

立法會
Legislative Council

LC Paper No. CB(2) 1414/07-08

Ref : CB2/H/5/07

House Committee of the Legislative Council

**Minutes of the 16th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 7 March 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
Hon Martin LEE Chu-ming, SC, 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 LEUNG Yiu-chung
Dr Hon YEUNG Sum, JP
Hon LAU Chin-shek, JP
Hon LAU Kong-wah, JP
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo
Hon Abraham SHEK Lai-him, SBS, 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 LEUNG Kwok-hung
Dr Hon KWOK Ka-ki
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 :

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 Bernard CHAN, GBS, JP
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
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 Wong-fat, GBM, GBS, JP
Hon CHOY So-yuk, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon LI Kwok-ying, MH, JP
Hon Daniel LAM Wai-keung, SBS, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon Fernando CHEUNG Chiu-hung
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
Ms Anita SIT	Chief Council Secretary (1)4
Miss Odelia LEUNG	Chief Council Secretary (2)6
Mr Stephen LAM	Assistant Legal Adviser 4
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

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I. Confirmation of the minutes of the 15th meeting held on 29 February 2008
(*LC Paper No. CB(2) 1262/07-08*)

The minutes were confirmed.

II. Matters arising

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

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

III. Business arising from previous Council meetings

(a) Legal Service Division report on subsidiary legislation gazetted on 27 February 2008 and tabled in Council on 5 March 2008
(*LC Paper No. LS 57/07-08*)

3. The Chairman said that a total of three items of subsidiary legislation were gazetted on 27 February 2008 and tabled in Council on 5 March 2008.

4. Regarding the Rating (Exemption) Order 2008, the Chairman said that its object was to give effect to the proposal in the 2008-2009 Budget to exempt all tenements from the payment of rates from 1 April 2008 to 31 March 2009, subject to a ceiling of \$5,000 for each quarter.

5. Mr Albert HO said that he supported the proposal which was intended to benefit rate payers. He noted that in many tenancy agreements, the rents payable included the rates for the tenements. He was concerned with whether the rates exempted would be refunded to the tenants and how the Administration could assist in this regard. He considered it necessary to seek

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clarification from the Administration, and suggested that a subcommittee be formed to study the Order.

6. The Chairman said that the Order would come into operation on 1 April 2008. As the deadline for amending the Order was 12 March 2008, should a subcommittee be formed to study it, it would be necessary to move a motion at the Council meeting on 12 March 2008 to extend its scrutiny period to 23 April 2008. In response to the Chairman, the Legal Adviser confirmed that such an arrangement was procedurally in order.

7. Mr Albert HO said that it might not be necessary to extend the scrutiny period even if a subcommittee was formed to study the Order.

8. The Chairman said that extending the scrutiny period would ensure that amendments to the Order could be made should Members consider it necessary.

9. The Chairman proposed that a subcommittee be formed to study the Order in detail. Members agreed. The following Members agreed to join: Mr Albert HO, Mr LEE Wing-tat and Mrs Anson CHAN.

10. Members also agreed that the Chairman would move a motion to extend the scrutiny period of the Order at the Council meeting on 12 March 2008.

11. Members did not raise any queries on the other two items of subsidiary legislation.

12. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 12 March 2008.

(b) **Legal Service Division report on subsidiary legislation gazetted on 29 February 2008 and tabled in Council on 5 March 2008**
(*LC Paper No. LS 58/07-08*)

13. The Chairman said that a total of 13 items of subsidiary legislation, including two Commencement Notices, were gazetted on 29 February 2008 and tabled in Council on 5 March 2008.

14. Regarding the Trade Descriptions (Definition of Diamond) Regulation, the Chairman said that the Legal Service Division had written to the Administration to seek clarification on a drafting point. The Administration had provided its reply and proposed to amend the Regulation. To allow more time for preparatory work, the Administration had requested an extension of the scrutiny period of the Regulation to 23 April 2008. Subject to Members' view, she would move a motion to extend the scrutiny period of the Regulation at the Council meeting on 12 March 2008. Members agreed.

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15. In response to Mr Ronny TONG's enquiry about the Copyright (Amendment) Ordinance 2007 (Commencement) Notice 2008 and Copyright (Amendment) Ordinance 2007 (Commencement) (No. 2) Notice 2008, the Chairman confirmed that the two Commencement Notices only provided for the commencement of certain provisions of the Amendment Ordinance, and would not deal with policy issues.

16. Members did not raise any queries on these 13 items of subsidiary legislation.

17. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 12 March 2008.

IV. Further business for the Council meeting on 12 March 2008

(a) **Questions**

(LC Paper No. CB(3) 441/07-08)

18. The Chairman said that Dr YEUNG Sum, Mr Albert HO and Mr James TO had replaced their questions.

(b) **Government motion**

Proposed resolution to be moved by the Secretary for Education under section 34(2) of the Interpretation and General Clauses Ordinance relating to the Accreditation of Academic and Vocational Qualifications (Appeal) Rules

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 444/07-08 dated 6 March 2008.)

19. The Chairman said that at the last House Committee meeting, Members did not raise objection to the Administration moving a motion to amend the Rules at the Council meeting.

(c) **Members' motions**

Proposed resolution to be moved by Hon Audrey EU Yuet-mee under section 34(4) of the Interpretation and General Clauses Ordinance relating to the Antiquities and Monuments (Withdrawal of Declaration of Proposed Monument) (No. 128 Pok Fu Lam Road) Notice

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 445/07-08 dated 6 March 2008.)

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20. The Chairman said that Ms Audrey EU, Chairman of the Subcommittee on Antiquities and Monuments (Withdrawal of Declaration of Proposed Monument) (No. 128 Pok Fu Lam Road) Notice, would move a motion at the Council meeting to extend the scrutiny period of the Notice to 9 April 2008.

V. Advance information on business for the Council meeting on 9 April 2008

Members' Bills - First Reading and moving of Second Reading

Alice Ho Miu Ling Nethersole Charity Foundation Bill

21. The Chairman said that Mrs Selina CHOW had given notice to present the above Bill to the Council on 9 April 2008. The House Committee would consider the Bill at its meeting on 11 April 2008.

VI. Report of Bills Committees and subcommittees

Report of the Bills Committee on Pneumoconiosis (Compensation) (Amendment) Bill 2008

(LC Paper No. CB(2) 1261/07-08)

22. Mr KWONG Chi-kin, Chairman of the Bills Committee, referred Members to the Bills Committee's report for details of its deliberations.

23. Mr KWONG reported that the Bills Committee had completed its work on 28 February 2008. To address members' concerns, the Administration would move Committee Stage amendments (CSAs) to amend the definition of mesothelioma and delete the word "malignant" wherever the term "malignant mesothelioma" appeared in the Bill. He added that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting on 9 April 2008.

24. The Chairman reminded Members that the deadline for giving notice of CSAs was Saturday, 29 March 2008.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 1263/07-08)

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

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26. The Chairman further said that as there was a vacant Bills Committee slot, the Bills Committee on Air Pollution Control (Amendment) Bill 2008, the first one on the waiting list, could commence work immediately.

27. The Chairman added that there were two Bills Committees and one subcommittee on policy issues remaining on the waiting list.

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

VIII. Any other business

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

Council Business Division 2
Legislative Council Secretariat
26 March 2008

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