

立法會
Legislative Council

LC Paper No. CB(2) 1511/04-05

Ref : CB2/H/5/04

House Committee of the Legislative Council

**Minutes of the 26th meeting
held in the Legislative Council Chamber
at 4:36 pm on Friday, 6 May 2005**

Members present :

Hon Miriam LAU Kin-yee, 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
Dr Hon David LI Kwok-po, GBS, JP
Dr Hon LUI Ming-wah, JP
Hon Margaret NG
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
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, 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 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 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 Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki
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 Martin LEE Chu-ming, SC, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHAN Yuen-han, JP
Hon Howard YOUNG, SBS, JP
Hon LAU Wong-fat, GBS, JP
Hon Albert CHAN Wai-yip
Hon LEE Wing-tat
Hon LEUNG Kwok-hung
Dr Hon Fernando CHEUNG Chiu-hung
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
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
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
Miss Anita HO	Assistant Legal Adviser 2
Ms Connie FUNG	Assistant Legal Adviser 3
Mr Stephen LAM	Assistant Legal Adviser 4
Mr KAU Kin-wah	Assistant Legal Adviser 6
Ms Alice AU	Senior Council Secretary (1)5
Miss Lolita SHEK	Senior Council Secretary (2)7

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**I. Confirmation of the minutes of the 25th meeting held on 29 April 2005
(LC Paper No. CB(2) 1443/04-05)**

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 there was nothing special to report.

III. Business arising from previous Council meetings

(a) Legal Service Division reports on bills referred to the House Committee in accordance with Rule 54(4)

3. The Chairman said that the Director of Administration (D of Adm) had written to her to request that priority be given to the scrutiny of the Revenue (Personalized Vehicle Registration Marks) Bill 2005 and the Public Health and Municipal Services (Amendment) Bill 2005. D of Adm's letter dated 5 May 2005 had been issued to Members.

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4. The Chairman added that the Administration's request would be dealt with after Members had decided whether or not to form Bills Committees to study the two Bills.

(i) **Revenue (Personalized Vehicle Registration Marks) Bill 2005**
(*LC Paper No. LS 60/04-05*)

5. The Chairman said that the Panel on Financial Affairs had been consulted on the Personalized Vehicle Registration Marks Scheme proposed in the Bill at its meeting on 10 November 2004, and Panel members had expressed various concerns. The Administration subsequently provided a paper to the Panel to address members' concerns.

6. Mr Albert CHENG said that a Bills Committee should be formed to study the Bill.

7. The Chairman proposed that a Bills Committee be formed. Members agreed. The following Members agreed to join: Dr David LI, Mrs Selina CHOW (as advised by Ms Miriam LAU), Mr SIN Chung-kai and Mr Albert CHENG.

(ii) **Public Health and Municipal Services (Amendment) Bill 2005**
(*LC Paper No. LS 62/04-05*)

8. The Chairman said that the Administration had briefed the Panel on Food Safety and Environmental Hygiene on the legislative proposal on 14 December 2004. The Panel was generally in support of the proposal.

9. Mr Tommy CHEUNG said that a Bills Committee should be formed to study the Bill in detail as new offences were proposed.

10. The Chairman proposed that a Bills Committee be formed. Members agreed. The following Members agreed to join: Mr Fred LI, Mr WONG Yung-kan and Mr Tommy CHEUNG.

11. Members agreed to the Administration's request for priority to be given to the scrutiny of the Revenue (Personalized Vehicle Registration Marks) Bill 2005 and the Public Health and Municipal Services (Amendment) Bill 2005.

12. The Chairman added that D of Adm had also requested that priority be given to the scrutiny of the Revenue (Abolition of Estate Duty) Bill 2005. The Chairman suggested that D of Adm's request should be dealt with at the

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meeting of the House Committee on 13 May 2005, after the Bill had been presented to the Legislative Council (LegCo) on 11 May 2005. Members agreed.

(iii) **Federation of Hong Kong Industries (Amendment) Bill 2005**
(*LC Paper No. LS 52/04-05*)

13. Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(b) **Legal Service Division report on subsidiary legislation gazetted on 29 April 2005 and tabled in Council on 4 May 2005**
(*LC Paper No. LS 61/04-05*)

14. The Chairman said that three items of subsidiary legislation were gazetted on 29 April 2005 and tabled in Council on 4 May 2005.

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

16. The Chairman reminded Members that the deadline for amending these three items of subsidiary legislation was 1 June 2005, or 22 June 2005 if extended by resolution.

IV. Further business for the Council meeting on 11 May 2005

(a) **Questions**
(*LC Paper No. CB(3) 556/04-05*)

17. The Chairman said that three new questions would be raised by Mr WONG Kwok-hing, Mr Fred LI and Mr CHAN Kam-lam respectively at the Council meeting on 11 May 2005.

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

Revenue (Abolition of Estate Duty) Bill 2005

18. The Chairman said that the Administration had given notice to present the above Bill to LegCo on 11 May 2005. The House Committee would consider the Bill at its meeting on 13 May 2005.

V. Business for the Council meeting on 18 May 2005

(a) Questions

(LC Paper No. CB(3) 557/04-05)

19. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 18 May 2005.

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

(i) Merchant Shipping (Local Vessels and Miscellaneous Amendments) Bill 2005

(ii) Waste Disposal (Amendment) Bill 2005

20. The Chairman said that the Administration had given notice to present the above two Bills to LegCo on 18 May 2005. The House Committee would consider the two Bills at its meeting on 20 May 2005.

(c) Government motion

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

(d) Members' motions

(i) Motion on "Continuing decline in birth rate"

(Wording of the motion issued vide LC Paper No. CB(3) 559/04-05 dated 3 May 2005.)

22. The Chairman said that the above motion would be moved by Mr LEE Cheuk-yan, and the wording of the motion had been issued to Members.

(ii) Motion on "Display of national flag"

23. The Chairman said that the above motion would be moved by Mr MA Lik, and the wording of the motion was tabled at the meeting.

24. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Tuesday, 10 May 2005.

VI. Reports of Bills Committees and subcommittees

(a) **Report of the Bills Committee on Chief Executive Election (Amendment) (Term of Office of the Chief Executive) Bill**
(LC Paper No. CB(2) 1450/04-05)

25. Mr TAM Yiu-chung, Chairman of the Bills Committee, said that the Bills Committee had completed scrutiny of the Bill. The Administration intended to resume the Second Reading debate on the Bill on 25 May 2005.

26. Ms Margaret NG said that the Bills Committee's report had not reflected the fact that Ms Emily LAU had suggested that the Chief Executive Election Ordinance (Cap. 569) should be amended to require a poll be conducted in an uncontested election, but the Administration did not accept her suggestion.

27. Mr TAM Yiu-chung said that Ms Emily LAU's suggestion was included in paragraph 62 of the report.

28. Ms Margaret NG said that Members belonging to the Article 45 Concern Group had not proposed any Committee Stage amendments (CSAs) to the Bill, as they considered that the Bill was out of order. Ms NG further said that without the necessary consequential amendments to Cap. 569, the Bill was not ready for presentation to LegCo. Ms NG added that her comments on the report should be recorded in the minutes.

29. The Chairman reminded Members that the deadline for giving notice of CSAs was Saturday, 14 May 2005.

(b) **Report of the Bills Committee on Citibank (Hong Kong) Limited (Merger) Bill**
(LC Paper No. CB(1) 1450/04-05)

30. Mr James TIEN, Chairman of the Bills Committee, said that the Bills Committee had completed scrutiny of the Bill. Mr TIEN further said that to address members' concern about protection of the interest of the dormant account holders of the branch of Citibank N.A. in Hong Kong (Citibank HK Branch), Citibank (Hong Kong) Limited (Citibank HK) would maintain a matching escrow account of the same amount in the dormant accounts with Citibank HK Branch, when these accounts were transferred to Citibank HK.

31. Mr TIEN added that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting on 25 May 2005.

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32. Mr James TO said that he had not attended the Bills Committee meeting on 29 April 2005 as he was not in Hong Kong. He had subsequently discussed his concern about the transfer of the property and liabilities of the private banking business with Citibank HK Branch. To address his concern, the bank would provide a written confirmation that the property and liabilities in respect of the private banking business in the books and records of Citibank HK Branch would not be transferred to the books and records in respect of the retail banking business between the enactment of the Bill and the appointed day for the transfer of undertakings. Mr TO added that the written confirmation would be circulated to Members once available.

33. The Chairman reminded Members that the deadline for giving notice of CSAs was Saturday, 14 May 2005.

VII. Position on Bills Committees/subcommittees
(*LC Paper No. CB(2) 1445/04-05*)

34. The Chairman said that there were 15 Bills Committees including the Bills Committee on Revenue (Personalized Vehicle Registration Marks) Bill 2005 and the Bills Committee on Public Health and Municipal Services (Amendment) Bill 2005 formed under item III(a) above, and nine subcommittees in action.

VIII. Any other business

35. There being no other business, the meeting ended at 4:54 pm.