

立法會
Legislative Council

LC Paper No. CB(2) 581/07-08

Ref : CB2/H/5/07

House Committee of the Legislative Council

**Minutes of the 7th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 7 December 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
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon LEE Cheuk-yan
Dr Hon David LI Kwok-po, GBM, GBS, JP
Dr Hon LUI Ming-wah, SBS, 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, 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
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 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 Abraham SHEK Lai-him, SBS, JP
Hon LI Fung-ying, BBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, 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
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
Hon LEUNG Kwok-hung
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 Albert Jinghan CHENG, JP
Hon KWONG Chi-kin
Hon TAM Heung-man
Hon Mrs Anson CHAN, GBM, JP

Members absent :

Hon Martin LEE Chu-ming, SC, JP
Hon SIN Chung-kai, SBS, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Andrew CHENG Kar-foo
Hon Timothy FOK Tsun-ting, GBS, JP
Hon LI Kwok-ying, MH, JP
Hon Daniel LAM Wai-keung, SBS, JP
Hon CHEUNG Hok-ming, 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
Miss Polly YEUNG	Chief Council Secretary (1)5
Miss Odelia LEUNG	Chief Council Secretary (2)6
Ms Connie FUNG	Assistant Legal Adviser 3
Mr Stephen LAM	Assistant Legal Adviser 4
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 6th meeting held on 30 November 2007
(LC Paper No. CB(2) 490/07-08)

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.

3. In response to Ms Emily LAU's enquiry, the Chairman explained that the purpose of her meetings with CS was to brief him about the House Committee's discussions and decisions which should be brought to his attention. The meetings were also attended by the Deputy Chairman. As Members only dealt with routine matters at the last House Committee meeting, there was nothing special to report. The Chairman further said that she would report to Members should CS make any comments or provide any information during their meetings.

4. Ms Margaret NG recalled that one of the purposes of the meeting between the Chairman of the House Committee and CS was to facilitate the smooth working relationship between the Executive and the Legislature. She was concerned whether this remained the case and whether matters in that regard would be dealt with at the meetings.

5. The Chairman clarified that the role of the Chairman and Deputy Chairman of the House Committee was to act as a bridge between Members and CS. At their meetings with CS, she and the Deputy Chairman would relay to him the discussions of and decisions made by Members at House Committee meetings. It would be inappropriate for them to reflect views on

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any matters which had not been discussed by the House Committee, or to express their personal views.

6. Ms Margaret NG queried whether the meetings with CS should still be regarded as a channel for enhancing the relationship between the Executive and the Legislature.

7. The Chairman responded that as Members had not raised any particular issues at the last few meetings of the House Committee, there was nothing special for her to report about her meetings with CS. Should Members raise any matters which had to be brought to the attention of CS, she would definitely convey Members' views.

8. Ms Emily LAU enquired whether CS had ever taken the opportunity of the meetings to ask the Chairman to convey certain matters to Members.

9. The Chairman responded that there were some occasions in the past where CS had done so, and she would certainly report to Members any matters or comments raised by CS.

10. The Deputy Chairman concurred with the Chairman.

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)

Buildings (Amendment) Bill 2007 *(LC Paper No. LS 17/07-08)*

11. The Chairman said that the Bill sought to amend the Buildings Ordinance to introduce a minor works control system and make miscellaneous amendments.

12. The Chairman further said that the Panel on Planning, Lands and Works (now renamed as the Panel on Development) had been briefed on the legislative proposal at its meeting on 27 March 2007. Members were in general supportive of the policy direction of the proposal but had raised various issues of concern.

13. Prof Patrick LAU considered it necessary to form a Bills Committee to study the Bill.

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14. 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, Ms Miriam LAU, Mr Abraham SHEK, Mr LEE Wing-tat and Prof Patrick LAU.

15. 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 30 November 2007 and tabled in Council on 5 December 2007**
(*LC Paper No. LS 21/07-08*)

16. The Chairman said that a total of two items of subsidiary legislation were gazetted on 30 November 2007 and tabled in Council on 5 December 2007.

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

18. 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 12 December 2007

Questions

(*LC Paper No. CB(3) 202/07-08*)

19. The Chairman said that Mr CHEUNG Man-kwong and Mr LEE Wing-tat had replaced their oral questions.

V. Business for the Council meeting on 19 December 2007

(a) **Questions**

(*LC Paper No. CB(3) 203/07-08*)

20. 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**

(i) **Legislative Council (Amendment) Bill 2007**

(ii) **Prevention and Control of Disease Bill**

21. The Chairman said that the Administration had given notice to present the above two Bills to the Council on 19 December 2007. The House Committee would consider these two Bills at its meeting on 4 January 2008.

(c) **Government motion**

Proposed resolution to be moved by the Secretary for Food and Health under the Pharmacy and Poisons Ordinance relating to:

(i) **the Pharmacy and Poisons (Amendment) (No. 5) Regulation 2007; and**

(ii) **the Poisons List (Amendment) (No. 5) Regulation 2007**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 183/07-08 dated 27 November 2007.)
(LC Paper No. LS 20/07-08)*

22. The Chairman said that the proposed resolution was for seeking the Legislative Council's approval of the two Amendment Regulations to add four substances to Division A in both the First and Third Schedules to the Pharmacy and Poisons Regulations, and to Division A of Part I of the Schedule to the Poisons List Regulations respectively.

23. Members did not raise objection to the Secretary for Food and Health moving the proposed resolution at the Council meeting.

(d) **Members' motions**

(i) **Motion to be moved by Hon CHOY So-yuk**

(Wording of the motion issued vide LC Paper No. CB(3) 200/07-08 dated 6 December 2007.)

24. The Chairman said that the subject of the motion to be moved by Miss CHOY So-yuk was "Applying for the inscription of 'Hong Kong style cafes culture' as 'intangible cultural heritage of humanity'".

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(ii) **Motion on "Establishing a geological park in the eastern part of the New Territories"**

(Wording of the motion issued vide LC Paper No. CB(3) 209/07-08 dated 6 December 2007.)

25. The Chairman said that the above motion would be moved by Mr CHEUNG Hok-ming and the wording of the motion had been issued to Members.

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

VI. Report of Bills Committees and subcommittees

Report of the Subcommittee on Securities and Futures (Contracts Limits and Reportable Positions) (Amendment) (No. 2) Rules 2007

(LC Paper No. CB(1) 387/07-08)

27. The Chairman said that Mr SIN Chung-kai, Chairman of the Subcommittee, was not available to attend the meeting due to other commitments.

28. The Chairman referred Members to the report and said that the Subcommittee supported the Amendment Rules and the amendments to be moved by the Administration.

29. The Chairman elaborated on the amendments to be moved by the Administration. Having considered the Subcommittee's concerns, the Securities and Futures Commission had agreed to amend the Amendment Rules to set out the "specified percentage" and the "specified contracts" in the Rules, so that any future changes to the "specified percentage" and the "specified contracts" would be subject to negative vetting by the Legislative Council. Amendments would also be made to certain provisions of the Amendment Rules to achieve consistency in the bilingual texts.

30. 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) 491/07-08)

31. The Chairman said that there were 12 Bills Committees, five subcommittees under the House Committee and seven subcommittees under Panels in action.

32. In response to Ms Emily LAU, the Chairman said that in accordance with the arrangements agreed by the House Committee, the maximum number of subcommittees on policy issues and Council business other than subsidiary legislation, other instruments and senior judicial appointments should be eight. Currently, a total of 12 subcommittees on policy issues were in operation, five under the House Committee and seven under Panels. As the number of subcommittees on policy issues in operation had exceeded the quota, any newly appointed subcommittees on policy issues would be put on the waiting list, and requests for their activation would be considered by the House Committee.

33. While noting that the number of subcommittees on policy issues in operation had exceeded the quota, Ms Emily LAU pointed out that a Subcommittee on Police's Handling of Searches of Detainees had just been appointed by the Panel on Security.

34. The Chairman said that she was aware of the appointment of the Subcommittee, and advised that the House Committee would consider the Panel's request for its activation at the next meeting.

VIII. Any other business

35. There being no other business, the meeting ended at 2:42pm.