

立法會  
*Legislative Council*

LC Paper No. CB(2) 1067/09-10

Ref : CB2/H/5/09

**House Committee of the Legislative Council**

**Minutes of the 16th meeting  
held in the Legislative Council Chamber  
at 2:30 pm on Friday, 5 March 2010**

**Members present :**

Hon Fred LI Wah-ming, SBS, JP (Deputy Chairman)  
Hon Albert HO Chun-yan  
Hon LEE Cheuk-yan  
Dr Hon Margaret NG  
Hon James TO Kun-sun  
Hon CHEUNG Man-kwong  
Hon LEUNG Yiu-chung  
Dr Hon Philip WONG Yu-hong, GBS  
Hon WONG Yung-kan, SBS, JP  
Hon LAU Kong-wah, JP  
Hon Emily LAU Wai-hing, JP  
Hon Andrew CHENG Kar-foo  
Hon Abraham SHEK Lai-him, SBS, JP  
Hon LI Fung-ying, BBS, JP  
Hon Tommy CHEUNG Yu-yan, SBS, JP  
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, SBS, JP  
Hon WONG Ting-kwong, BBS, JP  
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  
Hon CHAN Hak-kan  
Hon Paul CHAN Mo-po, MH, JP  
Hon CHAN Kin-por, JP  
Dr Hon Priscilla LEUNG Mei-fun  
Hon CHEUNG Kwok-che

Hon WONG Sing-chi  
Hon IP Wai-ming, MH  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Dr Hon Samson TAM Wai-ho, JP

**Members absent :**

Hon Miriam LAU Kin-ye, GBS, JP (Chairman)  
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP  
Dr Hon David LI Kwok-po, GBM, GBS, JP  
Hon CHAN Kam-lam, SBS, JP  
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP  
Hon LAU Wong-fat, GBM, GBS, JP  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon Jeffrey LAM Kin-fung, SBS, JP  
Hon Andrew LEUNG Kwan-yuen, SBS, JP  
Hon CHEUNG Hok-ming, GBS, JP  
Dr Hon LAM Tai-fai, BBS, JP  
Dr Hon LEUNG Ka-lau  
Hon WONG Kwok-kin, BBS  
Hon IP Kwok-him, GBS, JP  
Dr Hon PAN Pey-chyou  
Hon Paul TSE Wai-chun

**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
Miss Eric TSANG	Acting Principal Council Secretary (Complaints)
Mr Simon WONG	Chief Public Information Officer
Miss Odelia LEUNG	Chief Council Secretary (2)6
Mr Kelvin LEE	Assistant Legal Adviser 1
Mr Stephen LAM	Assistant Legal Adviser 4
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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Action

**I. Confirmation of the minutes of the 15th meeting held on 26 February 2010**

*(LC Paper No. CB(2) 1012/09-10)*

The minutes were confirmed.

**II. Matters arising**

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

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

**III. Business arising from previous Council meetings**

**Legal Service Division report on subsidiary legislation gazetted on 26 February 2010 and tabled in Council on 3 March 2010**

*(LC Paper No. LS 51/09-10)*

3. At the invitation of the Deputy Chairman, Legal Adviser (LA) said that five items of subsidiary legislation were gazetted on 26 February 2010 and tabled in the Council on 3 March 2010. Three of these were related to the 2010-2011 Budget and included the Public Revenue Protection Order 2010, Rating (Exemption Order) 2010 and Revenue (Reduction of Business Registration Fess) Order 2010.

4. Mrs Regina IP said that the provisions for conducting the Legislative Council (LegCo) by-election for five geographical constituencies had been included in the draft 2010-2011 Estimates. In connection with the conduct of the by-election, she had received notice from the Administration for removal of the publicity signboards displayed at certain public spots. She was concerned whether the Administration could reimburse Members for the removal costs incurred by way of increasing the provisions for the by-election.

5. The Deputy Chairman said that the matter raised by Mrs Regina IP was not relevant to the three items of subsidiary legislation under discussion. Should Members wish to discuss it, a proposal should be made for its inclusion in the agenda for the House Committee meeting.

6. Ms Emily LAU considered it more appropriate to discuss the matter at the special Finance Committee meetings to be held to examine the draft Estimates for 2010-2011. She said that if policy issues were involved, the matter could also be discussed by the Panel on Constitutional Affairs which would hold its next meeting on 19 March 2010. In her view, the House Committee was not an appropriate forum to discuss the matter.

Action

7. The Deputy Chairman shared the view that the matter could be discussed at the special Finance Committee meetings.

8. Ms Emily LAU said that should Mrs Regina IP agree to discuss the matter at the special Finance Committee meetings, the Secretariat could inform the Administration beforehand.

9. Dr Priscilla LEUNG shared the view that the matter should be discussed at the special Finance Committee meetings as it was related to expenditure.

10. Mr LAU Kong-wah said that as the deadline for removing the publicity signboards was before 15 March 2010, it might be too late for the matter to be discussed at the special Finance Committee meetings scheduled for late March 2010. He stressed that the arrangement was unfair to all incumbent LegCo Members and District Council members. However, he did not subscribe to a view that the Administration should remove the publicity signboards on behalf of Members and compensate Members for the removal as public resources would be wasted. He considered it appropriate to discuss the matter at the next House Committee meeting on 12 March 2010.

11. The Deputy Chairman reiterated that Members should not continue discussion on the matter as it was not relevant to the three items of subsidiary legislation. He said that as the matter was relevant to all Members, Members could discuss among themselves after the House Committee meeting the appropriate forum for discussing the matter.

12. Ms Emily LAU agreed with the Deputy Chairman's suggestion.

13. Mr WONG Yung-kan said that many Tai Po District Council members had expressed grave dissatisfaction with the matter. Some of them were required to remove publicity signboards which had only been erected recently. He considered that the situation faced by District Council members should also be taken into account at the discussion by Members.

14. Mr WONG Kwok-hing said that it would be too late to discuss the matter at the special Finance Committee meetings. He requested the Deputy Chairman to take up the matter expeditiously with the Administration. He further said that he and Dr PAN Pey-chyou had displayed 290 publicity signboards, the removal of which would cost \$45,000.

15. The Deputy Chairman said that Members should not continue to discuss the matter as it was not on the agenda of the meeting. Members should consider the appropriate forum for discussing the matter, such as at the special Finance Committee meetings or at a meeting of the Panel on Constitutional Affairs. He could not see why the deadline for removing the publicity signboards should be set at 15 March 2010.

16. Dr Priscilla LEUNG said that the matter was concerned not only with cost but also with policy. The issue at stake was whether it was a policy for

Action

all the existing publicity signboards to be removed to give room to those to be displayed for the by-election. She considered that there was an urgency to discuss the matter. She pointed out that should the deadline of 15 March 2010 be deferred, persons who had removed their signboards before the deadline might consider it unfair. She sought advice from the Deputy Chairman on the ways to deal with the matter.

17. The Deputy Chairman said that any Member might make a proposal for discussing the matter at the next House Committee meeting if considered necessary.

18. Regarding the Designation of Libraries Order 2010, LA said that it sought to designate the Students' Study Room on the first floor of Tung Chung Municipal Services Building as a library. The Order came into operation on 1 March 2010.

19. Mr WONG Kwok-hing said that Duty Roster Members under the LegCo Redress System were handling a complaint on issues relevant to the Order, and the complaint had yet to be resolved. He considered it necessary to form a subcommittee to study the Order.

20. In response to the Deputy Chairman, LA clarified that Members could form a subcommittee to scrutinize the Order notwithstanding its having already come into operation.

21. The Deputy Chairman proposed that a subcommittee be formed to study the Order in detail. Members agreed. The following Members agreed to join: Mr LEUNG Yiu-chung, Mr WONG Kwok-hing and Mr LEE Wing-tat.

22. To allow sufficient time for scrutiny of the Order, the Deputy Chairman proposed the moving of a motion by the Chairman of the House Committee at the Council meeting on 17 March 2010 to extend its scrutiny period to 21 April 2010. Members agreed.

23. Members did not raise any queries on the other four items of subsidiary legislation.

24. The Deputy Chairman reminded Members that the deadline for amending the four items of subsidiary legislation was 17 March 2010.

**IV. Further business for the Council meeting on 10 March 2010**

**Questions**

*(LC Paper No. CB(3) 502/09-10)*

25. The Deputy Chairman said that Ms Starry LEE and Mr WONG Sing-chi had replaced their oral questions.

**V. Business for the Council meeting on 17 March 2010**

**(a) Questions**

*(LC Paper No. CB(3) 501/09-10)*

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

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

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

**(c) Government motion**

**Proposed resolution to be moved by the Secretary for Food and Health under the Pharmacy and Poisons Ordinance relating to:**

**(i) the Pharmacy and Poisons (Amendment) Regulation 2010;  
and**

**(ii) the Poisons List (Amendment) Regulation 2010**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 489/09-10 dated 25 February 2010.)  
(LC Paper No. LS 50/09-10)*

28. At the invitation of the Deputy Chairman, LA said that the proposed resolution was for seeking LegCo's approval of the Pharmacy and Poisons (Amendment) Regulation 2010 and the Poisons List (Amendment) Regulation 2010 to add two substances in Division A in both the First and Third Schedules to the Pharmacy and Poisons Regulations and to Division A in Part I of the Schedule to the Poisons List Regulations respectively so that poisons containing the substances could only be sold on registered premises of an authorized seller of poisons by a registered pharmacist or in the pharmacist's presence and under the pharmacist's supervision. He added that if the resolution was passed by LegCo on 17 March 2010, the Amendment Regulations would come into operation upon gazettal on 19 March 2010.

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

**(d) Members' motions**

**(i) Motion to be moved by Hon Tommy CHEUNG Yu-yan**

30. The Deputy Chairman said that the subject of the motion to be moved by Mr Tommy CHEUNG was "Supporting the market for traders running small businesses".

**(iii) Motion to be moved by Hon Mrs Sophie LEUNG LAU  
Yau-fun**

31. The Deputy Chairman said that the subject of the motion to be moved by Mrs Sophie LEUNG was "Adding impetus for promoting upward social mobility".

32. The Deputy Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 10 March 2010.

Subsidiary legislation the period for amendment of which would expire on  
17 March 2010

33. The Deputy Chairman said that a list of subsidiary legislation the period for amendment of which would expire on 17 March 2010 had been tabled at the meeting.

34. The Deputy Chairman further said that the Clerk would issue the relevant report to Members and invite Members to indicate their intention to speak on the subsidiary legislation. The deadline for giving such notification was 5:00 pm on Tuesday, 9 March 2010.

**VI. Report of Bills Committees and subcommittees**

**(a) Report of the Subcommittee on Census and Statistics (Annual  
Earnings and Hours Survey) Order**  

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*(LC Paper No. CB(1) 1282/09-10)*

35. Ms LI Fung-ying, Chairman of the Subcommittee, reported on the deliberations of the Subcommittee as detailed in its report. She said that the Order sought to provide for the conduct of a mandatory annual statistical survey by the Census and Statistics Department from 2010 onwards for the purpose of compiling statistics relating to the wage level and distribution, as well as the employment and demographic characteristics of employees in Hong Kong. The data obtained would be used for analyses related to the implementation of the Statutory Minimum Wage.

36. Ms LI further reported that the Subcommittee had held one meeting with the Administration to examine the Order. The major issues discussed by the Subcommittee included apportionment of sampled business establishments by employment size; statistics on job types straddling different industry sectors and employees engaged in outsourced services; survey reference period; meal benefits in kind as a wage component and false self-employment. She added that the Subcommittee generally supported the Order.

37. The Deputy Chairman reminded Members that as the deadline for amending the subsidiary legislation was 17 March 2010, the deadline for giving notice of amendments, if any, was Wednesday, 10 March 2010.

**(b) Report of the Subcommittee on Land (Compulsory Sale for Redevelopment) (Specification of Lower Percentage) Notice**

38. Prof Patrick LAU made a verbal report on the work of the Subcommittee on behalf of its Chairman, Mr CHAN Kam-lam, who was not able to attend the meeting.

39. Prof LAU reported that the Subcommittee had held six meetings so far, including one meeting to receive views from deputations, and would hold its next meeting on 8 March 2010. As at noon of the day of the House Committee meeting, the Subcommittee had received a total of 56 written submissions.

40. Prof LAU elaborated that the Subcommittee had held in-depth discussions with the Administration on the implementation of the Land (Compulsory Sale for Redevelopment) Ordinance (the Ordinance). Members had raised various concerns and suggestions about the Ordinance including protection of minority owners' interests, provision for owners' participation in private redevelopments, establishment of a mediation mechanism as well as social and environmental impacts of private redevelopments. Members had also expressed diverse views and concerns on the legislative proposal for lowering the application threshold for compulsory land sale from owning 90% of undivided shares in a lot to 80% and the scope of "second class of land lot".

41. Prof LAU further reported that the Subcommittee had passed a motion at its meeting on 1 March 2010 requesting the Administration to withdraw the Notice because the Notice could not provide effective protection for minority owners' interests and resolve building safety issues and the Administration had failed to set up a mediation mechanism. The Administration advised on 4 March 2010 that it did not agree to withdraw the Notice. However, it had undertaken to set up a mediation mechanism for applications made under the Ordinance. The Secretary for Development had also indicated at the Council meeting on 3 March 2010 that if the Notice was passed, the Administration would monitor its implementation and initiate a review of the Ordinance after the Lands Tribunal had handled a greater number of cases. Where necessary, the Administration would propose legislative amendments based on the outcome of the review to address Members' concerns.

42. The Deputy Chairman reminded Members that as the deadline for amending the subsidiary legislation was 17 March 2010, the deadline for giving notice of amendments, if any, was Wednesday, 10 March 2010.

**VII. Position on Bills Committees and subcommittees**

*(LC Paper No. CB(2) 1013/09-10)*

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

### **VIII. Any other business**

#### Proposal for a LegCo delegation to visit the Shanghai World Expo

44. Ms Emily LAU said that the President had made a proposal for a LegCo delegation to visit the World Expo to be held in Shanghai. She was concerned that Members had not been consulted on the proposal, and did not have information on the timing and objectives of the proposed visit. She indicated that Members belonging to the Democratic Party would make a proposal for discussing the matter at the next House Committee meeting. She hoped that in the meantime, the Secretariat would obtain from the President information regarding the proposed visit to facilitate Members' discussion.

45. At the invitation of the Deputy Chairman, Secretary General (SG) said that she had enquired with the President who indicated that in view of the positive response to the proposed visit, further details would be worked out. The Secretariat would collate more information on the proposed timing and programme of the visit for Members' consideration.

46. Ms Emily LAU sought the view of SG on the appropriate timing for discussing the proposed visit.

47. SG said that should a request be received for discussing the proposed visit at the next House Committee meeting, the Secretariat would prepare relevant information to facilitate Members' discussion.

48. Ms Emily LAU clarified that Members belonging to the Democratic Party did not have strong views on the timing for discussing the proposed visit. There was no urgency and the matter did not necessarily have to be discussed at the next House Committee meeting. Discussion could be held after the relevant information was ready. She was concerned about the status of the proposed visit, and stressed that Members should be properly consulted on the proposal.

49. The Deputy Chairman said that Members could consider the matter after a proposal for discussion had been made to the House Committee.

50. There being no other business, the meeting ended at 2:56 pm.