

立法會
Legislative Council

LC Paper No. CB(2) 1216/09-10

Ref : CB2/H/5/09

House Committee of the Legislative Council

**Minutes of the 17th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 12 March 2010**

Members present :

Hon Miriam LAU Kin-ye, GBS, JP (Chairman)
Hon Fred LI Wah-ming, SBS, JP (Deputy Chairman)
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Dr Hon David LI Kwok-po, GBM, GBS, JP
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon LEUNG Yiu-chung
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 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
Dr Hon LEUNG Ka-lau

Hon CHEUNG Kwok-che
Hon WONG Sing-chi
Hon IP Wai-ming, MH
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 :

Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Dr Hon Margaret NG
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon Timothy FOK Tsun-ting, 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
Hon WONG Kwok-kin, BBS
Hon IP Kwok-him, GBS, JP

Clerk in attendance :

Mrs Vivian KAM Clerk to the House Committee

Staff in attendance :

Mrs Justina LAM	Acting Secretary General
Mr Jimmy MA, JP	Legal Adviser
Mrs Constance LI	Assistant Secretary General 1
Mrs Percy MA	Assistant Secretary General (Special Duty)
Ms Connie FUNG	Senior Assistant Legal Adviser 1
Mr KAU Kin-wah	Acting Senior Assistant Legal Adviser 2
Mrs Sharon TONG	Principal Council Secretary (Complaints)
Mr Simon WONG	Chief Public Information Officer
Mr Watson CHAN	Head, Research and Library Services Division
Ms YUE Tin-po	Chief Council Secretary (1)3
Miss Odelia LEUNG	Chief Council Secretary (2)6
Mr Timothy TSO	Assistant Legal Adviser 2
Ms Amy YU	Senior Council Secretary (2)3
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)8

I. Confirmation of the minutes of the 16th meeting held on 5 March 2010
(LC Paper No. CB(2) 1067/09-10)

The minutes were confirmed.

II. Matters arising

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

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

Introduction of bills

3. Ms Audrey EU expressed concern about the pace on the part of the Administration in introducing the 14 bills on the updated Legislative Programme for the remaining months of the current session. She said that some of these bills were controversial, such as the Motor Vehicle Idling (Fixed Penalty) Bill, Competition Bill, Road Traffic Legislation (Amendment) Bill and Prevention of Money Laundering and Terrorist Financing (Financial Institutions) Bill. She stressed the need for the Administration to avoid bunching of bills towards the end of the session in order to allow sufficient time for Members' scrutiny.

4. The Chairman said that she would convey Ms EU's concern to CS. She added that unlike the end of a term when bills would lapse if the scrutiny work could not be completed by then, the scrutiny of bills introduced in the current session could continue in the summer months and the following session(s) of the Legislative Council ("LegCo") term. Nevertheless, she agreed that the bunching of bills towards the end of a session was undesirable.

5. Ms Audrey EU requested the Chairman to explore with CS the feasibility of providing information on the number of bills intended to be introduced by the Administration into the Council before the expiry of the current LegCo term in 2012, so that Members could monitor the progress of the legislative programmes. She reiterated the need for the Administration to introduce bills as early as possible according to schedule. She added that the Administration should not expect LegCo to rush through the scrutiny of bills which were introduced towards the end of a term or lay the blame on LegCo for not completing the scrutiny work before the expiry of the term.

6. The Chairman said that Members had raised this concern with CS many times. She agreed to reiterate the concern and convey Ms EU's request to CS.

III. Further business for the Council meeting on 17 March 2010

Tabling of papers

Report No. 6/09-10 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

(LC Paper No. CB(2) 1069/09-10 issued vide LC Paper No. CB(3) 532/09-10 dated 11 March 2010)

7. The Chairman said that the report covered seven items of subsidiary legislation, including the Land (Compulsory Sale for Redevelopment) (Specification of Lower Percentage) Notice ("the Notice"), the period for amendment of which would expire on 17 March 2010.

8. The Chairman further said that, upon the expiry of the deadline at 5:00 pm on 9 March 2010, some Members had notified their intention to speak on the Notice at the Council meeting on 17 March 2010. As six Members had given notices to amend the Notice, Members would have the opportunity to speak on it. As such, she would not move a motion to take note of the report in relation to the Notice. She added that a joint debate would be held on the proposed amendments, and each Member would have a speaking time limit of 15 minutes.

9. Ms Audrey EU said that as numerous amendments to the Notice would be moved by Members, she requested the Secretariat to provide information on the sequence for the moving of the proposed resolutions by Members, as Members had to take this into account in voting.

10. The Chairman said that the Secretariat would provide the requisite information to Members.

11. Members noted the report.

IV. Report of Bills Committees and subcommittees

Report of the Subcommittee on Subsidiary Legislation Relating to Transfer of Management of the Castle Peak Bay Immigration Centre

12. Mr James TO, Chairman of the Subcommittee, reported that the Subcommittee was formed to study four items of subsidiary legislation relating to the transfer of management of the Castle Peak Bay Immigration Centre ("CIC") from the Correctional Services Department to the Immigration Department. These were the Prisons (Amendment) Order 2010, Immigration (Places of Detention) (Amendment) Order 2010, Immigration (Treatment of Detainees) (Amendment) Order 2010 and Smoking (Public Health) Ordinance (Amendment of Schedule 2) Order 2010.

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13. Mr TO elaborated that the Subcommittee had held one meeting so far. Members noted a number of differences in the treatment of detainees in CIC managed by the Correctional Services Department and the Immigration Department including arrangements relating to visits by Justices of the Peace, disciplines and interviews with legal advisers. While the Administration had advised that the details on the treatment of detainees would be set out in the CIC Operation Manual, members were concerned about the differences in the effects of specifying the treatment of detainees in statutory provisions and the Operation Manual in respect of liability, sanction and remedy. Mr TO added that the Subcommittee would hold its next meeting on 15 March 2010 and would provide a written report after the completion of its work.

14. The Chairman reminded Members that as the deadline for amending the four items of subsidiary legislation was 14 April 2010, the deadline for giving notice of amendments, if any, was Wednesday, 7 April 2010.

15. Mr James TO drew to Members' attention the intervening public holidays before the deadline for giving notice of amendments on 7 April 2010.

V. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 1068/09-10)

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

VI. Proposal for activation of the Subcommittee on Building Safety and Related Issues under the Panel on Development

(LC Paper No. CB(1) 1348/09-10)

17. Mr LAU Wong-fat, Chairman of the Panel on Development (Panel on Dev), briefed Members on the Panel's proposal for activation of the Subcommittee on Building Safety and Related Issues ("the Subcommittee").

18. Mr LAU elaborated that the collapse of a building in Ma Tau Wai Road on 29 January 2010 had aroused the concern of the community over building safety. Following the incident, the Panel on Dev had discussed at its meeting on 23 February 2010 issues relating to supervision of building maintenance and internal alteration works, enforcement against unauthorized building works, assistance to owners for undertaking building maintenance, and enhancement of public awareness of building safety.

19. Mr LAU further said that the problem of building neglect had been long-standing in Hong Kong. Aging buildings without proper care and maintenance posed hazards to residents and the public at large. According to the Administration, public awareness of building safety was still weak in Hong

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Kong, and the concerted efforts of all stakeholders were needed to further enhance building safety. To tackle the problem of building neglect, the Administration had adopted a multi-pronged approach covering the major areas including legislation; enforcement; support and assistance; and publicity and public education. The Panel on Dev decided to appoint a subcommittee to enable more focused discussion on the Administration's efforts in enhancing and promoting building safety. The Subcommittee would also follow up building safety concerns identified in the Administration's investigation of the collapse incident. The Subcommittee's terms of reference, work plan and time frame had been circulated to and endorsed by the Panel. He appealed to Members to support the Panel's proposal for the immediate activation of the Subcommittee.

20. The Chairman drew to Members' attention the provisions in the House Rules ("HR") relevant to activation and operation of subcommittees on policy issues. She said that according to HR 26(a), the maximum number of subcommittees on policy issues appointed by the House Committee and Panels that might be in operation at any one time was eight. Eleven such subcommittees were currently in operation, one of which, i.e. the Subcommittee on Poverty Alleviation under the Panel on Welfare Services, was expected to conclude its work in May 2010. As the number of subcommittees in action had exceeded the quota of eight, the approval of the House Committee was sought for the commencement of work of the Subcommittee. Under HR 26(b), where the number of Bills Committees in operation was less than 16, the House Committee might activate subcommittees on the waiting list after having considered the following -

- (a) the number of vacant slots for Bills Committees;
- (b) the number of bills likely to be introduced to the Council in the next three months;
- (c) the number of subcommittees on subsidiary legislation already or likely to be appointed by the House Committee; and
- (d) the availability of resources in the Secretariat.

21. The Chairman further said that when the House Committee discussed the proposal for the activation of another subcommittee at its meeting on 5 February 2010, the Secretariat had indicated that while its manpower resources had been stretched tightly, it would make its best endeavour to absorb the servicing of that subcommittee as well as the Subcommittee under discussion should Members decide that they should be activated.

22. Members agreed to the proposal to activate the Subcommittee.

VII. Proposal for a Legislative Council delegation to visit the Shanghai World Expo

*(Letter dated 8 March 2010 from Hon Emily LAU Wai-hing to the President (LC Paper No. CB(2) 1070/09-10(01)); and
Reply dated 10 March 2010 from the President to Hon Emily LAU Wai-hing (LC Paper No. CB(2) 1079/09-10(01))*

23. Referring to her letter dated 8 March 2010 to the President and the President's reply dated 10 March 2010, Ms Emily LAU said that during the visit to the mock-up site of the new LegCo Complex on 2 March 2010, the President announced to the media a proposal for a LegCo delegation to conduct a duty visit to the Shanghai World Expo. She was concerned that Members had not been consulted on the proposal beforehand. She had pointed out to the President during their meeting on 10 March 2010 the need to consult Members before making any announcement in this regard. In his reply to her, the President agreed that Members should be consulted on the timing, objectives and programme of the proposed duty visit with a view to forging a consensus. She considered it necessary to clarify the status of the proposed duty visit. She further said that a duty visit could take place in response to an invitation, or on the initiation of Members or LegCo committees. Should the former be the case, Members would discuss whether to accept the invitation; in the case of the latter, Members would discuss and decide on the timing and programme of the duty visit. She noted that the proposed duty visit to the Shanghai World Expo belonged to neither of these categories. She added that Members belonging to the Democratic Party had yet to decide whether to participate in the duty visit as there was no basis to make the decision. She considered it necessary for Members to discuss the handling of the proposed duty visit.

24. In response to Ms Emily LAU's enquiry on the meeting of the Panel on Commerce and Industry ("CI Panel") on 16 March 2010 to discuss the proposed duty visit, the Chairman said that it was her understanding that the Panel had not received any invitation for conducting the duty visit. The purpose of the Panel meeting was to seek members' views on whether the proposed duty visit should be conducted and if so, its detailed arrangements.

25. Ms Emily LAU said that she was a member of CI Panel. However, many Members had not joined the Panel. Members belonging to the Democratic Party considered that the duty visit should be open to all Members. She doubted whether CI Panel was the most appropriate forum to discuss the proposal. She further said that the Panel on Financial Affairs had earlier on also indicated interest in conducting a duty visit to Shanghai. While expressing appreciation of the Secretariat for preparing the fact sheet on the Shanghai World Expo for Members' reference, she found the presentation of some information therein confusing and called on the Secretariat to improve its quality control of information papers provided to Members. She pointed out that the fact sheet had not mentioned whether the proposed duty visit had been raised by any relevant LegCo committees during their discussions on the

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funding proposal for the Shanghai World Expo. According to the President, the proposal was made as some Members had indicated interest on different occasions in conducting a duty visit to Shanghai. She reiterated that the President should have consulted Members before making the announcement to the media. She considered it necessary to discuss the detailed arrangements of the proposed duty visit including the objectives, timing, composition of the delegation and transport means, etc.

26. Mr Paul TSE said that he was at the scene when the President mentioned the proposed duty visit to the media. It was not the case that the President took the initiative to announce the proposal to the media without first consulting Members; the President had only mentioned it in response to repeated enquiries from the media. Mr TSE further said that about two weeks ago, he had suggested organizing a visit for Members to take the Express Rail Link and visit the Shanghai World Expo to gain first-hand experience in the development of tourism in the Mainland. Other Members might have also raised similar suggestions. He hoped that Members would not politicize the visit.

27. The Chairman suggested Mr Paul TSE attend the meeting of the CI Panel to express his views on the proposed duty visit.

28. Prof Patrick LAU said that there would be a Hong Kong Pavilion at the Shanghai World Expo. He had suggested to the Chief Executive that a design competition be held for the Pavilion. A concept design competition was launched subsequently and a design had been selected for the construction of the Hong Kong Pavilion. Apart from the Hong Kong Pavilion exhibition, Hong Kong would also participate in another exhibition at the World Expo to showcase its smartcard technology. In his view, as representatives of Hong Kong people, Members should attend the opening ceremony of the Hong Kong Pavilion to promote Hong Kong's strengths and attractions to the international community. He believed that many Members would be interested in joining the visit, and hoped that the proposed duty visit would be conducted.

29. The Chairman reminded Members not to go into the merits and details of the proposed duty visit. She pointed out that Ms Emily LAU had raised the subject for initial discussion by the House Committee. The CI Panel would discuss the proposed duty visit at its meeting on 16 March 2010 and submit a proposal for the House Committee's consideration. She considered that details of the proposed visit should be discussed at the meeting of the CI Panel.

30. At the invitation of the Chairman, Mr Vincent FANG, Chairman of the CI Panel, said that the Panel had been following up closely the preparatory work in connection with Hong Kong's participation in the Shanghai World Expo, which provided a valuable opportunity to showcase Hong Kong's quality city life and position Hong Kong as a creative capital. He expressed support for the proposed duty visit to the Shanghai World Expo, and considered it an opportune time for Members to undertake the duty visit. The visit would also facilitate Members in obtaining first-hand information on the fast growing

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economic development in Shanghai which would provide useful reference in mapping out strategies to enhance Hong Kong's competitiveness and economic development. He had arranged for the CI Panel to discuss the proposed duty visit at its meeting on 16 March 2010. After the Panel had come up with a proposal on the duty visit, it would be submitted to the House Committee for consideration.

31. Dr Priscilla LEUNG said that Mr Paul TSE had first proposed to organize a visit for Members to take the Express Rail Link. Subsequently, it came to her knowledge that the CI Panel would discuss the proposed duty visit. In her view, Members should not attribute complex motives to the proposal. She expressed support for the proposed duty visit.

32. The Chairman proposed that as the next House Committee meeting would only be held on 9 April 2010 and subject to the discussion of the CI Panel, a special House Committee meeting be held on Tuesday, 23 March 2010, at 10:45 am to discuss the Panel's proposal on the duty visit. Members agreed.

VIII. Any other business

33. There being no other business, the meeting ended at 2:54 pm.