

立法會
Legislative Council

LC Paper No. CB(2) 675/09-10

Ref : CB2/H/5/09

House Committee of the Legislative Council

**Minutes of the 9th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 18 December 2009**

Members present :

Hon Miriam LAU Kin-yee, GBS, JP (Chairman)
Hon Fred LI Wah-ming, SBS, JP (Deputy Chairman)
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon LEE Cheuk-yan
Dr Hon Margaret NG
Hon CHEUNG Man-kwong
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
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 LI Fung-ying, BBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Albert CHAN Wai-yip
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, SBS, JP
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
Dr Hon Joseph LEE Kok-long, SBS, 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 CHEUNG Hok-ming, GBS, JP
Hon WONG Ting-kwong, BBS, JP
Hon Ronny TONG Ka-wah, SC
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 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

Members absent :

Dr Hon David LI Kwok-po, GBM, GBS, JP
Hon James TO Kun-sun
Hon LEUNG Yiu-chung
Dr Hon Philip WONG Yu-hong, GBS
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon CHIM Pui-chung
Hon WONG Sing-chi
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)
Ms Connie FUNG	Senior Assistant Legal Adviser 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mrs Sharon TONG	Principal Council Secretary (Complaints)

Mr Simon WONG	Chief Public Information Officer
Miss Odelia LEUNG	Chief Council Secretary (2)6
Mr Timothy TSO	Assistant Legal Adviser 2
Miss Kitty CHENG	Assistant Legal Adviser 5
Miss Winnie LO	Assistant Legal Adviser 7
Ms Amy YU	Senior Council Secretary (2)3
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)8

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I. Confirmation of the minutes of the 8th meeting held on 11 December 2009
(LC Paper No. CB(2) 555/09-10)

The minutes were confirmed.

II. Matters arising

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

Special House Committee meeting

2. The Chairman said that CS had informed the Legislative Council (LegCo) Secretariat in the morning of the House Committee meeting of his proposal to attend a special meeting of the House Committee on 7 January 2010 from 9:00 am to 10:30 am to exchange views with Members on the subject of "Economic co-operation with Guangdong".

3. Mrs Regina IP said that she would be out of town from 5 to 10 January 2010. As the proposer of the subject for discussion, she was disappointed at not being able to attend the meeting. She enquired if it was feasible to consult CS for an alternative date for the special House Committee meeting.

4. The Chairman said that she had been following up with CS for some weeks on the date of the special House Committee meeting. CS had a tight schedule, and the Secretariat had just been informed of the proposed date of 7 January 2010 in the morning of the House Committee meeting. The Chairman invited Members' views on Mrs Regina IP's request.

5. Mr IP Kwok-him considered it agreeable to consult CS on the feasibility of attending the special House Committee meeting on another date.

6. The Chairman said that the matter would be followed up with CS.

Attendance of Government officials at debates on Members' motions without legislative effect

7. Mrs Regina IP expressed dissatisfaction that only the Secretary for Financial Services and the Treasury (SFST) had attended the debate on the motion on "Formulating operational standards for public organizations" moved by her at the Council meeting on 16 December 2009. She said that the subject concerned some 60 public organizations, and during the debate Members had touched on many such organizations including the Hong Kong Trade Development Council, the Hong Kong Productivity Council, the MTR Corporation Limited and the Hong Kong Housing Society. As the subject of the motion straddled various policy areas, the fielding of SFST as the only Government official to attend the debate was disrespectful to LegCo. In her view, the motion debate should have been attended by all the relevant Directors of Bureau or a Secretary of Department. She requested the Chairman to relay her views to CS.

8. The Chairman said that she would request CS to field appropriate Government officials to attend debates on Members' motions which straddled various policy areas.

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)

Toys and Children's Products Safety (Amendment) Bill 2009
(LC Paper No. LS 26/09-10)

9. The Chairman said that the Bill sought to amend the Toys and Children's Products Safety Ordinance by replacing the safety standards for toys and children's products with new standards and enabling the Secretary for Commerce and Economic Development to amend the standards by notice published in the Gazette.

10. The Chairman further said that the Panel on Economic Development had been consulted on the legislative proposals at its meeting on 16 November 2009, and members were in support of the proposals.

11. Ms Emily LAU considered it necessary to form a Bills Committee to study the Bill.

12. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Mr Fred LI and Ms Emily LAU.

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13. The Chairman said that a circular would be issued to invite Members to join the Bills Committee. Subject to no less than three Members joining, the Bills Committee would be formed. The Chairman further said that as there were vacant slots, the Bills Committee could commence work immediately.

(b) **Legal Service Division report on subsidiary legislation gazetted on 11 December 2009**

(LC Paper No. LS 27/09-10)

14. The Chairman said that a total of six items of subsidiary legislation, including four Commencement Notices, were gazetted on 11 December 2009.

15. Regarding the Carriage by Air (Revision of Limits of Liability) (Montreal Convention) Notice 2009 made under section 21(1) of the Carriage by Air Ordinance, the Chairman said that it was not required to be tabled before LegCo and was not subject to amendment by LegCo.

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

17. The 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 13 January 2010.

IV. Business for the Council meeting on 6 January 2010

(a) **Questions**

18. The Chairman reminded Members that the cut-off date for registration of questions to be raised at the Council meeting was 12:00 midnight of the day of the House Committee meeting.

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

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

(c) **Government motion**

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

(d) **Members' motions**

(i) **Motion to be moved by Hon Starry LEE Wai-king**

(ii) **Motion to be moved by Hon IP Kwok-him**

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21. The Chairman said that Ms Starry LEE and Mr IP Kwok-him had each been allocated a debate slot. The Secretariat would later inform Members of the subjects of the motions by circulars.

22. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Tuesday, 29 December 2009.

Subsidiary legislation the period for amendment of which would expire on 6 and 13 January 2010 respectively

23. The Chairman said that two lists of subsidiary legislation the period for amendment of which would expire on 6 and 13 January 2010 respectively had been tabled at the meeting.

24. The Chairman further said that the Clerk would issue the relevant reports to Members and invite Members to indicate their intention to speak on the subsidiary legislation. If no notification had been received from Members for speaking on any items of the subsidiary legislation covered in the reports, debates on the reports would not be held at the relevant Council meetings.

V. Report of Bills Committees and subcommittees

(a) Report of the Bills Committee on Inland Revenue (Amendment) (No. 3) Bill 2009

(LC Paper No. CB(1) 688/09-10)

25. The Chairman said that Mr Paul CHAN, Chairman of the Bills Committee, had given a verbal report at the last House Committee meeting. A written report was provided for the House Committee meeting.

(b) Report of the Subcommittee on Dumping at Sea (Exemption) (Amendment) Order 2009

(LC Paper No. CB(1) 665/09-10)

26. Mr Albert HO, Chairman of the Subcommittee, reported that the Subcommittee had held two meetings and supported in principle the Amendment Order which sought to apply the regulatory control regime under the Dumping at Sea Ordinance to the new sediment disposal facility in the east of Sha Chau.

27. Mr HO highlighted that members had expressed concern about the regulatory control for disposal operations, the adverse impact of the contaminated sediment disposal facilities on marine environment and the reinstatement of the marine ecology. He further said that in accordance with the new procedure for holding debates in the Council on subsidiary legislation to which no amendment had been proposed, he would speak on the Amendment Order at the Council meeting on 6 January 2010 and make a

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detailed report on the concerns expressed by the Subcommittee over the regulatory control for disposal operations and environmental monitoring of the disposal facilities.

28. The Chairman reminded Members that as the deadline for amending the subsidiary legislation was 6 January 2010, the deadline for giving notice of amendments, if any, was Tuesday, 29 December 2009.

(c) **Report of the Subcommittee on Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedules) Order 2009**
(LC Paper No. CB(1) 689/09-10)

29. At the invitation of the Chairman, Dr Margaret NG reported the deliberations of the Subcommittee on behalf of its Chairman, Ms Audrey EU, who had left the meeting. She reported that the Order sought to implement the second phase of the mandatory Energy Efficiency Labelling Scheme (EELS) to include washing machines and dehumidifiers.

30. Dr NG elaborated that under the Order, "washing machine" included those with a rated washing capacity not exceeding 7 kilograms (kg), and "dehumidifier" included those with a rated dehumidifying capacity not exceeding 87 litres (L) per day. The Subcommittee had expressed concern about the scope of the two prescribed products under the mandatory EELS. Some members had pointed out that washing machines with a rated washing capacity exceeding 7kg were not uncommon in the local market, whereas dehumidifiers with a rated dehumidifying capacity exceeding 35L per day were not common for domestic application. The Administration had been requested to explain the rationale for the proposed scope of the two products.

31. Dr NG further said that the Administration's explanation was that the scope of washing machines under the mandatory EELS was consistent with that under the voluntary EELS. According to a trade survey commissioned by the Electrical and Mechanical Services Department in 2008, the sales volume of washing machines with a rated washing capacity exceeding 7kg accounted for around 1% (about 2 300 units) of the total annual sales quantity of washing machines in Hong Kong. The compliance cost for including such washing machines under the mandatory EELS would be relatively higher. In the light of the Subcommittee's concern, the Administration had conducted a questionnaire survey on all members of the trade task force on a proposal to change the scope of washing machines covered under the mandatory EELS to those with a rated washing capacity exceeding 7kg. The majority of them had expressed reservations about the proposed expansion as it might drive some of the products out of the market and this would reduce consumers' choice. Given the trade's views and the limited potential energy saving of the proposed expansion of scope, the Administration considered that the original scope of washing machines under the mandatory EELS should be kept.

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32. Dr NG pointed out that according to the Administration, the scope of dehumidifiers was proposed after reference had been made to relevant international practices, such as those in the United States and Canada. In the light of the Subcommittee's concern, the Administration had also consulted members of the trade task force in the questionnaire survey on narrowing down the coverage of dehumidifiers to those with a rated dehumidifying capacity not exceeding 35L. Most of them had indicated support for the proposed change on the ground that the annual sales volume of dehumidifiers with a capacity exceeding 35L was very small. The Administration would therefore move amendments to narrow down the scope of dehumidifiers to those with a capacity not exceeding 35L. The Subcommittee supported the proposed amendments.

33. Dr NG added that other major issues considered by the Subcommittee included the measurement of energy performance of washing machines and dehumidifiers, progress of the initial phase of the mandatory EELS, further expansion of product coverage under the mandatory EELS, and recycling of spent compact fluorescent lamps.

34. The Chairman reminded Members that as the deadline for amending the subsidiary legislation was 6 January 2010, the deadline for giving notice of amendments, if any, was Tuesday, 29 December 2009.

VI. Position on Bills Committees and subcommittees
(LC Paper No. CB(2) 556/09-10)

35. The Chairman said that there were 10 Bills Committees, three subcommittees on policy issues under the House Committee and seven subcommittees under Panels in action.

VII. Any other business

36. The Chairman said that as it was the last House Committee meeting in 2009, she would like to take the opportunity to wish Members a Merry Christmas and a Happy New Year.

37. There being no other business, the meeting ended at 2:48 pm.