

立法會

Legislative Council

LC Paper No. CB(2) 342/08-09

Ref : CB2/H/5/08

House Committee of the Legislative Council

**Minutes of the 7th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 21 November 2008**

Members present :

Hon Miriam LAU Kin-ye, GBS, JP (Chairman)
Hon Fred LI Wah-ming, JP (Deputy Chairman)
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 TAM Yiu-chung, GBS, 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 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 CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
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 Kwok-kin, BBS
Hon IP Wai-ming, MH
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Dr Hon PAN Pey-chyou
Hon Paul TSE Wai-chun

Members absent :

Hon Albert HO Chun-yan
Dr Hon David LI Kwok-po, GBM, GBS, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon LEUNG Kwok-hung
Hon Ronny TONG Ka-wah, SC
Hon WONG Sing-chi
Hon WONG Yuk-man
Dr Hon Samson TAM Wai-ho, 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
Miss Odelia LEUNG	Chief Council Secretary (2)6
Ms Connie FUNG	Assistant Legal Adviser 3
Ms Clara TAM	Assistant Legal Adviser 9
Ms Amy YU	Senior Council Secretary (2)3
Mr Arthur KAN	Legislative Assistant (2)7

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The Chairman reminded Members that the Finance Committee meeting would be held at 3:00 pm after the House Committee meeting.

I. Confirmation of the minutes of the 6th meeting held on 14 November 2008
(*LC Paper No. CB(2) 306/08-09*)

2. The minutes were confirmed.

II. Matters arising

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

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

Frequency and duration of the Chief Executive's Question and Answer (CE's Q & A) Sessions

4. Ms Emily LAU expressed dissatisfaction at CE not having responded to Members' requests for increasing the frequency and extending the duration of CE's Q & A Sessions.

5. The Chairman said that she had already reminded CS about Members' requests at their meeting on 11 November 2008, and CS had advised that he had reminded the CE's Office and a response from CE was awaited. The Chairman added that she would follow up the matter with CS again.

III. Further business for the Council meeting on 26 November 2008

(a) Government motion

Proposed resolution to be moved by the Secretary for Food and Health under section 34(2) 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) 161/08-09 dated 20 November 2008.)

6. The Chairman said that the Amendment Regulation was concerned with the level of melamine in specified foods. The proposed resolution was for seeking the Legislative Council (LegCo)'s approval to include definitions for the terms “milk” and “milk beverage” in the Amendment Regulation. The Chairman further said that the proposed amendment was supported by the relevant Subcommittee, which had presented its report at the House Committee meeting on 7 November 2008.

(b) Members' motions

Motion for the adjournment of the Council to be moved by Hon Miriam LAU Kin-yeek concerning the adjustment in the fares for the hiring of Lantau and urban taxis

(Wording of the motion issued vide LC Paper No. CB(3) 157/08-09 dated 18 November 2008.)

7. The Chairman said that at the last House Committee meeting, Members agreed that subject to no amendments being proposed to the Road Traffic (Public Service Vehicles) (Amendment) Regulation 2008, she, in her capacity as the Chairman of the relevant Subcommittee, would move a motion for the adjournment of the Council on the subject matter on 26 November 2008. As Members had not proposed any amendments by the deadline for notice on 19 November 2008, she would move the above motion at the Council meeting.

8. The Chairman further said that the adjournment debate would be held after the two Members' motions with no legislative effect and before the conclusion of all the business on the Agenda of the Council.

9. The Chairman added that she had suggested to the President to consider exercising his discretion to extend the duration of the adjournment debate to enable all Members wishing to speak at the adjournment debate to do so.

10. In response to Ms Emily LAU, the Chairman said that the Subcommittee's written report had already been issued to Members for the last House Committee meeting.

IV. Business for the Council meeting on 3 December 2008

(a) Questions

(LC Paper No. CB(3) 156/08-09)

11. 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

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

(c) Government motions

Two proposed resolutions to be moved by the Chief Secretary for Administration under the Criminal Procedure Ordinance and the Coroners Ordinance relating to the following subsidiary legislation respectively:

(i) the Criminal Procedure (Witnesses' Allowances) (Amendment) Rules 2008; and

(ii) the Coroners (Witnesses' Allowances) (Amendment) Rules 2008

*(Wording of the proposed resolutions issued vide LC Paper No. CB(3) 131/08-09 dated 11 November 2008.)
(LC Paper No. LS 16/08-09)*

13. The Chairman said that the two proposed resolutions were for seeking LegCo's approval of the Criminal Procedure (Witnesses' Allowance) (Amendment) Rules 2008 and Coroners (Witnesses' Allowance) (Amendment) Rules 2008 to revise the maximum rates of allowances payable to ordinary witnesses from \$280 to \$360 for a day and to expert/professional witnesses from \$1,690 to \$2,170 for a day in criminal proceedings and coroners' inquests.

14. The Chairman added that the Judiciary Administration had provided an information paper on the proposed revisions to the Panel on Administration of Justice and Legal Services on 23 May 2008, and the Panel had not raised any queries on the paper.

15. Members did not raise objection to the Administration moving the proposed resolutions at the Council meeting.

(d) **Members' motions**

- (i) **Motion on "Alleviating the disparity between the rich and the poor and assisting the grassroots in facing up to economic adversities"**

(Wording of the motion issued vide LC Paper No. CB(3) 160/08-09 dated 20 November 2008.)

- (ii) **Motion on "Formulating new policies on public and public housing estate markets"**

(Wording of the motion issued vide LC Paper No. CB(3) 164/08-09 dated 20 November 2008.)

16. The Chairman said that the above motions would be moved by Mr Frederick FUNG and Mr Tommy CHEUNG, and the wording of the motions had been issued to Members.

17. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 26 November 2008.

V. Report of Bills Committees and subcommittees

Report of the Subcommittee on Preparatory Work for the Appointment of the Select Committee to Inquire into Matters relating to the Post-service Employment of Mr LEUNG Chin-man

(LC Paper No. CB(2) 307/08-09)

18. Ms LI Fung-ying, Chairman of the Subcommittee, reported that the Subcommittee had held three meetings on 4, 7 and 17 November 2008 to discuss the terms of reference (TOR), membership size and the procedure for nomination of members of the proposed select committee to be appointed by LegCo to inquire into matters relating to the post-service work of Mr LEUNG Chin-man (the Select Committee).

19. Ms LI elaborated that the Subcommittee had discussed in detail the proposed TOR of the Select Committee and the amendments proposed by some members. After discussions and voting, the Subcommittee agreed to recommend for the endorsement of the House Committee the proposed TOR and the proposed motion for the appointment of the Select Committee to be moved by the Subcommittee Chairman at the Council meeting on 10 December 2008, as set out in Appendices II and III to the paper respectively.

20. Ms LI further invited the House Committee to endorse the Subcommittee's recommendations on the membership size of the Select

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Committee (comprising 12 members, including the Chairman and Deputy Chairman) and the procedure for nominating its Chairman, Deputy Chairman and members as set out in paragraph 13 of the paper. Ms LI added that should the motion on the Select Committee be passed by the Council on 10 December 2008, nomination of members to the Select Committee would be made at the House Committee meeting on 12 December 2008.

21. Members endorsed the proposed TOR, membership size, the procedure for nominating the Chairman, Deputy Chairman and members of the Select Committee, and the proposed motion for the appointment of the Select Committee to be moved by the Subcommittee Chairman at the Council meeting on 10 December 2008.

22. The Chairman said that should the proposed motion be passed by the Council on 10 December 2008, nomination of members to the Select Committee would be made at the House Committee meeting on 12 December 2008. Members agreed.

VI. Position on Bills Committees and subcommittees
(*LC Paper No. CB(2) 308/08-09*)

23. The Chairman said that there was one Bills Committee, five subcommittees under the House Committee (i.e. two subcommittees on subsidiary legislation/other instruments and three subcommittees on other issues) and two subcommittees under Panels in action.

VII. Any other business

24. There being no other business, the meeting ended at 2:38 pm.