

立法會  
*Legislative Council*

LC Paper No. CB(2) 690/04-05

Ref : CB2/H/5/04

**House Committee of the Legislative Council**

**Minutes of the 13th meeting  
held in the Legislative Council Chamber  
at 2:45 pm on Friday, 14 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  
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  
Hon Margaret NG  
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP  
Hon James TO Kun-sun  
Hon CHAN Yuen-han, JP  
Hon Bernard CHAN, JP  
Hon CHAN Kam-lam, JP  
Hon LEUNG Yiu-chung  
Hon SIN Chung-kai, JP  
Hon Jasper TSANG Yok-sing, GBS, 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 Timothy FOK Tsun-ting, GBS, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon LI Fung-ying, BBS, JP  
Hon Abraham SHEK Lai-him, JP  
Hon Albert CHAN Wai-yip  
Hon Frederick FUNG Kin-kee, JP  
Hon Audrey EU Yuet-mee, SC, JP



Mr Ray CHAN	Assistant Secretary General 3
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
Mrs Betty LEUNG	Chief Council Secretary (3)1
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 12th meeting held on 7 January 2005**  
(LC Paper No. CB(2) 618/04-05)

The minutes were confirmed.

**II. Matters arising**

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

**Attendance by CS at House Committee meetings**

2. The Chairman invited Members to suggest topics for discussion with CS at the special meeting of the House Committee on 18 February 2005. She said that as the meeting would last for about one and a half hours, i.e. from 2:30 pm to about 4:00 pm, not more than two topics should be discussed at the meeting.

3. Ms Emily LAU suggested the following topics –

- (a) West Kowloon Cultural District project; and
- (b) sustainable development.

4. The Chairman said that she would inform CS of the topics.

**(b) Air Pollution Control (Petrol Filling Stations) (Vapour Recovery) (Amendment) Regulation 2004**

*(Paragraphs 13 to 17 of the minutes of the 12th House Committee meeting on 7 January 2005; and*

*LC Paper No. LS 29/04-05)*

*[Previous paper:*

*LC Paper No. LS 26/04-05 issued vide LC Paper No. CB(2) 577/04-05 dated 6 January 2005]*

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5. The Legal Adviser said that as requested by Members at the last meeting, the Legal Service Division had sought clarification from the Administration on the suspension of operation of small petrol filling stations.

6. The Legal Adviser further said that the Administration had advised that owners of all petrol filling stations had been consulted, and that a small petrol filling station would need to suspend its operation for less than one working day in order to complete the replacement work, testing and issuance of the certificate.

7. Members did not raise further queries on the subsidiary legislation.

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

**III. Further business for the Council meeting on 19 January 2005**

**Questions**

9. The Chairman said that Mr Martin LEE had replaced his previous oral question and Mr WONG Ting-kwong had withdrawn his written question (original Question No. 8).

**IV. Business for the Council meeting of 26, 27 and 28 January 2005**

(a) **Questions**  
(*LC Paper No. CB(3) 298/04-05*)

10. The Chairman said that 20 written questions had been scheduled for the Council meeting commencing on 26 January 2005.

(b) **Members' motion**

**Motion of Thanks**

(*Wording of the motion issued vide LC Paper No. CB(3) 301/04-05 dated 13 January 2005.*)

(*Director of Administration's letter dated 13 January 2005 on "Proposed Grouping of Policy Areas for the Debate on the Motion of Thanks in respect of the Chief Executive's 2005 Policy Address"*)

11. The Chairman said that as Chairman of the House Committee, she

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would move the Motion of Thanks.

12. The Chairman referred Members to the Director of Administration's letter dated 13 January 2005 which detailed the proposed order of themes and grouping of policy areas for the debate on the Motion of Thanks.

13. The Chairman said that the order of debate themes, the grouping of policy areas and the public officers responding in each debate session were the same as those for the debates in the last two years, except that the Financial Secretary would also attend the second session on "Caring and Just Society".

14. Mr Martin LEE and Dr YEUNG Sum said that the present situation was different from before, and that the Central People's Government had expressed concern about effective governance in Hong Kong. Mr LEE suggested that the order of debate themes should be revised as follows –

<u>Debate session</u>	<u>Debate themes</u>
1	Effective Governance
2	Vibrant Economy
3	Caring and Just Society
4	Enlightened People with a Rich Culture
5	Environmentally Responsible Development

15. Mr Ronny TONG and Dr YEUNG Sum expressed support for Mr LEE's suggestion. They added that the theme of "Effective Governance" should be debated first, as effective governance was fundamental to the implementation of all government policies. Ms Margaret NG concurred with them.

16. Mr James TIEN said that he had no objection to the revised order of debate themes proposed by Mr Martin LEE.

17. The Chairman said that she would inform CS of the revised order of debate themes, at their meeting on 17 January 2005.

18. Mr LEUNG Kwok-hung said that the duration of the debate on the 2005 Policy Address could be shortened, as there was not much to debate on.

19. The Chairman said that it would be for individual Members to decide whether they would like to speak and for how long at the debate, provided that the total speaking time limit of 25 minutes was not exceeded.

20. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motion was Wednesday, 19 January 2005.

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

*(LC Paper No. CB(2) 622/04-05)*

21. The Chairman said that there were seven Bills Committees and six subcommittees in action.

**VI. Proposed subcommittee to study issues relating to the provision of boarding places, senior secondary education and employment opportunities for children with special educational needs**

*(LC Paper No. CB(2) 633/04-05)*

22. Dr YEUNG Sum, Chairman of the Panel on Education, said that at the joint meeting of the Panel on Education and Panel on Welfare Services on 10 January 2005, members expressed concern that the proposals for developing a new senior secondary and higher education academic structure provided little details about the provision of education for children with special educational needs. Members were of the view that those children were a disadvantaged group in the community and adequate support should be provided for them in the provision of boarding places, senior secondary education and employment opportunities. Members proposed that a subcommittee should be formed under the House Committee to follow up these issues which straddled the policy areas of the Panel on Education and the Panel on Welfare Services.

23. Mrs Selina CHOW said that while there was a need to study the issues relating to the provision of education for children with special education needs, she did not support the formation of subcommittees under the House Committee whenever the issues to be followed up straddled the policy areas of more than one Panel. Mrs CHOW added that under the existing mechanism, one Panel could take the lead and invite members of the other Panel(s) to join its meetings.

24. Mrs CHOW further said that although the provision of boarding places fell within the ambit of the Panel on Welfare Services, most issues relating to provision of education for children with special educational needs mainly fell within the purview of the Panel on Education. She considered it more appropriate for a subcommittee to be formed under the Panel on Education, and that the other relevant policy bureaux, in addition to the Education and Manpower Bureau, could be invited to the meetings of the subcommittee.

25. Dr Fernando CHEUNG said that various options to follow up the relevant issues, including the one suggested by Mrs Selina CHOW, had been discussed at the joint Panel meeting on 10 January 2005. As the issues to be followed up were wide-ranging and involved the services provided by various policy bureaux, the joint meeting considered it more appropriate for the House Committee to set up a subcommittee to follow up the issues.

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26. Mr TAM Yiu-chung said that he also attended the joint Panel meeting on 10 January 2005. While he agreed that the relevant issues should be followed up, he did not consider it necessary for the House Committee to set up a subcommittee. He suggested that a subcommittee should be formed under the Panel on Education, and non-Panel Members could be invited to attend meetings of the subcommittee.

27. Ms Margaret NG said that setting up a subcommittee under the House Committee enabled the relevant issues to be followed up in a focused and efficient manner.

28. Mr LEUNG Yiu-chung said that he had suggested at the joint Panel meeting on 10 January 2005 that a subcommittee should be set up, either under the Panel on Education or under the House Committee, to follow up the relevant issues. Some Members had expressed concern that non-Panel Members would not be able to join the subcommittee and did not have voting right in respect of the business of the subcommittee. The joint meeting finally decided that it would be more appropriate to set up a subcommittee under the House Committee, to enable interested Members to join the subcommittee and to facilitate the relevant policy bureaux to attend meetings of the subcommittee.

29. Mr James TIEN expressed concern about the pressure on Members' time, meeting venues and manpower resources of the Secretariat, if too many subcommittees were formed under the House Committee. Mr TIEN said that a subcommittee should be formed under the Panel on Education to follow up the relevant issues, and members of the Panel on Welfare Services should be invited to participate in the subcommittee's discussion.

30. Dr YEUNG Sum and Dr Fernando CHEUNG said that if a subcommittee was to be set up under the Panel on Education, members of the Panel on Welfare Services would only be able to participate as non-subcommittee Members. They pointed out that the existing committee system did not provide for non-Panel Members to join a subcommittee formed under a Panel, nor for the formation of a subcommittee under two Panels.

31. Dr YEUNG Sum further said that he noted the concern expressed by some Members about setting up too many subcommittees under the House Committee. However, as the issues relating to the provision of education for children with special educational needs straddled various policy areas, the appropriate forum to follow up the issues was a subcommittee under the House Committee.

32. The Chairman put the proposal that a subcommittee be formed under the House Committee to follow the issues relating to the provision of boarding

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places, senior secondary education and employment opportunities for children with special educational needs to vote. The outcome was that 23 Members voted in favour of the proposal.

33. The Chairman then put the proposal that a subcommittee should be formed under the Panel on Education to follow up the issues and other Members be invited to join the subcommittee's discussion to vote. The outcome was that 10 Members voted in favour of the proposal.

34. The Chairman said that a subcommittee would be formed under the House Committee to study the issues. The following Members agreed to join: Mr LEE Cheuk-yan, Mrs Selina CHOW, Mr CHEUNG Man-kwong (as advised by Dr YEUNG Sum), Mr LEUNG Yiu-chung, Mr Jasper TSANG, Ms Emily LAU, Ms Audrey EU, and Dr Fernando CHEUNG.

**VII. Any other business**

35. There being no other business, the meeting ended at 3:19 pm.