

立法會
Legislative Council

LC Paper No. CB(2) 1337/08-09

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House Committee of the Legislative Council

**Minutes of the 19th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 20 March 2009**

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 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 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 Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
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 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 IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Dr Hon PAN Pey-chyou
Hon Paul TSE Wai-chun
Dr Hon Samson TAM Wai-ho, JP

Members absent :

Hon Albert HO Chun-yan
Dr Hon David LI Kwok-po, GBM, GBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon Timothy FOK Tsun-ting, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon CHEUNG Hok-ming, SBS, JP

Clerk in attendance :

Mrs Vivian KAM Clerk to the House Committee

Staff in attendance :

Ms Pauline NG Secretary General
Mr Arthur CHEUNG Legal Adviser (Acting)
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
Ms YUE Tin-po	Chief Council Secretary (1)3
Miss Odelia LEUNG	Chief Council Secretary (2)6
Mr Kelvin LEE	Assistant Legal Adviser 1
Ms Connie FUNG	Assistant Legal Adviser 3
Miss Kitty CHENG	Assistant Legal Adviser 5
Ms Clara TAM	Assistant Legal Adviser 9
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 18th meeting held on 6 March 2009
(LC Paper No. CB(2)1100/08-09)

The minutes were confirmed.

II. Matters arising

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

Attendance of CS at special House Committee meeting

2. The Chairman said that the Deputy Chairman had conveyed to CS Members' dissatisfaction with the Administration for having taken out eight Bills from the updated Legislative Programme for 2008-2009. The Deputy Chairman had requested that the Bureaux concerned should take the initiative to explain to the relevant Panels the reasons for deferring the introduction of the Bills. The Deputy Chairman had also invited CS to attend a special House Committee meeting to provide Members with an overall picture on the reasons for taking out the Bills from the updated Legislative Programme. CS had responded that the Administration attached great importance to its communication with the Legislature and agreed with the established practice in this regard. He would consider attending a special House Committee meeting at an appropriate time. However, as there were specific reasons for the deferral of the introduction of each Bill, CS had suggested that the matter be followed up by the relevant Panels first. The date of his attendance at a special House Committee meeting would be fixed in due course.

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3. The Chairman further informed Members about the latest position of the explanations made to the relevant Panels on the deferral of the introduction of the eight Bills. For four of the Bills, the Bureaux concerned had provided explanations to the relevant Panels either at a meeting or by way of an information paper. For the remaining four Bills, arrangements had been made for explanations to be made to the relevant Panels within the current month.

III. Business arising from previous Council meetings

(a) **Legal Service Division report on subsidiary legislation gazetted on 6 March 2009 and tabled in Council on 11 March 2009**

(LC Paper No. LS 48/08-09)

4. The Chairman said that three items of subsidiary legislation, including one Commencement Notice, were gazetted on 6 March 2009 and tabled in the Council on 11 March 2009.

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

6. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 1 April 2009.

(b) **Legal Service Division report on subsidiary legislation gazetted on 13 March 2009**

(LC Paper No. LS 49/08-09)

7. The Chairman said that four items of subsidiary legislation were gazetted on 13 March 2009, i.e. the Independent Police Complaints Council Ordinance (Commencement) (No. 2) Notice 2009 (the Commencement Notice) tabled in the Council on 18 March 2009 and three items of subsidiary legislation made under the United Nations Sanctions Ordinance which were not required to be tabled in the Council.

8. Regarding the Commencement Notice, the Chairman said that the Administration had originally appointed 1 April 2009 as the day on which the Independent Police Complaints Council Ordinance was to come into operation. In response to the request of the relevant Subcommittee, the Administration had agreed to defer the commencement of the Ordinance. The Commencement Notice appointed 1 June 2009 as the commencement date of the Ordinance.

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

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

11. The Chairman said that the deadline for amending the Commencement Notice was 1 April 2009. To allow more time for its scrutiny, she proposed to move a motion, in her capacity as Chairman of the House Committee, at the Council meeting on 1 April 2009 to extend its scrutiny period to 6 May 2009. Members agreed.

12. Regarding the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2009, United Nations Sanctions (Liberia) Regulation 2009 and United Nations Sanctions (Liberia) Regulation 2008 (Repeal) Regulation, the Chairman said that they were to give effect to certain sanctions imposed by the United Nations Security Council and came within the terms of reference of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions chaired by Dr Margaret NG. The Chairman suggested referring the three Regulations to the Subcommittee in line with the past practice. Members agreed.

IV. Business for the Council meeting of 1 and 2 April 2009

(a) **Questions**
(*LC Paper No. CB(3) 449/08-09*)

13. The Chairman said that 20 written questions had been scheduled for the meeting.

(b) **Bills - resumption of debate on Second Reading**

Appropriation Bill 2009
(Members speak)

14. The Chairman said that Members would speak on the Appropriation Bill 2009 at the meeting. She reminded Members that the first day of the meeting would start at 11:00 am, and the second day at 9:00 am.

(c) **Government motion**

Proposed resolution to be moved by the Secretary for Constitutional and Mainland Affairs (SCMA) under the Race Discrimination Ordinance

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 444/08-09 dated 16 March 2009.)

(LC Paper No. LS 50/08-09)

15. The Chairman said that the motion was for seeking the Legislative Council (LegCo)'s approval of the Race Discrimination (Proceedings by Equal Opportunities Commission) Regulation to empower SCMA to make provisions for the bringing of proceedings by the Equal Opportunities Commission under section 70 of the Ordinance if a person who was entitled to bring such proceedings had not done so.

16. The Chairman further said that the Panel on Constitutional Affairs had been briefed on the Regulation on 16 February 2009, and members had expressed reservations about it. In view of its controversial nature, she proposed that a subcommittee be formed to study the Regulation in detail. Members agreed. The following Members agreed to join: Dr Margaret NG and Ms Emily LAU.

17. The Chairman said that the Legal Service Division had written to the Administration to seek clarification on the approach taken in the Regulation, which was different from that of the Disability Discrimination (Proceedings by Equal Opportunities Commission) Regulation. The Administration's reply, which had just been received, would be considered by the subcommittee formed to study the Regulation.

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

V. Report of Bills Committees and subcommittees

(a) **Report of the Subcommittee on Subsidiary Legislation to Enable the Release of Spectrum for Expansion of the Second Generation Mobile Service and Mobile TV Services**

(LC Paper No. CB(1) 1067/08-09)

19. Dr Samson TAM, Chairman of the Subcommittee, reported that the proposed amendments to the three items of subsidiary legislation made under the Telecommunications Ordinance sought to enable the release of relevant

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spectrum by auction to allow for expansion of the second generation mobile service and mobile television services, and to provide for the imposition of relevant spectrum utilization fee.

20. Dr TAM elaborated that the Subcommittee had held two meetings with the Administration and had received the views of the industry. The major issues discussed by the Subcommittee included spectrum availability and allocation, spectrum assignment through auction, licensing arrangement for mobile television services and technical standards. He referred Members to the Subcommittee's report for details of its deliberations.

21. Dr TAM further reported that the Subcommittee noted that some industry operators had recently indicated interest in providing digital audio broadcasting (DAB) services, and that two Band III multiplexes were reserved for future public service broadcasting and DAB services. The Administration had undertaken to discuss with the sound broadcasting industry on the future development of DAB. Dr TAM added that the Subcommittee generally supported the legislative proposals and the related implementation measures.

22. The Chairman reminded Members that as the deadline for amending the three items of subsidiary legislation was 1 April 2009, the deadline for giving notice of amendments, if any, was Wednesday, 25 March 2009.

(b) Report of the Subcommittee on Product Eco-responsibility (Plastic Shopping Bags) Regulation

23. Ms Audrey EU, Chairman of the Subcommittee, reported that the Subcommittee held its last meeting the day before the House Committee meeting. During the meeting, the Administration was requested to make further amendments to the Regulation. The proposed amendments were received on the day of the House Committee meeting, and were considered in order by the legal adviser to the Subcommittee. The Subcommittee had completed its work just in time for presenting a verbal report at the House Committee meeting. The written report would be provided as soon as practicable.

24. Ms EU said that the Regulation was made under section 29 of the Product Eco-responsibility Ordinance to provide for the implementation details of the environmental levy scheme on plastic shopping bags including registration of prescribed retailers, application for exemption and record-keeping.

25. Ms EU further reported that the Subcommittee was highly dissatisfied with the limited time available for scrutiny of the Regulation. She elaborated that the Administration had originally given notice to move the proposed

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resolution concerning the Regulation at the Council meeting on 4 February 2009 with a view to implementing the proposed measures under the Regulation in July 2009. Given the importance of the proposed environmental levy scheme, the positive vetting procedure had been adopted for the making of the Regulation at the request of the Bills Committee formed to study the primary legislation, as the Bills Committee was concerned about the little time for scrutiny should the negative vetting procedure be adopted. However, during its first meeting on 19 February 2009, the Subcommittee was informed by the Administration that as three months were needed to prepare for the implementation of the proposed measures, the scrutiny work had to be completed by mid March 2009 for the moving of the proposed resolution at the Council meeting on 22 April 2009, the gazettal of the Regulation on 24 April 2009, and the implementation of the proposed measures in July 2009. It turned out that the scrutiny period was even less than the 49 days available under the negative vetting procedure. Owing to the tight timetable, the Subcommittee had held six meetings within one month to meet the deadline for completion of scrutiny and making a verbal report at the House Committee meeting in order to tie in with the Administration's timetable.

26. Ms EU highlighted the main issues raised by members in the course of discussions. She said that the Subcommittee was concerned that the exemption for third parties in registered retail outlets provided for in the specified registration form was not spelt out in the Regulation. In the light of members' concern, the Administration agreed to move amendments to include the exemption criteria for third party operators in the Regulation. Members also expressed concern about the requirement for a third party to have a separate business registration certificate at the retail location concerned. After members' repeated requests, the Administration eventually agreed to move amendments in this regard. She added that the Administration had also taken on board some other views raised by members and would move relevant amendments.

27. Ms EU further said that Mr Vincent FANG, Mr WONG Ting-kwong and Mr KAM Nai-wai had indicated that they might move amendments to the Regulation. Mr KAM Nai-wai might move amendments to the effect that the Director of Environmental Protection should be required to decide on an application for registration as "prescribed retailers" or "qualified retail outlet" within a specified time frame. Mr Vincent FANG and Mr WONG Ting-kwong might move amendments to dispense with the need for exempted counters within a registered retail outlet to submit quarterly returns on plastic shopping bags provided to customers as it would incur additional administrative costs.

28. Ms EU added that the Subcommittee also stressed the need for the Administration to step up publicity to enhance public awareness of the

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environmental levy scheme. The Subcommittee considered that a review of the levy scheme should be conducted as soon as practicable. In this regard, the Administration had agreed to further explore with the retail trade on how to review the effectiveness of the environmental levy scheme after its commencement.

29. Ms Emily LAU said that where the majority of members of a committee agreed on an amendment, the amendment would normally be moved by the chairman concerned on behalf of the committee. She sought clarification on whether the amendments proposed by individual members of the Subcommittee were not supported by the Subcommittee.

30. Ms Audrey EU said that in respect of the amendments which might be moved by Mr KAM Nai-wai, the majority of members accepted the Administration's suggestion for the Secretary for the Environment to make an undertaking at the moving of the resolution on the Regulation to process an application for registration of a new qualified retail outlet of a registered retailer within 10 working days and to accommodate the special needs of an applicant in unforeseen circumstances as far as practicable. As Mr KAM remained of the view that a specific time frame should be included in the Regulation, he would consider moving amendments to that effect.

31. As regards the amendments proposed by Mr Vincent FANG and Mr WONG Ting-kwong, Ms EU explained that the Administration had undertaken to continue discussion with the retail trade, and it had yet to reach a consensus with the trade. In the meantime, Mr FANG and Mr WONG would continue to discuss with the Administration. Should their proposals be taken on board by the Administration before the deadline for notice of amendments to the Regulation, i.e. 15 April 2009, they might not move their proposed amendments.

32. In response to Ms Emily LAU, the Chairman said that as some of the amendments proposed by individual members were still under discussion by the Administration and the members concerned, it was not possible for the Subcommittee to reach a stance on the matter before reporting to the House Committee. She added that the members concerned might not move their proposed amendments should agreement be reached with the Administration eventually.

33. Ms Emily LAU expressed dissatisfaction with the tight timetable for scrutiny of the Regulation made available to LegCo.

34. Mr KAM Nai-wai also expressed dissatisfaction with the little time available for scrutiny of the Regulation which had wide implications and contained complex exemption arrangements. He said that the Subcommittee

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had worked very hard to scrutinize the Regulation under the unreasonably tight timetable. However, owing to the tight time frame, it did not have time to consider some of the amendments proposed by individual members. He was strongly dissatisfied that Members had been forced to rush through the scrutiny of the Regulation to tie in with the Administration's timetable. He also criticized the Administration for creating a misconception to the public that LegCo's scrutiny had delayed the scheduled implementation of the environmental levy scheme. He stressed the need for the Administration to provide LegCo sufficient time for scrutiny of legislative proposals, and requested the Chairman to convey his concern to CS.

35. Mr Vincent FANG also said that the Subcommittee had worked under a very tight schedule. He pointed out that he and Mr WONG Ting-kwong could only raise their proposed amendments a few minutes before the appointed ending time of the last meeting of the Subcommittee, and the Subcommittee could only spare very little time for discussing their proposed amendments. He believed that the Subcommittee should be able to reach a consensus on their proposed amendments had more time been made available for discussion.

36. The Chairman said that the crux of the problem was the insufficient time made available to LegCo for scrutiny of the Regulation.

37. Mr Albert CHAN said that the Subcommittee had worked hard to scrutinize the Regulation and had to hold a series of meetings within a short time span to complete its scrutiny. He pointed out that the Administration only responded to many of the issues raised by the Subcommittee at a late stage. He was dissatisfied that members had been forced to rush through the scrutiny of the Regulation. In his view, the Administration had failed to show respect for the due process for scrutiny of legislative proposals. He was concerned about the adverse effect of a tight time frame on the quality of scrutiny work, as in the case of the Intellectual Property (Miscellaneous Amendments) Bill 2000 which was passed hastily leaving the implementation of which having had to be suspended on account of problems unveiled subsequently. LegCo had been held accountable for the making of legislation with loopholes. He did not want to see a similar recurrence. He indicated that Members belonging to the League of Social Democrats would vote against the proposed resolution, and appealed to Members to do the same.

38. Mr LEUNG Kwok-hung said that although the motion to condemn the Administration for deferring the introduction of the Bills in the Legislative Programme had been voted down at the last House Committee meeting, he believed that the Administration would be condemned by the public at the end of the day. He criticized the Administration for continuing with its disrespect for the Legislature and its Members, who were elected by the Hong Kong people to monitor the work of the Government. Mr LEUNG added that he

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would continue to condemn the Administration, notwithstanding that this might not be supported by Members.

39. Mr WONG Ting-kwong said that the Subcommittee had made its best efforts to scrutinize the Regulation under the tight time frame. He pointed out that the public had a misconception of LegCo holding up the implementation of the levy scheme, despite the fact that the Subcommittee had worked exceedingly hard to complete the scrutiny to tie in with the Administration's tight timetable. He opined that the legislative proposals were not well thought through, and many implementation details had yet to be finalized. He added that he and Mr Vincent FANG were still discussing with the Administration on their proposed amendments. Should their proposals be taken on board by the Administration, they would not move the proposed amendments.

40. Mr KAM Nai-wai said that Members belonging to the Democratic Party supported the Regulation and the amendments to be moved by the Administration, and would not vote against the proposed resolution.

41. The Chairman said that she would convey to CS Members' concern about the tight time frame for scrutiny of legislative proposals.

VI. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 1101/08-09)

42. The Chairman said that there were four Bills Committees, six subcommittees under the House Committee (i.e. three subcommittees on subsidiary legislation and three subcommittees on policy issues) and seven subcommittees under Panels in action.

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

Proposed amendment to Rule 73(1)(d) of the Rules of Procedure

(LC Paper No. CROP 45/08-09)

43. The Chairman said that the paper sought the House Committee's support for the recommendation of CRoP to amend Rule 73(1)(d) of the Rules of Procedure (RoP) as proposed by the Committee on Members' Interests to change the Chinese version of the term "ethics" in the Rule from "道德標準" to "操守標準".

44. Mr TAM Yiu-chung, Chairman of CRoP, said that CRoP had studied the matter at its meeting on 2 March 2009 and supported the proposed amendment. Subject to the House Committee's endorsement, he, as Chairman of CRoP, would move a motion to amend RoP 73(1)(d) at a future Council meeting.

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45. Members endorsed the proposed amendment to RoP 73(1)(d) as set out in Appendix II to the paper.

VIII. Subcommittees on policy issues

(LC Paper No. CB(2) 1102/08-09)

46. The Chairman said that at the request of the House Committee, the Secretariat had conducted a review on the manpower resources required for providing support services to subcommittees on policy issues. The findings of the review were set out in the paper prepared by the Secretariat.

47. At the invitation of the Chairman, Secretary General (SG) briefed members on the paper. SG said that in response to Members' request, the Secretariat had conducted a review on the resource implications in relation to the provision of support services to subcommittees on policy issues with a view to putting forward proposals on how far the existing quota of eight could be modified to cater for the need to appoint more such subcommittees which might be in operation at the same time. Referring to paragraph 9 of the paper, SG explained that the work involved in undertaking a detailed study on specific policy issues was more or less the same, be it conducted by subcommittees appointed by Panels or the House Committee or by the Panels themselves. The review of staffing requirements was therefore not so much for the servicing of subcommittees but for the servicing of detailed studies undertaken by committees generally.

48. SG further said that on the basis of the review, the Secretariat had reported to The Legislative Council Commission that with the strengthening of the staffing structure of the Council Business Divisions (CBDs) and the adoption of a flexible approach, it would be able to provide service to at least one detailed study undertaken by each Panel and two detailed studies by the House Committee at any one time, in addition to servicing the present number of standing committees and other committees as provided in RoP. The staffing proposals also aimed at enhancing the development of expertise in Council business so that there would be sufficient number of experienced and competent staff in CBDs to provide service to select committees or other committees as and when their appointment was considered necessary by the Council. SG added that the paper sought the House Committee's support for the proposed arrangement under which each Panel should be able to conduct at least one detailed study and the House Committee two detailed studies at the same time. Subject to the House Committee's endorsement, the detailed funding requirement would be submitted to The Legislative Council Commission for consideration.

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49. Mr LEE Wing-tat thanked the Secretariat for its support services to Members. He considered it appropriate for subcommittees to be appointed by Panels to conduct detailed studies of specific policy issues as it might not be feasible for Panels to study a subject matter by convening a series of special meetings. While he did not object to the proposal of providing each Panel with the resources to conduct at least one detailed study, he was concerned about the long duration of operation of some subcommittees on policy issues, and considered it important to put in place a mechanism to ensure the completion of work by such subcommittees within a specified and reasonable time frame. This would make available vacant slots for the appointment of other subcommittees on policy issues as individual Members would accord different priority to different subject matters. He stressed that without such a mechanism, Members would compete for the early setting up of subcommittees under Panels or the House Committee on matters to which they attached importance. As he had pointed out in the last LegCo term, Members belonging to the Democratic Party were of the view that information on the work plan and time frame of a proposed subcommittee should be provided to the relevant committee when considering the proposal for its appointment. For instance, when he proposed the setting up of a subcommittee on combating fly-tipping under the Panel on Environmental Affairs earlier on, he had stated in his proposal that the subcommittee was expected to hold four to five meetings and complete its work in about four months. He further opined that should a subcommittee consider it necessary to operate beyond 12 months, it should seek the approval of the House Committee and give justifications for its work to continue. He would accept that some subcommittees might need to work beyond the initial specified time frame under certain circumstances.

50. Mr TAM Yiu-chung expressed concern about the financial implications for implementing the proposed arrangement under which a total of 20 studies (i.e. 18 +2) might be taken up by the Panels themselves or by subcommittees appointed under Panels or the House Committee. He pointed out that as each Panel might conduct at least one detailed study under the proposed arrangement, it was only natural for each Panel to appoint a subcommittee to undertake a study on certain policy issues, resulting in 20 studies being undertaken at the same time. He also shared the concern of Mr LEE Wing-tat about the long duration of operation of certain subcommittees. He observed that apart from examining specific issues of public concern, subcommittees had also been used as a platform for striving for certain causes, hence the long duration of operation of certain subcommittees. He had noted recent media reports on the resource requirement of the Legislature. To facilitate Members' consideration, he considered it necessary for the Secretariat to provide information on the financial implications for implementing the proposals, including the additional manpower resources required, if any, and the source of funding.

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51. The Chairman said that the Secretariat would work out the financial implications of the proposals after the House Committee had endorsed the proposed arrangement for the servicing of detailed studies undertaken by committees.

52. Mr TAM Yiu-chung reiterated his view that Members should be provided with information on the financial implications of the proposals before deciding on them.

53. At the invitation of the Chairman, SG clarified that under the existing arrangement, where subcommittees considered it necessary to operate beyond 12 months, they had to seek the House Committee's agreement for an extension of the duration of their work. SG further explained that under the proposed arrangement, each Panel should have the resources to conduct at least one detailed study at any one time. Where more than one study was considered necessary, the Panel should prioritize its work. Should there be a need to conduct two or more studies at the same time, the Panel should put the matter to the House Committee for advice. Where a Panel decided to take up more than one study, the Secretariat would make its best endeavours to provide the necessary support services through redeployment of existing staff and/or engagement of temporary staff, having regard to the number of Bills Committees and subcommittees in operation at the time as well as other commitments. Referring to paragraph 14 of the paper, SG further said that to enable Members to undertake a total of 20 studies at the same time, the Secretariat recommended that the committee teams in CBD1 and CBD2 be strengthened such that each team would be staffed by one Chief Council Secretary, one Senior Council Secretary, and one Council Secretary (instead of on a shared basis); and that the temporary post of Assistant Secretary General (ASG) (Special Duties) be converted to a permanent post of ASG to cater for, inter alia, the increase in supervision work brought about by the increase in the number of detailed studies.

54. In response to the Chairman, SG said that additional resources would be required for implementing the proposals for strengthening the committee teams as set out in paragraph 14 of the paper. SG added that the Secretariat would provide supplementary information on the financial implications of the proposals for Members' consideration.

55. Mr Ronny TONG sought clarification on whether additional manpower resources would be required for undertaking 20 studies and whether the number included the inquiry conducted by the Select Committee concerning Mr LEUNG Chin-man's case.

56. SG reiterated that the Secretariat would be able to provide support services to the undertaking of 20 detailed studies on policy issues through the

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engagement of additional staff and flexible redeployment of existing staff. She further clarified that the 20 studies did not include inquiries undertaken by select committees or committees with the authority to exercise the power of summons, for which additional resources would be provided separately by The Legislative Council Commission.

57. Mr CHEUNG Man-kwong said that Members belonging to the Democratic Party did not object to strengthening the manpower of the Secretariat to support the work of Members in conducting detailed studies. However, they considered it necessary to put in place a mechanism to ensure the completion of work by subcommittees formed for such purposes within a specified time frame. In his view, such subcommittees should provide information on the time frame for completion of their studies to the House Committee upon their appointment. They should also be required to seek the House Committee's endorsement if they considered it necessary to continue operation beyond one year after their commencement. He echoed the concern about the long duration of operation of some subcommittees on policy issues in the past, and pointed out that some subcommittees had lasted for the whole term and were operating as if they were Panels. He stressed the need for Members to exercise self-restraint, in addition to putting in place a mechanism to ensure effective use of the Secretariat's resources.

58. The Chairman explained that under the existing arrangements, information on the proposed terms of reference, time frame and work plan of a proposed subcommittee should be provided to the relevant Panel for consideration of its appointment. The provision of such information to the House Committee was not necessary unless the proposed subcommittee was to be appointed under the House Committee.

59. In response to the Chairman, Mr CHEUNG Man-kwong clarified that he was not suggesting that proposals for the appointment of subcommittees under Panels should be submitted to the House Committee for approval. His view was that such subcommittees, be they appointed under Panels or the House Committee, should seek the House Committee's approval for extending their work beyond one year.

60. The Chairman said that this was already the existing arrangement.

61. Mr LEUNG Kwok-hung said that the intention of empowering the House Committee to monitor the duration of operation of subcommittees was good, except for the fact that not all Members were directly elected. He further said that as Members were elected representatives to monitor the work of the Government on behalf of the public, it was incumbent upon the Administration to provide the Legislature with the necessary resources to enable Members to discharge their duties. He stressed that Members' work

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should not be inhibited by any financial constraint imposed by the Administration. Members were accountable to the public, and should the public consider that Members had wasted public resources, they could choose not to vote for them at the next election.

62. The Chairman said that Members should first discuss the proposed arrangement for servicing detailed studies conducted by committees, and deal with the availability of resources later.

63. Mr LEUNG Kwok-hung considered it entirely unnecessary to take into account the availability of resources. He stressed the need for LegCo to discharge its duties.

64. Ms Emily LAU said that she was a member of The Legislative Council Commission. She pointed out that the most important duty of LegCo was to monitor Government policies, and it was important that high quality, professional and independent services were provided by the Secretariat to support Members' work. She stressed that should a committee consider it necessary to set up a subcommittee to follow up an issue of public concern, other Members should not hinder its appointment. She noted that under the proposed arrangement, each Panel should have the resources to conduct at least one detailed study on a specific policy issue at any one time. In her view, where a Panel considered it necessary to conduct more than one study at a time, it should be allowed to do so if warranted. She elaborated by way of illustration that although a subcommittee had been appointed under the Panel on Development on harbourfront planning, the Panel should not be prevented from appointing another subcommittee to study the issue of urban renewal strategy if considered necessary by its members. She stressed that while it was reasonable to ask for information on the financial implications of the proposals to facilitate Members' consideration, Members' work should not be inhibited merely because additional resources would be required for supporting such work. She added that it was legitimate for Members to follow up issues of public concern, and the Secretariat should be provided with sufficient resources to complement Members' work. She requested the Secretariat to take into account Members' views in working out the financial implications of the proposals for Members' consideration. She expressed strong support for the Secretariat's initiatives to strengthen its support services to Members.

65. In summing up the discussions, the Chairman said that under the Secretariat's proposals, each Panel should have the resources to conduct at least one detailed study of a specific policy issue and the House Committee two detailed studies at any one time. To facilitate Members' further consideration, the Secretariat was to provide information on the financial implications for implementing the proposals. In respect of some Members' view that subcommittees on policy issues should be requested to complete their work

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within a specified time frame to ensure effective use of resources, the Chairman reiterated the existing arrangements under which information on the proposed work plan and time frame of such subcommittees should be provided to the relevant Panel or the House Committee as appropriate for consideration of their appointment. She added that under the existing House Rules, where a subcommittee considered it necessary to work beyond 12 months, it had to report to the House Committee, after obtaining the endorsement of the relevant Panel if appropriate, and give justifications for its work to continue.

66. In response to the Chairman, SG said that the Secretariat would provide the requested information for Members' consideration.

67. Members agreed to discuss the matter again when the relevant information was available.

IX. Any other business

68. There being no other business, the meeting ended at 3:20 pm.

Council Business Division 2
Legislative Council Secretariat
15 April 2009