

立法會
Legislative Council

LC Paper No. CB(2) 1014/01-02

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 13th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 25 January 2002**

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, 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 Eric LI Ka-cheung, JP

Dr Hon LUI Ming-wah, JP

Hon NG Leung-sing, JP

Hon Margaret NG

Hon James TO Kun-sun

Hon CHEUNG Man-kwong

Hon HUI Cheung-ching, JP

Hon CHAN Kwok-keung

Hon CHAN Yuen-han, JP

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, BBS

Hon LAU Chin-shek, JP
Hon LAU Kong-wah
Hon LAU Wong-fat, GBS, JP
Hon Miriam LAU Kin-yee, JP
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon Emily LAU Wai-hing, JP
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 LI Fung-ying, JP
Hon Henry WU King-cheong, BBS
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
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
Hon MA Fung-kwok

Members absent :

Hon Albert HO Chun-yan
Hon Martin LEE Chu-ming, SC, JP
Dr Hon David LI Kwok-po, GBS, JP
Hon CHOY So-yuk

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 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Ms Pauline NG	Assistant Secretary General 1
Mr Ray CHAN	Assistant Secretary General 3
Miss Connie FUNG	Assistant Legal Adviser 3
Mr Stephen LAM	Assistant Legal Adviser 4
Mrs Vivian KAM	Chief Assistant Secretary (Complaints)
Mr Andy LAU	Chief Assistant Secretary (1)2
Miss Polly YEUNG	Chief Assistant Secretary (1) 2
Ms Anita SIT	Chief Assistant Secretary (1) 6 (Temp)
Mrs Constance LI	Chief Assistant Secretary (2)5
Mrs Betty LEUNG	Chief Assistant Secretary (3)1
Miss Betty MA	Senior Assistant Secretary (2)1
Mr Simon WONG	Senior Public Information Officer 1

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I. Confirmation of the minutes of the 12th meeting held on 18 January 2002
(LC Paper No. CB(2) 951/01-02)

The minutes were confirmed.

II. Matters arising

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

2. Concerning the "Financial Assistance Scheme for Family Members of Those who Sacrifice Their Lives to Save Others", the Chairman said that she had conveyed to CS the views of the Panel on Welfare Services that although members of the Panel were supportive of the Scheme, they considered that the Panel should have been given an opportunity to comment on the scope and details of the Scheme. The Chairman further said that CS had apologised for not having arranged prior consultation.

3. Regarding the provision of papers by the Administration for discussion by Panels and Bills Committees, the Chairman said that she had written to CS to inform him of the decisions of the House Committee.

III. Business arising from previous Council meetings

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

Prevention of Child Pornography Bill

(LC Paper No. LS 47/01-02)

4. Referring to the paper, the Legal Adviser said that the Prevention of Child Pornography Bill and the Crimes (Amendment) Bill 1999 were introduced into the Legislative Council (LegCo) on 7 July 1999, but lapsed at the end of the first LegCo term on 30 June 2000 before they could be scrutinised by Members. The Legal Adviser further said that the Administration had now combined the two bills into the present Bill in view of their common objective of protection of children against sexual exploitation. He added that the Bill also sought to extend the application of certain sexual offences provisions to acts committed against children outside Hong Kong.

5. The Legal Adviser pointed out that according to the Administration, a public consultation exercise on the Bill was conducted in November 2001 and the majority of comments received generally supported the proposals in the Bill. There were, however, some diverse comments on the coverage and clarity of the definition of "child pornography" and whether artistic merit and genuine family purpose should be defences. The Legal Adviser added that the Panel on Security was briefed on the proposals on 6 December 2001. While members in general supported the principles of the Bill, they had raised a number of concerns on the Bill.

6. The Legal Adviser said that as the Bill involved important policy and legal issues, Members might wish to consider setting up a Bills Committee to examine the Bill.

7. Mr Andrew CHENG said that as the amendments proposed in the Bill were complex, a Bills Committee should be formed to study the Bill in detail.

8. The Chairman proposed that a Bills Committee be formed. Members agreed. The following Members agreed to join : Mr David CHU, Ms Cyd HO, Miss Margaret NG, Mr SIN Chung-kai, Ms Miriam LAU, Mr Andrew CHENG, Mr Henry WU King-cheong, Mr MAK Kwok-fung, Mr WONG Sing-chi, Ms Audrey EU and Mr MA Fung-kwok.

9. The Chairman added that the Bills Committee would be placed on the waiting list until a vacant slot was available.

(b) Legal Service Division report on subsidiary legislation gazetted on 18 January 2002

(LC Paper No. LS 51/01-02)

10. The Legal Adviser said that three items of subsidiary legislation were

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gazetted on 18 January 2002.

11. Regarding the Chinese Medicine Ordinance (Cap. 549) (Commencement) Notice 2002, the Legal Adviser said that the Notice was to bring into operation the third batch of the provisions of the Chinese Medicine Ordinance. The Legal Adviser further said that the Administration intended to bring into operation later this year the remaining provisions of the Ordinance relating to the licensing of Chinese herbal medicine traders, registration of proprietary Chinese medicines and licensing of their traders.

12. Members did not raise any questions on the three items of subsidiary legislation.

13. The Chairman reminded Members that the deadline for amending the three items of subsidiary legislation was 6 February 2002, or 27 February 2002 if extended by resolution.

IV. Further business for the Council meeting on 30 January 2002

Questions

(LC Paper No. CB(3) 349/01-02)

14. The Chairman drew Members' attention to the three new questions (one oral and two written) to be raised at the Council meeting on 30 January 2002.

V. Business for the Council meeting on 6 February 2002

(a) Questions

(LC Paper No. CB(3) 350/01-02)

15. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 6 February 2002.

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

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

(c) Government motion

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

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(d) **Members' motion**

Motion on "Waiving Government rates"

(Wording of the motion issued vide LC Paper No. CB(3) 357/01-02 dated 24 January 2002.)

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18. The Chairman said that the above motion would be moved by Mr Tommy CHEUNG and the wording of the motion had been issued to Members.

19. The Chairman reminded Members that the deadline for notice of amendments, if any, was 30 January 2002.

(e) **Motion on adjournment**

Motion to be moved by Hon Martin LEE Chu-ming.

20. The Chairman said that Mr Martin LEE had given notice to move a motion to adjourn the Council for the purpose of raising the subject matter of "Looking back on the Chief Executive's administration during his term" for debate.

21. The Chairman said that according to rule 18(b) of the House Rules, the duration of an adjournment debate at a meeting would be kept within one hour (45 minutes for speeches by Members and 15 minutes for replies by government officials) unless extended by the President. The Chairman further said that under rule 18(c), a Member who wished to speak on an adjournment debate should notify the Secretariat two clear days preceding the relevant meeting to enable the Secretariat to compile a speakers list and recommend the apportionment of speaking time for the Members concerned. The Chairman added that the proposer of an adjournment debate was entitled to a minimum of five minutes' speaking time.

22. Ms Emily LAU sought clarification as to whether Members would be informed of the speaking order and speaking time prior to the adjournment debate. Miss Margaret NG also enquired about the criteria for determining the speaking order.

23. The Secretary General responded that it would be for the President to decide the speaking order and speaking time for Members who wished to speak at the adjournment debate. The Secretary General further explained that in determining Members' speaking order, the President would, in line with usual practice, call upon Members belonging to different political groupings and those without declared political affiliation to speak in turn. He added that the speakers list and the speaking time of individual Members who had notified the Secretariat that they wished to speak at the adjournment debate would be issued to Members before the Council meeting on 6 February 2002.

VI. Chief Executive's Question and Answer Session on 7 February 2002

24. The Chairman said that the Chief Executive's (CE's) Question and

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Answer Session would be from 3:00 pm to 4:00 pm on Thursday, 7 February 2002. The Chairman asked whether there were any specific topics Members would like CE to speak on.

25. Referring to the Financial Secretary's recent visit to Beijing, Mr James TIEN suggested that CE should brief Members on the progress of the discussion on establishing a "Free Trade Area" between the Mainland and the Hong Kong Special Administrative Region (HKSAR).

26. Ms Emily LAU said that she would like CE to let Members know when the Administration would conduct a comprehensive consultation exercise on the political reform of the HKSAR.

VII. Report of Bills Committee and subcommittee on subsidiary legislation

(a) Position report on Bills Committees/subcommittees
(LC Paper No. CB(2) 968/01-02)

27. The Chairman said that there were 14 Bills Committees and four subcommittees in action, as well as 12 Bills Committees, including the Bills Committee on the Prevention of Child Pornography Bill formed under agenda item III(a) above, on the waiting list.

28. The Chairman added that as there was a vacant slot, the Bills Committee on the Medical and Health Care (Miscellaneous Amendment) Bill 2001 could commence work.

(b) Report of the Bills Committee on Mandatory Provident Fund Schemes (Amendment) Bill 2001
(LC Paper No. CB(1) 884/01-02)

29. Mr Ambrose LAU, Chairman of the Bills Committee, reported that the Bills Committee had held a total of five meetings, including one meeting with industry groups and professional bodies to receive their views.

30. Mr Ambrose LAU explained that the Bill sought to better protect the interests of the Mandatory Provident Fund (MPF) scheme members and enhance the effective operation of the MPF System. The Bill also sought to confer on the Mandatory Provident Fund Schemes Authority (MPFA) certain functions and powers to facilitate its regulation of MPF schemes. Mr LAU said that the Bills Committee had studied the scope of the MPFA's regulatory powers, including its powers to borrow money; add or amend conditions or impose new ones on approved trustees, registered MPF schemes and approved pooled investment funds (APIF); and require the guarantor of an APIF to

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maintain adequate reserves.

31. Mr Ambrose LAU informed Members that the Administration had agreed to move Committee Stage amendments (CSAs) to address the concerns raised by members, including stipulating the temporary nature of and limited circumstances under which MPFA's power to borrow money could be invoked, and providing for a definition of "conditions" to mean "reasonable conditions" to ensure that the existing conditions amended or new conditions imposed by MPFA on trustees or APIF must be reasonable ones.

32. Mr Ambrose LAU said that the Bills Committee supported the resumption of the Second Reading debate on the Bill on 6 February 2002 and the CSAs to be moved by the Administration.

33. Members raised no objection to the resumption of the Second Reading debate on the Bill on 6 February 2002. The Chairman reminded Members that the deadline for giving notice of CSAs was Monday, 28 January 2002.

VIII. Report of the Panel on Constitutional Affairs concerning application of certain provisions of the Prevention of Bribery Ordinance to the Chief Executive

(LC Paper No. CB(2) 977/01-02)

34. On behalf of Mr Andrew WONG, Chairman of the Panel, who had to leave the meeting early, Ms Emily LAU said that the Panel on Constitutional Affairs (CA Panel) was of the view that the Administration should, as soon as possible, introduce legislative changes so that the same regulatory framework applicable to government officers and public servants under the Prevention of Bribery Ordinance should also apply to CE. Ms LAU pointed out that CE himself had indicated that he was happy to be bound by the Ordinance.

35. Ms Emily LAU further said that the issue had dragged on for more than three years since it was first raised by the CA Panel. Members of the Panel were adamant that the legislative proposal should be introduced into LegCo as soon as possible so that it would come into effect before the second term CE assumed office. Ms LAU added that the Panel agreed to seek the support of the House Committee for the matter to be raised with CS.

36. The Chairman said that at the request of the CA Panel, she had previously raised the issue with Acting CS, Mr Michael SUEN, on 26 June 2001. The Director of Administration subsequently responded in writing that the Administration would proceed with the exercise with priority and further consult the Panel once a proposal had been worked out.

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37. Dr YEUNG Sum said that the CA Panel was informed at its meeting on 21 January 2002 that the Administration would introduce the legislative proposal into LegCo in the next legislative session. Dr YEUNG further said that the majority of the Panel members were dissatisfied with the situation. They considered that the legislative proposal should be introduced into LegCo within the current legislative session.

38. Ms Emily LAU said that the Administration was also considering proposing other amendments to the Prevention of Bribery Ordinance. In order not to further delay the introduction of the legislative proposal relating to the application of the Ordinance to CE, the Administration should proceed to introduce this proposal, and not wait until the other amendments were ready.

39. The Chairman said that she would raise the request of the CA Panel with CS. Members agreed.

IX. Report of the Panel on Planning, Lands and Works - Delay in the implementation of 25 uncompleted projects of the former Land Development Corporation

(LC Paper No. CB(1) 900/01-02)

40. Dr TANG Siu-tong, Chairman of the Panel on Planning, Lands and Works (PLW Panel), said that the Panel met with the Urban Renewal Authority (URA) and the Planning and Lands Bureau at its meeting on 22 January 2002. The Panel had noted that URA had announced the implementation of three redevelopment projects which, according to URA's Managing Director, were among the 25 uncompleted projects of the former Land Development Corporation (LDC). Dr TANG further said that the Panel was concerned about the timetable for the implementation of the remaining 22 uncompleted projects given that the residents in these project areas had waited for redevelopment for a long time. The Panel had also noted that although it had been more than seven months since the establishment of URA, URA still had not submitted its first five-year corporate plan, which should include these 25 uncompleted projects, to the Financial Secretary for approval.

41. Dr TANG said that as both URA's Managing Director and the Planning and Lands Bureau had refused to provide an undertaking as to when the first corporate plan of URA would be finalised, the Panel was gravely concerned that there would be further delay in the implementation of the 25 uncompleted projects of the former LDC, not to mention the redevelopment schedule for other dilapidated urban areas. Dr TANG further said that the Panel wished to seek Members' agreement for the Chairman of the House Committee to raise the Panel's concern about the need to expedite the implementation of the 25 uncompleted projects of the former LDC with CS.

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42. The Chairman said that from time to time, Panels made reports to the House Committee expressing their dissatisfaction with the Administration over matters such as the Administration's inaction or delay in doing something it had undertaken to do. The Chairman pointed out that the House Committee should avoid intervening in the work of a Panel, or taking on matters which were clearly within the ambit of individual Panels. Regarding the request of the PLW Panel before Members, she said that it was appropriate for the House Committee to follow up as the Administration had, during the resumption of the Second Reading debate on the Urban Renewal Authority Bill, made an undertaking to the Council to accord priority to the 25 uncompleted projects of the former LDC.

43. Ms Emily LAU asked whether it was appropriate for the CA Panel to have raised the matter of application of the Prevention of Bribery Ordinance to CE under agenda item VIII above, and whether the Chairman was suggesting that a Panel should take up matters directly with CS instead of requesting the Chairman of the House Committee to do so.

44. The Chairman responded that it was the existing practice that the Panels communicated directly with the Administration concerning subjects and policy issues within their purview. The Chairman pointed out that matters of a Panel should be resolved by the Panel concerned. However, there were certain matters, such as those of a constitutional nature, which had to be taken up by the House Committee with an official more senior than the Bureau Secretary concerned, such as with CS directly. The Chairman added that matters of a procedural or operational nature, such as the Administration's failure to consult Members on, or honour an undertaking to the Council to put forward, a proposal, could also be raised with the House Committee.

45. Miss Margaret NG said that there were situations where a Panel had repeatedly requested the Bureau concerned to introduce a particular proposal, but the Bureau still had not responded. Miss NG added that unlike the case of the 25 uncompleted redevelopment project of the former LDC, the proposal might not be something that the Administration had previously given an undertaking to the Council to introduce. Miss NG asked whether the Panel could raise the matter with the House Committee under such a situation. The Chairman responded that while the Panel could raise the matter with the House Committee, Members should bear in mind that the House Committee should only consider the procedural or operational aspect, i.e. the delay on the part of the Administration to introduce the proposal, and not involved itself in discussing the proposal per se.

46. The Chairman said that she would convey to CS the concern of the PLW Panel about the need to expedite the implementation of the 25 uncompleted

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projects of the former LDC. Members agreed.

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X. Report of the Panel on Transport concerning Route 10 and related issues

47. Referring to her speaking note tabled at the meeting, Ms Miriam LAU, Chairman of the Panel on Transport, said that she was making an oral report to the House Committee in accordance with the Panel's instruction to inform the House Committee the Panel's concerns about Route 10, as the financial proposal in respect of Route 10 would be submitted to the Public Works Subcommittee (PWSC) for consideration on 30 January 2002. The Panel also wished to seek the House Committee's agreement for the Chairman to raise the Panel's concerns with CS and to also ask CS to confirm that the Government as a whole, including the relevant Policy Bureaux, such as the Economic Services Bureau and Commerce and Industry Bureau, and the Steering Committee on Logistics Development headed by the Financial Secretary had thoroughly considered and reached consensus on the Transport Bureau's current proposal on Route 10.

48. Ms Miriam LAU said that the Panel had held seven meetings since October last year to discuss the Shenzhen Western Corridor, Deep Bay Link and Route 10, and had received views from deputations. Regarding Route 10, the Panel had expressed the following concerns -

- (a) whether the time gap between the completion of Route 10 and the Shenzhen Western Corridor/Deep Bay Link would cause even more serious traffic congestion to Tuen Mun Road;
- (b) whether it was the right time to construct Route 10 and what the functional needs it was going to serve;
- (c) whether it was cost-effective to construct Route 10 at the present stage given that the total project cost would be in the region of \$22 billion; and
- (d) whether there were other options, such as maximising the utilisation of existing roads and tunnels and formulating a toll strategy to achieve traffic diversion.

49. Ms Miriam LAU further said that some members were worried that it might be premature to construct Route 10 at the present stage because the future development of port facilities had not been finalised and the increase in freight throughput after China's accession to the World Trade Organisation had yet to be assessed. As the project would have impact on the logistics industry, some members considered it necessary to take into account the views of the Steering Committee on Logistics Development on the Route 10 project proposed by the Transport Bureau. Ms LAU added that the Panel had already held seven meetings to discuss the various related issues and some members

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had found it frustrating for the Panel to seek further information from the Secretary for Transport (S for T). As Members had to take a decision on the funding proposal for the detailed design study on Route 10 at the PWSC meeting on Wednesday, 30 January 2002, the Panel agreed that the Chairman of the House Committee should be requested to relay the Panel's concerns to CS and seek a response from the Administration before the PWSC meeting.

50. Mr Eric LI said that he was not a member of the Panel on Transport, but he had attended the Panel meeting on 23 January 2002 to discuss the Route 10 project which was estimated to cost \$22 billion. He added that he had doubts about the information given by S for T at the meeting, and wanted to seek more information from the Administration before the PWSC meeting on 30 January 2002 to discuss the financial proposals on the three projects.

51. Mr Fred LI said that according to Ms LAU's speaking note, S for T had already informed the Panel that the three projects were proposed after coordination work had been carried out within Government, and the relevant Policy Bureaux and government departments "knew about" the planning, timetable and the needs of the projects. He asked whether the Panel had doubts about S for T's statement and therefore wanted the Chairman of the House Committee to seek CS's confirmation.

52. Ms Miriam LAU responded that the Panel did not have doubts that the relevant Policy Bureaux and departments "knew about" the three projects, but some Panel members were not entirely convinced, based on the information provided by the Administration, that the construction of Route 10 should commence at the present stage. Ms LAU pointed out that the construction of Route 10 project involved more than transport issues. There were also other issues such as the future development of the logistics industry, the forecast freight volume, and the location of container terminals 10 and 11 that needed to be taken into consideration. Panel members therefore wanted to be reassured that the Policy Bureaux concerned and the Steering Committee on Logistics Development had fully considered all relevant factors and had satisfied themselves that it was the right time to proceed with the construction of Route 10.

53. The Chairman said that not all Members were familiar with the discussion of the Panel on the three projects, and they did not know whether the Policy Bureaux concerned had refused to provide the information requested by the Panel, or whether the Panel was simply not happy with the information provided. The Chairman further said that if the Panel was not satisfied with the information provided or not convinced of the need for the projects, it could either request the Administration to defer submission of the financial proposals to PWSC or choose not to support the proposals at the PWSC meeting on 30 January 2002. The Chairman added that if what the Panel wanted was more

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information from the Administration, the House Committee could raise with CS that more information on the projects should be provided. She advised that as a matter of principle, the House Committee should not be doing the work of a Panel and involve itself in the discussion of an issue or matter for the Panel.

54. Mr IP kwok-him concurred with the Chairman. He said that he was not a member of the Panel and had not attended the discussion of the Panel on Transport on the projects. He further said that as not all Members had followed the discussion of the Panel, it would be difficult for the House Committee to pursue the Panel's request if it involved the House Committee getting into detailed discussion on Route 10 itself. He was of the view that the Panel could request for further information and it would be for Members to make their own decisions on whether or not to support the funding proposals on the projects at the PWSC meeting. Mr IP added that the Chairman should only relay to CS that the Panel had expressed concern as to whether there was a consensus within Government on Route 10.

55. Mr James TIEN said that he was not a member of the Panel on Transport, but he had attended the Panel meeting on 23 January 2002. However, he did not take part in the latter part of the discussion when the proposal to seek the House Committee's assistance was raised. He said that he was concerned about the traffic forecast for Route 10 because according to the information obtained by the Panel on Economic Services, the proposal of container terminal 10 would be shelved. He suggested that a joint meeting of the Panels on Transport, Commerce and Industry and Economic Services should be held to seek further clarification from the relevant Policy Bureaux, before PWSC considered the financial proposal on Route 10.

56. Ir Dr HO Chung-tai said that the Administration had previously submitted the proposal on the Shenzhen Western Corridor and Deep Bay Link to PWSC, but the proposal was withdrawn at the request of some members who wanted to consider these two projects together with Route 10. While he had no strong views about holding a joint meeting of the three Panels to seek further information from the Administration, he pointed out that the Panel on Transport had held a series of meetings to discuss these projects, and the information provided by the Administration and the views put forward by members were already getting repetitive at the meetings.

57. Mr LEUNG Fu-wah said that he was a member of the Panel and he had attended all the meetings held to discuss the three projects. He pointed out that most members of the Panel agreed that there had been sufficient discussion on the projects, although they had divergent views on the need for the projects. Mr LEUNG further said that as some Members who were not members of the Panel on Transport wanted more information, he had no objection to Mr TIEN's suggestion of holding a further meeting with other relevant Panels to

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discuss the projects. However, he agreed with Ir Dr HO Chung-tai that the deliberations would likely be repeating what had been discussed before, and hence would not be meaningful.

58. Ms Emily LAU said that she had proposed at the Panel meeting on 23 January 2002 that the Chairman of the House Committee should be requested to relay the Panel's concerns to CS because she shared Mr James TIEN's concern about the traffic forecast for Route 10. Ms LAU further said that the meeting was quorate when her proposal was discussed, and her proposal was supported by the members present. Ms LAU also expressed support for Mr TIEN's suggestion of holding a joint meeting of the relevant Panels to seek further clarification from the Administration.

59. Mr Eric LI said that he supported the views expressed by Ms Miriam LAU and Ms Emily LAU. He reiterated that it was only prudent for Members to obtain adequate information before taking a decision on such important projects.

60. The Chairman said that it appeared that while most members of the Panel on Transport held the view that there had been sufficient discussion on the three projects, some other Members considered it necessary to further discuss the projects from a macro-economic point of view. The Chairman further said that the projects involved substantial financial commitment and were of wide public concern, and that some Members obviously had doubts about the projects' cost-effectiveness. The Chairman suggested that Members might wish to consider whether she should ask the Administration to defer submitting the three projects to PWCS on 30 January 2002 to allow time for the relevant Panels to hold further discussion.

61. Mr LAU Kong-wah said that he had attended most of the meetings of the Panel on Transport held to discuss these projects. As there was urgency in taking a decision on the financial proposal of the Shenzhen Western Corridor and Deep Bay Link which had been deferred from a previous PWSC meeting, he suggested that the House Committee should only consider requesting the Administration to defer presenting the financial proposal on Route 10 to PWSC on 30 January 2002.

62. Mr Andrew CHENG said that the Panel had held a series of meetings to discuss the projects. Although it was not possible for every Member to be familiar with all the details covered at these Panel meetings, members of the Panel should brief other Members who were of the same political groupings about the discussion. He further said that he did not object to holding a joint Panel meeting to further discuss the projects. However, he would not expect other Bureau Secretaries concerned to disagree with what S for T had told the Panel on Transport. He considered that as there had been thorough discussion

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on the three projects by the Panel on Transport, he would not agree to the suggestion that the House Committee should request the Administration to defer the submission of the funding proposals on the three projects to PWSC on 30 January 2002.

63. Ir Dr HO Chung-tai said that the implementation of the Shenzhen Western Corridor had already been delayed and it was right timing for PWSC to discuss the project at its meeting on 30 January 2002. Dr HO further said that if Members wanted to defer the discussion of the projects by the PWSC to enable a joint Panel meeting to be held to seek further information from the Administration, he would have no objection, as Chairman of PWSC, to arranging a special PWSC meeting in February 2002 to consider the financial proposals for these projects.

64. Mr Tommy CHEUNG said that although he had attended the Panel meeting on 23 January 2002, he was not present when the Panel's request about conveying its concerns to CS was raised and discussed. He further said that Members belonging to the Liberal Party supported the Shenzhen Western Corridor and Deep Bay Link, but had reservations about proceeding with Route 10 at the present stage. He added that in view of the substantial financial commitment of Route 10 and the lack of information about whether there would be toll charges and the location of the future cargo terminals, the Liberal Party would support deferring the discussion of the financial proposal on Route 10.

65. Mr Eric LI expressed support for Mr LAU Kong-wah's suggestion that the Administration should defer presenting the financial proposal on Route 10, as Members needed more information about the project.

66. Mr LEUNG Fu-wah said that the Administration would unlikely object to deferring the submission of the financial proposal on Route 10 to PWSC on 30 January 2002. He pointed out that the proposal was included in the PWSC agenda, together with the financial proposal on the Shenzhen Western Corridor and Deep Bay Link, at the request of Members belonging to the Democratic Party.

67. The Chairman said that as Members belonging to the Democratic Party did not support the suggestion of deferring the submission of the financial proposal on Route 10 to PWSC on 30 January 2002, Members might wish to consider whether they wanted to take a vote on the suggestion.

68. Mr Albert CHAN expressed strong objection to taking a vote on the suggestion as Members had not been given prior notice that they would be asked to vote on a suggestion to ask the Administration to defer submitting the Route 10 financial proposal to PWSC on 30 January 2002. He stressed that it

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was only after detailed discussion by the Panel that the Administration finally agreed to present the funding proposals on the three projects at the same PWSC meeting. He considered that it was unfair and inappropriate for the House Committee to reopen discussion on something which had already been agreed to by a Panel. Mr CHAN further said that those Members who did not support Route 10 could vote against the relevant funding proposal at the PWSC meeting on 30 January 2002.

69. In response to the Chairman, the Secretary General advised that although the item of Route 10 was included in the agenda of the House Committee meeting, no discussion paper had been provided for the item and members had not been aware as to what decision had to be made. He further said that based on the past practice of the House Committee, a discussion paper on an item should be provided prior to a meeting if Members were to be invited to make a decision on the item at the meeting.

70. Assistant Secretary General 1 said that under rule 22(p) of the House Rules, during a Panel meeting, a motion could be moved if it was considered by the chairman of the Panel as directly related to an item of that meeting. The motion would be proceeded with if agreed by a majority of members voting. Any proposed motion or amendment to a motion should be presented to the Panel in written form. She further said that it would be for the House Committee to determine whether it would follow the practice of Panels in dealing with a motion moved at a meeting of the House Committee.

71. Miss Margaret NG said that it was not appropriate to apply rule 22(p) as the rule dealt with the moving of motions at Panel meetings, and not House Committee meetings. Miss NG further said that as some Members had expressed strong objection to seeking a deferment of the PWSC proposal on Route 10, putting the suggestion to the vote would not be appropriate. She further said that as Members also had diverse views on the Panel's original request, she suggested that the House Committee could simply not take a decision on the matter.

72. Mr Andrew CHENG agreed with Miss Margaret NG that a vote should not be taken on the suggestion of requesting the Administration to defer the financial proposal on Route 10. Mr CHENG said that the Panel had only agreed to seek confirmation from CS that the Administration as a whole, including the Steering Committee on Logistics Development, had fully considered and had consensus on the Route 10 project. He pointed out that the Panel had not discussed the proposal of requesting the Administration to defer the PWSC discussion on the financial proposal on Route 10 on 30 January 2002.

73. Dr YEUNG Sum agreed that the House Committee should not take a

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vote on the suggestion. Dr YEUNG further said that the Chairman and the Deputy Chairman of the House Committee should not be involved in such a controversial matter, and that the Panel should seek further information from the Administration as the Panel considered necessary.

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74. Mr James TIEN said that the House Committee could deal with proposals arising from the discussion of an item on the agenda. He was of the view that deferring the PWSC proposal on Route 10 would give more time for the holding of a joint Panel meeting to discuss the project.

75. Ms Emily LAU said that she agreed with the Secretary General that Members should be notified in advance if they were required to make a decision on a proposal at a meeting. Ms LAU was not in favour of compelling Members to take a vote on the suggestion of requesting the Administration to defer the discussion of the PWSC item on Route 10, unless Members had agreed in the first place to consider the suggestion at this meeting. Ms LAU hoped that the House Committee would still deal with the Panel's original request as reported by Ms Miriam LAU.

76. Mr LAU Kong-wah clarified that he had raised the point that the House Committee should consider only asking the Administration to defer the financial proposal on Route 10 in response to the Chairman's original suggestion of asking the Administration to defer this proposal and the one on the Shenzhen Western Corridor and Deep Bay Link. He further said that the Chairman could let CS know that Members had divergent views on Route 10, and it would be for the Administration to decide whether the financial proposal on Route 10 should be submitted to PWSC on 30 January 2002.

77. Mr LAU Ping-cheung said that as the financial proposal on the Shenzhen Western Corridor and Deep Bay Link and that on Route 10 were included as different items in the agenda of the PWSC meeting on 30 January 2002, Members could vote on these items separately at the meeting.

78. Mr Andrew CHENG reiterated that there had been sufficient discussion by the Panel on Transport on the three projects, and most Members had already formed their views on whether or not to support these projects. He stressed that Members belonging to the Democratic Party were of the view that the three projects should be considered at the same PWSC meeting, and they would not agree to the Administration deferring the discussion of financial proposals on the three projects.

79. The Chairman said that she had raised the suggestion of whether the House Committee should consider asking the Administration to defer presenting the financial proposals on the three projects because some Members would like the relevant Panels to hold a joint meeting to obtain further information from the Administration. Given the diverse views on the suggestion, it would not be appropriate for the House Committee to pursue it further. As regards the Panel's request that the Chairman of the House Committee should raise the Panel's concerns with CS, the Chairman reiterated that as a matter of principle, the House Committee should avoid involving

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itself in the discussion of issues or matters which were within the purview of individual Panels. She advised that it would be more appropriate for the Panel to convey its concerns directly to the Administration. Members agreed.

XI. Any other business

Change of membership of the Legislative Council delegation to visit Canada

80. Dr LUI Ming-wah, leader of the delegation, informed Members that Dr David CHU had withdrawn from the delegation, and Mr CHAN Kwok-keung had been nominated to fill the vacancy.

81. There being no further business, the meeting ended at 4:05 pm.