

立法會
Legislative Council

LC Paper No. CB(2) 2902/03-04

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 29th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 18 June 2004**

Members present :

Hon Miriam LAU Kin-yee, JP (Chairman)
Hon James TIEN Pei-chun, GBS, JP
Dr Hon David CHU Yu-lin, JP
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
Dr Hon Eric LI Ka-cheung, GBS, JP
Dr Hon LUI Ming-wah, JP
Hon NG Leung-sing, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon CHAN Kwok-keung, JP
Hon CHAN Yuen-han, JP
Hon Bernard CHAN, JP
Hon CHAN Kam-lam, JP
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, GBS
Hon WONG Yung-kan
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Dr Hon YEUNG Sum
Hon Ambrose LAU Hon-chuen, GBS, 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
Dr Hon LAW Chi-kwong, JP
Hon TAM Yiu-chung, GBS, JP
Dr Hon TANG Siu-tong, JP
Hon LI Fung-ying, JP
Hon Henry WU King-cheong, BBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Hon LEUNG Fu-wah, MH, JP
Dr Hon LO Wing-lok, JP
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, JP

Members absent :

Hon Fred LI Wah-ming, JP (Deputy Chairman)
Hon Kenneth TING Woo-shou, JP
Dr Hon David LI Kwok-po, GBS, JP
Hon HUI Cheung-ching, JP
Hon YEUNG Yiu-chung, BBS
Hon LAU Chin-shek, JP
Hon LAU Kong-wah, JP
Hon LAU Wong-fat, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon Albert CHAN Wai-yip

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
Ms Pauline NG	Assistant Secretary General 1
Mr Ray CHAN	Assistant Secretary General 3

Mr LEE Yu-sung	Senior Assistant Legal Adviser 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Miss Becky YU	Chief Council Secretary (1)1
Miss Odelia LEUNG	Chief Council Secretary (1)4
Miss Salumi CHAN	Chief Council Secretary (1)5
Ms Anita SIT	Chief Council Secretary (1)6
Mrs Constance LI	Chief Council Secretary (2)5
Mrs Betty LEUNG	Chief Council Secretary (3)1
Ms Bernice WONG	Assistant Legal Adviser 1
Miss Anita HO	Assistant Legal Adviser 2
Ms Connie FUNG	Assistant Legal Adviser 3
Mr Stephen LAM	Assistant Legal Adviser 4
Mr KAU Kin-wah	Assistant Legal Adviser 6
Mr Simon WONG	Senior Public Information Officer 1
Miss Lolita SHEK	Senior Council Secretary (2)7

Action

I. Confirmation of the minutes of the 28th meeting held on 11 June 2004
(LC Paper No. CB(2) 2806/03-04)

The minutes were confirmed.

II. Matters arising

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

CS' attendance at House Committee meetings

2. The Chairman informed Members that CS had said that he had undertaken to meet with members of the House Committee twice every session, but he had done so only once so far. Notwithstanding this, he had in fact attended meetings with Members on a few occasions in connection with various subjects. CS had indicated that if Members considered it necessary, he would be pleased to meet with them again this session.

3. The Chairman invited Members to consider whether a special House Committee meeting should be held with CS.

4. Referring to the speech made recently by CS at a luncheon of the Hong Kong General Chamber of Commerce, Ms Emily LAU suggested that CS should be invited to discuss with Members his proposals for the business sector to be involved in political development and policy-making.

Action

5. Mrs Selina CHOW suggested that the topic of enhanced cooperation and links between Hong Kong and Guangdong, including the launch of the "9+2 Pan Pearl River Delta grouping", be discussed at the meeting with CS.

6. The Chairman said that the meeting with CS could be held on Friday, 2 July 2004. As the Finance Committee scheduled for the same afternoon had a long agenda, she suggested that, subject to the agreement of the Chairman of the Finance Committee, Dr Philip WONG, the special House Committee meeting be held from 2:30 pm to 4:00 pm and the Finance Committee meeting be held afterwards. Dr Philip WONG agreed to the proposed arrangement.

7. The Chairman further said that she would discuss with CS the proposed topics and arrangements for the meeting. Members agreed.

III. Business arising from previous Council meetings

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

Supplementary Appropriation (2003-2004) Bill (LC Paper No. LS 86/03-04)

8. The Legal Adviser explained that the Bill sought the Legislative Council (LegCo)'s approval to make a supplementary provision totalling \$2,594 million for the financial year ended on 31 March 2004. The amounts of the excess expenditure for the various heads of expenditure had been approved by the Finance Committee or under the powers delegated by it.

9. The Legal Adviser added that the legal and drafting aspects of the Bill presented no problem. Subject to Members' views, the Bill was ready for resumption of Second Reading debate.

10. Members did not raise objection to the resumption of the Second Reading debate on the Bill.

IV. Business for the Council meeting on 30 June 2004

(a) Questions (LC Paper No. CB(3) 717/03-04)

11. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 30 June 2004.

Action

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

12. The Chairman said that no notice had been received yet.

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

(i) **Landlord and Tenant (Consolidation) (Amendment) Bill 2003**

(ii) **Waste Disposal (Amendment) (No. 2) Bill 2003**

(iii) **Construction Workers Registration Bill**

(iv) **Road Traffic (Amendment) Bill 2003**

(v) **Clearing and Settlement Systems Bill**

(vi) **United Nations (Anti-Terrorism Measures) (Amendment) Bill 2003**

13. The Chairman said that at the last House Committee meeting on 11 June 2004, Members did not raise objection to the resumption of the Second Reading debate on the six Bills. The Chairman added that the written reports of the Bills Committee on Waste Disposal (Amendment) (No.2) Bill 2003 and the Bills Committee on United Nations (Anti-Terrorism Measures) (Amendment) Bill 2003 would be provided under agenda item V(g) and (e) below.

(d) **Government motion**

(i) **Proposed resolution to be moved by the Secretary for Housing, Planning and Lands under section 2(3) of the Buildings Ordinance**

(Wording of the proposed resolution issued vide LC Paper No.

CB(3) 671/03-04 dated 4 June 2004.)

(LC Paper No. LS 83/03-04)

14. The Legal Adviser said that the Secretary for Housing, Planning and Lands had given notice to move a motion under section 2(3) of the Buildings Ordinance (Cap. 123) at the LegCo meeting of 30 June 2004 to amend the description of a scheduled area in the Fifth Schedule to the Ordinance. The amendment was to include specific areas along the East Rail Extensions - Hung Hom to Tsim Sha Tsui as railway protection areas in the Fifth Schedule.

Action

15. The Legal Adviser added that the legal and drafting aspects of the proposed resolution presented no problem.

16. Members did not raise objection to the Secretary for Housing, Planning and Lands moving the proposed resolution at the Council meeting on 30 June 2004.

(ii) **Proposed resolution to be moved by the Secretary for Health, Welfare and Food under section 29 of the Pharmacy and Poisons Ordinance**

(Wording of the proposed resolution issued vide LC Paper No.

CB(3) 704/03-04 dated 10 June 2004.)

(LC Paper No. LS 87/03-04)

17. The Legal Adviser explained that the motion sought LegCo's approval for the Pharmacy and Poisons (Amendment) (No. 2) Regulation 2004 and the Poisons List (Amendment) (No. 2) Regulation 2004.

18. The Legal Adviser further explained that by these two Amendment Regulations, two new substances were to be added to Part A of Part I of the Poisons List Regulations (Cap. 138 sub. leg. B) and the First and Third Schedules to the Pharmacy and Poisons Regulations (Cap. 138 sub. leg. A). Pharmaceutical products containing the two substances were to be sold in pharmacies under the supervision of registered pharmacists and in their presence, with the support of prescriptions.

19. The Legal Adviser added that no difficulties relating to the legal and drafting aspects of the Amendment Regulations had been identified.

20. Members did not raise objection to the Secretary for Health, Welfare and Food moving the proposed resolution at the Council meeting on 30 June 2004.

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

Wing Hang Bank, Limited (Merger) Bill

21. The Chairman said that at the last House Committee meeting on 11 June 2004, Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(f) **Members' motions**

(i) **Motion on "Qualifications framework for employees"**

(Wording of the motion issued vide LC Paper No. CB(3) 732/03-

Action

04 dated 17 June 2004.)

(ii) **Motion on "Promoting Pan-Pearl River Delta regional co-operation and development"**

(Wording of the motion issued vide LC Paper No. CB(3) 733/03-04 dated 17 June 2004.)

22. The Chairman said that the above motions would be moved by Ms LI Fung-ying and Mr IP Kwok-him respectively, and the wording of the motions had been issued to Members.

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

V. Reports of Bills Committees and subcommittees

(a) **Report of the Bills Committee on Education (Amendment) Bill 2002**

24. Ms Cyd HO, Chairman of the Bills Committee, said that the Bills Committee had held 35 meetings and conducted two rounds of consultation with stakeholders on the proposals in the Bill. The Administration had accepted most of members' views and suggestions, and would move more than 40 Committee Stage amendments (CSAs). The Bills Committee would hold further meetings to discuss the final version of the proposed CSAs. A written report would be provided to the House Committee at its meeting on 25 June 2004.

25. Ms HO further said that individual Members would also move CSAs to the Bill. Mr CHEUNG Man-kwong would move a CSA to empower LegCo to extend, by way of a resolution, the five-year transitional period after 1 January 2008 for the establishment of incorporated management committees in respect of operating aided schools by school sponsoring bodies (SSBs). Ms Emily LAU would move CSAs to amend the expression, such as "if it appears to the Permanent Secretary that a school is not managed satisfactorily", in the relevant sections of the Education Ordinance (Cap. 279).

26. Ms HO added that some SSBs had indicated that they might institute legal proceedings against the Government for contravention of Article 141 of the Basic Law (BL), which stipulated that religious organizations could, according to their previous practice, continue to run schools. The Bills Committee had therefore requested the Administration to provide its legal opinion in this regard for the Bills Committee's consideration.

Action

27. Ms HO further said that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting on 7 July 2004. Ms HO thanked members of the Bills Committee and the LegCo Secretariat for their assistance in the scrutiny of the Bill.

28. The Chairman reminded Members that the deadline for giving notice of CSAs was Saturday, 26 June 2004.

(b) Report of the Bills Committee on Land Titles Bill

29. Miss Margaret NG, Chairman of the Bills Committee, reported that the Bills Committee had just completed scrutiny of the Bill. A written report would be provided to the House Committee at the next meeting on 25 June 2004.

30. Miss NG said that the Bill sought to replace the existing deeds registration system with a new system of registering the title to land and the interests in land. Miss NG further said that the Bills Committee had examined in detail the conversion mechanism, the rectification of title by court or Land Registrar, and the indemnity provisions proposed in the Bill.

31. Miss NG informed Members that as the new system would have significant implications on the work of legal practitioners, the Bills Committee had also sought the views of the Law Society of Hong Kong and the Hong Kong Bar Association. Following discussion with the Law Society, the Administration had agreed to adopt the daylight conversion mechanism proposed by the Law Society. Under this mechanism, all “new land” would be registered under the proposed land title registration system from the commencement date of the Land Titles Ordinance. All other land would remain under the Land Registration Ordinance (Cap. 128) until the expiry of 12 years from the commencement date. The Bills Committee supported this change. The Administration would move CSAs to provide for this mechanism.

32. As regards the rectification of title by the court or by Land Registrar, Miss NG said that in response to the concerns of the Bills Committee and deputations, the Administration would move CSAs to -

- (a) allow the Court of First Instance to order rectification of the Title Register on the grounds that an entry of ownership had been obtained by fraud, and the former registered owner had no knowledge of, or had not caused or contributed to the fraud; and
- (b) remove the wide discretion given to the court.

Action

33. On the indemnity provisions, Miss NG informed Members that the Bar Association and the Real Estate Developers Association of Hong Kong considered that the proposed cap of HK\$30 million on indemnity in cases of fraud was contrary to BL 6 and 105. However, the Administration maintained the view that the relevant provisions were consistent with BL, and it was necessary to impose a cap on indemnity so as to balance the interest of individuals entitled to be compensated against the costs to property owners and purchasers at large.

34. Miss NG said that the Law Society had made significant contribution to the scrutiny of the Bill. As the Bill would be amended substantially, the Law Society had been consulted again on the proposed amendments. The Law Society had just replied that it had reached consensus with the Land Registry on all significant policy issues relating to the Bill. The Law Society would support the Bill on the condition that the Administration would continue to work with the Society in addressing its concerns about the drafting of the Bill and the issue of double payment from the Solicitors Indemnity Fund.

35. Miss NG added that the Administration had also undertaken to consult the relevant Panel on the commencement date of the Bill before gazettal of the commencement notice.

36. Miss NG said that the Bills Committee supported the resumption of the Second Reading debate on the Bill on 7 July 2004.

37. The Chairman reminded Members that the deadline for giving notice of CSAs was Saturday, 26 June 2004.

(c) Report of the Bills Committee on Companies (Amendment) Bill 2003

(LC Paper No. CB(1) 2158/03-04)

38. Ms Audrey EU, Chairman of the Bills Committee, said that the Bills Committee had completed scrutiny of the Bill.

39. Ms EU further said that the Administration would move CSAs to delete those amendments relating to group accounts in Schedule 2 to the Bill and the related consequential amendments in Part 2 of Schedule 5 to the Bill.

40. Ms EU added that the Bills Committee had discussed in detail the amendments to the Ordinance relating to shareholders' remedies in Schedule 4 to the Bill. Most members agreed that there should be a leave requirement for bringing a statutory derivation action. However, the conditions that had to be satisfied for the grant of leave by the court should be meaningfully low. The Administration would propose CSAs to address members' concerns.

Action

41. Ms EU said that the Bills Committee supported the resumption of the Second Reading debate on the Bill on 7 July 2004.

42. The Chairman reminded Members that the deadline for giving notice of CSAs was Saturday, 26 June 2004.

(d) Report of the Bills Committee on Town Planning (Amendment) Bill 2003

43. Mr James TO, Chairman of the Bills Committee, said that the Bills Committee had completed scrutiny of the Bill. However, as the Bills Committee and the Assistant Legal Adviser would need time to study the whole set of CSAs which had just been provided by the Administration, a written report would be provided for the House Committee at its next meeting on 25 June 2004.

44. Mr TO informed Members that in response to the views of deputations, the Administration would move CSAs to revise the plan-making procedures to a two-stage representation consideration process. The Bills Committee accepted the revised proposal.

45. Mr TO said that the Administration would move CSAs to delete the provisions in the Bill that managers of tso/tong should be regarded as land owners liable to offences in relation to unauthorized developments.

46. Mr TO further said that to address members' grave concerns, the Administration would move CSAs to provide expressly in law that, except under certain specified circumstances, all meetings of the Town Planning Board would be open to the public.

47. Mr TO added that the Bills Committee supported the CSAs to be moved by the Administration. The Bills Committee also supported the resumption of the Second Reading debate on the Bill on 7 July 2004.

48. The Chairman reminded Members that the deadline for giving notice of CSAs was Saturday, 26 June 2004.

(e) Report of the Bills Committee on United Nations (Anti-Terrorism Measures) (Amendment) Bill 2003

(LC Paper No. CB(2) 2801/03-04)

49. Mr James TO, Chairman of the Bills Committee, said that Miss Margaret NG had made a verbal report on his behalf at the last meeting on 11 June 2004.

Action

50. Mr TO added that the Bills Committee had just held a meeting to consider Miss NG's proposed CSA that the obligation to report terrorist property would only cover information or other matters which came to a person arising from his work. The Administration had indicated that it did not agree to the proposed CSA.

51. Miss Margaret NG explained that the CSA sought to restrict only those persons, who came across information in the course of their profession or employment that any property was terrorist property, would have the duty to disclose such information. For those who continued to have the duty of disclosure, such duty would remain the same.

52. The Chairman reminded Members that the deadline for giving notice of CSAs was Saturday, 19 June 2004.

(f) **Report of the Bills Committee on Adoption (Amendment) Bill 2003**
(*LC Paper No. CB(2) 2797/03-04*)

53. Miss Margaret NG, Chairman of the Bills Committee, reported that the Bills Committee had completed scrutiny of the Bill.

54. Miss NG said that after considering members' views, the Administration had agreed to propose CSAs to explicitly state the principles of accreditation and to allow non-governmental organizations to provide services in local adoptions by unrelated persons as accredited bodies.

55. Miss NG further said that the Administration would also propose a CSA to the effect that only a birth parent, who was an illegitimate father without any parental rights, would be required to apply as a joint applicant with the step-parent for the adoption of his own child.

56. Miss NG added that the Administration had undertaken to study the establishment of formal arrangements on adoption with the Mainland, and would consult the relevant Panel in due course.

57. Miss NG said that the Bills Committee supported the resumption of the Second Reading debate on the Bill on 7 July 2004, subject to the CSAs to be moved by the Administration.

58. The Chairman reminded Members that the deadline for giving notice of CSAs was Saturday, 26 June 2004.

Action

**(g) Report of the Bills Committee on Waste Disposal (Amendment)
(No.2) Bill 2003**

(LC Paper No. CB(1) 2107/03-04)

59. Dr LAW Chi-kwong, Chairman of the Bills Committee, said that he had given a detailed verbal report at the last House Committee meeting on 11 June 2004. The written report was now provided for members' reference.

60. Dr LAW informed Members that the Administration had reverted to the Bills Committee on the outstanding issue concerning waste deposited on private land before the enactment of the Bill. Dr LAW said that the Bills Committee did not raise further queries on the issue.

61. The Chairman said that the Administration had given notice to resume the Second Reading debate on the Bill on 30 June 2004. The Chairman reminded Members that the deadline for giving notice of CSAs was Saturday, 19 June 2004.

**(h) Report of the Bills Committee on Professional Accountants
(Amendment) Bill 2004**

(LC Paper No. CB(1) 2159/03-04)

62. Mr SIN Chung-kai, Chairman of the Bills Committee, said that the Bills Committee had completed scrutiny of the Bill. The Bills Committee supported the proposals in the Bill.

63. Mr SIN further said that the Bills Committee supported the resumption of the Second Reading debate on the Bill on 7 July 2004.

64. The Chairman reminded Members that the deadline for giving notice of CSAs was Saturday, 26 June 2004.

65. Dr Eric LI thanked members of the Bills Committee for completing the scrutiny of the Bill so efficiently.

**(i) Report of the Bills Committee on Criminal Procedure (Amendment)
Bill 2004**

(LC Paper No. CB(2) 2798/03-04)

66. Miss Margaret NG, Chairman of the Bills Committee, said that the Bills Committee had completed scrutiny of the Bill.

Action

67. Miss NG further said that the Administration would move CSAs to the effect that the Secretary for Justice (S for J) would apply to the court for a determination of sentence in respect of each prescribed prisoner as soon as practicable, and in any event within six months after the Bill came into operation. If S for J did not do so, a prescribed prisoner could apply to the court for a determination.

68. Miss NG added that the Bills Committee supported the resumption of the Second Reading debate on the Bill on 7 July 2004, subject to the CSAs to be moved by the Administration.

69. The Chairman reminded Members that the deadline for giving notice of CSAs was Saturday, 26 June 2004.

(j) Report of the Bills Committee on Human Organ Transplant (Amendment) Bill 2001

70. Dr LO Wing-lok, Chairman of the Bills Committee, said that the Bills Committee had completed scrutiny work and would provide a written report at the next House Committee meeting on 25 June 2004.

71. Dr LO informed Members that the Bill sought to make improvements to the Ordinance to enable the Human Organ Transplant Board to discharge its duties more effectively. These improvements were related to the definitions of "organ" and "payment", the appointment of temporary members to the Board, the handling of transplant relating to organs previously removed for therapeutic purposes, and the handling of imported organs. The Bill also proposed offences for various contraventions.

72. Dr LO said that the Bills Committee had requested the Administration to work out a system for granting exemptions to commercial dealings in certain products for transplantation that fell within the definition of "organ". Pending the Administration's consideration of the suggestion, the Bills Committee had put its scrutiny work on hold for some time.

73. Dr LO further said that the Administration had now proposed a mechanism for granting exemptions and also an appeal system in this regard. The Administration would propose CSAs to effect these amendments.

74. Dr LO said that the Administration had also agreed to move other amendments to address members' concerns, such as the minimum age of donor, and checking of documents by the medical practitioner who was to transplant the organ previously removed for therapeutic purpose.

Action

75. As regards Ms Cyd HO's concern about transplant applications involving homosexual couples, Dr LO informed Members that the Administration had advised that the fact of marriage would be established by documents under the Human Organ Transplant Regulation which made no distinction between opposite sex marriages and same sex marriages. The Secretary for Health, Welfare and Food would put on record, in his speech during the resumption of the Second Reading debate, the Administration's interpretation of section 2A of the Regulation.

76. Dr LO added that the Bills Committee supported the Bill and the resumption of the Second Reading debate on the Bill on 7 July 2004.

77. Members did not raise objection to the resumption of the Second Reading debate on the Bill.

78. The Chairman reminded Members that the deadline for giving notice of CSAs was Saturday, 26 June 2004.

(k) Report of the Subcommittee to consider a mechanism for handling complaints and allegations concerning Members' Operating Expenses Reimbursement claims
(LC Paper No. AS 298/03-04)

79. Ms Emily LAU, Chairman of the Subcommittee, said that the Subcommittee considered it necessary to put in place a mechanism to handle complaints and allegations concerning Members' Operating Expenses Reimbursement (OER) claims. The Subcommittee was of the view that the proposed mechanism set out in the paper, if adopted, should be enshrined in the Rules of Procedure. Furthermore, the deliberations in all cases should be open, fair and above party politics.

80. Ms LAU said that the Subcommittee had studied three options and came to the view that with some adaptation, the procedures of the Committee on Members' Interests (CMI) could be used for investigating complaints and allegations concerning Members' OER claims.

81. Ms LAU further said that the Subcommittee had issued a consultation paper to gauge the views of all 60 Members on the proposed mechanism which was set out in paragraphs 4 to 19 of the paper. However, only 42 Members had responded to the consultation paper as at 4 June 2004, and 25 of them supported the setting up of a mechanism for handling complaints and allegations concerning Members' OER claims. Ten Members proposed that the issue should be further considered by the third LegCo term, and four other Members indicated that they needed more time to consider the issue.

Action

82. Ms LAU expressed disappointment that many Members, including Members belonging to the Liberal Party, had not responded to the consultation paper, and that some Members expressed objection to the setting up of a mechanism. Ms LAU said that if these Members had indicated earlier that they did not agree to the setting up of a mechanism for handling complaints and allegations concerning Members' OER claims, the Subcommittee would not have deliberated further on the matter.

83. Ms LAU said that in the light of Members' response and the imminent end of the present term, the Subcommittee recommended that the need to set up a mechanism for handling complaints and allegations concerning Members' OER claims be further considered in the third LegCo term.

84. Mr Albert HO said that he did not see any problem with the Subcommittee's recommendation that the matter be further considered by the third LegCo term, if there was agreement among parties that there should be a mechanism for handling complaints and allegations concerning Members' OER claims.

85. Miss Margaret NG said that she did not agree that the terms of reference of CMI should be expanded to cover the handling of complaints and allegations concerning Members' OER claims. Miss NG further said that no action needed to be taken if a Member made a genuine mistake in making a wrong OER claim. However, if there was dishonesty on the part of the Member in making the claim, such an act amounted to misconduct. Miss NG considered that the proposed mechanism should deal with allegations of misconduct of Members and not restricted to allegations relating to OER claims only.

86. Mrs Selina CHOW said that Members belonging to the Liberal Party had carefully considered the matter and they had mixed views on the Subcommittee's proposed mechanism. Mrs CHOW further said that Members belonging to the Liberal Party would respect the view of the majority of Members on the issue. She, however, pointed out that the problem of Members investigating fellow Members still remained to be resolved.

87. Mr IP Kwok-him said that Members belonging to the Democratic Alliance for Betterment of Hong Kong had proposed in their response to the consultation paper that the need for such a mechanism should be considered by the third LegCo term, as it was a complex issue.

88. Members agreed to the Subcommittee's recommendation that the need to set up a mechanism for handling complaints and allegations concerning Members' OER claims be further considered in the third LegCo term.

Action

VI. Position on Bills Committees/subcommittees
(LC Paper No. CB(2) 2794/03-04)

89. The Chairman said that there were three Bills Committees and six subcommittees in action, as well as five Bills Committees on the waiting list.

90. The Chairman further said that as agreed at the last House Committee meeting, no more Bills Committees on the waiting list would be activated in the remainder of the term.

VII. Valedictory motion debate to be held at the Council meeting of 7 July 2004
(Draft wording of the motion attached)

91. Members agreed that the Chairman of the House Committee should give notice to move a valedictory motion for debate at the Council meeting of 7 July 2004. Members also agreed that speaking time limits stipulated in rule 17(b) of the House Rules should apply.

VIII. Any other business

92. The Chairman briefed Members on the arrangements for the Council meeting commencing on 7 July 2004 at 2:30 pm. ASG3 advised that the detailed arrangements had been announced in a circular issued to Members on 17 June 2004.

93. There being no other business, the meeting ended at 4:20 pm.