

立法會
Legislative Council

LC Paper No. CB(2) 1991/07-08

Ref : CB2/H/5/07

House Committee of the Legislative Council

**Minutes of the 23rd meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 16 May 2008**

Members present :

Hon Miriam LAU Kin-ye, GBS, JP (Chairman)
Hon Fred LI Wah-ming, JP (Deputy Chairman)
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
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon James TO Kun-sun
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
Dr Hon YEUNG Sum, JP
Hon LAU Chin-shek, 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 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 Albert CHAN Wai-yip

Mrs Justina LAM	Assistant Secretary General 3
Mr LEE Yu-sung	Senior Assistant Legal Adviser 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mr Simon WONG	Chief Public Information Officer
Miss Odelia LEUNG	Chief Council Secretary (2)6
Mr Kelvin LEE	Assistant Legal Adviser 1
Ms Connie FUNG	Assistant Legal Adviser 3
Mr Stephen LAM	Assistant Legal Adviser 4
Ms Amy YU	Senior Council Secretary (2)3
Mr Arthur KAN	Legislative Assistant (2)7

Action

I. Confirmation of the minutes of the 22nd meeting held on 9 May 2008
(LC Paper No. CB(2) 1911/07-08)

The minutes were confirmed.

II. Matters arising

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

Bill to implement Budget proposal to inject \$6,000 into Mandatory Provident Fund (MPF) accounts

2. The Chairman said that Acting CS (Ag CS) had informed her of the Administration's intention to introduce a bill to implement the Financial Secretary's proposal in his 2008-2009 Budget to inject \$6,000 into each of the MPF accounts of persons earning not more than \$10,000 a month. The Administration hoped that the bill could be enacted before the end of the current session. Ag CS had also informed her that the proposal had been discussed by the Panel on Financial Affairs, and members had indicated support.

3. The Chairman further said that she had advised Ag CS that there was currently a vacant Bills Committee slot and the Administration should introduce the Bill into the Council as early as practicable.

The Chief Executive (CE)'s Question and Answer (Q&A) Session

4. Dr YEUNG Sum asked whether CE would attend another Q&A Session within the current session.

Action

5. The Chairman said that CE attended the third Q&A Session in the current session the day before the House Committee meeting. As CE had undertaken to attend four Sessions each year, the Secretariat had written to the Administration to enquire about the date of the next Session. The Chairman added that there were past occasions where CE attended a Q&A Session in June or July after having attended one in May.

6. Ms Emily LAU hoped that CE would attend a Q&A Session each in June and July 2008.

7. The Chairman said that CE had undertaken to attend four Sessions each year and had indicated that he would attend additional Sessions if necessary. Members would welcome additional Sessions. She proposed to ask CS to enquire with CE the date of the next Session at their meeting next week. Members agreed.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 9 May 2008

(LC Paper No. LS 84/07-08)

8. The Chairman said that six items of subsidiary legislation, including the United Nations Sanctions (Iran) (Amendment) Regulation 2008 made under the United Nations Sanctions Ordinance which was not required to be tabled in the Council, were gazetted on 9 May 2008.

9. Regarding the Sewage Services (Trade Effluent Surcharge) (Amendment) Regulation 2008, the Chairman said that it sought to amend the Principal Regulation by setting out the new trade effluent surcharge rates applicable to 27 trades. The trade effluent surcharge rates of 13 trades would be reduced and that of one trade increased with effect from 1 August 2008. For the remaining 13 trades, the rate would be increased by two consecutive increments on 1 August 2008 and 1 August 2009 respectively.

10. Mr Tommy CHEUNG said that when the legislative proposals were discussed by the Panel on Environmental Affairs, members had expressed various concerns. Mr Martin LEE had expressed the view that the cost of successful appeals to the Administrative Appeal Board for a lower trade effluent surcharge rate should be borne by the Administration. Mr CHEUNG considered it necessary to form a subcommittee to study the Amendment Regulation.

Action

11. The Chairman proposed that a subcommittee be formed to study the Amendment Regulation in detail. Members agreed. The following Members agreed to join: Mrs Selina CHOW, Ms Emily LAU and Mr Tommy CHEUNG and Ms Audrey EU.

12. Regarding the Telecommunications (Determining Spectrum Utilization Fees by Auction) Regulation and the English Schools Foundation (General) Regulation, the Chairman said that the Legal Service Division was seeking clarifications on the drafting aspects of the Regulations with the Administration and the English Schools Foundation respectively, and would submit further reports if necessary.

13. As regards the United Nations Sanctions (Iran) (Amendment) Regulation 2008 made under the United Nations Sanctions Ordinance, the Chairman said that the Regulation was not subject to amendment by the Legislative Council (LegCo). As the Regulation came within the terms of reference of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions, the Chairman proposed that the Regulation be referred to the Subcommittee. Members agreed.

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

15. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation (except the subsidiary legislation not required to be tabled in the Council) was 11 June 2008.

IV. Further business for the Council meeting on 21 May 2008

Questions

(LC Paper No. CB(3) 612/07-08)

16. The Chairman said that Miss CHOY So-yuk and Ms Audrey EU had replaced their oral questions.

V. Business for the Council meeting on 28 May 2008

(a) Questions

(LC Paper No. CB(3) 613/07-08)

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

Action

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

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

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

(i) **Dutiable Commodities (Amendment) Bill 2008**

(ii) **Dutiable Commodities (Amendment) (No. 2) Bill 2008**

19. The Chairman said that at the last House Committee meeting, Members had not raised objection to the resumption of the Second Reading debate on the two Bills.

(d) **Government motion**

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

(e) **Members' motions**

(i) **Motion on "The 4 June incident"**

(Wording of the motion issued vide LC Paper No. CB(3) 620/07-08 dated 15 May 2008.)

21. The Chairman said that the above motion would be moved by Mr CHEUNG Man-kwong and the wording of the motion had been issued to Members.

(ii) **Motion to be moved by Dr Hon KWOK Ka-ki**

22. The Chairman said that the subject of the motion to be moved by Dr KWOK Ka-ki was "Immediately improving the health care services in Hong Kong".

23. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 21 May 2008.

VI. Report of Bills Committees and subcommittees

(a) **Report of the Bills Committee on Prevention and Control of Disease Bill**

(LC Paper No. CB(2) 1912/07-08)

Action

24. Dr Joseph LEE, Deputy Chairman of the Bills Committee, said that he would report on behalf of the Chairman of the Bills Committee, Mr Vincent FANG, who was not able to attend the meeting. Dr LEE reported that the Bills Committee had completed scrutiny of the Bill as well as the draft provisions of the Prevention and Control of Disease Regulation. He referred Members to the Bills Committee's report for details of its deliberations.

25. Dr LEE further reported that to address members' concerns, the Administration would move Committee Stage amendments (CSAs) to provide a definition of "requisition", and amend the mechanism for resolving disputes over compensation claims and the powers of arrest under the Bill.

26. Dr LEE added that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting on 28 May 2008.

27. The Chairman reminded Members that the deadline for giving notice of CSAs was Monday, 19 May 2008.

(b) Report of the Subcommittee on Food and Drugs (Composition and Labelling) (Amendment: Requirements for Nutrition Labelling and Nutrition Claim) Regulation 2008
(LC Paper No. CB(2) 1915/07-08)

28. Mr Bernard CHAN, Chairman of the Subcommittee, reported that the Amendment Regulation sought to introduce a mandatory nutrition labelling scheme for prepackaged food and impose controls over prepackaged food products with nutrition claims. The Subcommittee had worked under a tight schedule given the complexity of the legislative proposals. The Subcommittee had held eight meetings and had received views from 30 organizations and individuals. He referred Members to the Subcommittee's report for details of its discussions and the nutrition labelling scheme.

29. Mr CHAN elaborated that the Subcommittee had focused its deliberations mainly on the issues of whether prepackaged food products with nutrition claims that had an annual sales volume not exceeding 30 000 units should be exempted under the small volume exemption scheme, and whether Hong Kong should set the standard of "trans fat free" claim at not more than 0.3g/100g of solid food, instead of the US's standard at 0.5g of trans fat per serving.

30. Mr CHAN further said that the Administration had put forward new proposals on these two controversial issues at the Subcommittee's meeting on 13 May 2008. As the Administration's proposals were not submitted in writing, the Subcommittee agreed to hold a further meeting on 19 May 2008

Action

when the Administration's latest proposals would be available in writing. A supplementary report would be made at the next House Committee meeting. He added that members agreed to vote on the resolution to amend the subsidiary legislation at the Council meeting on 28 May 2008.

31. The Chairman said that as the deadline for amending this item of subsidiary legislation was 28 May 2008, the deadline for giving notice of amendments, if any, was Wednesday, 21 May 2008. She reminded Members to take note of the deadline for giving notice of amendments which would be before the next House Committee meeting, and to attend the Subcommittee's meeting to be held on 19 May 2008 to obtain information on the Administration's latest proposals should Members intend to propose amendments.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 1913/07-08)

32. The Chairman said that there were 14 Bills Committees, 13 subcommittees under the House Committee and five subcommittees under Panels in action. She added that there was one subcommittee on policy issue on the waiting list.

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

Proposed amendments to the Rules of Procedure and the House Rules regarding the transfer of debate slots among Members and extension of duration of adjournment debates

(LC Paper No. CROP 39/07-08)

33. Mr Jasper TSANG, Chairman of CRoP, said that the House Committee's support was sought for CRoP's proposed amendments to the Rules of Procedure (RoP) and the House Rules (HR) to provide for the transfer of debate slots among Members and extension of the duration of adjournment debates held pursuant to RoP 16(4).

34. Mr TSANG elaborated that CRoP had recently reviewed the arrangements for moving motions not intended to have legislative effect for debate at Council meetings and considered alternative arrangements to enable Members to move such motions on topical issues in a timely manner. All Members had been consulted on the alternative arrangements proposed by CRoP.

Action

35. Mr TSANG further said that based on the majority view of Members received during the consultation, CRoP recommended that the relevant provisions in RoP and HR should be amended to give effect to the following:

- (a) the transfer of debate slots among Members was to be allowed, provided that the request for such transfer was made and agreed to by the Member concerned before the 12 clear days' deadline for giving notice of motions, and subject to certain conditions as stated in the paper; and
- (b) the duration of adjournment debates held pursuant to RoP 16(4) was to be extended from one hour to one and a half hours. Each Member, including the proposer, might speak for up to five minutes. The total speaking time for designated public officers would remain to be 15 minutes.

36. Mr TSANG added that the proposed amendments to RoP and HR were in the Appendix to the paper. Subject to the House Committee's endorsement, he would, as Chairman of CRoP, move a resolution to amend RoP at the Council meeting on 4 June 2008.

37. Dr YEUNG Sum expressed support for the proposals.

38. Members endorsed the proposed amendments to RoP and HR.

IX. Any other business

Condolence letter for victims of the earthquake in Sichuan Province

39. The Chairman said that over the past few days, the Hong Kong community had expressed grave concern and grief over the earthquake disaster hitting the Sichuan Province where rescue work was still going on. Many LegCo Members were already actively involved in various initiatives to raise funds for relief and rehabilitation work. She invited Members' view on a proposal for her, as the Chairman and on behalf of the Members of the House Committee, to write to Premier WEN Jia-bao to convey Members' sincere condolences to the victims of the earthquake.

40. Dr YEUNG Sum expressed support for the proposal, and said that the letter should be sent out expeditiously.

41. Mr WONG Kwok-hing enquired if the letter should be sent to President HU Jin-tao.

Action

42. The Chairman said that it would be appropriate to address the letter to Premier WEN Jia-bao as he was also the head of the Disaster Relief Headquarters. Members agreed.

43. Prof Patrick LAU noted that many political parties had made donations for the earthquake victims. He proposed to make collective donations in the name of LegCo.

44. The Chairman said that different political parties and many organizations in the community were already raising funds for the earthquake victims in various ways. She invited Members' views on Prof LAU's proposal.

45. Mrs Selina CHOW said that Members belonging to the Liberal Party supported the proposal.

46. Ms Emily LAU sought clarification on the details of the proposal. She was concerned about duplication of efforts as many organizations were already raising funds for the victims.

47. The Chairman clarified that Prof LAU was suggesting the making of collective donations from LegCo Members.

48. Ms Emily LAU enquired about the amount to be donated by each Member should the proposal be supported.

49. Prof Patrick LAU said that it would depend on the total amount of donations to be made collectively by LegCo Members.

50. Mrs Anson CHAN said that there were various channels for donations, and individual Members could make donations through these channels. She was concerned about the setting of a precedent should Members decide to make collective donations in the name of LegCo. She pointed out that Members might have to act in the same way should similar disasters happen in future.

51. Mr SIN Chung-kai said that the Democratic Party had donated \$500,000 to the Hong Kong Red Cross the day before the House Committee meeting. Many individual Members were actively involved in organizing various fund-raising activities at the district level to set an example for the public, and had also made donations through various channels. He noted that voluntary organizations were already heavily engaged in fund raising. As such, he did not consider it necessary for LegCo Members to make donations collectively.

52. Mr Albert HO echoed Mr SIN Chung-kai's views.

Action

53. Dr Phillip WONG shared the concern expressed by Mrs Anson CHAN about the setting of a precedent should Members decide to make collective donations in the name of LegCo.

54. The Chairman said that she did not consider it appropriate to decide on the proposal by voting as the making of donations should be voluntary. Given that different political parties and many organizations from various sectors of the community were already actively raising funds for the earthquake victims, she suggested that Members could make donations individually through these channels. The Chairman also stressed that there being no collective donations from LegCo Members should not be taken as inaction by Members as they could donate through various channels.

55. Prof Patrick LAU noted the Chairman's view. He agreed that it was not necessary to make collective donations in the name of LegCo. He appealed to Members to join together to make donations should they wish to.

56. There being no other business, the meeting ended at 2:55 pm.