

立法會

Legislative Council

LC Paper No. CB(2) 831/05-06

Ref : CB2/H/5/04

House Committee of the Legislative Council

Minutes of the 10th meeting held in the Legislative Council Chamber at 2:30 pm on Friday, 6 January 2006

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 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
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Hon LAU Chin-shek, JP
Hon LAU Kong-wah, JP
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo
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
Hon Vincent FANG Kang, JP

Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
Hon LI Kwok-ying, MH
Dr Hon Joseph LEE Kok-long
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 WONG Ting-kwong, BBS
Hon CHIM Pui-chung
Hon Patrick LAU Sau-shing, SBS, JP
Hon Albert Jinghan CHENG
Hon KWONG Chi-kin
Hon TAM Heung-man

Members absent :

Hon LEE Cheuk-yan
Dr Hon David LI Kwok-po, GBS, JP
Hon CHAN Yuen-han, JP
Dr Hon YEUNG Sum
Hon LAU Wong-fat, GBM, GBS, JP
Hon CHOY So-yuk, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon Daniel LAM Wai-keung, BBS, JP
Hon CHEUNG Hok-ming, SBS, JP
Hon Ronny TONG Ka-wah, SC

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
Miss Becky YU	Chief Council Secretary (1)1
Mr Andy LAU	Chief Council Secretary (1)2
Mrs Constance LI	Chief Council Secretary (2)5
Ms Bernice WONG	Assistant Legal Adviser 1
Miss Anita HO	Assistant Legal Adviser 2
Ms Connie FUNG	Assistant Legal Adviser 3
Miss Lolita SHEK	Senior Council Secretary (2)7

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**I. Confirmation of the minutes of the 9th meeting held on 16 December 2005
(LC Paper No. CB(2) 782/05-06)**

The minutes were confirmed.

II. Matters arising

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

Introduction of bills

2. The Chairman said that she had pointed out to CS that only two out of the 23 bills listed on the Legislative Programme had been introduced into the Legislative Council (LegCo). She had reminded CS that the bills should be introduced as soon as possible, and to avoid “bunching” towards the end of the session.

3. Mr Martin LEE said that the Chairman should put it strongly to CS that Members would not be rushed into completing the scrutiny of a large number of bills within a short time.

4. The Chairman said that she would urge CS again to arrange to introduce the bills as soon as possible.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 16 December 2005 and tabled in Council on 21 December 2005

(LC Paper No. LS 18/05-06)

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5. The Chairman said that 10 items of subsidiary legislation, including one Commencement Notice, were gazetted on 16 December 2005 and tabled in Council on 21 December 2005.
6. Regarding the two Regulations made under the Legal Aid Ordinance (Cap. 91), the Chairman said that the Administration had briefed the Panel on Administration of Justice and Legal Services on the proposals in July 2003, and the Panel supported the proposals.
7. On the four items of subsidiary legislation made under the Adoption Ordinance (Cap. 290), the Chairman pointed out that the Panel on Welfare Services had been briefed on the proposed amendments on 12 December 2005, and the Panel supported the amendments.
8. As regards the Road Traffic (Traffic Control) (Designation of Prohibited and Restricted Zones) (Amendment) Notice 2005, the Chairman said that some Members had expressed concern that the legislative proposal had not been discussed by the relevant Panels, and the Notice had come into operation on the date of gazettal on 16 December 2005. The Chairman referred Members to the letter dated 5 January 2006 from the Airport Authority (AA) which had been issued to Members before the meeting.
9. Mr Jasper TSANG and Mr Vincent FANG declared that they were Board Members of AA.
10. Mr James TO said that AA's letter had only partially explained why the Notice had to come into operation on the date of gazettal. Mr TO further said that he still had the following queries –
 - (a) why the AA Board could not meet earlier than 29 November 2005 to approve the Notice, since AA was informed of the opening schedule of the AsiaWorld-Expo in early October 2005; and
 - (b) why the Notice was gazetted on 16 December 2005 and not on 2 or 9 December 2005, so as to allow time for Members to study the Notice and raise comments, if any, before the Notice came into operation on 16 December 2005.
11. The Chairman said that she would seek clarification on these two points from AA. The Chairman added that as the Notice was subject to the negative vetting procedure, Members could raise comments within the scrutiny period.

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

13. The Chairman reminded Members that the deadline for amending these 10 items of subsidiary legislation was 18 January 2006, or 8 February 2006 if extended by resolution.

IV. Legal Service Division report on subsidiary legislation gazetted on 30 December 2005

(LC Paper No. LS 20/05-06)

14. The Chairman said that there were two items of subsidiary legislation gazetted on 30 December 2005 and would be tabled in Council on 11 January 2006.

15. Members did not raise any queries on the two items of subsidiary legislation.

16. The Chairman reminded Members that the deadline for amending these two items of subsidiary legislation was 8 February 2006, or 1 March 2006 if extended by resolution.

V. Business for the Council meeting on 11 January 2006

(a) Questions

(LC Paper No. CB(3) 249/05-06)

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

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

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

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

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

19. The Chairman said that at the last House Committee (HC) meeting, Members did not raise objection to the resumption of the Second Reading debate on the Bill.

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(ii) Civil Aviation (Amendment) Bill 2005

20. The Chairman said that the Bills Committee on the Bill had presented its report to HC on 9 December 2005. Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(d) Government motion

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

(e) 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) 245/05-06 dated 30 December 2005.)

22. The Chairman said that Mr Jasper TSANG, Chairman of the Committee on Rules of Procedure, would move a motion to amend the Rules of Procedure regarding oral questions asked at Council meetings. The proposed amendments had been agreed to by HC at the last meeting.

(ii) 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.)

(iii) 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.)

23. The Chairman said that the above motions would be moved by Mr Howard YOUNG and Mr WONG Kwok-hing respectively.

VI. The Chief Executive's Question and Answer Session on 12 January 2006

24. The Chairman said that the Chief Executive (CE)'s Question and Answer Session would start at 3:00 pm. As CE had earlier agreed, such Sessions would last for one and a half hours. The Chairman invited Members to give suggestions on topics which they would like CE to cover.

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25. Ms Emily LAU said that she would raise the issue of constitutional reform.

26. Dr LUI Ming-wah suggested that CE should brief Members on his economic policy.

27. Mr WONG Kwok-hing suggested that CE should also brief Members on his recent duty visit to Beijing.

28. The Chairman said that she would convey Members' suggestions to CS at their meeting on Monday.

VII. Business for the Council meeting on 18 January 2006

(a) Questions

(LC Paper No. CB(3) 250/05-06)

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

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

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

(c) Government motion

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

(d) Members' motions

(i) Motion on "Reducing the workload of and mental stress on teachers"

(Wording of the motion issued vide LC Paper No. CB(3) 256/05-06 dated 5 January 2006.)

32. The Chairman said that the above motion would be moved by Mr MA Lik and the wording of the motion had been issued to Members.

(ii) Motion to be moved by Hon Vincent FANG Kang

(Wording of the motion issued vide LC Paper No. CB(3) 258/05-06 dated 5 January 2006.)

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33. The Chairman said that the subject of the motion to be moved by Mr Vincent FANG was “Assisting in the transformation of enterprises which ceased operation due to the Government’s new policies”, and the wording of the motion had just been issued to Members.

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

VIII. Report of Bills Committees and subcommittees

Report of the Subcommittee on West Kowloon Cultural District Development on Phase II Study

35. Mr Alan LEONG, Chairman of the Subcommittee, said that the Report of the Subcommittee on Phase II Study had just been issued to Members before the HC meeting at 1:00 pm. Mr LEONG further said that the Subcommittee commenced its Phase II study on the West Kowloon Cultural District (WKCD) Development project in July 2005. The Subcommittee had met with various cultural and architectural professional bodies to receive their views. A delegation comprising five members of the Subcommittee visited Bilbao in Spain in September 2005 to learn from the country’s experience in the planning and implementation of the Abandoibarra project. The findings of the visit and the Phase II study of the Subcommittee were detailed in the Report.

36. Mr LEONG summarised the conclusions of the Subcommittee as follows –

- (a) the Administration did not have an integrated and coordinated approach in the planning of WKCD; and
- (b) the Administration’s modified approach in the new way forward failed to address public concerns, as it could not resolve many of the problems outlined in the Phase I Report of the Subcommittee.

37. Mr LEONG further said that the Subcommittee had recommended that the Administration should take the following actions –

- (a) adopt an integrated and coordinated approach in the planning of West Kowloon Reclamation (WKR);
- (b) refine the mode of development by separating the cultural and non-cultural components of WKR;

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- (c) enter into partnership with the private sector in the management of arts and cultural facilities and review current management styles of the Leisure and Cultural Services Department;
- (d) immediately establish a statutory body to spearhead WKCD;
- (e) set up consultation panels to conduct structured public consultation; and
- (f) remove the Canopy as a mandatory component of WKCD development.

38. Mr LEONG pointed out that the Subcommittee had invited CS to attend its meeting in September 2005. The Administration had replied at that time that it would study the Phase II Report and formulate more detailed proposals on the establishment of an independent statutory body before meeting with the Subcommittee. Mr LEONG added that he intended to invite CS to a meeting of the Subcommittee to provide a response to its Phase II Report, after HC had discussed the Report.

39. Mr LEONG thanked members of the Subcommittee for their participation in the Phase II study. He also thanked the LegCo Secretariat for the assistance provided to the Subcommittee.

40. The Chairman said that as the Report was only issued to Members just before the HC meeting, discussion on the Report would be held at the next HC meeting on 13 January 2006.

IX. Position on Bills Committees/subcommittees

(LC Paper No. CB(2) 781/05-06)

41. The Chairman said that there were 12 Bills Committees and five subcommittees in action.

X. Report on the visit to the Pearl River Delta by the Panel on Transport

(LC Paper No. CB(1) 637/05-06)

42. Mr LAU Kong-wah, Chairman of the Panel, said that the Panel visited the Pearl River Delta on 5 and 6 December 2005, and a report was now provided for Members' reference. Mr LAU thanked the Standing Committee of the Guangdong Provincial People's Congress and the LegCo Secretariat for their assistance in organising the visit.

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XI. Proposal of holding an additional Council meeting in the 2005-2006 session

(Letter dated 15 December 2005 from Hon Albert Jinghan CHENG to the Chairman of the House Committee (LC Paper No. CB(2) 793/05-06(01))

43. Referring to his letter, Mr Albert CHENG said that he had originally proposed that an additional Council meeting should be held in the current session. However, after discussion with some Members, he now wished to propose that three debates on Members' motions with no legislative effect should be scheduled for each of two future Council meetings. Members supported this proposal.

44. The Chairman said that the LegCo Secretariat would make the necessary arrangements. The Chairman added that the three debates should be held at those Council meetings at which there would be no resumption of Second Reading debates on bills.

XII. Arrangements for House Committee meetings

*(Letter dated 20 December 2005 from Hon Albert Jinghan CHENG to the Chairman of the House Committee (LC Paper No. CB(2) 793/05-06(02))
(LC Paper No. CB(2) 780/05-06)*

45. The Chairman said that Mr Albert CHENG had proposed that to enhance the efficient operation of HC, Finance Committee (FC) meetings should be held after HC meetings. The LegCo Secretariat had prepared a paper summarising past discussions on arrangements for HC and FC meetings. The Chairman added that if Members agreed to change the present meeting arrangements, FC would need to discuss the matter with the Administration.

46. Mr SIN Chung-kai and Mr LEE Wing-tat said that Members belonging to the Democratic Party supported Mr Albert CHENG's proposal of holding FC meetings after HC meetings. Mr SIN asked why it was necessary to discuss with the Administration, if the present arrangements were to be changed.

47. Assistant Secretary General 1 (ASG1) explained that Members had discussed a similar proposal of swapping the meeting time of FC and HC in 1995. At that time, there was concern that public officers attending FC meetings might have to wait for a long time because the ending time of HC meetings was uncertain. FC had then decided that its future meetings should continue to start at 2:30 pm but they should end at 4:30 pm sharp, so that HC meetings held in the same afternoon could start at 4:30 pm.

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48. ASG1 further said that HC meetings were relatively shorter nowadays. The LegCo Secretariat would discuss the detailed arrangements with the Administration, if Members decided that FC meetings should be held after HC meetings.

49. Mr James TIEN said that he had made a similar proposal in 2002. Mr TIEN pointed out that most of the HC meetings in the 2004-2005 session lasted for 30 minutes or less. Mr TIEN further said that HC meetings could start at 2:30 pm, while FC meetings could start at 3:00 pm. He did not envisage that public officers attending FC meetings would have to wait for a very long time. Mr TIEN added that Members belonging to the Liberal Party supported Mr CHENG's proposal of holding HC meetings before FC meetings.

50. Mrs Selina CHOW said that holding HC meetings before FC meetings was a better arrangement, as HC meetings were usually shorter than FC meetings. Mrs CHOW did not consider it necessary to seek the agreement of the Administration for the change, as meeting arrangements for LegCo committees should be determined by Members. Mrs CHOW further said that Panels and other committee meetings were sometimes scheduled to be held immediately after HC meetings, and public officers invited to these committee meetings did not have to wait too long. Mrs CHOW added that a mechanism should be worked out with the Administration regarding how public officers concerned would be advised in advance of the approximate starting time of the relevant FC meeting.

51. Mrs CHOW commented that for more efficient conduct of FC meetings, discussions at FC meetings should focus on the financial aspects, and not the policy aspects, of the proposals, as policy issues should be discussed by Panels.

52. Mr LAU Kong-wah said that Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) did not find any problem with the existing arrangements for meetings of FC and HC. Mr LAU further said that Members belonging to DAB considered that government business should take priority over in-house matters. They did not see any particular strong reason or urgent need to change the existing meeting arrangements for FC and HC.

53. Ms Emily LAU, Chairman of FC, said that she did not have any strong views on the proposed meeting arrangements for HC and FC, and she would go along with the majority view. Ms LAU added that if FC meetings were to be held after the HC meetings, the public officers concerned should be informed of the starting time of the FC meeting in advance.

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54. Ms LAU further said that if any Member considered that the comments or questions raised by another Member were outside the scope of the funding proposal under consideration, she welcomed the Member to point this out to her at the meeting.

55. Mr LEUNG Kwok-hung said that LegCo was an autonomous body and had authority to determine its own meeting arrangements. If Members decided to change the meeting time of FC, the Secretariat should simply inform the Administration of the change. Mr LEUNG added that it was the duty of public officers to attend LegCo committee meetings to answer Members' questions, and he was not concerned about the waiting time of public officers attending committee meetings.

56. Mr LEUNG further said that approving public expenditure was an important function of LegCo. Members had the responsibility to examine funding proposals carefully, and should be allowed sufficient time to ask questions and express their views at FC meetings. Mr LEUNG added that Members should not undermine the effective discharging of their duty of monitoring government expenditure.

57. Mrs Selina CHOW said that Members should be allowed to freely express their views at committee meetings. However, to ensure the effective use of meeting time and smooth operation of LegCo committees, Members should avoid raising issues which were outside the scope of the item under discussion or the terms of reference of the relevant committee.

58. Ir Dr Raymond HO said that Members belonging to The Alliance supported Mr Albert CHENG's proposal that FC meetings should be held after HC meetings, as most of HC meetings lasted for 30 minutes or less. Dr HO suggested that to avoid public officers having to wait too long for their turn, the Chairman of FC could arrange to place the straightforward items before the controversial ones on the agenda of FC meetings.

59. Ms Emily LAU said that under the existing arrangement, the agenda of FC meetings was proposed by the Administration. If Dr HO's proposal was to be adopted, the Chairman of FC would have to examine the FC agenda items one by one to determine whether they were straightforward or controversial, and then alter the order of the items accordingly.

60. The Chairman suggested that the detailed arrangements for FC agenda items should be discussed by FC.

61. Dr Philip WONG agreed to the proposal of holding FC meetings after HC meetings. Dr WONG said that sometimes HC might need to hold longer meetings to discuss special items. On these occasions, the HC meeting could

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be suspended after discussion of the routine items. The FC meeting would then be held, and the HC meeting would resume after the FC meeting to continue discussion of the special items.

62. The Chairman and Ms Emily LAU considered that there would be difficulties in implementing Dr Philip WONG's suggestion.

63. Ms Emily LAU asked whether it was still necessary to limit the duration of FC meetings to two hours, if FC meetings were to be held after HC meetings.

64. Mr SIN Chung-kai suggested that HC meetings should start at 2:30 pm, and FC meetings could be held from about 3:00 pm to 6:00 pm to allow sufficient time for Members to raise questions.

65. Mr LAU Kong-wah said that at the FC meetings held so far, there was sufficient time for Members to raise questions or express their views. Mr LAU preferred maintaining the two-hour meeting time for FC meetings, if they were to be held after HC meetings.

66. Ms Margaret NG said that FC should not be compelled to complete discussion of all items on the agenda at a particular meeting, as additional meetings could always be arranged. However, the Chairman of FC should have the discretion to extend the ending time of a FC meeting beyond two hours to deal with any time-critical proposal which could not be deferred.

67. ASG1 said that FC meetings had to end at 4:30 pm sharp, in order that HC meetings could start at 4:30 pm. ASG1 further said that the arrangements for extension of meetings under rule 24A of the House Rules did not apply to FC meetings. If the meeting arrangements for FC and HC were to be changed, the LegCo Secretariat would need to review the relevant rules and procedures. The Secretariat would also take into account Members' views on the ending time of FC meetings in this review.

68. Mr Albert CHAN said that FC meetings had to end at or before 4:30 pm because HC meetings had to be held immediately after FC meetings. If HC meetings were to be held before FC meetings, such a restriction would no longer be necessary. Mr CHAN added that it was in the public interest for FC to have flexibility to extend the ending time of its meetings, particularly if the items under discussion were time-critical financial proposals.

69. Mr James TIEN agreed that the relevant rules and procedures should be reviewed and amended, if necessary, to implement the change in the meeting arrangements for FC and HC.

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70. The Chairman concluded that most Members agreed that HC meetings should be held before FC meetings, if both meetings were scheduled to be held in the same afternoon. The Chairman requested the LegCo Secretariat to follow up the matter, including discussing the detailed arrangements with the Administration and reviewing the relevant rules and procedures.

XIII. Any other business

71. There being no other business, the meeting ended at 3:25 pm.

Council Business Division 2
Legislative Council Secretariat
11 January 2006