

立法會

Legislative Council

LC Paper No. CB(2) 1044/07-08

Ref : CB2/H/5/07

House Committee of the Legislative Council

**Minutes of the 12th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 25 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
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon Martin LEE Chu-ming, SC, JP
Dr Hon David LI Kwok-po, GBM, GBS, 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
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

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 Odelia LEUNG	Chief Council Secretary (2)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 11th meeting held on 18 January 2008
(*LC Paper No. CB(2) 908/07-08*)

The minutes were confirmed.

II. Matters arising

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

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

2. The Chairman said that she had informed Acting CS that some Members had complained about the short notice for and duration of the special meeting of the Panel on Development in connection with the Tamar Development Project. Whilst Members welcomed the arrangement for the Administration to brief Members on important issues before briefing the media, they hoped that the Administration could be more sensitive in proposing the time for such briefing and give reasonable notice and allow sufficient time for discussion as far as practicable.

3. The Chairman further said that Acting CS had responded that he respected Members' wish, but hoped that Members could appreciate the time constraint faced by the Administration. On the occasion in question, the Administration had in fact made arrangements immediately after signing the letter of acceptance.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 18 January 2008 and tabled in Council on 23 January 2008

(*LC Paper No. LS 39/07-08*)

Action

4. The Chairman said that a total of seven items of subsidiary legislation, including four Commencement Notices, were gazetted on 18 January 2008 and tabled in Council on 23 January 2008.

5. Regarding the Business Registration Ordinance (Amendment: Levy Reduction) Order 2008, the Chairman said that the Panel on Manpower had been consulted on the legislative proposals at its meeting on 15 November 2007.

6. Members did not raise any queries on these seven items of subsidiary legislation.

7. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 20 February 2008.

IV. Further business for the Council meeting on 30 January 2008

(a) **Questions**

(LC Paper No. CB(3) 335/07-08)

8. The Chairman said that Mr LEE Wing-tat, Miss CHOY So-yuk, Ms Emily LAU and Mr Daniel LAM had replaced their questions.

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

Civil Justice (Miscellaneous Amendments) Bill 2007

9. The Chairman said that the Bills Committee on the above Bill had presented its report to the House Committee at the last meeting, and Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(c) **Government motion**

Proposed resolution to be moved by the Secretary for Transport and Housing under section 34(2) of the Interpretation and General Clauses Ordinance relating to the Tsing Sha Control Area (Tolls, Fees and Charges) Regulation

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 339/07-08 dated 24 January 2008.)

Action

10. The Chairman said that the Secretary for Transport and Housing would move a motion at the Council meeting to amend the Tsing Sha Control Area (Tolls, Fees and Charges) Regulation to lower the level of tolls for the Tsing Sha Control Area (TSCA). The Administration's original proposal was to adopt a differential toll regime similar to that for the Tate's Cairn Tunnel. The motion was to reduce the proposed toll regime for TSCA to a flat toll in line with that for the Lion Rock Tunnel.

11. Members did not raise objection to the Secretary for Transport and Housing moving the proposed resolution at the Council meeting.

(d) Members' motions

Proposed resolution to be moved by Hon Miriam LAU Kin-ye under section 34(4) of the Interpretation and General Clauses Ordinance relating to the Road Traffic (Driving Licences) (Amendment) Regulation 2008

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 330/07-08 dated 22 January 2008.)

12. The Chairman said that she would move a motion in her capacity as the Chairman of the House Committee at the Council meeting to extend the scrutiny period of the Regulation to 5 March 2008.

V. Report of Bills Committees and subcommittees

Report of the Bills Committee on Domicile Bill

(LC Paper No. CB(2) 913/07-08)

13. Mr James TO, Chairman of the Bills Committee, reported that the object of the Bill was mainly to implement the recommendations of the Law Reform Commission's report entitled "Rules for Determining Domicile" published in 2005. He said that domicile was a complex legal concept. It determined under which system of law and within the jurisdiction of the courts of which country or territory certain issues (principally related to an individual's status or property) were to be determined. The major proposals in the Bill were that-

- (a) the concept of domicile of origin would be abolished;
- (b) the domicile of a child would no longer be directly tied to the parents' domicile; and
- (c) a married woman's domicile would no longer depend on that of her husband.

Action

14. Mr TO further said that the Administration would move Committee Stage amendments (CSAs) to address certain issues raised by members. The Bills Committee supported the CSAs to be moved by the Administration and the resumption of the Second Reading debate on the Bill at the Council meeting on 20 February 2008.

15. The Chairman reminded Members that the deadline for giving notice of CSAs was Monday, 11 February 2008.

VI. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 909/07-08)

16. The Chairman said that there were 14 Bills Committees, eight subcommittees under the House Committee and five subcommittees under Panels in action.

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

VII. Report of the Subcommittee on Review of the Comprehensive Social Security Assistance Scheme under the Panel on Welfare Services

(LC Paper Nos. CB(2) 870/07-08 and CB(2) 871/07-08)

18. Dr Fernando CHEUNG, Chairman of the Subcommittee and the Panel on Welfare Services (the Panel), said that the Subcommittee had completed its work and submitted a report to the Panel.

19. Dr CHEUNG further said that in view of wide public concern about the existing arrangements of the Comprehensive Social Security Assistance (CSSA) Scheme, the Panel endorsed the Subcommittee's recommendation that a motion on its Report should be moved for debate at a Legislative Council meeting to enable Members to express their views on the subject and for the Administration to provide its response. The House Committee's approval was sought for the allocation of a debate slot, under rule 14A(h) of the House Rules (HR), to him, as Chairman of the Subcommittee and the Panel, to move a motion on the Report for debate at the Council meeting on 20 February 2008. Should the House Committee accede to the Panel's request, the debate slot would not be counted as his own slot.

Action

20. Dr CHEUNG added that the Panel also suggested that there should only be one other debate on a Member's motion for the Council meeting on 20 February 2008. He appealed to Members to support the Panel's request and suggestion.

21. Dr YEUNG Sum considered the moving of the proposed motion for debate both timely and necessary, and expressed support for the Panel's request. He pointed out that concern had been expressed on various aspects of the existing arrangements of the CSSA Scheme, such as the CSSA rates. The proposed motion debate would provide an opportunity for Members belonging to different political parties and groups to express their views.

22. Members agreed that a debate slot should be allocated to Dr Fernando CHEUNG as Chairman of the Subcommittee and the Panel to move a motion on the Subcommittee's Report at the Council meeting on 20 February 2008, and that there should only be one other motion debate on a Member's motion with no legislative effect for that Council meeting.

VIII. Paper of the Committee on Rules of Procedure (CRoP)

Proposed amendments to the Rules of Procedure regarding short questions on statements made by designated public officers for elucidation

(LC Paper No. CROP 16/07-08)

23. Mr Jasper TSANG, Chairman of CRoP, said that the House Committee's support was sought for CRoP's proposed amendments to Rule 28(2) of the Rules of Procedure (RoP) regarding short questions on statements made by designated public officers for elucidation; the amendments were set out in the Appendix to the paper.

24. Mr TSANG elaborated that under RoP 28(2), Members might raise short questions on a statement made by a public officer, at a Legislative Council meeting, only for the purpose of elucidating it. CRoP was of the view that to facilitate Members in asking questions on a statement made by a designated public officer and to ensure the smooth conduct of Council business, RoP 28(2) should be amended to the effect that short questions might be asked on a statement made by a designated public officer not only for seeking elucidation, subject to the following :

- (a) the questions raised should be relevant to the statement; and
- (b) no debate might arise on the statement and the subsequent questions or answers.

Action

25. Dr YEUNG Sum expressed support and considered this to be one of the best proposals by CRoP.

26. Members endorsed CRoP's proposal and the proposed amendments to RoP.

27. The Chairman said that a resolution to amend RoP 28(2) would be moved by the Chairman of CRoP at the Council meeting of 20 February 2008.

IX. Any other business

28. There being no other business, the meeting ended at 2:45 pm.

Council Business Division 2
Legislative Council Secretariat
13 February 2008

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