

立法會

Legislative Council

LC Paper No. CB(2) 2647/05-06

Ref : CB2/H/5/05

House Committee of the Legislative Council

**Minutes of the 29th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 30 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 LEE Cheuk-yan
Hon Martin LEE Chu-ming, SC, 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 CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon LEUNG Yiu-chung
Hon SIN Chung-kai, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, 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 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

Mr LEE Yu-sung	Senior Assistant Legal Adviser 1
Mrs Vivian KAM	Principal Council Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Miss Odelia LEUNG	Chief Council Secretary (2)6
Miss Anita HO	Assistant Legal Adviser 2
Mr KAU Kin-wah	Assistant Legal Adviser 6
Miss Monna LAI	Assistant Legal Adviser 7
Ms Amy YU	Senior Council Secretary (2)3
Mr Chris LAI	Senior Council Secretary (2)7

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I. Confirmation of the minutes of the 28th meeting held on 23 June 2006
(*LC Paper No. CB(2) 2569/05-06*)

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 23 June 2006 and tabled in Council on 28 June 2006
(*LC Paper No. LS 89/05-06*)

3. The Chairman said that two items of subsidiary legislation were gazetted on 23 June 2006 and tabled in Council on 28 June 2006.

4. The Legal Adviser explained that both items of subsidiary legislation were made under the Electronic Transactions Ordinance, which gave legal recognition to electronic records and digital signatures. The Electronic Transactions Ordinance (Amendment of Schedule 3) Order 2006 added several provisions to Schedule 3 the effect of which was that a document under such provisions could be served in the form of an electronic record. The Legal Adviser further explained that the Electronic Transactions (Exclusion) (Amendment of Schedules) Order 2006 amended several Schedules to the effect that electronic records could be used for the purposes of the provisions set out in the Order. The Legal Adviser added that the two Orders would come into operation on 1 December 2006.

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

6. 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 5 July 2006

Bills - First Reading and moving of Second Reading

Rail Merger Bill

7. 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.

V. The Chief Executive's Question and Answer Session on 10 July 2006

8. The Chairman said that the Chief Executive (CE)'s Question and Answer (Q & A) Session would be from 3:00 pm to 4:30 pm. The Chairman invited Members' view on issues which they would like CE to cover.

9. Ms Emily LAU said that she would like CE to cover the issue of constitutional reform.

VI. Business for the Council meeting on 12 July 2006

(a) Questions
(LC Paper No. CB(3) 682/05-06)

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.

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

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

12. 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.

(ii) **Financial Reporting Council Bill**

13. 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 motion**

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

(i) **the Pharmacy and Poisons (Amendment) (No. 3) Regulation 2006; and**

(ii) **the Poisons List (Amendment) (No. 3) Regulation 2006**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 686/05-06 dated 27 June 2006.)
(LC Paper No. LS 100/05-06)*

14. The Chairman said that the proposed resolution sought LegCo's approval to amend the Schedules to the Pharmacy and Poisons Regulations and the Poisons List in the Poisons List Regulations for the purpose of imposing control on three new medicines and relaxing the control of one medicine.

15. Members did not raise any objection to SHWF moving the proposed resolution at the Council meeting on 12 July 2006.

(e) **Members' motions**

(i) **Motion on "Promoting family-friendly policies"**

(Wording of the motion issued vide LC Paper No. CB(3) 692/05-06 dated 29 June 2006.)

(ii) Motion on “Protecting the Harbour”

(Wording of the motion issued vide LC Paper No. CB(3) 693/05-06 dated 29 June 2006.)

16. The Chairman said that the above motions would be moved by Mr TAM Yiu-chung and Dr KWOK Ka-ki respectively, and the wording of the motions had been issued to Members.

17. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 5 July 2006.

VII. Reports of Bills Committees and subcommittees

(a) Interim report of the Bills Committee on Smoking (Public Health) (Amendment) Bill 2005

(LC Paper No. CB(2) 2490/05-06)

18. Mr Andrew CHENG, Chairman of the Bills Committee, said that he reported at the last meeting that the Bills Committee intended to complete its scrutiny work within this week. However, at its meeting on 27 June 2006, the Bills Committee decided not to support the resumption of the Second Reading debate on the Bill on 12 July 2006, as members needed more time to examine the Administration’s proposed Committee Stage Amendments (CSAs), in particular those concerning the “grandfathering and notation” approach which allowed certain descriptors to continue to appear on cigarette packets. Mr CHENG further said that some members were concerned about the public being misled by these descriptors. The Bills Committee would seek the view of the World Health Organization on the Administration’s proposed “grandfathering and notation” approach.

19. Mr CHENG further said that the Bills Committee would hold further meetings between July and September. The Bills Committee aimed to complete its scrutiny work by September 2006 to enable the Second Reading debate on the Bill to resume at the Council meeting on 18 October 2006. Mr CHENG stressed that deferring the resumption date to 18 October 2006 would not affect the commencement of the smoking ban in indoor workplaces and certain public areas, such as eating premises, on 1 January 2007.

20. The Chairman said that the House Committee would decide whether to support the resumption of the Second Reading debate on the Bill on 18 October 2006, after the Bills Committee had completed its work and submitted its report to the House Committee.

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21. Ms Emily LAU asked when the Bills Committee should submit its report to the House Committee, if the Second Reading debate on the Bill was to resume on 18 October 2006.

22. The Chairman said that there would be a House Committee meeting on 6 October 2006. Should the Bills Committee submit its report at that House Committee meeting, the 12-day notice period for resuming the Second Reading debate on the Bill on 18 October 2006 could not be met.

23. In response to Ms Emily LAU's enquiry, the Chairman further said that it was for the Bills Committee to decide when it would report to the House Committee, having regard to the intended date of resumption of the Second Reading debate on the Bill. The Chairman added that if necessary, the Administration could consider seeking the President's leave to dispense with the 12 days' notice period.

24. Dr YEUNG Sum considered that the President's leave to waive the requisite notice period could be sought, so that the Second Reading debate on the Bill could resume on 18 October 2006.

25. Mr Tommy CHEUNG agreed with the Chairman that the House Committee should decide whether to support the resumption of the Second Reading debate on the Bill on 18 October 2006, after the Bills Committee had submitted its report to the House Committee. Mr CHEUNG said that it was uncertain whether the Second Reading debate on the Bill could resume on that date, as some members might be persistent in pursuing what they wished to achieve, and hence hold up the scrutiny of the Bill.

26. Mr Andrew CHENG said that he must clarify that there was no question of the scrutiny work of the Bill being held up. As Chairman of the Bills Committee, he had and would continue to ensure that all members were given sufficient time to discuss issues of concern to them. Mr CHENG further said that he was confident that the Bills Committee could complete its scrutiny work in September 2006, and the resumption date of 18 October 2006 would give the Administration sufficient time to prepare for the implementation of the smoking ban on 1 January 2007.

(b) Interim report of the Bills Committee on Interception of Communications and Surveillance Bill

(Letter dated 29 June 2006 from the Secretary for Security addressed to the President and copied to the Chairman)

(LC Paper No. CB(2) 2586/05-06)

27. The Chairman, in her capacity as Chairman of the Bills Committee, said that the Bills Committee had held 36 meetings, i.e. 46 two-hour sessions, since

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its formation on 16 March 2006. Although the Bills Committee had worked very hard, it had not yet completed its scrutiny work. The Administration had informed the Bills Committee that it would not give notice to resume the Second Reading debate on the Bill at the Council meeting on 12 July 2006. Referring to the letter from the Secretary for Security (S for S) dated 29 June 2006, the Chairman further said that S for S had requested the President to determine that a Council meeting be held on 2 August 2006, in order that the Second Reading debate on the Bill might be resumed at that Council meeting.

28. The Chairman added that the Bills Committee had raised no objection to the resumption date of 2 August 2006 proposed by the Administration.

29. Ms Emily LAU said that it was important to ensure that there would be sufficient time for the Bills Committee to consider all the relevant issues before 2 August 2006.

30. The Chairman said that the Bills Committee had scheduled a series of meetings up to 14 July 2006, which totalled 28 hours, to enable the Bills Committee to complete its scrutiny work in time for the Second Reading debate on the Bill to resume on 2 August 2006.

31. Members did not raise any objection to the resumption date of 2 August 2006 proposed by the Administration.

32. The Chairman said that subject to the President determining that a Council meeting be held on 2 August 2006, the House Committee would meet on 21 July 2006 to consider the report of the Bills Committee.

(c) **Report of the Subcommittee to Study Four Items of Subsidiary Legislation under the Deposit Protection Scheme Ordinance**
(LC Paper No. CB(1) 1869/05-06)

33. Mr SIN Chung-kai, Chairman of the Subcommittee, said that the Subcommittee supported the four items of subsidiary legislation, and the amendments to be moved by the Administration to the Deposit Protection Scheme Ordinance (Amendment of Schedules 1 and 4) Notice 2006 at the Council meeting on 12 July 2006.

34. The Chairman reminded Members that the deadline for giving notice of amendments was Wednesday, 5 July 2006.

(d) **Report of the Subcommittee on Three Regulations under the Electoral Affairs Commission Ordinance Gazetted on 19 May 2006**
(LC Paper No. CB(2) 2574/05-06)

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35. Mr Howard YOUNG, Chairman of the Subcommittee, said that the Subcommittee supported the three Regulations and the amendments to be moved by the Administration to the Electoral Affairs Commission (Electoral Procedure) (Election Committee) (Amendment) Regulation 2006 at the Council meeting on 12 July 2006.

36. The Chairman reminded Members that the deadline for giving notice of amendments was Wednesday, 5 July 2006.

(e) Report of the Subcommittee on Factories and Industrial Undertakings (Loadshifting Machinery) Regulation (Commencement) Notice 2006

(LC Paper No. CB(2) 2572/05-06)

37. Mr LEE Cheuk-yan, Chairman of the Subcommittee, said that the Subcommittee had completed its scrutiny work and supported the Commencement Notice.

38. Mr LEE further said that in response to the concern expressed by members about the high fees, which ranged from \$900 to \$3,000, for training courses on the operation of the specified loadshifting machines, the Occupational Safety and Health Council had agreed to subsidise 70% of the fees subject to a ceiling of \$2,000. Mr LEE added that the Administration had also agreed to relax the required number of years of working experience for attending the refresher courses, and to accept a self-declaration made by the self-employed operators in front of a Commissioner for Oaths as proof of such experience.

VIII. Position on Bills Committees and subcommittees
(LC Paper No. CB(2) 2570/05-06)

39. The Chairman informed Members that there were eight Bills Committees and six subcommittees under the House Committee in action.

IX. Any other business

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