

立法會
Legislative Council

LC Paper No. CB(2) 519/04-05

Ref : CB2/H/5/04

House Committee of the Legislative Council

**Minutes of the 11th meeting
held in the Legislative Council Chamber
at 3:29 pm on Friday, 17 December 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
Hon Martin LEE Chu-ming, SC, JP
Dr Hon David LI Kwok-po, GBS, 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 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 Chin-shek, JP
Hon LAU Kong-wah, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon LI Fung-ying, BBS, JP

Mr LEE Yu-sung	Senior Assistant Legal Adviser 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Miss Kathleen LAU	Chief Public Information Officer
Miss Becky YU	Chief Council Secretary (1)1
Mrs Constance LI	Chief Council Secretary (2)5
Ms Connie FUNG	Assistant Legal Adviser 3
Mr Stephen LAM	Assistant Legal Adviser 4
Miss Kitty CHENG	Assistant Legal Adviser 5
Miss Lolita SHEK	Senior Council Secretary (2)7

Action

I. Confirmation of the minutes of the 10th meeting held on 10 December 2004

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

The minutes were confirmed.

II. Matters arising

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

2. The Chairman said that she had written 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 West Kowloon Cultural District project.

3. The Chairman further said that CS had responded that the Administration was giving careful consideration to the request and would give a substantive reply in due course.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 10 December 2004 and tabled in Council on 15 December 2004

(LC Paper No. LS 21/04-05)

4. The Legal Adviser said that a total of 14 items of subsidiary legislation were gazetted on 10 December 2004 and tabled in the Legislative Council (LegCo) on 15 December 2004.

5. The Legal Adviser explained that the following three items of subsidiary legislation, which were made under the Telecommunications Ordinance (Cap.

Action

106), were related to the requirement for licensees of second generation mobile services to pay spectrum utilization fees in the new round of licences upon expiry of their existing ones –

- (a) the Telecommunications (Designation of Frequency Bands Subject to Payment of Spectrum Utilization Fee) (Amendment) Order 2004;
- (b) the Telecommunications (Method for Determining Spectrum Utilization Fees) (Third Generation Mobile Services) (Amendment) Regulation 2004; and
- (c) the Telecommunications (Level of Spectrum Utilizations Fees) (Second Generation Mobile Services) Regulation 2004.

6. Mr SIN Chung-kai, Chairman of the Panel on Information Technology and Broadcasting, said that the Administration had briefed the Panel on the three items of subsidiary legislation on 13 December 2004. Given the substantial spectrum utilization fees involved, and that the costs would ultimately be transferred to consumers, a subcommittee should be formed to study these items of subsidiary legislation.

7. The Chairman proposed that a subcommittee be formed to study the three items of subsidiary legislation. Members agreed. The following Members agreed to join: Mr SIN Chung-kai, Mr Jasper TSANG and Mr Howard YOUNG.

8. As regards the two items of subsidiary legislation related to occupational health and employees' compensation, the Legal Adviser explained that by the Employees' Compensation Ordinance (Amendment of Second Schedule) Order 2004, two occupational diseases, namely, the severe acute respiratory syndrome (SARS) and avian influenza A, were added to the Second Schedule of the Employees' Compensation Ordinance (Cap. 282).

9. The Legal Adviser further explained that by the Occupational Safety and Health Ordinance (Amendment of Schedule 2) Order 2004, SARS and avian influenza A were added to the list of notifiable occupational diseases in Schedule 2 to the Occupational Safety and Health Ordinance (Cap. 509).

10. The Legal Adviser said that the purpose of adding SARS and avian influenza A to the list of occupational diseases was to expedite the compensation process for injured employees in specified high-risk occupations. The Legal Adviser further said that employees in specified high-risk occupations for SARS included medical and nursing staff, medical research and laboratory workers, etc. As for avian influenza A, employees in high-risk

Action

occupations included those engaged in the handling of poultry or birds, and research or laboratory workers.

11. Mrs Selina CHOW said that a subcommittee should be set up to scrutinise these two items of subsidiary legislation.

12. The Chairman proposed that a subcommittee be formed to study the two items of subsidiary legislation. Members agreed. The following Members agreed to join: Mr LEE Cheuk-yan, Mr Andrew CHENG (as advised by Mr Fred LI) and Mr Tommy CHEUNG (as advised by Mrs Selina CHOW).

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

14. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 12 January 2005, or 2 February 2005 if extended by resolution. The Chairman said that as the Council meeting on 12 January 2005 would be devoted to the delivery of the Policy Address by the Chief Executive, she would move a motion at the Council meeting on 5 January 2005 to extend the scrutiny period of the five items of subsidiary legislation on which subcommittees had been formed, to allow more time for the subcommittees to study the subsidiary legislation.

IV. Business for the Council meeting on 5 January 2005

(a) **Questions**
(*LC Paper No. CB(3) 237/04-05*)

15. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 5 January 2005.

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

Transfer of Sentenced Persons (Amendment) (Macau) Bill

16. The Chairman said that the Administration had given notice to introduce the above Bill into the Council on 5 January 2005. The House Committee would consider the Bill at its meeting on 7 January 2005.

(c) **Government motion**

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

(d) **Members' motions**

(i) **Motion to be moved by Hon Albert Jinghan CHENG**

(ii) **Motion to be moved by Hon Alan LEONG Kah-kit**

18. The Chairman said that Mr Albert CHENG and Mr Alan LEONG had each been allocated a debate slot for the Council meeting on 5 January 2005. The wording of the motions would be circulated to Members. The Chairman further said that the usual speaking time limits would apply, and that the deadline for giving notice of amendments, if any, to the motions was Tuesday, 28 December 2004.

V. Report of Bills Committees and subcommittees

Report of the Subcommittee on Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2004 and Waste Disposal (Charges for Disposal of Construction Waste) Regulation

(LC Paper No. CB(1) 511/04-05)

19. Miss CHOY So-yuk, Chairman of the Subcommittee, said that the Subcommittee had completed scrutiny of the two Regulations, and had provided a report for the House Committee.

20. Miss CHOY further said that the Subcommittee and the trade were particularly concerned about the differentiation of inert and non-inert construction waste under the Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2004, as well as the level of disposal charges, billing account arrangement, deposit requirement and exemption account proposed in the Waste Disposal (Charges for Disposal of Construction Waste) Regulation. In response to the concerns of the Subcommittee and the trade, the Administration had agreed to move amendments to the Regulations. Miss CHOY added that the Subcommittee and the trade supported these amendments.

VI. Position on Bills Committees/subcommittees

(LC Paper No. CB(2) 428/04-05)

21. The Chairman said that there were six Bills Committees and six subcommittees in action, including two subcommittees formed under agenda item III above.

VII. Report of the Panel on Welfare Services on its request that the Administration should not require non-governmental organisations in the welfare sector to contribute efficiency savings in 2005-2006

(LC Paper No. CB(2) 424/04-05)

22. Dr Fernando CHEUNG, Deputy Chairman of Panel, said that the Panel discussed the subject of “Funding for welfare services in 2005-2006” at its meeting on 13 December 2004. The Administration had informed the Panel that the subvented non-governmental organisations (NGOs) would be required to contribute an across-the-board 1% savings in 2005-2006. Dr CHEUNG further said that given the many social problems related to poverty and unemployment which required attention, the Administration should not further reduce its basic expenditure for social welfare.

23. Dr CHEUNG added that the Panel members present at the meeting on 13 December 2004 had unanimously supported the motion that the Administration should not reduce the basic expenditure for social welfare in 2005-2006. Since the motion was supported by members from various political parties and groupings, members had agreed to seek the support of the House Committee for the House Committee Chairman to write to the Financial Secretary (FS) to convey the Panel’s request that the Administration should not require NGOs in the welfare sector to contribute the 1% efficiency savings in 2005-2006.

24. Mr James TIEN said that he was present at the Panel meeting on 13 December 2004 which heard views from a number of NGOs. He agreed with the NGOs concerned that it was not appropriate for the Administration to cut the expenditure of NGOs without reducing that of government departments.

25. Mr TIEN added that two motions were passed at the Panel meeting on 13 December 2004. Members belonging to the Liberal Party (LP) only supported the motion that the Administration should not reduce the basic expenditure for social welfare in 2005-2006, and not the other motion which urged the Administration not to reduce welfare subvention in the three years from 2006 to 2009.

26. Dr YEUNG Sum said that he supported the motion passed by the Panel that the Administration should not reduce the basic expenditure for social welfare in 2005-2006. Since NGOs had already reduced their cost of services by over 10% in the past five years, any further cut in their funding would adversely affect their services. Dr YEUNG added that the House Committee Chairman should convey the Panel’s request to FS.

27. The Chairman said that if Members agreed, she would write to FS to convey the Panel’s request that the Administration should not require NGOs in

Action

the welfare sector to contribute the 1% efficiency savings in 2005-2006. Members agreed.

VIII. Paper of the Committee on Rules of Procedure (CRoP)

Proposed arrangements for the debate on the 2005 Policy Address
(*LC Paper No. CROP 19/04-05*)

28. Mr Jasper TSANG, Chairman of CRoP, informed Members that CRoP had discussed the arrangements for the Debate on the 2005 Policy Address, and had carried out a questionnaire survey to gauge Members' views. CRoP proposed that the arrangements for the Debate on the 2005 Policy Address should follow those for the Debate in 2004, subject to certain adjustments concerning the Council meeting time and speaking time limit for Members. Mr TSANG said that the proposed adjustments, as set out in paragraph 6(a) of the paper, were as follows –

- (a) the number of days for the 2005 Debate should be kept to three;
- (b) the starting time for the first day was 2:30 pm, and that for other two days was 9:00 am;
- (c) meal breaks should not be provided on any of the three days; and
- (d) subject to the President's discretion, the scheduled ending time for each day could be extended for about 30 minutes where necessary.

29. Mr TSANG said that CRoP had proposed three options on Members' speaking time limit and the ending time of each day of the Debate, as detailed in paragraph 6(b) of the paper. Mr TSANG further said that the speaking time limits proposed in the three options were 20 minutes, 25 minutes and 30 minutes respectively. While the ending time of the first day would be around 10:30 pm in all three options, the ending time for the second and the third days of Debate would be around 7:30 pm or 10:00 pm for option 2 and option 3 respectively.

30. Mr Martin LEE said that Members belonging to the Democratic Party (DP) preferred the 30-minute option, in order to allow more time for Members who did not belong to any political party or grouping to speak on the Policy Address in the Debate. Mr LEE added that it was unlikely that all Members would use up the 30 minutes, and the duration of the Debate could be kept within three days.

Action

31. Mr LAU Kong-wah said that Members belonging to the Democratic Alliance for Betterment of Hong Kong (DAB) preferred the speaking time limit of 20 minutes which had been adopted in past debates on Policy Address and did not give rise to any problems. However, as some Members had suggested extending the speaking time limit to 30 minutes, Members belonging to DAB considered the 25-minute option an appropriate compromise. Mr LAU added that under this option, the Debate would end at around 7:30 pm on the second and the third days. Members would still be able to attend activities with their constituents in the evening.

32. Mr James TIEN said that he shared the views of Mr LAU Kong-wah. Mr TIEN pointed out that as indicated in the survey findings, 29 Members preferred the speaking time limit of 20 minutes, while only 26 Members supported that of 30 minutes. Members belonging to LP preferred a middle course and supported the speaking time limit of 25 minutes. Mr TIEN added that the Debate should not last for more than three days.

33. Ir Dr Raymond HO said that Members belonging to the Alliance originally supported the speaking time limit of 20 minutes. However, they had no objection to the 25-minute speaking time limit, as under this option, the Debate would end at around 7:30 pm on the second and the third days.

34. Mr Martin LEE said that the estimated ending time of the Debate on each day was calculated on the basis that each Member would use up his speaking time. As it was likely that some Members would not use up their speaking time, the Debate could end earlier. Mr LEE further said that even if all Members used up the 30 minutes, the Debate would end at around 10:30 pm the latest each day. Mr LEE added that since the beginning of this term, Council meetings usually ended at around the same time or even later.

35. Mr LEE further said that 29 Members preferred the 20-minute speaking time limit in the questionnaire survey, but none of them insisted on adopting this option at this meeting. Some of these Members in fact expressed support for the 25-minute or the 30-minute time limit. Mr LEE considered it unfair to restrict those Members who did not belong to any political party or grouping to speak for not more than 25 minutes.

36. Mr James TIEN said that having regard to the need of Members not belonging to any political party or grouping for more speaking time, Members belonging to LP had already made a compromise in supporting the 25-minute speaking time limit.

37. Mr LAU Kong-wah urged Mr Martin LEE and Members belonging to DP to support the 25-minute speaking time limit. Mr LAU envisaged that many Members would use up the 25-minute speaking time in the Debate. He

Action

added that the time limit could be reviewed after the Debate on the 2005 Policy Address.

38. Mr Albert CHAN said that he did not belong to any political party or grouping. He concurred with Mr Martin LEE and supported a 30-minute speaking time limit.

39. Dr Fernando CHEUNG said that he needed more speaking time in the Debate and supported the time limit of 30 minutes.

40. Mr CHAN Kam-lam pointed out that most Members not belonging to any political party or grouping, including Mr Albert CHAN, preferred the 20-minute speaking time limit in the questionnaire survey. Mr CHAN said that the speaking time limit of 25 minutes was appropriate.

41. Ms Margaret NG said that it was entirely acceptable for Members who had previously supported the 20-minute speaking time limit to change their minds after hearing the views of other Members at the meeting.

42. Mr Albert CHAN said that he had changed his mind to support the 30-minute time limit because he agreed that Members not belonging to any political party or grouping would need more speaking time.

43. Dr YEUNG Sum said that as the Policy Address covered a wide spectrum of policy issues, Members not belonging to any political party or grouping would need more speaking time, if they wished to speak on a number of issues. Dr YEUNG believed that not all Members would use up their speaking time. He hoped that Members would support the 30-minute time limit to allow other Members more time to speak.

44. The Chairman proposed that CRoP's recommendations on the arrangements of the 2005 Debate as set out in paragraph 28 above be adopted. Members agreed.

45. Ms Emily LAU said that the scheduled ending time for each day should not be extended for more than 30 minutes. The Chairman responded that extension of the ending time was subject to the President's discretion. She added that the President would suspend the meeting at an appropriate time, having regard to CRoP's recommendation that the ending time of each day could be extended by about 30 minutes.

46. Mr LAU Kong-wah proposed that the 25-minute speaking time limit for Members be adopted for the Debate on the 2005 Policy Address.

Action

47. The Chairman put Mr LAU's proposal to vote. The result was that 20 Members voted for the proposal, while 17 Members voted against the proposal.

48. The Chairman said that she would write to CS on the House Committee's decision on the arrangements for the debate on the 2005 Policy Address.

IX. Any other business

49. There being no other business, the meeting ended at 4:08 pm.