

立法會  
*Legislative Council*

LC Paper No. CB(2) 908/07-08

Ref : CB2/H/5/07

**House Committee of the Legislative Council**

**Minutes of the 11th meeting  
held in the Legislative Council Chamber  
at 2:30 pm on Friday, 18 January 2008**

**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  
Dr Hon David LI Kwok-po, GBM, GBS, JP  
Hon Margaret NG  
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 Chin-shek, JP  
Hon LAU Kong-wah, JP  
Hon Emily LAU Wai-hing, JP  
Hon CHOY So-yuk, JP  
Hon Andrew CHENG Kar-foo  
Hon TAM Yiu-chung, GBS, 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



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

---

Action

**I. Confirmation of the minutes of the 10th meeting held on 11 January 2008  
(LC Paper No. CB(2) 832/07-08)**

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.

**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)**

**Munsang College and Heep Yunn School (Change of Corporate Names and General Amendments) Bill 2008**  
(LC Paper No. LS 36/07-08)

3. The Chairman said that the Bill sought to amend the Munsang College Incorporation Ordinance and the Council of Heep Yunn School Incorporation Ordinance to bring the provisions of the two Ordinances in line with the Education (Amendment) Ordinance 2004.

4. The Legal Adviser said that as pointed out in the Legal Service Division report, the Administration would move Committee Stage amendments (CSAs) to the Bill. The Chairman supplemented that the CSAs were to amend the Chinese text of a clause to make it a better rendition of the English text.

Action

5. 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 11 January 2008 and tabled in Council on 16 January 2008**  
(*LC Paper No. LS 37/07-08*)

6. The Chairman said that only one item of subsidiary legislation, i.e. the Road Traffic (Driving Licences) (Amendment) Regulation 2008, was gazetted on 11 January 2008 and tabled in Council on 16 January 2008.

7. The Chairman further said that the Regulation sought to improve the arrangements for the issue and renewal of driving licences.

8. Mr James TO considered it necessary to form a subcommittee to study the Regulation.

9. 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 Audrey EU.

**IV. Further business for the Council meeting on 23 January 2008**

(a) **Questions**  
(*LC Paper No. CB(3) 312/07-08*)

10. The Chairman said that Mr Jeffrey LAM and Mr Daniel LAM had replaced their questions.

(b) **Members' Bill - resumption of debate on Second Reading, Committee Stage and Third Reading**

**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**

11. The Chairman said that at the last House Committee meeting, Members decided not to form a Bills Committee and did not raise objection to the resumption of the Second Reading debate on the Bill.

(c) **Members' motions**

12. In response to Ms Emily LAU on Mr LEUNG Kwok-hung's proposed amendment to the motion on "Introducing legislative amendments to open up

Action

community radio stations" to be moved at the Council meeting on 23 January 2008 which was tabled at the meeting, Acting Secretary General said that the President was considering Mr LEUNG's proposed amendment which had yet to be approved. Acting Secretary General further said that Mr LEUNG had given notice of the amendment before the deadline, and the deadline had since expired.

13. The Chairman supplemented that the deadline for giving notice of amendments to the motion was 16 January 2008, and that for amendments to amendments was the day of the House Committee meeting.

**V. Business for the Council meeting on 30 January 2008**

(a) **Questions**

*(LC Paper No. CB(3) 313/07-08)*

14. 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**

**Pneumoconiosis (Compensation) (Amendment) Bill 2008**

15. The Chairman said that at the last House Committee meeting, Members were informed in advance 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.

(c) **Government motion**

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

(d) **Members' motions**

(i) **Motion on "Optimizing the use of the Hong Kong-Shenzhen Western Corridor"**

*(Wording of the motion issued vide LC Paper No. CB(3) 320/07-08 dated 17 January 2008.)*

(ii) **Motion on "Sharing the fruits of economic growth by all the people"**

*(Wording of the motion issued vide LC Paper No. CB(3) 319/07-08 dated 17 January 2008.)*

Action

17. The Chairman said that the above motions would be moved by Mr Jeffrey LAM and herself respectively, and the wording of the motions had been issued to Members.

18. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 23 January 2008.

**VI. Report of Bills Committees and subcommittees**

**(a) Report of the Bills Committee on Civil Justice (Miscellaneous Amendments) Bill 2007**

---

*(LC Paper No. CB(2) 834/07-08)*

19. Ms Margaret NG, Chairman of the Bills Committee, referred Members to the Bills Committee's report for details of its deliberations, and reported that the Bills Committee had held nine meetings. The main purpose of the Bill was to implement various recommendations made in the Final Report of the Working Party on Civil Justice Reform appointed by the Chief Justice to streamline and improve the procedures of civil proceedings with a view to reducing delay and eliminating unnecessary expenses in litigation.

20. Ms NG said that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting on 30 January 2008 and the proposed CSAs to be moved by the Administration.

21. Ms NG further said that amendments to both primary and subsidiary legislation were required for the implementation of the Civil Justice Reform. After the passage of the Bill, amendments to three sets of subsidiary legislation would be introduced and they were subject to the negative vetting procedure of the Council. The key features of the proposed amendments to the subsidiary legislation were set out in Appendix IV to the report.

22. Ms NG explained that in view of the relatively large number and complexity of the proposed amendments to the subsidiary legislation and the diverse views and concerns expressed by the legal profession, and in order to allow sufficient time for scrutiny, the Bills Committee recommended that a subcommittee should be set up immediately under the House Committee to study the draft subsidiary legislation. She appealed to Members to support the Bill Committee's recommendation.

23. In response to Ms Emily LAU, the Chairman said that the quota which applied to the subcommittees appointed under the House Committee and Panels on policy issues did not apply to subcommittees to study subsidiary legislation or draft subsidiary legislation, as the scrutiny of legislation could not be delayed.

Action

24. Members agreed to the Bills Committee's recommendation to form a subcommittee to study the draft subsidiary legislation relating to the Civil Justice Reform in detail. The following Members agreed to join: Ms Margaret NG, Mr James TO, Ms Miriam LAU, Mr LI Kwok-ying and Mr Ronny TONG.

(b) **Report of the Subcommittee on Tsing Sha Control Area (Tolls, Fees and Charges) Regulation**

*(LC Paper No. CB(1) 598/07-08)*

25. The Chairman, in her capacity as the Chairman of the Subcommittee, reported that the Regulation sought to prescribe the tolls for the use of the toll area in the Tsing Sha Control Area (TSCA). The Administration proposed to set the toll at \$12 for private cars/taxis with corresponding levels for other types of vehicles.

26. The Chairman elaborated that in determining the proposed toll levels for TSCA, the Administration had considered a basket of factors, including the user-pays principle, public acceptability and affordability, the diversion effect to ease the traffic of the alternative routes, the strategic location of TSCA and tolls of alternative routes.

27. The Chairman further reported that the Subcommittee was in general in support of the Regulation. The Subcommittee noted a member's view that the proposed toll regime for TSCA was different from those for its major alternative routes, such as the Lion Rock Tunnel and the Shing Mun Tunnels which charged flat tolls. The member concerned had indicated that he might consider moving amendments to the Regulation.

28. The Chairman further said that she noted from a newspaper report in the morning of the House Committee meeting that the Administration was considering lowering the proposed toll levels for TSCA. She had sought clarification from the Transport and Housing Bureau. The Administration confirmed that it was actively considering lowering the proposed tolls for TSCA, having regard to Members' concerns expressed during a recent meeting of the Legislative Council (LegCo) about the surging inflation and the rising public transport fares.

29. The Chairman added that she would keep in close touch with the Administration on the matter and would inform members of the Subcommittee once the Administration had come to a decision. In any event, the Administration had to give notice for amending the Regulation, if any, by 23 January 2008.

30. In response to Mr WONG Kwok-hing, the Chairman said that the Subcommittee supported the Regulation in principle. Should the

Action

Administration revise the proposed toll levels as reported, Members could consider whether or not to support the proposal. Should the Administration decide not to do so, Members could move amendments to the Regulation.

31. Mr WONG Kwok-hing hoped that the Administration would amend the Regulation to lower the proposed toll levels.

32. The Chairman reiterated that she would follow up the matter with the Administration and would inform members of the Subcommittee of the Administration's decision once available. She reminded Members that as the deadline for amending this item of subsidiary legislation was 30 January 2008, the deadline for giving notice of amendments, if any, was Wednesday, 23 January 2008.

**VII. Position on Bills Committees and subcommittees**

*(LC Paper No. CB(2) 833/07-08)*

33. The Chairman said that there were 15 Bills Committees, eight subcommittees under the House Committee and 5 subcommittees under Panels in action.

**VIII. Short notice for the special meeting of the Panel on Development on 10 January 2008**

*(Letter dated 10 January 2008 from Dr Hon KWOK Ka-ki to the Chairman of the House Committee (LC Paper No. CB(2) 842/07-08(01))*

34. Dr KWOK Ka-ki said that members of the Panel on Development (the Panel) were notified by the Secretariat in the morning of 9 January 2008 of the Administration's proposal to brief the Panel on the award of tender for the Tamar Development Project at 2:00 pm on the following day. Given the very short notice, some members had enquired about the possibility of re-scheduling the briefing to a later date. The Administration's response was that it would not be possible to do so, regardless of the availability of members to attend the briefing. The Administration also indicated that the briefing could only last for about an hour as the attending officials would have to leave by 3:15 pm. Dr KWOK pointed out that details concerning the award had been reported in the press on the day of the briefing. He was disappointed and dissatisfied with such an arrangement which was not conducive to improving the relationship between the Executive and the Legislature. Dr KWOK considered that there was no urgency in announcing the award of the tender given that the subject matter had been discussed over a long period. He requested the Chairman to relay his views to CS and seek an explanation for the unsatisfactory arrangement.



Action

35. The Chairman said that over the past few years, Members had on a number of occasions criticized the Administration for failing to brief LegCo on important matters prior to briefing the media. Members had requested that where announcements on important matters were to be made, LegCo should be briefed first before the media. She drew Members' attention to four occasions in the past where the Administration had given only one day's notice or had given notice on the same day of the meeting for briefing Members on important matters. While acknowledging Dr KWOK's concern about the short notice for briefing the Panel and the short duration of the briefing, the Chairman pointed out that it was Members' request that the Administration should brief LegCo on important announcements at the earliest opportunity. She invited Members' views on the subject.

36. Dr KWOK Ka-ki said that the information about the award of the tender for the Tamar Development Project was widely reported in the press and was not confidential. There were many past occasions where the Administration had leaked important information to the media but Members were not informed of such information. This was disrespectful to LegCo. Given the importance of the announcement of the award of tender for the Tamar Development Project, the Administration should have given at least a few days' notice for briefing Members on the matter. Many Panel members who had been following the matter and had wanted to attend the meeting to raise questions were unable to do so owing to the short notice. He considered the arrangement unacceptable as members were deprived of the opportunity to fulfil their duties. He failed to see why the Administration could not have briefed members at a date which would facilitate the attendance of more members. He stressed that the Administration should give reasonable notice for such an important briefing. He also criticized the Administration for its poor attitude in handling the matter.

37. Mr LEE Wing-tat said that he had attended the special meeting of the Panel and concurred with Dr KWOK Ka-ki that its arrangement was unsatisfactory. He pointed out that the quorum for the meeting was only reached when it was almost 2:15 pm, and the meeting was attended by only four to five members. Many members had prior lunch appointments and could not arrive at 2:00 pm sharp for the meeting. It would have been a better arrangement if the Administration had postponed the press conference from 3:30 pm to 4:00 pm so that the special meeting could start at 2:30 pm. He appreciated that for matters involving confidential or sensitive information, it would be difficult for the Administration to give longer notice for briefing Members. However, as the award of the tender for the Tamar Development Project did not involve confidential information, the Administration should have given longer notice for briefing members in order to facilitate their attendance. While agreeing that Members' views should be conveyed to CS,

Action

Mr LI stressed that the arrangement for the Administration to brief LegCo on important matters prior to briefing the media should be upheld.

38. Referring to a recent meeting held by the Panel on Economic Development also at very short notice, the Deputy Chairman said that members received the notice only on the day before the meeting. He considered the arrangement acceptable as the briefing was about the New Scheme of Control Agreements with the two power companies which involved sensitive information. He shared the view that given the relatively less sensitive nature of the award of the tender for the Tamar Development Project, the Administration should have made better arrangement in proposing the date for briefing the Panel on Development.

39. The Chairman said that Members agreed that the existing arrangement for the Administration to brief Members at the earliest opportunity on important matters of wide public concern before briefing the media should continue. However, better arrangement could be made and the Administration should be more sensitive in proposing the time for such briefing and give reasonable notice as far as practicable. The Chairman added that she would relay Members' views to CS.

**IX. Any other business**

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