

立法會
Legislative Council

LC Paper No. CB(2) 449/05-06

Ref : CB2/H/5/04

House Committee of the Legislative Council

**Minutes of the 5th meeting
held in the Legislative Council Chamber
at 4:05 pm on Friday, 18 November 2005**

Members present :

Hon Miriam LAU Kin-ye, GBS, JP (Chairman)
Hon Fred LI Wah-ming, JP (Deputy Chairman)
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 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
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 Chin-shek, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
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 Albert CHAN Wai-yip
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
Hon LI Kwok-ying, MH
Hon Daniel LAM Wai-keung, BBS, JP
Hon MA Lik, GBS, 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 CHIM Pui-chung
Hon Patrick LAU Sau-shing, SBS, JP
Hon KWONG Chi-kin

Members absent :

Hon James TIEN Pei-chun, GBS, JP
Hon Albert HO Chun-yan
Dr Hon David LI Kwok-po, GBS, JP
Hon SIN Chung-kai, JP
Hon LAU Kong-wah, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Frederick FUNG Kin-kee, JP
Hon Vincent FANG Kang, JP
Dr Hon Joseph LEE Kok-long
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Ronny TONG Ka-wah, SC
Hon Albert Jinghan CHENG
Hon TAM Heung-man

Clerk in attendance :

Mrs Justina LAM Clerk to the House Committee

Staff in attendance :

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
Miss Lolita SHEK	Senior Council Secretary (2)7

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I. Confirmation of the minutes of the 4th meeting held on 11 November 2005
(*LC Paper No. CB(2) 381/05-06*)

The minutes were confirmed.

II. Matters arising

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

Chief Executive (CE)'s Question and Answer (Q & A) Session

2. The Chairman said that she had informed CS of Ms Emily LAU's request for CE to attend a Council meeting to answer questions on his recent overseas visits. CS had responded that CE had replied to Ms Emily LAU declining the request, as the visits had been widely reported by the media, and there had been a high degree of transparency.

3. The Chairman further said that CE had considered Members' request regarding the frequency and duration of CE's Q & A Session. CE had decided that the frequency should remain at four times in each legislative session, but the duration of each Q & A Session could be extended to one and a half hours. The Chairman added that the next CE's Q & A Session would be held on 12 January 2006, from 3:00 pm to 4:30 pm.

4. Ms Emily LAU said that in his reply, CE had only provided her with information on his recent overseas visits which had already been made public. Ms LAU further said that CE should disclose to Members the contents of his closed door discussions, so that the public could judge whether he had betrayed the interests of the people of Hong Kong. Ms LAU added that she would request CE to provide such information at the next Q&A Session.

5. Ms LAU pointed out that CE himself had indicated that he would attend the Q&A Sessions more frequently. However, CE had now decided that the

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frequency of the Sessions should remain at four times in each session. Ms LAU suggested that the Chairman should again urge CE to attend the Q&A Sessions more frequently.

6. Members did not raise objection to Ms LAU's suggestion. The Chairman said that she would raise the matter with CS at their next meeting.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 11 November 2005 and tabled in Council on 16 November 2005

(LC Paper No. LS 10/05-06)

7. The Chairman said that only one item of subsidiary legislation, i.e. the Securities and Futures Ordinance (Amendment of Schedule 5) Notice 2005, was gazetted on 11 November 2005 and tabled in the Legislative Council (LegCo) on 16 November 2005. The Chairman further said that the Notice amended certain definitions in Part 2 of Schedule 5 to the Ordinance.

8. Members did not raise any queries on this item of subsidiary legislation.

9. The Chairman reminded Members that the deadline for amending this item of subsidiary legislation was 14 December 2005, or 11 January 2006 if extended by resolution.

IV. Further business for the Council meeting on 23 November 2005

Members' motion

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) 135/05-06 dated 14 November 2005.)

10. The Chairman said that Mr Jasper TSANG, Chairman of the Committee on Rules of Procedure, would move a motion at the Council meeting on 23 November 2005 to amend the Rules of Procedure (RoP) relating to the voting rights of Chairmen of committees. The proposed amendments had been agreed to by the House Committee at the last meeting.

V. Business for the Council meeting on 30 November 2005

(a) Questions

(LC Paper No. CB(3) 139/05-06)

11. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting.

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

St. Stephen's College Incorporation (Change of Name of the Council of St. Stephen's College and General Amendments) Bill 2005

12. The Chairman said that the Administration had given notice to introduce the above Bill into the Council on 30 November 2005. The House Committee would consider this Bill at its meeting on 2 December 2005.

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

Merchant Shipping (Local Vessels and Miscellaneous Amendments) Bill 2005

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

(d) Government motion

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

(e) Members' motions

(i) Motion to be moved by Hon LEUNG Kwok-hung

(Wording of the motion issued vide LC Paper No. CB(3) 148/05-06 dated 17 November 2005.)

15. The Chairman said that the subject of the motion to be moved by Mr LEUNG Kwok-hung was "Conducting a referendum on the full implementation of elections by universal suffrage in 2007 and 2008", and the wording of the motion had been issued to Members.

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(ii) Motion to be moved by Hon Fred LI Wah-ming

(Wording of the motion issued vide LC Paper No. CB(3) 144/05-06 dated 17 November 2005.)

16. The Chairman said that the subject of the motion to be moved by Mr Fred LI was “Preventing avian influenza”, and the wording of the motion had been issued to Members.

17. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 23 November 2005.

VI. Reports of Bills Committees and subcommittees

(a) Report of the Subcommittee on Harmful Substances in Food (Amendment) Regulation 2005

(LC Paper No. CB(2) 377/05-06)

18. Mr Fred LI, Chairman of the Subcommittee, said that most members of the Subcommittee supported the Amendment Regulation. Mr LI further said that the Subcommittee had discussed Mr Tommy CHEUNG’s proposed amendment to exempt retailers from the Amendment Regulation, but most members did not support his amendment. It was up to Mr CHEUNG to decide whether he would move the amendment.

(b) Report of the Subcommittee on Closed Area (Hong Kong Ministerial Conference of World Trade Organization) Order

(LC Paper No. CB(2) 384/05-06)

19. The Chairman, in her capacity as Chairman of the Subcommittee, said that the Subcommittee would not move amendments to the Order. However, some members considered that an opportunity should be provided at a Council meeting for Members to express their views and concerns about the security and public order issues relating to the Sixth Ministerial Conference (MC6) of the world Trade Organization and for the Administration to respond to Members’ views and concerns. The Chairman further said that the Subcommittee recommended that she should move a motion for adjournment under Rule 16(4) of RoP at the Council meeting on 23 November 2005, for the purpose of debating the security and public order issues relating to the MC6. Members supported the Subcommittee’s recommendation.

20. The Chairman added that the Subcommittee also requested the House Committee’s support for seeking the President’s leave to dispense with the seven days’ requisite notice period for the motion. Members supported the Subcommittee’s request.

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21. In response to Mr Philip WONG, the Chairman said that the duration of a debate moved under Rule 16(4) was kept within one hour. Speeches by Members and replies by government officials would take up 45 and 15 minutes respectively.

VII. Position on Bills Committees/subcommittees

(LC Paper No. CB(2) 385/05-06)

22. The Chairman said that there were 13 Bills Committees and six subcommittees in action.

23. Mr James TO suggested that the Chairman should urge the Administration to introduce the bills in the Legislative Programme for the current session into LegCo as soon as possible.

24. The Chairman said that she had already reminded the Administration to do so at her previous meetings with CS.

VIII. Proposal to set up a subcommittee under the House Committee to study the transport needs of and provision of transport concessions to disabled persons

(Letter dated 14 November 2005 from Hon LEUNG Yiu-chung to the Chairman of the House Committee (LC Paper No. CB(2) 386/05-06(01))

25. Mr LEUNG Yiu-chung said that a subcommittee should be formed under the House Committee to study the transport needs of and provision of transport concessions to disabled persons. Mr LEUNG further said that such an arrangement was more appropriate than setting up a joint subcommittee under the Panel on Transport and Panel on Welfare Services, as non-Panel Members would not be able to join the joint subcommittee. Mr LEUNG requested Members to support his proposal.

26. Mrs Selina CHOW said that she did not object to studying the transport needs of and provision of transport concessions to disabled persons. However, Members should examine whether the matter could be followed up by the relevant Panels or their subcommittees before considering whether to set up a subcommittee under the House Committee. Mrs CHOW pointed out that as the matter straddled the policy areas of the Panel on Transport and Panel on Welfare Services, it was up to the two Panels to decide whether to set up a subcommittee.

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27. Dr Fernando CHEUNG pointed out that LegCo Members had discussed the matter on many occasions. Several motions urging the Administration to follow up the provision of transport concessions to disabled persons had been passed in Council. However, the Administration had kept evading its responsibility. Dr CHEUNG said that if a subcommittee or joint subcommittee was set up under the relevant Panels to follow up the matter, non-Panel Members would not be able to join as members. He supported Mr LEUNG Yiu-chung's proposal that a subcommittee should be set up under the House Committee.

28. The Chairman said that in accordance with rule 24(d) of the House Rules, all Members, irrespective of whether they were members of the a committee, could attend the meetings of the committee.

29. Mrs Selina CHOW said that if a subcommittee was set up under the relevant Panels, all non-Panel Members could also participate in the discussion of the matter at meetings of the subcommittee, although they would not have any voting rights. Mrs CHOW further said that the lack of voting rights was not important on this occasion, given that the function of the subcommittee was to conduct a study on the transport needs of and provision of transport concessions to disabled persons.

30. Mrs CHOW added that it was not appropriate to set up a subcommittee under the House Committee to study the matter, as the House Committee did not have a corresponding policy bureau. Mrs CHOW considered it more appropriate for the Panel on Welfare Services to set up a subcommittee to study the matter from a welfare point of view, and to hold discussions with the Health, Welfare and Food Bureau, which was the Panel's corresponding policy bureau. Dr Philip WONG concurred with Mrs CHOW.

31. Mr LEE Cheuk-yan said that the same group of Members would join the subcommittee, irrespective of whether it was to be set up under the House Committee or the relevant Panels. However, if the subcommittee was to be set up under the House Committee, all interested Members would be able to join. Mr LEE added that the House Committee and its subcommittees could hold discussions with any policy bureau. Mr LEE considered that a subcommittee should be set up under the House Committee to study the transport needs of and provision of transport concessions to disabled persons.

32. Mr WONG Kwok-hing said that he supported the proposal of the House Committee setting up a subcommittee so as to demonstrate the importance Members attached to the matter.

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33. Mr TAM Yiu-chung said that Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong considered that LegCo should pursue the provision of transport concessions to disabled persons. Mr TAM added that they did not have strong views as to whether a subcommittee should be set up under the House Committee or the relevant Panels to follow up the matter.

34. Mr LEUNG Yiu-chung said that as the subject of provision of transport concessions to disabled persons straddled the policy areas of a number of policy bureaux and departments, it would be more appropriate to set up a subcommittee under the House Committee to follow up the matter.

35. The Chairman proposed that a subcommittee be set up under the House Committee to study the transport needs of and provision of transport concessions to disabled persons. Members agreed. The following Members agreed to join: Mr LEE Cheuk-yan, Mr LEUNG Yiu-chung, Ms Miriam LAU, Mr WONG Kwok-hing and Dr Fernando CHEUNG.

36. The Chairman reminded Members that certain subcommittees had to be set up under the House Committee in the past because RoP did not provide for the appointment of subcommittees by two or more Panels to study matters of common interest to the relevant Panels. However, RoP had recently been amended to provide for the formation of joint subcommittees under two or more Panels.

37. The Chairman added that problems might arise if Members continued to form subcommittees under the House Committee.

38. In response to the Chairman, Assistant Secretary General 2 (ASG2) said that manpower was a problem and staff were fully stretched. ASG2 pointed out that other than seven subcommittees under the House Committee, including the one which had just been set up, there were another seven subcommittees formed by various Panels. In addition to servicing these subcommittees, staff also provided support services to 18 Panels, 15 Bills Committees, and subcommittees on subsidiary legislation which, when formed, must commence work immediately.

39. ASG2 informed Members that the Secretariat would review its manpower situation to determine how many subcommittees staff could service at any one time. Members would be apprised of the details later.

40. The Chairman said that to minimise pressure on the manpower of the Secretariat, Members should, as far as possible, follow up issues under existing committees before considering the setting up of new committees.

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41. Mr LEE Cheuk-yan agreed that the Secretariat should review its manpower resources. Mr LEE pointed out that more subcommittees had been set up in this term than in previous terms, and regardless of whether the subcommittee to study the transport needs of and provision of transport concessions to the disabled was formed under the House Committee or the relevant Panels, it meant additional work for the Secretariat. Mr LEE said that The Legislative Council Commission should obtain more resources for the Secretariat to cope with the additional workload.

IX. Any other business

42. There being no other business, the meeting ended at 4:25 pm.

Council Business Division 2
Legislative Council Secretariat
23 November 2005