

立法會

# Legislative Council

LC Paper No. CB(2) 2311/07-08

Ref : CB2/H/5/07

## House Committee of the Legislative Council

### Minutes of the 27th meeting held in the Legislative Council Chamber at 2:30 pm on Friday, 13 June 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 LEE Cheuk-yan  
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  
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 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 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  
Dr Hon KWOK Ka-ki  
Hon CHEUNG Hok-ming, SBS, JP  
Hon WONG Ting-kwong, BBS  
Hon Ronny TONG Ka-wah, SC  
Hon CHIM Pui-chung  
Hon KWONG Chi-kin  
Hon TAM Heung-man

**Members absent :**

Hon Albert HO Chun-yan  
Hon James TO Kun-sun  
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 Timothy FOK Tsun-ting, GBS, JP  
Hon LEE Wing-tat  
Dr Hon Joseph LEE Kok-long, JP  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Dr Hon Fernando CHEUNG Chiu-hung  
Prof Hon Patrick LAU Sau-shing, SBS, JP  
Hon Albert Jinghan CHENG, JP  
Hon Mrs Anson CHAN, GBM, JP

**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 Timothy TSO	Assistant Legal Adviser 2
Ms Connie FUNG	Assistant Legal Adviser 3
Mr Stephen LAM	Assistant Legal Adviser 4
Miss Kitty CHENG	Assistant Legal Adviser 5
Miss Winnie LO	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 26th meeting held on 6 June 2008**  
(LC Paper No. CB(2) 2220/07-08)

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 (Q&A) Session

2. The Chairman said that she had enquired with CS about the date of the fourth Q&A Session. CS said that the Director of Administration would follow up with the Chief Executive's Office to fix a date.

3. The Chairman further said that the President received a letter from Mr LEE Wing-tat dated 10 June 2008 asking her to relay to CE his view that CE should honour his undertaking to attend the fourth Q&A Session before the end of the current session. The President had directed the Secretary General (SG) to write to the Director of Administration on the matter. The Director of Administration had replied to SG on the day of the House Committee meeting, and indicated that the Chief Executive's Office suggested the holding of the Q&A Session in the afternoon of 16 July 2008, or in the morning or afternoon of 17 July 2008.

4. The Chairman added that as the President expected that Members would wish to hold the Q&A Session as early as possible, she was inclined to hold the

Action

Q&A Session on 16 July 2008 at 3:00 pm. The Chairman sought Members' view on the matter.

5. Dr YEUNG Sum said that if 16 July 2008 was the earliest possible date for holding the Q&A Session, he would prefer that date. Members agreed.

6. The Chairman said that Members' preference would be conveyed to the President.

Motion on "Report of the Subcommittee on West Kowloon Cultural District Development" on 25 June 2008

---

7. The Chairman said that she had conveyed to CS Members' request for the Second Reading debate on the West Kowloon Cultural District Authority Bill not to resume before the motion debate. In response, CS said that the Administration would give notice for the Second Reading debate on the Bill to resume at the Council meeting on 2 July 2008.

Mandatory Provident Fund Schemes (Amendment) Bill 2008

8. The Chairman said that she had discussed with CS the Mandatory Provident Fund Schemes (Amendment) Bill 2008 (the Bill), which was scheduled for First Reading at the Council meeting on 18 June 2008. She informed Members that she had advised the Acting CS as early as their meeting on 13 May 2008 of the need to introduce the Bill as early as possible as there would otherwise not be sufficient time for scrutiny. If Members were to decide on the formation of a Bills Committee on the Bill at the House Committee meeting on 20 June 2008, there would not be sufficient time to complete scrutiny of the Bill as that was the date when all Bills Committees had to report their deliberations to the House Committee in order that the resumption of the Second Reading debates on the Bills concerned could take place at the Council meeting of 9 July 2008. The Chairman added that the Bill could be ready for resumption of the Second Reading debate should Members consider it not necessary to form a Bills Committee.

9. Mr LEE Cheuk-yan said that he considered it necessary to form a Bills Committee to study the Bill as policy issues were involved. As such, it was impossible to complete scrutiny of the Bill. In his view, there was no urgency to pass the Bill as the benefit concerned could not be enjoyed by the employees until they had reached the age of 65. He opined that the Administration should not introduce the Bill at such a late stage.

10. The Chairman said that it was the Administration's prerogative to introduce bills. She had conveyed to CS during their meeting on 11 June 2008 her concern that there would not be sufficient time for scrutiny of the Bill.

Action

In response, CS had said that the Administration hoped to introduce the Bill in the current legislative session as it was aimed at implementing one of the Budget proposals for 2008-2009.

11. Ms Emily LAU considered the Administration's approach of introducing bills at such a late stage unacceptable. She said that both Members and the Secretariat staff were overloaded with work in the past few weeks. In her view, the approach taken by the Administration was not conducive to improving the relationship between the Executive and the Legislature.

12. Mr Frederick FUNG also considered the Administration's approach unacceptable. He echoed the view on the need to form a Bills Committee to study the Bill in detail. He said that the Administration should have introduced all the Budget proposals in one go for the scrutiny of LegCo, and the responsibility would then rest on LegCo to complete their scrutiny. It was inappropriate for the Administration to introduce bills according to its own timetable without regard to the time allowed for LegCo's scrutiny.

13. The Chairman said that Members would discuss the matter at the next House Committee meeting after the introduction of the Bill to LegCo.

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

**(a) Legal Service Division report on bills referred to the House Committee in accordance with Rule 54(4)**

**(i) Supplementary Appropriation (2007-2008) Bill**  
*(LC Paper No. LS 92/07-08)*

14. The Chairman said that the Bill provided for the appropriation of \$4,434,377,993.84 for the services of the Government in the financial year ending on 31 March 2008 in addition to the sum appropriated by the Appropriation Ordinance 2007.

15. Members did not raise objection to the resumption of the Second Reading debate on the Bill.

**(ii) The Hong Kong University of Science and Technology (Amendment) Bill 2008**  
*(LC Paper No. LS 94/07-08)*

16. The Chairman said that the Bill, introduced by Hon Abraham SHEK, sought to amend The Hong Kong University of Science and Technology Ordinance to make provisions for the appointment and removal of a new

Action

position of "Provost", and to change the composition of the University's Council.

17. The Chairman added that the Panel on Education had been briefed on the Bill at its meeting on 8 May 2008.

18. Dr YEUNG Sum, Deputy Chairman of the Panel, said that representatives of the University management, Staff Association, Students' Union and Alumni Association had attended the Panel meeting on 8 May 2008, and all had expressed support for the Bill. Members noted that the University was then conducting email polls among full-time students and staff respectively on the method for electing their representatives to the University Council. Members agreed that it would not be necessary to form a Bills Committee to scrutinize the Bill provided that the preference of the staff and students as indicated in the outcomes of the polls would be reflected therein.

19. Dr YEUNG further said that the President of the University had subsequently informed the Panel in his letter dated 6 June 2008 that according to the outcomes of the polls, both the staff and students preferred electing their representatives to the University Council by direct election, and the election method had been reflected under the Bill. Therefore, the Panel considered it not necessary to form a Bills Committee to study the Bill.

20. Members did not raise objection to the resumption of the Second Reading debate on the Bill.

21. Mr Abraham SHEK said that he intended to resume the Second Reading debate on the Bill at the Council meeting on 25 June 2008.

22. The Chairman reminded Mr SHEK to give the relevant notice.

(b) **Legal Service Division report on subsidiary legislation gazetted on 6 June 2008 and tabled in Council on 11 June 2008**  
(*LC Paper No. LS 93/07-08*)

23. The Chairman said that a total of 10 items of subsidiary legislation were gazetted on 6 June 2008 and tabled in the Council on 11 June 2008.

24. Regarding the seven items of subsidiary legislation relating to the Civil Justice Reform, the Chairman said that the Subcommittee on Draft Subsidiary Legislation Relating to the Civil Justice Reform (CJR) was scheduled to make a report under agenda item VII(h) below. She suggested inviting the Chairman of the Subcommittee to report at this juncture to facilitate Members' consideration of the need for setting up a subcommittee to examine these items of subsidiary legislation. Members agreed.

Action

25. Ms Margaret NG, Chairman of the Subcommittee, reported that in view of the complexity and volume of the subsidiary legislation relating to CJR, and in order to allow sufficient time for scrutiny, the House Committee had agreed on 18 January 2008 to form a subcommittee to study the relevant subsidiary legislation in draft form.

26. Ms NG further reported on the work of the Subcommittee. She said that the Subcommittee had held 14 meetings between February and May 2008 to scrutinize the English version of the seven sets of draft subsidiary legislation relating to CJR, and had received views from various deputations at one of the meetings. In the light of the discussions with members, the Judiciary had agreed to introduce amendments to the draft rules. The Subcommittee had considered the English version of the amendments proposed by the Judiciary and supported them. The amendments had been incorporated into the subsidiary legislation gazetted on 6 June 2008. The Subcommittee had entrusted the Legal Service Division to assist in the scrutiny of the Chinese version of the subsidiary legislation, and the Chinese version was found to be in order.

27. Ms NG further said that the Judiciary intended to bring both the primary and subsidiary legislation into force on 2 April 2009 in one go. To address members' concern on whether there would be sufficient time for the two legal professional bodies to undertake the necessary training programmes to prepare the legal profession for the implementation of CJR, the Judiciary had undertaken to report the progress on training of the two legal professional bodies to the Panel on Administration of Justice and Legal Services by early January 2009, before gazettal of the commencement notice for the subsidiary legislation which would be subject to the negative vetting procedure of LegCo.

28. In summing up, Ms NG said that the Subcommittee had studied the draft subsidiary legislation in detail and its views had been taken on board and reflected in the subsidiary legislation gazetted on 6 June 2008. Whether a subcommittee should be formed to scrutinize the gazetted subsidiary legislation would be a matter for Members. The Subcommittee did not consider it necessary to do so.

29. Members did not consider it necessary to form a subcommittee to study the seven sets of subsidiary legislation relating to CJR.

30. Ms Margaret NG said that as a subcommittee was considered not necessary, she would seek the President's consent to address the Council on the seven sets of subsidiary legislation gazetted on 6 June 2008 at the Council meeting on 18 June 2008.

Action

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

32. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 9 July 2008.

**IV. Further business for the Council meeting on 18 June 2008**

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

**Mandatory Provident Fund Schemes (Amendment) Bill 2008**

33. The Chairman said that the Administration had given notice to present the above Bill to the Council on 18 June 2008. The House Committee would consider the Bill at the next meeting.

**(b) Members' motions**

**(i) Proposed resolution to be moved by Hon Emily LAU Wai-hing under section 34(4) of the Interpretation and General Clauses Ordinance relating to the Building (Planning) (Amendment) Regulation 2008**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 721/07-08 dated 10 June 2008.)*

34. The Chairman said that Ms Emily LAU, Chairman of the Subcommittee on Building (Planning) (Amendment) Regulation 2008, would move a motion at the Council meeting to extend the scrutiny period of the Regulation to 9 July 2008.

**(ii) Proposed resolution to be moved by Hon CHOY So-yuk under section 34(4) of the Interpretation and General Clauses Ordinance relating to the Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) (Amendment) Regulation 2008**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 722/07-08 dated 10 June 2008.)*

35. The Chairman said that Miss CHOY So-yuk, Chairman of the Subcommittee on Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) (Amendment) Regulation 2008, would move a motion at the Council meeting to extend the scrutiny period of the Regulation to 9 July 2008.



Action

(iii) **Proposed resolution to be moved by Hon SIN Chung-kai under section 34(4) of the Interpretation and General Clauses Ordinance relating to the:**

- **Telecommunications (Carrier Licences) (Amendment) Regulation 2008; and**
- **Telecommunications (Level of Spectrum Utilization Fees) (Second Generation Mobile Services) (Amendment) Regulation 2008**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 723/07-08 dated 10 June 2008.)*

36. The Chairman said that as Mr Bernard CHAN, Chairman of the Subcommittee on Subsidiary Legislation to Introduce a Unified Carrier Licence under the Telecommunications Ordinance, would be out of town on 18 June 2008, Mr SIN Chung-kai would move a motion on behalf of the Subcommittee at the Council meeting to extend the scrutiny period of the two Regulations to 9 July 2008.

Arrangement for the Council meeting on 18 June 2008

37. Ms Emily LAU enquired about the arrangement for the Council meeting on 18 June 2008.

38. At the invitation of the Chairman, Assistant Secretary General 2 said that the Secretariat had notified Members that should the business on the Agenda of that Council meeting unlikely be finished by midnight on that day, the Council meeting would be suspended and resumed at 9:00 am on the following day.

**V. Business for the Council meeting on 25 June 2008**

(a) **Questions**  
*(LC Paper No. CB(3) 719/07-08)*

39. 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**

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

(c) **Government motions**

- (i) **Proposed resolution to be moved by the Secretary for Security under the Mutual Legal Assistance in Criminal Matters Ordinance relating to the Mutual Legal Assistance in Criminal Matters (Transnational Organized Crime) Order**  
*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 728/07-08 dated 11 June 2008.)*

41. The Chairman said that the Subcommittee on Subsidiary Legislation to Implement the Obligations under the United Nations Convention Against Transnational Organized Crime had presented its report at the last House Committee meeting, and Members supported the Administration giving fresh notice to move the proposed resolution at the Council meeting.

- (ii) **Proposed resolution to be moved by the Secretary for Security under the Mutual Legal Assistance in Criminal Matters Ordinance relating to the Mutual Legal Assistance in Criminal Matters (Finland) Order**  
*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 727/07-08 dated 11 June 2008.)*

42. The Chairman said that the Subcommittee on Mutual Legal Assistance in Criminal Matters (Finland) Order had presented its report at the last House Committee meeting, and Members supported the Administration giving fresh notice to move the proposed resolution at the Council meeting.

(d) **Members' motions**

- (i) **Motion on "Seeking papers, books, records and documents regarding the salary and fringe benefits of Under Secretaries and Political Assistants"**  
*(Wording of the motion issued vide LC Paper No. CB(3) 724/07-08 dated 10 June 2008.)*

43. The Chairman reminded Members that the speaking time limit for each Member was 15 minutes.

- (ii) **Motion on "Report of the Subcommittee on West Kowloon Cultural District Development"**  
*(Wording of the motion issued vide LC Paper No. CB(3) 712/07-08 dated 6 June 2008.)*

Action

**(iii) Motion on "Enhancing co-operation between Hong Kong and Macao"**

*(Wording of the motion issued vide LC Paper No. CB(3) 729/07-08 dated 12 June 2008.)*

44. The Chairman said that the above motions would be moved by Mr Alan LEONG and Mr Jasper TSANG respectively, and the wording of the motions had been issued to Members. The Chairman further said that the movers of the motions would each have a speaking time of 15 minutes and other speakers seven minutes each.

45. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 18 June 2008.

Arrangement for the Council meeting on 25 June 2008

46. In response to Ms Emily LAU, the Chairman said that as the Agenda of the Council meeting on 25 June 2008 would unlikely be finished by midnight on that day, the Council meeting would likely be suspended and resumed at 9:00 am on 26 June 2008.

**VI. Advance information on business for the Council meeting on 2 July 2008**

**Members' motions**

**Motion on "Report of the Subcommittee to Study Issues Relating to the Provision of Boarding Places, Senior Secondary Education and Employment Opportunities for Children with Special Educational Needs"**  
*(Wording of the motion issued vide LC Paper No. CB(3) 717/07-08 dated 10 June 2008.)*

47. The Chairman said that Members agreed at the last House Committee meeting to allocate a debate slot to Dr Fernando CHEUNG in his capacity as the Chairman of the Subcommittee to move the motion at the Council meeting. The Chairman pointed out that in the past, where the House Committee acceded to the request of a committee for priority allocation of a debate slot at a Council meeting, there was normally only one other debate on a Member's motion with no legislative effect at that Council meeting. She invited Members' views on whether there should only be one other debate on a Member's motion with no legislative effect for that Council meeting. Members agreed.

## VII. Report of Bills Committees and subcommittees

(a) **Report of the Bills Committee on Revenue Bill 2008**  
(LC Paper No. CB(1) 1840/07-08)

48. Mr Andrew LEUNG, Chairman of the Bills Committee, reported that the Bills Committee had held four meetings and had received the views of various deputations. He referred Members to the Bills Committee's report for details of its deliberations.

49. Mr LEUNG elaborated that the Bill sought to implement various concessionary revenue measures proposed in the 2008-2009 Budget, including the proposals to lower the standard rate of salaries tax and tax under personal assessment and the corporate profits tax rate. Some members considered that the proposals would not benefit the low income group, and it was not necessary to lower the corporate profits tax rate as the prevailing rate was already low. On the other hand, some other members considered that the proposals would alleviate the financial burden of taxpayers and enhance Hong Kong's competitiveness. After discussions, the Bills Committee agreed to move a Committee Stage amendment (CSA) to the Bill to the effect that the first \$10 million of a corporation's assessable profits would be subject to the proposed reduced tax rate of 16.5%, while the remainder of the assessable profits the existing tax rate of 17.5%. Mr LEUNG added that he did not support the proposed CSA. The CSA would, therefore, be moved by Mr LEE Cheuk-yan.

50. Mr LEUNG further reported that while the Bills Committee was generally supportive of the other proposals in the Bill, some members had expressed objection to the proposals on lowering the standard rate of salaries tax and waiving the tax levied on hotel accommodation charges. He added that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting on 25 June 2008.

51. The Chairman reminded Members that the deadline for giving notice of CSAs was Monday, 16 June 2008.

(b) **Report of the Bills Committee on Prevention of Bribery (Amendment) Bill 2007**  
(LC Paper No. CB(2) 2239/07-08)

52. Mr Jasper TSANG, Chairman of the Bills Committee, reported that the Bills Committee had held nine meetings. He referred Members to the report for details of its deliberations, and said that the concerns and diverse views expressed by members had been included therein.

Action

53. Mr TSANG further reported that to address members' concern about immunity for disclosure of information contained in the Secretary for Justice's referral of a corruption complaint against the Chief Executive by LegCo Members as well as by staff members of LegCo Secretariat for the purpose of enabling LegCo Members to take any action under Article 73(9) of the Basic Law, the Administration would move CSAs to add a new provision to the Bill.

54. Mr TSANG added that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting on 25 June 2008.

55. The Chairman reminded Members that the deadline for giving notice of CSAs was Monday, 16 June 2008.

**(c) Report of the Bills Committee on Road Traffic Legislation  
(Amendment) Bill 2008**

---

*(LC Paper No. CB(1) 1831/07-08)*

56. The Chairman, in her capacity as Chairman of the Bills Committee, reported that the Bills Committee supported the Bill in principle. The Bill sought to increase the penalties for the traffic offences of causing death by drink driving and dangerous driving, require certain types of traffic offenders to attend and complete driving improvement courses and extend the Probationary Driving Licence scheme to novice drivers of private cars and light goods vehicles to further enhance road safety.

57. The Chairman elaborated that members had examined the appropriateness of the proposed penalties for the offences of drink driving and dangerous driving causing death, and compared the proposed penalties with the penalty levels in overseas countries. Members had also reviewed the proposed procedures and arrangements to be adopted by the Police for conducting random breath tests, and had examined whether the proposed conferment of a power on the Police to require drivers to provide a breath specimen during a random breath test without reasonable suspicion would be in breach of the human rights provisions under the Basic Law.

58. The Chairman further reported that the majority of members considered the proposed penalties appropriate and acceptable. The Bills Committee, however, noted the intention of Mr Andrew CHENG to move CSAs to lengthen the disqualification period on first conviction of the offence of drink driving or failure to provide samples of blood, urine or breath for testing under specified circumstances from not less than three months to not less than six months.

59. The Chairman added that the Administration would give notice for the Second Reading debate on the Bill to be resumed at the Council meeting on 25 June 2008.

Action

60. The Chairman reminded Members that the deadline for giving notice of CSAs was Monday, 16 June 2008.

**(d) Report of the Bills Committee on Fixed Penalty (Smoking Offences) Bill**

*(LC Paper No. CB(2) 2242/07-08)*

61. Mr Andrew CHENG, Chairman of the Bills Committee, reported that the Bill sought to provide for a fixed penalty of \$1,500 to be payable for the offences in contravention of section 7(1) of the Smoking (Public Health) Ordinance. The Bills Committee had held seven meetings and had received views from relevant deputations and individuals. He referred Members to the Bills Committee's report for details of its deliberations.

62. Mr CHENG further reported that the Administration would move CSAs to address various concerns raised by members, such as the need to specify in the Bill the considerations for withdrawing a notice of fixed penalty. To provide more incentive to help smokers to quit smoking, he would move CSAs to allow people who contravened section 3(2) or section 4(1) of the Smoking (Public Health) Ordinance to choose between paying a fixed penalty or attending an approved smoking cessation course/class.

63. Mr CHENG added that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting on 2 July 2008.

64. The Chairman reminded Members that the deadline for giving notice of CSAs was Saturday, 21 June 2008.

**(e) Report of the Bills Committee on Statute Law (Miscellaneous Provisions) Bill 2008**

*(LC Paper No. CB(2) 2234/07-08)*

65. Ms Margaret NG, Chairman of the Bills Committee, reported that the Bill was an omnibus bill which sought to make miscellaneous amendments to various Ordinances. The Bills Committee had held five meetings.

66. Ms NG further reported that the Administration would move CSAs to withdraw Parts 2 to 4 of the Bill, as it needed more time to seek clarification on certain matters, and would reintroduce the relevant amendments in a future bill. The Administration would also move CSAs to address members' concerns on Part 6 of the Bill relating to the proposed amendments to the Conveyancing and Property Ordinance.

Action

67. Ms NG added that 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 2 July 2008. She reminded Members that the deadline for giving notice of CSAs was Saturday, 21 June 2008.

(f) **Report of the Bills Committee on West Kowloon Cultural District Authority Bill**

---

68. Mrs Selina CHOW, Chairman of the Bills Committee, said that the Bill sought to establish the West Kowloon Cultural District Authority (WKCD) as a statutory body to implement the West Kowloon Cultural District project from its planning to operation stages and to ensure the project's financial sustainability. The Bills Committee had held 14 meetings and had considered the views of 39 organizations and nine individuals.

69. Mrs CHOW highlighted the main issues of concern raised by members in the course of deliberations. These included the functions and objectives of WKCD, composition and appointment of the Board of WKCD, provisions on public consultation, provisions relating to the transparency and accountability of WKCD and provisions to safeguard public interests. The Bills Committee had discussed the issues in-depth and had concluded clause-by-clause examination of the Bill.

70. Mrs CHOW further reported that the Bills Committee had also considered the proposed CSAs to be moved by the Administration and individual members. During the discussions, members and the Administration had fully expressed their views on the proposed CSAs. As some members had requested the Administration to further consider incorporating their proposed amendments into the CSAs to be moved by the Administration and some other members wished to further improve their CSAs, the Bills Committee would convene another meeting early next week upon the receipt of the final draft CSAs to be moved by the Administration and individual members.

71. Mrs CHOW said that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting on 2 July 2008. She added that the Bills Committee would provide a written report at the next House Committee meeting.

72. The Chairman reminded Members that the deadline for giving notice of CSAs was Saturday, 21 June 2008.

(g) **Report of the Subcommittee on Dutiable Commodities (Amendment) Regulation 2008**

---

*(LC Paper No. CB(1) 1845/07-08)*

Action

73. The Chairman said that Mr Tommy CHEUNG, Chairman of the Subcommittee, had given a verbal report at the last House Committee meeting. A written report was provided for the meeting.

74. Members did not raise any queries on the report.

**(h) Report of the Subcommittee on Draft Subsidiary Legislation Relating to the Civil Justice Reform**  
*(LC Paper No. CB(2) 2222/07-08)*

75. The Chairman said that Ms Margaret NG, Chairman of the Subcommittee, had reported under agenda item III(b) above.

**(i) Report of Subcommittee on Pension Benefits Ordinance (Established Offices) (Amendment) (No. 2) Order 2008**  
*(LC Paper No. CB(1) 1838/07-08)*

76. Mr KWONG Chi-kin, Chairman of the Subcommittee, reported that the Order sought to include Model Scale I (MOD 1) grades as established offices so as to enable MOD 1 staff to become Category A officers. The Subcommittee had held three meetings and had received views from representatives of various staff unions and associations.

77. Mr KWONG further reported that while expressing support in principle for the conversion proposal, the staff associations/unions considered that the proposal could not fully satisfy the demands of all serving MOD 1 staff. The Subcommittee also noted that the staff associations/unions held a strong view on the Administration's proposal for introducing inter-departmental posting arrangement upon conversion. After discussions, the Administration had undertaken to consider allowing staff posted from one bureau/department to another under the central clearing house mechanism to revert to the original department under exceptional circumstances, and refraining from constantly posting Category A MOD1 common grade staff from one bureau/department to another.

78. Mr KWONG further said that having regard to the fact that the Staff Side of the MOD 1 Staff Consultative Council (which included members of all staff unions) had expressed support for the Order and the implementation of the conversion proposal to allow individual MOD 1 staff to opt whether or not to convert to Category A status, the majority of the members of the Subcommittee were in support of the Order. The Subcommittee, however, noted that Mr LEE Cheuk-yan might consider repealing the Order at the Council meeting on 25 June 2008.



Action

79. The Chairman reminded Members that the deadline for giving notice of amendments to the Order, if any, was Wednesday, 18 June 2008.

**VIII. Position on Bills Committees and subcommittees**

*(LC Paper No. CB(2) 2221/07-08)*

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

81. The Chairman said that as the number of subcommittees under House Committee and Panels on policy issues had been reduced to six, the subcommittee on the waiting list, i.e. the Subcommittee on Police's Handling of Searches of Detainees, could be activated in principle. However, whether the Subcommittee would commence its work was for the Panel on Security to decide.

82. Mr LAU Kong-wah, Chairman of the Panel on Security, said that he would arrange for the activation of the Subcommittee to be discussed at the next Panel meeting as not much time was left before the end of the current LegCo term. He informed Members of the follow-up work undertaken by the Panel on the issue. He said that the Administration had written to the Panel on 9 April and 12 June 2008 respectively to report on the progress of the review proposals to improve the Police's practices regarding the search of detainees. The Administration had undertaken to finalize the new guidelines and improved procedures for implementation with effect from July 2008, and would provide an advance copy of the new guidelines to the Panel in the last week of June.

83. The Chairman reiterated that it was up to the Panel to decide whether the Subcommittee would commence its work.

84. Members did not raise any queries.

**IX. Paper of the Committee on Rules of Procedure (CRoP)**

**Review of the Distribution of Work of Legislative Council Panels**

*(LC Paper No. CROP 49/07-08)*

85. Mr Jasper TSANG, Chairman of CRoP, said that following the re-organization of the Government Secretariat in July 2007, the Secretariat, at the request of CRoP, had conducted a review on the operations of Panels under the existing Panel structure between March and May 2008. At the

Action

recommendations of CRoP, the 18 Panel chairmen and the Administration were consulted on the proposed changes to the terms of reference of certain Panels.

86. Mr TSANG further said that having considered the comments of Panel chairmen and the Administration, CRoP decided at its meeting on 2 June 2008 that the terms of reference of the Home Affairs Panel, Welfare Services Panel, Constitutional Affairs Panel, Environmental Affairs Panel and Development Panel should be amended as set out in Appendix II to the paper.

87. Mr TSANG added that CRoP noted that any changes to take effect from the commencement of the new term would require the Council's endorsement before the end of the current term. This would facilitate the signification of membership and the election of chairmen and deputy chairmen of Panels to take place at the start of the new term. Subject to Members' views on CRoP's recommendations, CRoP proposed that the motion seeking the Council's approval of the proposed modifications to the terms of reference of Panels be moved by the Chairman of the House Committee at the Council meeting of 2 July 2008. The proposed resolution, if passed, would take effect on the day when the next term of LegCo began. A draft of the proposed resolution was in Appendix III to the paper. He appealed to Members to support the recommendations of CRoP.

88. Ms Emily LAU said that in principle, she had no objection to CRoP's proposals. She noted that under the proposals, the policy area on energy supply and safety would continue to be placed under the Economic Development Panel while the environmental aspect of energy the Environmental Affairs Panel. As many energy-related issues were of common concern to both Panels, she considered that all relevant information pertaining to the policy area on energy should be provided to both Panels.

89. Ms Emily LAU further opined that neither the Welfare Services Panel nor the Constitutional Affairs Panel seemed to welcome the placement of the policy area on women matters within their purview. She pointed out that women matters involved more than welfare issues. The Administration had to submit reports on women rights and status to the United Nations under the Convention on the Elimination of All Forms of Discrimination Against Women. In her view, women matters should be placed not only under the Welfare Services Panel, but also the Constitutional Affairs Panel which was responsible for human rights.

90. The Chairman said that Ms Emily LAU could express her views on the matter at the debate on the proposed resolution at the Council meeting on 2 July 2008, and her views would be recorded.

Action

91. Ms Emily LAU said that her views expressed at the meeting should also be put on record.

92. Members endorsed CRoP's proposals on the delineation of responsibilities of the 18 Panels for the next legislative term. Members also supported CRoP's recommendation that the motion concerning the proposals be moved by the Chairman of the House Committee at the Council meeting on 2 July 2008.

**X. Any other business**

**Valedictory motion**

*(LC Paper No. CB(2) 2240/07-08(01))*

93. The Chairman said that it was the practice for the Chairman of the House Committee to move a valedictory motion at the last Council meeting of a LegCo term. She invited Members' views on whether a valedictory motion debate should be held at the Council meeting of 9 July 2008 and, if so, the wording of the motion. Referring Members to the wording of the valedictory motion for the Second LegCo, the Chairman said that the proposed wording of the valedictory motion for the Third LegCo was drafted along the same line, i.e. "That this Council concludes its work and wishes for the smooth formation of the fourth Legislative Council to continue to serve the people of the Hong Kong Special Administrative Region."

94. Ms Emily LAU opined that the wording of the motion should be revised to include the regret of Members on the Executive for having inundated LegCo with work towards the end of the term and which had significantly affected the relationship between the Legislature and the Executive.

95. The Chairman acknowledged Ms Emily LAU's concern about Members being inundated with work. However, she pointed out that it had been the convention for LegCo to move a neutrally-worded valedictory motion at the end of a term. Members could express their views freely during the debate. The Chairman added that it had also been the practice for Members not to propose amendments to valedictory motions.

96. Mr Ronny TONG said that the revised wording proposed by Ms Emily LAU could be considered. He enquired whether amendments could be made to a valedictory motion procedurally.

97. The Chairman responded that the Rules of Procedure did not disallow amendments to a valedictory motion. She reiterated that in the past, valedictory motions were neutrally-worded and intended to record the conclusion of work by LegCo.

Action

98. Mr Martin LEE said that the amendments might be procedurally out of order should they have the effect of making the motion not valedictory in nature.

99. Ms Emily LAU said that Members should consider her proposed wording of the valedictory motion in order to reflect the feeling of LegCo Members.

100. The Chairman considered it appropriate to word the valedictory motion in neutral terms as Members might have different views on the subject.

101. Ms Margaret NG considered it a better approach for individual Members to propose amendments to the valedictory motion. She said that she would not lament to the Executive for the heavy work.

102. Mr Martin LEE was concerned that the fourth CE's Q&A Session would be held after the valedictory motion debate.

103. Ms Emily LAU enquired about the possibility of holding the valedictory motion debate on 16 July 2008 after the Q&A Session. She considered it odd for LegCo to conduct further business after the valedictory motion debate.

104. At the invitation of the Chairman, SG said that there was a precedent in 2004 when a CE's Q&A Session was held after the valedictory motion debate.

105. The Chairman pointed out that the Third LegCo would be prorogued on 19 July 2008, and the last Council meeting for transaction of normal business was scheduled for 9 July 2008. Although a Q&A session was also a Council meeting, its nature was different. A Q&A session usually lasted for an hour and a half, and would not be followed by normal LegCo business.

106. Ms Margaret NG considered it in order to hold a valedictory motion debate as the last motion debate of the current term at the Council meeting of 9 July 2008, notwithstanding that it would not be the last Council meeting.

107. Mr Martin LEE said that the Q&A Session could be named as "The Valedictory CE Q&A Session".

108. The Chairman said that Mr Martin LEE's view would be relayed to the President.

Action

109. Members agreed that the Chairman of the House Committee would move a valedictory motion at the Council meeting of 9 July 2008. Members also agreed on the proposed wording of the motion.

110. There being no other business, the meeting ended at 3:18 pm.

Council Business Division 2  
Legislative Council Secretariat

18 June 2008

060613e.doc