

立法會  
*Legislative Council*

LC Paper No. CB(2) 427/04-05

Ref : CB2/H/5/04

**House Committee of the Legislative Council**

**Minutes of the 10th meeting  
held in the Legislative Council Chamber  
at 2:31 pm on Friday, 10 December 2004**

**Members present :**

Hon Miriam LAU Kin-ye, GBS, JP (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 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 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, JP  
Hon WONG Yung-kan, JP  
Hon Jasper TSANG Yok-sing, GBS, JP  
Hon Howard YOUNG, SBS, JP  
Dr Hon YEUNG Sum  
Hon LAU Kong-wah, JP  
Hon Emily LAU Wai-hing, JP  
Hon Andrew CHENG Kar-foo  
Hon Timothy FOK Tsun-ting, 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  
Hon LI Kwok-ying, MH  
Dr Hon Joseph LEE Kok-long  
Hon Daniel LAM Wai-keung, BBS, JP  
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 Albert Jinghan CHENG  
Hon KWONG Chi-kin  
Hon TAM Heung-man

**Members absent :**

Hon Fred LI Wah-ming, JP (Deputy Chairman)  
Hon LEE Cheuk-yan  
Dr Hon David LI Kwok-po, GBS, JP  
Hon CHAN Yuen-han, JP  
Dr Hon Philip WONG Yu-hong, GBS  
Hon LAU Chin-shek, JP  
Hon LAU Wong-fat, GBS, JP  
Hon CHOY So-yuk  
Hon TAM Yiu-chung, GBS, JP  
Hon Albert CHAN Wai-yip  
Hon MA Lik, JP  
Hon Patrick LAU Sau-shing, SBS, 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
Mrs Constance LI	Chief Council Secretary (2)5
Ms Connie FUNG	Assistant Legal Adviser 3
Miss Lolita SHEK	Senior Council Secretary (2)7

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**I. Confirmation of the minutes of the 9th meeting held on 3 December 2004**  
*(LC Paper No. CB(2) 365/04-05)*

The minutes were confirmed.

**II. Matters arising**

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

**Council meeting time**

2. The Chairman informed Members that CS had said that because of commitments already made by public officers, the Administration hoped that any change of Council meeting time could be effective three months after a decision had been taken. The Chairman added that the Director of Administration would discuss with the Legislative Council (LegCo) Secretariat how change of Council meeting time would affect existing arrangements, such as deadlines for providing answers to LegCo Questions and draft speeches, etc.

3. Referring to the letter dated 8 December 2004 from the President to CS tabled at the meeting, the Chairman said that the President had decided that the new Council meeting time would come into effect from the Council meeting on 6 April 2005, as the Council meeting on 16 March 2005 would be dedicated to the Budget presented by the Financial Secretary and there would be a three-week Easter break after that Council meeting.

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

**Legal Service Division report on subsidiary legislation gazetted on 3 December 2004 and tabled in Council on 8 December 2004**  
*(LC Paper No. LS 20/04-05)*

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4. The Legal Adviser said that five items of subsidiary legislation, including two Commencement Notices, were gazetted on 3 December 2004 and tabled in Council on 8 December 2004. No difficulties in relation to the legal and drafting aspects of these items of subsidiary legislation had been identified.

5. Members did not raise any queries on the five items of subsidiary legislation.

6. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 5 January 2005, or 26 January 2005 if extended by resolution.

7. As regards the United Nations Sanctions (Liberia) Regulation 2004 which was gazetted on 3 December 2004, the Legal Adviser said that it was not required to be laid before the Council and was not subject to amendment by the Council.

8. The Legal Adviser further said that a subcommittee had been formed under the House Committee to examine issues relating to the implementation in Hong Kong of resolutions of the United Nations Security Council in relation to sanctions. Members might wish to invite the subcommittee to take into account the United Nations Sanctions (Liberia) Regulation 2004 in the course of its work.

9. The Chairman said that the subcommittee was currently examining the United Nations Sanctions (Iraq) (Amendment) Regulation 2004. The Chairman proposed that the subcommittee should also study the United Nations Sanctions (Liberia) Regulation 2004. Members agreed. Ms Margaret NG, Chairman of the subcommittee, said that the subcommittee would study the Regulation.

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

*(LC Paper No. CB(2) 358/04-05)*

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

**V. Report of the Panel on Housing on its proposal for a select committee to be appointed to inquire into the sale of Hunghom Peninsula Private Sector Participation Scheme flats**

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11. Mr CHAN Kam-lam, Chairman of the Panel, informed Members that at its meeting on 6 December 2004, the Panel on Housing passed a motion proposing that a select committee be appointed by the Council to inquire into the sale of Hunghom Peninsula. The Panel also agreed that the proposal should be referred to the House Committee for consideration.

12. Mr CHAN said that the Panel had requested the Administration to provide further information relating to the sale of Hunghom Peninsula, including information on the negotiation between the Administration and the developers, and the relevant minutes of meetings. The Secretary for Housing, Planning and Lands responded on 9 December 2004 that the Administration would provide the information requested by the Panel, subject to the guidelines and principles under the Code on Access to Information.

13. Mr CHAN further said that he had consulted Panel members, and they agreed that discussion of the proposal for appointing a select committee should be postponed. The Panel would hold a special meeting to discuss the additional information, and would give fresh notice to the House Committee, if the proposal for appointing a select committee was to be pursued.

14. Mr LEE Wing-tat said that he agreed to the postponement of the discussion of the appointment of a select committee because the Administration would provide additional information. However, if the information failed to address Members' queries and concerns, the proposal for the appointment of a select committee would be pursued.

**VI. Change of oral questions to written ones**

*(LC Paper No. CB(3) 207/04-05)*

*[Previous paper:*

*Extract from the minutes of the House Committee meeting on 26 November 2004 (LC Paper No. CB(2) 372/04-05(01))]*

15. The Chairman said that at the House Committee meeting on 26 November 2004, Mr Martin LEE suggested that the House Committee should discuss the arrangements for raising oral questions at Council meetings. The LegCo Secretariat had now provided a paper on the current arrangements for allocating oral questions and the change of oral questions to written questions.

16. Dr YEUNG Sum suggested that the Committee on Rules of Procedure (CRoP) be invited to review the existing arrangements for changing oral questions to written ones. Dr YEUNG said that oral question slots were very precious. If a Member withdrew his oral question or changed his oral question to a written one at the last minute, it would not be possible to allocate the question slot to another Member for raising a new oral question.

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17. Mr SIN Chung-kai pointed out that if a Member withdrew his oral question or changed it to a written question, other Members would be deprived of the opportunity to raise supplementary questions.

18. Mr CHEUNG Man-kwong said that oral question slots were very precious. If a Member withdrew his oral question, the slot should be allocated to another Member for raising a new oral question. However, under Rule 26(8) of the Rules of Procedure, a Member could withdraw his oral question by giving notice one and a half hours before the Council meeting at which the question was to be asked. Given such a short time, it was not possible for the Administration to prepare its reply if a new oral question was to be raised. Mr CHEUNG suggested that CRoP should review whether the deadline for withdrawal of questions should be changed.

19. The Chairman proposed that CRoP be invited to review the existing arrangements for raising oral questions at Council meetings. Members agreed.

**VII. Proposal to request the Government to make public within one month information on the financial arrangements of the screened-in consortia bidding for the West Kowloon Cultural District project, so that the public can have more comprehensive information during the consultation period**  
*(Letter dated 7 December 2004 from Hon James TIEN Pei-chun, Hon LEE Wing-tat and Hon LAU Kong-wah to the Chairman of the House Committee (LC Paper No. CB(2) 372/04-05(02))*

20. Mr James TIEN said that the proposed single package approach in the delivery of the Western Kowloon Cultural District (WKCD) project had caused much public concern and controversy. Given the substantial increase in property prices recently, Members belonging to the Liberal Party (LP) were concerned that under the single package approach, the Government would not be able to obtain the best price for the project, which could result in a substantial loss of billions of dollars of public revenue. Mr TIEN added that Members belonging to LP objected to the single package approach.

21. Mr TIEN further said that some Members considered that it was not fair to reject the single package approach without first examining all essential information about the project. He agreed with Mr LEE Wing-tat and Mr LAU Kong-wah that the Government should make public, within one month, the financial information contained in the screened-in proposals for the WKCD project.

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22. Mr LEE Wing-tat said that CS had refused to provide the financial information at the meeting of the Panel on Planning, Lands and Works on 30 November 2004 on the ground that information contained in tenders could not be disclosed. Mr LEE pointed out that the Government had only launched an Invitation for Proposals (IFP) and had not yet invited tenders for the project.

23. Referring to CS's letter dated 6 December 2004 to Members, Mr LEE said that although CS had promised to disclose, before signing a provisional agreement with the successful proponent, the relevant financial information of the screened-in proponents, it would be too late by then, as the Government would have decided on the successful proponent. Mr LEE added that the Government should disclose the financial information within a month, and he hoped Members would support the request.

24. Mr LAU Kong-wah said that for the consultation exercise to be meaningful, it was important for the public to be provided with details of the project, such as the financial information of the screened-in proponents, the estimated profit and the proportion of the core art and cultural facilities to the property development of the project.

25. Referring to CS's letter dated 6 December 2004, Mr LAU said that CS had refused to disclose the financial information because it would weaken the Government's bargaining power and undermine public interest. Mr LAU further said that disclosure of the financial information would increase the transparency of the project, and enable the Government to select the most suitable proponent.

26. Mr LAU added that CS held the view that it was a common business practice not to disclose information on financial arrangements. Mr LAU pointed out that the WKCD project was not an ordinary development project. The Government should adopt a new approach and make public the financial information to enhance the acceptability of the project. Mr LAU stressed that Members would not support the project if it was not widely accepted by the public.

27. Ms Emily LAU supported the proposal to request the Government to make public the financial arrangements. Ms LAU said that the consultation would be meaningless, if all essential information was not made available to the public. Ms LAU added that some developers also supported Members' request for the financial information.

28. Dr YEUNG Sum said that all along, Members belonging to the Democratic Party (DP) had reservations about the Government's bargaining power in its negotiations with the consortia. Dr YEUNG further said that the WKCD project should not be treated as an ordinary development project, as it

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involved 40 hectares of land which worth billions of dollars, and the revenue from the project would help cover the Government's budget deficits. However, he had doubts whether the Government would be able to obtain the best offer under the single package approach. He urged the Government to disclose the financial information, so as to facilitate the public to monitor the project and ensure that the Government would get the best return from the project.

29. Mr Abraham SHEK said that Members should make it clear that their support for the request for the financial information did not mean that they supported the single package approach.

30. Dr KWOK Ka-ki said that while he supported the request for the financial information, he had reservations about the adoption of the single package approach in the delivery of the WKCD project.

31. Mr LAU Kong-wah said that Members had divergent views on the single package approach. He was open-minded about the single package approach and would like to consider all essential information before forming a view. Mr LAU stressed that the public had the right to know what the financial arrangements of the screened-in proposals were.

32. Dr YEUNG Sum said that Members belonging to DP objected to the adoption of the single package approach.

33. Mr Albert HO said that the Town Planning Board did not examine financial arrangements for development projects. Its prime concern was the impact of the planning of the project on the community and the environment, and not the financial aspects of the project. Mr HO further said that as the Government had only launched an IFP and had not called for tenders, further negotiation on the conditions for the delivery of the project was still possible.

34. Mr HO stressed that Members should examine the financial arrangements of the screened-in proponents and evaluate the cost-effectiveness of the proposals, in order to protect public interest and ensure fairness in the delivery of the project. Mr HO added that the financial information would enable the public to judge whether the proposals for the project were reasonable, and whether the proponents sought to make exorbitant profits from the project.

35. Mr CHIM Pui-chung said that the Administration could seek the Executive Council's approval for the project despite Members' objection. Mr CHIM expressed reservations about the Government's approach in handling this project, such as consulting the public only after selecting the three proposals and adopting the single package approach while knowing that the



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land sale proceeds under this approach would be significantly less than the estimated land value. Mr CHIM added that the LegCo should exercise its monitoring role to ensure the project would not become a laughing stock.

36. Mr James TIEN reiterated that Members belonging to LP were against the single package approach. They shared the view of Mr Abraham SHEK who had also raised objection to the single package approach on behalf of the Real Estate Developers Association of Hong Kong.

37. Mr LEUNG Kwok-hung said that the Government would unlikely agree to disclose the financial information requested by Members, and that it would be a waste of time to request for the information. He suggested that Members should consider exercising the powers conferred by the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to order the Government to provide the information.

38. The Chairman said that if Members agreed, she would write to CS to convey Members' request that the Government should make public, within one month, the financial information contained in the screened-in proposals for the WKCD project. Members agreed.

**VIII. Any other business**

**LegCo Fun Day 2004-2005**

*(LC Paper No. AS 52/04-05)*

39. The Chairman invited Members' views on whether a LegCo Fun Day should be held during the 2004-2005 and 2006-2007 sessions, as proposed in paragraph 5 of the paper. The Chairman said that according to the survey among Members, 24 Members out of the 43 Members who replied were of the view that the Fun Day should continue, while 13 of them considered that the event should be held once every two years. Based on these findings, it was proposed that the Fun Day be held once every two years. The Chairman further said that Members could also consider whether the Fun Day should be held in the second and last sessions of the term, i.e. during the 2005-2006 and 2007-2008 sessions.

40. Mr LEUNG Kwok-hung said that it would be more meaningful to hold a Fun Day which was open to the public, and not to media representatives only. Mr LEUNG did not support holding a Fun Day to promote amiable relationship between Members and media representatives.

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41. Mr CHEUNG Man-kwong said that Members belonging to DP supported holding the Fun Day in the first and third sessions of the term. Mr CHEUNG added that holding the Fun Day in the first session of the term would help promote amiable relationship between Members, particularly new Members, and media representatives.
42. Mr Ronny TONG, Mr Bernard CHAN and Ms Emily LAU expressed reservations about holding the Fun Day. Mr Ronny TONG said that if a Fun Day was to be held, he preferred holding it in the second and last sessions of the term.
43. Mr Bernard CHAN said that it should be for individual Members themselves to promote amiable relationship with media representatives. Mr CHAN pointed out that not many Members and media representatives participated in the Fun Days held in previous years. Mr CHAN considered that if a Fun Day was to be held, it would be more meaningful for the event to be held in the last session of a term.
44. Ms Emily LAU agreed with Mr Bernard CHAN that not many Members participated in the Fun Day in previous years. Ms LAU proposed that the Fun Day be held only in the last session of the term.
45. The Chairman put Ms Emily LAU's proposal to vote. The result was that 20 Members voted in favour of the proposal, while eight Members voted against the proposal.
46. Mr Albert CHENG said that he did not object to Ms Emily LAU's proposal. However, as the survey among Members indicated that the majority of them preferred to hold the Fun Day once every year or once every two years, Members should respect the survey findings.
47. The Chairman said that the survey findings were provided for Members' consideration and Members could put forward other proposals at the meeting. The Chairman further said that any Member who was concerned about the matter should attend the meeting for discussion of this item.
48. There being no other business, the meeting ended at 3:16 pm.