

立法會
Legislative Council

LC Paper No. CB(2) 546/08-09

Ref : CB2/H/5/08

House Committee of the Legislative Council

**Minutes of the 10th meeting
held in the Legislative Council Chamber
at 4:13 pm on Friday, 12 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
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
Hon WONG Yung-kan, SBS, JP
Hon LAU Kong-wah, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, 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 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 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 Cyd HO Sau-lan
Dr Hon LAM Tai-fai, BBS, JP
Hon CHAN Hak-kan
Hon Paul CHAN Mo-po, MH, JP
Hon CHAN Kin-por, JP
Hon Tanya CHAN
Dr Hon Priscilla LEUNG Mei-fun
Hon CHEUNG Kwok-che
Hon WONG Sing-chi
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
Dr Hon Samson TAM Wai-ho, JP

Members absent :

Dr Hon David LI Kwok-po, GBM, GBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon KAM Nai-wai, MH
Hon Starry LEE Wai-king
Dr Hon LEUNG Ka-lau
Hon WONG Yuk-man

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 YUE Tin-po	Chief Council Secretary (1)3
Miss Odelia LEUNG	Chief Council Secretary (2)6
Ms Connie SZETO	Chief Council Secretary (2)7
Mr Timothy TSO	Assistant Legal Adviser 2
Miss Winnie LO	Assistant Legal Adviser 7
Ms Amy YU	Senior Council Secretary (2)3
Ms Guy YIP	Senior Council Secretary (2)9
Mr Ringo LEE	Senior Legislative Assistant (2)1
Mr Arthur KAN	Legislative Assistant (2)8

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I. Confirmation of the minutes of the 9th meeting held on 5 December 2008
(LC Paper No. CB(2) 454/08-09)

The minutes were confirmed.

II. Matters arising

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

Implementation of the Accountability System

2. The Chairman said that at the special House Committee meeting immediately preceding the House Committee meeting, Members had just discussed with CS the issues raised at the last House Committee meeting concerning the implementation of the Accountability System.

Provision of papers by the Administration for committee meetings

3. The Chairman said that CS had informed her that he had issued a memorandum to the policy bureaux to remind them to adhere to the deadlines agreed between the Administration and the House Committee on the provision of papers and to instruct them to provide papers on time.

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

4. The Chairman said that CS had informed her that CE had responded to Members' request for increasing the frequency and extending the duration of

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CE's Q & A Sessions. CE had said that he attached great importance to the channels of communication with the Legislative Council (LegCo), and considered Q & A Sessions a good communication channel. CE had also said that the existing arrangements were good, and there was no need to increase the frequency or extend the duration of the Sessions.

5. The Chairman further said that the Director of Administration had informed the LegCo Secretariat on 8 December 2008 that the next Q & A Session would be held on 15 January 2009 from 3:00 pm to 4:30 pm.

The Administration's replies to written questions raised by Members at Council meetings

6. Ms Cyd HO expressed concern that the Administration had not provided thorough replies to her two recent written questions concerning district minor works projects undertaken by District Councils (DC) and Government records with historical values. She said that she had requested information on the respective numbers of minor works projects endorsed and rejected, as well as the content and estimated amount of expenditure of each project in respect of each DC since January 2008. In its written reply, the Administration had not provided a detailed breakdown of the projects in respect of each DC. Likewise, in its reply to her written question seeking information on Government records with historical values which had been destroyed or reported missing, the Administration had only stated that there were four cases where some records had been inadvertently destroyed and another four cases with records reported missing, but details of the relevant records were not provided. She requested the Chairman to relay her concern to CS, and to ask CS to remind bureaux to provide all the information requested in written replies.

7. The Chairman undertook to relay Ms HO's concern to CS.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 5 December 2008 and tabled in Council on 10 December 2008
(*LC Paper No. LS 24/08-09*)

8. The Chairman said that three items of subsidiary legislation, including one Commencement Notice, were gazetted on 5 December 2008 and tabled in the Council on 10 December 2008.

9. Regarding the Road Traffic (Breath Analysing Instruments and Screening Devices) (Amendment) Notice 2008, the Chairman said that the

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Road Traffic Legislation (Amendment) Ordinance 2008 enacted in July 2008 empowered the Police to, inter alia, conduct random breath tests to deter drink driving. The Amendment Notice sought to approve the "Lion Alcolmeter 500" as a new pre-screening device for conducting breath tests, and to remove the pre-screening device known as "AlcoQuant 3020" from the principal Notice.

10. Mr James TO suggested that written information be sought from the Administration on the specifications of the new pre-screening device "Lion Alcolmeter 500", and the cessation of the Police's policy of giving officers discretion to give a warning to drivers with breath test readings over a certain prescribed limit. Members agreed.

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

12. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 7 January 2009.

IV. Further business for the Council meeting on 17 December 2008

Questions

(LC Paper No. CB(3) 224/08-09)

13. The Chairman said that Mr LAU Kong-wah had replaced his oral question.

V. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 455/08-09)

14. 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 five subcommittees under Panels in action.

VI. Nomination of Members for appointment to the Select Committee to Inquire into Matters relating to the Post-service Work of Mr LEUNG Chin-man

[Previous papers:

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) issued vide LC Paper No. CB(2) 318/08-09 dated 20 November 2008; and

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Paragraphs 18 to 22 of the minutes of the 7th House Committee meeting on 21 November 2008 (LC Paper No. CB(2) 342/08-09) issued vide LC Paper No. CB(2) 356/08-09 dated 26 November 2008]

15. In accordance with the procedure endorsed by the House Committee at its meeting on 21 November 2008, the Chairman invited Members to make nominations for appointment to the Select Committee. The following Members were nominated -

Dr Margaret NG
Mrs Sophie LEUNG
Dr Philip WONG
Mr LAU Kong-wah
Ms LI Fung-ying
Mr LEE Wing-tat
Mr LEUNG Kwok-hung
Mr Ronny TONG
Ms Cyd HO
Dr LAM Tai-fai
Dr PAN Pey-chyou
Dr Samson TAM

16. The Chairman suspended the meeting for about 10 minutes to enable the 12 nominated members to decide among themselves the members to be nominated as the Chairman and Deputy Chairman of the Select Committee.

(The meeting was suspended at 4:25 pm and resumed at 4:34 pm.)

17. The Chairman informed Members that Ms LI Fung-ying and Mr LEE Wing-tat were nominated for appointment as the Chairman and Deputy Chairman of the Select Committee respectively.

18. Members endorsed the proposed composition of the Select Committee.

19. The Chairman said that the membership, chairmanship and deputy chairmanship of the Select Committee would be submitted to the President for appointment.

VII. Proposal from Hon Vincent FANG Kang, Chairman of the Panel on Commerce and Industry, to move a motion for adjournment under Rule 16(4) of the Rules of Procedure at the Council meeting on 17 December 2008 for the purpose of enabling Members to debate the following issue: Predicament faced by the small and medium enterprises due to tightened credit facility from banks

(LC Paper No. CB(1) 373/08-09)

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20. Mr Vincent FANG, Chairman of the Panel on Commerce and Industry, said that the House Committee's support was sought for him, in his capacity as the Panel Chairman, to move a motion for adjournment on "Predicament faced by the small and medium enterprises due to tightened credit facility from banks" under Rule 16(4) of the Rules of Procedure at the Council meeting on 17 December 2008, to enable Members to express their views on the subject and for the Administration to provide its response.

21. Mr FANG elaborated that the House Committee's support was sought on the following proposals of the Panel -

- (a) the adjournment debate be held in addition to two other debates on Members' motions with no legislative effect at that Council meeting;
- (b) the slot so allocated would not be counted as his own slot as an individual Member; and
- (c) the President be requested to consider exercising his discretion to extend the duration of the adjournment debate beyond one and a half hours, in order to enable all Members wishing to speak at the adjournment debate to do so.

22. Members agreed to the above proposals of the Panel and would recommend to the President the holding of the adjournment debate in addition to two other debates on Members' motions with no legislative effect at the Council meeting on 17 December 2008.

VIII. Quota for subcommittees on policy issues

(LC Paper No. CB(2) 456/08-09)

23. At the invitation of the Chairman, Secretary General (SG) said that the paper sought Members' endorsement of the proposals for the temporary lifting of the quota of eight for subcommittees on policy issues appointed under the House Committee and Panels that might be in operation at any one time until 31 March 2009, and the suspension of the application of rule 26(a) and (b) of the House Rules (HR) for the said period. SG explained that the temporary lifting of the quota was considered feasible as it was envisaged that the quota of 16 Bills Committees would not be filled in the first six months of the current legislative session, i.e. up to 31 March 2009, having regard to the Administration's Legislative Programme for 2008-2009. As such, the resources for servicing Bills Committees could be re-deployed for servicing subcommittees on policy issues even if the number of such subcommittees

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exceeded eight. SG further said that to enable Members to have an overview of the position of subcommittees on policy issues, it was also proposed that the appointment of such subcommittees by Panels should be reported to the House Committee.

24. In response to Mr LEE Wing-tat's enquiry on the effective period of the proposed temporary lifting of the quota, the Chairman said that it would last until the end of March 2009.

25. Mr LEE Wing-tat was concerned about the capacity of the Secretariat in coping with the servicing of such subcommittees should a large number be appointed in the said period.

26. The Chairman said that the Secretariat would continue to provide service to the subcommittees concerned once they had been appointed.

27. At the invitation of the Chairman, SG confirmed the Chairman's understanding. Referring Members to paragraph 8 of the paper, SG said that the subcommittees on policy issues appointed and activated might continue to operate even if the number of Bills Committees in action had subsequently increased up to 16, and the Secretariat would appoint temporary staff if necessary to ensure the continued servicing of these subcommittees. SG further said that as under the present arrangement, these subcommittees should complete work within 12 months of their commencement and would have to seek the House Committee's agreement for an extension of their work where necessary.

28. Ms Emily LAU suggested that the matter be brought up for discussion at the House Committee upon the expiry of the temporary lifting of the quota.

29. The Chairman agreed with Ms LAU's suggestion. She added that the Secretariat was making its best effort to complement the work of Members.

30. Members endorsed the proposals as set out in paragraph 10 of the paper.

IX. Proposal for the appointment of a subcommittee under the House Committee to study issues relating to Mainland-Hong Kong families

(Letter dated 8 December 2008 from Hon LEUNG Yiu-chung to the Chairman of the House Committee (LC Paper No. CB(2) 457/08-09(01))

31. Mr LEUNG Yiu-chung said that several Duty Roster Members including Ms Audrey EU, Mr LEUNG Kwok-hung, Ms Cyd HO, Mr CHEUNG Kwok-che and he had met with a deputation "準來港婦女關注組" (the Concern Group) on 5 December 2008 at the Complaints Division of the

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Secretariat. The Concern Group urged the appointment of a subcommittee under the House Committee to study issues relating to Mainland-Hong Kong families, including the obstetric service charge for non-Hong Kong residents, relaxation of the relevant immigration policy, shortening of the waiting time for One-way Permits (OWPs), a comprehensive review of the population policy and the rights of Mainland-Hong Kong families. As the matter straddled the policy areas of many Panels, the Duty Roster Members supported the Concern Group's proposal for the appointment of a subcommittee under the House Committee. He appealed to Members to support the proposal.

32. The Chairman invited Members' views on the proposal.

33. Mr TAM Yiu-chung said that Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong did not consider it necessary to appoint a subcommittee under the House Committee as the relevant issues could be handled by the relevant Panels. For instance, the issue of the obstetric service charge for Mainland women whose spouses were Hong Kong residents could be followed up by the Panel on Health Services. Mr TAM pointed out that this issue was not new, and many Members considered the present arrangement unreasonable. As regards the waiting time for OWPs, it was his understanding that the OWP Scheme was administered by the Exit-Entry Administration of the Public Security Bureau of the Mainland and was outside the purview of the Hong Kong Special Administrative Region (HKSAR) Government.

34. Mr LEE Cheuk-yan said that the crux of the matter was population policy which did not fall within the purview of any particular Panels. He considered it necessary for the appointment of a subcommittee under the House Committee to provide a dedicated forum to tackle the related issues with the corresponding policy bureaux. He disagreed with the view that Hong Kong had no role to play in tackling the issue of the long waiting time for OWPs. He pointed out that while the authority for granting OWPs rested with the Mainland authorities, how the daily quota of 150 OWPs could best be used was a matter which concerned the HKSAR Government. He quoted the findings in the recently released study report entitled "The Past and Future of the OWP Scheme in the Context of a Population Policy for Hong Kong" commissioned by the Bauhinia Foundation Research Centre which showed that the quota of OWPs had not always been fully utilized in recent years. The report recommended that the HKSAR Government should review whether some of the unused quota could be transferred to Mainland women whose spouses were Hong Kong residents, to enable them and their children to settle down early and integrate into the Hong Kong community. This would be beneficial to the long term economic development of Hong Kong and help alleviate the problem of cross-generation poverty. Mr LEE considered it appropriate for a subcommittee to be appointed under the House Committee to study the matter, and called on Members to support the proposal.

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35. Ms Audrey EU shared the view of Mr LEUNG Yiu-chung and Mr LEE Cheuk-yan that the crux of the matter was population policy. Indeed, she considered that it was even more than population policy. She said that experts such as Professor Helen SIU, Professor of Anthropology of Yale University, had given views on the subject. Ms EU noted with concern that marriages between Mainlanders and Hong Kong residents had been on the rise, constituting some 40% of the number of marriages in Hong Kong in recent years. She stressed that issues relating to these families had a significant bearing on the long-term social and economic development of Hong Kong, particularly in view of the ageing population. These issues should be studied at an early stage and from a macro perspective instead of in a piece-meal manner by individual Panels. She therefore considered it appropriate for the appointment of a subcommittee under the House Committee to examine the matter. She further opined that the subcommittee, if appointed, should seek the views of relevant experts and consider the related issues in the broader context of the development of the Pearl River Delta region.

36. Mr Ronny TONG said that the integration of the relevant Mainlanders into the Hong Kong community was an important matter. While individual issues could be discussed by the relevant Panels, such an arrangement would not facilitate the examination of the matter from a macro perspective. He expressed support for the appointment of a subcommittee under the House Committee on the matter.

37. Ms Cyd HO said that the matter went beyond the implementation of a few administrative measures or the resolution of individual cases. The issue at stake was the harmonious integration of Mainland-Hong Kong families into the community. As problems had already emerged, she considered it important for LegCo Members to work out a policy together with the Executive Authorities.

38. Dr Joseph LEE said that the proposed subcommittee would study not only the obstetric service charge for Mainland women whose spouses were Hong Kong residents, but also other issues relating to Mainland-Hong Kong families such as education, medical service and culture. He cast doubt on whether the issues could be resolved effectively if they were followed up separately by individual Panels. As the matter to be studied by the subcommittee straddled various policy bureaux, he supported its appointment under the House Committee. He considered it incumbent upon LegCo to work with the Administration to resolve the matter.

39. While appreciating Members' concern on issues relating to Mainland-Hong Kong families, Mrs Sophie LEUNG pointed out that there were many problems in the society which had to be resolved and Members had

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to prioritize their tasks. She was concerned that Members might tend to inflate the magnitude and urgency of an issue. She recalled the two recent occasions where Members had engaged in similar discussions on proposals for the appointment of subcommittees under the House Committee. She stressed that the core tasks of Panels should not be taken away from them. She added that a Select Committee had just been appointed to inquire into Mr LEUNG Chin-man's case, and the Subcommittee to Study Issues Arising from Lehman Brothers-related Minibonds and Structured Financial Products had just started its work. Members had to deal with these two important tasks and should think carefully whether it was the right time to appoint the proposed subcommittee. She added that there was always a limit on resources, be it Members' time or the Secretariat's resources, and it would not be possible for Members to tackle all problems at the same time.

40. Dr Margaret NG said that it was incumbent upon LegCo Members to follow up important issues of public concern. She pointed out that owing to the position taken by the Administration on the right of abode issue, many Mainland women had come to Hong Kong to give birth. The crux of the matter was the integration of Mainland-Hong Kong families into the community and their rights under law. The matter was important as families were the core units of society. The issues to be examined by the proposed subcommittee straddled many policy areas and included not only the obstetric service charge or the OWP Scheme. Having regard to the above considerations, she supported the proposal for the appointment of a subcommittee under the House Committee.

41. The Chairman reminded Members that the Finance Committee meeting would be held immediately after the House Committee meeting at 5:00 pm. If the discussion of the item was not finished by 5:00 pm, the meeting would have to be suspended and resumed to deal with the unfinished business on the agenda after the Finance Committee meeting.

42. Ms Emily LAU expressed support for the proposal for the appointment of a subcommittee under the House Committee. She pointed out that during the discussion under agenda item VIII, the Secretariat had indicated that there were currently adequate resources for servicing subcommittees on policy issues. In her view, Members who did not support the appointment of the proposed subcommittee could choose not to join it but should not hinder its appointment.

43. Mr Paul TSE sought clarification on whether the matter under discussion which straddled the policy areas of various policy bureaux could be handled adequately by the relevant Panels or joint subcommittees under Panels, should a subcommittee not be appointed under the House Committee.

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44. The Chairman drew Members attention to Rule 77(9A) of the Rules of Procedure, which provided that two or more Panels might, if they considered appropriate, appoint joint subcommittees to study any matter of common interest to the relevant Panels. She said that for the matter under discussion, the relevant Panels might include the Panels on Housing, Education, Security, Health Services and Welfare Services.

45. Mr Paul TSE was of the view that should many Panels be involved, the appointment of a subcommittee under the House Committee might be appropriate. Otherwise, the matter could be taken up by the relevant two or three Panels.

46. Dr Margaret NG sought clarification on which Panel was responsible for examining population policy.

47. At the invitation of the Chairman, SG said that issues relating to population policy were coordinated by CS and did not fall within the purview of any particular Panels.

48. Mr Paul CHAN expressed support for the proposal for the appointment of a subcommittee under the House Committee to study the matter in view of its importance and as it straddled various policy areas. He hoped that Members who joined the Subcommittee would make their best effort to attend its meetings should it be appointed.

49. Mr LEUNG Kwok-hung suggested that the proposal be put to a vote.

50. Mr TAM Yiu-chung expressed support for Mr LEUNG's proposal.

51. The Chairman put to a vote the proposal for the appointment of a subcommittee under the House Committee to study issues relating to Mainland-Hong Kong families. Ms Audrey EU requested to claim a division.

The following Members voted in favour of the proposal -

Mr Albert HO, Mr LEE Cheuk-yan, Dr Margaret NG, Mr James TO, Mr CHEUNG Man-kwong, Mr LEUNG Yiu-chung, Ms Emily LAU, Ms LI Fung-ying, Mr Albert CHAN, Ms Audrey EU, Mr LEE Wing-tat, Dr Joseph LEE, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr Ronny TONG, Ms Cyd HO, Mr Paul CHAN, Miss Tanya CHAN, Mr CHEUNG Kwok-che, Mr WONG Sing-chi, Mrs Regina IP, Mr Paul TSE and Dr Samson TAM

(23 Members)

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The following Members voted against the proposal -

Ir Dr Raymond HO, Mr CHAN Kam-lam, Mrs Sophie LEUNG, Mr WONG Yung-kan, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Mr WONG Kwok-hing, Mr Jeffrey LAM, Mr CHEUNG Hok-ming, Mr WONG Ting-kwong, Prof Patrick LAU, Mr CHAN Hak-kan, Mr WONG Kwok-kin and Mr IP Wai-ming

(17 Members)

The following Member abstained -

Dr Priscilla LEUNG

(1 Member)

52. The Chairman declared that 23 Members voted for and 17 Members voted against the proposal, and one Member abstained. The proposal was supported. The Chairman further said that a proposal on the terms of reference, work plan and time frame of the subcommittee would be made for the consideration of the House Committee in accordance with HR 20(k)(ii).

X. Any other business

53. There being no other business, the meeting ended at 5:01 pm.