

立法會
Legislative Council

LC Paper No. CB(2) 782/05-06

Ref : CB2/H/5/04

House Committee of the Legislative Council

**Minutes of the 9th meeting
held in the Legislative Council Chamber
at 4:30 pm on Friday, 16 December 2005**

Members present :

Hon Miriam LAU Kin-yee, GBS, JP (Chairman)
Hon Fred LI Wah-ming, JP (Deputy Chairman)
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 LUI Ming-wah, SBS, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon CHAN Yuen-han, JP
Hon Bernard CHAN, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
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, 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 Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, JP
Hon WONG Kwok-hing, MH
Hon LI Kwok-ying, MH
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 LEUNG Kwok-hung
Dr Hon Fernando CHEUNG Chiu-hung
Hon WONG Ting-kwong, BBS
Hon Ronny TONG Ka-wah, SC
Hon Patrick LAU Sau-shing, SBS, JP
Hon Albert Jinghan CHENG
Hon KWONG Chi-kin
Hon TAM Heung-man

Members absent :

Hon James TIEN Pei-chun, GBS, JP
Dr Hon David LI Kwok-po, GBS, JP
Hon CHAN Kam-lam, SBS, JP
Hon LEUNG Yiu-chung
Hon Howard YOUNG, SBS, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Albert CHAN Wai-yip
Hon Frederick FUNG Kin-kee, JP
Hon LEE Wing-tat
Dr Hon Joseph LEE Kok-long
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki
Hon CHEUNG Hok-ming, SBS, JP
Hon CHIM Pui-chung

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 Kitty CHENG	Assistant Legal Adviser 5
Miss Lolita SHEK	Senior Council Secretary (2)7

Action

I. Confirmation of the minutes of the 8th meeting held on 9 December 2005
(LC Paper No. CB(2) 679/04-05)

The minutes were confirmed.

II. Matters arising

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

Amendments to the package of proposals on constitutional development

2. The Chairman said that she had asked CS when the Administration would announce the amendment to the package of proposals on constitutional development, as indicated by the Chief Executive earlier. CS had responded that it was highly unlikely that the announcement would be made within this week. CS had also pointed out that the amendment would not affect the wording and content of the two Government motions to be debated on 21 December 2005. The Administration would inform the Legislative Council (LegCo) in the first instance, when the announcement on the amendment could be made.

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)

Employment (Increase in Penalty for Offences under Section 63C) Bill 2005

(LC Paper No. LS 15/05-06)

Action

3. The Chairman said that the Bill sought to amend the Employment Ordinance (Cap. 57) to increase the maximum penalty for offences relating to wage defaults under sections 23, 24 and 25 of the Ordinance to a fine of \$350,000 and imprisonment for three years. The Chairman added that the Panel on Manpower supported the Administration's proposal.

4. Mr LAU Chin-shek said that the legislative proposal was very straightforward, and it was not necessary to form a Bills Committee to study the Bill. He added that the Bill should be enacted as soon as possible.

5. 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 9 December 2005 and tabled in Council on 14 December 2005

(LC Paper No. LS 17/05-06)

6. The Chairman said that three items of subsidiary legislation were gazetted on 9 December 2005 and tabled in Council on 14 December 2005.

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

8. The Chairman reminded Members that the deadline for amending these three items of subsidiary legislation was 11 January 2006, or 8 February 2006 if extended by resolution.

IV. Further business for the Council meeting on 21 December 2005

Questions

(LC Paper No. CB(3) 221/05-06)

9. The Chairman said that two Members had withdrawn their written questions, and four new questions would be raised by four other Members. The Chairman added that 19 questions (six oral and 13 written) had been scheduled for the meeting.

Action

V. Advance information on business for the Council meeting on 11 January 2006

Members' motions

(a) Motion on "Expediting the construction of the MTR South Island Line"

(Wording of the motion issued vide LC Paper No. CB(3) 211/05-06 dated 9 December 2005.)

(b) Motion on "Comprehensive review of labour legislation"

(Wording of the motion issued vide LC Paper No. CB(3) 212/05-06 dated 9 December 2005.)

10. The Chairman said that at the last meeting, Members agreed to defer the debates on the two motions to the Council meeting on 11 January 2006.

11. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 4 January 2006.

VI. Position on Bills Committees/subcommittees

(LC Paper No. CB(2) 680/05-06)

12. The Chairman said that there were 11 Bills Committees and six subcommittees in action.

13. The Chairman further said that the Administration had requested that the Bills Committee on Public Health and Municipal Services (Amendment) Bill 2005 be re-activated. The Chairman added that the Bills Committee was holding its work in abeyance to allow time for the Administration to consult Heung Yee Kuk and the 18 District Councils. The Administration had completed its consultation work, and had reported the outcome to the Bills Committee.

14. The Chairman proposed that as there were vacant slots, the Bills Committee on Public Health and Municipal Services (Amendment) Bill 2005 would be re-activated. Members agreed.

15. The Chairman said that with the re-activation of the Bills Committee on Public Health and Municipal Services (Amendment) Bill 2005, there were 12 Bills Committees in action.

VII. Paper of the Committee on Rules of Procedure (CRoP)

Proposed amendments to Rules of Procedure and House Rules regarding oral questions asked at Council meetings

(LC Paper No. CROP 25/05-06)

16. Mr Jasper TSANG, Chairman of CRoP, explained that the main amendments proposed by CRoP to the Rules of Procedure (RoP) and House Rules (HR) regarding oral questions asked at Council meetings were –

- (a) Members would not be allowed to change oral questions to written ones after notices of the questions had been given;
- (b) when a Member was not present to ask his oral question and had not invited or given consent to another Member to ask it on his behalf, the question would be asked by the Chairman of the House Committee or, in the Chairman's absence, the Deputy Chairman of the House Committee. If both the Chairman and the Deputy Chairman were absent, the question would be regarded as having been asked, and the President would ask the responsible public officer to answer the question; and
- (c) the Member who had given notice to ask an oral question at a Council meeting could, with the leave of the Council, withdraw the question at the relevant meeting before it was asked, provided that there was no dissenting voice.

17. Mr TSANG added that subject to Members' endorsement, the proposed amendments to RoP would be presented to the Council for approval on 11 January 2006.

18. Mr Albert HO said that he supported the proposed amendments to RoP and HR. However, he considered it inappropriate that, as proposed in paragraph 16(b) above, the oral question would be regarded as having been asked if both the Chairman and the Deputy Chairman of the House Committee were absent. He suggested that under such circumstances, the President should have the discretion to invite another Member present to ask the oral question. Mr Martin LEE concurred with Mr HO.

19. Mr LAU Kong-wah agreed that the President should have the discretion to invite another Member present to ask the oral question, if both the Chairman and the Deputy Chairman of the House Committee were absent.

Action

20. Mr LEE Cheuk-yan suggested that if both the Chairman and the Deputy Chairman of the House Committee were absent, the President should invite the Member present who had the highest precedence to ask the question.

21. Mr LEUNG Kwok-hung said that if the Member invited was not willing to ask the oral question, he should be allowed to decline asking the question.

22. The Chairman proposed that if both the Chairman and the Deputy Chairman of the House Committee were absent, the President would invite the Member present who had the highest precedence to ask the question. Members agreed.

23. Members endorsed the other amendments to RoP and HR set out in the Appendix to the paper. Members agreed that the proposed amendments to RoP should be presented to the Council for approval on 11 January 2006.

VIII. Any other business

24. There being no other business, the meeting ended at 4:50 pm.