

立法會
Legislative Council

LC Paper No. CB(2) 1262/07-08

Ref : CB2/H/5/07

House Committee of the Legislative Council

**Minutes of the 15th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 29 February 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
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
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
Hon LAU Chin-shek, JP
Hon LAU Wong-fat, GBM, GBS, 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 Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, JP
Hon LEE Wing-tat

Hon LI Kwok-ying, MH, JP
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
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
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 Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon James TO Kun-sun
Dr Hon YEUNG Sum, JP
Hon LAU Kong-wah, JP
Hon Andrew CHENG Kar-foo
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Albert CHAN Wai-yip
Hon Frederick FUNG Kin-kee, SBS, JP
Hon WONG Kwok-hing, MH
Hon Daniel LAM Wai-keung, SBS, JP
Hon LEUNG Kwok-hung
Hon CHIM Pui-chung

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
Mr Timothy TSO	Assistant Legal Adviser 2
Ms Connie FUNG	Assistant Legal Adviser 3
Miss Monna LAI	Assistant Legal Adviser 7
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 14th meeting held on 22 February 2008
(LC Paper No. CB(2) 1198/07-08)

The minutes were confirmed.

II. Matters arising

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

2. The Chairman said that there was nothing special to report.

(b) Accreditation of Academic and Vocational Qualifications (Appeal) Rules

(LC Paper No. LS 56/07-08)

[Previous paper:

Paragraphs 1 to 7 of LC Paper No. LS 50/07-08 issued vide LC Paper No. CB(2) 1161/07-08 dated 21 February 2008]

3. The Chairman said that the Legal Service Division had indicated in its report on the above Rules for the last House Committee meeting that it was seeking clarification from the Administration on a few drafting points, and would submit a further report if necessary.

4. The Chairman further said that the Administration had provided its reply, and proposed to move a motion to amend the Rules to improve their clarity and drafting at the Council meeting on 12 March 2008.

5. Members did not raise objection to the Administration moving a motion to amend the Rules.

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6. The Chairman reminded Members that the deadline for giving notice of amendments was Wednesday, 5 March 2008.

III. Further business for the Council meeting on 5 March 2008

(a) **Questions**
(*LC Paper No. CB(3) 418/07-08*)

7. The Chairman said that Ms Margaret NG and Mr Martin LEE had replaced their questions.

(b) **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 Road Traffic (Driving Licences) (Amendment) Regulation 2008

(*Wording of the proposed resolution issued vide LC Paper No. CB(3) 423/07-08 dated 28 February 2008.*)

8. The Chairman said that the Subcommittee formed to study the Regulation had presented its report at the last House Committee meeting, and supported the proposed amendments.

IV. Business for the Council meeting on 12 March 2008

(a) **Questions**
(*LC Paper No. CB(3) 419/07-08*)

9. 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**

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

(c) **Government motions**

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

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- **the Pharmacy and Poisons (Amendment) Regulation 2008; and**
- **the Poisons List (Amendment) Regulation 2008**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 402/07-08 dated 20 February 2008.)
(LC Paper No. LS 53/07-08)*

11. The Chairman said that the motion was for seeking the Legislative Council's approval of the two Amendment Regulations to –

- (a) add four substances to Division A of the First and Third Schedules to the Pharmacy and Poisons Regulations and Division A in Part I of the Schedule to the Poisons List Regulations, so that pharmaceutical products containing any of these substances must be sold on registered premises of an authorized seller of poisons by a registered pharmacist or in his presence and under his supervision, with the support of prescriptions given by a registered medical practitioner, registered dentist or registered veterinary surgeon; and
- (b) remove a substance from Part I of the Poisons List.

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

- (ii) **Proposed resolution to be moved by the Secretary for Transport and Housing under the Magistrates Ordinance**
*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 404/07-08 dated 22 February 2008.)
(LC Paper No. LS 54/07-08)*

13. The Chairman said that the motion was for seeking the Legislative Council's approval to add any offence against the Tsing Sha Control Area (General) Regulation and the Tsing Sha Control Area (Tolls, Fees and Charges) Regulation to the Third Schedule to the Magistrates Ordinance as an offence to which a defendant might plead guilty by letter addressed to the magistrate.

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

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

The English Schools Foundation (Amendment) Bill 2007

15. The Chairman said that at the last House Committee meeting, Members noted that Mr Abraham SHEK would give a fresh notice to resume the Second Reading debate on the Bill at the Council meeting on 12 March 2008.

(e) **Members' motions**

(i) **Motion on “Improving the public hospital services in Kowloon East”**

(Wording of the motion issued vide LC Paper No. CB(3) 425/07-08 dated 28 February 2008.)

(ii) **Motion on “Enhancing sex education”**

(Wording of the motion issued vide LC Paper No. CB(3) 424/07-08 dated 29 February 2008.)

16. The Chairman said that the above motions would be moved by Mr Alan LEONG and Mr SIN Chung-kai 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 March 2008.

V. Report of Bills Committees and subcommittees

Report of the Subcommittee on Proposed Resolution under Section 7(1) of the Public Finance Ordinance (Cap. 2)

18. Ms Emily LAU provided a verbal report on the work of the Subcommittee on behalf of its Chairman, Mr James TO, who was not able to attend the meeting. She reported that the purpose of the resolution was to seek funds on account to enable the Government to carry on existing services between the start of the financial year on 1 April 2008 and the enactment of the Appropriation Ordinance 2008.

19. Ms LAU elaborated that the Subcommittee held its first meeting in the morning of the House Committee meeting to exchange views with the Administration on the timetable and procedures for moving the proposed resolution as well as the policy and legal basis for determining the funding sought. After deliberations, the Subcommittee supported the Administration

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moving the resolution at the Council meeting on 5 March 2008 as originally scheduled.

20. Ms LAU further reported that as members had raised a number of issues for the Administration's consideration and clarification, the Subcommittee would hold a further meeting on Monday, 3 March 2008, at 12:00 noon. The Subcommittee would submit a written report as soon as possible upon completion of its scrutiny work.

21. The Chairman said that as the resolution would be moved at the Council meeting on 5 March 2008, the written report should be circulated to Members before the meeting.

22. In response to Ms Emily LAU, Secretary General said that the Secretariat would aim at the timely circulation of the written report.

VI. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 1199/07-08)

23. The Chairman said that there were 16 Bills Committees, eight subcommittees under the House Committee and five subcommittees under Panels in action. There were also three Bills Committees and one subcommittee on policy issues on the waiting list.

VII. Any other business

24. There being no other business, the meeting ended at 2:39 pm.