

立法會
Legislative Council

LC Paper No. CB(2) 177/04-05

Ref : CB2/H/5/04

House Committee of the Legislative Council

**Minutes of the 5th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 5 November 2004**

Members present :

Hon Miriam LAU Kin-yee, GBS, JP (Chairman)
Hon Fred LI Wah-ming, JP (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP
Hon LEE Cheuk-yan
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon CHAN Yuen-han, JP
Hon Bernard CHAN, JP
Hon CHAN Kam-lam, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon SIN Chung-kai, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Dr Hon YEUNG Sum
Hon LAU Chin-shek, JP
Hon LAU Kong-wah, JP
Hon Emily LAU Wai-hing, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon LI Fung-ying, BBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Frederick FUNG Kin-kee, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, JP
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat

Mr LEE Yu-sung	Senior Assistant Legal Adviser 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mrs Vivian KAM	Principal Council Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Miss Betty MA	Chief Council Secretary (2)5 (Acting)
Mrs Betty LEUNG	Chief Council Secretary (3)1
Mr Stephen LAM	Assistant Legal Adviser 4
Miss Lolita SHEK	Senior Council Secretary (2)7

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I. Confirmation of the minutes of the 4th meeting held on 29 October 2004
(LC Paper No. CB(2) 133/04-05)

The minutes were confirmed.

II. Matters arising

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

Disaster Relief Fund Advisory Committee

2. The Chairman said that she had conveyed to Ag CS Members' view that apart from circulation of papers, the Disaster Relief Fund Advisory Committee should hold meetings to discuss certain cases, particularly disbursements and grants involving substantial amounts of money.

3. The Chairman further said that Ag CS had responded that the business of the Committee must be processed speedily. The target of processing a case within 14 working days sometimes did not allow sufficient time for a meeting. Nonetheless, in the light of Members' concern, the Administration would review the administrative and operational arrangements of the Committee.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 29 October 2004 and tabled in Council on 3 November 2004
(LC Paper No. LS 13/04-05)

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4. The Legal Adviser said that there were six items of subsidiary legislation gazetted on 29 October 2004 and tabled in the Legislative Council (LegCo) on 3 November 2004.

5. The Legal Adviser explained that the Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2004 amended the Waste Disposal (Designated Waste Disposal Facility) Regulation to specify, among other matters, the waste disposal facilities that were available for disposal of construction waste. As regards the Waste Disposal (Charges for Disposal of Construction Waste) Regulation, it introduced a charging scheme for the disposal of construction waste at government waste disposal facilities.

6. The Legal Adviser said that the Bills Committee on the Waste Disposal (Amendment) (No. 2) Bill 2003 had deliberated on the two draft Regulations. The Legal Adviser added that while the Bills Committee was of the view that the proposed charging scheme should be implemented without delay, it also recommended the setting up of a subcommittee to study the Regulations after they were gazetted.

7. The Chairman proposed that a subcommittee be formed to study the two Regulations. Members agreed. The following Members agreed to join: Ms Miriam LAU, Ms Emily LAU, Miss CHOY So-yuk (as advised by Mr TAM Yiu-chung), Ms Audrey EU and Mr Andrew LEUNG.

8. Members did not raise any queries on the other four items of subsidiary legislation.

9. The Chairman said that the deadline for amending these six items of subsidiary legislation was 1 December 2004, or 5 January 2005, if extended by resolution.

IV. Business for the Council meeting on 17 November 2004

(a) **Questions**
(*LC Paper No. CB(3) 111/04-05*)

10. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 17 November 2004.

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

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

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(c) **Government motion**

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

(d) **Members' motions**

(i) **Motion on "Expectations for the implementation of policies"**
(Wording of the motion issued vide LC Paper No. CB(3) 115/04-05 dated 3 November 2004.)

(ii) **Motion on "Enhancing the safety of railway and road traffic"**
(Wording of the motion issued vide LC Paper No. CB(3) 118/04-05 dated 4 November 2004.)

13. The Chairman said that the above motions would be moved by Dr YEUNG Sum and Mr Andrew CHENG respectively, and the wording of the motions had been issued to Members.

14. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 10 November 2004.

V. Position on Bills Committees/subcommittees

(LC Paper No. CB(2) 138/04-05)

15. The Chairman said that there were five Bills Committees and six subcommittees in action.

VI. Provision of papers by the Administration for discussion at meetings of committees

(Hon WONG Kwok-hing's letter dated 2 November 2004 to the Chairman of the House Committee (LC Paper No. CB(2) 141/04-05(01))

[Previous papers:

Letter dated 21 January 2002 from the Chairman of the House Committee to CS (LC Paper No. CB(2) 141/04-05(02)) together with LC Paper No. CROP 1/01-02; and

CS's reply dated 7 February 2002 to the Chairman of the House Committee (LC Paper No. CB(2) 141/04-05(03))]

16. Mr WONG Kwok-hing expressed concern that very often, papers for discussion at Panel meetings were provided by the Administration just shortly before the meetings. As a result, Members did not have time to study the papers. Mr WONG suggested that the Administration should be required to

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provide papers at least seven working days before the meeting. For urgent items with very short notice, the Administration should provide papers at least 48 hours before the meeting.

17. The Chairman said that the subject matter had been studied by the Committee on Rules of Procedure (CRoP) in the second LegCo term. At its meeting on 18 January 2002, the House Committee discussed the recommendations of CRoP and agreed that the Administration should –

- (a) provide papers at least five clear days before the meeting for items with at least three weeks' notice;
- (b) provide papers at least two clear days before the meeting for items involving time critical proposals;
- (c) provide papers as soon as practicable for items with less than three weeks' notice; certain policy initiatives which could not be released prior to the approval of the Executive Council; and matters involving commercially sensitive information; and
- (d) Panel Chairmen would decide whether or not the relevant item should be deleted from the agenda, if the papers were not received by the deadline.

18. The Chairman further said that the Administration had agreed to adhere to the deadlines. The Chairman added that while the LegCo Secretariat had, so far, not received complaints about the late provision of papers, she understood that the Administration had not strictly adhered to the deadlines on all occasions.

19. Miss CHAN Yuen-han said that since the commencement of the current term, the Administration had not followed the agreed deadlines for the provision of papers. Given that it was just the beginning of a session, the House Committee should immediately remind the Administration to observe the deadlines, and not wait until later when more committee meetings would be scheduled. Miss CHAN requested the Chairman to relay Members' concern to CS at their next meeting.

20. Mr Jasper TSANG, Chairman of CRoP, said that CRoP had put forward its recommendations to the House Committee for consideration after consultation with the Administration. If the Administration had failed to adhere to the agreed deadlines, it should be reminded to do so. However, if Members considered that the deadlines should be changed, further discussion should be held with the Administration.

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21. Mr Fred LI said that the agreed deadlines were acceptable, but sometimes the Administration was unable to adhere to them. From his experience, while the Administration was able to meet the deadlines when providing the English version of the papers for meetings of the Panel on Food Safety and Environmental Hygiene, it usually failed to do so when providing the Chinese version of the papers. Mr LI suggested that the Administration should be reminded to observe the deadlines when providing both the English and Chinese versions of the papers.

22. Ms LI Fung-ying supported Mr Fred LI's suggestion. Ms LI said that the agreed deadlines were acceptable, if they were strictly observed by the Administration.

23. Mr Albert CHENG said that while he agreed that the Administration should provide papers in both English and Chinese before the deadlines, he would not object to receiving either version of the papers earlier.

24. The Chairman said that some Members preferred to receive both versions of papers simultaneously. Moreover, it would not be fair to those Members who received the Chinese version of papers only. For instance, these Members would not be able to respond to media enquiries, when only the English version of a paper was available and had already been issued.

25. Mr James TIEN said that papers provided by organisations, such as CLP Power, the Hong Kong Electric Co Ltd and the Hong Kong Monetary Authority, were usually tabled at meetings. Mr TIEN further said that as the attendance of these organisations at committee meetings was normally coordinated by the Administration, it should assist in ensuring that these organisations should provide papers as early as possible, so as to allow Members sufficient time to study the papers before the meetings.

26. Mr WONG Kwok-hing said that he was not aware of the existing arrangements for the provision of papers by the Administration, and he did not object to the agreed deadlines. Mr WONG further said that on some occasions, publications were provided by the Administration just before the meetings. Since such publications would have been printed well in advance, he could not see why the Administration had not provided them to Members earlier.

27. Mr WONG further said that the late provision of papers by the Administration would undermine the effectiveness of LegCo discharging its role in monitoring the work of the Government. It was also not fair to Members as they did not have sufficient time to study the papers before the meetings. He wondered whether those bureaux which failed to adhere to the agreed deadlines for the provision of papers could be punished.

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28. Ms Emily LAU agreed that the Administration should be reminded to follow the deadlines when providing papers. Ms LAU added that Panel Chairmen could decide to delete the relevant item from the agenda, if the papers were not received by the deadline.

29. Mr LEUNG Kwok-hung said that the Panel concerned should cancel the meeting, if the papers were not received by the deadline. This would teach the Administration a lesson that it should observe the agreed deadlines.

30. Mr KWONG Chi-kin said that he had received complaints from some Members' assistants that papers for meetings on a Monday were sometimes sent to Members' offices on the Saturday afternoon immediately before the meetings. This had posed difficulties to the assistants in delivering the papers to Members. Mr KWONG further said that under no circumstances should papers for meetings on a Monday be sent to Members later than the Saturday morning before the meetings. Mrs Selina CHOW shared Mr KWONG's view.

31. The Chairman pointed out that for items involving time critical proposals, the Administration should provide the papers at least two clear days before the meeting.

32. Mrs Selina CHOW said that Members had requested the Administration to first brief LegCo before making public announcements on important matters or issues. On such occasions, the Administration could only provide the papers or publications at the meeting. Mrs CHOW agreed that on other occasions, the Administration should adhere to the agreed deadlines. Miss CHAN Yuen-han shared Mrs CHOW's views.

33. The Chairman invited Members' views on whether the LegCo Secretariat should compile the relevant statistics before she raised the matter with CS.

34. Mr Jasper TSANG said that as some Members had complained about the late provision of papers by the Administration, the Chairman should first relay Members' concern to CS.

35. The Chairman said that she would raise the matter with CS at their next meeting. Specifically, she would ask CS to remind the bureaux that –

- (a) they should adhere to the agreed deadlines;
- (b) they should adhere to the deadlines when providing both the English and Chinese versions of the papers; and

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- (c) organisations attending committee meetings should provide papers as early as possible before the meetings, if their attendance was coordinated by the Administration.

VII. Any other business

- 36. There being no other business, the meeting ended at 2:58 pm.

Council Business Division 2
Legislative Council Secretariat
10 November 2004