

立法會
Legislative Council

LC Paper No. CB(2) 853/00-01

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 16th meeting
held in the Legislative Council Chamber
at 4:45 pm on Friday, 9 February 2001**

Members present :

Hon Mrs Selina CHOW LIANG Shuk-ye, JP (Chairman)
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
Hon NG Leung-sing
Prof Hon NG Ching-fai
Hon Margaret NG
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon CHAN Kwok-keung
Hon CHAN Yuen-han
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
Hon WONG Yung-kan
Hon Jasper TSANG Yok-sing, JP
Hon Howard YOUNG, JP
Dr Hon YEUNG Sum
Hon YEUNG Yiu-chung
Hon LAU Chin-shek, JP
Hon LAU Kong-wah
Hon LAU Wong-fat, GBS, JP
Hon Ambrose LAU Hon-chuen, 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
Hon LAW Chi-kwong, JP
Hon TAM Yiu-chung, GBS, JP
Dr Hon TANG Siu-tong, JP
Hon Abraham SHEK Lai-him, JP
Hon Henry WU King-cheong, BBS
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Hon Albert CHAN Wai-yip
Dr Hon LO Wing-lok
Hon WONG Sing-chi
Hon Frederick FUNG Kin-kee
Hon IP Kwok-him, JP
Hon LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, JP

Members absent :

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
Dr Hon David LI Kwok-po, JP
Dr Hon LUI Ming-wah, JP
Hon HUI Cheung-ching
Hon Bernard CHAN
Dr Hon Philip WONG Yu-hong
Hon Mrs Miriam LAU Kin-yee, JP
Hon LI Fung-ying, JP
Hon LEUNG Fu-wah, MH, JP

Clerk in attendance :

Mrs Justina LAM Clerk to the House Committee

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

Mr LEE Yu-sung	Senior Assistant Legal Adviser
Ms Pauline NG	Assistant Secretary General 1
Mr Ray CHAN	Assistant Secretary General 3
Miss Anita HO	Assistant Legal Adviser 2
Miss Connie FUNG	Assistant Legal Adviser 3
Mrs Vivian KAM	Chief Assistant Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Mrs Anna LO	Principal Assistant Secretary (Administration)
Mr Joseph KWONG	Accountant
Miss Odelia LEUNG	Chief Assistant Secretary (1) Select Committee
Mrs Constance LI	Chief Assistant Secretary (2)5
Mrs Betty LEUNG	Chief Assistant Secretary (3)1
Miss Becky YU	Chief Assistant Secretary (1)1 (Acting)
Miss Betty MA	Senior Assistant Secretary (2)1

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I. Confirmation of the minutes of the 15th meeting held on 2 February 2001
(LC Paper No. CB(2) 804/00-01)

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 CS was informed that a Bills Committee had been set up to examine the Education (Amendment) Bill 2000.

III. Business arising from previous Council meetings

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

Karaoke Establishments Bill

(LC Paper No. LS 47/00-01)

3. Presenting the paper, the Legal Adviser said that the Bill sought to introduce a statutory licensing system for karaoke establishments in order to improve their fire safety. A permit or licence would be issued for such establishments if they satisfied certain requirements relating to health, fire safety and building safety. The Legal Adviser added that the Bill was

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first introduced in the last Legislative Council (LegCo) term and a Bills Committee was formed at that time. However, due to other legislative priorities, the Bills Committee was not activated and the Bill lapsed at the end of the term.

4. In view of the public importance of the Bill, the Legal Adviser recommended that a Bills Committee should be formed to examine the Bill in detail. He added that the Legal Service Division was seeking clarification from the Administration on the legal and drafting aspects of the Bill.

5. The Chairman said that the trade and some members of the Panel on Security had expressed concern about the licensing requirements and the impact on the trade. The Chairman proposed that a Bills Committee be formed. Members agreed. The following Members agreed to join : Mr James TO, Mr LAU Kong-wah, Mr Tommy CHEUNG, Mr LAU Ping-cheung and Ms Audrey EU.

(b) Legal Service Division's report on subsidiary legislation tabled in Council on 7 February 2001 (gazetted on 2 February 2001)
(LC Paper No. LS 56/00-01)

6. Referring to the paper, the Legal Adviser said that four of the six items of subsidiary legislation gazetted on 2 February 2001 were commencement notices concerning the Entertainment Special Effects Ordinance and three Regulations made under the Ordinance. He added that the House Committee had earlier decided that a subcommittee was not required to study the three Regulations.

7. Regarding the Commodities Trading (Trading Limits and Position Limits) (Amendment) Rules 2001, the Legal Adviser explained that the Amendment Rules were to fix the trading and position limits for two additional stock futures contracts. As for the remaining item of subsidiary legislation, the Legal Adviser said that it dealt with the adjustment of the annual interest rate payable on tax reserve certificates.

8. Members did not raise any queries on the subsidiary legislation.

9. The Chairman reminded Members that the deadline for amending the subsidiary legislation was 7 March 2001, or 14 March 2001 if extended by resolution.

IV. Further business for the Council meeting on 14 February 2001

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

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Telecommunications (Amendment) Bill 2001

10. The Chairman said that the Bill would be introduced into the Council on 14 February 2001 and considered by the House Committee on 16 February 2001.

(b) Members' motions

(i) Motion on "Protecting the interests of small depositors of banks"

11. The Chairman said that the wording of Mr LAU Chin-shek's motion had been circulated to Members. The Chairman added that Mr CHAN Kam-lam and Mr Albert HO had given separate notices to amend the motion.

(ii) Motion on "Proposals for the next Budget"

12. The Chairman said that the wording of Dr YEUNG Sum's motion had been circulated to Members. The Chairman added that Miss CHAN Yuen-han and Mr James TIEN had given separate notices to amend the motion.

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

V. Business for the Council meeting on 21 February 2001

(a) Questions

(LC Paper No. CB(3) 385/00-01)

14. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 21 February 2001.

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

15. The Chairman said that no notice had been received from the Administration.

(c) 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 55/00-01)

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16. The Legal Adviser said that the motion sought the Council's approval of the Poisons List (Amendment) Regulation 2001 and the Pharmacy and Poisons (Amendment) Regulation 2001 which dealt with the control of three new substances and Phenylpropanolamine (PPA). He added that the legal and drafting aspects of the motion were in order.

17. Mr LAW Chi-kwong said that he would further study the proposed Amendment Regulations with reference to the control of such substances in the United States and United Kingdom, and consider whether to move amendments to the motion. In reply to Mr LAW Chi-kwong, the Legal Adviser said that the deadline for notice of amendments was 14 February 2001.

(d) **Members' motions**

(i) **Motion to be moved by Hon LEE Cheuk-yan**

18. The Chairman said that Mr LEE Cheuk-yan would move a motion on "Conditions of employment offered by subvented organizations and contractors of government projects or services".

(ii) **Motion to be moved by Hon Howard YOUNG**

19. The Chairman said that Mr Howard YOUNG would move a motion on "Negative Assets".

20. The Chairman reminded Members that the deadline for notice of amendments, if any, was 14 February 2001.

VI. Bills Committee and subcommittee reports

(a) **Position report on Bills Committees/subcommittees**
(LC Paper No. CB(2) 818/00-01)

21. The Chairman said that there were 13 Bills Committees and four subcommittees in action.

(b) **Report of the Subcommittee on subsidiary legislation relating to revision of fees gazetted on 5 January 2001**
(LC Paper No. CB(2) 787/00-01)

22. The Chairman said that the Subcommittee Chairman had made a verbal report at the last House Committee meeting. The written report was now provided for Members' information.

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23. The Chairman said that the scrutiny period of these seven items of subsidiary legislation had been extended to 14 February 2001 by resolution of the Council. She added that some Members had given separate notices to repeal or amend the subsidiary legislation.

(c) **Report of the Subcommittee on subsidiary legislation relating to revision of fees gazetted on 12 January 2001**

24. Mr CHAN Kam-lam, Subcommittee Chairman, said that the Subcommittee met on 8 February 2001 to examine four items of subsidiary legislation relating to revision of fees. The Subcommittee would make a written report to the House Committee on 16 February 2001, pending further information from the Administration.

25. Mr CHAN Kam-lam said that to allow time for Members to consider whether to move amendments to these four items of subsidiary legislation, he would give notice to move a motion at the Council meeting on 14 February 2001 to extend the scrutiny period of the subsidiary legislation to 21 February 2001. He reminded Members that the deadline for notice of amendments was 14 February 2001, if the scrutiny period was extended to 21 February 2001 by resolution of the Council.

VII. Report of the Subcommittee on Overseas Duty Visits undertaken by Panels and other Committees

(LC Paper No. AS 204/00-01 issued vide LC Paper No. CB(2) 785/00-01 dated 1 February 2001)

26. The Chairman, who was also Chairman of the Subcommittee, said that the Subcommittee's report had been provided for Members' advance information at the last meeting. She then invited Members' views on the recommendation in paragraph 6 of the paper that each Member would be given an account holding \$61,000 to cover expenditure relating to overseas duty visits incurred by him/her during each term.

27. Mr Andrew WONG said that he objected to the proposal to allocate funds for overseas duty visits on a Member basis. In his view, funding should only be provided to a committee undertaking specific research overseas for the purpose of presenting a report to the Council. He added that \$61,000 might be insufficient for a Member to attend more than one overseas duty visit in a term.

28. Mr Frederick FUNG said that the proposal was acceptable from the equity angle. He also had no objection to the proposal that unused funds be re-allocated to other Members who needed to spend more than their entitlement within the term.

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29. The Chairman said that the Subcommittee had studied the viability of transferring allocation among individual Members and considered it difficult to implement. The Subcommittee recommended that if there were unused funds at the end of a term, they would be allocated a pro rata basis to the Members who had spent more than their entitlement within the term.

30. Miss Margaret NG expressed support for the proposed reimbursement of expenditure on a pro rata basis from savings at the end of a term. Mr Henry WU said that he did not object to the proposal. He further asked how Members could economize on expenses.

31. The Chairman responded that the committee concerned should work out a budget for the visit based on the standard expenditure level. Individual Members had the discretion to adopt a lower standard of travel and make alternative arrangement for accommodation in order to achieve savings for other visits. Extra costs arising from upgrading the standard entitlement would have to be borne by individual Members. The Chairman added that in making alternative arrangements for travelling and accommodation, Members should bear in mind not to pose operational difficulties for the delegation.

32. Mr Henry WU said that as a delegation on overseas duty visit was representing LegCo, he considered that participating Members should avoid staying in different hotels. Members of the delegation could achieve savings by choosing rooms of lower rates in the same hotel. The Secretary General said that he agreed with Mr WU's views as the secretariat staff accompanying a delegation would have a difficult job if members of the delegation stayed in several hotels.

33. Mr Howard YOUNG said that based on past experience, members of a delegation seldom took the same embarkation and return flights. Mr LAU Ping-cheung said that the practice of major corporations was that their key personnel would not take the same flight.

34. Miss Emily LAU expressed concern about the entitlement for a Member who was elected to LegCo through a by-election to fill the seat left by an outgoing Member who had already exhausted his/her entitlement.

35. Mr SZETO Wah suggested that if a Member ceased to be a Member before the end of the term, the Member should pay back the difference between what he/she had spent and his/her pro-rated entitlement. Mr LAU Ping-cheung said that Mr SZETO Wah's suggestion was difficult to implement if the outgoing Member had passed away.

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36. The Chairman said that the Subcommittee's recommendations aimed to lay down the general principles and guidelines for allocating funds for committees to undertake overseas duty visits. The concern raised by Miss Emily LAU could be followed up by the Subcommittee. Members agreed.

37. Mr Andrew WONG reiterated that an overseas duty visit undertaken by a committee should be for studying specific topics or areas, and that its report should contain both findings and conclusions.

38. Assistant Secretary General 1 said that three proposals on overseas duty visits had been submitted to the House Committee for consideration since the commencement of the current session. The objectives of these visits were clearly presented in the relevant papers and reports would be made by the delegations to the House Committee after the visits.

39. Ms Cyd HO said that it would be difficult for a delegation to also present conclusions in its report as the participating Members might have divergent views. Ir Dr Raymond HO concurred with Ms HO.

40. Members endorsed the Subcommittee's recommendations in paragraphs 5 to 10 of the paper. The Chairman also proposed and Members agreed that overseas duty visits undertaken by committees should be for studying specific topics or areas and that reports should be made by the delegation to the House Committee after the visits. The Chairman said that the Subcommittee's recommendations would be presented to The Legislative Council Commission for approval.

VIII. Select Committee to Inquire into Building Problems in Production of Public Housing Units

(LC Paper No. CB(2) 824/00-01)

41. Referring to the paper, the Chairman invited Members' views on the proposed size of the select committee and the procedure for nomination of Members for appointment to the select committee.

42. Dr YEUNG Sum said that the proposed size of the select committee was appropriate. He added that the membership of the select committee should be as broadly representative as possible.

43. While expressing agreement with the proposed size of the select committee, Mr IP Kwok-him said that consideration should be given to the actual number of Members who had indicated interest in joining the select committee before deciding on the size of the select committee.

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44. The Chairman said that the size of 13 members was proposed having regard to past experience and the efficient operation of the select committee.

45. Mr LEUNG Yiu-chung said that as the total number of interested Members might be more than 13, it would not be appropriate to determine the size of the select committee at the meeting. Mr CHEUNG Man-kwong said that the Democratic Party would only nominate two Members to the select committee. However, there should be flexibility as regards its size as it was not known how many Members with no declared affiliation would like to join the select committee. Dr YEUNG Sum said that the size of the select committee could be expanded to not more than 15 members.

46. Miss Emily LAU suggested the Chairman to sound out the different groupings of Members on the membership of the select committee.

47. Deputy Secretary General advised that under Rule 78 of the Rules of Procedure, the quorum of a select committee was one third of the members excluding the chairman, a fraction of a whole number being disregarded. Mr SIN Chung-kai then pointed out that the quorum of a select committee comprising 13 or 15 members was the same.

48. Mr IP Kwok-him said that those Members who wished to join the select committee should critically assess whether they could cope with the heavy work commitment. Ir Dr Raymond HO and Mr Martin LEE shared Mr IP's view. Ir Dr Raymond HO added that he anticipated that the select committee would take at least six months to complete its work.

49. The Chairman proposed that the size of the select committee should be no more than 15 members. Members agreed. Members also agreed to the nomination procedures proposed in paragraph 5 of the paper. The Chairman said that the nomination would take place at the next House Committee meeting on 16 February 2001. She added that the House Committee's recommendations in regard to the size and membership of the select committee would then be submitted to the President for appointment.

IX. Any other business

(a) Advancing the House Committee meeting scheduled for 6 April 2001 to 30 March 2001

50. The Chairman said that quite a number of Members would not be in Hong Kong around 6 April 2001 as there would be three delegations undertaking overseas duty visits. She proposed that the House

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Committee meeting originally scheduled for 6 April 2001 be advanced to 30 March 2001. Members agreed.

(b) Motion passed by the Housing Panel on 5 February 2001

51. Mr Albert HO, Deputy Chairman of the Panel on Housing, informed Members that the Panel passed a motion at its meeting on 5 February 2001 on Housing Authority's (HA) decision to lower the income and asset limits for households for public rental housing and Home Ownership Scheme (HOS) flats. The wording of the motion moved by Mr LEE Cheuk-yan was "that this Panel urges the HA to fully consult the public, including LegCo, before deciding to lower the income and asset limits for households applying for public rental housing and HOS flats". Mr HO said that the public only learnt about the proposals on 3 February 2001. As the proposals had far-reaching implications on those on the waiting list of public rental housing as well as the potential buyers of HOS flats, the Panel regretted that HA did not consult LegCo before its Rental Housing Committee and Home Ownership Committee made the decision at the joint meeting on 8 February 2001.

52. The Chairman said that although the item was not on the agenda, she had agreed to discuss it in view of the circumstances of the matter.

53. Mr LEE Cheuk-yan said that the Administration's failure to consult the Panel on Housing smacked of disrespect for the Council. He suggested that the House Committee should consider passing a motion to urge HA to shelve its decision, or that the Chairman should raise the matter with CS.

54. Mr NG Leung-sing declared that he was a member of HA. Mr NG said that it had been the practice for HA to review periodically the income and asset limits for households for public rental housing and HOS flats. At the Panel meeting on 5 February 2001, although he was not in support of the motion, he did not raise objection. As regards Mr LEE Cheuk-yan's suggestion to pass a motion in the House Committee to urge HA to shelve its decision, Mr NG Leung-sing considered that the House Committee should first study whether passing such a motion by the House Committee would have any legal effect. He also expressed concern as to whether it was appropriate for the House Committee to pass motions to interfere with the decisions taken by the Administration on matters relating to the public.

55. The Chairman said that Members' discussion should be confined to what follow-up actions should be taken by the House Committee in respect of LegCo not being consulted on HA's proposals, and not HA's decision to lower the income and asset limits. Mr Eric LI concurred with the Chairman.

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56. Mr SZETO Wah suggested that the Chairman should raise with CS that LegCo should have been consulted before the decision was made.

57. Mr Andrew CHENG enquired whether the decision made by the Rental Housing Committee and the Home Ownership Committee required the endorsement of HA. Mr Albert HO added that he would like to know whether the decision could be revoked.

58. Mr IP Kwok-him declared that he was a member of HA. He advised that the decision of the Rental Housing Committee and the Home Ownership Committee was final. It did not require the endorsement of HA.

59. The Chairman said that she understood Members' concern and would be happy to raise with CS that LegCo should have been consulted on the proposals. However, as regards the issue of the adjustment of the income and asset limits, it should be discussed by the Panel on Housing and not the House Committee. She suggested that the Panel should consider holding a special meeting to discuss the issue.

60. Mr Albert HO said that he would discuss with the Chairman of the Panel on Housing the need for a special meeting. He requested the Chairman to seek clarification from CS on the role of the Housing Bureau in the matter. He pointed out that the relevant discussion papers for the joint meeting of the Rental Housing Committee and the Home Ownership Committee were prepared by the Housing Department, and yet the department had not consulted LegCo on the proposals. Dr YEUNG Sum said that this was not conducive to improving the relationship between the Administration and LegCo.

61. Mr LEE Cheuk-yan agreed that the adjustment of income and asset limits for households for public rental housing and HOS flats should be discussed by the Panel on Housing. As regards the role of the Housing Department in the matter, Mr LEE Cheuk-yan concurred with Mr Albert HO that the department had full knowledge of the proposals and hence he saw no excuse for the Administration not to brief LegCo on the proposals. He also requested that the Chairman to ask CS to give a response as to what remedial actions would be taken by the Administration.

62. Mr LEUNG Yiu-chung said that CS should also be requested to give a response on what actions or measures would be taken by the Administration to improve its relationship with LegCo.

63. The Chairman said that she would raise with CS Members' concerns that HA should have consulted LegCo before deciding to lower the income and asset limits for households for public rental housing and

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HOS flats. She would also request CS to give a response as to what actions or measures the Administration would take to -

- (a) ensure that LegCo was consulted on important policy changes, major legislative/financial proposals etc, and
 - (b) improve its relationship with LegCo.
64. There being no further business, the meeting ended at 6:00 pm.

Legislative Council Secretariat

14 February 2001