

立法會  
*Legislative Council*

LC Paper No. CB(2) 93/06-07

Ref : CB2/H/5/06

**House Committee of the Legislative Council**

**Minutes of the 1st meeting  
held in the Legislative Council Chamber  
at 2:30 pm on Friday, 13 October 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  
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP  
Hon LEE Cheuk-yan  
Dr Hon David LI Kwok-po, GBS, JP  
Dr Hon LUI Ming-wah, SBS, JP  
Hon Margaret NG  
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP  
Hon James TO Kun-sun  
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 WONG Yung-kan, JP  
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 CHOY So-yuk, JP  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon LI Fung-ying, BBS, JP  
Hon Tommy CHEUNG Yu-yan, 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  
Hon Daniel LAM Wai-keung, SBS, JP  
Hon Andrew LEUNG Kwan-yuen, SBS, JP  
Hon Alan LEONG Kah-kit, SC  
Dr Hon KWOK Ka-ki  
Hon CHEUNG Hok-ming, SBS, JP  
Hon WONG Ting-kwong, BBS  
Hon Ronny TONG Ka-wah, SC  
Hon CHIM Pui-chung  
Hon Patrick LAU Sau-shing, SBS, JP  
Hon Albert Jinghan CHENG  
Hon KWONG Chi-kin  
Hon TAM Heung-man

**Members absent :**

Hon Albert HO Chun-yan  
Hon Martin LEE Chu-ming, SC, JP  
Hon LAU Wong-fat, GBM, GBS, JP  
Hon Andrew CHENG Kar-foo  
Hon Abraham SHEK Lai-him, JP  
Hon Jeffrey LAM Kin-fung, SBS, JP  
Hon MA Lik, GBS, JP  
Hon LEUNG Kwok-hung  
Dr Hon Fernando CHEUNG Chiu-hung

**Clerk in attendance :**

Mrs Vivian KAM Clerk to the House Committee

**Staff in attendance :**

Mr Ricky C C FUNG, JP	Secretary General
Mr Jimmy MA, JP	Legal Adviser
Ms Pauline NG	Assistant Secretary General 1
Mrs Justina LAM	Assistant Secretary General 3

Mr LEE Yu-sung	Senior Assistant Legal Adviser 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mrs Constance LI	Principal Council Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Miss Polly YEUNG	Chief Council Secretary (1)3
Ms Connie SZETO	Chief Council Secretary (1)6
Miss Odelia LEUNG	Chief Council Secretary (2)6
Mr Kelvin LEE	Assistant Legal Adviser 1
Ms Connie FUNG	Assistant Legal Adviser 3
Mr KAU Kin-wah	Assistant Legal Adviser 6
Ms Amy YU	Senior Council Secretary (2)3

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Action

**I. Confirmation of the minutes of the 32nd meeting held on 6 October 2006**  
*(LC Paper No. CB(2) 14/06-07)*

The minutes were confirmed.

**II. Matters arising**

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

Number of Bills Committee slots

2. The Chairman said that she had informed CS that there were currently eight vacant Bills Committee slots. She had once again urged the Administration to introduce bills, especially the Prevention of Bribery (Amendment) Bill (the Bill), into the Council as early as possible.

3. The Chairman added that CS had responded that the Administration needed more time to look into the technical aspects of the Bill, and would introduce the Bill into the Council as soon as possible.

**III. Business arising from previous Council meetings**

**Legal Service Division report on subsidiary legislation gazetted on 6 October 2006 and tabled in Council on 11 October 2006**

*(LC Paper No. LS 3/06-07)*

4. The Chairman said that a total of 18 items of subsidiary legislation were gazetted on 6 October 2006 and tabled in Council on 11 October 2006.

Action

5. For the four subsidiary legislation made under the Merchant Shipping (Local Vessels) Ordinance, the Chairman said that the Administration consulted the relevant Panel in 2002 and 2003. The Legal Service Division was continuing the scrutiny of the Regulations and would provide a further report if necessary.

6. Members did not raise any queries on the 18 items of subsidiary legislation.

**IV. Further business for the Council meeting on 18 October 2006**

(a) **Questions**  
(LC Paper No. CB(3) 37/06-07)

7. The Chairman said that Mr LAU Kong-wah and Dr Fernando CHEUNG had replaced their previous questions.

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

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**Smoking (Public Health) (Amendment) Bill 2005**

8. The Chairman said that the Administration had given notice to resume the Second Reading debate on the Bill.

9. The Chairman reminded Members that if the business on the agenda of the Council meeting on 18 October 2006 could not be finished on that day, the meeting would resume in the afternoon of 19 October 2006.

**V. Business for the Council meeting of 25, 26 and 27 October 2006**

(a) **Questions**  
(LC Paper No. CB(3) 38/06-07)

10. The Chairman said that 20 written questions had been scheduled for the meeting.

(b) **Members' motion**

**Motion of Thanks**

(Director of Administration's (D of Adm's) letter dated 12 October 2006 on "Proposed Grouping of Policy Areas for the Debate on the Motion of Thanks")

Action

11. Referring to D of Adm's letter dated 12 October 2006 on the proposed grouping of policy areas for the five debate sessions, the Chairman said that the proposed order of debate themes was the same as the last legislative session. The Chairman further said that the responding public officer in the session for the theme of "Caring and Just Society" in this year's debate would be the Secretary for Health, Welfare and Food (SHWF) only, instead of both SHWF and the Financial Secretary as in the last legislative session. This apart, the list and order of public officers responding in each debate session was also identical to the last debate.

12. The Chairman pointed out that according to the agreed arrangements for the debates on Policy Addresses, the total speaking time limit for each Member was 30 minutes, and it was up to Members to allocate their speaking time among the five debate sessions. The Chairman also said that the Administration would provide a response after Members' speeches in each session.

13. In response to Ms Emily LAU's enquiry on the speaking time limit for designated public officers, the Chairman said that for one or two public officers responding in a debate session, the total speaking time was 45 minutes. For three or more public officers responding in a debate session, it would be calculated on the basis of 15-minute speaking time limit for each public officer.

14. Members agreed to the proposed grouping of policy areas for the debate.

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

### **Report of the Subcommittee to Study the Proposed Resolution on Increase of Fines in Waterworks Ordinance and Waterworks Regulations**

*(LC Paper No. CB(1) 20/06-07)*

15. Mr Fred LI, Chairman of the Subcommittee, referred Members to the report of the Subcommittee and highlighted two issues of concern to the Subcommittee.

16. Mr LI said that the Administration had not revised the fines for offences under the Waterworks Ordinance (WVO) and the Waterworks Regulations (WWR) for some 23 to 31 years and had made a one-off drastic increase on this occasion. The Subcommittee considered this unsatisfactory and urged the Administration to ensure that the fines provisions under WVO and WWR would be reviewed at appropriate intervals in future.

Action

17. Mr LI further explained that the Subcommittee was also concerned about whether the collection or diversion of stream water for agricultural and domestic uses by villagers would constitute an offence under WWO. Although no prosecution had been instituted in this regard in the past, the Subcommittee noted the absence of provisions in WWO empowering the Water Authority to exercise discretion in enforcement or granting exemption. Mr LI added that the Subcommittee had urged the Administration to review the relevant provision as soon as possible to clearly reflect the Government's policy intention.

18. Mr LI said that the Subcommittee had requested the Secretary for Environment, Transport and Works to respond to its suggestions on the above two issues in her speech for moving the proposed resolution.

19. The Chairman said that the Subcommittee supported the proposed resolution and the Administration giving fresh notice to move the proposed resolution at a future Council meeting.

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

(LC Paper No. CB(2) 15/06-07)

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

**VIII. Report of the Panel on Information Technology and Broadcasting on the Study of Public Service Broadcasting for Hong Kong**

*(The report was issued to Members vide LC Paper No. CB(1) 2308/05-06 dated 9 October 2006)*

(LC Paper No. CB(1) 16/06-07)

21. Mr SIN Chung-kai, Deputy Chairman of the Panel, said that the Panel had completed its study on public service broadcasting and published a Report on the Study of Public Service Broadcasting for Hong Kong (the Report) on 9 October 2006. A copy of the Report had been forwarded to the Administration and the Committee on Review of Public Service Broadcasting in Hong Kong respectively for their consideration.

22. Mr SIN further said that to enable Members to express their views on the Report and the Administration to provide its response, the Panel had agreed to request the House Committee for allocation of a debate slot to him under House Rule 14A(h) to move a motion on the subject for debate at the Council meeting on 1 November 2006. The Panel also suggested that there should only be one other debate on a Member's motion for that Council meeting.

Action

23. The Chairman said that as the Panel's study on public service broadcasting had taken place under the chairmanship of Mr SIN, the Panel had agreed that the motion should be moved by Mr SIN. The Chairman added that should the House Committee accede to the Panel's request, the debate slot would not be counted as Mr SIN's own slot.

24. The Chairman proposed that a debate slot be allocated to Mr SIN to move a motion on the Report at the Council meeting on 1 November 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.

**IX. Any other business**

25. There being no other business, the meeting ended at 2:46 pm.

Council Business Division 2  
Legislative Council Secretariat  
18 October 2006

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