

立法會
Legislative Council

LC Paper No. CB(2) 220/04-05

Ref : CB2/H/5/04

House Committee of the Legislative Council

**Minutes of the 6th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 12 November 2004**

Members present :

Hon Miriam LAU Kin-ye, GBS, JP (Chairman)
Hon Fred LI Wah-ming, JP (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP
Hon LEE Cheuk-yan
Dr Hon LUI Ming-wah, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, 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 LEUNG Yiu-chung
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Dr Hon YEUNG Sum
Hon LAU Kong-wah, JP
Hon LAU Wong-fat, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, 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
Hon LI Kwok-ying, MH
Dr Hon Joseph LEE Kok-long
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Dr Hon KWOK Ka-ki
Dr Hon Fernando CHEUNG Chiu-hung
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
Hon Ronny TONG Ka-wah, SC
Hon CHIM Pui-chung
Hon Patrick LAU Sau-shing, SBS, JP
Hon Albert Jinghan CHENG
Hon KWONG Chi-kin
Hon TAM Heung-man

Members absent :

Hon Martin LEE Chu-ming, SC, JP
Dr Hon David LI Kwok-po, GBS, JP
Hon SIN Chung-kai, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, JP
Hon LAU Chin-shek, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon LI Fung-ying, BBS, JP
Hon Albert CHAN Wai-yip
Hon Daniel LAM Wai-keung, BBS, JP
Hon MA Lik, JP

Clerk in attendance :

Mrs Justina LAM Clerk to the House Committee

Staff in attendance :

Mr Ricky C C FUNG, JP Secretary General
Mr Jimmy MA, JP Legal Adviser

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
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 Monna LAI	Assistant Legal Adviser 7
Miss Lolita SHEK	Senior Council Secretary (2)7

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I. Confirmation of the minutes of the 5th meeting held on 5 November 2004
(LC Paper No. CB(2) 177/04-05)

The minutes were confirmed.

II. Matters arising

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

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

2. The Chairman said that she had informed CS that Members would like to remind him of the agreed deadlines for providing both the English and Chinese versions of papers.

3. The Chairman added that the Acting Director of Administration had said that she had checked with the bureaux. As the term had just begun, items dealt with by Panels had been those with less than three weeks' notice, in which case papers had not been provided five clear days before the meetings, but as soon as practicable. This was done in accordance with the agreed deadlines.

4. The Chairman said that she had further informed CS that some Members had also complained about the late provision of papers in the previous term. CS had requested the Legislative Council (LegCo) Secretariat to check the occasions on which the Administration had not adhered to the agreed deadlines. The Chairman informed Members that the Secretariat was compiling the relevant statistics.

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5. The Chairman further said that she had also relayed to CS Members' request that the Administration should assist organisations attending committee meetings to provide papers as early as possible. CS had undertaken to ask the bureaux to remind organisations to provide papers early and avoid tabling as far as possible.

6. Mr WONG Kwok-hing agreed that the LegCo Secretariat should compile the relevant statistics. Mr WONG asked whether the Administration would observe the agreed deadlines when providing papers for Panel meetings.

7. The Chairman responded that the Administration had agreed to continue to adhere to the deadlines.

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)**

Trade Descriptions (Amendment) Bill 2004
(*LC Paper No. LS 10/04-05*)

8. The Legal Adviser explained that the Bill sought to amend some provisions of the Trade Descriptions Ordinance (Cap. 362) so that the origin of goods was expressed by reference to a place, instead of to a country.

9. The Legal Adviser said that members of a subcommittee formed to study two pieces of subsidiary legislation made under the Ordinance last year raised doubt whether Hong Kong could be deemed under the Ordinance as a "country" of manufacture of goods. The Administration had agreed to introduce this Bill to replace the reference to "country" with "place" in the Ordinance.

10. The Legal Adviser further said that the Legal Service Division was seeking clarification with the Administration on some technical aspects and was awaiting its reply. The Legal Adviser added that Members might wish to defer decision on the setting up of a Bills Committee, pending the Division's further report.

11. Ms Margaret NG said that under the adaptation of laws exercise, references to "country" in some Ordinances had been replaced with "place". Ms NG asked whether the proposal to replace the reference to "country" with "place" in the Bill was part of the adaptation of laws exercise. The Legal Adviser responded that the proposal in the Bill was not within the scope of the adaptation of laws exercise.

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12. The Chairman proposed that a decision on the Bill be deferred. Members agreed.

(b) **Legal Service Division report on subsidiary legislation gazetted on 5 November 2004 and tabled in Council on 10 November 2004**
(*LC Paper No. LS 15/04-05*)

13. The Legal Adviser said that there were three items of subsidiary legislation gazetted on 5 November 2004 and tabled in Council on 10 November 2004.

14. The Legal Adviser explained that by the Buildings (Amendment) Ordinance 2004 (15 of 2004) (Commencement) Notice 2004, the Secretary for Housing, Planning and Lands appointed 31 December 2004 as the day on which certain provisions of the Buildings (Amendment) Ordinance 2004 (15 of 2004) would come into operation. The Legal Adviser further explained that the Administration intended that the other provisions of the Ordinance would come into operation on 31 December 2005.

15. The Legal Adviser said that according to the Administration, it had, prior to the introduction of the Bill, agreed with the relevant professions that the technical details would be set out in a practice note and a Code of Practice. The Administration had confirmed that it had finalised the practice note and Code of Practice with the relevant professional bodies.

16. Ir Dr Raymond HO said that the Hong Kong Institution of Engineers had been consulted on the draft Code of Practice and its implementation. Ir Dr HO considered that a subcommittee was not necessary to study the Commencement Notice.

17. Members did not raise any queries on the three items of subsidiary legislation.

18. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 8 December 2004, or 5 January 2005 if extended by resolution.

IV. Further business for the Council meeting on 17 November 2004

Questions

(*LC Paper No. CB(3) 134/04-05*)

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19. The Chairman said that a new oral question would be raised by Mr CHEUNG Hok-ming at the Council meeting on 17 November 2004.

V. Business for the Council meeting on 24 November 2004

(a) **Questions**

(LC Paper No. CB(3) 135/04-05)

20. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 24 November 2004.

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

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

(c) **Government motion**

Proposed resolution to be moved by the Secretary for Health, Welfare and Food under the Pharmacy and Poisons Ordinance

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 140/04-05 dated 10 November 2004.)

22. The Chairman said that the Secretary for Health, Welfare and Food (SHWF) had given notice to move the proposed resolution at the Council meeting on 24 November 2004.

23. The Chairman further said that a subcommittee had been set up to study the proposed resolution, and would report under agenda item VI(a) below.

(d) **Members' motions**

(i) **Motion on "Restoring Comprehensive Social Security Assistance rates to the level prior to 1 June 2003"**

(Wording of the motion issued vide LC Paper No. CB(3) 144/04-05 dated 11 November 2004.)

(ii) **Motion on "Developing town planning and urban designs featuring local characteristics for the 18 districts"**

(Wording of the motion issued vide LC Paper No. CB(3) 146/04-05 dated 11 November 2004.)

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24. The Chairman said that the above motions would be moved by Dr Fernando CHEUNG and Mr Patrick LAU respectively, and the wording of the motions had been issued to Members.

25. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 17 November 2004.

VI. Reports of Bills Committees and subcommittees

(a) **Report of the Subcommittee on the Pharmacy and Poisons (Amendment) (No. 3) Regulation 2004 and the Poisons List (Amendment) (No. 3) Regulation 2004**
(LC Paper No. CB(2) 158/04-05)

26. Ms Audrey EU, Chairman of the Subcommittee, said that the Subcommittee had discussed the composition of the Pharmacy and Poisons Board and its committees, and the drug registration procedure with the Administration. Members considered that the Pharmacy and Poisons Ordinance (PPO), in particular the composition of the Pharmacy and Poisons Board and its committees, should be reviewed. The Administration had informed members that a comprehensive review of the PPO was in progress. Ms EU added that members had no comments on the two Amendment Regulations.

27. Members did not raise objection to SHWF moving the proposed resolution at the Council meeting on 24 November 2004.

28. The Chairman reminded Members that the deadline for giving notice of motion to amend the subsidiary legislation was Wednesday, 17 November 2004.

(b) **Report of the Subcommittee on the proposed resolution under section 4(2) of the Dutiable Commodities Ordinance (Cap. 109)**
(LC Paper No. CB(1) 202/04-05)

29. Mr CHAN Kam-lam, Chairman of the Subcommittee, said that members held the view that the Administration should critically review the current level of duty on ultra low sulphur diesel with a view to stipulating a realistic, acceptable and affordable rate of duty in the Dutiable Commodities Ordinance (Cap. 109), instead of relying on the current practice of moving a motion every now and then to seek the Council's approval to extend the concessionary duty rate. The Subcommittee had requested the relevant bureaux to consider and follow up the concerns and views expressed by members.

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30. Mr CHAN added that the Subcommittee supported the proposed resolution. The Administration would give fresh notice to move the proposed resolution at the Council meeting on 1 December 2004.

VII. Position on Bills Committees/subcommittees

(LC Paper No. CB(2) 176/04-05)

31. The Chairman said that there were five Bills Committees and four subcommittees in action.

VIII. Proposed subcommittee to study the subject of combating poverty

(Letter dated 8 November 2004 from Dr Hon Fernando CHEUNG Chiu-hung to the Chairman of the House Committee (LC Paper No. CB(2) 189/04-05(01))

32. Dr Fernando CHEUNG said that poverty was a very serious problem. He and four other Members had proposed, at the meeting of the Panel on Welfare Services on 8 November 2004, that a subcommittee be formed under the Panel on Welfare Services and Panel on Manpower. However, the Clerk had explained to members that the Rules of Procedure did not provide for two Panels to jointly appoint a subcommittee.

33. Dr CHEUNG further said that at the meeting on 8 November 2004, Mr James TIEN had commented that it was more appropriate for such a subcommittee to be formed under the House Committee, as the subject of combating poverty straddled the policy areas of other Panels, such as the Panel on Economic Services and Panel on Financial Affairs. Dr CHEUNG added that there were previous cases of subcommittees being formed by the House Committee to study specific subjects. He urged Members to support his proposal.

34. The Chairman said that a previous case was the Subcommittee on Juvenile Justice System formed in November 2003.

35. Dr YEUNG Sum said that Hong Kong ranked fifth in the country/area list of having the most serious income inequality problem. Poverty had become a very serious problem, despite Hong Kong's economic growth. He expressed support for Dr Fernando CHEUNG's proposal.

36. Dr YEUNG further said that the proposed subcommittee should be formed under the House Committee, so that all interested Members would be able to join the subcommittee. Dr YEUNG added that LegCo had passed a

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motion on 3 November 2004 which, among other things, urged the Government to set up a governmental inter-departmental committee on aiding the poor. A subcommittee should be formed under the House Committee to discuss the subject with the inter-departmental committee.

37. Mr Frederick FUNG said that he was one of the five Members who had originally proposed that a subcommittee be formed under the Panel on Welfare Services and Panel on Manpower to study the subject of combating poverty. However, he agreed with Mr James TIEN that the subject straddled the policy areas of a number of Panels. He supported Dr Fernando CHEUNG's proposal for the subcommittee to be formed under the House Committee.

38. Mr James TIEN said that the disparity between the rich and the poor in Hong Kong warranted further study, but he did not agree with Dr YEUNG that the problem was very serious. Mr TIEN considered that the subject should be studied by a subcommittee under the House Committee, and not by joint Panel meetings.

39. Ms Margaret NG supported Dr Fernando CHEUNG's proposal. Ms NG said that a subcommittee was formed to study the juvenile justice system in the last term, as the subject straddled the policy areas of a number of Panels. Ms NG further said that there were many causes of poverty and they should be tackled from various policy perspectives. The formation of a subcommittee under the House Committee was the most effective and efficient approach to study the subject of combating poverty.

40. Miss CHAN Yuen-han, Chairman of the Panel on Welfare Services, said that in the last term, the Panel on Welfare Services and Panel on Security held a number of joint meetings to discuss the problem of domestic violence. Members had to elect the Chairman of the joint meeting on each occasion. Subsequently, it was decided that a subcommittee be formed under the Panel on Welfare Services to follow up the issue, but non-Panel Members could not join the subcommittee. Miss CHAN further said that it would be more appropriate for the House Committee to form a subcommittee to discuss the subject of combating poverty, given that the subject straddled the policy areas of a number of Panels.

41. Dr KWOK Ka-ki supported Dr Fernando CHEUNG's proposal. Dr KWOK said that the formation of a subcommittee under the House Committee would enable interested Members to participate in the work of the subcommittee. It would also provide an appropriate forum for the relevant bureaux, and not just the Health, Welfare and Food Bureau, to discuss the subject with Members.

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42. The Chairman proposed that a subcommittee be formed under the House Committee to study the subject of combating poverty. Members agreed. The following Members agreed to join: Mr James TIEN, Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Ms Margaret NG, Mrs Selina CHOW, Miss CHAN Yuen-han, Mrs Sophie LEUNG, Ms Emily LAU, Mr TAM Yiu-chung, Mr Frederick FUNG, Mr WONG Kwok-hing, Mr Alan LEONG, Mr LEUNG Kwok-hung, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Mr Ronny TONG, Mr Albert CHENG and Mr KWONG Chi-kin.

IX. Any other business

43. There being no other business, the meeting ended at 3:00 pm.

Council Business Division 2
Legislative Council Secretariat
17 November 2004