

立法會

# *Legislative Council*

LC Paper No. CB(2) 2569/05-06

Ref : CB2/H/5/05

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

### **Minutes of the 28th meeting held in the Legislative Council Chamber at 4:41 pm on Friday, 23 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 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  
Dr Hon Philip WONG Yu-hong, GBS  
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 LAU Wong-fat, GBM, GBS, 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



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 Becky YU	Chief Council Secretary (1)1
Miss Salumni CHAN	Chief Council Secretary (1)5
Miss Odelia LEUNG	Chief Council Secretary (2)6
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
Mr KAU Kin-wah	Assistant Legal Adviser 6
Miss Monna LAI	Assistant Legal Adviser 7
Ms Amy YU	Senior Council Secretary (2)3

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**I. Confirmation of the minutes of the 27th meeting held on 16 June 2006**  
(*LC Paper No. CB(2) 2479/05-06*)

The minutes were confirmed.

**II. Matters arising**

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

2. The Chairman said that she had informed CS of Ms Emily LAU's concern and Dr YEUNG Sum's dissatisfaction regarding the failure of the Administration to introduce the Prevention of Bribery (Amendment) Bill 2006 so far. CS responded that there had been a slight delay, but confirmed that the Bill would be introduced within the session.

**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)**

**Hong Kong Society for the Protection of Children Incorporation (Amendment) Bill 2006**  
(*LC Paper No. LS 84/05-06*)

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3. The Chairman said that the Legal Service Division was looking at the technical aspects of the Bill and was seeking clarifications from the solicitors in charge of the Bill. A further report would be made to the House Committee in due course.

4. The Chairman suggested and Members agreed that a decision on the Bill be deferred pending the Division's further report.

**(b) Legal Service Division report on subsidiary legislation gazetted on 16 June 2006 and tabled in Council on 21 June 2006**

*(LC Paper No. LS 85/05-06)*

5. The Chairman said that there were three items of subsidiary legislation, including one Commencement Notice, gazetted on 16 June 2006 and tabled in Council on 21 June 2006.

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

7. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was the second meeting of the Legislative Council (LegCo) in the next session.

**IV. Further business for the Council meeting on 28 June 2006**

**(a) Questions**

*(LC Paper No. CB(3) 653/05-06)*

8. The Chairman said that Mr Fred LI had replaced his previous question.

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

**Certification for Employee Benefits (Chinese Medicine)  
(Miscellaneous Amendments) 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.

**V. Business for the Council meeting on 5 July 2006**

(a) **Questions**

*(LC Paper No. CB(3) 654/05-06)*

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**

**Prevention of Cruelty to Animals (Amendment) Bill 2006**

11. The Chairman said that the Administration had given notice to present the above Bill to the Council on 5 July 2006. The House Committee would consider the Bill at its meeting on 7 July 2006.

(c) **Government motion**

**Proposed resolution to be moved by the Secretary for the Environment, Transport and Works under section 100A of the Interpretation and General Clauses Ordinance**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 641/05-06 dated 15 June 2006.)*

*(LC Paper No. LS 87/05-06)*

12. The Legal Adviser said that the proposed resolution sought LegCo's approval to increase the amount of fines specified in the Waterworks Ordinance and the Waterworks Regulations, and to convert the fines to the appropriate levels according to the standard scale of fines under the Criminal Procedure Ordinance.

13. The Legal Adviser further said that as the existing fines for certain offences relating to the use of water had not been revised for a long time, the Administration considered it necessary to adjust the fines in line with past cumulative inflation rate in order to maintain the deterrent effect of the offence provisions. The Legal Adviser pointed out that the fines for some offences would be increased four-fold.

14. The Legal Adviser added that a paper detailing the proposed revisions had been circulated to the Panel on Planning, Lands and Works in April 2006, and members did not raise any queries on the proposals.

15. Mr LEE Wing-tat said that he had received many complaints relating to the use of water and water meters. He considered that a subcommittee should be formed to study the proposed resolution.

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16. The Chairman proposed that a subcommittee be formed to study the proposed resolution. Members agreed. The following Members agreed to join: Mr Fred LI and Mr LEE Wing-tat.

17. The Chairman said that the Secretary for the Environment, Transport and Works would be requested to withdraw her notice for moving the proposed resolution.

(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) 655/05-06 dated 19 June 2006.)*

18. The Chairman said that Mrs Sophie LEUNG, Chairman of the Committee on Members' Interests (CMI), would move the proposed resolution at the Council meeting on 5 July 2006 to amend the relevant rules of the Rules of Procedure (RoP) in relation to the mechanism for handling complaints concerning Members' operating expenses reimbursement claims and applications for advance of operating expenses.

19. The Chairman further said that Members did not raise any objection to CMI's proposals at the last House Committee meeting.

20. The Chairman reminded Members to study CMI's proposals carefully before the debate.

(ii) **Motion on "Women in poverty"**

*(Wording of the motion issued vide LC Paper No. CB(3) 662/05-06 dated 20 June 2006.)*

(iii) **Motion on "Fully conserving the 'Government Hill'"**

*(Wording of the motion issued vide LC Paper No. CB(3) 666/05-06 dated 22 June 2006.)*

21. The Chairman said that the above motions would be moved by Mr Frederick FUNG and Mr Fred LI respectively, and the wording of the motions had been issued to Members.

22. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Tuesday, 27 June 2006.

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

### **(a) Report of the Bills Committee on Smoking (Public Health) (Amendment) Bill 2005**

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23. Mr Andrew CHENG, Chairman of the Bills Committee, said that the Bills Committee would complete its scrutiny work in the following week and provide a written report at the next House Committee meeting.

24. Mr CHENG further said that the Bill sought to expand the scope of the no smoking areas by imposing smoking ban on indoor workplaces and certain public areas, including eating premises, bars, and karaoke establishments, mahjong-tin kau premises, and commercial bath houses. After deliberations, the Administration had agreed to move Committee Stage amendments (CSAs), including –

- (a) designating more places as no smoking areas;
- (b) providing exemption for live performance or recording for film or television programmes;
- (c) deferring the implementation date of the smoking ban for six categories of qualified establishments to 1 July 2009; and
- (d) adding a “grandfathering and notation provision” in respect of the use of certain descriptors on cigarette packets.

25. Mr CHENG pointed out that the Administration’s CSA concerning the grandfathering and notation provision was very controversial, and some members had expressed strong objection to the CSA.

26. Mr CHENG added that he, on behalf of the Bills Committee, and individual members, including Mr Tommy CHEUNG, Mr Albert CHAN and Dr KWOK Ka-ki, would also propose CSAs.

27. Mr CHENG further said that the Bills Committee supported the resumption of the Second Reading debate on the Bill on 12 July 2006.

28. The Chairman reminded Members that the deadline for giving notice of CSAs was Monday, 3 July 2006.

(b) **Report of the Bills Committee on Betting Duty (Amendment) Bill 2006**

*(LC Paper No. CB(2) 2483/05-06)*

29. Mrs Selina CHOW, Chairman of the Bills Committee, highlighted the issues deliberated by the Bills Committee, including the need for the proposed reform on the betting duty system; the financial and social impacts of the proposed reform; arrangements for provision of rebates; handling of unclaimed dividends and rebates; advertising on horse racing; licensing authority for the conduct of authorised betting; and appointment of members to the Football Betting and Lotteries Commission.

30. Mrs CHOW further said that to address members' concerns, the Administration would move CSAs. Mr Andrew CHENG would also propose CSAs. Mrs CHOW added that the Bills Committee supported the resumption of the Second Reading debate on the Bill on 12 July 2006.

31. The Chairman reminded Members that the deadline for giving notice of CSAs was Monday, 3 July 2006.

(c) **Report of the Bills Committee on Financial Reporting Council Bill**

*(LC Paper No. CB(1) 1815/05-06)*

32. Miss TAM Heung-man, Chairman of the Bills Committee, said that the Bill sought to provide for the establishment of a Financial Reporting Council (FRC) to investigate irregularities committed by auditors and reporting accountants of listed entities.

33. Miss TAM further said that the Bills Committee supported the CSAs to be moved by the Administration. She, on behalf of the Bills Committee, would propose CSAs in relation to six areas, i.e. the tenure of appointed members of the FRC; remuneration for the Chief Executive Officer (CEO); recruitment arrangements for the CEO; post-termination employment of the CEO; transaction of business by circulation of papers; and financial estimates of the FRC. Miss TAM further said that Mr Ronny TONG would also propose CSAs.

34. Miss TAM added that the Bills Committee supported the resumption of the Second Reading debate on the Bill on 12 July 2006.

35. The Chairman reminded Members that the deadline for giving notice of CSAs was Monday, 3 July 2006.



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**(d) Report of the Subcommittee on Protection of Endangered Species of Animals and Plants (Exemption for Appendix I Species) Order and Protection of Endangered Species of Animals and Plants (Exemption for Appendices II and III Species) Order**

*(LC Paper No. CB(1) 1814/05-06)*

36. Ms Audrey EU, a member of the Subcommittee, presented the report of the Subcommittee on behalf of its Chairman, Mr SIN Chung-kai.

37. Ms EU said that the Subcommittee had fully deliberated the scope of exemptions proposed in the two Orders. The Subcommittee generally supported the policy intent of the Orders because the Convention on International Trade in Endangered Species of Wild Fauna and Flora was applicable to Hong Kong, and Hong Kong had the obligation to comply with the international control regime on endangered species. Members, however, considered that more efforts should be made to promote public awareness of the Orders.

38. Ms EU added that as the Chairman of the Subcommittee had moved a motion at the Council meeting on 14 June 2006 to extend the scrutiny period of the Orders to 12 July 2006, the deadline for giving notice of amendments to the Orders, if any, was 5 July 2006.

**(e) Report of the Subcommittee on Security and Guarding Services (Fees) (Amendment) Regulation 2006**

*(LC Paper No. CB(2) 2491/05-06)*

39. Mr KWONG Chi-kin, Chairman of the Subcommittee, said that in response to members' request, the Administration had agreed not to proceed with the fee increase for security personnel permits at this stage and would move a motion at the Council meeting on 5 July 2006 to amend the Amendment Regulation.

40. The Chairman reminded Members that the deadline for giving notice of amendments was Tuesday, 27 June 2006.

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

*(LC Paper No. CB(2) 2478/05-06)*

41. The Chairman said that there were eight Bills Committees and nine subcommittees under the House Committee in action.

**VIII. Proposed overseas duty visit by the Panel on Environmental Affairs**  
*(LC Paper No. CB(1) 1818/05-06)*

42. Miss CHOY So-yuk, Chairman of the Panel on Environmental Affairs, said that as the Administration had published a policy framework for the management of municipal solid waste and proposed a package of measures to reduce the emission of power plants, the Panel would conduct studies on these subjects. In addition to holding meetings, the Panel considered it necessary to visit other countries to obtain first-hand information on relevant overseas experience, so that members would be in a better position to advise and monitor the Government on the formulation and implementation of the proposed policy in Hong Kong.

43. The Chairman proposed that permission be given for the Panel to undertake the visit under rule 22(u) of the House Rules. Members agreed.

**IX. Proposal from Dr Hon KWOK Ka-ki to move a motion for adjournment under Rule 16(4) at the Council meeting on 28 June 2006 for the purpose of enabling Members to debate the following issue: Preventive and control measures adopted and emergency assistance provided to the trades by the Administration with regard to the repeated occurrence of human infection of avian influenza in the Mainland**

*(Letter dated 20 June 2006 from the Chairman of the Panel on Health Services to the Chairman of the House Committee (LC Paper No. CB(2) 2505/05-06(01))*

44. Dr KWOK Ka-ki said that following the recent confirmed case of human infection of H5N1 in Shenzhen, a joint meeting of the Panel on Food Safety and Environmental Hygiene and the Panel on Health Services was held on 17 June 2006 to discuss the actions taken by the Administration to prevent the spread of avian influenza in Hong Kong, and the assistance provided by the Administration to the trades concerned.

45. Dr KWOK further said that in view of the proximity of Shenzhen to Hong Kong and the heavy cross-border traffic, members expressed grave concern about the preventive and control measures adopted to prevent avian influenza outbreaks in Hong Kong. Members were also concerned that the suspension of import of live poultry from 16 June 2006 had seriously affected the live poultry wholesaling, transportation, retailing and farming trades.

46. Dr KWOK added that the joint meeting agreed that on behalf of the two Panels, he should seek the House Committee's support to move a motion for adjournment at the Council meeting on 28 June 2006, for the purpose of enabling Members to debate the preventive and control measures adopted, and

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the emergency assistance provided to the trades concerned by the Administration.

47. Dr KWOK further said that the House Committee's support was also sought for his seeking the President's leave to dispense with the seven days' notice period for moving the motion.

48. Mr LAU Kong-wah said that he supported holding an adjournment debate. However, as a dinner had been scheduled for the evening of 28 June 2006 and to facilitate Members to attend the function, the motion should be debated at the Council meeting on 5 July 2006.

49. Mr Tommy CHEUNG said that the issue was urgent as the trades concerned had been seriously affected by the Administration's suspension of the import of live poultry. However, he had no strong views about deferring the debate by one week, given that the Administration should have taken action to help the trades concerned three years ago. Mr CHEUNG added that Members belonging to the Liberal Party had no objection to deferring the debate to 5 July 2006.

50. Dr KWOK Ka-ki agreed to deferring the debate to 5 July 2006.

51. The Chairman said that should Dr KWOK's proposal be agreed to, there would be two debates on Members' motions and one adjournment debate at the Council meeting on 5 July 2006.

52. Members supported Dr KWOK Ka-ki's proposal to move a motion for adjournment at the Council meeting on 5 July 2006.

53. The Chairman pointed out that it would not be necessary for Dr KWOK to seek the President's leave to waive the requisite notice period for moving the motion on 5 July 2006, as the deadline for giving notice was 24 June 2006.

54. The Chairman reminded Members that the duration of an adjournment debate would be kept within one hour. Speeches by Members and replies by government officials would take up 45 and 15 minutes respectively.

**X. Any other business**

55. There being no other business, the meeting ended at 5:06 pm.