

立法會
Legislative Council

LC Paper No. CB(2) 1193/05-06

Ref : CB2/H/5/05

House Committee of the Legislative Council

**Minutes of the 14th meeting
held in the Legislative Council Chamber
at 4:54 pm on Friday, 17 February 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
Dr Hon LUI Ming-wah, SBS, JP
Hon Margaret NG
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 SIN Chung-kai, JP
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 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 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 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 Ronny TONG Ka-wah, SC
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
Hon Martin LEE Chu-ming, SC, JP
Dr Hon David LI Kwok-po, GBS, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon LEUNG Yiu-chung
Dr Hon Philip WONG Yu-hong, GBS
Hon LAU Wong-fat, GBM, GBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon WONG Kwok-hing, MH
Hon Daniel LAM Wai-keung, BBS, JP
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS

Clerk in attendance :

Mrs Justina LAM Clerk to the House Committee

Staff in attendance :

Mr Ricky C C FUNG, JP	Secretary General
Mr Arthur CHEUNG	Acting Legal Adviser
Ms Pauline NG	Assistant Secretary General 1
Mr LEE Yu-sung	Senior Assistant Legal Adviser 1

Mrs Vivian KAM	Principal Council Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Miss Becky YU	Chief Council Secretary (1)1
Mrs Constance LI	Chief Council Secretary (2)5
Mrs Betty LEUNG	Chief Council Secretary (3)1
Ms Bernice WONG	Assistant Legal Adviser 1
Miss Anita HO	Assistant Legal Adviser 2
Ms Connie FUNG	Assistant Legal Adviser 3
Miss Monna LAI	Assistant Legal Adviser 7
Mrs Mary TANG	Senior Council Secretary (1)2
Miss Lolita SHEK	Senior Council Secretary (2)7

Action

I. Confirmation of the minutes of the 13th meeting held on 10 February 2006
(LC Paper No. CB(2) 1118/05-06)

The minutes were confirmed.

II. Matters arising

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

2. The Chairman said that there was nothing special to report.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 10 February 2006 and tabled in Council on 15 February 2006
(LC Paper No. LS 34/05-06)

3. The Chairman said that the Legal Aid (Assessment of Resources and Contributions) (Amendment) Regulation 2005 (Commencement) Notice and the Legal Aid (Charge on Property) (Rate of Interest) Regulation (Commencement) Notice were gazetted on 10 February 2006 and tabled in the Legislative Council (LegCo) on 15 February 2006.

4. In response to Ms Margaret NG's enquiry, Acting Legal Adviser said that the Panel on Administration of Justice and Legal Services had considered the relevant legislative proposals at its meeting in July 2003.

5. The Chairman said that Members had not raised any queries on the two Regulations at the House Committee meeting on 6 January 2006.

Action

6. The Chairman reminded Members that the deadline for amending these two items of subsidiary legislation was 8 March 2006, or 26 April 2006 if extended by resolution.

IV. Business for the Council meeting on 1 March 2006

(a) **Questions**

(LC Paper No. CB(3) 340/05-06)

7. 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**

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

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

Revenue (Profits Tax Exemption for Offshore Funds) Bill 2005

9. 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 motions**

(i) **Three proposed resolutions to be moved by the Secretary for the Environment, Transport and Works (SETW) under the Public Bus Services Ordinance**

(Wording of the proposed resolutions issued vide LC Paper No. CB(3) 333/05-06 dated 13 February 2006.)

(LC Paper No. LS 33/05-06)

10. Acting Legal Adviser explained that the purpose of the three proposed resolutions was to seek LegCo's approval to exclude the application of the profit control scheme to the new franchises granted by the Chief Executive in Council on 10 January 2006 to Citybus Limited (Hong Kong Island and cross-harbour routes), New Lantao Bus Company (1973) Limited, and Kowloon Motor Bus Company (1933) Limited.

11. Acting Legal Adviser added that the Administration had briefed the Panel on Transport on the proposed modified approach for considering bus fare adjustments at its meeting on 17 November 2005.

Action

12. Members did not raise objection to SETW moving the proposed resolutions at the Council meeting on 1 March 2006.

(ii) **Proposed resolution to be moved by the Secretary for Financial Services and the Treasury (SFST) under the Public Finance Ordinance**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 325/05-06 dated 8 February 2006.)

(LC Paper No. LS 31/05-06)

13. The Chairman said that the purpose of the proposed resolution was to seek funds on account to enable the Government to carry on existing services between the start of the financial year on 1 April 2006 and the enactment of the Appropriation Ordinance 2006.

14. The Chairman further said that the amount sought this year was \$55,884,844,000, which was slightly less than that of last year.

15. Members did not raise objection to SFST moving the proposed resolution at the Council meeting on 1 March 2006.

(e) **Members' motions**

(i) **Motion to be moved by Hon Emily LAU Wai-hing**

(Wording of the motion issued vide LC Paper No. CB(3) 356/05-06 dated 17 February 2006.)

16. The Chairman said that the subject of the motion to be moved by Ms Emily LAU was "Implementing the recommendations of the United Nations Human Rights Committee", and the wording of the motion had just been issued to Members.

(ii) **Motion to be moved by Hon CHEUNG Hok-ming**

(Wording of the motion issued vide LC Paper No. CB(3) 353/05-06 dated 16 February 2006.)

17. The Chairman said that the subject of the motion to be moved by Mr CHEUNG Hok-ming was "Developing planning for Lantau", and the wording of the motion had just been issued to Members.

18. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 22 February 2006.

V. Report of Bills Committees and subcommittees

**Report of the Bills Committee on Protection of Endangered Species
Animals and Plants Bill**

(LC Paper No. CB(1) 902/05-06)

19. Miss CHOY So-yuk, Chairman of the Bills Committee, said that the Bills Committee generally supported the policy intent of the Bill because the Convention on International Trade in Endangered Species (CITES) was applicable to Hong Kong and thus Hong Kong had the obligation to comply with the international control regime on endangered species. Members, however, noted with concern that some legitimate trades, such as the shark fin and fur trades, were misunderstood by the public and international community as breaching international conservation conventions. Members had urged the Administration to clarify the misunderstanding.

20. Miss CHOY further said that members had also expressed concern that some persons might come into possession of specimens before such species were listed as endangered species under CITES and regulated by local legislation, and these persons might not have any evidence to prove the date of possession of such species. To address members' concern, SETW had agreed to make an undertaking in her speech at the resumption of the Second Reading debate on the Bill that cases of possession or control of pre-Convention species without the required evidence would be considered having regard to all circumstances of individual cases.

21. Miss CHOY added that the Administration would move Committee Stage amendments (CSAs) to address members' various concerns. The Bills Committee supported the resumption of the Second Reading debate on the Bill on 1 March 2006.

22. The Chairman said that the deadline for giving notice of CSAs was Monday, 20 February 2006.

VI. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 1119/05-06)

23. The Chairman said that there were 10 Bills Committees and seven subcommittees under House Committee in action. The Chairman further said that she had already reminded the Administration to introduce bills as soon as possible.

Action

24. The Chairman added that the Bills Committee on Dentists Registration (Amendment) Bill 2005, i.e. item 9 in List A, would have to work beyond three months since its commencement.

25. Members did not raise objection to the extension of the scrutiny period of the Bill.

VII. Any other business

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

Council Business Division 2
Legislative Council Secretariat
22 February 2005

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