

立法會
Legislative Council

LC Paper No. CB(2) 1705/03-04

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 19th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 12 March 2004**

Members present :

Hon Miriam LAU Kin-yee, JP (Chairman)
Hon Kenneth TING Woo-shou, JP
Hon Cyd HO Sau-lan
Ir Dr Hon Raymond HO Chung-tai, JP
Hon LEE Cheuk-yan
Dr Hon LUI Ming-wah, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP
Hon CHEUNG Man-kwong
Hon HUI Cheung-ching, JP
Hon CHAN Kwok-keung, JP
Hon CHAN Yuen-han, JP
Hon Bernard CHAN, JP
Hon LEUNG Yiu-chung
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 LAU Wong-fat, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo
Hon SZETO Wah
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
Dr Hon LO Wing-lok, JP
Hon Frederick FUNG Kin-kee
Hon LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, JP

Members absent :

Hon Fred LI Wah-ming, JP (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Dr Hon David CHU Yu-lin, JP
Hon Albert HO Chun-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 James TO Kun-sun
Hon CHAN Kam-lam, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon SIN Chung-kai
Dr Hon Philip WONG Yu-hong, GBS
Hon YEUNG Yiu-chung, BBS
Hon LAU Chin-shek, JP
Hon LAU Kong-wah, JP
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon Timothy FOK Tsun-ting, SBS, JP
Hon Albert CHAN Wai-yip
Hon LEUNG Fu-wah, MH, JP
Hon WONG Sing-chi
Hon IP Kwok-him, JP
Hon MA Fung-kwok, JP

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
Miss Kathleen LAU	Chief Public Information Officer
Mrs Constance LI	Chief Council Secretary (2)5
Mrs Betty LEUNG	Chief Council Secretary (3)1
Miss Anita HO	Assistant Legal Adviser 2
Mr Stephen LAM	Assistant Legal Adviser 4
Miss Lolita SHEK	Senior Council Secretary (2)7

Action

I. Confirmation of the minutes of the 18th meeting held on 5 March 2004
(LC Paper No. CB(2) 1629/03-04)

The minutes were confirmed.

II. Matters arising

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

Legislative Programme

2. The Chairman said that she had informed CS that Members had raised no objection to the revised order of priority of Bills Committees on the waiting list proposed by the Administration.

3. The Chairman further said that at the meeting, the Director of Administration advised that an updated Legislative Programme 2003-04 covering the remaining months of the session would be issued to the Council shortly. The Chairman added that the updated Legislative Programme had been received and issued to Members on 10 March 2004.

4. The Chairman said that 13 bills were included in the Legislative Programme for 2003-04 which was presented by CS at the Council meeting on 8 October 2003. Nine of these bills had already been introduced into the Council. The updated Legislative Programme contained only three bills which were also on the October list. The Chairman pointed out that the Employment (Amendment) Bill had been taken out from the Legislative Programme.

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5. Ms LI Fung-ying said that the purpose of the Employment (Amendment) Bill was to provide for reinstatement/re-engagement of employees who had been unreasonably and unlawfully dismissed. She further said that the Administration should be requested to explain why the Bill was deleted from the Legislative Programme. The Chairman undertook to raise with CS at their coming meeting.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 5 March 2004 and tabled in Council on 10 March 2004

(LC Paper No. LS 54/03-04)

6. The Legal Adviser said that there were five items of subsidiary legislation, including one Commencement Notice, gazetted on 5 March 2004 and tabled in Council on 10 March 2004.

7. The Legal Adviser said that no difficulties in the legal and drafting aspects of these items of subsidiary legislation had been observed.

8. Referring to the Securities and Futures (Contracts Limits and Reportable Positions) (Amendment) Rules 2004, Mr Henry WU said that although the Panel on Financial Affairs had not been consulted on the Rules, he had discussed the Rules with the organisations and representatives of the financial services trade, and they had found the Rules acceptable.

9. Members did not raise any queries on these items of subsidiary legislation.

10. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 24 March 2004, or 28 April 2004, if extended by resolution.

IV. Further business for the Council meeting on 17 March 2004

Questions

(LC Paper No. CB(3) 455/03-04)

11. The Chairman said that there were two new oral questions to be raised by Dr TANG Siu-tong and Mr TAM Yiu-chung at the Council meeting on 17 March 2004.

V. Business for the Council meeting on 24 March 2004

(a) Questions

(LC Paper No. CB(3) 456/03-04)

12. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 24 March 2004.

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

Merchant Shipping (Security of Ships and Port Facilities) Bill 2004

13. The Chairman said that the Administration had given notice to introduce the above Bill into the Council on 24 March 2004. The House Committee would consider the Bill at its meeting on 16 April 2004.

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

Copyright (Amendment) Bill 2003

14. The Chairman said that the relevant Bills Committee had reported at the last House Committee meeting on 5 March 2004, and Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(d) Government motion

Proposed resolution to be moved by the Secretary for Commerce, Industry and Technology under the Copyright (Suspension of Amendments) Ordinance 2001

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 445/03-04 dated 4 March 2004.)

(LC Paper No. LS 53/03-04)

15. The Legal Adviser said that the proposed resolution sought the Council's approval for the Copyright (Suspension of Amendments) Ordinance 2001 (Amendment) Notice 2004. The purpose of the Notice was to amend the expiry date under section 3(1) of the Copyright (Suspension of Amendments) Ordinance 2001 (Cap. 568) from 31 July 2004 to 31 July 2006.

16. The Legal Adviser further said that the Bills Committee on the Copyright (Amendment) Bill 2001 and Copyright (Amendment) Bill 2003 reported at the last meeting on 5 March 2004 that it had no objection to the Administration moving the proposed resolution to extend the suspension

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period, pending the Administration's further discussion with affected industries and users and the introduction of a fresh bill into the Council.

17. The Legal Adviser said that no difficulties relating to the legal and drafting aspects of the proposed resolution had been identified.

18. Members did not raise objection to the Secretary for Commerce, Industry and Technology moving the proposed resolution at the Council meeting on 24 March 2004.

Budget-related subsidiary legislation

(Secretary for Financial Services and the Treasury (SFST)'s letter dated 11 March 2004 on "Budget-related subsidiary legislation" to the Chairman of the House Committee)

19. The Chairman referred Members to SFST's letter dated 11 March 2004. The Chairman said that SFST intended to move a proposed resolution on 24 March 2004 to seek the Council's approval to extend the expiry date of the duty concession for ultra low sulphur diesel to 31 December 2004.

20. The Chairman further said that SFST had written to the President requesting that the 12-day notice period for the proposed resolution be waived. Members expressed support for SFST's request.

21. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above two Government motions was Wednesday, 17 March 2004.

(e) Members' motions

(i) Motion on "Conservation of monuments and heritage"

(Wording of the motion issued vide LC Paper No. CB(3) 463/03-04 dated 11 March 2004.)

(ii) Motion on "Combating crimes relating to automatic teller machine cards and credit cards"

(Wording of the motion issued vide LC Paper No. CB(3) 464/03-04 dated 11 March 2004.)

22. The Chairman said that the above motions would be moved by Mr CHAN Kwok-keung and Mr LAU Kong-wah respectively, and the wording of their motions had been issued to Members.

23. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 17 March 2004.

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VI. Position on Bills Committees/subcommittees
(*LC Paper No. CB(2) 1634/03-04*)

24. The Chairman said that there were 15 Bills Committees and eight subcommittees in action, as well as seven Bills Committees on the waiting list.

VII. Any other business

25. There being no other business, the meeting ended at 2:42 pm.

Council Business Division 2
Legislative Council Secretariat
17 March 2004