

立法會
Legislative Council

LC Paper No. CB(2) 1787/06-07

Ref : CB2/H/5/06

House Committee of the Legislative Council

**Minutes of the 23rd meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 4 May 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 Martin LEE Chu-ming, SC, 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 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 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, 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 Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki
Dr Hon Fernando CHEUNG Chiu-hung
Hon WONG Ting-kwong, BBS
Hon Ronny TONG Ka-wah, SC
Hon CHIM Pui-chung
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon KWONG Chi-kin
Hon TAM Heung-man

Members absent :

Hon LEE Cheuk-yan
Dr Hon David LI Kwok-po, GBS, JP
Hon Bernard CHAN, GBS, JP
Hon CHAN Kam-lam, SBS, JP
Hon LAU Chin-shek, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Andrew CHENG Kar-foo
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Daniel LAM Wai-keung, SBS, JP
Hon MA Lik, GBS, JP
Hon LEUNG Kwok-hung
Hon CHEUNG Hok-ming, SBS, JP
Hon Albert Jinghan CHENG

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)
Mr Simon WONG	Chief Public Information Officer
Miss Polly YEUNG	Chief Council Secretary (1)5
Miss Odelia LEUNG	Chief Council Secretary (2)6
Mr Kelvin LEE	Assistant Legal Adviser 1
Mr Timothy TSO	Assistant Legal Adviser 2
Mr Stephen LAM	Assistant Legal Adviser 4
Miss Kitty CHENG	Assistant Legal Adviser 5
Ms Amy YU	Senior Council Secretary (2)3

Action

I. Confirmation of the minutes of the 22nd meeting held on 27 April 2007
(*LC Paper No. CB(2) 1717/06-07*)

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

(a) Legal Service Division report on bills referred to the House Committee in accordance with Rule 54(4)

(i) Revenue Bill 2007
(*LC Paper No. LS 67/06-07*)

3. The Chairman said that the Bill sought to amend the Dutiable Commodities Ordinance and the Stamp Duty Ordinance to give effect to the proposals in the 2007-2008 Budget to reduce duty payable on wine and liquor and stamp duty payable on transactions of properties valued between \$1 million and \$2 million.

4. Mr SIN Chung-kai considered that a Bills Committee should be formed to study the proposal concerning duty payable on wine and liquor. The Chairman responded that the Bill should be examined as a whole.

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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: Mr James TIEN, Mr SIN Chung-kai, Ms Emily LAU, Mr Tommy CHEUNG, Mr Albert CHAN and Mr Vincent FANG.

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

(ii) Revenue (No. 2) Bill 2007
(LC Paper No. LS 68/06-07)

7. The Chairman said that the Bill sought to amend the Inland Revenue Ordinance to give effect to some of the proposals concerning salaries tax in the 2007-2008 Budget.

8. Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(b) Legal Service Division report on subsidiary legislation gazetted on 27 April 2007 and tabled in Council on 2 May 2007
(LC Paper No. LS 66/06-07)

9. The Chairman said that a total of seven items of subsidiary legislation were gazetted on 27 April 2007.

10. Regarding the three items of subsidiary legislation made under the United Nations Sanctions Ordinance which were not required to be tabled in Council, i.e. the United Nations Sanctions (Côte d'Ivoire) Regulation 2007, the United Nations Sanctions (Côte d'Ivoire) Regulation 2006 (Repeal) Regulation, and the United Nations Sanctions (Liberia) Regulation 2005 (Amendment) Regulation 2007, the Chairman said that they came within the terms of reference of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions. She suggested that the three Regulations be referred to the Subcommittee.

11. Ms Margaret NG said that the three Regulations were not subject to the scrutiny of the Legislative Council but the Subcommittee was ready to consider them.

12. Members agreed that the three Regulations be referred to the Subcommittee.

13. Members did not raise any query on the other four items of subsidiary legislation.

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IV. Further business for the Council meeting on 9 May 2007

Questions

(LC Paper No. CB(3) 535/06-07)

14. The Chairman said that that Mr SIN Chung-kai and Mr LEE Wing-tat had replaced their previous oral questions.

V. Business for the Council meeting on 16 May 2007

(a) Questions

(LC Paper No. CB(3) 536/06-07)

15. 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

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

(c) 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. 2) Regulation 2007; and

(ii) the Poisons List (Amendment) (No. 2) Regulation 2007

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 519/06-07 dated 26 April 2007.)

(LC Paper No. LS 65/06-07)

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

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

(d) **Members' motions**

(i) **Motion to be moved by Hon Mrs Sophie LEUNG LAU Yau-fun**

(Wording of the motion issued vide LC Paper No. CB(3) 539/06-07 dated 3 May 2007.)

19. The Chairman said that the subject of the motion to be moved by Mrs Sophie LEUNG LAU Yau-fun was "Promoting entrepreneurship".

(ii) **Motion to be moved by Hon LEUNG Kwok-hung**

20. The Chairman said that the subject of the motion to be moved by Mr LEUNG Kwok-hung was about the 4 June incident, and the wording of the motion was being considered by the President.

21. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 9 May 2007.

VI. Report of Bills Committees and subcommittees

Report of the Subcommittee on Sewage Services (Sewage Charge) (Amendment) Regulation 2007, Sewage Services (Trade Effluent Surcharge) (Amendment) Regulation 2007 and Technical Memorandum on Procedures and Methods for Sampling and Analysis of Trade Effluents

22. Ms Audrey EU, Chairman of the Subcommittee, said that the Subcommittee had held five meetings and had received views from various organizations, including environmental protection organizations, the catering trade and professional bodies. While supporting the objective of the Sewage Services (Sewage Charge) (Amendment) Regulation 2007 to raise the cost recovery rate of sewage charge to the target rate of 80% of the operating cost in accordance with the polluter-pays principle, the Subcommittee had raised various issues of concern.

23. Ms EU elaborated that some members had expressed concern about the proposed increase in sewage charge at an annual rate of 9.3% over a 10-year period. Given that some of the proposed increases would only take effect after the Members' term of office, these members questioned whether they should make a decision on the matter. A suggestion was made for the sewage charge adjustment period to be shortened.

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24. Ms EU also pointed out that the Subcommittee was concerned about the operating costs of the 41 sewage services related infrastructural projects having been factored into the 10-year sewage charge increment projection, notwithstanding the fact that the construction of some of these projects had yet to commence. Such projects included, for example, the large-scale Harbour Area Treatment Scheme (HATS) Stage 2A which would only be commissioned in 2014.

25. Ms EU added that to address members' concern, the Administration had agreed to move a motion to amend the Regulation to defer its effective date from 1 July 2007 to 1 April 2008.

26. Ms EU further said that given the long sewage charge adjustment period, the Subcommittee considered it necessary to put in place a review mechanism. The Administration had undertaken to provide annually to the Panel on Environmental Affairs a summary of the sewage services operating accounts of the previous financial year and the projection for the following financial year. In addition, the Secretary for Environment, Transport and Works (SETW) had undertaken, vide her letter dated 4 May 2007 to the Subcommittee, to conduct a major review and present the results with the following information to the Panel in mid-2011 -

- (a) a summary of the sewage services operating accounts for the previous period and projections for the coming period, including information on the actual and projected operating cost recovery rates for the sewage charge;
- (b) an assessment of the economic impact of the prevailing and projected sewage charge rates;
- (c) an account of the savings and efficiency measures adopted by the Drainage Services Department over the review period and measures planned for the coming period; and
- (d) a progress report and the programme for HATS Stage 2B.

27. Ms EU further informed Members that SETW had also undertaken to conduct a review of the schedule of increases at any time during the 10-year period, if the sewage services accounts showed that the 80% cost recovery target for sewage charge had been exceeded or was projected to be exceeded in the following year, or if the programme of the planned major sewage services related infrastructural projects would be delayed by more than one year. The Subcommittee also exchanged views with the Administration on the environmental impact of disinfection technology of chlorination/dechlorination used in HATS Stage 1.

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28. Ms EU added that Mr Tommy CHEUNG had indicated that he might move amendments to the Regulation. Members belonging to the Civic Party were also considering moving amendments to the Regulation to the effect that the proposed increases in sewage charge would only be implemented for the first few years, while further increases would be subject to the results of the review to be conducted by the Administration.

29. As regards the Sewage Services (Trade Effluent Surcharge) (Amendment) Regulation 2007 and the Technical Memorandum on Procedures and Methods for Sampling and Analysis of Trade Effluents, Ms EU said that the proposals to reduce the number of specified sampling days and extend the validity period of reassessments would reduce the cost relating to reassessments of trade effluent samples. The Subcommittee noted that the Administration would complete surveys of the strength of trade effluents of 30 trades by the end of 2007.

30. The Chairman said that the Subcommittee would provide its written report at the next House Committee meeting on 11 May 2007.

31. The Chairman reminded Members that the deadline for giving notice of amendments to the Regulations and the Technical Memorandum, if any, was Wednesday, 9 May 2007.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 1718/06-07)

(LC Paper No. CB(2) 1750/06-07)

32. The Chairman said that there were 15 Bills Committees and six subcommittees under the House Committee in action.

33. The Chairman invited Members to note that the Bills Committee on Housing (Amendment) Bill 2007 would have to work beyond three months since its commencement.

VIII. Follow-up on proposed reorganisation of policy bureaux of the Government Secretariat

(Letter dated 30 April 2007 from Hon Abraham SHEK Lai-him to the Chairman of the House Committee (LC Paper No. CB(2) 1740/06-07(01))

34. Mr Abraham SHEK said that he had made the suggestion for Members to discuss ways to follow up on the proposed reorganisation of policy bureaux of the Government Secretariat, before the announcement of the proposals by the Chief Executive, as he considered LegCo should be proactive and have more time to consider the subject. The Legislative Council Brief (the LegCo

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Brief) issued by the Administration on 3 May 2007 had set out in detail the proposals on the reorganisation which would take effect from 1 July 2007. Mr SHEK suggested that the proposed reorganisation be followed up by the Panel on Constitutional Affairs (CA Panel).

35. The Chairman said that the CA Panel had scheduled a special meeting on 8 May 2007 to discuss the subject.

36. Dr YEUNG Sum considered it appropriate for the CA Panel to follow up the subject matter.

37. Ms Margaret NG said that legislative amendments had to be made when the accountability system for principal officials was introduced a few years ago. She enquired whether the proposed reorganisation of the Government Secretariat would require any legislative amendments and, if so, when the Administration would provide the relevant information to Members for scrutiny.

38. The Legal Adviser said that according to the LegCo Brief, the Administration would move a resolution under the Interpretation and General Clauses Ordinance (Cap. 1) to seek LegCo's approval for the transfer of statutory functions vested in one public officer to another public officer and for changes to the post titles of Directors of Bureau concerned.

39. Ms Margaret NG was concerned about the need for and the complexity of other legislative amendments, apart from the resolution to be moved under Cap.1.

40. The Legal Adviser responded that the technical details were not yet available as the LegCo Brief did not include a copy of the draft resolution. He said that after the resolution had been passed, the Chief Executive in Council would need to make an order to amend the list of public officers specified in Cap.1, so as to reflect the changes to the post titles of the Directors of Bureau who were to take charge of the relevant reorganised bureaux. Such an order would need to be submitted to LegCo for approval by negative vetting.

41. The Chairman referred Members to paragraph 11 of the LegCo Brief concerning the legislative amendments required to implement the proposed reorganisation of the Government Secretariat.

42. Ms Margaret NG proposed that the Administration be requested to provide detailed information on the scope and the complexity of legislative amendments required to effect the proposed reorganization. Members agreed.

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43. Mr TAM Yiu-chung said that Members belonging to the Democratic Alliance for Betterment and Progress of Hong Kong supported the proposal for the subject matter to be followed up by the CA Panel.

44. Members agreed that the proposed reorganisation be followed up by the CA Panel.

45. In response to Ms Emily LAU's enquiry, Dr LUI Ming-wah, Chairman of the CA Panel, said that the Panel had scheduled a special meeting on 8 May 2007 at 10:45 am to discuss the subject. As there was no available time slot in the coming few weeks which would not clash with another meeting, the special meeting had been so scheduled even though it had to clash with the meeting of the Panel on Security.

46. Ms Margaret NG was concerned about the meeting arrangement as many Members were members of the CA Panel. She asked whether the Chairman of the Panel on Security had been consulted.

47. Ms Emily LAU said that the Panel on Security had invited some deputations to attend its regular meeting on 8 May 2007. She considered it unsatisfactory for a Panel to schedule a special meeting which would clash with the regular meeting of another Panel. Ms LAU opined that a clash of committee meetings should be avoided as far as practicable.

48. Dr LUI Ming-wah reiterated that there was no available time slot in the coming few weeks to hold the special meeting and which would not clash with another meeting. The availability of a meeting venue to accommodate the large membership size of the CA Panel was another consideration.

49. The Chairman said that the CA Panel would likely hold more than one meeting to discuss the proposed reorganisation, and Members who were not able to attend the special meeting on 8 May 2007 could join the discussion at subsequent meetings.

IX. Any other business

50. There being no other business, the meeting ended at 2:53 pm.