

立法會
Legislative Council

LC Paper No. CB(2) 217/06-07

Ref : CB2/H/5/06

House Committee of the Legislative Council

**Minutes of the 2nd meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 20 October 2006**

Members present :

Hon Miriam LAU Kin-yee, GBS, JP (Chairman)
Hon James TIEN Pei-chun, GBS, JP
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon LEE Cheuk-yan
Hon Martin LEE Chu-ming, SC, JP
Dr Hon David LI Kwok-po, GBS, JP
Hon Margaret NG
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, 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 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 Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Dr Hon KWOK Ka-ki
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
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 Fred LI Wah-ming, JP (Deputy Chairman)
Dr Hon LUI Ming-wah, SBS, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Andrew CHENG Kar-foo
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon MA Lik, GBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon Ronny TONG Ka-wah, SC

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
Mr Andy LAU	Acting 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 Anna LO	Principal Council Secretary (Administration)
Mrs Constance LI	Principal Council Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Miss Odelia LEUNG	Chief Council Secretary (2)6
Mr Stephen LAM	Assistant Legal Adviser 4
Mr KAU Kin-wah	Assistant Legal Adviser 6
Ms Alice LEUNG	Senior Council Secretary (2)1
Ms Amy YU	Senior Council Secretary (2)3

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I. Confirmation of the minutes of the 1st meeting held on 13 October 2006
(*LC Paper No. CB(2) 93/06-07*)

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 there was nothing special to report.

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)

City University of Hong Kong (Amendment) Bill 2006
(*LC Paper No. LS 2/06-07*)

3. Ir Dr Raymond HO, the Member in charge of the Bill, said that the staff association of the City University of Hong Kong (the University) had objected to the reduction of Council members elected from amongst the staff from two to one as proposed in the Bill. The management of the University was now liaising with the relevant parties to address this concern. To allow time for the University management to consult the parties concerned, Dr HO suggested that a decision on whether a Bills Committee should be formed to study the Bill be deferred to the next meeting of the House Committee.

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4. Ms Emily LAU said that a Bills Committee should be formed to study the Bill, as the governance and management of universities was an important issue. Ms LAU recalled that the Public Accounts Committee (PAC) had published a report on, inter alia, the governance of University Grants Committee-funded institutions. She was of the view that the recommendations of the PAC concerning the governance and management of universities should be used as the yardsticks for scrutinising the proposals in the Bill.

5. Dr YEUNG Sum shared Ms Emily LAU's view on the formation of a Bills Committee to study the Bill. Dr YEUNG said that the Panel on Education had all along been concerned about the governance of universities.

6. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Ir Dr Raymond HO, Mr CHEUNG Man-kwong, Dr YEUNG Sum, Ms Emily LAU and Dr Fernando CHEUNG (as advised by Ms Margaret NG).

(b) **Legal Service Division report on subsidiary legislation gazetted on 13 October 2006 and tabled in Council on 18 October 2006**
(*LC Paper No. LS 4/06-07*)

7. The Chairman said that a total of three items of subsidiary legislation were gazetted on 13 October 2006 and tabled in Council on 18 October 2006.

8. Regarding the two subsidiary legislation relating to the Chief Executive election, the Legal Adviser said that the minor drafting queries referred to in the Legal Service Division report had been clarified, and no further action was required.

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

10. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 15 November 2006.

IV. Business for the Council meeting on 1 November 2006

(a) **Questions**
(*LC Paper No. CB(3) 58/06-07*)

11. 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**

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

(c) **Government motion**

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

(d) **Members' motions**

(i) **Motion on "Public service broadcasting for Hong Kong"**

(Wording of the motion issued vide LC Paper No. CB(3) 52/06-07 dated 14 October 2006.)

(ii) **Motion on "Minimum wage, standard working hours"**

(Wording of the motion issued vide LC Paper No. CB(3) 67/06-07 dated 18 October 2006.)

14. The Chairman said that the above motions would be moved by Mr SIN Chung-kai and Mr WONG Kwok-hing respectively, and the wording of the motions had been issued to Members.

15. Regarding the motion on public service broadcasting to be moved by Mr SIN Chung-kai, the Chairman said that the matter had been discussed at the last meeting of the House Committee, and Members agreed that a debate slot be granted to Mr SIN to move the motion at the Council meeting.

16. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Tuesday, 24 October 2006.

V. **Reports of Bills Committees and subcommittees**

(a) **Report of the Subcommittee on Food Business (Amendment) Regulation 2006**

(LC Paper No. CB(2) 94/06-07)

17. Mr Tommy CHEUNG, Chairman of the Subcommittee, referred members to the report of the Subcommittee, and said that members in general supported the Amendment Regulation which had come into operation on 18 August 2006.

18. Mr CHEUNG explained that members had expressed concern about the unclear definition of some terms in the Amendment Regulation, including "meat", "chilled" and "premises", as it might cause difficulties in prosecution

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and enforcement actions. The Subcommittee had suggested that the Administration should amend the Amendment Regulation to clarify their definition. The Administration had stressed that through the existing licensing policy and legal backing in the Regulation, it could effectively bring under control matters relating to the selling of meat and the relevant licensing work.

19. Mr CHEUNG further said that the Subcommittee also noted the inconsistency in the Chinese rendition of "chilled". The rendition was "冷凍" in the legislation but "冰鮮" in the licensing requirements and conditions for fresh provision shops /market stalls which sold chilled meat. At the Subcommittee's request, the Administration had undertaken to, unless there was strong objection from the trade, amend the relevant licensing requirements and conditions so that both the terms "冰鮮" and "冷凍" would be used for "chilled" upon renewal of existing licences or tenancies as well as granting of new licences and tenancies.

20. Mr CHEUNG added that the Subcommittee would not move any amendments to the Amendment Regulation.

21. The Chairman said that the deadline for giving notice of amendments, if any, was Wednesday, 1 November 2006.

(b) Report of the Subcommittee on Public Health (Animals and Birds) (Exhibitions) (Amendment) Regulation 2006

(LC Paper No. CB(2) 95/06-07)

22. Mr Tommy CHEUNG, member of the Subcommittee, presented the report of the Subcommittee on behalf of its Chairman, Mr Fred LI. Mr CHEUNG highlighted two issues of concern to the Subcommittee.

23. Mr CHEUNG explained that the Subcommittee considered it inappropriate for the Administration to regulate racing pigeon activities under the licensing system for animals/birds exhibition for the sake of administrative convenience. The Subcommittee had requested the Administration to consider implementing a new regulatory regime for racing pigeons.

24. Mr CHEUNG further said that the Amendment Regulation sought to change the fee structure for an exhibition licence for animals and birds. The Administration proposed to lower the licence fee from \$10,720 to \$2,720 (if the total number of birds did not exceed 20) and \$9,700 (if the total number of birds exceeded 20). The Subcommittee considered the proposed licence fees to be on the high side. Although the Administration had subsequently proposed to further reduce the licence fees to \$2,190 and \$7,790 respectively, some members were still dissatisfied with the revised fees. However, noting that the original licence fee of \$10,720 would be reinstated if the Legislative

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Council (LegCo) repealed the Amendment Regulation, the Subcommittee indicated that it had no objection to the Administration moving a motion to effect the fee revision.

25. Mr CHEUNG added that the Subcommittee had requested the Administration to take certain follow-up actions, including undertaking a study on the regulatory regime of racing pigeon activities in overseas countries, considering whether a new regime should be established for racing pigeon activities in Hong Kong, and reviewing the licence fees for exhibition of animals and birds. The Panel on Food Safety and Environmental Hygiene would follow up on these matters.

26. The Chairman said that the Administration would give notice to move a motion to amend the Amendment Regulation to effect the fee revision at the Council meeting on 8 November 2006.

27. The Chairman said that the deadline for giving notice of amendments was Wednesday, 1 November 2006.

VI. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 96/06-07)

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

29. The Chairman invited Members to note that the Bills Committee on Rail Merger Bill, the Bills Committee on Prevention of Cruelty to Animals (Amendment) Bill 2006 and the Bills Committee on Unsolicited Electronic Messages Bill would have to work beyond three months since their commencement.

30. The Chairman, in her capacity as Chairman of the Bills Committee on Rail Merger Bill, said that the Bills Committee started its work in late September because of the summer recess. In view of the complexity of the Bill and the need to meet with deputations concerned, the Bills Committee had to work beyond three months since its commencement. It was expected that the Bills Committee would need to work for a few more months.

31. Mr James TIEN, Chairman of the Bills Committee on Prevention of Cruelty to Animals (Amendment) Bill 2006, said that the Bills Committee had held three meetings since its formation on 7 July 2006. Mr TIEN further said that members of the Bills Committee unanimously agreed that the penalty level proposed in the Bill should be further increased. The Bills Committee had written to the Administration in this regard and would consider the

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Administration's response at its next meeting. It was expected that the Bills Committee would complete its scrutiny work soon.

VII. Election of Members of The Legislative Council Commission

(LC Paper No. AS 20/06-07)

32. The Chairman said that The Legislative Council Commission Ordinance (Cap. 443) provided that the membership of the Commission included the President of LegCo, the Chairman and the Deputy Chairman of the House Committee, and not more than 10 other members elected by and from amongst LegCo Members.

33. The Chairman further said that seven nominations for election to The Legislative Council Commission had been received by the deadline of 16 October 2006. The Chairman asked whether there were any further nominations.

34. Mr Albert HO nominated Mr Albert CHENG and the nomination was seconded by Dr YEUNG Sum and Ms Emily LAU. Mr CHENG accepted the nomination.

35. There being no other nomination, the Chairman declared that the following eight Members were elected members of The Legislative Council Commission –

Mr James TIEN
Ms Margaret NG
Mr CHEUNG Man-kwong
Mr Jasper TSANG
Ms Emily LAU
Mr WONG Ting-kwong
Mr Patrick LAU
Mr Albert CHENG

VIII. Any other business

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