

立法會

## *Legislative Council*

LC Paper No. CB(2) 1832/05-06

Ref : CB2/H/5/05

### **House Committee of the Legislative Council**

#### **Minutes of the 21st meeting held in the Legislative Council Chamber at 2:30 pm on Friday, 21 April 2006**

#### **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 David LI Kwok-po, GBS, JP  
Dr Hon LUI Ming-wah, SBS, JP  
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP  
Hon James TO Kun-sun  
Hon CHEUNG Man-kwong  
Hon CHAN Yuen-han, JP  
Hon CHAN Kam-lam, SBS, JP  
Hon LEUNG Yiu-chung  
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 Andrew CHENG Kar-foo  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon LI Fung-ying, BBS, 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



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 (2)6
Mrs Betty LEUNG	Chief Council Secretary (3)1
Ms Connie FUNG	Assistant Legal Adviser 3
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 20th meeting held on 31 March 2006**  
(*LC Paper No. CB(2) 1671/05-06*)

The minutes were confirmed.

**II. Matters arising**

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

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

**III. Legal Service Division report on subsidiary legislation gazetted on 7 April 2006**  
(*LC Paper No. LS 56/05-06*)

3. The Chairman said that four items of subsidiary legislation were gazetted on 7 April 2006 and would be tabled in the Legislative Council (LegCo) on 26 April 2006. The Chairman further said that these four items of subsidiary legislation concerned revision of fees and charges for certain services provided by the Immigration Department. The Panel on Security had been consulted on the proposals at its meeting on 6 December 2005, and members did not raise any queries.

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

**IV. Business for the Council meeting on 26 April 2006**

(a) **Questions**  
(*LC Paper No. CB(3) 471/05-06*)

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5. 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**

(i) **Betting Duty (Amendment) Bill 2006**

(ii) **Freight Containers (Safety) (Amendment) Bill 2006**

(iii) **Revenue Bill 2006**

6. The Chairman said that the Administration had given notice to present the above three Bills to the Council on 26 April 2006. The House Committee would consider these three Bills at its meeting on 28 April 2006.

(c) **Government motion**

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

(d) **Members' motions**

(i) **Proposed resolution to be moved by Hon Mrs Sophie LEUNG LAU Yau-fun 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) 461/05-06 dated 4 April 2006.)*

8. The Chairman said that Mrs Sophie LEUNG, Chairman of the Committee on Members' Interests, would move a motion to amend Rule 83(5)(a) of the Rules of Procedure (RoP) to require Members to register the names of the parent companies of the companies in which they held remunerated directorships. The Chairman added that the House Committee had agreed to the proposed amendment at the last meeting.

(ii) **Motion on "Donation of organs"**

*(Wording of the motion issued vide LC Paper No. CB(3) 468/05-06 dated 12 April 2006.)*

(iii) **Motion on "Universal retirement protection"**

*(Wording of the motion issued vide LC Paper No. CB(3) 467/05-06 dated 12 April 2006.)*

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9. The Chairman said that the above motions would be moved by Mr Bernard CHAN and Mr LEE Cheuk-yan respectively, and the wording of the motions had been issued to Members.

**V. Business for the Council meeting on 3 May 2006**

**(a) Questions**

*(LC Paper No. CB(3) 472/05-06)*

10. 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**

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

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

**(i) St. Stephen's College Incorporation (Change of Name of the Council of St. Stephen's College and General Amendments) Bill 2005**

12. The Chairman said that at the House Committee meeting on 3 February 2006, Members did not raise objection to the resumption of the Second Reading debate on the Bill.

**(ii) Births, Deaths and Marriages (Digital Image) Bill**

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

**(iii) Public Health and Municipal Services (Amendment) Bill 2005**

14. The Chairman said that the Bills Committee on the Bill had presented its report to the House Committee on 3 March 2006, and Members did not raise objection to the resumption of the Second Reading debate on the Bill.

15. The Chairman further said that the deadline for giving notice of Committee Stage amendments (CSAs), if any, was Saturday, 22 April 2006.

(d) **Government motions**

- (i) **Proposed resolution to be moved by the Chief Secretary for Administration under Article 73(7) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and section 7A of the Hong Kong Court of Final Appeal Ordinance**  
(Wording of the proposed resolution issued vide LC Paper No. CB(3) 479/05-06 dated 13 April 2006.)

16. The Chairman said that the Subcommittee on Proposed Senior Judicial Appointment had presented its report to the House Committee at the last meeting, and Members did not raise objection to the proposed judicial appointments.

- (ii) **Proposed resolution to be moved by the Chief Secretary for Administration under the Legal Aid Ordinance**  
(Wording of the proposed resolution issued vide LC Paper No. CB(3) 480/05-06 dated 13 April 2006.)  
(LC Paper No. LS 59/05-06)

17. The Chairman said that the purpose of the proposed resolution was to adjust upward the financial eligibility limits of applicants for the Ordinary Legal Aid Scheme and the Supplementary Legal Aid Scheme, which would enable more people to be eligible for legal aid. The Chairman added that the Panel on Administration of Justice and Legal Services had been briefed on the proposed adjustments at its meeting on 23 January 2006, and members did not object to the proposed adjustments.

18. Members did not raise any objection to CS moving the proposed resolution at the Council meeting on 3 May 2006.

(e) **Members' motions**

- (i) **Motion on "The 4 June incident"**  
(Wording of the motion issued vide LC Paper No. CB(3) 482/05-06 dated 19 April 2006.)
- (ii) **Motion on "Maintaining the competitive edge of Hong Kong"**  
(Wording of the motion issued vide LC Paper No. CB(3) 488/05-06 dated 19 April 2006.)

19. The Chairman said that the above motions would be moved by Mr Albert HO and Miss TAM Heung-man respectively, and the wording of the motions had been issued to Members.

20. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Tuesday, 25 April 2006.

## **VI. Report of Bills Committees and subcommittees**

### **Report of the Bills Committee on Chief Executive Election and Legislative Council Election (Miscellaneous Amendments) Bill 2006**

*(LC Paper No. CB(2) 1744/05-06)*

21. Mr Howard YOUNG, Chairman of the Bills Committee, said that in response to the views of members, the Administration would move some technical and minor CSAs. Mr James TIEN and Dr YEUNG Sum had separately given notice to move CSAs, and were awaiting the President's ruling.

22. Mr YOUNG further said that the Bills Committee supported the Administration's CSAs and the resumption of the Second Reading debate on the Bill on 10 May 2006.

23. The Chairman said that the deadline for giving notice of CSAs, if any, was Friday, 28 April 2006.

## **VII. Position on Bills Committees and subcommittees**

*(LC Paper No. CB(2) 1738/05-06)*

24. The Chairman said that there were 10 Bills Committees and six subcommittees under the House Committee in action.

## **VIII. Request for allocation of a debate slot to the Chairman of the Panel on Welfare Services to move the motion on "Financial assistance to patients of Severe Acute Respiratory Syndrome and their families"**

*(LC Paper No. CB(2) 1724/05-06)*

25. Dr Fernando CHEUNG, Chairman of the Panel on Welfare Services, said that the Panel on Welfare Services, Panel on Health Services and Panel on Manpower held a joint meeting on 9 March 2006 to discuss the support provided by the Government to patients of Severe Acute Respiratory Syndrome (SARS) and their families. Members of these Panels were concerned about the financial assistance provided to the SARS patients and their families. For instance, the cumulative financial assistance received by nine patients under the Trust Fund for SARS had reached the \$500,000 ceiling, and five patients had

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already received more than \$400,000. Members had put forward various proposals about the Trust Fund for SARS at the meeting, but the Administration's responses to members' proposals failed to address the needs of the SARS patients and their families.

26. Dr CHEUNG further said that to enable Members and the relevant public officers to consider the proposals, the Panel on Welfare Services had agreed that it should request the House Committee for allocation of a debate slot to him, as the Panel Chairman, to move a motion on the subject for debate at the Council meeting on 17 May 2006. Dr CHEUNG added that the wording of the proposed motion was set out in the Appendix to the paper.

27. The Chairman said that the request of the Panel for priority allocation of a debate slot was made under rule 14A(h) of the House Rules. Should the House Committee accede to the Panel's request, the debate slot would not be counted as Dr CHEUNG's own slot.

28. Mrs Selina CHOW said that Members belonging to the Liberal Party respected the decision of the Panel that a motion on the Trust Fund for SARS should be moved for debate at a Council meeting. In addition, they considered it appropriate not to count the debate slot as Dr CHEUNG's own slot, given that the motion would be moved by him in his capacity as the Panel Chairman. Mrs CHOW expressed concern about holding three debates on Members' motions, and suggested that there should only be one other debate on a Member's motion with no legislative effect at the Council meeting on 17 May 2006. Mr Howard YOUNG concurred with Mrs CHOW.

29. The Chairman said that there were precedents of the House Committee agreeing to allocate debate slots to chairmen of committees for moving motions on consultative documents or committee reports, such as reports of select committees. This was the first time a Panel had requested for priority allocation of a debate slot to its Chairman to move a motion on a matter other than consultative documents and reports. Today's decision would be a precedent for considering future requests of a similar nature.

30. The Chairman further said that there were cases where the House Committee acceded to a committee's request for allocation of a debate slot and, at the same time, agreed that only one other debate on a Member's motion should be held at the same Council meeting. There were also cases where two debates on Members' motions and an adjournment debate were held at a Council meeting.



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31. Mr LAU Kong-wah asked whether Dr Fernando CHEUNG had considered the option of moving a motion for adjournment at a Council meeting to enable Members to speak on issues relating to the SARS Trust Fund.

32. In response to Dr Fernando CHEUNG's enquiry, the Chairman said that the duration of an adjournment debate was one hour.

33. Dr Fernando CHEUNG said that Members who attended the joint Panel meeting on 9 March 2006 considered that the issue of financial assistance provided to SARS patients and their families was of wide public concern, and LegCo should have a clear stance on the matter. Moving a Member's motion for debate would be more appropriate as the motion would be put to vote.

34. Mr LAU Kong-wah said that he had no strong views on the suggestion that there should only be one other debate on a Member's motion at the Council meeting on 17 May 2006, if the House Committee acceded to the Panel's request. He was, however, concerned about the reduction of a debate slot for a Member's motion. Mr LAU asked whether there would be sufficient debate slots for allocation to Members who had not moved a motion in the current session.

35. Mr Albert HO said that not every Member would move a motion for debate. Some Members had, in fact, been allocated two debate slots in one session.

36. Assistant Secretary General 3 (ASG3) said that there were eight Council meetings between 17 May 2006 and the end of the current session. ASG3 further said that the ballot for allocation of debate slots at the Council meeting on 17 May 2006 had yet to be conducted. All the Members who had applied for the debate slots at the Council meeting on 17 May 2006 had been allocated a debate slot in the current session. Only one Member had applied for a debate slot at the Council meeting on 24 May 2006, and that Member had not been allocated a debate slot in the current session.

37. The Chairman proposed that a debate slot be allocated to Dr Fernando CHEUNG as Chairman of the Panel on Welfare Services to move a motion on the SARS Trust Fund at the Council meeting on 17 May 2006, and there should only be one other debate on a Member's motion with no legislative effect for that Council meeting. Members agreed.

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**IX. Any other business**

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

Council Business Division 2  
Legislative Council Secretariat

26 April 2006

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