

立法會  
*Legislative Council*

LC Paper No. CB(2) 269/04-05

Ref : CB2/H/5/04

**House Committee of the Legislative Council**

**Minutes of the 7th meeting  
held in the Legislative Council Chamber  
at 4:15 pm on Friday, 19 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  
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP  
Hon LEE Cheuk-yan  
Hon Martin LEE Chu-ming, SC, JP  
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  
Dr Hon Philip WONG Yu-hong, GBS  
Hon WONG Yung-kan, 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 Andrew CHENG Kar-foo  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon TAM Yiu-chung, GBS, 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



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 Anna LO	Principal Council Secretary (Administration)
Miss Kathleen LAU	Chief Public Information Officer
Mrs Constance LI	Chief Council Secretary (2)5
Mrs Betty LEUNG	Chief Council Secretary (3)1
Ms Bernice WONG	Assistant Legal Adviser 1
Miss Lolita SHEK	Senior Council Secretary (2)7

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**I. Confirmation of the minutes of the 6th meeting held on 12 November 2004**  
(*LC Paper No. CB(2) 220/04-05*)

The minutes were confirmed.

**II. Matters arising**

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

Subcommittee to study the subject of combating poverty

2. The Chairman said that she had informed CS that a subcommittee had been formed under the House Committee to study the subject of combating poverty.

**(b) Provision of discussion papers by the Administration**

*(Paragraphs 2 to 7 of the minutes of the 6th House Committee meeting on 12 November 2004; and  
LC Paper No. CB(2) 224/04-05)*

3. The Chairman said that as requested by CS at their meeting on 8 November 2004, the Legislative Council (LegCo) Secretariat had provided statistics on the occasions on which the Administration had not adhered to the agreed deadlines for the provision of papers for Panel meetings in the 2003-2004 session.

4. The Chairman pointed out that for agenda items with three weeks' notice, about one-third of the papers (i.e. 34% of the English version and 32% of the Chinese version) were provided in accordance with the agreed deadline, while about two-third of the papers (i.e. 66% of the English version and 68% of the Chinese version) were not provided in accordance with the agreed deadline.

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5. The Chairman further pointed out that regarding agenda items involving time critical proposals, about one-third of the English version (i.e. 36%) of the papers and about one-fifth (i.e. 21%) of the Chinese version were provided in accordance with the agreed deadline. However, two-third (i.e. 64%) of English version and four-fifth (i.e. 79%) of the Chinese version of the papers were not provided in accordance with the agreed deadline.

6. The Chairman added that she would provide the statistics to CS at their next meeting.

7. Mr WONG Kwok-hing said that the late provision of papers by the Administration would undermine the effectiveness of Members' role in monitoring the work of the Government. The Chairman should strongly request the bureaux to adhere to the agreed deadlines. Mr WONG suggested that the bureau concerned should be issued a warning letter, if it failed to observe the deadlines. Should the bureau continue not to adhere to the deadlines, it should be admonished, and the Panel Chairman should remove the relevant item from the agenda.

8. The Chairman said that according to the existing arrangements for the provision of papers, Panel Chairmen could decide to delete the relevant item from the agenda, if the Administration's papers were not received by the deadline. The Chairman added that it would be for individual Panels to decide whether to warn or admonish those bureaux which failed to observe the deadlines.

9. Ms Emily LAU, Chairman of the Finance Committee, said that Members would not have sufficient time to study the papers, if they were not provided by the agreed deadlines. Ms LAU further said that the Finance Committee was very strict in requiring the Administration to observe the agreed deadlines for the provision of papers.

10. Mr James TIEN agreed that the Chairman should remind the Administration to observe the agreed deadlines.

11. The Chairman said that she would strongly request the Administration to adhere to the agreed deadlines when providing papers for Panel meetings, at her next meeting with CS.

**III. Business arising from previous Council meetings**

**Legal Service Division report on subsidiary legislation gazetted on 12 November 2004 and tabled in Council on 17 November 2004**

*(LC Paper No. LS 17/04-05)*

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12. The Legal Adviser said that there were eight items of subsidiary legislation gazetted on 12 November 2004 and tabled in Council on 17 November 2004. The Legal Adviser added that no difficulties relating to the legal and drafting aspects of these items of subsidiary legislation had been identified.

13. Members did not raise any queries on the eight items of subsidiary legislation.

14. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 15 December 2004, or 5 January 2005 if extended by resolution.

**IV. Further business for the Council meeting on 24 November 2004**

**Questions**

*(LC Paper No. CB(3) 157/04-05)*

15. The Chairman said that Mr Abraham SHEK had changed his oral question to written question.

**V. Business for the Council meeting on 1 December 2004**

**(a) Questions**

*(LC Paper No. CB(3) 160/04-05)*

16. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 1 December 2004.

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

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

**(c) Government motion**

**Proposed resolution to be moved by the Secretary for Financial Services and the Treasury under the Dutiable Commodities Ordinance**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 161/04-05 dated 17 November 2004.)*

18. The Chairman said that the relevant subcommittee had provided a written report at the last House Committee meeting on 12 November 2004.

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19. The Chairman said that Members did not raise objection to the Secretary for Financial Services and the Treasury giving fresh notice to move the proposed resolution.

**(d) Members' motions**

**(i) Motion on "Implementing small class teaching"**

*(Wording of the motion issued vide LC Paper No. CB(3) 166/04-05 dated 18 November 2004.)*

**(ii) Motion on "Overall development of Chinese medicine practitioners"**

*(Wording of the motion issued vide LC Paper No. CB(3) 169/04-05 dated 18 November 2004.)*

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

21. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 24 November 2004.

**VI. Position on Bills Committees/subcommittees**

*(LC Paper No. CB(2) 232/04-05)*

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

**VII. First report of the Subcommittee on Members' Remuneration and Operating Expenses Reimbursement**

*(LC Paper No. AS 102/04-05)*

23. Mr Patrick LAU, Chairman of the Subcommittee, said that the paper sought Members' co-operation with the Corruption Prevention Department (CPD) of the Independent Commission Against Corruption in its review of the procedures for administering Members' operating expenses reimbursement (OER) claims. Mr LAU further said that CPD would visit some Members' offices and interview their assistants to better understand their use of the operating expenses in carrying out their duties.

24. Mr Martin LEE said that he had no objection to CPD conducting the visits and interviews. However, as it would not be possible for CPD to visit all Members' offices, Members and their assistants should be proactive in

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rendering assistance by providing to CPD any views or concerns they had about the administration of OER claims.

25. The Secretary General (SG) said that although the suggestion was for CPD to visit some Members' offices to better understand the use of operating expenses, Members and their assistants were welcome to forward their views and concerns about the administration of OER claims to CPD.

26. Mr Patrick LAU stressed that Members' cooperation with CPD in its review was necessary, in order that clearer guidelines could be drawn up on the administration of Members' OER claims.

27. The Chairman called upon Members to cooperate with CPD in the review.

**VIII. Any other business**

**Council meeting time**

28. The Chairman said that since the commencement of the current term, Council meetings often ended around 12:00 am or 1:00 am. The Chairman further said that when resumption of Second Reading debates on bills were to take place at future Council meetings, the duration of such meetings would be even longer. She would like to discuss the meeting time of Council meetings at the next House Committee meeting.

29. There being no further business, the meeting ended at 4:35 pm.