

立法會

Legislative Council

LC Paper No. CB(2) 1528/08-09

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House Committee of the Legislative Council

Minutes of the 22nd meeting held in the Legislative Council Chamber at 2:30 pm on Friday, 8 May 2009

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 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 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 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
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

Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mrs Sharon TONG	Principal Council Secretary (Complaints)
Mr Simon WONG	Chief Public Information Officer
Miss Becky YU	Chief Council Secretary (1)1
Miss Odelia LEUNG	Chief Council Secretary (2)6
Mr Kelvin LEE	Assistant Legal Adviser 1
Mr Timothy TSO	Assistant Legal Adviser 2
Mr Stephen LAM	Assistant Legal Adviser 4
Miss Kitty CHENG	Assistant Legal Adviser 5
Miss Winnie LO	Assistant Legal Adviser 7
Mr YICK Wing-kin	Assistant Legal Adviser 8
Ms Clara TAM	Assistant Legal Adviser 9
Mrs Mary TANG	Senior Council Secretary (1)2
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 21st meeting held on 24 April 2009
(LC Paper No. CB(2) 1468/08-09)

The minutes were confirmed.

II. Matters arising

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

Attendance of CS at special House Committee meeting

2. The Chairman said that CS had contacted her a few days ago regarding the invitation by the Panel on Environmental Affairs for him to attend a meeting to discuss the work of the special task force led by him on review of tree management. As it was about time he attended a House Committee meeting to exchange views with Members, CS said that he could attend a House Committee meeting to discuss the issue of review of tree management. It had been suggested that the meeting be held on 22 May 2009 from 2:30 pm to 4:00 pm. Members agreed with the proposed arrangements.

3. The Chairman invited Members' views on other issues which they would like to discuss with CS at the special meeting.

4. Mr WONG Kwok-hing said that he would like to exchange views with CS on the early implementation of Green Master Plans for the New Territories, which was also related to the issue of tree management.

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5. Ms Audrey EU said that she would like to discuss with CS the responses of government officials to oral questions raised by Members at Council meetings. She expressed dissatisfaction with the response of the Secretary for Security (S for S) to the oral question raised at the Council meeting on 29 April 2009 concerning the incident of the Under Secretary for Commerce and Economic using his name card in place of income proof when applying for renewal of his domestic worker's employment contract. In his response, which was circulated to Members in writing, S for S stated that he did not wish to spell out on behalf of the Immigration Department what constituted an acceptable supporting document or supplementary information in assessing such applications. Ms EU considered it irresponsible on the part of S for S to provide such a response. In her view, while it was acceptable for officials to provide information requested by Members after the Council meeting if such information was not at hand, it was unacceptable for them to state in their response that they could not answer the question on behalf of another official. She stressed that it was incumbent upon the Administration to assign appropriate officials to attend Council meetings to respond to questions raised by Members.

6. The Chairman said that she would convey to CS the issues suggested by the two Members.

III. Business arising from previous Council meetings

(a) Legal Service Division report on bills referred to the House Committee in accordance with Rule 54(4)

(i) Voting by Imprisoned Persons Bill *(LC Paper No. LS 66/08-09)*

7. The Chairman said that the Bill sought to amend the Chief Executive Election Ordinance, Legislative Council Ordinance, District Councils Ordinance and Village Representative Election Ordinance to remove restrictions on the registration of imprisoned persons as electors and their right to vote at the relevant elections.

8. The Chairman further said that the Panel on Constitutional Affairs had been briefed on the results of the public consultation and the legislative proposals at its meeting on 20 April 2009. While a majority of members expressed support for the proposals, members also expressed concern on the practical arrangements to facilitate voting by the imprisoned persons.

9. Dr Margaret NG considered it necessary to form a Bills Committee to study the Bill.

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10. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Dr Margaret NG, Mr James TO, Ms Emily LAU (as advised by Mr James TO), Ms Audrey EU, Mr CHEUNG Hok-ming and Mr IP Kwok-him.

11. The Chairman said that as there were vacant slots, the Bills Committee could commence work immediately.

(ii) Mandatory Provident Fund Schemes (Amendment) Bill 2009
(*LC Paper No. LS 58/08-09*)

12. The Chairman said that the Bill sought to amend the Mandatory Provident Fund Schemes Ordinance to enable an employee to transfer accrued benefits derived from any mandatory contributions made by the employee in respect of any current employment, or made by the employee or his employer in respect of any former employment or former self-employment, to another account within a Mandatory Provident Fund scheme and provide for related amendments.

13. The Chairman further said that the Administration and the Mandatory Provident Fund Schemes Authority had consulted the Panel on Financial Affairs on the proposals at three of its meetings in 2008, and some members had expressed concern about the proposals.

14. Mr LEE Cheuk-yan considered it necessary to form a Bills Committee to study the Bill.

15. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Mr Albert HO, Mr LEE Cheuk-yan, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr WONG Kwok-hing, Mr Andrew LEUNG, Mr WONG Ting-kwong, Miss Tanya CHAN, Mr WONG Yuk-man and Mr IP Wai-ming.

16. The Chairman said that as there were vacant slots, the Bills Committee could commence work immediately.

(iii) Copyright (Amendment) Bill 2009
(*LC Paper No. LS 59/08-09*)

17. The Chairman said that the Bill sought to amend the Copyright Ordinance to provide for the circumstances in which section 119B(1) of the Ordinance (the copying and distribution offence) did not apply.

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18. The Chairman further said that the Panel on Commerce and Industry had discussed the legislative proposals at its meetings on 19 February and 16 December 2008, and supported the proposals in principle. Nevertheless, the Bill was both controversial and complex.

19. Mr Ronny TONG considered it necessary to form a Bills Committee to study the Bill.

20. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Mr Albert HO, Ms Miriam LAU, Ms Audrey EU, Mr WONG Ting-kwong, Mr Ronny TONG, Mrs Regina IP and Dr Samson TAM.

21. The Chairman said that as there were vacant slots, the Bills Committee could commence work immediately.

(b) **Legal Service Division report on subsidiary legislation gazetted on 24 April 2009 and tabled in Council on 29 April 2009**
(*LC Paper No. LS 60/08-09*)

22. The Chairman said that a total of three items of subsidiary legislation were gazetted on 24 April 2009 and tabled in the Council on 29 April 2009.

23. The Chairman said that the Fixed Penalty (Smoking Offences) Regulation sought to prescribe the forms of the fixed penalty notices, and the Fixed Penalty (Smoking Offences) (Specification of Authorities and Public Officers) Notice to specify the list of public officers authorized to take enforcement actions under the Principal Ordinance. The Fixed Penalty System would commence operation on 1 September 2009.

24. Mr Tommy CHEUNG considered it necessary to form a subcommittee to study the two items of subsidiary legislation, in view of the concern expressed by some members of the Bills Committee during the scrutiny of the Fixed Penalty (Smoking Offence) Bill about the list of public officers authorized to enforce the Ordinance.

25. The Chairman proposed that a subcommittee be formed to study the two items of subsidiary legislation in detail. Members agreed. The following Members agreed to join: Mr Andrew CHENG, Mr Abraham SHEK, Mr Tommy CHEUNG and Ms Audrey EU.

26. Members did not raise any queries on the other item of subsidiary legislation.

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27. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 27 May 2009, or 17 June 2009 if extended by resolution.

(c) Legal Service Division report on subsidiary legislation gazetted on 27 April 2009 and tabled in Council on 29 April 2009
(LC Paper No. LS 62/08-09)

28. The Chairman said that two items of subsidiary legislation were gazetted on 27 April 2009 and tabled in the Council on 29 April 2009, namely the Prevention and Control of Disease (Amendment) Regulation 2009 and the Prevention and Control of Disease Ordinance (Amendment of Schedule 1) (No. 2) Notice 2009.

29. The Chairman further said that the two items of subsidiary legislation sought to add "Swine Influenza" to the list of infectious diseases in Schedule 1 to the Prevention and Control of Disease Ordinance as well as the list of specified diseases set out in section 56 of the Prevention and Control of Disease Regulation so that it would be subject to the control measures specified in the Regulation.

30. Mr James TO said that at the joint meeting of the Panel on Health Services and the Panel on Food Safety and Environmental Hygiene held on 2 May 2009, he had asked the Administration whether it would change "Swine Influenza" referred to in the two items of subsidiary legislation to "Influenza A (H1N1)" used by the World Health Organization when referring to the new virus affecting humans. The Administration had indicated then that it would consider the matter. He suggested that written information be sought from the Administration in this regard.

31. The Chairman said that, as she understood it, the question raised by Mr James TO was still under review by the Administration, as the virus was still evolving.

32. Mr James TO considered that "Swine Influenza" was only a general term, but a specific scientific term should be used for the new virus affecting humans.

33. The Chairman said that the matter would be followed up with the Administration in writing.

34. Members did not raise any other queries on these items of subsidiary legislation.

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35. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 27 May 2009, or 17 June 2009 if extended by resolution.

(d) Legal Service Division report on subsidiary legislation gazetted on 30 April 2009 and tabled in Council on 6 May 2009
(LC Paper No. LS 65/08-09)

36. The Chairman said that a total of 15 items of subsidiary legislation, including two Commencement Notices, were gazetted on 30 April 2009 and tabled in the Council on 6 May 2009.

37. Regarding the nine Orders relating to consular matters, the Chairman said that three of the Orders were concerned with the granting of additional privileges and immunities to the consular posts and personnel of the relevant countries, while the remaining six the administration of estates by consular officers.

38. Mr James TO considered it necessary to form a subcommittee to study the nine Orders relating to consular matters.

39. The Chairman proposed that a subcommittee be formed to study the nine Orders in detail. Members agreed. The following Members agreed to join: Dr Margaret NG, Mr James TO and Dr Priscilla LEUNG.

40. Members did not raise any queries on the other six items of subsidiary legislation.

41. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 3 June 2009, or 24 June 2009 if extended by resolution.

IV. Business for the Council meeting on 13 May 2009

(a) Questions
(LC Paper No. CB(3) 559/08-09)

42. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the meeting.

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(b) **Bills - First Reading and moving of Second Reading**

(i) **Dutiable Commodities (Amendment) Bill 2009**

(ii) **Inland Revenue (Amendment) Bill 2009**

43. The Chairman said that the Administration had given notice to present the above two Bills to the Council on 13 May 2009. The House Committee would consider the Bills at its meeting on 15 May 2009.

(c) **Government motion**

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

(d) **Members' motions**

(i) **Motion on "Enhancing the tax system to keep Hong Kong competitive"**

(Wording of the motion issued vide LC Paper No. CB(3) 545/08-09 dated 30 April 2009.)

(ii) **Motion on "Proposed establishment of a Tourism Bureau with dedicated responsibility for handling tourism issues"**

(Wording of the motion issued vide LC Paper No. CB(3) 542/08-09 dated 30 April 2009.)

45. The Chairman said that the above motions would be moved by Mr Paul CHAN and Mr Paul TSE respectively and the wording of their motions had been issued to Members. She added that the deadline for giving notice of amendments to the motions had expired.

V. The Chief Executive's Question and Answer Session on 14 May 2009

46. The 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.

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

48. Members did not raise any particular issues for discussion in the Q & A Session.

VI. Business for the Council meeting on 20 May 2009

(a) **Questions**

(LC Paper No. CB(3) 560/08-09)

49. 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**

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

(c) **Government motions**

(i) **Proposed resolution to be moved by the Financial Secretary under the Public Finance Ordinance**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 553/08-09 dated 4 May 2009.)

(LC Paper No. LS 68/08-09)

(ii) **Proposed resolution to be moved by the Financial Secretary under the Loans Ordinance**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 554/08-09 dated 4 May 2009.)

(LC Paper No. LS 68/08-09)

51. The Chairman said that the two proposed resolutions were related to the launching of the Government Bond Programme.

52. The Chairman said that the Panel on Financial Affairs had been briefed on the legislative proposals at its meeting on 4 May 2009, and would further discuss the matter on 11 May 2009.

53. Mr Ronny TONG said that when the matter was discussed at the Panel meeting on 4 May 2009, many members had indicated that a subcommittee should be formed to study the legislative proposals. He considered it necessary to form a subcommittee to study the proposed resolutions.

54. The Chairman proposed that a subcommittee be formed to study the proposed resolutions in detail. Members agreed. The following Members agreed to join: Mr Albert HO, Mr James TO, Mr CHAN Kam-lam, Ms Miriam LAU, Mr Abraham SHEK, Mr WONG Ting-kwong, Mr Ronny TONG, Dr LAM Tai-fai, Mr CHAN Kin-por, Miss Tanya CHAN and Mrs Regina IP.

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55. The Chairman said that the Administration would be requested to withdraw its notices for moving the two proposed resolutions.

56. In response to Mrs Regina IP's enquiry, the Chairman said that legislative proposals effected by way of resolutions were not included in the Administration's Legislative Programme.

(iii) Proposed resolution to be moved by the Secretary for Education under the Education Ordinance

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 547/08-09 dated 30 April 2009.)

(LC Paper No. LS 67/08-09)

57. The Chairman said that the proposed resolution was for seeking the approval of the Legislative Council (LegCo) to repeal "1 July 2009" and substitute "1 July 2011" as the date by which the sponsoring body of an aided school should submit a draft of the constitution of its proposed incorporated management committee.

58. The Chairman said that the Panel on Education had discussed the proposed resolution at its special meeting held on 30 March 2009, and members in general supported it.

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

(d) Members' motions

(i) Motion on "Urging enterprises to fulfill their social responsibility"

(Wording of the motion issued vide LC Paper No. CB(3) 569/08-09 dated 7 May 2009.)

(ii) Motion on "Promoting the development of the testing and certification industry in Hong Kong"

(Wording of the motion issued vide LC Paper No. CB(3) 570/08-09 dated 7 May 2009.)

60. The Chairman said that the above motions would be moved by Mr CHAN Kam-lam and Mr Andrew LEUNG respectively and the wording of their motions had been issued to Members.

61. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 13 May 2009.

VII. Report of Bills Committees and subcommittees

(a) **Report of the Bills Committee on Road Traffic (Driving-offence Points) (Amendment) Bill 2009**

(LC Paper No. CB(1) 1487/08-09)

62. The Chairman, in her capacity as Chairman of the Bills Committee, reported that the purpose of the Bill was to address the problem of some drivers trying to circumvent the Driving-offence Points system by avoiding receiving summonses. The Bill sought to specify the manner in which a summons issued under the Road Traffic (Driving-offence Points) Ordinance was to be served, provide that a summons served by registered post in accordance with the Ordinance was deemed to have been served even if it was returned as undelivered, and require the Commissioner for Transport to refuse to issue, reissue or renew a driving licence to a person if the person failed to appear in court to answer a summons served on the person under the Ordinance.

63. The Chairman further reported that the Bills Committee had held four meetings, and had received views from the public at one of its meetings. The major issues discussed by the Bills Committee included the need to provide a self-contained mechanism on the service of summons for the Driving-offence Points system, and the rationale for the Administration's proposal not to empower the court to order a person to be disqualified from holding or obtaining a driving licence in the absence of that person.

64. The Chairman added that the Administration and the Bills Committee would not propose any Committee Stage amendments (CSAs) to the Bill. The Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting on 20 May 2009.

65. The Chairman reminded Members that the deadline for giving notice of CSAs, if any, was Monday, 11 May 2009.

(b) **Report of the Subcommittee on Building (Minor Works) Regulation**

66. Ir Dr Raymond HO, Chairman of the Subcommittee, reported that the Subcommittee had just completed its scrutiny work on the day before the House Committee meeting. He would make a verbal report at the House Committee meeting, and the written report would be provided to Members the following week.

67. Ir Dr HO elaborated that the principal object of the Regulation was to provide for various matters relating to the implementation of the minor works control system (MWCS). The major areas covered by the Regulation

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included -

- (a) classification of minor works and details of minor works items;
- (b) simplified requirements for carrying out minor works;
- (c) registration of "registered minor works contractors" (RMWCs);
- (d) duties of building professionals and registered contractors in carrying out minor works; and
- (e) household minor works validation scheme.

68. Ir Dr HO further reported that the Subcommittee had held six meetings with the Administration, and had received views from the trade. The Subcommittee and the trade generally supported the introduction of MWCS.

69. Regarding the requirement that a Minor Works Contractors Registration Committee (Registration Committee) should include one person nominated by the Building Authority (BA), Ir Dr HO said that members were of the view that the criteria for nomination should be clearly specified. To address members' concern, the Administration would move amendments to clarify its intention that BA would only nominate a person with professional experience and knowledge of minor building works as a member of the Registration Committee.

70. Ir Dr HO further reported that the Subcommittee had requested the Administration to consider specifying the circumstances under which BA would refer an application to the Registration Committee, and the timing for making such a referral. The Administration explained that BA would consider the nature of the minor works involved, as well as the qualification, background and experience of the applicant, in deciding whether to refer an application to the Registration Committee. In view of members' concerns, the Administration would make amendments to specify in the Regulation that BA would make a referral and convene a meeting of the Registration Committee within three months upon receipt of an application.

71. As regards the provision that an applicant aggrieved by the decision in respect of his application for registration as RMWC might lodge an appeal to the Court of First Instance, Ir Dr HO said that the Subcommittee had requested the Administration to explore other channels for the applicant to lodge an appeal, as small-scale minor works practitioners might not afford the cost of bringing a case to the Court of First Instance. Having considered members' concerns, the Administration had agreed to move amendments to provide for the establishment of a Review Committee to review unsuccessful applications.

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The Administration had also undertaken to consider members' suggestion of shortening the time limit for the Review Committee to review unsuccessful applications from within four to three months and to revert to members on its decision as soon as practicable.

72. In respect of the specified form(s) for notifying BA of the commencement and completion of minor works, Ir Dr HO said that in response to members' request, the Administration had undertaken to add a remark in the specified form(s) to remind the person who arranged for the minor works of the need to seek the building owner's/co-owners' prior consent before carrying out the minor works as well as the responsibilities of such owners, including civil liabilities under the deeds of mutual covenant.

73. Ir Dr HO further reported that the Subcommittee noted that the Administration would mount an extensive public education campaign to promote MWCS to both the general public and the industry. In response to members' request, the Administration would also conduct briefing sessions on the system for interior design professional institutions and renovation companies. He added that the Subcommittee had discussed the Regulation in detail and supported the amendments to be moved by the Administration at the Council meeting on 20 May 2009.

VIII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 1469/08-09)

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

IX. Duty visit to Guangdong Province by members of the Panel on Economic Development and the Panel on Environmental Affairs

(LC Paper No. CB(1) 1497/08-09)

75. At the invitation of the Chairman, Secretary General (SG) reported on arrangements for the duty visit to the Guangdong Province from 15 to 18 May 2009 by a delegation, comprising members of the Panel on Economic Development and the Panel on Environmental Affairs, to be led by the President in response to an invitation of the People's Government of Guangdong Province (PGGP). SG said that the Panel on Economic Development and the Panel on Environmental Affairs had separately written to the Guangdong authorities exploring the opportunities of exchanging views with the Mainland authorities and visiting some facilities relating to economic

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development and environmental protection. In response, PGGP had extended an invitation to the President and members of the two Panels to visit facilities which had an impact on the economic development and environmental protection of the Pearl River Delta (PRD) Region in Shenzhen, Guangzhou and Zhuhai from 15 to 18 May 2009.

76. SG further said that the two Panels held a special joint meeting on 5 May 2009 to discuss the facilities to be included in the duty visit as well as the related logistical arrangements. At the meeting, members had raised some views and suggestions about the duty visit. She took the opportunity to report to Members on the latest development.

77. SG reported that some members had hoped that the delegation could visit more facilities related to air quality improvement and acquire a better understanding of the difficulties encountered by Hong Kong entrepreneurs operating factories in the PRD Region. These views had been relayed to PGGP. PGGP welcomed these views and would see whether these could be accommodated in the programmes for the delegation.

78. SG added that as regards some members' preference for more exchange of views with the Mainland officials rather than briefings by the officials, PGGP shared the same view and would arrange more discussion sessions. In this respect, the Secretariat had also approached the Hong Kong Economic and Trade Office (HKETO) in Guangdong which also considered it a good opportunity for exchange of views between the delegation and the Hong Kong entrepreneurs in the Mainland. Through the HKETO in Guangdong, a dinner and a discussion session would be held in the evening of 15 May 2009 at Shenzhen for members of the delegation to meet with the Hong Kong entrepreneurs who had business in the Mainland.

79. As regards some members' suggestion to invite environmental experts in the Government to provide technical advice to members during the duty visit, SG said that the Environmental Protection Department had agreed to arrange for one or two officers of the Environmental Protection Officer Grade to accompany the delegation.

80. Concerning the immigration arrangements, SG added that the President had noted the views expressed by some members. The President considered that to respect the host and to ensure that the logistical arrangements would be smooth, the delegation should try to stay as a group as far as possible. However, as some members had indicated that they could only join the duty visit from the second day onwards due to prior commitments, special arrangement had been made to provide another departure time on the second day, i.e. 16 May 2009 (Saturday), to enable these members to join the delegation also as a group. In other words, there would be two departure

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times from the Legislative Council Building, namely, at 3:00 pm after the meeting of the House Committee on 15 May 2009 (Friday), and at 5:00 pm on 16 May 2009 (Saturday). The members concerned had been consulted and they considered the arrangement acceptable. The President considered that such arrangement should apply to members holding valid Hong Kong and Macau Resident Entry and Exit Permits (the Entry and Exit Permits) and one-time visit passes alike, and was liaising with PGGP in this regard.

81. SG informed Members that the Secretariat staff would conduct a recce on 11 May 2009 before finalizing the itinerary. The itinerary and the relevant background information on the facilities to be visited would be provided to members of the delegation early next week. A short meeting would be held on 13 May 2009 to brief members of the delegation on the itinerary and the finalized logistical arrangements.

82. Mr Albert HO said that the issuance of one-time visit passes instead of Entry and Exit Permits to certain members of the delegation was already a form of discrimination. These members would not accept yet another form of discrimination in respect of the immigration arrangements. If the two departure times would be open to all members of the delegation, he would consider the arrangement acceptable. He enquired about the feasibility of arranging a session to enable members of the delegation to freely exchange views with senior Mainland officials on topics of mutual concern, such as detention and kidnap of Hong Kong entrepreneurs.

83. SG said that the delegation would host a dinner at Nansha for the Mainland officials who had received the delegation. Arrangement could be made for members of the delegation to freely exchange views with the Mainland officials for a period of time during that evening. SG added that this would be the only time slot available for that purpose.

84. In response to Mr Albert HO's enquiry, the Chairman said that such kind of exchange was normally held before dinner and lasted about one to one and a half hour.

85. Mr Albert HO said that it did not matter whether the exchange would be held before or after dinner. He hoped that there could be one and a half hours for such exchange given the large size of the delegation.

86. SG undertook to explore the feasibility of such an arrangement.

87. While welcoming the President's view on equal treatment without discrimination, Ms Emily LAU said that she considered it totally unacceptable for Entry and Exit Permits not to be issued to certain LegCo Members for so many years. She hoped that the President could assist these Members to

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obtain Entry and Exit Permits. She added that she had been dissuaded by her family members from joining the visit because of this discriminatory treatment and also because they considered the issue of one-time permits not addressing the problem. While she appreciated that the alternative arrangement had aimed to eliminate unfair treatment to members, it also bundled all members of the delegation together, making it necessary for those holding Entry and Exit Permits to depart on either Friday or Saturday only but not at any other time. She was of the view that the Central Government had screened the membership of the 18 Panels before deciding which Panels were to be invited to visit the Mainland. She expressed regret at such doing as it had excluded some members from the visit. In her view, inviting the two Panels for a visit to the Mainland at such a time was to cool down public sentiments before the June 4 anniversary and the July 1 protest. She reiterated that the non-issuance of Entry and Exit Permits to certain LegCo Members was totally unacceptable.

88. Mr LEUNG Kwok-hung said that the issue was not so much about whether members could or could not join the visit at a different time but the freedom to join the visit at any time the members so wished, as was the case when he visited Europe. He believed that the invitation extended by PGGP was with good intention, but it was not appropriate to impose too many restrictions. In his view, only an authoritarian government would impose restrictions and require strict adherence. He opined that the duty visit should be conducted in a more relaxed manner. He wished the duty visit a success.

89. Mr Jeffrey LAM expressed his appreciation to the Secretariat for making the logistical arrangements for the duty visit. He said that it was not an easy task to accommodate the many requests of members of the delegation. In his view, the members of a delegation should act together in the duty visit. It would create undue inconvenience should individual members arrive late or leave early. He added that the Panel on Economic Development had written to the Guangdong authorities to explore the opportunities of exchanging views with the relevant Mainland authorities and visiting facilities related to economic development. As the invitation was extended to members of the Panel on Economic Development and the Panel on Environmental Affairs, he hoped that the focus of exchange with the Guangdong authorities would be on economic and environmental aspects. Other aspects should not be included in the programmes of the duty visit. Should members of the delegation have interest in other areas, they should request the relevant Panels to arrange another visit to the Mainland. He hoped that the programmes of the duty visit could be finalized soon.

90. Mr CHAN Kam-lam said that the two Panels had taken the initiative to write to the Guangdong authorities to explore the feasibility of visiting certain facilities in the Mainland. It was in response to the Panels' request that PGGP had extended an invitation to members of these two Panels. He did not

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believe that the invitation had anything to do with the June 4 anniversary nor had membership of Panels been screened before the invitation was extended. Referring to the tentative programme for the delegation, he pointed out that the schedule was tight and members' requests had been accommodated as far as practicable. There were clear objectives in the duty visit and he hoped that such objectives could be achieved. As a delegation, it was only natural to expect its members to travel as a group. He would not interpret this expectation as a restriction being imposed on members of the delegation or a discrimination. He thanked the President and the Secretariat for making suitable arrangements to accommodate the need of members.

91. Mr LEE Cheuk-yan said that the need for members of the delegation to depart at the designated times and return together as a group was clearly a restriction. Such an arrangement differed from that adopted for duty visits to other places conducted by LegCo, and this reflected the lack of freedom for members of the delegation. He regretted that the dignity of LegCo had been hampered. He stressed the importance of mutual trust and mutual respect.

92. Mr LEUNG Yiu-chung said that he would not participate in the visit as he was not a member of the two Panels. He pointed out that with increasing interaction and cooperation between the Mainland and Hong Kong, more duty visits by LegCo to the Mainland might be conducted in future. He was concerned that the arrangements for the duty visit might set a precedent for future duty visits. In his view, the arrangements should be no different from those adopted for duty visits to other places conducted by LegCo. He stressed the importance of not imposing too many restrictions on members of the delegation, as this would make them feel uncomfortable and affect the smooth conduct of the duty visit. He recalled that no similar restrictions had been imposed on Members in their visit to the PRD Region led by the Chief Executive (CE) in 2005.

93. Mr Albert HO said that he also recalled that no similar restrictions had been imposed on Members in the visit led by CE in 2005. While Members belonging to the Democratic Party would accept certain arrangements for the duty visit if they were not discriminated, he considered the restrictions unnecessary and certainly not the best arrangements as members of the delegation would feel uncomfortable and embarrassed. In his view, it would be best to adopt the same arrangements as those for the 2005 visit led by CE. He further said that so far, all Members belonging to the Democratic Party who would join the duty visit had indicated that they would go on the first day and return on the last day of the visit.

94. The Chairman said that as she had not taken part in the visit led by CE in 2005, she was not sure whether any restrictions had been imposed for that visit. Nevertheless, she pointed out that the 2005 visit lasted only for two

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days, while the one under discussion was four days. In concluding the discussions, the Chairman assured Members that the Secretariat would make its best efforts to accommodate the needs of members of the delegation.

X. Any other business

95. There being no other business, the meeting ended at 3:27 pm.

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Legislative Council Secretariat
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