

立法會
Legislative Council

LC Paper No. CB(2) 2713/04-05

Ref : CB2/H/5/04

House Committee of the Legislative Council

**Minutes of the 35th meeting
held in the Legislative Council Chamber
at 4:20 pm on Friday, 7 October 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 Martin LEE Chu-ming, SC, JP
Dr Hon LUI Ming-wah, SBS, 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, SBS, 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
Dr Hon YEUNG Sum
Hon LAU Chin-shek, JP
Hon LAU Kong-wah, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, 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 LEE Wing-tat
Dr Hon Joseph LEE Kok-long
Hon Daniel LAM Wai-keung, BBS, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon MA Lik, GBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, 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 LEE Cheuk-yan
Dr Hon David LI Kwok-po, GBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Andrew CHENG Kar-foo
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Albert CHAN Wai-yip
Hon WONG Kwok-hing, MH
Hon LI Kwok-ying, MH
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 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
Miss Kitty CHENG	Assistant Legal Adviser 5
Mr KAU Kin-wah	Assistant Legal Adviser 6
Miss Lolita SHEK	Senior Council Secretary (2)7

Action

I. Confirmation of the minutes of the 34th meeting held on 8 July 2005
(LC Paper No. CB(2) 2276/04-05 issued vide LC Paper No. CB(2) 2294/04-05 dated 15 July 2005)

The minutes were confirmed.

II. Matters arising

(a) 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.

(b) Carriage by Air (Amendment) Bill 2005

(LC Paper No. LS 122/04-05)

[Previous papers:

LC Paper No. LS 84/04-05 issued vide LC Paper No. CB(2) 2066/04-05 dated 23 June 2005;

Paragraphs 4 to 6 of the minutes of the 33rd House Committee meeting on 24 June 2005 (LC Paper No. CB(2) 2177/04-05 issued vide LC Paper No. CB(2) 2188/04-05 dated 6 July 2005);

LC Paper No. LS 93/04-05 issued vide LC Paper No. CB(2) 2220/04-05 dated 7 July 2005; and

Paragraphs 3 to 5 of the minutes of the 34th House Committee meeting on 8 July 2005]

3. The Chairman said that at the House Committee meeting on 8 July 2005, Members agreed to further defer a decision on the Bill, pending the Legal Service Division's consideration of the Administration's reply.

Action

4. The Chairman added that in its further report, the Legal Service Division considered that the Administration's reply had fully dealt with the queries raised.

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

III. Legal Service Division's report on subsidiary legislation gazetted from 8 July 2005 to 30 September 2005

(LC Paper No. LS 121/04-05)

6. The Chairman said that a total of 34 items of subsidiary legislation, including four items which were not required to be tabled in the Council, were gazetted during the period between 8 July 2005 and 30 September 2005.

7. Mr Tommy CHEUNG said that the live fish trade had expressed concern about the implementation of the Harmful Substances in Food (Amendment) Regulation 2005, which added malachite green to the First Schedule to the Harmful Substances in Food Regulations. Mr CHEUNG further said that a subcommittee should be formed to study the Amendment Regulation.

8. The Chairman proposed that a subcommittee be formed to study the Amendment Regulation. Members agreed. The following Members agreed to join: Mr Fred LI, Mr Tommy CHEUNG and Mr Vincent FANG.

9. The Chairman said that the three Regulations made under the United Nations Sanctions Ordinance came within the terms of reference of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions –

- (a) United Nations Sanctions (Côte d'Ivoire) Regulation;
- (b) United Nations Sanctions (Democratic Republic of the Congo) (Amendment) Regulation 2005; and
- (c) United Nations Sanctions (Sudan) (Amendment) Regulation 2005.

The Chairman proposed that these Regulations be referred to the Subcommittee for further study. Members agreed.

IV. Business for the Council meeting on 12 October 2005

The Chief Executive's Policy Address

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

11. The Chairman said that she would request the Administration to provide by noon on Thursday, 13 October 2005, the proposed grouping of policy areas for the debate on the Motion of Thanks to be held at the Council meeting of 26 October 2005. The Administration's proposed grouping would be discussed at the House Committee meeting on 14 October 2005.

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

12. The Chairman said that CE's Question and Answer Session would start at 3:00 pm, and CE would answer questions on his Policy Address.

VI. Business for the Council meeting on 19 October 2005

(a) Questions

(LC Paper No. CB(3) 15/05-06)

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

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

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

(c) Government motion

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

(d) Members' motions

(i) Proposed resolution to be moved by Hon Jasper TSANG Yok-sing under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 14/05-06 dated 3 October 2005.)

Action

16. The Chairman said that Mr Jasper TSANG, Chairman of the Committee on Rules of Procedure (CRoP), would move a motion at the Council meeting on 19 October 2005 to amend the Rules of Procedure to provide for the formation of joint subcommittees under two or more Panels. The Chairman added that the proposed amendments had been agreed to by the House Committee at its meeting on 8 July 2005.

(ii) Motion on “Facing up to the needs of people with disabilities in using transport”

(Wording of the motion issued vide LC Paper No. CB(3) 20/05-06 dated 5 October 2005.)

(iii) Motion on “Assisting Hong Kong residents encountering problems in the Mainland”

(Wording of the motion issued vide LC Paper No. CB(3) 21/05-06 dated 5 October 2005.)

17. The Chairman said that the above motions would be moved by Mr LEUNG Yiu-chung and Mr James TO respectively, and the wording of the motions had been issued to Members.

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

VII. Position on Bills Committees/subcommittees

(LC Paper No. CB(2) 2669/04-05)

19. The Chairman said that there were 15 Bills Committees and seven subcommittees in action. There was also one Bills Committee on the waiting list.

20. The Chairman said that 11 Bills Committees, as detailed in List C of the paper, would have to work beyond three months since their commencement.

21. Members did not raise objection to the extension of the scrutiny period of the 11 Bills.

VIII. Papers of the Committee on Rules of Procedure

(a) **Proposed arrangements for the debates on the next and future Policy Addresses**

(LC Paper No. CROP 2/05-06)

22. Members endorsed CRoP's recommendations in paragraphs 6 and 7 of the paper.

(b) **Voting rights of chairmen of committees/subcommittees**

(LC Paper No. CROP 3/05-06)

23. Members endorsed CRoP's recommendations in paragraph 9 of the paper.

IX. Election of Members of The Legislative Council Commission

(LC Paper No. AS 403/04-05)

24. Members agreed that the election of members of The Legislative Council Commission would be held at the House Committee meeting on 21 October 2005.

X. Election of the Chairman and Deputy Chairman of the House Committee for the 2005-2006 session

Election of Chairman

25. The Chairman called for nominations for the chairmanship of the House Committee. Ms Miriam LAU was nominated by Dr YEUNG Sum and the nomination was seconded by Mrs Selina CHOW. Ms Miriam LAU accepted the nomination.

26. The Deputy Chairman, Mr Fred LI, took over from Ms Miriam LAU to preside over the election. As there was no other nomination, Mr Fred LI declared Ms Miriam LAU elected as the Chairman of the House Committee for the 2005-2006 session.

Election of Deputy Chairman

27. The Chairman called for nominations for the deputy chairmanship of the House Committee. Mr Fred LI was nominated by Mr SIN Chung-kai and the nomination was seconded by Dr YEUNG Sum. Mr Fred LI accepted the

Action

nomination.

28. As there was no other nomination, the Chairman declared Mr Fred LI elected as the Deputy Chairman of the House Committee for the 2005-2006 session.

XI. Any other business

Up-to-date position on the re-signification of membership of Panels

29. The Chairman said that a list showing the up-to-date position on the re-signification of membership of the 18 Panels was tabled at the meeting. The Chairman reminded Members that the deadline for reply was 12 noon on Saturday, 8 October 2005.

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

Council Business Division 2
Legislative Council Secretariat
12 October 2005

051007e (Draft).doc