

立法會

Legislative Council

LC Paper No. CB(2) 2479/05-06

Ref : CB2/H/5/05

House Committee of the Legislative Council

Minutes of the 27th meeting held in the Legislative Council Chamber at 3:45 pm on Friday, 16 June 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 LEE Cheuk-yan
Dr Hon LUI Ming-wah, SBS, JP
Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP
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 LEUNG Yiu-chung
Hon SIN Chung-kai, JP
Hon WONG Yung-kan, JP
Dr Hon YEUNG Sum
Hon LAU Kong-wah, 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 LI Fung-ying, BBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Frederick FUNG Kin-kee, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, JP
Hon LEE Wing-tat

Mr LEE Yu-sung	Senior Assistant Legal Adviser 1
Mrs Vivian KAM	Principal Council Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Ms Connie SZETO	Chief Council Secretary (1)6
Miss Odelia LEUNG	Chief Council Secretary (2)6
Mr Colin CHUI	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
Mr Stephen LAM	Assistant Legal Adviser 4
Miss Kitty CHENG	Assistant Legal Adviser 5
Ms Amy YU	Senior Council Secretary (2)3

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- I. Confirmation of the minutes of the 26th meeting held on 2 June 2006**
(*LC Paper No. CB(2) 2274/05-06 issued vide LC Paper No. CB(2) 2283/05-06 dated 7 June 2006*)

The minutes were confirmed.

II. Matters arising

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

Briefing for the Legislative Council (LegCo) on important announcements and matters

2. The Chairman said that she had conveyed to CS the Subcommittee on Strategy and Measures to Tackle Family Violence's dissatisfaction and concern in relation to the Administration's briefing for the media on the proposed amendments to Domestic Violence Ordinance before providing a paper for the Subcommittee. CS explained that he had personally looked into the matter. CS agreed that the officials concerned should have briefed the Subcommittee in the first instance, and Members merited an apology.

3. The Chairman added that CS had undertaken to remind Bureaux of the arrangement to brief Members on important policies and matters first before making announcements to the media.

Introduction of bills

4. The Chairman said that she had pointed out to CS that only 10 out of the 20 bills on the Legislative Programme had been introduced into LegCo. CS responded that there would be more bills in the pipeline for introduction.

III. Business arising from previous Council meetings

(a) **Legal Service Division report on bills referred to the House Committee in accordance with Rule 54(4)**

Supplementary Appropriation (2005-2006) Bill
(*LC Paper No. LS 79/05-06*)

5. The Chairman said that the Bill provided for supplementary appropriation of about \$1.3 billion for the services of the Government in the financial year ending on 31 March 2006, in addition to the sum appropriated by the Appropriation Ordinance 2005.

6. Mr SIN Chung-kai said that a Bills Committee should be formed to study the Bill.

7. The Chairman proposed that a Bills Committee be formed to study the bill in detail. Members agreed. Mr SIN Chung-kai agreed to join.

(b) **Legal Service Division report on subsidiary legislation gazetted on 2 June 2006 and tabled in Council on 7 June 2006**

(*LC Paper No. LS 81/05-06 issued vide LC Paper No. CB(2) 2283/05-06 dated 7 June 2006*)

8. The Chairman said that there were three items of subsidiary legislation gazetted on 2 June 2006 and tabled in Council on 7 June 2006.

9. Regarding the Import and Export (Strategic Commodities) Regulations (Amendment of Schedule 1) Order 2006 (Amendment) Order 2006, the Chairman said that at the House Committee meeting on 26 May 2006, Members noted that the Administration had agreed to make an Amendment Order to rectify some translation errors.

10. Members did not raise any queries on the three items of subsidiary legislation.

11. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 5 July 2006, or the first meeting of LegCo in the next session if extended by resolution.

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(c) **Legal Service Division report on subsidiary legislation gazetted on 9 June 2006 and tabled in Council on 14 June 2006**

(LC Paper No. LS 83/05-06)

12. The Chairman said that there were four items of subsidiary legislation, including three Commencement Notices, gazetted on 9 June 2006 and tabled in Council on 14 June 2006.

13. Regarding the Marine Parks and Marine Reserves (Amendment) Regulation 2006, the Chairman said that the Panel on Environmental Affairs had been briefed on the proposals at its meeting on 25 April 2005, and Members had raised various concerns about the proposals.

14. Members did not raise any queries on the four items of subsidiary legislation.

15. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 12 July 2006, or the first meeting of LegCo in the next session if extended by resolution.

IV. Business for the Council meeting on 21 June 2006

(a) **Questions**

(LC Paper No. CB(3) 608/05-06 issued vide LC Paper No. CB(2) 2283/05-06 dated 7 June 2006)

(LC Paper No. CB(3) 632/05-06)

16. The Chairman said that Mr LEE Wing-tat, Mr WONG Kwok-hing, Mr LEUNG Yiu-chung and Dr KWOK Ka-ki had replaced their previous questions.

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

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

(c) **Government motions**

(i) **Proposed resolution to be moved by the Secretary for Commerce, Industry and Technology (SCIT) under the Copyright (Suspension of Amendments) Ordinance 2001**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 598/05-06 dated 2 June 2006.)

(LC Paper No. LS 80/05-06 issued vide LC Paper No. CB(2) 2321/05-06 dated 8 June 2006)

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18. The Chairman said that the proposed resolution sought LegCo's approval of the Copyright (Suspension of Amendments) Ordinance 2001 (Amendment) Notice 2006 to extend the expiry date of the Ordinance from 31 July 2006 to 31 July 2007.

19. The Chairman further said that the Administration had provided an information note on the proposed extension to the Bills Committee on Copyright (Amendment) Bill 2006 and the Panel on Commerce and Industry.

20. Members did not raise any objection to SCIT moving the proposed resolution at the Council meeting on 21 June 2006.

(ii) **Proposed resolution to be moved by the Secretary for Home Affairs (SHA) under the District Councils Ordinance**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 571/05-06 dated 19 May 2006.)

(LC Paper No. LS 75/05-06 issued vide LC Paper No. CB(2) 2283/05-06 dated 7 June 2006)

21. The Chairman said that the proposed resolution sought LegCo's approval of the District Councils Ordinance (Amendment of Schedule 1) Order 2006 to realign the boundaries of Sham Shui Po District and Kwai Tsing District in order to put Nob Hill, which straddled the two Districts, wholly within Sham Shui Po District.

22. Members did not raise any objection to SHA moving the proposed resolution at the Council meeting on 21 June 2006.

(d) **Member's Bills - First Reading and moving of Second Reading**

Hong Kong Society for the Protection of Children Incorporation (Amendment) Bill 2006

23. The Chairman said that Mr Bernard CHAN had given notice to present the above Bill to the Council on 21 June 2006. The House Committee would consider the Bill at its meeting on 23 June 2006.

(e) **Members' motions**

(i) **Proposed resolution to be moved by Hon Howard YOUNG under section 34(4) of the Interpretation and General Clauses Ordinance relating to the:**

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- **Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) (Amendment) Regulation 2006;**
- **Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) (Amendment) Regulation 2006; and**
- **Electoral Affairs Commission (Electoral Procedure) (Election Committee) (Amendment) Regulation 2006**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 624/05-06 dated 9 June 2006.)

24. The Chairman said that Mr Howard YOUNG, Chairman of the Subcommittee on Three Regulations under the Electoral Affairs Commission Ordinance Gazetted on 19 May 2006, had given notice to move a motion at the Council meeting on 21 June 2006 to extend the scrutiny period of the three Regulations to 12 July 2006.

(ii) Motion on “Developing Hong Kong into a regional education hub”

(Wording of the motion issued vide LC Paper No. CB(3) 614/05-06 dated 8 June 2006.)

(iii) Motion on “Polarization in the job market”

(Wording of the motion issued vide LC Paper No. CB(3) 615/05-06 dated 8 June 2006.)

25. The Chairman said that the above motions would be moved by Mr Jasper TSANG and Ms LI Fung-ying respectively, and the wording of the motions had been issued to Members.

V. Business for the Council meeting on 28 June 2006

(a) Questions

(LC Paper No. CB(3) 633/05-06)

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

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

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

(c) **Government motions**

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

(d) **Members' motions**

- (i) **Motion to be moved by Dr Hon Joseph LEE Kok-long**
(Wording of the motion issued vide LC Paper No. CB(3)
646/05-06 dated 16 June 2006.)

29. The Chairman said that the subject of the motion to be moved by Dr Joseph LEE was "Policy on care for the elderly", and the wording of the motion was tabled at the meeting.

- (ii) **Motion to be moved by Hon Patrick LAU Sau-shing**
(Wording of the motion issued vide LC Paper No. CB(3)
647/05-06 dated 16 June 2006.)

30. The Chairman said that the subject of the motion to be moved by Mr Patrick LAU was "Facilitating urban development", and the wording of the motion was tabled at the meeting.

31. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 21 June 2006.

VI. Reports of Bills Committees and subcommittees

- (a) **Report of the Bills Committee on Certification for Employee Benefits (Chinese Medicine) (Miscellaneous Amendments) Bill 2005**
(LC Paper No. CB(2) 2385/05-06)

32. Mr LI Kwok-ying, Chairman of the Bills Committee, referred Members to the report of the Bills Committee. Mr LI said that the Administration would move Committee Stage amendments (CSAs).

33. Mr LI Kwok-ying further said that some members proposed that listed Chinese medicine practitioners (CMP) should be accorded the same recognition as registered CMPs in giving certification and conducting medical examination and treatment for the purposes of entitlement to certain employees' benefits under the Employment Ordinance, the Employees'

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Compensation Ordinance and the Pneumoconiosis (Compensation) Ordinance as provided under the Bill. As members' views on the proposal were divided, a vote had been taken on whether the Bills Committee should move CSAs to give effect to the proposal. The outcome was that five members voted for the Bills Committee moving the CSAs, while three members voted against. Mr LI added that he would move the CSAs on behalf of the Bills Committee.

34. Mr LI Kwok-ying pointed out that the Bills Committee did not raise objection to the resumption of the Second Reading debate on the Bill at the Council meeting on 28 June 2006.

35. Ms Audrey EU said that the Administration had indicated at the last meeting of the Bills Committee that it would consider the proposal on according listed CMPs the same recognition as registered CMPs. Ms EU asked whether the Administration had reverted back to the Bills Committee.

36. Mr LI Kwok Ying said that the Administration had informed the Bills Committee that the Bill did not apply to listed CMPs, and the CSAs proposed by the Bills Committee were outside the scope of the Bill.

37. The Chairman reminded Members that the deadline for giving notice of CSAs, if any, was Monday, 19 June 2006.

(b) Report of the Subcommittee on Broadcasting (Revision of Licence Fees) Regulation 2006

(LC Paper No. CB(1) 1752/05-06)

38. Mr SIN Chung-kai, Chairman of the Subcommittee, referred members to the report of the Subcommittee and highlighted the issues deliberated by the Subcommittee, including the level of increase in the licence fees; impact of the proposed increases on licensees; the fee revision mechanism; review of the licence administration system and licence fee structure; and impact of the regulatory structure on the licence fees.

39. Mr SIN Chung-kai further said that the Subcommittee supported the revision of fees, which was in line with the cost recovery principle and the current fee adjustment mechanism.

(c) Report on women in poverty by the Subcommittee to Study the Subject of Combating Poverty

(LC Papers No. CB(2) 2295/05-06 and CB(2) 2283/05-06(01) issued vide LC Paper No. CB(2) 2283/05-06 dated 7 June 2006)

(Letter dated 13 June 2006 from the Chairman of the Subcommittee to the Chairman of the House Committee (LC Paper No. CB(2) 2387/05-06(01))

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40. Mr Frederick FUNG, Chairman of the Subcommittee, said that the Subcommittee had completed its study of women in poverty, and a report was provided for Members' consideration.

41. Mr FUNG further said that the Subcommittee had agreed to request the House Committee for allocation of a debate slot to him, as the Subcommittee Chairman, to move a motion on the report for debate at the Council meeting on 28 June 2006. The Subcommittee's request was originally scheduled for discussion at the House Committee meeting on 9 June 2006, but the meeting was cancelled due to the hoisting of the Black Rainstorm Signal. The Subcommittee therefore requested that the debate on the report be held at the Council meeting on 5 July 2006, instead of 28 June 2006 as originally proposed.

42. Mr FUNG added that the Subcommittee also suggested that there should only be one other debate on a Member's motion for the Council meeting on 5 July 2006. Mr FUNG further said that should the House Committee accede to the Subcommittee's request, the debate slot would not be counted as his own slot.

43. In response to Mr LAU Kong-wah's enquiry, the Chairman said that the motion for debate on the Subcommittee's first report was moved by Mr Frederick FUNG as an individual Member, and it was the first time the Subcommittee requested for priority allocation of a debate slot to its Chairman.

44. Mr LAU Kong-wah said that he was concerned about the reduction of a debate slot for a Member's motion should the Subcommittee's request be acceded to, as only one other debate on a Member's motion would be held at the Council meeting.

45. Mrs Selina CHOW said that any priority allocation of a debate slot to committee chairmen was in effect jumping the queue for debate slots. Given the large number of committees and subcommittees at work, there should be some criteria, such as whether the subject was urgent or important, for considering such requests. Mrs CHOW further said that as there was no urgency to debate the Subcommittee's report, she had reservations about the Subcommittee's request to jump the queue for debate slots.

46. Ms LI Fung-ying said that she was a member of the Subcommittee, and supported the Subcommittee's request. Ms LI further said that there were precedents of the House Committee allocating debate slots to chairmen of committees. The Subcommittee's request should not be dealt with differently from past requests. Ms LI added that if Members considered it necessary to set out criteria for priority allocation of debate slots, the matter should be discussed on another occasion.

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47. The Chairman pointed out that the Subcommittee's request for a debate slot was made under rule 14A(h) of the House Rules, which stipulated that such requests should be put forward to the House Committee for consideration on a case-by-case basis.

48. Mr LEE Cheuk-yan said that he was a member of the Subcommittee. Mr LEE further said that the report of the Subcommittee represented the collective views and stance of its members, and these should be conveyed to the Administration through a motion debate at a Council meeting. Mr LEE added that the holding of such debates should in fact be encouraged. As it was not easy for a committee or a subcommittee to reach a consensus on a certain subject, Members should not worry that there would be many requests for priority allocation of debate slots from committees and subcommittees.

49. Ms Emily LAU concurred with Mr LEE Cheuk-yan and supported the Subcommittee's request. Ms LAU said that she appreciated the time and efforts devoted by the Subcommittee in deliberating the subject and preparing the report. Ms LAU further said that a motion debate on a committee's report, which was the outcome of discussion among Members, was much more important than a motion moved by an individual Member on a subject which had not been considered by any committee. She considered it appropriate to give priority to committees and subcommittees to move motions on specific subjects for debate.

50. Mr Frederick FUNG suggested that two other debates on Members' motions could be held at the Council meeting on 5 July 2006, if some Members were concerned about the reduction of a debate slot for a Member's motion.

51. Mr LEUNG Kwok-hung supported Mr Frederick FUNG's suggestion. Mr LEUNG further said that the subject of poverty was of wide public concern, as reflected by the appointment of the Financial Secretary as the Chairman of the Commission on Poverty. Mr LEUNG did not consider allocating a debate slot to the Subcommittee was allowing it to jump the queue for motion debates.

52. Mr Ronny TONG said that he was a member of the Subcommittee and supported the Subcommittee's request. He shared the view of Ms Emily LAU that priority should be given to a committee to move a motion for debate on a subject on which the committee had reached a consensus.

53. Mrs Selina CHOW said that the subject of combating poverty was important but not urgent. Mrs CHOW was concerned that acceding to the Subcommittee's request would set a precedent for considering similar requests in future.

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54. Dr YEUNG Sum said that requests for priority allocation of debate slots had always been considered by the House Committee on a case-by-case basis. Dr YEUNG further said that the subject of women in poverty was important, given the high unemployment rate among middle-aged women. As various political parties and groupings were represented on the Subcommittee, its request for a priority debate slot should be respected. Dr YEUNG added that he supported holding three motion debates at the Council meeting on 5 July 2006.

55. In response to Mr LAU Kong-wah's enquiry, the Chairman said that except Mr TAM Yiu-chung, Members who had applied for the debate slots at the last two Council meetings had been allocated a debate slot in the current session.

56. Mr LAU Kong-wah said that as only one Member had not been allocated a debate slot, he considered it appropriate that only one other debate on a Member's motion be held on 5 July 2006. Mr LAU asked whether the Subcommittee intended to move a motion for debate on each of its forthcoming reports.

57. Mr Frederick FUNG said that the Subcommittee would next study the subject of elderly in poverty, and a report on the subject could be completed in about three months. Mr FUNG further said that the Subcommittee had yet to decide on other topics for study. Mr FUNG added that as the Subcommittee had provided the report on women in poverty, it was timely for the motion debate to be held on 5 July 2006.

58. The Chairman proposed that a debate slot be allocated to Mr Frederick FUNG as Chairman of the Subcommittee to move a motion on the Subcommittee's report at the Council meeting on 5 July 2006, and that there should only be one other debate on a Member's motion with no legislative effect for that Council meeting. Members agreed.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 2383/05-06)

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

60. The Chairman said that the Bills Committee on Interception of Communications and Surveillance Bill chaired by her would have to work beyond three months since its commencement.

VIII. Paper of the Committee on Members' Interests on "Mechanism for handling complaints concerning Members' operating expenses reimbursement claims and applications for advance of operating expenses"

(LC Paper No. CMI/55/05-06)

61. Mrs Sophie LEUNG, Chairman of the Committee on Members' Interests (CMI), briefed Members on CMI proposal's as set out in paragraphs 5 to 8 and paragraph 11 of the paper respectively.

62. Mrs Sophie LEUNG said that subject to Members' views, she would move a motion at the Council meeting on 5 July 2006 to amend the relevant rules of the Rules of Procedure.

63. Ms Emily LAU said that to address the concern of the public, there was a need to set up a mechanism to handle complaints concerning Members' operating expenses reimbursement claims. Ms LAU further said that she was most unhappy that on many past occasions when similar proposals were put forward and Members were given opportunities to give views, Members did not give views but simply voted down the proposals. Ms LAU urged Members to study CMI's proposals carefully. She added that if Members had any views on the proposals, they should raise them before the proposals were put to vote at the Council meeting.

64. The Chairman added that this meeting was an opportunity for Members to express their views, if any, on the proposals.

65. Members did not raise any objection to CMI's proposals.

IX. Introduction of the Prevention of Bribery (Amendment) Bill 2006

(Letter dated 12 June 2006 from Hon Emily LAU Wai-hing to the Chairman of the House Committee (LC Paper No. CB(2) 2387/05-06(02))

66. The Chairman said that she had reminded CS at their last meeting that only 10 out of the 20 bills on the Legislative Programme had been introduced into LegCo. The Chairman added that she did not know whether the Prevention of Bribery (Amendment) Bill 2006 was one of the bills to be introduced in the pipeline.

67. Ms Emily LAU said that she was concerned that the Administration had still not introduced the Prevention of Bribery (Amendment) Bill 2006, although it had promised the Subcommittee on Application of Certain Provisions of the Prevention of Bribery Ordinance to the Chief Executive to introduce the Bill by May 2006. Ms LAU pointed out that discussion on the Bill had started some

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eight to nine years ago. She was dissatisfied that the Administration had not yet introduced the Bill.

68. Dr YEUNG Sum, Chairman of the Subcommittee, expressed strong dissatisfaction at the Administration's failure to introduce the Bill by May 2006. Dr YEUNG said that the Director of Administration had promised the Subcommittee that the Bill would be introduced as soon as possible. He expressed concern that the Chief Executive election would be held early next year, and there was no legislation to deal with corrupt practices involving the Chief Executive. Dr YEUNG requested the Chairman to convey his strong dissatisfaction to CS.

69. The Chairman said that she would raise the matter with CS.

X. Any other business

70. There being no other business, the meeting ended at 4:37 pm.

Council Business Division 2
Legislative Council Secretariat
21 June 2006

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