

立法會
Legislative Council

LC Paper No. CB(2) 936/05-06

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House Committee of the Legislative Council

**Minutes of the 11th meeting
held in the Legislative Council Chamber
at 4:35 pm on Friday, 13 January 2006**

Members present :

Hon Miriam LAU Kin-ye, GBS, JP (Chairman)
Hon Fred LI Wah-ming, JP (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP
Hon LEE Cheuk-yan
Hon Martin LEE Chu-ming, SC, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
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
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 Kong-wah, JP
Hon LAU Wong-fat, GBM, GBS, 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 Tommy CHEUNG Yu-yan, JP
Hon Albert CHAN Wai-yip
Hon Frederick FUNG Kin-kee, JP

Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mrs Vivian KAM	Principal Council Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Miss Odelia LEUNG	Chief Council Secretary (1)4
Mrs Constance LI	Chief Council Secretary (2)5
Mrs Betty LEUNG	Chief Council Secretary (3)1
Mr Stephen LAM	Assistant Legal Adviser 4
Miss Lolita SHEK	Senior Council Secretary (2)7

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I. Confirmation of the minutes of the 10th meeting held on 6 January 2006
(*LC Paper No. CB(2) 831/04-05*)

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 reminded CS again that bills should be introduced as soon as possible, so as to avoid bunching. She had also relayed to CS Mr Martin LEE's remark that Members would refuse to be rushed into completing the scrutiny process within a tight timeframe.

3. The Chairman further said that CS had replied that as in the past, the Administration's Legislative Programme would be reviewed in the middle of the session, and Members would be notified of the result of the review. The total number of bills to be introduced within the current session was unlikely to be 23, as was stated in the present Legislative Programme. The Chairman added that CS recognised that the Legislative Council (LegCo) had the constitutional responsibility to examine proposed legislation in detail.

Arrangements for House Committee (HC) meetings

4. The Chairman said that she had informed CS that Members had agreed to hold Finance Committee (FC) meetings after HC meetings, and details would be worked out by the Secretariat. CS had indicated that the new arrangements would pose problems to the Administration. The Chairman added that Ms Emily LAU, Chairman of FC, had discussed the matter with the Financial Services and Treasury Bureau (FSTB).

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5. Ms Emily LAU said that she had discussed the new arrangements with the officers concerned of FSTB on 11 January 2006. They had indicated that the new arrangements would pose problems because the ending time of HC meetings was uncertain and public officers attending FC meetings might have to wait for a long time. Ms LAU added that the Administration had agreed to further consider the matter and provide a written response.

6. Mr James TIEN said that the Chairman of HC should inform the Administration in writing that Members had decided to change the existing arrangements for meetings of HC and FC. Mr TIEN stressed that it was for Members to determine the meeting arrangements of LegCo committees. He expressed concern that the implementation of the new meeting arrangements would be delayed, if the Administration did not provide a written response promptly.

7. The Chairman said that at their meeting on Monday, she had already informed CS of Members' decision to hold FC meetings after HC meetings.

8. Mr LEE Wing-tat said that LegCo was an autonomous body, and it was for Members to determine the meeting arrangements of LegCo committees. However, he did not object to discussing the meeting arrangements with the Administration as a matter of courtesy. Mr LEE suggested that a deadline should be set for the Administration to respond.

9. Ms Emily LAU suggested that the Chairman should explain to CS that Members strongly wished to hold HC meetings before FC meetings, and it was for Members to determine the meeting arrangements of LegCo committees. She further suggested that the Chairman should assure the Administration that appropriate arrangements would be made to ensure that public officers attending FC meetings would not have to wait too long.

10. The Chairman said that she would raise the matter with CS again at their next meeting, and request the Administration to respond in writing within one to two weeks.

(b) **Road Traffic (Traffic Control) (Designation of Prohibited and Restricted Zones) (Amendment) Notice 2005**

(Paragraphs 8 to 11 of the minutes of the 10th House Committee meeting on 6 January 2006)

[Previous paper:

LC Paper No. LS 18/05-06 issued vide LC Paper No. CB(2) 808/05-06 dated 5 January 2006]

11. The Chairman said that she had written to the Airport Authority (AA) to seek clarification on the two points raised by Mr James TO at the last meeting,

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and AA had provided a reply. The Chairman further said that AA had stated in its reply that it fully respected the powers and functions of LegCo, and it would tighten up its internal procedures to better manage its airport projects in future.

12. Mr LEE Wing-tat said that as AA's reply was only received on Thursday, Mr James TO needed more time to study the reply.

13. The Chairman reminded Members that the deadline for amending the Notice was 18 January 2006. If Members considered it necessary to extend the scrutiny period to 8 February 2006, the deadline for giving notice of such a motion was 13 January 2006.

14. Mr CHAN Kam-lam said that any Member who had concerns about an item of subsidiary legislation should attend the relevant meeting to express his views. HC should not defer its decision because the Member was unable to attend the meeting. Mr CHAN did not consider it necessary to set up a subcommittee to study the Notice.

15. The Chairman said that the points raised by Mr James TO were related to the procedural aspect and not the content of the Notice. If Members did not consider it necessary to set up a subcommittee to study the Notice, there was no point in extending the scrutiny period.

16. Mr Howard YOUNG and Mrs Selina CHOW concurred with the Chairman. They did not consider it necessary to set up a subcommittee to examine the Notice or extend the scrutiny period of the Notice.

17. Mr LEE Wing-tat explained that he had no intention to delay the scrutiny of the Notice, which had already come into operation. He agreed that it was not necessary to extend the scrutiny period, and the concern about the legislative aspect of the Notice should be followed up in an appropriate forum.

18. The Chairman concluded that it was not necessary to set up a subcommittee to study the Notice or extend the scrutiny period. The Chairman added that the concern about the legislative aspect of the Notice could be followed up by the relevant Panel.

(c) **Report of the Subcommittee on West Kowloon Cultural District Development on Phase II Study**

19. The Chairman said that at the last HC meeting, Members agreed to discuss the Phase II Study Report of the Subcommittee at this meeting.

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20. Ms Emily LAU expressed dissatisfaction with the Administration's response to the Report on 6 January 2006. Ms LAU said that the Subcommittee had devoted a lot of time and efforts to writing the Report which reflected the views of the public on the West Kowloon Cultural District (WKCD) project. It was inappropriate for the Administration to brush aside the Subcommittee's recommendations, and simply provide a response through the media and not to Members. Ms LAU suggested that a motion on the Report should be moved for debate at a Council meeting as soon as possible, preferably before the Chinese New Year.

21. Mr LEE Wing-tat said that it was the practice for LegCo to hold debates on important reports of LegCo committees, such as the report of a select committee, and the debate slot would not be counted as the own slot of the mover of the motion. Mr LEE further said that a debate should be held on the Report of the Subcommittee to let the public and the Administration know the majority view of LegCo on the WKCD project. Mr LEE added that as there would be difficulties in holding the debate before the Chinese New Year, the debate could be held at the first Council meeting in February 2006.

22. Ms Margaret NG agreed that a motion debate should be held on the Report. Ms NG said that many deputations had given their views on the project, which were summarised in the Compendium attached to the Report. Ms NG noted from CS's response and media reports that there were misinterpretations of the Subcommittee's recommendations. A debate on the Report would enable the public to better understand Members' views on the project, and provide an opportunity for the Administration respond to the Report.

23. Dr YEUNG Sum expressed support for a motion debate to be held on the Report.

24. Mr Ronny TONG said that so far, the Administration had only provided a response to the report through the media. The Subcommittee should invite the Administration to provide a response at a meeting.

25. The Chairman said that the Report would be forwarded to the Administration for consideration after this meeting. The Chairman added that at the last HC meeting, Mr Alan LEONG, Chairman of the Subcommittee, had informed Members that CS would be invited to a meeting of the Subcommittee to respond to the Report.

26. Ir Dr Raymond HO said that in its response provided to the media, the Administration had said that the recommendations in the Report deviated substantially from the original concept of the Government in developing WKCD. Ir Dr HO supported inviting CS to a meeting of the Subcommittee

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as soon as possible. Ir Dr HO also supported holding a debate on the Report at a Council meeting, to enable the public to better understand the views of the various political parties on the WKCD project.

27. Mr LAU Kong-wah agreed that the debate on the Report should be held after the Subcommittee had met with CS.

28. Ms CHAN Yuen-han said that the Subcommittee's Report also reflected the views of the public on the WKCD project, and the Administration should consider such views. She agreed that a motion debate on the Report should be held.

29. Mrs Selina CHOW agreed that the Report should be forwarded to the Administration for a formal response, and a debate on the Report should be held at a Council meeting to enable Members to express their views. Mrs CHOW said that as the screened-in proponents were required to provide a response to the Administration's modified approach for the WKCD project by end of January 2006, the debate on the Report should be held after the deadline so that Members could take into account the new developments.

30. Mr Abraham SHEK said that the debate on the Report should be held before 31 January 2006, so that the screen-in proponents could take into consideration the views of Members before they responded to the Government's modified approach for the WKCD project. Mr SHEK explained that while the screen-in proponents had access to the Report, the debate would enable these proponents to know more clearly the respective stance of individual Members as well as the various political parties and groupings on the project, before they responded to the Government.

31. The Chairman said that the Council meeting on 18 January 2006 was the last Council meeting in January 2006 before the Chinese New Year holidays. The earliest possible time for holding the debate on the Report was the Council meeting on 8 February 2006, and the deadline for giving notice of the motion was 20 January 2006.

32. Mr LAU Kong-wah said that the screen-in proponents could have access to the Report which was available on the LegCo website. Individual Members as well as the various political parties and groupings had also expressed their views on the project in the past. Mr LAU considered that the debate on the Report should be held after Members had listened to the Administration's response to the Report.

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33. Mr Alan LEONG, Chairman of the Subcommittee, said that the Administration's initial response to the Report was disappointing. He agreed that CS should be invited to a meeting of the Subcommittee before the debate at the Council meeting on 8 February 2006.

34. Assistant Secretary General 1 said that the LegCo Secretariat would assist in drafting the wording of the motion, and make arrangements for CS to attend a meeting of the Subcommittee before 8 February 2006.

35. The Chairman concluded that Members agreed that Mr Alan LEONG, as Chairman of the Subcommittee, would move a motion on the Report for debate at the Council meeting on 8 February 2006, and the debate slot would not be counted as his own slot.

36. The Chairman proposed that as there would be three debates on Members' motions on 8 February 2006, the debate on the Report would take place before the debates on the other two individual Members' motions. Members agreed.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 6 January 2006 and tabled in Council on 11 January 2006

(LC Paper No. LS 22/05-06)

37. The Chairman said that seven items of subsidiary legislation, including one Commencement Notice, were gazetted on 6 January 2006 and tabled in Council on 11 January 2006.

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

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

IV. Senior judicial appointment

(Director of Administration's letter dated 6 January 2006 to the Chairman of the House Committee issued to Members on 6 January 2006)

40. Referring to the Director of Administration's letter issued to Members on 6 January 2006, the Chairman said that the Chief Executive had accepted the recommendation of the Judicial Officers Recommendation Commission on

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the appointment of two non-permanent judges to the Court of Final Appeal (CFA), subject to LegCo's endorsement. In accordance with the procedure for endorsement of appointment of judges recommended by the Panel on Administration of Justice and Legal Services and endorsed by HC on 16 May 2003, it was for HC to decide whether or not to form a subcommittee to consider the recommended appointments.

41. The Chairman further said that if a subcommittee was formed to consider the recommended appointments, the Administration would give notice of the motion, after the subcommittee had reported its deliberation to HC, to seek the endorsement of LegCo of the recommended appointments. If no subcommittee was formed, the Administration would proceed to give notice of the motion.

42. Ms Margaret NG said that a subcommittee was formed to consider similar appointments in the past. She suggested that a subcommittee should be formed, as the appointment of the two non-permanent judges to CFA, although not controversial, was an important matter.

43. The Chairman proposed that a subcommittee be formed to consider the recommended appointments. Members agreed. The following Members agreed to join: Ms Margaret NG, Mr James TO (as advised by Mr LEE Wing-tat), Ms Miriam LAU, Ms Audrey EU and Mr LI Kwok-ying (as advised by Mr LAU Kong-wah).

V. Position on Bills Committees/subcommittees

(LC Paper No. CB(2) 836/05-06)

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

VI. Any other business

45. The Chairman said that the next HC meeting would be held on 3 February 2006, after the Chinese New Year holidays.

46. There being no other business, the meeting ended at 5:05 pm.