

立法會

## *Legislative Council*

LC Paper No. CB(2) 2060/07-08

Ref : CB2/H/5/07

### **House Committee of the Legislative Council**

#### **Minutes of the 24th meeting held in the Legislative Council Chamber at 2:30 pm on Friday, 23 May 2008**

#### **Members present :**

Hon Miriam LAU Kin-ye, GBS, JP (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  
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 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 LAU Wong-fat, GBM, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon CHOY So-yuk, JP  
Hon Andrew CHENG Kar-foo  
Hon TAM Yiu-chung, GBS, JP  
Hon Abraham SHEK Lai-him, SBS, JP  
Hon LI Fung-ying, BBS, 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 LEE Wing-tat  
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  
Hon LEUNG Kwok-hung  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon CHEUNG Hok-ming, SBS, JP  
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 :**

Hon Fred LI Wah-ming, JP (Deputy Chairman)  
Hon LEE Cheuk-yan  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon Tommy CHEUNG Yu-yan, SBS, JP  
Hon WONG Kwok-hing, MH  
Dr Hon Joseph LEE Kok-long, JP  
Dr Hon KWOK Ka-ki  
Hon WONG Ting-kwong, BBS  
Hon Ronny TONG Ka-wah, SC

**Clerk in attendance :**

Mrs Vivian KAM Clerk to the House Committee

**Staff in attendance :**

Mr Ricky C C FUNG, JP	Secretary General
Mr Arthur CHEUNG	Acting Legal Adviser
Ms Pauline NG	Assistant Secretary General (Special Duty)
Mrs Constance LI	Assistant Secretary General 1
Mrs Justina LAM	Assistant Secretary General 3

Mr LEE Yu-sung	Senior Assistant Legal Adviser 1
Mrs Pandora CHAN	Acting Principal Council Secretary (Complaints)
Mr Simon WONG	Chief Public Information Officer
Miss Odelia LEUNG	Chief Council Secretary (2)6
Mr Kelvin LEE	Assistant Legal Adviser 1
Mr Stephen LAM	Assistant Legal Adviser 4
Ms Amy YU	Senior Council Secretary (2)3
Mr Arthur KAN	Legislative Assistant (2)7

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Action

**I. Confirmation of the minutes of the 23rd meeting held on 16 May 2008**  
(LC Paper No. CB(2) 1991/07-08)

The minutes were confirmed.

**II. Matters arising**

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

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

2. The Chairman said that she had pointed out to CS that CE had undertaken to attend at least four Question and Answer Sessions in each legislative session. As CE had attended only three Question and Answer Sessions so far, she had requested CS to enquire with CE the date of the fourth one. CS emphasized that CE valued maintaining communication with Members, and undertook to enquire with CE.

**III. Business arising from previous Council meetings**

**Legal Service Division report on subsidiary legislation gazetted on 16 May 2008 and tabled in Council on 21 May 2008**

(LC Paper No. LS 86/07-08)

3. The Chairman said that a total of 28 items of subsidiary legislation, including six Commencement Notices, were gazetted on 16 May 2008 and tabled in the Council on 21 May 2008.

4. Regarding the three Orders made under the International Organizations (Privileges and Immunities) Ordinance, i.e. the International Organizations (Privileges and Immunities) (Bank of International Settlements) Order, the

Action

International Organizations (Privileges and Immunities) (International Monetary Fund) Order and the International Organizations (Privileges and Immunities) (International Bank for Reconstruction and Development and International Finance Corporation) Order, the Chairman said that they sought to provide that certain provisions of the bilateral agreement/memoranda of understanding signed between the Central People's Government and the international organizations concerned relating to privileges and immunities conferred on the respective international organizations should have the force of law in Hong Kong.

5. The Chairman further said that the Panel on Administration of Justice and Legal Services (AJLS Panel) had noted an information paper on the three Orders provided by the Administration on 11 March 2008.

6. Ms Margaret NG said that while the AJLS Panel had discussed the relevant policy issues, whether a subcommittee should be formed to study the provisions of the three Orders would be a matter for Members. Members considered it not necessary to form a subcommittee to study the Orders.

7. Regarding the Building (Planning) (Amendment) Regulation 2008, the Chairman said that it sought to enhance the design requirements governing the provision of facilities to allow access to and the use of private buildings and their facilities by persons with a disability to tie in with the revised requirements in the Design Manual - Barrier Free Access 2008. The Chairman added that the Regulation would come into operation in October 2008, and the Panel on Welfare Services had been consulted on the legislative proposals.

8. Dr Fernando CHEUNG said that the Panel on Welfare Services had discussed the legislative proposals in depth and members were supportive of the proposals. Nevertheless, he 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: Ms Emily LAU, Dr Fernando CHEUNG and Prof Patrick LAU.

10. As regards the Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) (Amendment) Regulation 2008, the Chairman said that its main purpose was to impose a mandatory requirement that, where a plan relating to a domestic building or the domestic part of a composite building was submitted to the Building Authority for approval under section 14 of the Buildings Ordinance, the plan must show provision for a refuse storage and material recovery room on every floor of the domestic building or of the domestic part of the composite building.

Action

11. The Chairman further said that the Panel on Environmental Affairs (EA Panel) had been consulted on the legislative proposals at its meeting on 25 February 2008, and members generally supported the proposals. The Regulation would come into operation on 1 December 2008.

12. Ms Audrey EU said that while members of the EA Panel were in general supportive of the proposals, they had expressed concern that the space allocated for refuge storage and material recovery facilities might be used for other purposes. As the Panel had only studied the relevant policy issues but not the detailed legislative provisions, she considered it necessary to form a subcommittee to study the Regulation.

13. The Chairman proposed that a subcommittee be formed to study the Regulation in detail. Members agreed. The following Members agreed to join: Ms Emily LAU, Ms Audrey EU and Prof Patrick LAU.

14. Regarding the Dutiable Commodities (Amendment) Regulation 2008, the Chairman said that it sought to increase the fee for the issue of a temporary liquor licence by about 15% from \$335 to \$385.

15. Mrs Selina CHOW said that Mr Tommy CHEUNG, who was not able to attend the meeting, had considered it necessary to form a subcommittee to study the Regulation.

16. The Chairman proposed that a subcommittee be formed to study the Regulation in detail. Members agreed. The following Members agreed to join: Mrs Selina CHOW, Mr Tommy CHEUNG (as advised by Mrs Selina CHOW) and Mr Jeffrey LAM.

17. Regarding the Telecommunications (Carrier Licences) (Amendment) Regulation 2008 and the Telecommunications (Level of Spectrum Utilization Fees) (Second Generation Mobile Services) (Amendment) Regulation 2008, the Chairman said that they sought to introduce a new type of carrier licence and make provisions for related matters. The two Regulations would come into operation on 1 August 2008.

18. Mr SIN Chung-kai said that the Panel on Information Technology and Broadcasting had been consulted on the legislative proposals, and members had expressed diverse views. He considered it necessary to form a subcommittee to study the two Regulations.

19. The Chairman proposed that a subcommittee be formed to study the two Regulations in detail. Members agreed. The following Members agreed to join: Mr Bernard CHAN, Mr SIN Chung-kai, Dr Philip WONG and Mr Howard YOUNG.

Action

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

21. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 18 June 2008.

**IV. Further business for the Council meeting on 28 May 2008**

**(a) Questions**

*(LC Paper No. CB(3) 642/07-08)*

22. The Chairman said that Mr Daniel LAM and Miss CHAN Yuen-han had replaced their oral questions.

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

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**Prevention and Control of Disease Bill**

23. 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 had not raised objection to the resumption of the Second Reading debate on the Bill.

Meeting arrangement

24. The Chairman said that apart from the resumption of the Second Reading debate on the Prevention and Control of Disease Bill at the Council meeting on 28 May 2008, resolutions relating to the Food and Drugs (Composition and Labelling) (Amendment: Requirements for Nutrition Labelling and Nutrition Claim) Regulation 2008 would be moved by Mr Vincent FANG, Mr Fred LI and the Administration. The Chairman reminded Members that should the business on the Agenda of that Council meeting unlikely be finished by midnight on that day, the meeting would be suspended at about 10:00 pm, and be resumed on the following day at 9:00 am sharp for continuation of business.

25. In response to Ms Emily LAU, the Chairman said that the resolutions relating to the Regulation would be dealt with after Bills and before Members' motions with no legislative effect.

**V. Business for the Council meeting on 4 June 2008**

**(a) Questions**

*(LC Paper No. CB(3) 643/07-08)*

26. 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**

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

**(c) Government motion**

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

**(d) Members' motions**

**(i) Proposed resolution to be moved by Hon James TO Kun-sun under the Fugitive Offenders Ordinance**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 648/07-08 dated 21 May 2008.)*

29. The Chairman said that Mr James TO, Chairman of the Subcommittee on Fugitive Offenders (Ireland) Order, would move a motion at the Council meeting to extend the scrutiny period of the Order to 25 June 2008.

**(ii) Proposed resolution to be moved by Hon KWONG Chi-kin under section 34(4) of the Interpretation and General Clauses Ordinance relating to the Pension Benefits Ordinance (Established Offices) (Amendment) (No. 2) Order 2008**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 652/07-08 dated 22 May 2008.)*

30. The Chairman said that Mr KWONG Chi-kin, Chairman of the Subcommittee on Pension Benefits Ordinance (Established Offices) (Amendment) (No. 2) Order 2008, would move a motion at the Council meeting to extend the scrutiny period of the Order to 25 June 2008.

**(iii) Proposed resolution to be moved by Hon Jasper TSANG Yok-sing under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 641/07-08 dated 19 May 2008.)*

Action

31. The Chairman said that at the last House Committee meeting, Members noted that Mr Jasper TSANG, Chairman of the Committee on Rules of Procedure, would move a motion at the Council meeting to amend the relevant Rule of the Rules of Procedure (RoP) to provide for the extension of the duration of adjournment debates held pursuant to RoP 16(4).

(iv) **Motion on "Promoting the development of local football"**  
*(Wording of the motion issued vide LC Paper No. CB(3) 653/07-08 dated 22 May 2008.)*

(v) **Motion on "Opportunities to Hong Kong brought about by the thawing cross-strait relations"**  
*(Wording of the motion issued vide LC Paper No. CB(3) 651/07-08 dated 22 May 2008.)*

32. The Chairman said that the above motions would be moved by Mrs Sophie LEUNG and Mr TAM Yiu-chung respectively, and the wording of the motions had been issued to Members.

33. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 28 May 2008.

## VI. Report of Bills Committees and subcommittees

### **Further report of the Subcommittee on Food and Drugs (Composition and Labelling) (Amendment: Requirements for Nutrition Labelling and Nutrition Claim) Regulation 2008**

34. Mr Bernard CHAN, Chairman of the Subcommittee, said that after the Subcommittee had presented its written report at the last House Committee meeting, it had held a further meeting on 19 May 2008 to consider the Administration's latest proposed amendments to the Regulation in writing. According to the Administration's latest proposals, prepackaged food products with nutrition claims that had an annual sales volume not exceeding 30 000 units would be exempted provided that they were displayed for sale with a warning label, as opposed to the Administration's original proposal for such products not to be exempted under the small volume exemption scheme. In respect of the requirement for the labelling of the content of trans fat on nutrition labels, the Administration proposed that food traders might comply with the labelling requirements of jurisdictions outside Hong Kong which required the marking and labelling of trans fat.



Action

35. Mr CHAN further reported that while some members considered the two new proposals acceptable, some other members had expressed objection to the Administration making further compromise on the mandatory nutrition labelling scheme. He added that Mr Fred LI would move a resolution to retain the nutrition labelling scheme originally put forward by the Administration. Mr Vincent FANG would move a resolution to amend the commencement date of the Regulation to 1 July 2011, thereby extending the grace period from two to three years.

36. The Chairman reminded Members that the debates would be on the proposed amendments to the Regulation to be moved by Members and the Administration. Even if all the proposed amendments were negated, the Amendment Regulation would still be enacted.

37. Ms Audrey EU enquired about the sequence for the moving of the proposed resolutions by Members and the Administration, as Members had to take this into account in deciding their vote.

38. Secretary General (SG) said that Members would be informed of the sequence for the moving of the proposed resolutions shortly.

39. The Chairman hoped that the Secretariat would provide the relevant information to Members to facilitate their consideration of the proposed amendments to the Regulation in view of their complexity. SG agreed.

40. Ms Emily LAU said that given the tight timeframe for the scrutiny of the Regulation, many Members did not have the opportunity to express their views. She enquired whether a further written report incorporating the latest developments would be provided to facilitate Members' consideration.

41. The Chairman said that the Subcommittee had presented its written report at the last House Committee meeting. The Subcommittee's Chairman had just made a supplementary verbal report at the meeting. She sought Mr Bernard CHAN's view on Ms Emily LAU's request.

42. Mr Bernard CHAN said that the Subcommittee's written report presented at the last House Committee meeting was comprehensive and had included the diverse views expressed on the Regulation. Since then, the Subcommittee had held one further meeting to consider the Administration's latest proposals in writing. Nevertheless, he agreed to provide a supplementary written report.

43. The Chairman said that given the complexity of the Regulation and the proposed amendments, a further written report incorporating discussions on the Administration's latest proposals would facilitate Members' consideration.

Action

44. Ms Emily LAU hoped that the report would be provided to Members as soon as practicable as the debates on the resolutions relating to the Regulation would be held the following Wednesday.

**VII. Position on Bills Committees and subcommittees**  
(*LC Paper No. CB(2) 1992/07-08*)

45. The Chairman said that there were 14 Bills Committees, 16 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.

46. The Chairman invited Members to note that the Bills Committee on West Kowloon Cultural District Authority Bill would have to work beyond three months since commencement of its work.

**VIII. Any other business**

47. There being no other business, the meeting ended at 2:58 pm.