

立法會
Legislative Council

LC Paper No. CB(2) 490/07-08

Ref : CB2/H/5/07

House Committee of the Legislative Council

**Minutes of the 6th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 30 November 2007**

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
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, SBS, JP
Hon Bernard CHAN, GBS, JP
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon LEUNG Yiu-chung
Hon SIN Chung-kai, SBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Dr Hon YEUNG Sum, JP
Hon LAU Kong-wah, JP
Hon LAU Wong-fat, GBM, GBS, 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 Abraham SHEK Lai-him, SBS, JP
Hon LI Fung-ying, BBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP

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 Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Dr Hon KWOK Ka-ki
Dr Hon Fernando CHEUNG Chiu-hung
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
Hon Ronny TONG Ka-wah, SC
Hon CHIM Pui-chung
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Albert Jinghan CHENG, JP
Hon KWONG Chi-kin
Hon TAM Heung-man

Members absent :

Hon Albert HO Chun-yan
Dr Hon David LI Kwok-po, GBM, GBS, JP
Hon LAU Chin-shek, JP
Hon Andrew CHENG Kar-foo
Hon Albert CHAN Wai-yip
Hon Andrew LEUNG Kwan-yuen, SBS, JP

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
Ms Anita SIT	Chief Council Secretary (1)4
Ms Connie SZETO	Chief Council Secretary (1)6
Miss Odelia LEUNG	Chief Council Secretary (2)6
Ms Connie FUNG	Assistant Legal Adviser 3
Mr Stephen LAM	Assistant Legal Adviser 4
Mr KAU Kin-wah	Assistant Legal Adviser 6
Ms Amy YU	Senior Council Secretary (2)3
Mr Arthur KAN	Legislative Assistant (2)7

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I. Confirmation of the minutes of the 5th meeting held on 23 November 2007
(LC Paper No. CB(2) 445/07-08)

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 report on subsidiary legislation gazetted on 23 November 2007 and tabled in Council on 28 November 2007

(LC Paper No. LS 19/07-08)

3. The Chairman said that a total of two items of subsidiary legislation were gazetted on 23 November 2007 and tabled in Council on 28 November 2007.

4. Regarding the Tsing Sha Control Area (General) Regulation, the Chairman said that the Regulation provided for matters relating to the management, operation and maintenance of the Tsing Sha Control Area and the regulation of traffic therein. The Chairman further said that the Legal Service Division had written to seek clarification from the Administration on a few drafting points and had received its reply. The Division was studying the Administration's reply and would submit a further report, if necessary.

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

6. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 19 December 2007.

IV. Further business for the Council meeting on 5 December 2007

Questions

(LC Paper No. CB(3) 180/07-08)

7. The Chairman said that Dr David LI had replaced his oral question.

V. Business for the Council meeting on 12 December 2007

(a) Questions

(LC Paper No. CB(3) 181/07-08)

8. 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

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

(c) Government motion

Proposed resolution to be moved by the Secretary for Home Affairs under the Legal Aid Ordinance

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 163/07-08 dated 26 November 2007.)

(LC Paper No. LS 18/07-08)

10. The Chairman said that the proposed resolution was for seeking the Legislative Council's approval of the upward adjustment of the financial eligibility limits of legal aid applicants. The Administration proposed to adjust upwards the limit for the Ordinary Legal Aid Scheme from \$162,300 to \$165,700 and that for the Supplementary Legal Aid Scheme from \$450,800 to \$460,300 in accordance with the cumulative increase in Consumer Price Index (C) (CPI(C)).

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11. The Chairman further said that the Administration's letter on the outcome of the regular annual review of the financial eligibility limits of legal aid applicants was issued to the Panel on Administration of Justice and Legal Services (AJLS Panel) on 15 November 2007, and members agreed that it was not necessary for the Panel to discuss the Administration's proposal to increase the limits as it was a regular routine exercise to take account of CPI(C) changes.

12. Mr Martin LEE said that the Administration had only given short notice to the AJLS Panel of its intention to move the proposed resolution. As Hong Kong had become much more affluent since the introduction of legal aid many years ago, a comprehensive review of the financial eligibility limits of legal aid applicants was called for instead of mere adjustments to the limits on an annual basis in accordance with CPI(C).

13. The Chairman said that even if a Subcommittee was formed to study the proposed resolution, it could not deal with the issue raised by Mr Martin LEE as this fell outside its purview. The AJLS Panel should be the appropriate forum for discussing the issue.

14. Mr Martin LEE concurred with the Chairman's view.

15. Members did not raise objection to the Secretary for Home Affairs moving the proposed resolution at the Council meeting.

(d) Members' motions

(i) Motion on "Legislating for the provision of baby-sitting rooms"

(Wording of the motion issued vide LC Paper No. CB(3) 189/07-08 dated 29 November 2007.)

(ii) Motion on "Gender equality"

(Wording of the motion issued vide LC Paper No. CB(3) 188/07-08 dated 29 November 2007.)

16. The Chairman said that the above motions would be moved by Mr LEE Wing-tat and Ms Audrey EU respectively, and the wording of the motions had been issued to Members.

17. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 5 December 2007.

VI. Report of Bills Committees and subcommittees

(a) **Report of the Subcommittee to Study the Subject of Combating Poverty on its duty visit to study the experience of the development of social enterprise in Spain and the United Kingdom**

(LC Paper No. CB(2) 393/07-08)

18. Mr Frederick FUNG, Chairman of the Subcommittee and leader of the delegation, said that the delegation of the Subcommittee visited Spain and the United Kingdom (UK) from 16 to 22 September 2007 to study the experience of the development of social enterprise in these two countries.

19. Mr FUNG further said that the delegation had met with government officials, parliamentarians and representatives of business confederation of social enterprises, and had also visited some social enterprises in Spain and UK. The delegation considered the visit very useful in its study about the development and operation of social enterprise. He referred Members to the Subcommittee's report for details of the findings and observations of the delegation, and drew Members' attention to the experience in Spain where the development of social enterprise had been very successful.

(b) **Report of the Subcommittee on Unsolicited Electronic Messages Regulation (Commencement) Notice**

(LC Paper No. CB(1) 345/07-08)

20. Mr SIN Chung-kai, Chairman of the Subcommittee, said that the Unsolicited Electronic Messages Regulation (Commencement) Notice and the Unsolicited Electronic Messages Ordinance (Commencement) Notice, which were tabled in the Council on 31 October 2007, formed a single package of subsidiary legislation to implement the opt-out regime for regulating the sending of unsolicited commercial electronic messages.

21. Mr SIN reported that the Subcommittee had held one meeting. The Subcommittee noted the concern of the electronic marketing industry about the requirement for sender information and an unsubscribe facility to be included in commercial electronic messages to be given in both Chinese and English. The industry had pointed out that the bilingual language requirement was unnecessary for messages to be sent overseas targeting non-Hong Kong people or organizations, and might raise unnecessary questions from the recipients, hence affecting normal business operation.

22. Mr SIN further reported that the Administration proposed to address the concern of the industry by amending the Unsolicited Electronic Messages Regulation (the Regulation) and had presented to the Subcommittee an initial

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draft of the Unsolicited Electronic Messages (Amendment) Regulation 2007 (the Amendment Regulation). Taking into account the views of the Subcommittee, the Administration had subsequently provided a revised draft, which was in Appendix III to the report. The Subcommittee considered that the revised draft could address the concern of the industry and strike a right balance between respecting the rights of recipients of unsolicited electronic messages and allowing the development of legitimate electronic marketing in Hong Kong.

23. Mr SIN added that the Subcommittee supported the two Commencement Notices, and the Administration's proposal to amend the Regulation.

24. The Legal Adviser said that the Amendment Regulation was gazetted on the day of the House Committee meeting.

25. The Chairman reminded Members that the deadline for giving notice of amendments, if any, was Wednesday, 12 December 2007.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 446/07-08)

26. The Chairman said that there were 11 Bills Committees and six subcommittees under the House Committee in action.

VIII. Report of the Panel on Economic Development on the Study of the Development of Cruise Terminal Facilities in Hong Kong

(LC Paper No. CB(1) 333/07-08)

27. Mr Jeffrey LAM, Chairman of the Panel, said that following the Administration's announcement in October 2006 of its plan to develop cruise terminal facilities at Kai Tak through an open land tender exercise, the Panel on Economic Development had undertaken a study on the development of cruise terminal facilities in Hong Kong. To acquire a better understanding of the subject, a delegation of the Panel had conducted an overseas duty visit to Dubai of United Arab Emirates, Barcelona of Spain, Long Beach and Los Angeles of the United States of America from late August to early September 2007. The delegation had visited the cruise facilities, and met with representatives of relevant organizations in these places.

28. Mr LAM further said that after the visit, the Panel had held internal discussions with the Administration in October 2007 to exchange views on the observations of the delegation and the conclusions of the Panel's study, so that

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the Administration could take these views into account in the tender exercise for the new cruise terminal facilities.

29. Mr LAM referred Members to the Panel's report, and added that the Panel would continue to monitor the development of the new cruise terminal at Kai Tak as well as the future development of the cruise industry in Hong Kong. On behalf of the Panel and the delegation, Mr LAM thanked the staff of the Secretariat for providing assistance in the visit and the study.

IX. Any other business

30. There being no other business, the meeting ended at 2:43 pm.

Council Business Division 2
Legislative Council Secretariat
5 December 2007

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