

立法會
Legislative Council

LC Paper No. CB(2) 2177/04-05

Ref : CB2/H/5/04

House Committee of the Legislative Council

**Minutes of the 33rd meeting
held in the Legislative Council Chamber
at 4:40 pm on Friday, 24 June 2005**

Members present :

Hon Miriam LAU Kin-ye, GBS, JP (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 Martin LEE Chu-ming, SC, JP

Dr Hon LUI Ming-wah, JP

Hon Margaret NG

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

Dr Hon YEUNG Sum

Hon LAU Chin-shek, 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 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

Mr LEE Yu-sung	Senior Assistant Legal Adviser 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mrs Anna LO	Principal Council Secretary (Administration)
Mrs Vivian KAM	Principal Council Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Mr Andy LAU	Chief Council Secretary (1)2
Mrs Constance LI	Chief Council Secretary (2)5
Mrs Betty LEUNG	Chief Council Secretary (3)1
Mr KAU Kin-wah	Assistant Legal Adviser 6
Miss Lolita SHEK	Senior Council Secretary (2)7

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I. Confirmation of the minutes of the 32nd meeting held on 17 June 2005
(LC Paper No. CB(2) 2014/04-05)

The minutes were confirmed.

II. Matters arising

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

Proposal to invite the Chief Executive-elect to attend a Chief Executive's Question and Answer Session following his appointment as the Chief Executive by the Central People's Government

2. The Chairman said that she had written to invite the Chief Executive-elect to attend a Question and Answer Session. The Chief Executive-elect had replied on 20 June 2005 saying that he was still awaiting his appointment as the Chief Executive, and he would be more than happy to meet Members as Chief Executive in a Question and Answer Session once he was allowed to do so under the law.

3. The Chairman added that the Legislative Council (LegCo) Secretariat would contact the Chief Executive's Office regarding the date for the Question and Answer Session, now that Mr Donald TSANG had been appointed as the Chief Executive by the Central People's Government.

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)**

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Carriage by Air (Amendment) Bill 2005

(LC Paper No. LS 84/04-05)

4. The Chairman said that the Panel on Economic Services had been consulted on the legislative proposal on 24 January 2005. Members were generally in support of the proposal.

5. The Chairman added that the Legal Service Division was still scrutinising the Bill and would provide a further report if necessary.

6. The Chairman proposed that a decision on the Bill be deferred to the next meeting on 8 July 2005. Members agreed.

(b) Legal Service Division report on subsidiary legislation gazetted on 17 June 2005 and tabled in Council on 22 June 2005

(LC Paper No. LS 85/04-05)

7. The Chairman said that 12 items of subsidiary legislation were gazetted on 17 June 2005 and tabled in Council on 22 June 2005.

8. Members did not raise any queries on the 12 items of subsidiary legislation.

9. The Chairman said that the deadline for amending these 12 items of subsidiary legislation was the second meeting of LegCo in the next session.

IV. Further business for the Council meeting on 29 June 2005

(a) Questions

(LC Paper No. CB(3) 720/04-05)

10. The Chairman said that Ms Emily LAU had replaced her previous oral question.

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

(i) Statute Law (Miscellaneous Provisions) Bill 2005

(ii) Child Care Services (Amendment) Bill 2005

(iii) Undesirable Medical Advertisements (Amendment) (No.2) Bill 2004

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11. The Chairman said that the Bills Committees on these three Bills had presented their reports to the House Committee at the last meeting. Members did not raise objection to the resumption of the Second Reading debates on these Bills.

V. Business for the Council meeting on 6 July 2005

(a) **Questions**
(LC Paper No. CB(3) 721/04-05)

12. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 6 July 2005.

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

Accreditation of Academic and Vocational Qualifications Bill 2005

13. The Chairman said that the Administration would present the Bill to LegCo on 6 July 2005. The House Committee would consider the Bill at its meeting on 8 July 2005.

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

(i) **Bankruptcy (Amendment) Bill 2004**

14. The Chairman said that the Bills Committee on the Bill had presented its report to the House Committee at the last meeting. Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(ii) **Banking (Amendment) Bill 2005**

15. The Chairman said that the Bills Committee on the Bill had presented its report to the House Committee at the last meeting. Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(d) **Government motions**

(i) **Proposed resolution to be moved by the Secretary for the Environment, Transport and Works (SETW) under the Road Traffic (Driving-offence Points) Ordinance**
(Wording of the proposed resolution issued vide LC Paper No. CB(3) 730/04-05 dated 21 June 2005.)

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(ii) **Proposed resolution to be moved by the Secretary for the Environment, Transport and Works under the Fixed Penalty (Criminal Proceedings) Ordinance**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 729/04-05 dated 21 June 2005.)

16. The Chairman said that the subcommittee formed to study the two proposed resolutions had completed its scrutiny work and would provide a report under agenda item VI(b) below.

(iii) **Two proposed resolutions to be moved by the Secretary for Security under the Mutual Legal Assistance in Criminal Matters Ordinance relating to:**

- **the Mutual Legal Assistance in Criminal Matters (Belgium) Order; and**
- **the Mutual Legal Assistance in Criminal Matters (Denmark) Order**

(Wording of the proposed resolutions issued vide LC Paper No. CB(3) 728/04-05 dated 21 June 2005.)

17. The Chairman said that the subcommittee formed to study the two Orders had completed its scrutiny work and would provide a report under agenda item VI(a) below.

(e) **Member's Bills - resumption of debate on Second Reading, Committee Stage and Third Reading**

Industrial and Commercial Bank of China (Asia) Limited (Merger) Bill

18. The Chairman said that at the House Committee meeting on 3 June 2005, Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(f) **Members' motions**

(i) **Motion on "Reviewing the mode of construction and operation for transport infrastructure"**

(Wording of the motion issued vide LC Paper No. CB(3) 740/04-05 dated 22 June 2005.)

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- (ii) **Motion on “Improving general out-patient services”**
(Wording of the motion issued vide LC Paper No. CB(3)
742/04-05 dated 23 June 2005.)

19. The Chairman said that the above motions would be moved by Mr LAU Kong-wah and Mr Andrew CHENG respectively, and the wording of the motions had been issued to Members.

20. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Tuesday, 28 June 2005.

21. Ms Emily LAU said that there were not many items of business on the Agenda of the LegCo meeting of 6 July 2005. Ms LAU enquired about the reason for resuming the meeting on 7 July 2005 at 9:00 am, if the business on the Agenda of the meeting could not be finished on 6 July 2005.

22. The Chairman explained that it was originally anticipated that the Second Reading debate on the Revenue (Abolition of Estate Duty) Bill 2005 would be resumed at the meeting of 6 July 2005. The Chairman added that the debates on the two motions to be moved by SETW under the Road Traffic (Driving-offence Points) Ordinance and the Fixed Penalty (Criminal Proceedings) Ordinance respectively would likely be long.

VI. Reports of Bills Committees and subcommittees

- (a) **Report of the Subcommittee on Mutual Legal Assistance in Criminal Matters (Belgium) Order and Mutual Legal Assistance in Criminal Matters (Denmark) Order**
(LC Paper No. CB(2) 2027/04-05)

23. The Chairman said that Ms Margaret NG had given a verbal report on behalf of Hon James TO, Chairman of the Subcommittee, at the last meeting. A written report was now provided for Members' reference.

- (b) **Report of the Subcommittee on Proposed Resolutions under the Road Traffic (Driving-offence Points) Ordinance (Cap. 375) and Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240)**
(LC Paper No. CB(1) 1860/04-05)

24. Mr Alan LEONG, Chairman of the Subcommittee, said that the report detailed the deliberations of the Subcommittee on the Administration's proposal to revise the penalties for the offence of failure to comply with traffic signals. SETW had given notice to move the two motions at the LegCo

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meeting of 6 July 2005, and the revised penalties would take effect as from 1 January 2006, if the motions were passed.

25. In response to Ms Emily LAU, Mr LEONG said that the Subcommittee had not reached any consensus on the two motions.

(c) **Second report of the Subcommittee on Members' Remuneration and Operating Expenses Reimbursement**

(LC Paper No. AS 347/04-05)

26. Mr Patrick LAU, Chairman of the Subcommittee, said that Members' endorsement of the following recommendations of the Subcommittee, as detailed in paragraph 18 of the paper, was sought –

- (a) the present level of Members' Operating Expenses Reimbursement (OER) should be enhanced, subject to a ceiling of 20%;
- (b) the present arrangement that all Members should receive the same level of remuneration and OER, irrespective of the channel through which they were elected, should be maintained;
- (c) any substantial changes to Members' remuneration and OER should be implemented as soon as possible;
- (d) the present rule that Members could not jointly enter into employment contracts with their employees should be reviewed;
- (e) medical benefits should be provided for Members; and
- (f) retirement benefits should be provided for Members.

27. Mr LAU added that the Subcommittee had gauged the views of all Members through an opinion survey. A total of 53 Members had responded, and the majority of them supported the recommendations.

28. The House Committee endorsed the Subcommittee's recommendations. The Chairman said that she would write to Ag CS to request that the recommendations be referred to the Independent Commission on Remuneration for Members of the Executive Council and the Legislature of the HKSAR for consideration. Members agreed.

VII. Position on Bills Committees/subcommittees

(LC Paper No. CB(2) 2026/04-05)

29. The Chairman said that there were 12 Bills Committees and seven subcommittees in action.

VIII. Proposed overseas duty visit by the Panel on Health Services

(LC Paper No. CB(2) 1935/04-05)

30. Mr Andrew CHENG, Chairman of the Panel, said that the Panel sought the House Committee's permission to visit Thailand, Norway and Ireland from 10 to 20 August 2005 to study the implementation of anti-smoking measures in those countries.

31. Ms Emily LAU said that to ensure that the visit could achieve the objectives as stated in paragraph 3 of the paper, arrangements should be made to obtain background information for Members' reference, and to confirm the programme for the visit with the organisations concerned before the visit. If the programme could not be confirmed beforehand, the Panel should cancel the visit.

32. Mr Andrew CHENG said that the LegCo Secretariat, with the assistance of the Hong Kong Economic and Trade Offices (ETOs) concerned, had started to make logistical arrangements for the visit several months ago. To prepare members for the visit, the Research and Library Services Division had also conducted research studies on the anti-smoking measures in the countries to be visited. Mr CHENG added that if the programme for the visit could not be confirmed beforehand, the visit would be cancelled.

33. Members did not raise objection to the proposed visit.

IX. Proposed overseas duty visit by the Subcommittee to Study the Subject of Combating Poverty

(LC Paper No. CB(2) 2034/04-05)

34. Mr Frederick FUNG, Chairman of the Subcommittee, said that the Subcommittee sought the House Committee's permission to visit the United Kingdom (UK) and Ireland from 18 to 24 September 2005 to study the anti-poverty measures in these countries.

35. Mr FUNG further said that at the Subcommittee's request, the Research and Library Services Division had conducted research studies on the

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anti-poverty measures in four countries, including UK and Ireland. In addition, a programme for the visit was being worked out with the ETOs concerned. Mr FUNG added that if the programme could not be confirmed beforehand, the visit would be cancelled.

36. Members did not raise objection to the proposed visit.

X. Proposed overseas duty visit by the Subcommittee on West Kowloon Cultural District Development

(LC Paper No. CB(1) 1874/04-05)

37. Mr Alan LEONG, Chairman of the Subcommittee, said that the Subcommittee sought the House Committee's permission to visit Spain from 18 to 23 September 2005 to study the development and implementation of the Abandoibarra project, which was similar to the West Kowloon Cultural District Development project in many aspects.

38. Mr LEONG added that the Subcommittee would ensure that the necessary preparations for the visit had been satisfactorily made before the visit; otherwise, the visit would be cancelled.

39. Members did not raise objection to the proposed visit.

XI. Any other business

40. There being no other business, the meeting ended at 4:57 pm.