

立法會
Legislative Council

LC Paper No. CB(2) 226/03-04

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 4th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 31 October 2003**

Members present :

Hon Miriam LAU Kin-ye, JP (Chairman)
Hon Fred LI Wah-ming, JP (Deputy Chairman)
Hon Kenneth TING Woo-shou, JP
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
Hon NG Leung-sing, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon CHAN Kwok-keung, JP
Hon CHAN Yuen-han, JP
Hon CHAN Kam-lam, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon LEUNG Yiu-chung
Hon SIN Chung-kai
Hon Andrew WONG Wang-fat, JP
Hon WONG Yung-kan
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Dr Hon YEUNG Sum
Hon YEUNG Yiu-chung, BBS
Hon LAU Chin-shek, JP

Hon LAU Kong-wah, JP
Hon 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 Abraham SHEK Lai-him, JP
Hon LI Fung-ying, JP
Hon Henry WU King-cheong, BBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Hon Albert CHAN Wai-yip
Hon LEUNG Fu-wah, MH, JP
Dr Hon LO Wing-lok, JP
Hon WONG Sing-chi
Hon Frederick FUNG Kin-kee
Hon IP Kwok-him, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon MA Fung-kwok, JP

Members absent :

Hon Albert HO Chun-yan
Dr Hon LUI Ming-wah, JP
Hon HUI Cheung-ching
Hon Bernard CHAN, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon LAU Wong-fat, GBS, JP
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 Ray CHAN	Assistant Secretary General 3
Mr LEE Yu-sung	Senior Assistant Legal Adviser 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mrs Vivian KAM	Principal Assistant Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Mrs Constance LI	Chief Assistant Secretary (2)5
Mrs Betty LEUNG	Chief Assistant Secretary (3)1
Ms Bernice WONG	Assistant Legal Adviser 1
Miss Monna LAI	Assistant Legal Adviser 7
Miss Lolita SHEK	Senior Assistant Secretary (2)7

Action

I. Confirmation of the minutes of the 3rd meeting held on 24 October 2003
(LC Paper No. CB(2) 181/03-04)

The minutes were confirmed.

II. Matters arising

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

2. The Chairman said that she had informed Ag CS that a Bills Committee had been formed to study the Road Traffic (Amendment) Bill 2003. She had also explained to Ag CS that while the transport policy element in the Bill presented no problem, the proposed provision in the Bill relating to the transfer from CS to the Secretary for the Environment, Transport and Works of the power to make appointments in relation to Transport Tribunals had not been discussed. She had requested the Administration to find a way to deal with the general question of transfer of powers so that the work of the Bills Committees on the waiting list would not have to be delayed.

3. The Chairman said that the Director of Administration had undertaken to brief the Panel on Constitutional Affairs on the general principles of the transfer of powers.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 24 October 2003 and tabled in Council on 29 October 2003
(LC Paper No. LS 10/03-04)

Action

4. The Legal Adviser said that there were 10 items of subsidiary legislation, including six Commencement Notices, gazetted on 24 October 2003 and tabled in Council on 29 October 2003.

5. The Legal Adviser explained that the following three Commencement Notices were related to the Chinese Medicine Ordinance (Cap. 549) which was enacted in July 1999 -

- (a) the Chinese Medicine Ordinance (Cap. 549) (Commencement) (No. 2) Notice 2003;
- (b) the Chinese Medicine (Fees) Regulation (Cap. 549 sub. leg. E) (Commencement) (No. 2) Notice 2003; and
- (c) the Chinese Medicines Regulation (Cap. 549 sub. leg. F) (Commencement) (No. 2) Notice 2003.

6. The Legal Adviser further explained that by these Notices, the Secretary for Health, Welfare and Food appointed 19 December 2003 as the date on which certain provisions of the Ordinance and the two Regulations would come into operation.

7. The Legal Adviser said that while the Ordinance and the Regulations had been examined by a Bills Committee and a subcommittee respectively before enactment, the Panel on Health Services had not been consulted on the three Commencement Notices under consideration.

8. Miss Margaret NG declared that she represented a member of the public in a recent appeal case lodged under section 97 of the Ordinance, but the case was not related to the Commencement Notices under consideration. Miss NG said that several cases had been received by the Complaints Division of the Legislative Council (LegCo) Secretariat and some other organisations concerning registration matters under the Ordinance. She expressed concern whether the relevant provisions referred to in the three Commencement Notices were ready to come into operation. Miss NG suggested that a subcommittee should be formed to discuss with the Administration relating to the readiness of implementation.

9. The Chairman proposed that a subcommittee be formed to study the three Commencement Notices. Members agreed. The following Members agreed to join: Miss Margaret NG, Mr LEUNG Yiu-chung, Dr LO Wing-lok and Ms Audrey EU.

Action

10. The Legal Adviser explained that the Trade Descriptions (Country of Origin) (Watches) (Amendment) Order 2003 and the Trade Descriptions (Place of Manufacture) (Piece-Knitted Garments) Notice were made so that watches assembled and tested in Hong Kong, and piece-knitted garments made from knit-to-shape panels knitted in Hong Kong which complied with the origin rules under the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA) could be marked as being of Hong Kong origin under the Trade Descriptions Ordinance. The Legal Adviser further explained that the Legal Service Division had sought clarifications from the Administration on the Amendment Order and the correspondence with the Administration was attached to the report. He added that the Administration's response to a further query from the Division was still awaited.

11. The Legal Adviser added that the two items of subsidiary legislation would come into operation on 1 January 2004.

12. Mrs Selina CHOW said that a subcommittee should be formed to study the two items of subsidiary legislation, as they were related to the implementation of CEPA. Miss CHAN Yuen-han concurred with Mrs Selina CHOW.

13. The Chairman proposed that a subcommittee should be formed to study the Amendment Order and the Notice. Members agreed. The following Members agreed to join: Mrs Selina CHOW, Miss CHAN Yuen-han and Ms Miriam LAU.

14. Members did not raise any queries on the other five items of subsidiary legislation. The Chairman reminded Members that the deadline for amending the 10 items of subsidiary legislation was 26 November 2003, or 17 December 2003, if extended by resolution.

IV. Further business for the Council meeting on 5 November 2003

(a) Questions
(*LC Paper No. CB(3) 101/03-04*)

15. The Chairman informed Members that three Members had replaced their previous oral questions.

Action

(b) **Government motion**

Proposed resolution to be moved by the Secretary for the Civil Service under the Interpretation and General Clauses Ordinance relating to the Statutes of the University of Hong Kong (Amendment) (No. 2) Statutes 2003

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 110/03-04 dated 30 October 2003.)

16. The Chairman said that the Secretary for the Civil Service had given notice to move the above resolution to amend paragraph 2(1) of the amended Statute XIX.

17. The Chairman added that the Subcommittee on Statutes of the University of Hong Kong (Amendment) (No. 2) Statutes 2003 supported the proposed amendment, and had provided a written report at the last House Committee meeting.

V. Business for the Council meeting on 12 November 2003

(a) **Questions**

(LC Paper No. CB(3) 102/03-04)

18. The Chairman informed Members that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 12 November 2003.

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

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

(c) **Government motion**

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

(d) **Members' motions**

(i) **Motion on "Improving public transport fare system"**

(Wording of the motion issued vide LC Paper No. CB(3) 108/03-04 dated 30 October 2003.)

(ii) **Motion on "Election of the Chief Executive and all Members of the Legislative Council by universal suffrage"**

(Wording of the motion issued vide LC Paper No. CB(3) 109/03-04 dated 30 October 2003.)

Action

21. The Chairman said that the above motions would be moved by Mr Andrew CHENG and Mr James TO respectively, and the wording of their motions had been issued to Members.

22. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 5 November 2003.

VI. Report of Bills Committees and subcommittees

(a) Report of the Bills Committee on Boundary Facilities Improvement Tax Bill

(LC Paper No. CB(1) 193/03-04)

23. Mr CHAN Kam-lam, Chairman of Bills Committee, said that he had nothing to add to the report.

(b) Report of the Bills Committee on Hong Kong Examinations and Assessment Authority (Amendment) Bill 2003

(LC Paper No. CB(2) 191/03-04)

24. Ms Cyd HO, Chairman of Bills Committee, said that the Bills Committee supported the Bill, subject to a minor textual amendment to be moved by the Administration to clause 2(1)(a) of the Bill.

25. Ms HO added that the Administration had undertaken to report to the Panel on Education the arrangements between the Hong Kong Examinations and Assessment Authority and its partner organisations in conducting examinations in other places.

26. Members did not raise objection to the resumption of the Second Reading debate on the Bill.

VII. Position on Bills Committees/subcommittees

(LC Paper No. CB(2) 198/03-04)

27. The Chairman said that there were 14 Bills Committees and two subcommittees in action as well as five Bills Committees on the waiting list.

28. The Chairman said that as there was a vacant slot after the Bills Committee on Hong Kong Examinations and Assessment Authority (Amendment) Bill 2003 had reported on its work, the Bills Committee on Landlord and Tenant (Consolidation) (Amendment) Bill 2003 on the waiting list could commence work.

Action

VIII. Nomination of Members for appointment to the Select Committee to inquire into the handling of the Severe Acute Respiratory Syndrome outbreak by the Government and the Hospital Authority
(*LC Paper Nos. CB(2)200/03-04(01) and (02)*)

29. The following 11 Members were nominated -

Mr Kenneth TING
Dr David CHU
Ms Cyd HO
Mr Martin LEE
Mr CHAN Kwok-keung
Miss CHAN Yuen-han
Mr Andrew CHENG
Mrs Sophie LEUNG
Dr LAW Chi-kwong
Mr Michael MAK
Dr LO Wing-lok

30. The Chairman suspended the meeting for 10 minutes for these 11 Members to nominate from among themselves the Chairman and Deputy Chairman of the Select Committee.

(The meeting resumed after the 10-minute break.)

31. Members endorsed the nomination of Dr LAW Chi-kwong and Mrs Sophie LEUNG for appointment as the Chairman and Deputy Chairman respectively.

32. The Chairman said that a recommendation would be made to the President on the chairmanship, deputy chairmanship and membership of the Select Committee.

IX. Election of a Member to fill the vacancy in the Committee on Rules of Procedure

(*LC Paper No. CROP 5/03-04 issued vide LC Paper No. CB(2) 166/03-04 dated 23 October 2003*)

(*Paragraph 36 of the minutes of the 3rd House Committee meeting on 24 October 2003*)

33. Mr James TIEN was nominated for appointment by the President to the Committee on Rules of Procedure.

Action

X. Overseas duty visit to Japan to be conducted by the Panel on Food Safety and Environmental Hygiene

34. Mr Fred LI, Chairman of Panel, said that at the House Committee meeting on 7 February 2003, Members endorsed the Panel's proposed duty visits to Australia and Japan to study the food regulatory systems in these two countries. Mr LI further said that the visit to Australia was made in July 2003, and the visit to Japan would be conducted from 15 to 21 January 2004.

XI. Any other business

35. There being no other business, the meeting ended at 3:10 pm.

Council Business Division 2
Legislative Council Secretariat
5 November 2003