

立法會
Legislative Council

LC Paper No. CB(2) 618/04-05

Ref : CB2/H/5/04

House Committee of the Legislative Council

**Minutes of the 12th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 7 January 2005**

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
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 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 Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
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 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 Albert CHAN Wai-yip
Hon Frederick FUNG Kin-kee, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, JP

Mrs Vivian KAM	Principal Council Secretary (Complaints)
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
Mr Stephen LAM	Assistant Legal Adviser 4
Mr KAU Kin-wah	Assistant Legal Adviser 6
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 11th meeting held on 17 December 2004

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

The minutes were confirmed.

II. Matters arising

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

(a) Report of the Panel on Welfare Services on its request that the Administration should not require non-governmental organizations in the welfare sector to contribute efficiency savings in 2005-2006

2. The Chairman said that she had informed CS that the House Committee supported the Panel on Welfare Services' request that the Administration should not require non-governmental organizations in the welfare sector to contribute the 1% efficiency savings in 2005-2006. She had written to the Financial Secretary to convey the request.

(b) Arrangements for the debate on the 2005 Policy Address

3. The Chairman said that she had written to CS on the arrangements for the debate on the 2005 Policy Address. CS had replied on 28 December 2004 that he had noted the Debate arrangements, in particular the adjustments made to the Legislative Council (LegCo) meeting time and the speaking time limit for Members.

(c) Attendance by CS at House Committee meetings

4. The Chairman said that she had reminded CS of his undertaking to attend House Committee meetings to discuss subject matters within his

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portfolio. She had suggested that 18 February 2005 might be a possible date, as there would be no Finance Committee meeting on that day. The Chairman informed Members that CS had just confirmed that he would be able to meet with Members on 18 February 2005. The Chairman added that Members would be invited to suggest the topics for discussion with CS, at the next House Committee meeting on 14 January 2005.

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)

Transfer of Sentenced Persons (Amendment) (Macau) Bill
(*LC Paper No. LS 24/04-05*)

5. The Legal Adviser explained that the Bill sought to amend the Transfer of Sentenced Persons Ordinance (Cap. 513) to make it applicable to the arrangements for the transfer of sentenced persons between Hong Kong and Macau, in order to implement the recent arrangement agreed between the two places. The Legal Adviser added that the amendments were mainly technical in nature.

6. The Legal Adviser said that the Panel on Security was briefed on the legislative proposal contained in the Bill at its meeting on 2 November 2004. The Legal Service Division had sought clarification from the Administration on certain queries raised by Panel members at the meeting, and the Administration's explanation was summarised in the Legal Service Division report.

7. Mr James TO said that a Bills Committee should be formed to study the Bill.

8. The Chairman proposed that a Bills Committee be formed. Members agreed. The following Members agreed to join: Ms Margaret NG, Mr James TO, Mr LAU Kong-wah, Ms Audrey EU and Mr Daniel LAM. The Chairman said that the Bills Committee could commence work immediately.

(b) Legal Service Division report on subsidiary legislation gazetted on 17 December 2004 and tabled in Council on 5 January 2005
(*LC Paper No. LS 23/04-05*)

9. The Legal Adviser said that a total of three items of subsidiary legislation were gazetted on 17 December 2004 and tabled in the Council on 5 January 2005.

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10. Members did not raise any queries on these items of subsidiary legislation.

11. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 2 February 2005, or 23 February 2005 if extended by resolution.

(c) **Legal Service Division report on subsidiary legislation gazetted on 24 December 2004 and tabled in Council on 5 January 2005**
(*LC Paper No. LS 26/04-05*)

12. The Legal Adviser said that a total of three items of subsidiary legislation, including two Commencement Notices, were gazetted on 24 December 2004 and tabled in Council on 5 January 2005.

13. The Legal Adviser explained that the Air Pollution Control (Petrol Filling Stations) (Vapour Recovery) (Amendment) Regulation 2004 required owners of petrol filling stations to upgrade the existing “vapour recovery system” installed at such stations. Petrol filling stations would be allowed 36 months to replace their old petrol dispensers to comply with the new requirements.

14. The Legal Adviser said that the proposal to require installation of vapour recovery systems at petrol filling stations was discussed by the Panel on Environmental Affairs on 22 July 2003. A Panel member considered it necessary for the Administration to further consult the trade before introducing the proposal.

15. The Legal Adviser added that according to the LegCo Brief on the Regulation, the Administration had subsequently discussed the proposal with the oil companies, which had confirmed their support to the proposal.

16. Referring to the letter dated 5 January 2005 from the Secretary for the Environment, Transport and Works attached to the Legal Service Division report, Ms Emily LAU expressed concern that owners of small petrol filling stations might have to suspend their operation for the installation work. Ms LAU suggested that the Administration should provide information on the number of small petrol filling stations affected and for how long their operation would have to be suspended. Miss CHOY So-yuk supported Ms LAU’s suggestion.

17. The Chairman requested the Legal Service Division to obtain the information from the Administration.

18. Members did not raise any queries on the other two items of subsidiary

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legislation.

19. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 2 February 2005, or 23 February 2005 if extended by resolution.

(d) **Legal Service Division report on subsidiary legislation gazetted on 31 December 2004 and tabled in Council on 5 January 2005**
(*LC Paper No. LS 28/04-05*)

20. The Legal Adviser said that a total of four items of subsidiary legislation were gazetted on 31 December 2004 and tabled in Council on 5 January 2005.

21. The Legal Adviser said that the Building (Administration) (Amendment) Regulation 2004 revised the fees for the registration of authorized persons, structural engineers, geotechnical engineers, general building contractors and specialist contractors payable under the Buildings Ordinance (Cap. 123). The Building (Oil Storage Installations) (Amendment) Regulation 2004 reduced the fees for the grant and the renewal of a licence in respect of an oil storage installation for the storage of petroleum products.

22. Ir Dr Raymond HO said that the proposed fee revisions were reasonable. He did not consider a subcommittee necessary to study the two Amendment Regulations.

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

24. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 2 February 2005, or 23 February 2005 if extended by resolution.

IV. Business for the Council meeting on 12 January 2005

The Chief Executive's Policy Address

25. The Chairman said that the Chief Executive (CE) would deliver his Policy Address at the Council meeting on 12 January 2005.

26. The Chairman added that she would request the Administration to provide by noon on Thursday, 13 January 2005, the proposed grouping of policy areas for the debate on the Motion of Thanks for discussion at the next House Committee meeting on 14 January 2005.

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V. The Chief Executive's Question and Answer Session on 13 January 2005

27. The Chairman said that CE's Question and Answer Session would start at 3:00 pm on Thursday, 13 January 2005.

VI. Business for the Council meeting on 19 January 2005

(a) Questions

(LC Paper No. CB(3) 269/04-05)

28. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 19 January 2005.

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

**Merchant Shipping (Limitation of Shipowners Liability)
(Amendment) Bill 2005**

29. The Chairman said that the Administration had given notice to introduce the above Bill into the Council on 19 January 2005. The House Committee would consider the Bill at its meeting on 21 January 2005.

(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)
262/04-05 dated 31 December 2004.)*

(LC Paper No. LS 27/04-05)

30. The Legal Adviser said that the Secretary for Health, Welfare and Food (SHWF) had given notice to move a motion at the Council meeting on 19 January 2005. The motion sought LegCo's approval of the Pharmacy and Poisons (Amendment) (No. 4) Regulation 2004 and the Poisons List (Amendment) (No. 4) Regulation 2004, both made by the Pharmacy and Poisons Board on 28 December 2004 pursuant to section 29 of the Pharmacy and Poisons Ordinance (Cap. 138).

31. Members did not raise objection to SHWF moving the proposed resolution at the Council meeting on 19 January 2005.

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(d) **Members' motions**

(i) **Motion on “Introducing a fair competition law for the oil industries”**

(Wording of the motion issued vide LC Paper No. CB(3) 286/04-05 dated 6 January 2005.)

(ii) **Motion on “Enacting legislation on freedom of information”**

(Wording of the motion issued vide LC Paper No. CB(3) 287/04-05 dated 6 January 2005.)

32. The Chairman said that the above motions would be moved by Mrs Selina CHOW and Mr James TO respectively, and the wording of the motions had been issued to Members.

33. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 12 January 2005.

VII. Position on Bills Committees/subcommittees

(LC Paper No. CB(2) 531/04-05)

34. The Chairman said that there were seven Bills Committees, including the Bills Committee on Transfer of Sentenced Persons (Amendment) (Macau) Bill formed under agenda item III(a) above, and six subcommittees in action.

VIII. Any other business

35. There being no other business, the meeting ended at 2:50 pm.