

立法會  
*Legislative Council*

LC Paper No. CB(2) 1319/04-05

Ref : CB2/H/5/04

**House Committee of the Legislative Council**

**Minutes of the 23rd meeting  
held in the Legislative Council Chamber  
at 2:30 pm on Friday, 15 April 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  
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  
Dr Hon Philip WONG Yu-hong, GBS  
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 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  
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  
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 MA Lik, 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 Patrick LAU Sau-shing, SBS, JP  
Hon Albert Jinghan CHENG  
Hon KWONG Chi-kin

**Members absent :**

Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP  
Hon LAU Chin-shek, JP  
Hon LAU Wong-fat, GBS, JP  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon Andrew LEUNG Kwan-yuen, SBS, JP  
Hon TAM Heung-man

**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
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
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 22nd meeting held on 8 April 2005**  
(*LC Paper No. CB(2) 1261/04-05*)

The minutes were confirmed.

**II. Matters arising**

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

Invitation to CS to attend a meeting of the House Committee to brief Members on details of his meeting with Mr LIAO Hui, Director of the Hong Kong and Macao Affairs Office of the State Council

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2. The Chairman said that she had written to CS to invite him to attend a meeting of the House Committee to brief Members on details of his meeting with Mr LIAO Hui, Director of the Hong Kong and Macao Affairs Office of the State Council. CS had undertaken to consider Members' request and reply to her letter.

3. Ms Emily LAU said that she had given notice to raise a written question on meetings between CS and Central Government officials in the past two years at the Legislative Council (LegCo) meeting of 20 April 2005. She requested the Chairman to urge CS to provide a detailed reply to her question, so as to facilitate Members to put related questions to Acting Chief Executive (CE) at the CE's Question and Answer Session on 28 April 2005. The Chairman agreed.

**(b) Citibank (Hong Kong) Limited (Merger) Bill**

(*Paragraphs 28 to 34 of the minutes of the 22nd House Committee meeting on 8 April 2005*)

[*Previous paper:*

*LC Paper No. LS 47/04-05 issued vide LC Paper No. CB(2) 1218/04-05 dated 7 April 2005]*

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4. The Chairman said that at the request of Mr James TO at the last meeting, Members agreed to defer a decision on the Bill to this meeting.

5. Mr James TO said that Members belonging to the Democratic Party (DP) had studied the Bill. They were concerned about the impact on the existing customers, as enactment of the Bill would impose a mandatory transfer of the retail banking business of Citibank N.A., which was a national banking association organised under the laws of the United States, to Citibank (Hong Kong) Limited, which was a local bank.

6. Mr Albert HO said that Members belonging to DP needed more time to study the Bill and consider whether certain technical amendments should be moved. If their concerns could be satisfactorily addressed, it would not be necessary to set up a Bills Committee. Mr HO suggested that a decision on the Bill be deferred for another week.

7. The Chairman said that if Members had concerns about a bill, they should consider setting up a Bills Committee to study it.

8. Ms Emily LAU said that she did not have strong views about this Bill. She asked whether a Bills Committee should be formed, so that the concerns of Members belonging to DP could be discussed in an open manner at meetings of the Bills Committee.

9. Mr Albert HO said that he was given to understand that there was some urgency in enacting the Bill, as similar transfers of the Bank had already been effected in other East Asian countries. He was concerned that setting up a Bills Committee might delay enactment of the Bill. However, he had no objection to discussing the concerns raised by Members belonging to DP at open meetings. Mr HO suggested that the Bill be discussed at a meeting of the relevant Panel, similar to the arrangement for the Bank of China (Hong Kong) Limited (Merger) Bill.

10. The Chairman said that one reason why a Bills Committee was not set up to study the Bank of China (Hong Kong) Limited (Merger) Bill was that a Bills Committee slot was not available at that time. If a Bills Committee was to be formed to study the Citibank (Hong Kong) Limited (Merger) Bill, it could commence work immediately, as slots were available. The Chairman added that if the concerns could be dealt with at one or two meetings, enactment of the Bill would not be delayed.

11. Mr Howard YOUNG said that it would be more efficient and appropriate for Members' concerns to be discussed by a Bills Committee, especially if amendments to the Bill were being considered.

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12. Dr David LI said that the Bill was similar to the Standard Chartered Bank (Hong Kong) Limited (Merger) Bill, which was enacted in 2004, and Members did not raise any queries on that Bill.

13. Mr CHAN Kam-lam said that the Bill would mainly affect its existing customers and did not involve issues of wide public concern. Mr CHAN pointed out that enactment of the Bill would not impose a mandatory requirement for existing customers to continue their patronage of the Bank. Mr CHAN further said that it was neither appropriate nor fair to the organisation concerned for some Members to discuss their concerns about a bill with the organisation in private. Mr CHAN added that such an approach would not necessarily achieve the purpose of not delaying resumption of Second Reading debate on a bill. Mr CHAN considered that a Bills Committee should be formed to scrutinise the Bill.

14. Mr James TIEN said that although Members belonging to the Liberal Party (LP) did not have problems with the Bill, they did not object to forming a Bills Committee, if clarification on certain aspects of the Bill was necessary.

15. The Chairman proposed that a Bills Committee be formed. Members agreed. The following Members agreed to join: Mr James TIEN, Dr David LI, Mr James TO, Mr CHAN Kam-lam, Mr SIN Chung-kai, Ms Emily LAU, Mr Ronny TONG and Mr Albert CHENG.

**III. Business for the Council meeting on 27 April 2005**

(a) **Questions**  
(*LC Paper No. CB(3) 495/04-05*)

16. The Chairman said that 20 written questions had been scheduled for the Council meeting on 27 April 2005.

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

- (i) **Building Management (Amendment) Bill 2005**
- (ii) **Protection of Endangered Species of Animals and Plants Bill**
- (iii) **Immigration (Amendment) Bill 2005**
- (iv) **Child Care Services (Amendment) Bill 2005**

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17. The Chairman said that the Administration had given notice to present the above four Bills to LegCo on 27 April 2005. The House Committee would consider the four Bills at its meeting on 29 April 2005.

(c) **Bills - resumption of debate on Second Reading, Committee Stage and Third Reading**

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**Appropriation Bill 2005  
(Response from the Administration)**

18. The Chairman said that the Administration would respond to Members' comments on the Appropriation Bill 2005.

**IV. The Chief Executive's Question and Answer Session on 28 April 2005**

19. The Chairman said that a CE's Question and Answer Session would be held from 3:00 pm to 4:00 pm on Thursday, 28 April 2005.

20. Ms Emily LAU said that the House Committee had previously requested CE to extend the duration of his Question and Answer Sessions by half an hour, as there was insufficient time for Members to raise questions in these Sessions. She suggested that the Chairman should make a similar request to Acting CE, to enable more Members to put questions to him.

21. Mr LEE Wing-tat suggested that a request should be made to Acting CE that CE's Question and Answer Sessions should be held once a month, and each Session should last for two hours. Mr LEE said that many important issues straddled the policy areas of more than one bureau. It would be more effective for Members to raise these issues with CE at such Sessions.

22. Mr LAU Kong-wah supported Ms Emily LAU's suggestion that the Question and Answer Session on 28 April 2005 should be extended by half an hour. However, he did not consider it necessary to hold the Sessions on a monthly basis.

23. Mr Martin LEE said that in the United Kingdom, the Prime Minister's question time was held once a week. He supported Mr LEE Wing-tat's proposal that the CE's Question and Answer Sessions should be held once a month. However, he considered it more appropriate to raise this request with the new CE, after the election in July and not with Acting CE at this stage. Mr LAU Kong-wah supported Mr Martin LEE's suggestion that the request should be put to the new CE.

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24. The Chairman proposed that Acting CE be requested to extend his Question and Answer Session on 28 April 2005 by half an hour to 4:30 pm. Members agreed. The Chairman said that she would raise this with CS at their next meeting.

25. The Chairman proposed that Members' request that CE's Question and Answer Sessions be held monthly should be raised with the new CE and not Acting CE. Members agreed.

**V. Position on Bills Committees/subcommittees**  
(LC Paper No. CB(2) 1262/04-05)

26. The Chairman said that there were 12 Bills Committees, including the Bills Committee on Citibank (Hong Kong) Limited (Merger) Bill formed under item II(b) above, and seven subcommittees in action.

**VI. Paper of the Committee on Rules of Procedure (CRoP)**

**Proposed amendments to the Rules of Procedure and House Rules regarding withdrawal of bills**  
(LC Paper No. CROP 37/04-05)

27. Mr Jasper TSANG, Chairman of CRoP, said that at the request of the House Committee, CRoP had reviewed Rule 64 of the Rules of Procedure (RoP), and recommended that Rules 21, 54 and 64 of RoP and the relevant House Rules (HR) should be amended to facilitate the withdrawal of bills at the beginning of the resumption of Second Reading debate. Mr TSANG added that the proposed amendments were set out in Appendices II and III of the paper, and that the comments of the Administration had been sought on these amendments.

28. Mr Jasper TSANG explained that under the proposed arrangement, the Member or public officer in charge of a bill should, in giving notice for resumption of the Second Reading debate on the bill, state that the purpose for resumption was for the purpose of withdrawal of the bill.

29. Mr TSANG further said that subject to Members' agreement, he would move a motion at a Council meeting to amend RoP. The amendments to HR would be made upon the Council's approval of the amendments to RoP.

30. Members endorsed the proposed amendments to RoP and HR.

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**VII. Proposal to seek the Council's authorisation to exercise the powers conferred under the Legislative Council (Powers and Privileges) Ordinance to order the Administration to provide the West Kowloon Reclamation Concept Plan Competition Report of the Technical Panel, as well as minutes of meetings and relevant papers of the Technical Panel**  
*(Letter dated 11 April 2005 from Dr Hon KWOK Ka-ki to the Chairman of the House Committee (LC Paper No. CB(2) 1270/04-05(01))*

31. Dr KWOK Ka-ki said that according to a newspaper report on 11 April 2005, the Technical Panel for the Concept Plan Competition for the Development of an Integrated Arts, Cultural and Entertainment District at the West Kowloon Reclamation (the Technical Panel) had expressed reservations in its report about the feasibility of the canopy design and the high maintenance cost of the canopy. However, the Administration had not disclosed such information to Members.

32. Dr KWOK further said that most Members were of the view that the Administration should remove the canopy design as a mandatory requirement for tender of the project, but the Administration had not taken heed of Members' request.

33. Dr KWOK informed Members that he had written to CS on 11 April 2005 to request him to provide the report of the Technical Panel. At the special meeting of the Finance Committee held on the same day, Mr LEE Wing-tat had also requested the Administration to provide the same report. However, the Secretary for Housing, Planning and Lands (SHPL) had refused Mr LEE's request on the ground that the report was a confidential document.

34. Dr KWOK added that the powers conferred under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) should be exercised in cases which involved important issues or matters of wide public concern, such as the West Kowloon Cultural District (WKCD) project.

35. Dr KWOK further informed Members that he had received a phone call from SHPL on 13 April 2005 and a reply from CS's Office on 14 April 2005. On both occasions, the Administration explained that it was bound by the Competition Document, and could not disclose details of the assessments on the competition entries. However, the Administration was considering releasing relevant parts of the report to LegCo and was seeking legal advice on the matter. The Administration had also indicated that it intended to provide the information for the meeting of the Subcommittee on West Kowloon Cultural District Development scheduled for 22 April 2005.

36. Dr KWOK said that given the recent developments, he wished to defer discussion of this item until the Subcommittee had studied the information to be provided by the Administration.



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37. Mr Alan LEONG, Chairman of the Subcommittee on West Kowloon Cultural District Development, informed Members that at the request of Mr LEE Wing-tat on 11 April 2005, the Subcommittee had written to the Administration requesting it to provide the report of the Technical Panel and relevant documents. The matter had also been included in the agenda for the Subcommittee's meeting on 22 April 2005, and about one and a half hours would be allotted for discussion. SHPL had also informed him that the Administration intended to provide the relevant parts of the report of the Technical Panel to the Subcommittee in the early part of the following week.

38. Mr James TIEN said that Members belonging to LP considered that as a subcommittee had been formed to follow up the WKCD project, and all political parties and groupings were represented on the Subcommittee, matters relating to the project should be dealt with by the Subcommittee. It was not appropriate for individual Members to separately discuss a certain matter with the Administration, and then directly request the House Committee to follow up the matter.

39. Dr KWOK said that as he believed that some other Members also shared the view that LegCo should exercise the powers under Cap. 382 to order the Administration to provide the report of the Technical Panel, he had put forth the proposal for consideration by the House Committee.

40. The Chairman said that the Subcommittee on West Kowloon Cultural District Development had been formed under the House Committee to follow up the WKCD project. As the Subcommittee would discuss the provision of the same report by the Administration at its meeting on 22 April 2005, it was not appropriate for an individual Member or a group of Members to separately pursue the matter with the Administration at the same time. The Chairman suggested that Dr KWOK Ka-ki's proposal should be referred to the Subcommittee for consideration. It would be for the Subcommittee to decide how to pursue the matter and report to the House Committee, if necessary. Members agreed.

**VIII. Any other business**

41. There being no other business, the meeting ended at 3:06 pm.