

立法會
Legislative Council

LC Paper No. CB(2) 832/07-08

Ref : CB2/H/5/07

House Committee of the Legislative Council

**Minutes of the 10th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 11 January 2008**

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 Martin LEE Chu-ming, SC, JP
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-ye, GBS, JP
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 Kong-wah, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon Andrew CHENG Kar-foo
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 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
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 James TO Kun-sun
Hon SIN Chung-kai, SBS, JP
Hon LAU Chin-shek, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Albert CHAN Wai-yip
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon LEUNG Kwok-hung
Hon CHEUNG Hok-ming, SBS, JP

Clerk in attendance :

Mrs Vivian KAM Clerk to the House Committee

Staff in attendance :

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| 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 |

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| Mr LEE Yu-sung | Senior Assistant Legal Adviser 1 |
| Mrs Constance LI | Principal Council Secretary (Complaints) |
| Mr Simon WONG | Chief Public Information Officer |
| Miss Erin TSANG | Chief Council Secretary (1)3 |
| Miss Odelia LEUNG | Chief Council Secretary (2)6 |
| Mr Kelvin LEE | Assistant Legal Adviser 1 |
| Ms Connie FUNG | Assistant Legal Adviser 3 |
| Miss Kitty CHENG | Assistant Legal Adviser 5 |
| Mr KAU Kin-wah | Assistant Legal Adviser 6 |
| Ms Amy YU | Senior Council Secretary (2)3 |
| Mr Arthur KAN | Legislative Assistant (2)7 |

Action

I. Confirmation of the minutes of the 9th meeting held on 4 January 2008
(LC Paper No. CB(2) 769/07-08)

The minutes were confirmed.

II. Matters arising

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

Number of Bills Committee slots

2. The Chairman said that she had once again urged the Administration to introduce the remaining bills in the Legislative Programme 2007-2008 as early as possible.

The Chief Executive (CE)'s Question and Answer Session on 17 January 2008

3. The Chairman further said that she had informed CS that Members' questions would cover the issue of universal suffrage. CS had undertaken to relay the message to CE.

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) Trade Descriptions (Amendment) Bill 2007
(LC Paper No. LS 34/07-08)

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4. The Chairman said that the Bill sought to amend the Trade Descriptions Ordinance to strengthen the protection of consumers against certain undesirable trade practices.

5. The Chairman added that the Panel on Economic Development had been briefed on the legislative proposals at its meeting on 22 October 2007, and members were in general supportive of the proposals.

6. Mr WONG Ting-kwong considered it necessary to form a Bills Committee to study the Bill.

7. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Ms Audrey EU, Mr Vincent FANG and Mr WONG Ting-kwong.

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

(ii) Mandatory Provident Fund Schemes (Amendment) (No. 2) Bill 2007
(LC Paper No. LS 32/07-08)

9. The Chairman said that the Bill sought to amend the Mandatory Provident Fund Schemes Ordinance and the Mandatory Provident Fund Schemes (General) Regulation to implement the proposals of the Mandatory Provident Fund Schemes Authority.

10. The Chairman added that the Panel on Financial Affairs had been briefed on the legislative proposals at its meeting on 8 November 2007, and members had expressed views on a number of issues.

11. The Chairman further said that the Legal Service Division had identified a number of drafting issues and had requested the Administration to address them. Subject to Members' views on the need to deliberate on the policy and drafting aspects of the Bill, a further report would be submitted after the Administration's response had been received.

12. Miss CHAN Yuen-han considered it necessary to form a Bills Committee to study the Bill.

13. 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, Miss CHAN Yuen-han, Mr CHAN Kam-lam, Ms Emily LAU, Mr TAM Yiu-chung, Ms LI Fung-ying, Mr WONG Kwok-hing, Mr WONG Ting-kwong and Mr Ronny TONG.

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

(iii) Product Eco-responsibility Bill
(LC Paper No. LS 33/07-08)

15. The Chairman said that the Bill sought to lay down a statutory framework for introducing measures to minimize the environmental impact of certain types of products, and to impose a levy on certain retailers for providing plastic shopping bags.

16. The Chairman added that the Panel on Environmental Affairs had been briefed on the legislative proposals at its meetings on 24 April 2006 and 28 May 2007. Whilst members generally supported the proposals, they had expressed concern over various issues.

17. Miss CHOY So-yuk considered it necessary to form a Bills Committee to study the Bill.

18. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Mrs Selina CHOW, Miss CHAN Yuen-han, Ms Miriam LAU, Ms Emily LAU, Miss CHOY So-yuk, Ms Audrey EU, Mr Vincent FANG, Mr LEE Wing-tat and Mr WONG Ting-kwong.

19. The Chairman said that as there was a vacant slot, the Bills Committee could commence work immediately. With the formation of this Bills Committee, the quota of 16 Bills Committees had been reached.

(iv) The Chinese University of Hong Kong (Declaration of C. W. Chu College, Wu Yee Sun College and Lee Woo Sing College as Constituent Colleges) Bill
(LC Paper No. LS 29/07-08)

20. The Chairman said that the Bill, introduced by Mr CHEUNG Man-kwong, sought to declare C. W. Chu College, Wu Yee Sun College and Lee Woo Sing College as the constituent colleges of The Chinese University of Hong Kong (CUHK) and provide for consequential amendments.

21. The Chairman added that the Panel on Education (the Panel) had been briefed on the Bill at its meeting on 12 November 2007, and members in general supported the Bill.

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22. Mr CHEUNG Man-kwong said that he was one of the Legislative Council (LegCo) Members elected to serve on the Council of CUHK (the CUHK Council). He had presented the Bill on behalf of CUHK, and had consulted the Panel on the Bill. As pointed out in the Legal Service Division report, the amendments introduced by the Bill were technical in nature and the legal and drafting aspects were in order.

23. Mr CHEUNG further said that he noted a point of concern about the representation of the new constituent colleges in the CUHK Council. A similar concern had been raised when The Chinese University of Hong Kong (Declaration of Morningside College and S.H. Ho College as Constituent Colleges) Bill was introduced in June 2007, and he had received views proposing the appointment of a Bills Committee to study the Bill in question. He highlighted the need to complete the establishment of the new colleges before CUHK could deal with the issue concerning the composition of the CUHK Council.

24. Mr CHEUNG elaborated on the concerns raised by members during the discussions of the Panel on the Bill. CUHK was currently reviewing the size of its Council with a view to reducing its membership from 57 to around 25. In the meantime, the constituent colleges would not be represented in the CUHK Council. After the passage of the Bill, the establishment of the new colleges of CUHK would be completed, and CUHK would have a total of nine constituent colleges. CUHK had made an undertaking for a bill to be introduced to restructure the CUHK Council after the passage of the Bill, and members' concern about fair representation of the nine constituent colleges in the restructured CUHK Council would be addressed in that context. Mr CHEUNG stressed that as the Bill only sought to declare the three new colleges as constituent colleges and would not deal with the issue of the composition of the CUHK Council, he did not consider it necessary to form a Bills Committee.

25. The Legal Adviser said that the Bill was relatively simple, containing only one substantive clause to declare the three new colleges as constituent colleges of CUHK.

26. Ms Audrey EU said that when The Chinese University of Hong Kong (Declaration of Morningside College and S.H. Ho College as Constituent Colleges) Bill was introduced, a Bills Committee had not been formed to study it. Many stakeholders expressed concern about related issues when the Second Reading debate on that Bill was resumed. The Bill in question was similar in nature to that Bill. The CUHK Alumni Concern Group had requested LegCo to form a Bills Committee to study the Bill. There were views that the Bill involved not only technical amendments but also matters of definition. As the public had not been consulted on the Bill, a Bills Committee would provide a forum for Members to receive the views of the

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relevant stakeholders such as alumni associations, student bodies and staff associations. Ms EU stressed that Members should learn from experience, and should form a Bills Committee to study the Bill. She proposed that a Bill Committee be formed.

27. Mr James TIEN said that he was one of the three LegCo Members elected to serve on the CUHK Council. He concurred with Mr CHEUNG Man-kwong that it was not necessary to form a Bills Committee as the Bill was only concerned with the declaration of the three new colleges as constituent colleges of CUHK. CUHK had undertaken to review the structure of its Council and would address the concern on the representation of the constituent colleges. He noted that some deputations had taken the opportunity of the introduction of the Bill to express their concern in this regard. While he did not object to receiving views from deputations, the Bills Committee, if formed, would have to explain that the concern could not be addressed within the context of the Bill. The Bills Committee could only take note of their views and forward them to CUHK. Notwithstanding this, he would not raise objection should some members consider it necessary to form a Bills Committee.

28. Ms Emily LAU sought clarification on whether a separate bill would be introduced to address the concerns expressed by some students of CUHK, and enquired about the timetable for its introduction. She supported Ms Audrey EU's view that Members should receive views from the relevant stakeholders, although it should be pointed out to them that their concerns could not be addressed in the context of the Bill.

29. Mr CHEUNG Man-kwong said that when the Panel was briefed on the Bill, CUHK had undertaken that an amendment bill to restructure the CUHK Council would be introduced after the completion of the review. He reiterated that the Bill could not deal with the concern about the composition of the CUHK Council. Nevertheless, he would not object to the formation of a Bills Committee to receive views from the relevant stakeholders in this regard should Members consider it necessary.

30. Ms Emily LAU further enquired whether the amendment bill to be introduced would address the concern about the non-appointment of deans of the new constituent colleges and the lack of representation of these colleges in the CUHK Council.

31. Mr CHEUNG Man-kwong explained that given the already large size of the CUHK Council, should the new constituent colleges be represented in it, its size could increase from 57 to some 70 members in line with the ratio for the existing constituent colleges. Such an enormous size was at variance with Members' views on the need to reduce the size of the CUHK Council, so that it

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would be comparable to those of the governing bodies of other tertiary institutions, the membership of which was about 20.

32. In response to Mr Jasper TSANG, the Chairman confirmed that as the quota for Bills Committees had just been reached, the activation of the Bills Committee on the Bill, if formed, would have to await the availability of a vacant slot.

33. Mr Jasper TSANG was concerned whether the timing of the passage of the Bill would have any impact on the administration or development of CUHK.

34. Mr CHEUNG Man-kwong said that as legislative amendments to effect the restructuring of the CUHK Council could only be made after the enactment of the Bill, any delay in its enactment would have knock-on effects. The extent of the delay would depend on when a vacant Bills Committee slot would arise and how long it would take to receive the views of deputations.

35. Mr Jasper TSANG opined that even if a Bills Committee was formed on the Bill and deputations were invited to give views, Members would have to receive views again when the amendment bill concerning the restructuring of the CUHK Council was introduced. As such, he did not consider it necessary to form a Bills Committee to study the Bill, which was technical in nature.

36. Quoting The City University of Hong Kong (Amendment) Bill 2006 which was introduced by him to reduce the size of the Council of the City University of Hong Kong, Ir Dr Raymond HO said that he understood that the Administration hoped that the tertiary institutions would streamline their governing bodies as soon as practicable. Interested parties could give views when an amendment bill to restructure the CUHK Council was introduced. Given that the quota for Bills Committee had been reached, he did not consider it necessary to form a Bills Committee to study the Bill. Nevertheless, he would not object should Members find it necessary.

37. Ms Audrey EU proposed that a Bills Committee be formed to study the Bill. Mr Jasper TSANG objected to the proposal.

38. The Chairman put to vote the proposal that a Bills Committee be formed to study the Bill. Ms Audrey EU requested that the names of Members who voted be recorded. The following Members voted in favour of the proposal -

Ms Margaret NG, Ms Emily LAU, Ms Audrey EU, Mr Alan LEONG, Dr Fernando CHEUNG, Mr Ronny TONG and Miss TAM Heung-man

(7 Members)

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The following Members voted against the proposal -

Ir Dr Raymond HO, Dr LUI Ming-wah, Mr Bernard CHAN, Mr CHAN Kam-lam, Dr Philip WONG, Mr WONG Yung-kan, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr TAM Yiu-chung, Dr Joseph LEE, Mr WONG Ting-kwong, Prof Patrick LAU and Mr Albert CHENG

(14 Members)

The following Members abstained -

Mr James TIEN, Mr Albert HO, Dr David LI, Mr Fred LI, Mrs Selina CHOW, Mr CHEUNG Man-kwong, Miss CHAN Yuen-han, Mrs Sophie LEUNG, Mr LEUNG Yiu-chung, Mr Howard YOUNG, Dr YEUNG Sum, Mr LAU Wong-fat, Mr Andrew CHENG, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr WONG Kwok-hing, Mr LEE Wing-tat, Mr LI Kwok-ying, Mr Jeffrey LAM, Mr KWONG Chi-kin and Mrs Anson CHAN

(22 Members)

39. The Chairman declared that the proposal was not supported. As a Bills Committee was not formed, 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 4 January 2008 and tabled in Council on 9 January 2008**
(*LC Paper No. LS 31/07-08*)

40. The Chairman said that a total of two items of subsidiary legislation were gazetted on 4 January 2008 and tabled in Council on 9 January 2008.

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

42. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 30 January 2008.

IV. Further business for the Council meeting on 16 January 2008

Questions

(*LC Paper No. CB(3) 287/07-08*)

43. The Chairman said that Mr James TO had replaced his written question.

V. Business for the Council meeting on 23 January 2008

(a) **Questions**

(LC Paper No. CB(3) 288/07-08)

44. The Chairman said that that 20 questions (six oral and 14 written) had been scheduled for the meeting.

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

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

(c) **Government motion**

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

(d) **Members' motions**

(i) **Motion on "Ensuring the conduct of fair elections"**

(Wording of the motion issued vide LC Paper No. CB(3) 292/07-08 dated 10 January 2008.)

47. The Chairman said that the above motion would be moved by Ms Audrey EU and the wording of the motion had been issued to Members.

(ii) **Motion to be moved by Hon James TO Kun-sun**

(Wording of the motion issued vide LC Paper No. CB(3) 293/07-08 dated 10 January 2008.)

48. The Chairman said that the subject of the motion to be moved by Mr James TO was "Introducing legislative amendments to open up community radio stations".

49. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 16 January 2008.

VI. Advance information on business for the Council meeting on 30 January 2008

Bills - First Reading and moving of Second Reading

Pneumoconiosis (Compensation) (Amendment) Bill 2008

Action

50. The Chairman said that the Administration had given notice to present the above Bill to the Council on 30 January 2008. The House Committee would consider the Bill at its meeting on 15 February 2008.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 770/07-08)

51. The Chairman said that there were 16 Bills Committees, six subcommittees under the House Committee and six subcommittees under Panels in action.

52. The Chairman invited Members to note that the Bills Committee on the Independent Police Complaints Council Bill would have to work beyond three months since commencement of its work.

VIII. Report of the Panel on Commerce and Industry on the Study of the Development of Convention and Exhibition Facilities in Hong Kong

(LC Paper No. CB(1) 539/07-08)

53. Mr Vincent FANG, Chairman of the Panel, said that the Panel had been following up closely on the provision of convention and exhibition facilities in Hong Kong to ensure that the capacity of the local facilities stayed ahead of the industry demand, with a view to maintaining Hong Kong's leading position as an international business centre. Since overseas experience would provide useful reference for the Panel's discussion with the Administration on the development of new exhibition venues in Hong Kong, the Panel decided in June 2007 to undertake a study on the development of convention and exhibition facilities. The Panel conducted a visit from 21 August to 1 September 2007 to Dubai of the United Arab Emirates, Frankfurt of Germany, as well as Las Vegas and Los Angeles of the United States of America. The delegation had visited the convention and exhibition facilities, and had met with representatives of relevant organizations in these places.

54. Mr FANG referred Members to the Panel's report, and highlighted the Panel's general observations and conclusions. The Panel considered that in face of keen competition in the region, and in order to remain competitive, Hong Kong should spare no effort in providing more exhibition space to meet the demand. The Administration should also see to it that the new convention and exhibition facilities were complemented by extensive traffic infrastructure to ensure efficient visitor flow. Furthermore, the Administration should be mindful of the need to provide sufficient supporting facilities, hotel rooms in particular, to ensure the smooth holding of events in Hong Kong.

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55. Mr FANG further reported that on the software side such as the professionals of the local exhibition industry, the Panel noted that they were being headhunted by neighbouring cities such as Macau which was developing vigorously its convention industry. As such, the Panel considered that enhanced effort should be made to nurture and retain talents to ensure their adequate supply to meet the market demand, thereby sustaining Hong Kong's long-term competitiveness in the convention and exhibition industry. Consideration could also be given to riding on the concept of "One show, Two Locations" so as to collaborate with the neighbouring Mainland cities, such as Guangzhou, etc, for staging events in both Hong Kong and those Mainland cities, with a view to boosting the development of the convention and exhibition industry in Hong Kong.

56. Mr FANG added that the Panel would continue to follow up with the Administration on the future development of the convention and exhibition facilities in Hong Kong. On behalf of the Panel and the delegation, Mr FANG thanked the staff of the Secretariat for providing assistance in the visit and the study.

IX. Any other business

57. There being no other business, the meeting ended at 2:59 pm.

Council Business Division 2
Legislative Council Secretariat
16 January 2008

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