

立法會
Legislative Council

LC Paper No. CB(2) 2777/05-06

Ref : CB2/H/5/05

House Committee of the Legislative Council

**Minutes of the 30th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 7 July 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, SBS, S.B.St.J., JP
Hon Martin LEE Chu-ming, SC, JP
Dr Hon LUI Ming-wah, SBS, JP
Hon Margaret NG
Hon CHEUNG Man-kwong
Hon CHAN Yuen-han, JP
Hon Bernard CHAN, GBS, 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 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 TAM Yiu-chung, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon Albert CHAN Wai-yip
Hon Frederick FUNG Kin-kee, SBS, 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, JP
Dr Hon Joseph LEE Kok-long, JP

Miss Kathleen LAU	Chief Public Information Officer
Miss Odelia LEUNG	Chief Council Secretary (2)6
Ms Bernice WONG	Assistant Legal Adviser 1
Ms Connie FUNG	Assistant Legal Adviser 3
Miss Kitty CHENG	Assistant Legal Adviser 5
Ms Amy YU	Senior Council Secretary (2)3

Action

I. Confirmation of the minutes of the 29th meeting held on 30 June 2006
(*LC Paper No. CB(2) 2647/05-06*)

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 reports on bills referred to the House Committee in accordance with Rule 54(4)

(a) Rail Merger Bill
(*LC Paper No. LS 91/05-06*)

3. The Chairman said that the Bill sought to implement the merger of the Mass Transit Railway and Kowloon-Canton Railway systems. The Panel on Transport and the Panel on Financial Affairs had been consulted on the proposed merger, and members had raised various concerns.

4. Mr Ronny TONG said that a Bills Committee should be formed to study the Bill.

5. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Mr Albert HO (as advised by Dr YEUNG Sum), Ms Miriam LAU, Mr Andrew CHENG (as advised by Dr YEUNG Sum), Ms LI Fung-ying, Mr Albert CHAN, Mr WONG Kwok-hing, Mr LEE Wing-tat (as advised by Dr YEUNG Sum), Dr Fernando CHEUNG, Mr CHEUNG Hok-ming, Mr Ronny TONG and Mr KWONG Chi-kin.

Action

6. The Chairman said that as there were vacant slots, the Bills Committee could commence work immediately.

(b) Prevention of Cruelty to Animals (Amendment) Bill 2006
(LC Paper No. LS 88/05-06)

7. The Chairman said that the Bill sought to increase the penalty for the offences relating to cruelty to animals. The Panel on Food Safety and Environmental Hygiene had been consulted on the legislative proposals, and members indicated support for the proposals.

8. Ms Audrey EU said that as the public had raised various views on the proposals, a Bills Committee should be formed to study the Bill.

9. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Mr James TIEN (as advised by Ms Miriam LAU), Mr Fred LI and Ms Audrey EU.

10. The Chairman said that as there were vacant slots, the Bills Committee could commence work immediately.

IV. Further business for the Council meeting on 12 July 2006

(a) Questions
(LC Paper No. CB(3) 717/05-06)

11. The Chairman said that Mr James TO and Mr TAM Yiu-chung had replaced their previous questions.

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

Unsolicited Electronic Messages Bill

12. The Chairman said that the Administration had given notice to present the above Bill to the Council on 12 July 2006.

13. The Chairman proposed that the Bill be considered at the meeting of the House Committee on 21 July 2006. Members did not raise objection.

V. Position on Bills Committees and subcommittees

(a) **Position report on Bills Committees and subcommittees**
(LC Paper No. CB(2) 2646/05-06)

14. The Chairman said that there were 10 Bills Committees (including the Bills Committee on the Supplementary Appropriation (2005-2006) Bill) and six subcommittees under the House Committee in action.

15. The Chairman further said that the Bills Committee on Copyright (Amendment) Bill 2006 would have to work beyond three months since its commencement.

(b) **Procedural issues relating to membership of the Bills Committee formed to study the Supplementary Appropriation (2005-2006) Bill**
(LC Paper No. CB(1) 1939/05-06)

[Previous paper:

LC Paper No. LS 79/05-06 issued vide LC Paper No. CB(2) 2387/05-06 dated 14 June 2006]

16. The Chairman said that under Rule 76(3) of the Rules of Procedure, a Bills Committee should consist of not less than three members including the chairman. By the deadline for joining the Bills Committee on Supplementary Appropriation (2005-2006) Bill, only two Members had indicated their interest in joining the Bills Committee.

17. Mr SIN Chung-kai said that he had no objection to not forming the Bills Committee.

18. The Chairman proposed that the earlier decision of the House Committee to form a Bills Committee to study the Bill be revoked. Members agreed.

19. Referring to the letter from the Secretary for Financial Services and the Treasury dated 6 July 2006, the Chairman further said that the Administration requested the House Committee's support for seeking the President's leave to waive the requisite notice period for resuming the Second Reading debate on the Bill at the Council meeting on 12 July 2006.

20. Members supported the Administration's request.

VI. Report of the Panel on Administration of Justice and Legal Services on issues relating to the imposition of criminal liability on the Government
(LC Paper No. CB(2) 2650/05-06)

Action

21. Ms Margaret NG, Chairman of the Panel, said that the Panel had completed its study on issues relating to the imposition of criminal liability on the Government.

22. Ms NG further said that the Panel was not convinced that the Government and public officers should be exempt from criminal liability for contravention of statutory provisions while performing public duties. The Panel considered that all people should abide by the statutes applicable to them in the same way and in all circumstances, and that adopting different approaches in dealing with the issue of criminal liability was unfair and inconsistent with the principle of equality before the law. Ms NG added that the Panel had also expressed reservations about the transparency and effectiveness of the existing reporting mechanism in deterring public officers from committing contraventions.

23. Ms NG informed Members that the Panel would provide a copy of the report to the Administration, after presenting it to the House Committee.

VII. Proposed duty visit outside Hong Kong by the Panel on Food Safety and Environmental Hygiene

(LC Paper No. CB(2) 2575/05-06)

24. The Chairman said that the Panel on Food Safety and Environmental Hygiene sought the House Committee's permission to visit Singapore on 25 and 26 July 2006 and Kuala Lumpur on 29 July 2006 to obtain first-hand information about the operation of poultry slaughtering plants in these places and discuss with the authorities/organisations concerned.

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

VIII. Proposed duty visit outside Hong Kong by the Panel on Health Services

(LC Paper No. CB(2) 2576/05-06)

26. The Chairman said that the Panel on Health Services sought the House Committee's permission to visit Singapore on 27 and 28 July 2006 to study the country's financing models for health care services.

27. 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. Paper of the Committee on Rules of Procedure (CRoP)

Proposed amendments to Rules of Procedure regarding determination of the time and place of a committee meeting

(LC Paper No. CROP 45/05-06)

28. Mr Jasper TSANG, Chairman of CRoP, said that CRoP proposed that in the absence of the chairman of a committee, the deputy chairman should be given the authority to consider a request for holding a special meeting and determine the date, time and place of the meeting. Mr TSANG further said that subject to Members' support for the proposal, the Rules of Procedure (RoP) would be amended.

29. Dr YEUNG Sum supported CRoP's proposal.

30. Members endorsed CRoP's proposal and the proposed amendments to RoP.

31. The Chairman said that the proposed amendments to RoP would be presented to the Council for passage at the first regular Council meeting in the next session.

X. Any other business

32. There being no other business, the meeting ended at 2:44 pm.