

立法會
Legislative Council

LC Paper No. CB(2) 589/08-09

Ref : CB2/H/5/08

House Committee of the Legislative Council

**Minutes of the 11th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 2 January 2009**

Members present :

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 David LI Kwok-po, GBM, GBS, JP
Dr Hon Margaret NG
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 Emily LAU Wai-hing, 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
Dr Hon Joseph LEE Kok-long, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon LEUNG Kwok-hung
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
Hon Ronny TONG Ka-wah, SC
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 CHAN Kin-por, JP

Hon Tanya CHAN
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 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 :

Hon Miriam LAU Kin-yeet, GBS, JP (Chairman)
Hon CHEUNG Man-kwong
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon LAU Kong-wah, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Andrew CHENG Kar-foo
Hon Timothy FOK Tsun-ting, GBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon LEE Wing-tat
Hon Alan LEONG Kah-kit, SC
Hon CHIM Pui-chung
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Paul CHAN Mo-po, MH, JP
Hon IP Kwok-him, GBS, 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
Miss Polly YEUNG	Assistant Secretary General 1(Acting)
Mrs Justina LAM	Assistant Secretary General 3

Mr LEE Yu-sung	Senior Assistant Legal Adviser 1
Mr KAU Kin-wah	Senior Assistant Legal Adviser 2 (Acting)
Miss Erin TSANG	Principal Council Secretary (Complaints) (Acting)
Mr Jimmy YUEN	Chief Public Information Officer (Acting)
Miss Odelia LEUNG	Chief Council Secretary (2)6
Mr Timothy TSO	Assistant Legal Adviser 2
Mr YICK Wing-kin	Assistant Legal Adviser 8
Ms Amy YU	Senior Council Secretary (2)3
Mr Arthur KAN	Legislative Assistant (2)8

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I. Confirmation of the minutes of the 10th meeting held on 12 December 2008

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

The minutes were confirmed.

II. Matters arising

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

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

2. The Deputy Chairman said that the Chairman had conveyed to CS the dissatisfaction expressed by Ms Cyd HO about the lack of thoroughness in the Administration's replies to her two written questions concerning Government records with historical values and district minor works projects. CS had responded that he noted the Member's concern and would remind the policy bureaux to provide more detailed replies as far as practicable. CS pointed out that if specific situations could be quoted to make the scope of the questions more focused, it would be easier for the policy bureaux to grasp the relevant issues and provide appropriate replies. CS had also said that the Administration was very prepared to provide detailed information in response to Members' questions. However, if the replies required substantial time and efforts to collect the requested information, the Administration might not be able to provide detailed replies. Where the information could be obtained directly from certain existing channels, the Administration would also provide the relevant links in the replies to facilitate Members to retrieve the information.

3. Ms Cyd HO said that she had sought information on Government records with historical values which had been destroyed or reported missing

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but the Administration had only stated in its reply that there were four cases where some records had been destroyed and another four cases with records reported missing, without providing details of the relevant records. She was of the view that it would not entail a great deal of public resources for the provision of the requisite information and neither would it be difficult for the records involved to be identified. She requested the Administration to give a supplementary reply and provide details of the eight records which had been destroyed or reported missing.

4. The Deputy Chairman said that he would relay Ms HO's request to CS.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 12 December 2008

(LC Paper No. LS 25/08-09)

5. The Deputy Chairman said that a total of 16 items of subsidiary legislation, including 12 Commencement Notices, were gazetted on 12 December 2008.

6. At the invitation of the Deputy Chairman, Legal Adviser (LA) briefed Members on these 16 items of subsidiary legislation.

7. Regarding the United Nations Sanctions (Côte d'Ivoire) (No. 2) Regulation 2008, LA said that it sought to give effect to certain sanctions imposed by the Security Council of the United Nations. Pursuant to section 3(5) of the United Nations Sanctions Ordinance (UNSO), the Regulation was not subject to amendment by the Legislative Council (LegCo). He further said that the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions had been appointed under the House Committee to study regulations made under UNSO. In accordance with past practice, such regulations would be referred to the Subcommittee.

8. Dr Margaret NG, Chairman of the Subcommittee, said that in the further report of the Subcommittee formed in the Third LegCo which was submitted to the House Committee on 20 June 2008, the Subcommittee had suggested that the Administration should consult the Panel on Commerce and Industry when making regulations under UNSO. For the Regulation in question, it appeared that the Administration had not done so. She considered it necessary to remind the Administration of the Subcommittee's recommendation in this respect.

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9. In response to the Deputy Chairman, Dr NG said that subject to Members' views, the Regulation could be referred to the Subcommittee.

10. Ms Cyd HO considered that the Regulation should be referred to the Subcommittee. Members agreed.

11. Members did not raise any queries on the other 15 items of subsidiary legislation.

12. The Deputy Chairman reminded Members that the deadline for amending these items of subsidiary legislation (except the subsidiary legislation not required to be tabled in the Council) was 14 January 2009.

IV. Legal Service Division report on subsidiary legislation gazetted on 19 December 2008

(LC Paper No. LS 26/08-09)

13. At the invitation of the Deputy Chairman, LA said that four items of subsidiary legislation, including one Commencement Notice, were gazetted on 19 December 2008. These items of subsidiary legislation would be tabled in the Council on 7 January 2009.

14. Regarding the Admission and Registration (Amendment) Rules 2008 and the Legal Practitioners (Risk Management Education) (Amendment) Rules 2008, LA said that they were concerned with the Risk Management Education Programme required to be completed by legal practitioners. The amendments were technical in nature. The two Amendment Rules would come into operation on a day to be appointed by the President of the Law Society of Hong Kong by notice published in the Gazette.

15. In response to Dr Margaret NG, LA said that the Legal Practitioners (Risk Management Education) (Amendment) Rules 2008 sought to amend the definition of "Risk Management Education course" to include activities that were conducted, authorized or approved by the Law Society of Hong Kong.

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

17. The Deputy Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 4 February 2009.

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V. Legal Service Division report on subsidiary legislation gazetted on 24 December 2008

(LC Paper No. LS 27/08-09)

18. The Deputy Chairman said that only one item of subsidiary legislation, i.e. the Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Amendment of Schedule 1) Notice 2008 was gazetted on 24 December 2008.

19. At the invitation of the Deputy Chairman, LA briefed Members on the Notice. He highlighted that pursuant to section 45(3) of the Tai Lam Tunnel and Yuen Long Approach Road Ordinance, the Notice was not required to be tabled before LegCo and was not subject to amendment by LegCo.

20. Members did not raise any queries on the Notice.

VI. Business for the Council meeting on 7 January 2009

(a) Questions

(LC Paper No. CB(3) 256/08-09)

21. The Deputy 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

22. The Deputy Chairman said that no notice had been received yet.

(c) Government motion

Proposed resolution to be moved by the Chief Secretary for Administration under Article 73(7) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and section 7A of the Hong Kong Court of Final Appeal Ordinance

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 232/08-09 dated 15 December 2008.)

23. The Deputy Chairman said that at the House Committee meeting on 14 November 2008, Members did not raise objection to the recommendation of the Judicial Officers Recommendation Commission on the appointment of three non-permanent judges to the Court of Final Appeal.

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(d) **Members' motions**

(i) **Motion on "Air pollution and public health"**

(Wording of the motion issued vide LC Paper No. CB(3) 255/08-09 dated 24 December 2008.)

(ii) **Motion on "Public consultation on 2012 constitutional development"**

(Wording of the motion issued vide LC Paper No. CB(3) 254/08-09 dated 24 December 2008.)

24. The Deputy Chairman said that the above motions would be moved by Mr KAM Nai-wai and Dr Margaret NG respectively and the wording of their motions had been issued to Members. The Deputy Chairman further said that the deadline for giving notice of amendments to the motions had expired on 30 December 2008.

25. Referring to the motion on "Public consultation on 2012 constitutional reform", Dr Margaret NG said that as the wording of the motion was submitted in 2008, the phrase "early in the New Year" ("明年初") was used to refer to 2009. As it was already 2009, the phrase should be changed to "early this year" ("今年初"). Given that the amendment was purely technical, she enquired whether it could be made by the Secretariat.

26. In response to the Deputy Chairman, Secretary General said that the amendments to the wording of the motion would be made.

VII. Business for the Council meeting on 14 January 2009

(a) **Questions**

(LC Paper No. CB(3) 257/08-09)

27. The Deputy 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 Deputy Chairman said that no notice had been received yet.

(c) **Government motion**

29. The Deputy Chairman said that no notice had been received yet.

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(d) **Members' motions**

- (i) **Motion on "Formulating a comprehensive elderly policy"**
(Wording of the motion issued vide LC Paper No. CB(3) 260/08-09 dated 31 December 2008.)
- (ii) **Motion on "Establishing an independent statutory Office of the Health Service Ombudsman"**
(Wording of the motion issued vide LC Paper No. CB(3) 261/08-09 dated 31 December 2008.)

30. The Deputy Chairman said that the above motions would be moved by Mr CHEUNG Kwok-che and Mr Andrew CHENG respectively and the wording of their motions had been issued to Members.

31. The Deputy Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 7 January 2009.

VIII. The Chief Executive's Question and Answer Session on 15 January 2009

32. The Deputy Chairman informed Members that the Chief Executive (CE)'s Question and Answer (Q & A) Session would be held from 3:00 pm to 4:30 pm.

33. The Deputy Chairman invited Members' views on issues which they would like CE to cover in the Q & A Session.

34. Ms Emily LAU said that she would like CE to cover the issue of constitutional reform. She also enquired about the outcome of Members' request for increasing the frequency and extending the duration of the Q & A Sessions.

35. The Deputy Chairman said that CE had already responded to Members' request concerning the Q & A Sessions.

36. At the invitation of the Deputy Chairman, Assistant Secretary General 2 said that at the last House Committee meeting, the Chairman had reported CE's response to the request. CE had said that the existing arrangements were good, and there was no need to increase the frequency or extend the duration of the Q & A Sessions.

37. The Deputy Chairman said that the topic of constitutional reform suggested by Ms Emily LAU would be conveyed to CS.

IX. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 547/08-09)

38. The Deputy Chairman said that there was one Bills Committee, three subcommittees under the House Committee and five subcommittees under Panels in action.

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

(LC Paper No. CB(2) 548/08-09)

39. The Deputy Chairman said that at the last House Committee meeting on 12 December 2008, Members supported the proposal for the appointment of a subcommittee under the House Committee to study issues relating to Mainland-Hong Kong families. He invited Members to endorse the proposed terms of reference, work plan and time frame of the Subcommittee as set out in paragraphs 4 to 7 of the paper.

40. Members endorsed the proposed terms of reference, work plan and time frame of the Subcommittee. The following Members agreed to join: Mr LEE Cheuk-yan, Mr LEUNG Yiu-chung, Ms Audrey EU, Ms Cyd HO, Mr CHEUNG Kwok-che and Mrs Regina Ip.

41. Referring to the name of the Subcommittee, Mr CHAN Kam-lam said that since the reunification of Hong Kong with China, the term "內地" instead of "中國" would normally be used. He suggested replacing the term "中港" with "香港與內地" in the name of the Subcommittee.

42. Ms Cyd HO agreed with Mr CHAN's suggestion.

43. Mr LEUNG Yiu-chung, the Convenor of the Duty Roster Members' interview on the subject matter, said that he had no strong view on the matter. He suggested that the matter be further discussed by the Subcommittee. Members agreed.

XI. Any other business

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