

立法會
Legislative Council

LC Paper No. CB(2) 454/08-09

Ref : CB2/H/5/08

House Committee of the Legislative Council

**Minutes of the 9th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 5 December 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
Dr Hon David LI Kwok-po, GBM, GBS, JP
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 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, SBS, JP
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon CHEUNG Hok-ming, SBS, JP
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-yea, GBS, JP
Dr Hon PAN Pey-chyou
Hon Paul TSE Wai-chun
Dr Hon Samson TAM Wai-ho, JP

Members absent :

Hon LEE Cheuk-yan
Hon LAU Wong-fat, GBM, GBS, JP
Hon Andrew CHENG Kar-foo
Hon Timothy FOK Tsun-ting, GBS, JP
Dr Hon Joseph LEE Kok-long, JP
Hon Andrew LEUNG Kwan-yuen, 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
Mrs Sharon TONG	Principal Council Secretary (Complaints)
Mr Simon WONG	Chief Public Information Officer
Miss Odelia LEUNG	Chief Council Secretary (2)6
Mr KAU Kin-wah	Assistant Legal Adviser 6
Mr YICK Wing-kin	Assistant Legal Adviser 8
Ms Clara TAM	Assistant Legal Adviser 9
Ms Amy YU	Senior Council Secretary (2)3
Mr Arthur KAN	Legislative Assistant (2)7

Action

I. Confirmation of the minutes of the 8th meeting held on 28 November 2008
(LC Paper No. CB(2) 382/08-09)

The minutes were confirmed.

II. Matters arising

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

(Table on "Provision of discussion papers by the Administration for Panel meetings in the 2008-2009 session" (LC Paper No. CB(2) 392/08-09(01))

Provision of papers by the Administration for discussion at committee meetings

2. The Chairman said that she had relayed to CS Members' concern about the recent trend of late provision of papers by the Administration for discussion at committees meetings. She had also provided CS with a copy of the table prepared by the Legislative Council (LegCo) Secretariat (LC Paper No. CB(2) 392/08-09(01)) on the provision of discussion papers by the Administration for Panel meetings since the commencement of the Fourth LegCo, which showed that some Panels did not receive discussion papers before the agreed deadlines. The Chairman added that CS agreed to look into the matter and to convey Members' concern to the Bureaux.

3. Ms Audrey EU enquired whether CS had undertaken to remind the Directors of Bureaux to adhere to the deadlines agreed between the Administration and the House Committee on the provisions of papers.

4. The Chairman reiterated CS's response that he would look into the matter and convey Members' concern to the Bureaux.

Action

5. In response to Mr Ronny TONG's query on the need for CS to look into the matter, the Chairman clarified that CS did not cast doubt about the information provided to him. He might want to ascertain the reasons for the late provision of papers.

6. Ms Audrey EU said that Members should observe for, say, one month, to see whether there was any improvement on the part of the Administration in providing papers.

7. Ms Emily LAU said that the Administration had also been late in providing papers for a recent meeting of the Establishment Subcommittee.

8. The Chairman said that the Secretariat would keep track of the situation. If necessary, the matter could be raised again for discussion.

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

9. Ms Emily LAU enquired whether CE had responded to Members' request for increasing the frequency of CE's Q & A Sessions to once a month, and for extending the duration of each Session to two hours.

10. The Chairman said that she had reminded CS about Members' request during their meeting on 24 November 2008. CS had replied that he had forwarded Members' request to CE's Office and was awaiting CE's reply. Having ascertained from Members that CE had not responded to the request during the lunch banquet hosted by him for Members on 1 December 2008, the Chairman added that she would follow up the matter with CS again during their next meeting.

11. Dr Margaret NG said that she had reservations about CE making important announcements during lunch banquets with Members. A recent case in point was his announcement regarding the Old Age Allowance Scheme after attending the lunch banquet hosted by Members on 24 October 2008. She stressed that the Administration should brief Members on important matters through formal channels.

Implementation of the Accountability System

12. Mr LEUNG Yiu-chung expressed regret that the blockade by taxi drivers at the taxi stands at the Hong Kong International Airport and the North Lantau Highway in the evening of 3 December 2008 had not only caused traffic in the area to come to a halt, but had also tarnished the image of Hong Kong. He said that the incident would not have occurred if the Principal Officials concerned had fulfilled their responsibilities. He requested the Chairman to relay to CE through CS his concern about the implementation of the

Action

Accountability System in the incident. He considered that CE should be requested to inquire into the incident and find out which official(s) should be held responsible.

13. Mr LEUNG elaborated that New Territories (NT) taxi drivers had expressed strong dissatisfaction at airport staff distributing to passengers leaflets provided by the Transport Department showing that it would be cheaper to take urban taxis than NT taxis for long-haul trips. They had requested the Transport Department to stop distributing the leaflets but to no avail. He then recounted the incident which had triggered the blockade on that day. He said that he had received a call from some NT taxi drivers that afternoon, alleging airport staff of directing a passenger to use urban taxi rather than NT taxi for a trip to the Gold Coast.

14. The Chairman requested Mr LEUNG not to go into the details of the incident and to focus on the issue which he would like her to raise with CS. She also informed Members that the Panel on Transport had scheduled a special meeting on 11 December 2008 to discuss the issue of NT taxi fare adjustment.

15. Mr LEUNG considered it necessary to go into the details of the incident in order to bring out his concern. He went on to say that the NT taxi drivers concerned had told him that they would call off the blockade should a senior government official undertake to prevent similar happenings and expedite the NT taxi fare adjustment application. He therefore rang up the Under Secretary for Transport and Housing, Mr YAU Sing-mu, to convey the views of the NT taxi drivers, and requested him to communicate with the taxi drivers concerned by phone. However, the Under Secretary refused to give the taxi drivers a call but only said that he would handle the matter.

16. Mr WONG Kwok-kin sought clarification on whether it was procedurally in order to discuss individual cases at the meeting.

17. The Chairman reminded Mr LEUNG to be concise and focus on the issue to be conveyed to CS. She also reminded Members that the Finance Committee meeting would be held at 3:00 pm after the House Committee meeting.

18. Mr LEUNG Yiu-chung added that he had called the Under Secretary several times, both before and after the blockade had started, requesting him to handle the matter. Regrettably, the Under Secretary had refused to do so. He requested the Chairman to ask CS whether the handling of the incident by the Under Secretary was considered acceptable.

Action

19. Mr Albert CHAN said that he found confusing the comment made by CS that the initial decision not to charter flights to bring home stranded Hong Kong residents in Thailand had been a collective one. It was his understanding that under the Accountability System implemented in 2002, Principal Officials concerned should be accountable individually for their policy portfolio, instead of taking collective responsibility for a certain decision. He considered it necessary for CS to discuss with Members the difference between an individual Principal Official being held accountable and taking collective responsibility under the Accountability System.

20. Mr LEUNG Kwok-hung said that Hong Kong did not have a cabinet system, and there should be no collective responsibility. He echoed the view that it was necessary for CS to clarify to Members the difference between the Accountability System and collective responsibility.

21. Dr Margret NG said that she was drafting a letter to the Chairman of the Panel on Constitutional Affairs (CA Panel) requesting discussion on several issues relating to the Accountability System. She had noted from a press report that many Bureau Secretaries had been out of town in the past two months, and their absence seemed to be more frequent than in the past. She expressed concern about the stand-in arrangements, and considered it necessary for the Administration to clarify the division of responsibility between the Under Secretaries and the Permanent Secretaries when the Bureau Secretaries were out of town. Noting that many recent motion debates were attended only by the relevant Under Secretaries, she considered it also necessary to discuss with the Administration the priority accorded by Bureau Secretaries to LegCo business, in particular attendance at motion debates. Dr NG added that it might be more appropriate for the matter to be discussed with CS at the House Committee rather than the CA Panel.

22. Mr James TO said that he was also drafting a letter to the CA Panel on the matter. The handling of the incident of Hong Kong residents being stranded in Thailand when the Secretary for Security was out of town concerned not only the Panel on Security. It also pointed to the problems with the implementation of the Accountability System. He shared the view that it was necessary for CS to discuss the matter with Members, but whether the discussion should be at the House Committee or the CA Panel would have to be further considered.

23. The Chairman said that she would relay to CS Members' request to discuss with him the issues raised in relation to the implementation of the Accountability System.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 28 November 2008 and tabled in Council on 3 December 2008

(LC Paper No. LS 22/08-09)

24. The Chairman said that four items of subsidiary legislation, including two Commencement Notices, were gazetted on 28 November 2008 and tabled in the Council on 3 December 2008.

25. Members did not raise any queries on these four items of subsidiary legislation.

26. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 17 December 2008.

IV. Business for the Council meeting on 17 December 2008

(a) **Questions**

(LC Paper No. CB(3) 198/08-09)

27. 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**

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

(c) **Government motion**

Proposed resolution to be moved by the Secretary for Food and Health under the Pharmacy and Poisons Ordinance relating to:

(i) **the Pharmacy and Poisons (Amendment) (No. 5) Regulation 2008; and**

(ii) **the Poisons List (Amendment) (No. 5) Regulation 2008**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 187/08-09 dated 28 November 2008.)

(LC Paper No. LS 21/08-09)

29. The Chairman said that the proposed resolution was for seeking LegCo's approval of the two Amendment Regulations, which sought to add three substances to Division A of the First and Third Schedules to the Pharmacy and

Action

Poisons Regulations (the principal Regulations) and Division A in Part I of the Schedule to the Poisons List Regulations. After the addition of the three substances, pharmaceutical products containing the substances must be sold on registered premises of an authorized seller of poisons by a registered pharmacist or in his presence and under his supervision, with the support of prescriptions given by a registered medical practitioner, registered dentist or registered veterinary surgeon.

30. Members did not raise objection to the Administration moving the proposed resolution at the Council meeting.

(d) **Members' motions**

(i) **Motion to be moved by Hon CHEUNG Hok-ming**

(Wording of the motion issued vide LC Paper No. CB(3) 206/08-09 dated 4 December 2008.)

31. The Chairman said that the subject of the motion to be moved by Mr CHEUNG Hok-ming was "Alleviating the burden of travelling expenses".

(ii) **Motion to be moved by Dr Hon LEUNG Ka-lau**

(Wording of the motion issued vide LC Paper No. CB(3) 207/08-09 dated 4 December 2008.)

32. The Chairman said that the subject of the motion to be moved by Dr LEUNG Ka-lau was "Buying back the shares of The Link".

33. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 10 December 2008.

V. Report of Bills Committees and subcommittees

Report of the Subcommittee on Technical Memorandum for Allocation of Emission Allowances in respect of Specified Licences

(LC Paper No. CB(1) 323/08-09)

34. The Chairman said that Ms Audrey EU, Chairman of the Subcommittee, had given a verbal report at the last House Committee meeting. A written report was provided for the meeting.

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

Action

VI. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 383/08-09)

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

37. There being no other business, the meeting ended at 2:52 pm.

Council Business Division 2
Legislative Council Secretariat
10 December 2008