong Kong would not qualify him for ROA. The person had to prove that he had ordinarily resided in Hong Kong for a continuous period of not less seven years.

12. As regards the definition of "settlement", LO(CL) said that, as defined in paragraph 1(5) of Schedule 1, a person was settled in Hong Kong if he was ordinarily resident in Hong Kong and was not subject to any limit of stay in Hong Kong. There was no requirement for the person to be resident for a certain period of time. Hence, "being settled" was not equivalent to the status under paragraph 2(b). It was a lesser status than that under paragraph 2(b).

13. In response to Mr James TO, S for S said that according to IO, the residence of persons such as foreign domestic helpers and the garrison would not be regarded as being "ordinarily resided" in Hong Kong.

Legal basis for the proposed amendments to Schedule 1

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14. Miss Margaret NG opined that while paragraph 2(a) was enacted to implement BL24(2)(1), it imposed additional requirements to the provision in BL. Although proposed paragraph 2(a)(i) was more generous than the existing provision, it was more restrictive than BL24(2)(1), which had no requirements in respect of parentage. She questioned the legal basis for imposing the requirements in paragraph 2(a). LO(CL) explained that the requirements were based on the Administration's understanding of the intent of BL. The provision "Chinese citizens born in Hong Kong" must necessarily exclude, for example, persons born of illegal immigrants. The interpretation of the provision in BL was the subject of discussions in expert talks of the Sino-British Joint Liaison Group (JLG). The equivalent provision of the Sino-British Joint Declaration (JD) was considered and a consensus was reached as to the circumstances under which a person would obtain ROA under the paragraph. This was evidenced by the respective statements of the two sides of JLG at that time. The Immigration Department (ImmD) had issued a booklet setting out its understanding of the issue. The Preparatory Committee for the Hong Kong Special Administrative Region (PC) had also expressed similar views in respect of the provision in its Opinions on the implementation of BL 24(2) on 10 August 1996. The Opinions were endorsed by NPCSC in March 1997 and promulgated on 13 April 1997.

15. In response to Miss Margaret NG, LO(CL) said that the proposed amendments to paragraph 2(a) of Schedule 1 were based on the consensus reached by JLG, Opinions of PC, and the interpretation of NPCSC. However, they did not form an exhaustive list of the documents on which the resolution relied. The PC's Opinions endorsed by NPCSC should also be included in the list.

16. Mr James TO requested the Administration to provide other documents that reflected the legislative intent of the provisions in BL relating to the resolution. LO(CL) said that while the Administration would try to provide a list of documents on which it relied in relation to paragraph 2(a) of Schedule 1, it could not undertake to make a complete analysis of all hypothetical questions that might arise in the future. To facilitate members' understanding of the history and background of the issue, members requested the Administration to provide a paper explaining in detail the legal basis and legal documents from 1983, such as JLG discussions, PC's Opinions, interpretation of NPCSC, British Nationality Act 1983, on which the proposed amendments to Schedule 1 were based.

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17. Referring to proposed paragraph 2(a)(ii), Mr James TO questioned the grounds on which the Administration imposed a more stringent requirement than that under the Basic Law. He considered that such a requirement might be in contravention of BL. S for S responded that in drafting the provision, the Administration had given regard to all relevant legislation, including the British Nationality Act 1981 and the amendments to IO at that time. Assistant Director of Immigration (AD of Imm) added that before 1 January 1983, all persons born

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in Hong Kong had the right to land in Hong Kong. Under the British Nationality Act 1981 (the Act), which came into force on 1 January 1983, a person was a British Dependent Territory Citizen (BDTC) if, at the time of his birth, his father or mother was a BDTC or was settled in Hong Kong. It was not until 1 July 1987 that the term "ROA" was introduced into IO. Paragraph 2(a)(ii) had reflected the requirements under the then legislation.

18. Mr James TO enquired whether the rights under BL24 were conferment or savings. He considered that if they were conferment, additional requirements should not be imposed to effect the provision in BL24(2)(1). If they were savings, BL24(2)(6) should then apply. In this regard, LO(CL) referred to the transitional provision in paragraph 6(2) of Schedule 1, which stated that "A person who is a Chinese citizen and was a Hong Kong permanent resident immediately before 1 July 1997 under this Ordinance as then in force shall, as from 1 July 1997, be a permanent resident of the Hong Kong Special Administrative Region as long as he remains a Chinese citizen". He said that any Chinese citizen who had ROA in Hong Kong immediately before 1 July 1997 had that right preserved if he remained as a Chinese citizen. Mr James TO said that if this was the case, proposed paragraph 2(a)(i) might no longer be needed, as all the persons covered by the paragraph would also be covered under paragraph 6(2). LO(CL) said that most people who came under paragraph 2(a)(i) would also be covered by the transitional provision in paragraph 6(2), which mainly sought to cover persons who already had ROA but failed to satisfy the requirement under paragraph 2(a). Mr James TO expressed concern that the transitional provision might be in conflict with BL, as it seemed to create an additional category of permanent resident under BL 24(2). He requested the Administration to look into the issue. Miss Margaret NG added that it was clear from the recent litigation relating to BL24(2)(3) that the six categories of permanent resident under BL24(2) were conferment rather than savings. She questioned why savings had been incorporated in the provision.

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19. S for S said that the issue of ROA had been thoroughly discussed by the two sides of JLG. The wording for the six categories of ROA under BL24(2) were the same as those stated in JD. In the view of the Administration, the provisions in Schedule 1 reflected the intent of BL.

Chinese citizenship

20. Mr James TO enquired whether the term "Chinese citizen" in paragraph 2(a) included persons who were Chinese citizens at the time of birth but subsequently lost such citizenship, such as through emigration, and persons who were not Chinese citizens at the time of birth, but had subsequently acquired such

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citizenship. LO(CL) said that the interpretation of NPCSC of Chinese nationality law provided that, as far as Hong Kong was concerned, a Chinese citizen could go to live in other countries while still retaining their Chinese nationality. When they ceased to be Chinese nationals under the Chinese nationality law, their ROA would be determined on the basis of their status as non-Chinese nationals. Thus, the person would need to be a Chinese citizen both at the time of birth and maintained that citizenship thereafter. If the person acquired Chinese nationality after his birth and remained ordinarily resident in Hong Kong for not less than seven years, he would have acquired ROA under paragraph 2(b). As regards persons who were not Chinese citizens at the time of birth but subsequently acquired such citizenship, S for S said that the Administration's understanding was that the provision referred to persons who were Chinese citizen at the time of birth. Those who acquired such citizenship thereafter were not included.

Drafting of the proposed amendments to Schedule 1

Paragraph 1(2)(a)

21. Referring to the Chinese text of proposed paragraph 1(2)(a), Mr James TO commented that the Chinese text of paragraph 1(2)(a) seemed to be very peculiar. If the key element was "婚生或非婚生", the second sentence would not be needed. He expressed concern that the amendment might affect the right of a person such as an adopted child.

22. Deputy Law Draftsman (DLD) said that the proposed provision was developed from the existing provisions, which were different in respect of a father and a mother. Without the second sentence in proposed paragraph 1(2)(a), the meaning would be incomplete if the provision was read together with the first two sentences in the Chinese text of paragraph 1(2). S for S added that the proposed wording would not affect the rights of adopted children, who were dealt with under paragraph 1(2)(c).

23. Referring to the English text of proposed paragraph 1(2)(a), Miss Margaret NG commented that the phrase "parent and child" appeared both in the first sentence of paragraph 1(2) and proposed paragraph 1(2)(a). It might raise the question that whether the relationship of a person and a child born to this person in or out of wedlock was that of a "parent and child" depended on whether the relationship of "parent and child" existed. She requested LA to look into the drafting of the provision with the Administration. LO(CL) undertook to look into the issue. Mr James TO opined that the drafting of paragraph 1(2) should be simplified. Miss Margaret NG shared Mr TO's view. She suggested that to avoid ambiguity in interpretation, the provision should be drafted in a more direct manner.

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Paragraph 2(a)(i)

24. S for S explained that proposed paragraph 2(a)(i) was based on legislation in force in Hong Kong in 1983. Before 1 January 1983, all persons born in Hong Kong were "British subjects" and had the right to land in Hong Kong. From 1 January 1983 onwards, the British Nationality Act 1981 came into force. A person was a British Dependent Territory Citizen (BDTC) if, at the time of his birth or after his birth, his father or mother was a BDTC or was settled in Hong Kong. The provision in paragraph 2(a)(i) only sought to maintain the rights already enjoyed by people in Hong Kong. Mr James TO however questioned whether local legislation could increase or decrease the rights provided under BL. S for S reiterated that the provision reflected the intent of BL.

25. Miss Emily LAU enquired about the number of persons that would acquire ROA as a result of proposed paragraph 2(a)(i). AD of Imm said that while he had no statistics on hand, the number would probably be very small, as the persons concerned were mainly children of illegal immigrants or Two-way permit holders. Some of them would already have acquired ROA in Hong Kong if their parents subsequently obtained ROA in Hong Kong. Where a person was born in Hong Kong and had ROA in Hong Kong, ImmD would issue a document permitting the person's entry into Hong Kong. However, it would still be necessary for the person to seek exit approval from the Mainland authorities. As to whether these persons would be subject to the daily quota of one-way permit, arrangements were being made with the Mainland authorities. LO(CL) added that provisions relating to C of E did not apply to persons who were born in Hong Kong. Hence, they would not be subject to the C of E scheme if they could produce documentary evidence showing their birth in Hong Kong. Nevertheless, they would still need exit approval from the Mainland authorities. Miss Emily LAU said that according to the interpretation of NPCSC, the Mainland authorities had the power to restrict these persons' right to come to Hong Kong despite the fact that they had ROA in Hong Kong. LO(CL) responded that it was not a matter of ROA. It was a question of verification of status. If they were born in Hong Kong, their status would be verified in Hong Kong under paragraph 2(a). Like any other persons in the Mainland, they would have to comply with the laws relating to exit from the Mainland.

26. Miss Emily LAU questioned why the provision in proposed paragraph 2(a)(i) in respect of persons born in Hong Kong was more generous than that under the current provision whereas the requirements in paragraph 2(c) in respect of persons born outside Hong Kong were still very stringent. S for S responded that the issue had been discussed by JLG and it was considered that if a visitor or a temporary worker gave birth to a child during her stay in Hong Kong, the child should not have ROA.

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Paragraph 2(a)(ii)

27. In response to Mr James TO, DLD said that the wording "且在其出生之時或其後任何時間，其父或母已在香港定居或已享有香港居留權" in paragraph 2(a)(ii) meant that persons whose father or mother was settled in Hong Kong or had acquired ROA at or after the person's birth would be covered by the provision. LO(CL) added that even where the parents of the person were illegal immigrants at his birth, he would still become a permanent resident of Hong Kong when his father or mother acquired ROA or settled in Hong Kong. This was to ensure family unity.

28. Mr James TO said that while he might agree with such a policy, the legal basis for conferring such a right, which was not found in BL24(2)(1), was questionable. S for S responded that the issue of ROA was a complex one involving many legislation, British Nationality Act 1981, and IO. As a constitutional legal instrument, BL could not have contained all the details. The issue had been discussed by JLG having regard to the then immigration polices of the two governments, usual practices, and legislation in force at that time. Schedule 1 to IO was enacted in accordance with the consensus reached by JLG. It reflected the intent of BL drafters and was in the interest of the citizens of Hong Kong. Mr James TO commented that the provision would result in a child born of illegal immigrants acquiring ROA once his father or mother was settled or acquired ROA in Hong Kong. This would mean that ImmD could determine ROA of a person. He requested the Administration to explain the mechanism in writing. He added that if ImmD had the power to determine a person's right, the monitoring by LegCo in this respect would have to be substantially strengthened.

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Paragraph 2(c)

29. Referring to paragraph 2(c) of Schedule 1, Mr James TO questioned why the Chinese text of "persons" had been amended from "子女" to "人士". DLD responded that the change would not affect any person's right under the provision. The change only sought to achieve a higher degree of consistency between the English and Chinese texts. LO(CL) added that when the provision was first brought into force, there was concern that it might be limited to persons who were minors under the age of 21. The English text never made that suggestion. The change only sought to ensure that the provision was not limited to persons under a certain age. Mr James TO opined that unless the term "子女" had created ambiguity in the legislation, it was more appropriate to leave the term unchanged. In response to Mr TO, LA said that apparently there seemed to be no foreseeable effect arising from the change. Nevertheless, he would examine the issue in more detail.

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30. Mr James TO enquired whether there were particular reasons for using the term "born of" in place of the term "born to" in paragraph 2(c). LO(CL) responded that there was no substantive difference between the two terms. The change only sought to achieve consistency with the provisions in BL. In this connection, Mr James TO pointed out that although the term "born of" was used in proposed paragraph 2(c), the term "born to" was still being used in paragraph 2(e). DLD undertook to look into the issue, with a view to maintaining consistency with the relevant provision in BL and within the legislation itself.

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II. Consultation with the legal profession and dates of subsequent meetings

31. Miss Emily LAU suggested that the views of the Law Society of Hong Kong (the Law Society) and the Hong Kong Bar Association (Bar) on the resolution should be sought. Miss Cyd HO added that besides the two professional bodies, the views of academics in the legal field should also be sought. Although they had already expressed views on the interpretation of NPCSC at Special House Committee meetings, the resolution involved new issues such as the concept of "settlement" and the introduction of the concept of "ROA" from 1 July 1987. In this respect, Miss Emily LAU suggested that academics who attended Special House Committee meetings on the NPCSC interpretation might be invited.

32. Miss Margaret NG said that as the interpretation of NPCSC was a relatively new issue, academics familiar with Mainland laws might also be invited to give views on the effect of the resolution and the date from which it took effect.

33. In response to the Chairman, S for S said that the Administration had not consulted the Law Society and the Bar on the resolution, as it only involved technical amendments. Miss Emily LAU and Mr James TO were of the view that even if the resolution involved technical amendments only, the two legal professional bodies should be consulted. Mr James TO added that as the Bar had expressed concern about the NPCSC's interpretation, it should be consulted on the resolution.

34. LA said that in inviting the two legal professional bodies and academics to give views on the issue, the Subcommittee might wish to decide whether their views should be sought on the resolution or NPCSC interpretation. In this connection, Miss Emily LAU said that the interpretation of NPCSC was within the purview of CA Panel. Miss Margaret NG opined that NPCSC's interpretation was related to the resolution, as some of the amendments proposed in the resolution were based on the NPCSC interpretation. She added that legislative amendments would usually take effect on the date when the legislation

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was amended, while judicial interpretation would usually take effect on the date when the legislation came into force. However, the effective date of the NPCSC interpretation seemed to be a combination of both. Mr CHAN Kam-lam considered that views should be sought on the resolution rather than NPCSC's interpretation. The Chairman concluded that as the Subcommittee was tasked to scrutinize the resolution, the views invited should focus on the resolution. If an amendment should relate to the NPCSC's interpretation, the views invited should focus on the part of NPCSC's interpretation relating to the resolution.

35. Members agreed to invite the Law Society, Bar and academics in the legal field to give views on the resolution at the next meeting on 6 July 1999. They also agreed that a meeting be scheduled for 8 July 1999 at 8:30 am to meet with deputations who could not attend the meeting on 6 July 1999. Members noted that the deadline for giving notice to move amendments to the resolution was 7 July 1999.

36. Miss Margaret NG, Miss Emily LAU and Miss Cyd HO said that sufficient time should be allowed for the scrutiny of the resolution. As consideration was being given to whether a Legislative Council (LegCo) meeting should be held on 21 July 1999, the moving of the resolution might be deferred, if necessary, to the LegCo meeting on 21 July 1999.

37. In response to Miss Margaret NG, LA said that before the resolution was moved in LegCo, it could be withdrawn by the mover of the resolution. After resolution was moved in LegCo, a motion could be moved without notice to adjourn the debate. To resume the debate, the mover should give five clear days' notice for resumption. As regards LegCo meetings after 14 July 1999, no further LegCo meeting had been scheduled so far. Although 14 clear days' notice had to be given for a LegCo meeting, the President of LegCo could dispense with such a notice, when necessary. S for S hoped that the resolution could be passed at the LegCo meeting on 14 July 1999 so that the application procedures for C of E could be promulgated as soon as possible. She stressed that problems would arise if the passing of the resolution was deferred until October 1999.

38. The meeting ended at 11:15 am.

Legislative Council Secretariat
20 October 1999