

立法會

Legislative Council

LC Paper No. CB(2) 761/08-09

Ref : CB2/H/5/08

House Committee of the Legislative Council

Minutes of the 13th meeting held in the Legislative Council Chamber at 2:30 pm on Friday, 23 January 2009

Members present :

Hon Miriam LAU Kin-yee, GBS, JP (Chairman)
Hon Fred LI Wah-ming, JP (Deputy Chairman)
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 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 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 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
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 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
Dr Hon PAN Pey-chyou
Hon Paul TSE Wai-chun

Members absent :

Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon James TO Kun-sun
Hon WONG Yung-kan, SBS, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon LEE Wing-tat
Hon LEUNG Kwok-hung
Hon Ronny TONG Ka-wah, SC
Dr Hon LEUNG Ka-lau
Hon WONG Yuk-man
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
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
Miss Erin TSANG	Principal Council Secretary (Complaints) (Acting)
Mr Simon WONG	Chief Public Information Officer
Miss Odelia LEUNG	Chief Council Secretary (2)6
Miss Kitty CHENG	Assistant Legal Adviser 5
Mr KAU Kin-wah	Assistant Legal Adviser 6
Ms Clara TAM	Assistant Legal Adviser 9
Ms Amy YU	Senior Council Secretary (2)3
Mr Arthur KAN	Legislative Assistant (2)8

Action

I. Confirmation of the minutes of the 12th meeting held on 9 January 2009
(LC Paper No. CB(2) 709/08-09)

The minutes were confirmed.

II. Matters arising

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

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

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 9 January 2009 and tabled in Council on 14 January 2009
(LC Paper No. LS 29/08-09)

3. The Chairman said that four items of subsidiary legislation, including two Commencement Notices, were gazetted on 9 January 2009 and tabled in the Council on 14 January 2009.

4. Regarding the Independent Police Complaints Council Ordinance (Commencement) Notice, the Chairman said that it sought to appoint 1 April 2009 as the day on which the Independent Police Complaints Council Ordinance should come into operation.

5. Ms Emily LAU considered it necessary to form a subcommittee to study the Notice.

Action

6. The Chairman proposed that a subcommittee be formed to study the Notice in detail. Members agreed. The following Members agreed to join: Ms Emily LAU, Mr Alan LEONG and Ms Cyd HO.

7. Members did not raise any queries on the other three items of subsidiary legislation.

8. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 11 February 2009, or 4 March 2009 if extended by resolution. Given the deadline for amendments and the intervening public holidays, she proposed to move, in her capacity as Chairman of the House Committee, a motion at the Council meeting on 4 February 2009 to extend the scrutiny period of the Notice to 4 March 2009. Members agreed.

IV. Legal Service Division report on subsidiary legislation gazetted on 16 January 2009

(LC Paper No. LS 31/08-09)

9. The Chairman said that three items of subsidiary legislation were gazetted on 16 January 2009.

10. Members did not raise any queries on these three items of subsidiary legislation.

11. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 4 March 2009.

V. Business for the Council meeting on 4 February 2009

(a) Questions

(LC Paper No. CB(3) 293/08-09)

12. 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

Road Traffic (Driving-Offence Points) (Amendment) Bill 2009

13. The Chairman said that the Administration had given notice to present the above Bill to the Council on 4 February 2009. The House Committee would consider the Bill at its meeting on 6 February 2009.

(c) **Government motion**

Proposed resolution to be moved by the Secretary for the Environment under the Product Eco-responsibility Ordinance

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 273/08-09 dated 7 January 2009.)

(LC Paper No. LS 30/08-09)

14. The Chairman said that the proposed resolution was for seeking the Legislative Council's approval for the Product Eco-responsibility (Plastic Shopping Bags) Regulation.

15. The Chairman further said that the Legal Service Division was considering the legal aspects of the Regulation and would seek clarifications from the Administration in due course.

16. Mr Vincent FANG considered it necessary to form a subcommittee to study the resolution.

17. The Chairman proposed that a subcommittee be formed to study the resolution in detail. Members agreed. The following Members agreed to join: Ms Audrey EU, Mr Vincent FANG, Mr WONG Ting-kwong, Mr KAM Nai-wai and Mr CHAN Hak-kan.

18. The Chairman said that the Administration would be requested to withdraw its notice for moving the proposed resolution.

(d) **Members' motions**

(i) **Motion on "Assisting grassroots workers in counteracting economic adversities"**

(Wording of the motion issued vide LC Paper No. CB(3) 294/08-09 dated 20 January 2009.)

(ii) **Motion on "Promoting the development of local creative industries"**

(Wording of the motion issued vide LC Paper No. CB(3) 295/08-09 dated 21 January 2009.)

19. The Chairman said that the above motions would be moved by Mr IP Wai-ming and Dr Samson TAM respectively, and the wording of the motions had been issued to Members.

20. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Saturday, 24 January 2009.

VI. Advance information on business for the Council meeting on 11 February 2009

Bills - First Reading and moving of Second Reading

Adaptation of Laws Bill 2009

21. The Chairman said that the Administration had given notice to present the above Bill to the Council on 11 February 2009. The House Committee would consider the Bill at its meeting on 13 February 2009.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 710/08-09)

22. The Chairman said that there was one Bills Committee and six subcommittees under the House Committee (i.e. three subcommittees on subsidiary legislation and three subcommittees on policy issues) in action.

23. The Chairman also informed Members that there were seven subcommittees under Panels in action, including two subcommittees appointed recently. These were namely –

- (a) the Subcommittee on Poverty Alleviation appointed under the Panel on Welfare Services on 12 January 2009, the terms of reference of which was to study policies and measures relating to poverty alleviation and to make recommendations where necessary; and
- (b) the Joint Subcommittee on Amendments to Land Titles Ordinance appointed under the Panel on Development and the Panel on Administration of Justice and Legal Services on 20 January 2009, the terms of the reference of which was to monitor the Administration's work on the preparation of amendments to the Land Titles Ordinance in a focused manner and to provide input in the bill drafting process.

VIII. Paper of the Committee on Rules of Procedure (CRoP)

Proposed amendments to Rule 80 of the Rules of Procedure on attendance of witness

(LC Paper No. CROP 31/08-09)

Action

24. Mr TAM Yiu-chung, Chairman of CRoP, said that the House Committee's support was sought for CRoP's proposed amendments to Rule 80 of the Rules of Procedure (RoP 80) on attendance of witness.

25. Mr TAM elaborated that the proposed amendments sought to address the discrepancy between RoP 80 and section 9 of the Legislative Council (Powers and Privileges) Ordinance (the Ordinance) (Cap.382) in that there was no mention in RoP 80 that a subcommittee of the Council was among those other non-standing committees which might exercise the powers conferred by section 9(1) of the Ordinance if so authorized by the Council.

26. Mr TAM added that subject to the House Committee's endorsement, he would, as Chairman of CRoP, move a resolution to amend RoP 80 at the Council meeting on 11 February 2009.

27. Members endorsed the proposed amendments to RoP 80. Members also supported CRoP's recommendation that the resolution concerning the proposed amendments be moved at the Council meeting on 11 February 2009.

IX. Any other business

28. There being no other business, the meeting ended at 2:40 pm.