

立法會  
*Legislative Council*

LC Paper No. CB(2) 142/00-01

Ref : CB2/H/5

**House Committee of the Legislative Council**

**Minutes of the 4<sup>th</sup> meeting  
held in the Legislative Council Chamber  
at 2:30 pm on Friday, 27 October 2000**

**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 Martin LEE Chu-ming, SC, JP  
Dr Hon LUI Ming-wah, JP  
Hon NG Leung-sing  
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  
Hon Howard YOUNG, JP  
Dr Hon YEUNG Sum  
Hon YEUNG Yiu-chung



Mr Ray CHAN	Assistant Secretary General 3
Mr Stephen LAM	Senior Assistant Legal Adviser (Acting)
Mrs Vivian KAM	Chief Assistant Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Mrs Anna LO	Principal Assistant Secretary (Administration)
Miss Odelia LEUNG	Chief Assistant Secretary (1)1
Mrs Constance LI	Chief Assistant Secretary (2)5
Mrs Betty LEUNG	Chief Assistant Secretary (3)1
Mr Joseph KWONG	Accountant
Miss Betty MA	Senior Assistant Secretary (2)1
Mrs Eleanor CHOW	Senior Assistant Secretary (2)7
Mr Matthew LOO	Senior Assistant Secretary (Administration) 2

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Action

**I. Confirmation of the minutes of the 3rd meeting held on 20 October 2000**

*(LC Paper No. CB(2) 98/00-01)*

The minutes were confirmed.

**II. Matters arising**

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

2. The Chairman said that CS had suggested that channels be explored to improve communication between the Administration and the Legislative Council (LegCo). CS had indicated that Panels might be consulted on the Administration's proposals and options before bills were drafted. However, CS would like to know at what stage Members would wish the proposals to be put to them. CS had pointed out that very often some technical details would not be available until the bill was drafted. If a proposal was put to Members at a very early stage, Members might find it difficult to form a view because of the lack of details or because they had not consulted their constituents.

3. Dr YEUNG Sum was of the view that the Administration should put forward its proposals and options to Panels before discussion by the Executive Council.

4. The Chairman suggested that the matter be referred to the Committee on Rules of Procedure (CRoP) for consideration. Members agreed.

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5. Miss Margaret NG suggested that Panel Chairmen and Deputy Chairmen be invited by CRoP to attend discussion of the matter.

6. As regards briefings by the Chief Executive (CE), CS and other senior officials on their duty visits to Beijing or abroad, the Chairman said that CS's reply had been circulated to Members. She added that the Administration was of the view that the need for such briefings should be judged on a case by case basis.

7. Miss Emily LAU said that she was disappointed with CS's reply. She pointed out that it had never been the practice of CE or other senior officials to seek to brief the Council after their official visits. Dr YEUNG Sum concurred with Miss LAU.

8. Miss Margaret NG suggested that every time CE or a senior official made an official visit to Beijing or abroad, Members should take the initiative to invite CE or the senior official concerned to brief the Council on the visit.

9. The Chairman undertook to convey Members' views to CS.

(b) **Hon Martin LEE's letter of 25 October 2000 requesting the Chief Executive to brief Members on his official visit to Beijing (26 October 2000) at a Council meeting**

10. Referring to his letter of 25 October 2000, Mr Martin LEE said that CE should be requested to brief Members on his visits to Beijing and London at a Council meeting. Members agreed.

11. The Chairman said that she would write to CE to invite him to brief the Council on the visits.

(c) **Proposed meeting with the Heung Yee Kuk**

12. The Chairman said that she and the Deputy Chairman had an informal discussion on the meeting arrangements with Mr LAU Wong-fat, Chairman of Heung Yee Kuk. Mr LAU would consult Heung Yee Kuk on the meeting arrangements, after which the LegCo Secretariat would submit a paper for Members' consideration.

**III. Legal Service Division's report on subsidiary legislation tabled in Council on 25 October 2000 (gazetted on 20 October 2000)**  
(*LC Paper No. LS 11/00-01*)

13. Referring to the paper, the Legal Adviser explained to Members the five items of subsidiary legislation gazetted on 20 October 2000. He added that the deadline for amending the subsidiary legislation was 22 November 2000, or 29 November 2000 if extended by resolution.

14. On the Fixed Penalty (Criminal Proceedings)(Amendment) (No.3) Regulation 2000 and the Resolution of the Legislative Council (L.N. 206 of 2000) (Commencement Notice) 2000, Mrs Miriam LAU said that the industry had expressed concern about the slow progress of the Government's complementary measures to reduce smoky vehicles. She suggested that a subcommittee be formed. Mr IP Kwok-him, Mr LEUNG Yiu-chung and Miss Emily LAU concurred.

15. Mr LAW Chi-kwong hoped that the increase in fixed penalty for smoky vehicles would take effect from 1 December 2000 as agreed by the Council in the last term. However, he had no objection to setting up a subcommittee to discuss the progress of the Government's complementary measures and to listen to the industry's views.

16. The Chairman suggested that a subcommittee should be formed. Members agreed. The following Members agreed to join: Mr James TIEN, Mr CHAN Kwok-keung, Mr Bernard CHAN, Mr LEUNG Yiu-chung, Mrs Miriam LAU, Miss Emily LAU, Mr Andrew CHENG Kar-foo, Mr LAW Chi-kwong, Mr Abraham SHEK Lai-him and Mr IP Kwok-him.

17. As regards the Occupational Retirement Schemes (Recovery of Arrears) Rules, Mr LEUNG Yiu-chung asked about the criteria for the Registrar to issue payment notices and to institute legal proceedings to recover contribution arrears from the employer. The Legal Adviser undertook to seek clarification from the Administration.

18. Mr Henry WU asked whether any adviser had suffered loss as a result of the omissions which were now rectified by the Financial Resources (Amendment) Rules 2000. The Legal Adviser undertook to check with the Administration.

**IV. Further business for the Council meeting on 1 November 2000**

19. The Chairman reminded Members that the Administration would respond at the resumption of debate on the "Motion of Thanks".

**V. Business for the Council meeting on 8 November 2000**

**(a) Questions**

*(LC Paper No. CB(3) 92/00-01)*

20. The Chairman said that 16 questions (six oral and 10 written) had been tentatively scheduled. She reminded Members that the deadline for giving notice of questions was Monday, 30 October 2000.

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

**Adaptation of Laws Bill 2000**

21. The Chairman informed members that apart from the Adaptation of Laws Bill 2000, the Administration had also given notice to introduce the Dutiable Commodities (Amendment) Bill 2000 at the Council meeting on 8 November 2000. The two Bills would be considered by the House Committee on 10 November 2000.

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

**Stamp Duty (Amendment) Bill 2000**

22. The Chairman said that Members had not raised objection at the last meeting on 20 October 2000 to the resumption of the Second Reading debate on the Bill.

**(d) Government motion**

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

**(e) Members' motions**

**(i) Motion on "Enhancing the welfare for the elderly"**

**(ii) Motion on "Terminating the appointment of the Senior Special Assistant to the Chief Executive"**

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24. The Chairman said that the wording of the motions had been circulated to Members. She reminded Members that the deadline for giving notice of amendments, if any, was 1 November 2000. The Chairman also suggested and members agreed that the speaking time limits stipulated in rule 17 (c) of the House Rules should apply.

**VI. Advance information on business for the Council meeting on 15 November 2000**

**Members' motions**

**(i) Motion on "Rental allowance"**

25. The Chairman said that Mr Albert HO Chun-yan would move a motion on "Rental Allowance".

**(ii) Motion on "Lowering the duty level for ultra low sulphur diesel"**

26. The Chairman said that Mrs Miriam LAU would move the motion on "Lowering the duty level for ultra low sulphur diesel".

27. The Chairman reminded Members that the respective deadlines for giving notice of the above motions and notice of amendments were 31 October 2000 and 8 November 2000.

**VII. Report**

**(a) Position report on Bills Committees/subcommittees**

*(LC Paper No. CB(2) 113/00-01)*

28. The Chairman said that there were three Bills Committees and three subcommittees in action.

**(b) Report of the Subcommittee on Prison (Amendment) Rules 2000, Immigration (Vietnamese Migrants) (Detention Centres) (Amendment) Rules 2000 and Probation of Offenders (Amendment) Rules 2000**

29. Ms Cyd HO, Chairman of the Subcommittee, said that the Subcommittee supported the proposed removal of the restriction that the two Justices of Peace (JP) visiting prisons, detention centres and hostels must be of the combination of one Official JP and one Non-official JP.

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However, the Subcommittee considered that Prison Rule 222 had not adequately reflected JP's functions and powers as provided in the Justices of Peace Ordinance. The Subcommittee was of the view that JPs should be allowed to conduct impromptu visits to prisons. Ms Cyd HO said that as the Administration had undertaken to pursue the Subcommittee's proposal, the matter would be followed up by the Panel on Home Affairs.

30. Mr James TIEN asked about the arrangements for Non-official JPs to make reports after visits. He further asked whether JPs who were LegCo Members were exempted from making visits to prisons, detention centres and hostels.

31. Miss Emily LAU said that as far as she knew, JPs who were LegCo Members were not expected to conduct such visits unless they advised the Administration that they would like to conduct the visits. On the reporting arrangements, Miss Emily LAU said that the Administration had introduced a report form for the purpose.

**VIII. Election of members of The Legislative Council Commission**  
(*LC Paper No. AS 55/00-01*)

32. The Chairman said that as there were 11 nominations, a poll by secret ballot would be conducted to elect 10 members. She reminded Members that they could not vote for more than 10 nominees and that the votes would be counted in accordance with the "first-past-the-post" system of election as stipulated in the resolution made by the Council under The Legislative Council Commission Ordinance. The Chairman ordered a poll be taken. The result was as follows -

Mr James TIEN	44 votes
Mr NG Leung-sing	30 votes
Miss Margaret NG	23 votes
Mr HUI Cheung-ching	38 votes
Mr Bernard CHAN	44 votes
Mr Howard YOUNG	41 votes
Mr YEUNG Yiu-chung	38 votes
Miss Emily LAU	45 votes
Mr LAW Chi-kwong	45 votes
Mr Henry WU	26 votes
Mr IP Kwok-him	38 votes



Action

33. The Chairman declared that the following Members were elected members of The Legislative Council Commission-

Mr James TIEN  
Mr NG Leung-sing  
Mr HUI Cheung-ching  
Mr Bernard CHAN  
Mr Howard YOUNG  
Mr YEUNG Yiu-chung  
Miss Emily LAU  
Mr LAW Chi-kwong  
Mr Henry WU  
Mr IP Kwok-him

**IX. Nomination and election of Members to the governing bodies of education institutes and other advisory bodies**

*(LC Paper No. CB(2) 74/00-01 issued vide LC Paper No. CB(2) 85/00-01 dated 19 October 2000)*

34. The Chairman said that Members endorsed the nomination and election procedure in paragraph 16 of LC Paper No. CB(2) 74/00-01 at the last meeting on 20 October 2000. The Chairman then invited nominations from Members.

**(a) Two Members to serve on the Disaster Relief Fund Advisory Committee**

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35. The following Members were nominated -

Miss CHAN Yuen-han  
Mrs Sophie LEUNG LAU Yau-fun

**(b) One Member to serve on the Po Leung Kuk Advisory Board**

36. Mr HUI Cheung-ching was nominated.

**(c) One Member to serve on the Tung Wah Group of Hospitals Advisory Board**

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37. Mr YEUNG Yiu-chung was nominated.

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**(d) Three Members to serve on the Council of the Chinese University of Hong Kong**

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38. The following Members were nominated -

Mr James TIEN  
Mr CHEUNG Man-kwong  
Mr CHAN Kam-lam

**(e) Five Members to serve on the Court of the University of Hong Kong**

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39. The following Members were nominated -

Mrs Selina CHOW LEUNG Shuk-yee  
Mr James TO Kun-sun  
Mr LAU Chin-shek  
Dr TANG Siu-tong  
Mr IP Kwok-him

**X. Servicing of meetings-cum-luncheons with District Council members**

*(LC Paper No. CB(2) 122/00-01)*

40. The Secretary General introduced the paper which described the work involved in servicing meetings-cum-luncheons with District Council (DC) members. The Secretary General said that paragraphs 7 to 9 of the paper provided an estimate of the additional manpower required while paragraph 10 detailed the expenses on lunches.

41. The Chairman reminded Members that, in considering whether to increase the frequency of meetings with DCs members, Members should also have regard to their capacity to cope with the additional workload.

42. The Chairman suggested that Members could consider a more flexible arrangement of holding one to two meetings, and not necessarily two meetings, with each DC within a legislative session.

43. Dr YEUNG Sum and Mr IP Kwok-him expressed support for the Chairman's suggestion. Members agreed.

## **XI. Report by the Chairman of the Panel on Housing**

### **(a) Report of the Panel on Housing on Cottage Area clearance** *(LC Paper No. CB(1) 101/00-01)*

44. Mr CHAN Kam-lam, Chairman of the Panel on Housing, reported that the subject matter of granting compensation to residents affected by Cottage Area clearance was discussed by the Panel in the last term. At the Panel's request, the then House Committee Chairman wrote to CE urging the Administration to consider the Panel's proposal to freeze Cottage Area clearance until reasonable compensation arrangements had been worked out.

45. Mr CHAN Kam-lam said that the Administration had replied stating its position that the payment of special ex-gratia allowances could not be justified. The Panel of this term discussed the matter at its meeting on 24 October 2000, and passed a motion moved by Miss CHAN Yuen-han that the Administration should be urged again to grant a special ex-gratia allowance to residents affected by Cottage Area clearance. The Panel also requested that the House Committee pursue the matter further with the Administration.

46. The Chairman informed Members that a submission from the Coalition on Safeguarding the Rights of Cottage Areas in Hong Kong had been received and circulated to Members.

47. Miss CHAN Yuen-han hoped that Members would support the Panel's request as the question of ex-gratia payments to affected residents had not been resolved despite the previous request made to CE.

48. Dr YEUNG Sum and Mr SZETO Wah expressed support for the Panel's request.

49. The Chairman agreed to write to CE to urge the Administration to grant a special ex-gratia allowance to residents affected by Cottage Area clearance.

### **(b) The proposed establishment of a select committee on building problems in public housing**

50. Mr CHAN Kam-lam, Chairman of the Panel on Housing, reported that the Panel was very concerned about the poor building quality of public housing. He said that a working group had been set up under the Panel to consider ways to follow up the matter, including conducting an inquiry into the building problems of public housing.

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Mr CHAN added that one option considered by the working group was to set up a select committee to conduct the inquiry.

51. Mr CHAN Kam-lam said that he hoped that a written report of the Panel could be presented to the House Committee at its next meeting to facilitate Members' consideration of the matter.

52. Assistant Secretary General 1 said that the Panel report would provide information on the progress of work of the respective investigations currently undertaken by the Construction Industry Review Committee, the Ombudsman and the Investigating Panel on Staff Discipline in Yuen Chau Kok and Tin Chung Court Incidents. She added that two other investigations had already been completed and the findings had been reported to the Panel.

53. Dr Raymond HO asked whether the Panel report to be submitted to Members next week would also provide information on the work of the Committee on the Review of the Institutional Framework for Public Housing chaired by CS. Assistant Secretary General 1 undertook to ascertain the work progress of the committee and include the information in the report.

54. Mrs Miriam LAU said that as a number of investigations were being undertaken at the same time, the scope of work of the proposed select committee should not overlap that of the other investigating or review committees.

55. The Chairman advised that the proposal of setting up a select committee would be discussed at the next House Committee meeting after Members had considered the Panel's report. Members agreed.

**XII. Any other business**

56. There being no further business, the meeting ended at 4:00 pm.