

立法會
Legislative Council

LC Paper No. CB(2) 197/08-09

Ref : CB2/H/5/08

House Committee of the Legislative Council

**Minutes of the 4th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 24 October 2008**

Members present :

Hon Miriam LAU Kin-yee, 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
Dr Hon Margaret NG
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon LEUNG Yiu-chung
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon LAU Kong-wah, JP
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo
Hon Timothy FOK Tsun-ting, GBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, SBS, JP
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
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
Hon LEUNG Kwok-hung
Hon WONG Ting-kwong, BBS

Hon Ronny TONG Ka-wah, SC
Hon CHIM Pui-chung
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon Starry LEE Wai-king
Dr Hon LAM Tai-fai, BBS, JP
Hon CHAN Hak-kan
Hon Paul CHAN Mo-po, MH, JP
Hon CHAN Kin-por, JP
Hon CHAN Tanya
Dr Hon Priscilla LEUNG Mei-fun
Dr Hon LEUNG Ka-lau
Hon CHEUNG Kwok-che
Hon WONG Sing-chi
Hon WONG Kwok-kin, BBS
Hon WONG Yuk-man
Hon IP Wai-ming, MH
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-yeet, GBS, JP
Dr Hon PAN Pey-chyou
Hon Paul TSE Wai-chun
Dr Hon Samson TAM Wai-ho, JP

Members absent :

Dr Hon David LI Kwok-po, GBM, GBS, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Albert CHAN Wai-yip
Hon CHEUNG Hok-ming, SBS, JP

Clerk in attendance :

Mrs Vivian KAM Clerk to the House Committee

Staff in attendance :

Ms Pauline NG Secretary General
Mr Jimmy MA, JP Legal Adviser
Mrs Constance LI Assistant Secretary General 1

Mrs Justina LAM	Assistant Secretary General 3
Mrs Percy MA	Assistant Secretary General (Special Duty)
Mr LEE Yu-sung	Senior Assistant Legal Adviser 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mrs Sharon TONG	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
Ms Connie FUNG	Assistant Legal Adviser 3
Mr Stephen LAM	Assistant Legal Adviser 4
Miss Winnie LO	Assistant Legal Adviser 7
Mr Anthony CHU	Senior Council Secretary (A)2
Miss Josephine SO	Senior Council Secretary (2)1
Ms Amy YU	Senior Council Secretary (2)3
Mr Ringo LEE	Senior Legislative Assistant (2)1
Mr Arthur KAN	Legislative Assistant (2)7

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I. Confirmation of the minutes of the 3rd meeting held on 17 October 2008
(*LC Paper No. CB(2) 108/08-09*)

The minutes were confirmed.

II. Matters arising

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

2. The Chairman said that there was nothing special to report. She asked whether there was any issue which Members would like her to raise with CS.

Letter from CS concerning the Council meeting on 15 October 2008

3. Referring to the letter dated 15 October 2008 from CS to the President concerning the behaviour of certain Members at the Legislative Council (LegCo) meeting on 15 October 2008, Mr IP Kwok-him asked whether the matter had been raised during the Chairman's meeting with CS. He was concerned whether LegCo would take any follow-up actions on the incident of objects being thrown inside the Chamber in view of the wide public concern.

4. The Chairman said that CS had not raised the matter during their last meeting, which was also attended by the Deputy Chairman. She further said that should Members consider it necessary to examine the matter from the perspective of rules and procedures, it could be referred to the Committee on Rules of Procedure (CRoP) for consideration. As the matter was not on the

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agenda of the House Committee meeting, she considered it inappropriate for the matter to be discussed in-depth at the meeting.

5. Mrs Sophie LEUNG supported the proposal of referring the matter to CRoP.

6. The Deputy Chairman considered it procedurally improper for the House Committee to take the initiative to follow up the matter as CS's letter was addressed to the President. He said that unless the President so requested, the House Committee should not follow up the matter. He noted that the President had already replied to CS on the matter.

7. Dr Margaret NG expressed objection to referring the matter to CRoP. She pointed out that the terms of reference of CRoP was to review the Rules of Procedure (RoP) and to propose such amendments as were considered necessary. As the crux of the matter lay in the enforcement of RoP, and not the RoP per se, she did not consider CRoP the appropriate forum for following up the matter. In her view, the matter should be handled by the President or the House Committee.

8. The Chairman said that the President had not asked the House Committee to follow up the matter. As the letter was concerned with the behaviour of Members at Council meetings, the House Committee could discuss the matter should Members consider it necessary.

9. Dr Margaret NG stressed that CS's letter was addressed to the President, who had provided a copy of it to Members for information. In her view, unless the matter was referred by the President, it would not be appropriate for the House Committee to discuss it.

10. Mrs Sophie LEUNG said that as the standard of behaviour of Members during Council meetings was laid down in RoP, she considered it appropriate to refer the matter to CRoP to review the relevant provisions. She stressed that referring the matter to CRoP did not necessarily entail a need to amend the RoP.

11. Mr LEUNG Kwok-hung said that he was one of the three Members who had interrupted the proceedings of the Council meeting on 15 October 2008. He stressed that his behaviour aimed to protest against the Chief Executive (CE) for announcing an anti-public policy on the Old Age Allowance (OAA) in his Policy Address. He pointed out that should there be evidence to substantiate his commission of an offence of assault, prosecution could be taken. On the other hand, LegCo had an established mechanism for dealing with Members' behaviour at Council meetings. In the circumstances, he considered it grossly inappropriate for the matter to be referred to CRoP.

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12. Dr Margaret NG said that Members should decide for themselves which provisions in RoP were relevant to Members' behaviour at Council meetings. In her view, only when Members considered the existing provisions in RoP concerning Members' behaviour at Council meetings inadequate should the matter be referred to CROp. At the present stage, CROp was not the appropriate forum for following up the matter. She reiterated her view that the crux of the matter did not lie in the provisions in RoP, but in their enforcement.

13. The Chairman concurred that CROp was not responsible for matters concerning the enforcement of RoP. As there was a view that the matter could be referred to CROp to examine the adequacy of the relevant provisions in RoP, she had invited Members' view on the proposal. She invited Mr IP Kwok-him, who raised the matter for discussion, to elaborate on his view.

14. Mr IP Kwok-him said that as the matter had generated discussions in the community and similar incidents had not occurred in the past, he had raised the matter to seek Members' views on how LegCo should follow up, in particular from the perspective of rules and procedures.

15. The Chairman reminded Members that the agenda item under discussion was report by her on her meeting with CS. When she asked whether there was any concern Members would like her to convey to CS, Mr IP Kwok-him had raised the matter. While she had allowed short discussions on the matter, it was inappropriate to have lengthy discussions at the meeting as the matter was not on the agenda. She said that any Members who wished to discuss the matter at a House Committee meeting should make a formal proposal in writing.

16. Mr LEUNG Kwok-hung said that at the Council meeting on 15 October 2008, the President had already handled the matter by exercising his power under RoP to order the Members concerned to withdraw immediately from the Council for the remainder of that meeting.

17. Mr James TO said that CS should make clear what the specific concern of the Administration was, and whether the concern was on the security of officials attending LegCo meetings or on the effect of certain behaviour on the law-making process. Should it be the former, it would be necessary to clarify whether officials attending Council meetings were protected by the criminal law. Should it be the latter, LegCo would consider the need for any follow-up actions with regard to the prejudicial effect of the behaviour on the law-making process, if any. He requested the Chairman to relay his views to CS.

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18. Ms Cyd HO suggested that clarification be sought from CS on whether he expected the matter to be handled by the President or the Council. Should the former be the case, it would be more appropriate for Members to focus their discussion on the maintenance of order by the President at Council meetings. She recalled that the former President adopted the approach of discussing with the Members concerned after the meeting on issues relating to Members' conduct. She opined that a similar approach could be adopted by the President.

19. In response to Mr LEUNG Kwok-hung, the Chairman said that she would convey to CS Members' views concerning CS's letter, but not other issues which were not relevant to the matter under discussion.

20. Mr James TO said that there were media reports about the Police having informally approached the LegCo Secretariat to convey their concern about the security of officials attending LegCo meetings. Mr TO considered it necessary to clarify whether it was indeed the concern of the Administration. He said that should this be the case, LegCo would have to address such a concern.

21. At the invitation of the Chairman, Secretary General (SG) said that so far, the Administration had not raised any concern with the Secretariat about the security of officials attending LegCo meetings. SG further said that whenever CE attended meetings or functions held at the LegCo Building, it was a standing arrangement for the Secretariat to liaise with CE's Office on the relevant arrangements.

22. Dr Margaret NG said that should the Administration or Members have any concern or view about the security of officials at the LegCo Building, the matter should be raised with The Legislative Council Commission.

23. The Chairman said that she would convey Members' views to CS.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 17 October 2008 and tabled in Council on 22 October 2008

(LC Paper No. LS 6/08-09)

24. The Chairman said that three items of subsidiary legislation, including two Commencement Notices, were gazetted on 17 October 2008 and tabled in the Council on 22 October 2008.

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25. Regarding the Buildings (Amendment) Ordinance 2008 (Commencement) Notice 2008, the Chairman said that it was to appoint 15 December 2008 as the commencement date of certain provisions of the Amendment Ordinance which sought to introduce a minor works control system. The other provisions were expected to be brought into effect by the end of 2009.

26. Mr James TO suggested that written information be sought from the Administration on the preparation work for the phased implementation of the Ordinance. Members agreed.

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

28. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 19 November 2008.

IV. Further business for the Council meeting of 29, 30 and 31 October 2008

(a) Questions

(LC Paper No. CB(3) 70/08-09)

29. The Chairman said that the debate on the Motion of Thanks would be held at the Council meeting commencing on 29 October 2008 and only written questions were scheduled for the meeting.

30. The Chairman further said that a new written question had been raised by Mr CHEUNG Man-kwong.

(b) Members' motions

(i) Proposed resolution to be moved by Hon Fred LI Wah-ming under section 34(4) of the Interpretation and General Clauses Ordinance relating to the Harmful Substances in Food (Amendment) Regulation 2008

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 78/08-09 dated 23 October 2008.)

31. The Chairman said that Mr Fred LI, Chairman of the relevant Subcommittee, would move a motion at the Council meeting to extend the scrutiny period of the Regulation to 26 November 2008.

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(ii) **Proposed resolution to be moved by Hon Miriam LAU Kin-ye under section 34(4) of the Interpretation and General Clauses Ordinance relating to the Road Traffic (Public Service Vehicles) (Amendment) Regulation 2008**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 77/08-09 dated 23 October 2008.)

32. The Chairman said that in her capacity as the Chairman of the relevant Subcommittee, she would move a motion at the Council meeting to extend the scrutiny period of the Regulation to 26 November 2008.

Proposed amendments to the Motion of Thanks

33. Referring to the paper issued by the Secretariat on 24 October 2008 and tabled at the meeting regarding the proposed amendments to the Motion of Thanks (LC Paper No. CB(3)84/08-09), Ms Emily LAU said that in the light of CE's announcement on OAA shortly before the House Committee meeting, the amendments relating to OAA proposed by some Members had been overtaken by event. As such, she considered it necessary to seek the President's approval for extending the deadline for giving notice of amendments to allow time for the Members concerned to revise their proposed amendments. She added that given such an important change to OAA, CE should give a supplementary Policy Address.

34. At the invitation of the Chairman, Assistant Secretary General 3 (ASG3) said that there had been occasions in the past where changes in circumstances had rendered the wording of an amendment inappropriate or meaningless. She recalled that on those occasions, approval had been granted by the President for the Members concerned to delete the relevant wordings of the amendment, without extending the deadline for giving notice of amendments to the motions by Members.

35. Ms Emily LAU opined that it would not serve the purpose of holding a meaningful debate if the Members concerned were only allowed to delete but not to revise the terms of their proposed amendments.

36. Dr Margaret NG said that there should be flexibility on the notice periods where warranted. She considered it fair in the circumstances to allow time for the Members concerned to consider their course of action in response to the significant change to the OAA policy announced by CE. In her view, it would not be unreasonable for the deadline for giving notice of amendments to be extended for, say, one day.

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37. At the invitation of the Chairman, SG said that the deadline for giving notice of amendment to an amendment to the Motion of Thanks was the day of the House Committee meeting. She further said that subject to Members' views, the President's approval could be sought for extending the deadline in view of the significant change to the OAA policy announced by CE.

38. Mr LEE Cheuk-yan shared the view that Members should be given the opportunity to revise, and not merely to delete, the terms of their proposed amendments, in view of the sudden change in the government policy. He sought clarification on whether the deadline for proposing amendments to the Motion of Thanks was the day of the House Committee meeting, and whether the Members proposing the amendments could amend their own proposed amendments.

39. At the invitation of the Chairman, ASG3 clarified that the day of the House Committee meeting was the deadline for giving notice of amendment to an amendment, and not notice of amendment, to the Motion of Thanks. She further explained that to enable Members to revise the terms of their proposed amendments, the President's approval would have to be sought for extending both deadlines. As the deadline for giving notice of amendment to the motion was 22 October 2008 and had already expired, it would be necessary for this deadline to be extended, to be followed by a corresponding extension of the deadline for giving notice of amendment to an amendment to the motion, which was the day of the House Committee meeting.

40. Mr Frederick FUNG considered it fair and reasonable to allow the Members whose proposed amendments were related to OAA to revise the terms of their amendments. He remarked that it would be odd if a Member could not revise the terms of his own proposed amendments which had become inappropriate because of the change, but to have to leave it to other Members to amend his amendments.

41. The Deputy Chairman said that the subject of the motion to be moved by him at the Council meeting on 5 November 2008 was "Old age allowance and universal retirement protection system". While part of the motion relating to universal retirement protection system was still worth debating, the main part of it concerning OAA was no longer so. Under such circumstances, he was concerned whether he would be allowed to revise the wording of his motion.

42. The Chairman suggested that the Deputy Chairman could raise his concern under agenda item V(d)(ii) below.

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43. Mr CHAN Kam-lam considered that the relevant rules governing the requisite notice for amendments to motions should be adhered to. He pointed out that the Members concerned could withdraw their proposed amendments should they consider their proposed amendments no longer appropriate. Even if Members were allowed to revise the terms of their proposed amendments, certain restrictions should be imposed. In his view, Members should not be allowed to completely rewrite their amendments and propose new ones which were not related to OAA. He considered it necessary to set out the criteria for revisions clearly.

44. Mr LEUNG Kwok-hung said that had CE listened to public views on OAA in drawing up his Policy Address, the issue under discussion would not have arisen.

45. Ms Cyd HO shared the view that the Members who had proposed amendments to the Motion of Thanks should be allowed to revise the terms of their proposed amendments. Citing Mr WONG Kwok-hing's proposed amendments as an example, she said that while part of his amendments relating to OAA had become unnecessary, the part relating to the provision of a living supplement for the poor elders could be retained. To ensure efficient use of the Legislature's time, she considered that a Member should be allowed to revise the wording of his motion with no legislative effect if the motion had been rendered unnecessary or meaningless by sudden changes in circumstances, such as a change in the government policy since the expiry of the relevant deadline for notice.

46. Mr WONG Kwok-hing said that in the light of the latest development concerning OAA, Members belonging to the Federation of Trade Unions had decided that his proposed amendments to the Motion of Thanks should be withdrawn. Their decision had been announced to the media. He welcomed CE's political decision to change the OAA policy in response to public views, and hoped that CE would continue to listen to public views in formulating government policies.

47. Dr Margaret NG said that the principles for handling Council business had been laid down in RoP and the provisions therein were neutral. In her view, where significant changes in circumstances had taken place, the exercise of some degree of flexibility concerning the deadlines for giving notice of amendments was warranted. This was in line with the principles of RoP. Each Member was entitled to rethink his position in view of changes. For instance, in the light of CE's announcement that the proposal of introducing a means test mechanism to the OAA Scheme be shelved, a Member who supported the introduction of such a mechanism should be given the opportunity to propose amendments in this regard. She stressed that the issue

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under discussion was whether the relevant deadlines for giving notice of amendments to the Motion of Thanks should be extended in the light of CE's announcement.

48. Ms Cyd HO said that part of Mr WONG Kwok-hing's proposed amendments was on the provision of a living supplement for the poor elders. As Mr WONG had indicated that he would withdraw his proposed amendments, there would not be any debate on that issue at the Council meeting. She considered it necessary to extend the deadline for giving notice of amendments to enable Members to raise the issue for discussion should they wish to.

49. SG said that rules governing notice of motions and amendments had been made to ensure the smooth transaction of Council business. The original deadline for giving notice of amendments to the Motion of Thanks was 22 October 2008, which had already expired. Some Members might be preparing amendments to the proposed amendments, the deadline for which was the day of the House Committee meeting. As she had mentioned earlier, subject to Members' views, the President's approval could be sought for extending the deadline for amendment to an amendment having regard to the change in the government policy on OAA. In response to Mr LEE Cheuk-yan's enquiry on whether a Member could move an amendment to his own amendment, SG replied that such was not permitted under RoP. She added that the Member concerned could ask another Member to do so, and the Member could explain the matter when addressing the Council on his amendment. This would be recorded in the Hansard.

50. Mr LEE Cheuk-yan asked whether it was viable to extend both deadlines for amendments to enable Members who had proposed amendments to revise the terms of their amendments.

51. At the invitation of the Chairman, ASG3 said that the President had the discretion to extend the two deadlines. She pointed out that should both deadlines be extended, the time frame for processing amendments by the Secretariat would be very tight. She elaborated that after the deadline for giving notice of amendments had expired, the Secretariat would process the amendments received, arrange for their translation and submit them to the President for approval, after which Members would be informed of the amendments. Members might then give notice of amendment to an amendment to the motion, the deadline for which was normally three clear days before the relevant Council meeting. After the amendment(s) to the amendments had been processed and approved, the revised amendments had to be prepared and processed for the President's approval. As the debate on the Motion of Thanks would be held at the Council meeting commencing the following Wednesday, there remained only a few days for completing all the above procedures. She echoed SG's suggestion that in view of the time

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constraint, Members might consider extending only the deadline for giving notice of amendment to an amendment. Under such an arrangement, Members, other than the movers of the proposed amendments, could give notice to move amendments to the proposed amendments to amend those terms which had become unnecessary or meaningless.

52. Ms Emily LAU did not agree with the proposal to extend only the deadline for giving notice of amendment to an amendment, as she found it unacceptable and ridiculous that Members who had proposed amendments were not allowed to revise the terms of their own amendments and had to leave it to other Members to do so. She stressed that the Members concerned were not to blame for this hassle caused by the Executive Authorities, and it would be unfair to deny them the opportunity to revise the terms of their proposed amendments. She considered that both deadlines should be extended, and suggested that short deadlines be set having regard to the tight time frame.

53. Mr Ronny TONG concurred with the view that Members should be allowed to revise the terms of their proposed amendments given the significant change in the government policy. He suggested that the deadlines for giving notice of amendment, and amendment to an amendment, to the motion be extended to, say, noon of 25 October 2008 and noon of 27 October 2008 respectively to allow time for the Secretariat to process the amendments submitted by Members.

54. SG suggested allowing the Secretariat some time to come up with a proposal after the meeting that would conform with RoP on the one hand, and facilitate the moving of amendments by Members on the other.

55. The Chairman said that given the time constraint, Members should come to a view on the matter at the meeting.

56. Mr LEUNG Yiu-chung expressed support for Mr Ronny TONG's proposal. He further said that in view of the latest change, not only Members who had proposed amendments should be allowed to revise the terms of their proposed amendments, but other Members who had not previously proposed amendments should also be allowed to do so.

57. Mr Ronny TONG said that Members generally agreed that their requests for amendments should be accommodated as far as practicable. He believed that the President would also accede to Members' requests.

58. Mr TAM Yiu-chung said that the provisions in RoP should be observed and should not be changed lightly. Moreover, Members should consider the Secretariat's tight time frame for processing amendments.

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59. Dr Margaret NG stressed that under RoP, the President had the discretion to dispense with the requisite notice of amendment.

60. The Chairman said that in exercising his discretion, the President would take into account the views of the House Committee and the time constraint of the Secretariat. She further said that Members had generally agreed that they should be given the opportunity to revise the terms of their proposed amendments, and the President's approval should be sought for extending the deadlines for giving notice of amendment and amendment to an amendment. She sought Members' views on whether such revisions should be directly consequent upon CE's announcement on OAA, or whether there should be no restrictions on the scope of the revisions. She remarked that the former would be consistent with RoP, while the latter would entail significant changes and deviate from RoP.

61. Dr Margaret NG considered that the revisions made by Members to the terms of their proposed amendments should be directly consequent upon CE's announcement. Members agreed.

62. In response to Ms Emily LAU, the Chairman said that the Secretariat would seek the President's approval on the matter after the meeting, and Members would be informed of the President's decision as soon as practicable.

63. Mr Frederick FUNG sought clarification on the scope of revisions that could be made to the terms of proposed amendments. He asked whether his revisions could be on retirement protection, given that OAA was related to the post-retirement livelihood of the elders.

64. The Chairman reiterated that the revisions should relate to CE's announcement on OAA made shortly before the House Committee meeting.

65. Dr Margaret NG said that Members had already agreed that the revisions should be directly consequent upon CE's announcement. It was for the President to rule on whether revisions to the terms of proposed amendments should be approved.

66. Mr Ronny TONG said that only Members who had proposed amendments to the Motion of Thanks relating to OAA should be allowed to revise the terms of their proposed amendments. In his view, there should be no restrictions to the scope of revisions to be made by these Members.

67. The Chairman said that Mr Ronny TONG's view on the scope of the revisions was different from that agreed to by Members.

68. Summing up, the Chairman further said that Members had agreed that the President's approval be sought for extending the deadlines for amendment, and amendment to an amendment, to the Motion of Thanks to allow Members concerned to revise the terms of their proposed amendments in the light of CE's announcement on OAA shortly before the House Committee meeting. Members had also agreed that any revisions made to the terms of the proposed amendments should be directly consequent upon CE's announcement.

V. Business for the Council meeting on 5 November 2008

(a) Questions

(LC Paper No. CB(3) 71/08-09)

69. The Chairman said that as at the time of the House Committee meeting, 19 questions (six oral and 13 written) had been scheduled for the meeting, and there remained one slot for a written question.

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

Public Health and Municipal Services (Amendment) Bill 2008

70. The Chairman said that the Administration had given notice to present the above Bill to the Council on 5 November 2008. The House Committee would consider the Bill at its meeting on 7 November 2008.

(c) Government motion

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

(d) Members' motions

(i) Proposed resolution to be moved by Hon Mrs Regina IP LAU Suk-ye under section 34(4) of the Interpretation and General Clauses Ordinance relating to the Employees Retraining Ordinance (Amendment of Schedule 3) Notice 2008

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 76/08-09 dated 23 October 2008.)

72. The Chairman said that Mrs Regina IP, Chairman of the relevant Subcommittee, would move a motion at the Council meeting to extend the scrutiny period of the Notice to 26 November 2008.

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(ii) Motion to be moved by Hon Fred LI Wah-ming

(Wording of the motion issued vide LC Paper No. CB(3) 75/08-09 dated 23 October 2008.)

73. The Chairman said that the subject of the motion to be moved by the Deputy Chairman was "Old age allowance and universal retirement protection system".

74. The Deputy Chairman said that as in the case of amendments to the Motion of Thanks, he would like to seek the President's leave to revise the wording of his motion in the light of CE's announcement on OAA. Otherwise, he would have to ask other Members to amend his motion.

75. Ms Emily LAU said that the House Committee should support the Deputy Chairman's request to extend the deadline for giving notice of motions to allow him to revise the wording of his motion. She added that the deadline for giving notice of amendments to the motion should accordingly be extended.

76. The Chairman said that there were past occasions where the subject of a motion debate initiated by Members had been overtaken by events. She recalled that in none of those occasions had the deadline for moving motions been extended to enable Members concerned to revise the wording of their motions. She sought confirmation on whether her understanding was correct.

77. SG said that she did not recall any case where the deadline for moving motions was extended to enable the Members concerned to revise the wording of their motions. There were, however, cases where the President had allowed Members to revise the wording of their motions under limited circumstances.

78. The Chairman said that in cases where questions to be raised by Members at the relevant Council meetings had become outdated or irrelevant, the Members concerned would normally withdraw the questions.

79. At the invitation of the Chairman, ASG3 said that there had been cases where certain information sought by a Member's question was already available e.g. in a paper provided by the Administration to a Panel. In those cases, the relevant part of the question would be deleted to avoid wasting the Council's time.

80. In response to the Chairman, the Deputy Chairman said that as the deadline for amending his motion had not yet expired, he would ask another Member to amend his motion.

(iii) Motion to be moved by Hon Albert HO Chun-yan

(Wording of the motion issued vide LC Paper No. CB(3) 80/08-09 dated 24 October 2008.)

81. The Chairman said that the subject of the motion to be moved by Mr Albert HO Chun-yan was "Preventing the lower and middle classes from being trapped in hardship amid the financial tsunami".

82. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the two motions without legislative effect was Wednesday, 29 October 2008.

VI. Report of Bills Committees and subcommittees

(a) Report of the Subcommittee on Food Business (Amendment) Regulation 2008

83. Mr WONG Yung-kan, Chairman of the Subcommittee, reported that the Subcommittee had held its first meeting with the Administration on 23 October 2008. Some members had proposed that the Director of Food and Environmental Hygiene should be provided with the discretionary power to allow retailers to stock live poultry overnight at their retail outlets during inclement weather, such as when Tropical Cyclone Warning Signal No.8 or above or Rainstorm Black Warning was hoisted. The Subcommittee had scheduled a meeting for 27 October 2008 to receive the Administration's response on the proposal. Mr WONG added that the Subcommittee's written report would be circulated to Members on 28 October 2008.

84. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the Regulation was Wednesday, 29 October 2008.

(b) Report of the Subcommittee on Tate's Cairn Tunnel Ordinance (Replacement of Schedule) Notice 2008

85. Mr WONG Kwok-hing, Chairman of the Subcommittee, reported that the Subcommittee had held a meeting on 21 October 2008 to discuss the proposed toll increase under the Notice.

86. Mr WONG elaborated that members had expressed concern about the substantial toll increase, in particular that for buses (up to 19%) which would lead to bus fare increase, creating a heavy financial burden on the public. Noting that LegCo could only make minor technical amendments to the Notice and could not repeal the Notice, the Subcommittee had urged the

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Administration to actively discuss with the tunnel company the options of buying back the Tunnel or extending the tunnel company's franchise, in order to resolve the problem of substantial toll increase at root.

87. Mr WONG further reported that members had taken note of the Administration's plan to commission a consultancy study in October 2008 on the toll levels of and traffic distribution among the three harbour crossings. Some members had strong reservations about the commissioning of the consultancy study, while some other members had expressed support on the ground that the consultancy study would identify feasible options and provide solid bases for the Administration's negotiations with the tunnel companies.

88. Mr WONG added that the Subcommittee would not move any amendments to the Notice.

89. The Chairman reminded members that the deadline for giving notice of amendments, if any, to the Notice was Wednesday, 29 October 2008.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 109/08-09)

90. The Chairman said that there were seven subcommittees under the House Committee (i.e. five subcommittees on subsidiary legislation and two on other issues) in action.

VIII. Election of Members of The Legislative Council Commission

(LC Paper No. AS 54/08-09)

91. The Chairman said that The Legislative Council Commission Ordinance (Cap. 443) provided that the membership of the Commission included the President of LegCo, the Chairman and the Deputy Chairman of the House Committee, and not more than 10 other members elected by and from amongst LegCo Members.

92. The Chairman further said that eight nominations for election to The Legislative Council Commission had been received by the deadline of 20 October 2008. The Chairman asked whether there were any further nominations.

93. Ms Emily LAU nominated Mr LEE Cheuk-yan and the nomination was seconded by Ms Cyd HO. Mr LEE accepted the nomination.

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94. After ascertaining that there was no other nomination, the Chairman said that the number of nominations received was less than the maximum number of members to be elected. She declared the following nine nominees elected as members of The Legislative Council Commission –

Mr LEE Cheuk-yan
Dr Margaret NG
Mr CHEUNG Man-kwong
Dr Philip WONG
Ms Emily LAU
Mr Andrew LEUNG
Mr WONG Ting-kwong
Prof Patrick LAU
Mr Ip Kwok-him

IX. Any other business

LegCo Building Open Day

95. The Chairman reminded Members that the annual LegCo Building Open Day would be held on Saturday, 29 November 2008. She invited Members to mark the date in their dairies, and appealed to them to participate in the event.

96. There being no other business, the meeting ended at 3:28 pm.