

立法會
Legislative Council

LC Paper No. CB(2) 1162/06-07

Ref : CB2/H/5/06

House Committee of the Legislative Council

**Minutes of the 15th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 23 February 2007**

Members present :

Hon Miriam LAU Kin-ye, 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, SBS, S.B.St.J., JP
Hon LEE Cheuk-yan
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon James TO Kun-sun
Hon CHAN Yuen-han, JP
Hon CHAN Kam-lam, SBS, JP
Hon SIN Chung-kai, JP
Hon WONG Yung-kan, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Dr Hon YEUNG Sum
Hon LAU Kong-wah, JP
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo
Hon Timothy FOK Tsun-ting, GBS, JP
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 Frederick FUNG Kin-kee, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
Hon LI Kwok-ying, MH, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon MA Lik, GBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC

Mrs Constance LI	Principal Council Secretary (Complaints)
Mr Simon WONG	Chief Public Information Officer
Miss Becky YU	Chief Council Secretary (1)1
Miss Odelia LEUNG	Chief Council Secretary (2)6
Mr Kelvin LEE	Assistant Legal Adviser 1
Mr Stephen LAM	Assistant Legal Adviser 4
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 14th meeting held on 2 February 2007
(*LC Paper No. CB(2) 1129/06-07*)

The minutes were confirmed.

II. Matters arising

Report by the Chairman on her meeting with the Chief Secretary for Administration

Introduction of bills

2. The Chairman said that she had once again reminded the Administration to introduce the bills on the Legislative Programme as soon as possible, and avoid "bunching" at the end of 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)

(i) Domicile Bill
(*LC Paper No. LS 36/06-07*)

3. The Chairman said that the Bill sought to implement the recommendations of the Law Reform Commission's report on "Rules for Determining Domicile" published in April 2005. The Panel on Administration of Justice and Legal Services had been briefed on the Bill at its meeting on 27 November 2006.

4. Ms Margaret NG considered that a Bills Committee should be formed to study the Bill.

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5. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Ms Margaret NG, Mr James TO, Mr LAU Kong-wah, Ms Miriam LAU and Ms Audrey EU.

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

(ii) Shenzhen Bay Port Hong Kong Port Area Bill
(LC Paper No. LS 38/06-07)

7. The Chairman said that the Bill sought to declare an area in the Shenzhen Bay Port in the Mainland as the Shenzhen Bay Port Hong Kong Port Area and to apply the laws of Hong Kong in the declared area.

8. The Chairman further said that the Panel on Security had been consulted on the Administration's proposals to implement the arrangement to co-locate the customs and immigration facilities of the Mainland and Hong Kong on the Mainland and members had raised a number of questions and made certain suggestions.

9. Mr LAU Kong-wah considered that a Bills Committee should be formed to study the Bill.

10. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Ms Margaret NG, Mr James TO, Mr WONG Yung-kan, Mr LAU Kong-wah, Ms Miriam LAU, Ms Emily LAU and Mr Abraham SHEK.

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

(b) Legal Service Division report on subsidiary legislation gazetted on 2 February 2007 and tabled in Council on 7 February 2007
(LC Paper No. LS 35/06-07)

12. The Chairman said that a total of four items of subsidiary legislation were gazetted on 2 February 2007 and tabled in Council on 7 February 2007.

13. Regarding the Road Traffic (Traffic Control) (Amendment) Regulation 2007, the Chairman said that the Regulation sought to empower the Commissioner for Transport to exempt any category of taxis from a closed road restriction and to add a new traffic sign in Schedule 1 to the Principal Regulations to indicate the exception of the specified category of taxis.

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14. Mr James TO enquired if the Regulation could be scrutinised together with the Shenzhen Bay Port Hong Kong Port Area Bill, as the Regulation was related to the Hong Kong-Shenzhen Western Corridor.

15. The Chairman responded that it was not appropriate to do so, given that the Regulation would commence on 1 April 2007 and would apply to other places apart from the public transport interchange at the Hong Kong-Shenzhen Western Corridor.

16. Mr James TO agreed with the Chairman and considered that a subcommittee should be formed to study the Regulation.

17. The Chairman proposed that a subcommittee be formed to study the Regulation in detail. Members agreed. The following Members agreed to join: Mr James TO, Ms Miriam LAU and Ms LI Fung-ying.

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

IV. Legal Service Division report on subsidiary legislation gazetted on 9 February 2007

(LC Paper No. LS 37/06-07)

19. The Chairman said that only one item of subsidiary legislation, i.e. the Air Pollution Control (Volatile Organic Compounds) Regulation, was gazetted on 9 February 2007. The Regulation would be tabled in Council on 28 February 2007.

20. The Chairman further said that the Subcommittee to Study Issues Relating to the Air Pollution Control (Volatile Organic Compounds) Regulation would provide a report under agenda item VIII.

21. Members did not raise any queries on this item of subsidiary legislation.

22. The Chairman reminded Members that the deadline for amending this item of subsidiary legislation was 28 March 2007.

V. Legal Service Division report on subsidiary legislation gazetted on 16 February 2007

(LC Paper No. LS 41/06-07)

23. The Chairman said that a total of six items of subsidiary legislation were gazetted on 16 February 2007. These items of subsidiary legislation would be tabled in Council on 28 February 2007.

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24. Members did not raise any queries on these items of subsidiary legislation.

25. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 28 March 2007.

VI. Business for the Council meeting on 28 February 2007

(a) **Questions**

(LC Paper No. CB(3) 365/06-07)

26. The Chairman said that 20 written questions had been scheduled for the Council meeting, as the Financial Secretary (FS) would deliver his Budget speech.

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

The Administration has advised the Clerk to the Legislative Council that the Financial Secretary intends to present to the Council at the meeting:

(i) **the Appropriation Bill 2007; and**

(ii) **the Estimates of Expenditure for the year ending 31 March 2008**

27. The Chairman said that FS would deliver his Budget speech.

VII. Business for the Council meeting on 7 March 2007

(a) **Questions**

(LC Paper No. CB(3) 366/06-07)

28. 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**

Mainland Judgments (Reciprocal Enforcement) Bill

29. The Chairman said that the Administration had given notice to present the above Bill to the Council on 7 March 2007. The House Committee would consider the Bill at its meeting on 9 March 2007.

(c) **Government motions**

(i) **Proposed resolution to be moved by the Secretary for Financial Services and the Treasury (SFST) under the Public Finance Ordinance**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 370/06-07 dated 15 February 2007.)
(LC Paper No. LS 40/06-07)*

30. The Chairman said that the proposed resolution was for seeking funds on account to enable the Government to carry on existing services between the start of the financial year on 1 April 2007 and the enactment of the Appropriation Ordinance 2007.

31. The Chairman added that the amount sought this year was \$55,269,264,000, which was slightly less than that of last year (\$55,884,844,000).

32. Members did not raise objection to SFST moving the proposed resolution at the Council meeting.

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

- **the Pharmacy and Poisons (Amendment) Regulation 2007; and**
- **the Poisons List (Amendment) Regulation 2007**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 368/06-07 dated 13 February 2007.)
(LC Paper No. LS 39/06-07)*

33. The Chairman said that the proposed resolution was for seeking the Council's approval of the two Amendment Regulations to add nine new substances to Division A of the First and Third Schedules to the Pharmacy and Poisons Regulations and Division A of Part I of the Schedule to the Poisons List Regulations respectively, so that pharmaceutical products containing any of these substances must be sold with the support of prescriptions in pharmacies by or under the supervision of a registered pharmacist and in his presence.

34. Members did not raise objection to SHWF moving the proposed resolution at the Council meeting.

(d) **Members' motions**

(i) **Motion on "Creating job opportunities and improving the income of elementary workers"**

(Wording of the motion issued vide LC Paper No. CB(3) 378/06-07 dated 22 February 2007.)

(ii) **Motion on "Strengthening the supervision of railway safety"**

(Wording of the motion issued vide LC Paper No. CB(3) 380/06-07 dated 22 February 2007.)

35. The Chairman said that the above motions would be moved by Miss CHAN Yuen-han and Mr Andrew CHENG respectively, and the wording of the motions had been issued to Members.

36. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 28 February 2007.

VIII. Report of Bills Committees and subcommittees

Report of the Subcommittee to Study Issues Relating to the Air Pollution Control (Volatile Organic Compounds) Regulation

(LC Paper No. CB(1) 952/06-07)

37. Ms Audrey EU, Chairman of the Subcommittee, explained the background to the setting up of the Subcommittee. She said that owing to insufficient time for examining the Regulation before the expiry of the extended scrutiny period, the Regulation was repealed by the Council on 17 January 2007. To expedite the examination of the new Air Pollution Control (Volatile Organic Compounds) Regulation, Members agreed to set up the Subcommittee to study the related issues.

38. Ms EU further said that the Subcommittee had completed its work. The Administration had incorporated all the amendments suggested by members in the proposed Regulation, which was intended to come into operation on 1 April 2007.

39. Ms EU added that the proposed control regime on volatile organic compounds (VOC) was completely new to Hong Kong. It was one of the initiatives to enable Hong Kong to meet the emission reduction targets agreed between Hong Kong and the Guangdong Provincial Government to reduce 55% of VOC by 2010. Given the far-reaching implications of the proposed Regulation, the Subcommittee considered it necessary for Members to have an

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opportunity to speak on it after its tabling in the Council. The Subcommittee had, therefore, agreed to request the House Committee for allocation of a debate slot to her, as its Chairman, to move a motion for debate on the proposed Regulation at the Council meeting on 14 March 2007.

40. Ms EU further said that the proposed motion was neutrally worded. To allow sufficient time for Members to speak on the motion, the Subcommittee suggested a speaking time limit of 15 minutes for each Member. The Subcommittee also suggested that there should only be one other debate on a Member's motion for that Council meeting.

41. The Chairman said that the request of the Subcommittee for priority allocation of a debate slot was made under House Rule 14A(h). Should the House Committee accede to the Subcommittee's request, the debate slot would not be counted as Ms EU's own slot. In accordance with rule 15(c) of the House Rules, the motion debate would take place before the other individual Member's motion to be debated at the Council meeting on 14 March 2007.

42. Dr YEUNG Sum supported the Subcommittee's request, as environmental protection was of wide public concern.

43. The Chairman proposed that a debate slot be allocated to Ms Audrey EU, as Chairman of the Subcommittee, to move a motion on the proposed Regulation at the Council meeting on 14 March 2007 with a speaking time limit of 15 minutes for each Member, and that there should only be one other debate on a Member's motion for that Council meeting. Members agreed.

IX. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 1128/06-07)

44. The Chairman said that there were 12 Bills Committees and six subcommittees under the House Committee in action.

X. Any other business

45. There being no other business, the meeting ended at 2:51 pm.