

立法會
Legislative Council

LC Paper No. CB(2) 1040/05-06

Ref : CB2/H/5/05

House Committee of the Legislative Council

**Minutes of the 12th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 3 February 2006**

Members present :

Hon Miriam LAU Kin-yee, GBS, JP (Chairman)

Hon Fred LI Wah-ming, JP (Deputy Chairman)

Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP

Hon Martin LEE Chu-ming, SC, JP

Hon Margaret NG

Hon CHAN Yuen-han, JP

Hon CHAN Kam-lam, SBS, JP

Hon LEUNG Yiu-chung

Hon SIN Chung-kai, JP

Hon WONG Yung-kan, JP

Hon Jasper TSANG Yok-sing, GBS, JP

Hon LAU Kong-wah, JP

Hon Emily LAU Wai-hing, JP

Hon CHOY So-yuk, JP

Hon Andrew CHENG Kar-foo

Hon TAM Yiu-chung, GBS, JP

Hon LI Fung-ying, BBS, JP

Hon Albert CHAN Wai-yip

Hon Frederick FUNG Kin-kee, JP

Hon WONG Kwok-hing, MH

Hon LEE Wing-tat

Hon LI Kwok-ying, MH

Dr Hon Joseph LEE Kok-long

Hon Daniel LAM Wai-keung, BBS, JP

Hon MA Lik, GBS, JP

Hon Alan LEONG Kah-kit, SC

Hon LEUNG Kwok-hung

Dr Hon Fernando CHEUNG Chiu-hung

Hon CHEUNG Hok-ming, SBS, JP

Hon WONG Ting-kwong, BBS

Hon Ronny TONG Ka-wah, SC

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 Odelia LEUNG	Chief Council Secretary (1)4
Mrs Constance LI	Chief Council Secretary (2)5
Miss Anita HO	Assistant Legal Adviser 2
Miss Kitty CHENG	Assistant Legal Adviser 5
Miss Lolita SHEK	Senior Council Secretary (2)7

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I. Confirmation of the minutes of the 11th meeting held on 13 January 2006
(LC Paper No. CB(2) 936/05-06)

The minutes were confirmed.

II. Matters arising

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

Arrangements for House Committee (HC) and Finance Committee (FC) meetings

2. The Chairman said that the Administration's letter stating its position on Members' decision to swap the time slots for FC and HC meetings had been issued to Members. The Administration had indicated that there would be practical difficulties coping with the new arrangement, as official representatives attending FC meetings might have to stand by as from 2:30 pm.

3. The Chairman added that the letter would be discussed at the FC meeting on 3 March 2006, before HC further considered the matter.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 13 January 2006 and tabled in Council on 18 January 2006
(LC Paper No. LS 23/05-06)

4. The Chairman said that seven items of subsidiary legislation, including two Commencement Notices, were gazetted on 13 January 2006 and tabled in Council on 18 January 2006.

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

6. The Chairman reminded Members that the deadline for amending these seven items of subsidiary legislation was 15 February 2006, or 8 March 2006 if extended by resolution.

IV. Legal Service Division report on subsidiary legislation gazetted on 20 January 2006

(LC Paper No. LS 26/05-06)

7. The Chairman said that only one item of subsidiary legislation, i.e. the Undesirable Medical Advertisements (Amendment) Ordinance 2005 (Commencement) Notice 2006, was gazetted on 20 January 2006. The Chairman added that the Notice would be tabled in Council on 8 February 2006.

8. The Chairman further said that by this Notice, the Secretary for Health, Welfare and Food appointed 20 January 2006, which was the date of gazettal, as the day on which sections 1, 9 and 11 of and the Schedule to the Amendment Ordinance were to come into operation.

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

10. The Chairman reminded Members that the deadline for amending this item of subsidiary legislation was 8 March 2006, or 29 March 2006 if extended by resolution.

V. Further report by the Legal Service Division on St. Stephen's College Incorporation (Change of Name of the Council of St. Stephen's College and General Amendments) Bill 2005

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

[Previous papers:

LC Paper No. LS 11/05-06 issued vide LC Paper No. CB(2) 567/05-06 dated 1 December 2005; and

Paragraph 5 of the minutes of the 7th House Committee meeting on 2 December 2005 (LC Paper No. CB(2) 592/05-06) issued vide LC Paper No. CB(2) 629/05-06 dated 7 December 2005]

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11. The Legal Adviser said that the Legal Service Division had raised some technical issues with the Administration. The Administration had accepted the Division's advice and would move Committee Stage amendments to the Bill. The Legal Adviser further said that subject to Members' views, the Bill was ready for resumption of Second Reading debate.

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

VI. Business for the Council meeting on 8 February 2006

(a) Questions

(LC Paper No. CB(3) 294/05-06)

13. 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

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) Motion on "Reports of the Subcommittee on West Kowloon Cultural District Development"

(Wording of the motion issued vide LC Paper No. CB(3) 293/05-06 dated 20 January 2006.)

16. The Chairman said that the above motion would be moved by Mr Alan LEONG, Chairman of the Subcommittee on West Kowloon Cultural District Development, and the wording of the motion had been issued to Members. The Chairman asked Mr Alan LEONG whether the Subcommittee had any recommendation regarding the speaking time limits for the motion debate.

17. Mr Alan LEONG said that the Subcommittee had discussed the matter at its meeting on 3 February 2006. The Subcommittee agreed that the speaking time limits stipulated in rule 17(b) of the House Rules should apply.

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- (ii) **Motion on “Improving the notification mechanism for contamination of potable water supply to Hong Kong and enhancing coordination in the supply of potable water to Hong Kong”**

(Wording of the motion issued vide LC Paper No. CB(3) 302/05-06 dated 25 January 2006.)

- (iii) **Motion on “Policy on public service broadcasting”**

(Wording of the motion issued vide LC Paper No. CB(3) 299/05-06 dated 24 January 2006.)

18. The Chairman said that the above motions would be moved by Mr Albert CHENG and Ms Audrey EU respectively, and the wording of the motions had been issued to Members.

VII. Business for the Council meeting on 15 February 2006

- (a) **Questions**

(LC Paper No. CB(3) 295/05-06)

19. 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**

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

- (c) **Government motion**

Proposed resolution to be moved by the Secretary for Health, Welfare and Food under the Pharmacy and Poisons Ordinance relating to:

- (i) **the Pharmacy and Poisons (Amendment) Regulation 2006;**
and

- (ii) **the Poisons List (Amendment) Regulation 2006**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 301/05-06 dated 25 January 2006.)

(LC Paper No. LS 28/05-06)

21. The Chairman said that the proposed resolution sought LegCo’s approval of the Pharmacy and Poisons (Amendment) Regulation 2006 and the

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Poisons List (Amendment) Regulation 2006. The Chairman further said that the two Amendment Regulations sought to add five new substances to Part I of the Poisons List in the Schedule to the Poisons List Regulations, and the First and Third Schedules to the Pharmacy and Poisons Regulations.

22. Members did not raise objection to the Secretary for Health, Welfare and Food moving the proposed resolution at the Council meeting on 15 February 2006.

(d) Members' motions

- (i) Motion to be moved by Hon Frederick FUNG Kin-kee**
(Wording of the motion issued vide LC Paper No. CB(3) 314/05-06 dated 3 February 2006.)

23. The Chairman said that the subject of the motion to be moved by Mr Frederick FUNG was "Implementing the recommendations in the Report on Working Poverty by the Subcommittee to Study the Subject of Combating Poverty", and the wording of the motion had just been issued to Members.

24. Mr Frederick FUNG, Chairman of the Subcommittee to Study the Subject of Combating Poverty, said that the Report would be presented to HC at its next meeting on 10 February 2006. Mr FUNG further said that the Report would be issued on 6 February 2006 so that Members would have time to study the Report before the deadline for giving notice of amendment to the motion on 8 February 2006.

25. Mr FUNG explained that he had hoped that a debate on the Report could be held at the Council meeting on 15 February 2006, immediately after HC had considered the Report. He had therefore applied for and was allocated a debate slot at that Council meeting as an individual Member. Mr FUNG added that as members of the Subcommittee were from various political parties and groupings, and the Report had been endorsed by the Subcommittee, he did not foresee that there would be much controversy over the contents of the Report.

- (ii) Motion to be moved by Hon Albert CHAN Wai-yip**
(Wording of the motion issued vide LC Paper No. CB(3) 316/05-06 dated 3 February 2006.)

26. The Chairman said that the subject of the motion to be moved by Mr Albert CHAN was "Opening up the electricity market", and the wording of the motion had just been issued to Members.

(iii) Motion to be moved by Hon SIN Chung-kai

(Wording of the motion issued vide LC Paper No. CB(3) 313/05-06 dated 2 February 2006.)

27. The Chairman said that the subject of the motion to be moved by Mr SIN Chung-kai was “Reducing the salaries tax”, and the wording of the motion had just been issued to Members.

28. The Chairman further said that at the HC meeting on 6 January 2006, Members agreed that three debates on Members’ motions with no legislative effect should be scheduled for each of two future Council meetings. The Chairman added that as it was anticipated that no Second Reading debate on bills that might bring about a lengthy discussion would be resumed at the Council meeting of 15 February 2006, three debates on Members’ motions had been scheduled for the meeting.

29. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 8 February 2006.

VIII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 986/05-06)

30. The Chairman said that that there were 12 Bills Committees and six subcommittees under HC in action.

IX. Report of the Panel on Health Services on its duty visit to study the experience of Thailand, Norway and Ireland in the implementation of anti-smoking measures

(LC Paper No. CB(2) 985/05-06)

31. Mr Andrew CHENG, leader of the delegation, said that he and two other members of the Panel on Health Services visited Thailand, Norway and Ireland from 10 to 20 August 2005 to study the experience of these countries in the implementation of anti-smoking measures. Mr CHENG further said that the respective experiences of these countries in implementing the smoking ban served as very useful reference for Members in considering the Smoking (Public Health) (Amendment) Bill 2005.

32. Mr CHENG pointed out that the strong support of the public and trade unions was crucial to the successful implementation of the smoking ban in Ireland and Norway. Mr CHENG further pointed out that the supervising authorities in both countries could impose fines on owners of workplaces who failed to comply with the smoking ban, which was an effective means of

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putting pressure on owners to ensure compliance with the smoking ban in their premises.

33. Mr CHENG added that Mr Tommy CHEUNG, a member of the delegation, considered that it was too early to conclude that the introduction of the smoking ban in these countries was successful. Mr CHEUNG was of the view that the smoking ban had adversely affected the business of the restaurants and bars in these countries.

34. Ms Emily LAU asked whether the smoking ban had been implemented by stages in these three countries, and whether the restaurants and bars were located on the ground floor or on the upper floors in high-rise buildings.

35. Referring to paragraph 5.1 of the Report, Mr Andrew CHENG said that Thailand had yet to implement a complete smoking ban, while Norway and Ireland were able to introduce a complete smoking ban in nearly all indoor workplaces within a very short time.

36. Mr CHENG further said that most of the bars in Ireland and Norway were located on the ground floor. He added that even though the business of those bars located on the upper floors had been more affected by the smoking ban than those located on the ground floor, the owners concerned still supported the ban because of the strong support from the trade unions.

37. Mr CHENG pointed out that Hong Kong was different from the three countries in many aspects, e.g. most of the bars in Hong Kong were located on the upper floors. He added that the Bills Committee on the Smoking (Public Health) (Amendment) Bill 2005 would listen to the views of the relevant trades and industries again at its next meeting on 7 February 2006.

X. Any other business

38. There being no other business, the meeting ended at 2:50 pm.