

立法會
Legislative Council

LC Paper No. CB(2) 639/00-01

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 12th meeting
held in the Legislative Council Chamber
at 3:50 pm on Friday, 5 January 2001**

Members present :

Hon Mrs Selina CHOW LIANG Shuk-yee, JP (Chairman)
Hon Fred LI Wah-ming, JP (Deputy Chairman)
Hon Kenneth TING Woo-shou, JP
Hon James TIEN Pei-chun, JP
Hon David CHU Yu-lin
Hon Cyd HO Sau-lan
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, JP
Hon LEE Cheuk-yan
Hon Martin LEE Chu-ming, SC, JP
Hon Eric LI Ka-cheung, JP
Dr Hon David LI Kwok-po, JP
Dr Hon LUI Ming-wah, JP
Hon NG Leung-sing
Prof Hon NG Ching-fai
Hon Margaret NG
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon HUI Cheung-ching
Hon CHAN Kwok-keung
Hon CHAN Yuen-han
Hon Bernard CHAN
Hon CHAN Kam-lam
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon LEUNG Yiu-chung
Hon SIN Chung-kai
Hon Andrew WONG Wang-fat, JP
Dr Hon Philip WONG Yu-hong
Hon WONG Yung-kan
Hon Jasper TSANG Yok-sing, JP

Ms Pauline NG	Assistant Secretary General 1
Mr Ray CHAN	Assistant Secretary General 3
Ms Bernice WONG	Assistant Legal Adviser 1
Miss Anita HO	Assistant Legal Adviser 2
Mrs Vivian KAM	Chief Assistant Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Miss Odelia LEUNG	Chief Assistant Secretary (1)1
Mrs Constance LI	Chief Assistant Secretary (2)5
Mrs Betty LEUNG	Chief Assistant Secretary (3)1
Miss Betty MA	Senior Assistant Secretary (2)1

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I. Confirmation of the minutes of the 11th meeting held on 15 December 2000
(LC Paper No. CB(2) 565/00-01)

The minutes were confirmed.

II. Matters arising

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

2. The Chairman said that she had conveyed to CS Members' concern about the situation where the Administration had failed to implement fully the Ombudsman's recommendations, leaving the person aggrieved with his or her problem unresolved. CS had responded that in such circumstances, Members could continue to pursue the case concerned with the relevant department or even take up the matter with the Director of Administration or herself.

3. On briefings held by the Administration at short notice, the Chairman said that CS had explained that the agenda of the Executive Council (ExCo) could not be disclosed beforehand and it was not known whether a decision would be taken at a particular ExCo meeting. Nevertheless, the Administration would try its best to give as much notice as possible.

III. Business arising from previous Council meetings

(a) Legal Service Division's reports on bills referred to the House Committee in accordance with Rule 54(4)

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(i) **Hong Kong Science and Technology Parks Corporation Bill**

(LC Paper No. LS 39/00-01)

4. The Legal Adviser explained that the Bill sought to establish a body corporate known as the "Hong Kong Science and Technology Parks Corporation" to take over the duties and powers of the Hong Kong Industrial Estates Corporation, the Hong Kong Industrial Technology Centre Corporation, and the Provisional Hong Kong Science Park Company Limited (PHKSPCL).

5. The Legal Adviser said that the arrangement for staff sharing was implemented on 1 December 2000 and the employment of redundant staff was terminated on or before that date. The Legal Adviser further said that the Administration intended to seek the approval of the Finance Committee to grant to the new body corporate the residual capital commitment for the PHKSPCL shortly.

6. The Legal Adviser informed Members that the Legal Service Division had raised certain drafting points with the Administration and a copy of the correspondence exchanged was attached to the report. The Administration was expected to move some technical amendments to the Bill and a further report would be provided for the House Committee when the Administration's proposed amendments were ready. The Legal Adviser added that it would be for Members to decide whether a Bills Committee should be formed to study the Bill.

7. Mr SIN Chung-kai suggested that a Bills Committee be formed to study the Bill right away. He explained that the Administration would like the Bill to be enacted before 1 April 2001. There might not be sufficient time for Members to scrutinise the Bill should a Bills Committee be formed after receiving the proposed amendments from the Administration.

8. Mr James TIEN and Ir Dr Raymond HO expressed support that a Bills Committee should be formed. Dr HO added that he was particularly concerned about the management structure of the new body corporate.

9. The Chairman proposed that a Bills Committee be formed. Members agreed. The following Members agreed to join : Mr James TIEN, Ir Dr Raymond HO and Mr SIN Chung-kai.

(ii) **Intellectual Property (Miscellaneous Amendments) (No.2) Bill 2000**

(LC Paper No. LS 38/00-01)

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10. Introducing the report, the Legal Adviser said that the Bill made miscellaneous technical amendments to the Patents Ordinance and the Registered Designs Ordinance. One major amendment was to add a new definition of "official journal" to the two Ordinances and replace references to the "Gazette" by references to the "official journal" so as to provide a legal basis for electronic publication of patents and designs. The Bill also sought to simplify the patent application procedure and give the proprietor of the patent greater flexibility to make economic use of his intellectual property right. The Legal Adviser added that the practitioners and the two legal professional bodies had been consulted, and that they supported the proposed amendments in the Bill.

11. The Legal Adviser further said that the Legal Service Division was seeking clarification from the Administration on some drafting and technical points and would provide a further report upon receiving the Administration's response.

12. Mr SIN Chung-kai said that as the proposed amendments in the Bill were technical in nature, a Bills Committee to study the Bill was not necessary.

13. The Chairman proposed that a decision on the Bill be deferred pending the Legal Service Division's further report. Members agreed.

(b) Legal Service Division's report on subsidiary legislation tabled in Council on 20 December 2000 (gazetted on 15 December 2000)

(LC Paper No. LS 43/00-01)

14. The Legal Adviser said that five items of subsidiary legislation were gazetted on 15 December 2000 and tabled in Council on 20 December 2000. Of these, the Waterworks (Amendment) Regulation 2000 was related to revision of fees and it would come into effect on 9 February 2001.

15. The Legal Adviser reminded Members that the deadline for amending the subsidiary legislation was 17 January 2001, or 7 February 2001 if extended by resolution.

16. The Chairman informed Members that Mr LAU Chin-shek had withdrawn his notice to move a motion to repeal the Waterworks (Amendment) Regulation 2000 at the Council meeting on 10 January 2001.

17. Mr SIN Chung-kai suggested that a subcommittee be formed to study the Amendment Regulation, and that a motion to extend the scrutiny

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period to 7 February 2001 be moved by the Chairman of the House Committee.

18. The Chairman proposed that a subcommittee be formed to study the Waterworks (Amendment) Regulation 2000. Members agreed. The following Members agreed to join : Mr James TIEN, Mr Fred LI, Mr CHAN Kam-lam and Mr SIN Chung-kai.

19. The Chairman said that she would give notice to move the motion to extend the scrutiny period of the subsidiary legislation at the Council meeting on 17 January 2001.

20. Members did not raise any query on the other four items of subsidiary legislation.

(c) Legal Service Division's report on subsidiary legislation to be tabled in Council on 10 January 2001 (gazetted on 29 December 2000)

(LC Paper No. LS 44/00-01)

21. The Legal Adviser said that only one item of subsidiary legislation, the Antiquities and Monuments (Declaration of Historical Buildings) (No.2) Notice 2000, was gazetted on 29 December 2000. He added that the Notice was administrative in nature, and that the legal and drafting aspects of the Notice were in order.

22. Members did not raise any query on the subsidiary legislation.

IV. Business for the Council meeting on 10 January 2001

(a) Questions

(LC Paper No. CB(3) 307/00-01)

23. The Chairman said that 20 questions (six oral and 14 written) had been scheduled.

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

Education (Amendment) Bill 2000

24. The Chairman said that the Bill would be introduced into the Council on 10 January 2001 and considered by the House Committee on 12 January 2001.

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

Prior of the Order of Cistercians of the Strict Observance Incorporation (Amendment) Bill 2000

25. The Chairman said that Members had no objection to the resumption of the Second Reading debate on the Bill.

(d) **Government motion**

Resolution under section 29 of the Pharmacy and Poisons Ordinance (Cap. 138) - to be moved by the Secretary for Health and Welfare

(LC Paper No. LS 45/00-01)

26. The Legal Adviser said that the Secretary for Health and Welfare (SHW) had given notice to move a motion at the Council meeting on 10 January 2001 to revise, with effect from 12 January 2001, four items of fees payable in relation to the examination, registration and certification of pharmacists. The proposed resolution and the Amendment Regulation were legally in order. The Legal Adviser added that the Panel on Health Services was consulted on the fee revision proposals at its meeting on 23 June 2000.

27. The Chairman informed Members that Mr LAU Chin-shek had given notice to move a motion, at the Council meeting on 10 January 2001, to delete the three items related to fee increases.

28. The Chairman said that as SHW's notice was given after the Council's last meeting before the Christmas break when the House Committee was not going to meet until January, she sought Members' views as to whether SHW should be asked to withdraw his earlier notice to allow time for Members to consider the proposed resolution. The Chairman pointed out that when the Panel on Health Services was consulted on the fee revision proposals at its meeting on 23 June 2000, some queries were raised. Miss Margaret NG expressed support for the Chairman's view that Members should be allowed time to scrutinise the fee revision proposals.

29. Miss Margaret NG further said that she now had serious doubts about the recovery of costs principle. Referring to the extract of minutes of meeting of the Panel on Health Services on 23 June 2000, Miss NG pointed out that the cost computations for services covered not only the direct costs, but also a share of indirect costs for supporting the daily operation of the relevant regulatory bodies. She considered that some fees

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and charges were too high, and that it was unreasonable to expect the public to also pay for those costs which were not related to the provision of a specific service. She suggested that the Administration should be asked to explain to Members, as a general issue, what types of costs were included in the cost computations of specific services under the recovery of costs principle. Mr IP Kwok-him and Mr James TIEN expressed support for Miss NG's suggestion.

30. In response to Mr James TIEN's enquiry as to which Panel should follow up the matter, the Secretary General advised that as the Secretary for the Treasury was the officer responsible for co-ordinating policy matters relating to fees and charges, the corresponding Panel should be the Panel on Financial Affairs.

31. The Chairman suggested and Members agreed that the matter be followed up by the Panel on Financial Affairs. The Chairman instructed the Secretariat to retrieve past papers and relevant information to facilitate the Panel's discussion.

32. The Chairman said that a subcommittee should be formed to study the draft resolution, and that SHW be asked to withdraw his notice. Members agreed. The following Members agreed to join the subcommittee : Mr James TIEN, Mr CHAN Kam-lam, Mr SIN Chung-kai, Mr Abraham SHEK, Mr MAK Kwok-fung and Mr LAU Ping-cheung.

33. The Chairman added that she would raise with CS that the Administration should avoid giving notice of resolutions shortly before a recess when the House Committee would not meet until after the recess.

(e) Members' motions

- (i) **12 resolutions under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) - to be moved by Hon LAU Chin-shek and Hon James TIEN Pei-chun**
(Wording of the motion issued vide LC Paper No. CB(3) 293/00-01 dated 27 December 2000.)

34. The Chairman said that Mr LAU Chin-shek and Mr James TIEN had separately given notice to move 12 motions at the Council meeting on 10 January 2001 to repeal or amend various subsidiary legislation tabled in the Council on 29 November 2000.

- (ii) **Resolution under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) - to be moved by Hon LAU Chin-shek**
(Wording of the motion issued vide LC Paper No. CB(3) 294/00-01 dated 22 December 2000.)

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35. The Chairman said that as she had informed Members under agenda item III(b), Mr LAU Chin-shek had withdrawn his notice of a motion to repeal the Waterworks (Amendment) Regulation 2000.

(iii) Motion on "Prohibiting smoking"

36. The Chairman said that the wording of Mr Bernard CHAN's motion had been circulated to Members. The Chairman added that Ms Cyd HO, Mr CHEUNG Yu-yun and Dr LO Wing-lok had given separate notices to amend the motion.

(iv) Motion on "Strategic Sewage Disposal Scheme"

37. The Chairman said that the wording of Mr Frederick FUNG's motion had been circulated to Members. The Chairman added that Prof NG Ching-fai and Mr Andrew CHENG had given separate notices to amend the motion.

38. The Chairman suggested and Members agreed that the speaking time limits stipulated in rule 17 (c) of the House Rules should apply.

V. Advance information on business for the Council meeting on 17 January 2001

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

(i) Land Registration (Amendment) Bill 2000

(ii) Hong Kong Tourist Association (Amendment) Bill 2001

39. The Chairman said that the two Bills would be introduced into the Council on 17 January 2001 and considered by the House Committee on 19 January 2001.

40. Mr James TIEN informed Members that the Panel on Economic Services would pay a visit to the Hong Kong Tourist Association in the morning of 15 January 2001 and non-Panel Members were welcome to join the visit. The Chairman declared that she was the Chairman of the Tourist Association. She added that the visit to the Tourist Association would assist Members in their scrutiny of the Hong Kong Tourist Association (Amendment) Bill 2001.

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(b) **Members' motions**

(i) **Motion to be moved by Hon David CHU Yu-lin**

41. The Chairman said that Mr David CHU would move a motion on "Expediting the incorporation of Chinese medicine into the public health care system".

(ii) **Motion to be moved by Ir Dr Hon Raymond HO Chung-tai**

42. The Chairman said that Ir Dr Raymond HO Chung-tai would move a motion on "Developing renewable energy resources".

43. The Chairman reminded Members that the deadline for notice of amendments, if any, was 10 January 2001.

VI. Bills Committee and subcommittee reports

(a) **Position report on Bills Committees/subcommittees**
(*LC Paper No. CB(2) 589/00-01*)

44. The Chairman said that there were nine Bills Committees and four subcommittees in action.

(b) **Report of the Subcommittee on subsidiary legislation relating to revision of fees and charges gazetted on 24 November 2000**
(*LC Paper No. CB(2) 586/00-01 issued vide LC Paper No. CB(2) 592/00-01 dated 2 January 2001*
Appendix to the report attached)

45. The Chairman said that the Subcommittee Chairman, Mr SIN Chung-kai, had given a verbal report at the House Committee meeting on 15 December 2000. The written report was now provided for Members' reference.

(c) **Report of the Subcommittee on subsidiary legislation relating to revision of fees gazetted on 8 December 2000**
(*LC Paper No. CB(2) 593/00-01*)

46. Mr CHAN Kam-lam, Chairman of the Subcommittee Chairman, said that the deliberations of the Subcommittee were detailed in its report to the House Committee. He reminded Members that the deadline for giving notice to amend the subsidiary legislation was 10 January 2001.

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VII. Position report on the current studies and investigations relating to the building problems in public housing

(LC Paper No. CB(1) 389/00-01)

47. Members noted the paper which reported on the present position of the current investigations and studies relating to the building problems in public housing.

VIII. Vote on Hon Albert HO's motion "that the Chairman of the House Committee should move a motion in Council to set up a select committee to inquire into the building problems in the production of public housing units having regard to the circumstances surrounding the incidents in Tin Chung Court, Shatin Area 14B Phase 2, Tung Chung Area 30 Phase 3 and Shek Yam Estate Phase 2."

(LC Paper No. CB(1) 117/00-01)

(Paragraphs 36 to 60 of the minutes of the 5th House Committee meeting held on 3 November 2000 - LC Paper No. CB(2) 191/00-01)

48. The Chairman said that voting on Mr Albert HO's motion was deferred to this meeting pursuant to the House Committee's decision on 3 November 2000. She also referred Members to Mr James TIEN's proposed amendment (**Appendix**) which was tabled at the meeting.

49. The Chairman asked whether other Members had any amendments to propose.

50. Mr Andrew WONG said that Members need not discuss Mr HO's motion per se at this meeting as there would be a debate on the motion in Council, should the House Committee agree to the Chairman moving the motion proposed by Mr HO. Mr IP Kwok-him agreed with Mr WONG.

51. Mr James TIEN, Mr Eric LI, Mr SIN Chung-kai and Dr YEUNG Sum suggested that Members should comment on the wording of Mr HO's motion and any proposed amendments, and indicate whether they agreed to the House Committee Chairman moving the motion, or the motion as amended, in Council.

52. The Chairman responded that according to the House Committee's decision on 3 November 2000, Mr Albert HO's motion had to be dealt with at the first meeting of the House Committee in January 2001. She said that she would allow Members to express views on Mr HO's motion and any proposed amendments.

53. Dr Philip WONG expressed doubts about the benefit of conducting an inquiry if a substantial number of the witnesses concerned were

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involved in criminal or civil proceedings and could not give evidence to the select committee.

54. The Legal Adviser advised that generally speaking, a person summoned by the powers conferred by the Legislative Council (Powers and Privileges) Ordinance to give evidence under oath to a committee of the Council had to answer any lawful and relevant question put by the committee during the course of examination, even though the evidence to be given might incriminate that person. However, the witness so summoned would have the protection under the Ordinance that any statement or admission made by that person before the committee should not be admissible evidence against that person in proceedings for an offence.

55. Ms Audrey EU asked whether it was possible to estimate, based on the findings of the recent investigations and studies, the approximate number of witnesses who would likely be summoned to give evidence and who at the same time were involved in criminal or civil proceedings. She said that such information could assist Members in assessing the feasibility of the inquiry before making a decision.

56. The Legal Adviser said that based on past experience, it was difficult for a select committee to know precisely the number of witnesses to be summoned to give evidence before the inquiry actually commenced. He further explained that the identity of persons to be summoned could only be ascertained after the select committee had formed a preliminary view as to what information it would seek to obtain. The work of a select committee charged with the responsibility to inquire into a certain matter was dynamic in nature as the select committee might wish to seek new information, and hence might find the need to summon new witnesses as the inquiry progressed.

57. Miss Margaret NG agreed that it was difficult to predict at this stage how many witnesses who would be called upon to give evidence to the select committee were involved in criminal or civil proceedings. She considered that Members' decision to form a select committee should be based on whether the matter in question warranted an investigation by the Legislative Council (LegCo), and not whether the inquiry would definitely produce results.

58. Mr Albert HO said that the concern about subjudice could be addressed by procedural devices including to conduct hearings in camera or avoided by summoning other witnesses who could also provide the information required by the select committee. He further said that the select committee would act prudently on the advice of the Legal Adviser

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and with reference to previous practice of LegCo and overseas legislatures.

59. Dr Philip WONG asked whether the select committee would only release its report after all related criminal and civil proceedings had been concluded. He opined that if this was the case, the inquiry report might not serve much useful purpose since civil proceedings might take years to complete.

60. The Legal Adviser advised that according to the Rules of Procedure, a select committee should, as soon as it had completed consideration of the matter referred to it, make a report to the Council. It would be for the select committee to decide on the content of its report and the most appropriate manner the report should be presented to LegCo.

61. In response to Dr Philip WONG, the Chairman explained that the question before the House Committee was that Mr Albert HO had proposed that the House Committee Chairman should move a motion in Council to set up a select committee to inquire into the building problems in the production of public housing. She said that should Mr HO's motion be passed at the House Committee meeting, individual Members would still be able to propose amendments after she had given notice to move the motion in Council for the select committee to be appointed.

62. Mr Albert HO explained that his proposal for setting up the select committee was made after having considered the following -

- (a) the investigations and studies undertaken by the Administration and the Housing Authority had failed to give a complete picture of all the facts of these incidents;
- (b) of the investigations completed so far, only one investigation report was available to the public; and
- (c) there were doubts about the neutrality and credibility of these investigations and studies.

63. Mr Albert HO further said that the series of public housing scandals had given rise to much public concern. He considered that LegCo had the responsibility to conduct an inquiry to find out the truth and to make recommendations to prevent the loss of lives and to safeguard the use of public funds. He added that the matter of setting up a select committee had been considered for some time by Members since the debate in Council on the vote of no confidence in the Chairman of the Housing Authority and the Director of Housing in June 2000. He hoped that an early decision could be taken on the issue now that the

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investigations and studies commissioned by the Administration and the Housing Authority had been completed or would be completed within the next two months.

64. Mr Albert HO expressed support for Mr James TIEN's proposed amendments which sought to expand the terms of reference of the select committee by expressly including the making of recommendations on the overall system for public housing. Mr HO hoped that Members would either support his motion or his motion as amended by Mr TIEN.

65. Mr James TIEN said that he had proposed to defer a decision on Mr HO's motion at the House Committee meeting on 3 November 2000 in order to wait for the reports of the remaining three investigations and studies which were then expected to be available before the end of 2000. Mr TIEN further said that the Administration had made available to Members, in mid-December 2000 and 2 January 2001 respectively, the report of the Investigation Panel and a consolidated summary of the findings of the three investigations completed. However, Members belonging to the Liberal Party found that many problems, including the question of how to ensure the quality of public housing, were still left unanswered in these reports.

66. Mr TIEN added that to prevent recurrence of the housing incidents, Members belonging to the Liberal Party proposed that the inquiry should adopt a forward-looking approach and examine how the system of the provision of public housing could be improved. The proposed select committee should therefore examine the respective roles and responsibilities of the Housing Authority, Housing Department, Housing Bureau and Housing Society.

67. Mr TIEN informed Members that the Liberal Party had earlier been worried that a LegCo inquiry might adversely affect the morale of the staff of the Housing Department. Given the open letter in support of the select committee issued by 10 associations of the professional staff of the Housing Department and six other staff associations, the issue of staff morale was no longer of much concern as before.

68. Ir Dr Raymond HO expressed support for Mr HO's motion and Mr TIEN's proposed amendment. He said that the issue of public housing was of wide public concern as some 100 000 units were produced each year at an expenditure of about \$28 billion. He further said that the Council should address the concerns raised by the 16 staff associations that the investigations conducted by the Administration and the Housing Authority had not revealed all the facts, and that the findings of reports had adversely affected staff morale. Dr HO considered that an inquiry by LegCo would enable all parties concerned to be given a fair hearing.

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69. Dr HO further said that the housing incidents had revealed problems in the system of public housing. LegCo's inquiry would be incomplete if it failed to examine and make recommendations on how the system should be improved. He therefore supported Mr TIEN's proposed amendments. Mr Fred LI shared Dr HO's views.

70. Mr Eric LI said that he supported the setting up of a select committee. Mr LI agreed with Mr James TIEN that the select committee should also look at the wider question of the institutional framework for the provision of public housing, and not just focus on individual incidents. Mr LI suggested that, as the Review Committee headed by CS would complete its work by the end of March 2001, Members might wish to wait for the report before debating in Council on the setting up of a select committee.

71. Mr Eric LI further pointed out that given the time needed to discuss the membership and scope of work of the select committee, the approximate time for the select committee to commence work would be early March 2001, when the Council would be busy scrutinising the Budget. He proposed that a subcommittee be set up to examine the scope of work of the select committee and make recommendations to the House Committee within two to three weeks, so that a more practical time-table for the inquiry could be worked out.

72. Mr Fred LI pointed out that as Mr HO's motion already set out the terms of reference of the proposed select committee, it would not be necessary to form a subcommittee to further consider the scope of the inquiry.

73. Mr IP Kwok-him declared that he was a member of the Housing Authority and also a member of its Building Committee. He expressed support for Mr Albert HO's motion as an inquiry could find out the truth about the four housing incidents and would also pinpoint responsibilities. As regards Mr TIEN's amendments, Mr IP considered that it would be beyond the capacity of the select committee to also examine the overall structure and system for the provision of public housing. Mr TAM Yiu-chung concurred with Mr IP.

74. Mr Frederick FUNG expressed support for Mr Albert HO's motion. As regards Mr James TIEN's amendment, he considered that the wording seemed to suggest that the investigation of the building problems was for the purpose of overhauling the present system of providing public housing, and that the inquiry would necessarily lead to the reorganisation or abolition of the Housing Authority.

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75. Dr YEUNG Sum expressed support for Mr Albert HO's motion and Mr James TIEN's amendment. He said that Mr Stephen SELBY's investigation only looked at the conduct of the frontline staff and not the senior officers in the Housing Department. He considered that LegCo should pursue the matter and investigate whether any senior officers should be held responsible. Dr YEUNG further pointed out that examining the organisation of the Housing Authority was only to enable recommendations to be made to improve the quality of public housing. Whether recommendations would be made to reorganise the Housing Authority would be a matter for the select committee to decide when drawing up its findings.

76. Mr NG Leung-sing declared that he was a member of the Housing Authority. He said that while he did not support or object to the setting up of a select committee, he considered that Members could wait for the reports of the remaining investigations and reviews before making a decision. He further said that he agreed with the views expressed by the staff associations of the Housing Department that the building problems were caused by the unreasonable increase in public housing building works in recent years as a result of the failure to provide sufficient land for the production of public housing in the past. However, he had reservations as to whether the proposed select committee would have the expertise to understand the complex and technical building problems in the production of public housing units, and be able to find out the truth. Mr NG added that he would abstain from voting.

77. Mr Andrew WONG sought clarification on whether the scope of the inquiry proposed in Mr Albert HO's motion was confined to the building problems in the four specific incidents. He added that he supported Mr TIEN's amendment as the problems revealed by the incidents were definitely related to the system for the provision of public housing. Mr Albert HO responded that the inquiry proposed in his motion would cover the building problems and any related problems as revealed by the four incidents.

78. Dr Philip WONG said that he could not support Mr TIEN's amendment as the proposed scope of inquiry might have implications on Government policies. He asked whether Mr TIEN's amendment would pose any problem from a constitutional point of view.

79. The Legal Adviser responded that the powers and functions of LegCo as conferred by the Basic Law included raising questions on the work of the Government and debating issues concerning public interests. He said that, as an example, LegCo Panels and other committees currently monitored Government policies and also made recommendations on the work of the Government. He would, therefore, advise that Mr TIEN's

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amendment did not appear to pose any problem from a constitutional point of view.

80. Regarding Mr Frederick FUNG's query that Mr TIEN's amendment seemed to suggest that the inquiry aimed at an overhaul of the policies and system for the provision of public housing, Mr SZETO Wah explained that any such recommendations would only be based on the findings of the investigation into the building problems and be made for the purpose of raising the quality of public housing. Mr CHEUNG Man-kwong suggested that Mr TIEN might wish to add the word "並" before "藉此" to make it clear that the system overhaul was not the sole purpose of the inquiry. Mr TIEN agreed.

81. Mr Frederick FUNG said that he would support Mr TIEN's amendment given Mr SZETO Wah's explanation and the revision of Mr TIEN's amendment to include the word "並" before "藉此".

82. Dr LUI Ming-wah said that he was unhappy about the recent public housing problems and would not object to Mr Albert HO's proposal of setting up a select committee to investigate the four incidents. However, he had reservations about Mr TIEN's proposal of expanding the inquiry to cover the overall policies and system of public housing. He said that the Housing Authority was a huge corporation, and he had reservations about whether the select committee had the expertise to revamp the operation and organisation of the Housing Authority.

83. Dr LUI further said that at the present stage, he could only agree to investigate into the facts of the incidents. As regards the examination of the overall structure and the organisation of Housing Authority, Dr LUI considered that this should be dealt with at a later stage.

84. Mr James TIEN responded that the most important objective of the inquiry was to improve the quality of public housing. He hoped that the investigation could throw light on how monitoring of tenders of contracts and site inspections could be improved through a better structure.

85. Mr Eric LI expressed support for Mr TIEN's amendment. He pointed out that whether there were problems with the present organisation would be revealed after the investigation into the building problems of the four incidents. He said that the select committee could also make reference to the report of the Committee on the Review of the Institutional Framework for Public Housing which would be ready by the end of March 2001.

86. The Chairman put Mr James TIEN's proposed amendment to vote. The result was 26 Members voted for Mr TIEN's amendment, 16

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Members voted against the amendment, and eight Members abstained from voting.

87. The Chairman then put Mr Albert HO's motion as amended by Mr James TIEN to vote. The result was 34 Members voted for the motion as amended, two Members voted against and 14 Members abstained from voting.

88. The Chairman declared that Mr Albert HO's motion as amended by Mr James TIEN was passed.

89. The Chairman said that in accordance with the notice requirements for motions under the Rules of Procedure, the earliest date for her to move a motion in Council for the select committee to be appointed was 7 February 2001.

90. The Chairman added that it would also be necessary to seek the Council's approval to confer to the select committee the powers under section 9(1) of the Legislative Council (Powers and Privileges) Ordinance for the performance of its duties.

IX. Any other business

Report of the Organizing Committee for the LegCo Fun Day 2000-01
(*LC Paper No. AS 157/00-01*)

91. Referring to the paper, the Chairman said that the Organising Committee had recommended that a football match and a dinner gathering be held on 10 and 16 February 2001 respectively. The Chairman also appealed to Members for their support in participating in the events, including the "Guess Who" game, and in contributing prizes for the lucky draw.

92. At the invitation of the Chairman and Members, Mr David CHU agreed to be the commentator at the football match.

93. There being no further business, the meeting ended at 6:05 pm.

Legislative Council Secretariat

10 January 2001

2001年1月5日(星期五)
立法會內務委員會會議席上
田北俊議員對何俊仁議員
所提議案作出的修正

修正後措辭

“內務委員會主席應在立法會動議成立專責委員會，就天頌苑、沙田第14B區第二期、東涌第30區第三期及石蔭邨第二期4宗事件的情況，調查建造公營房屋單位時出現的建築問題，**藉此尋求積極建議，徹底改革整體公營房屋的政策及架構，包括研究應否重組、分拆或廢除房屋委員會，以提高公營房屋的質素。**”

(Translation)

**Hon James TIEN's amendment to
Hon Albert HO's motion to be moved at the meeting of
the House Committee of the Legislative Council
on Friday, 5 January 2001**

Motion as amended

“That the Chairman of the House Committee should move a motion in Council to set up a select committee to inquire into the building problems in the production of public housing units having regard to the circumstances surrounding the incidents in Tin Chung Court, Shatin Area 14B Phase 2, Tung Chung Area 30 Phase 3 and Shek Yam Estate Phase 2, ***with a view to identifying positive recommendations for a complete overhaul of the overall policies and system of public housing, which should include examining whether the Housing Authority should be reorganized, split or abolished, so as to raise the quality of public housing.***”