

立法會
Legislative Council

LC Paper No. CB(2) 1287/09-10

Ref : CB2/H/5/09

House Committee of the Legislative Council

**Minutes of the 18th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 9 April 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
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon LEE Cheuk-yan
Hon CHEUNG Man-kwong
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 LAU Kong-wah, JP
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo
Hon Timothy FOK Tsun-ting, GBS, JP
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 Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon CHEUNG Hok-ming, GBS, 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
Dr Hon LAM Tai-fai, BBS, JP

Hon CHAN Hak-kan
Hon CHAN Kin-por, JP
Dr Hon Priscilla LEUNG Mei-fun
Dr Hon LEUNG Ka-lau
Hon CHEUNG Kwok-che
Hon WONG Kwok-kin, BBS
Hon IP Wai-ming, MH
Hon IP Kwok-him, GBS, JP
Dr Hon PAN Pey-chyou
Hon Paul TSE Wai-chun
Dr Hon Samson TAM Wai-ho, JP

Members absent :

Dr Hon David LI Kwok-po, GBM, GBS, JP
Dr Hon Margaret NG
Hon James TO Kun-sun
Hon LEUNG Yiu-chung
Hon LAU Wong-fat, GBM, GBS, JP
Hon Paul CHAN Mo-po, MH, JP
Hon WONG Sing-chi
Hon Mrs Regina IP LAU Suk-yee, GBS, 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)
Mr Stephen LAM	Acting Senior Assistant Legal Adviser 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mrs Sharon TONG	Principal Council Secretary (Complaints)
Ms Emily PANG	Acting Chief Public Information Officer
Ms YUE Tin-po	Chief Council Secretary (1)3
Miss Odelia LEUNG	Chief Council Secretary (2)6
Miss Kitty CHENG	Assistant Legal Adviser 5
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 17th meeting held on 12 March 2010
(*LC Paper No. CB(2) 1216/09-10*)

The minutes were confirmed.

II. Matters arising

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

Updated 2009-2010 Legislative Programme

2. The Chairman said that she had relayed to CS Members' concern about the pace on the part of the Administration in introducing bills into the Legislative Council ("LegCo"). CS had indicated that he was aware that bills introduced into LegCo would lapse if the scrutiny work could not be completed by the end of a term. CS had pointed out the need to conduct thorough consultation on policy issues during the drafting of bills and to complete the necessary procedures before the introduction of bills into LegCo. It was difficult to anticipate at the present stage the number of bills to be introduced by the Administration before the expiry of the current term. Nevertheless, CS had assured that the Administration would strive to introduce bills into LegCo as early as practicable.

3. In response to Mr Ronny TONG, the Chairman said that she had conveyed to CS Members' dissatisfaction over the matter. The response of CS was that the Administration had to complete the necessary procedures before introducing bills into the Council. The Chairman further said that Members would continue to monitor the progress of the legislative programmes and reiterate their concern to CS whenever necessary.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 12 March 2010 and tabled in Council on 17 March 2010

(*LC Paper No. LS 52/09-10*)

4. The Chairman said that two Commencement Notices were gazetted on 12 March 2010 and tabled in the Council on 17 March 2010.

5. Members did not raise any queries on the two Commencement Notices.

6. The Chairman reminded Members that the deadline for amending the Commencement Notices was 14 April 2010.

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IV. Business for the Council meeting of 14 and 15 April 2010

(a) **Questions**

(LC Paper No. CB(3) 563/09-10)

7. The Chairman said that 20 written questions had been scheduled for the meeting, as Members would speak on the Appropriation Bill 2010. She reminded Members that the first day of the meeting would start at 11:00 am and the second day at 9:00 am.

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

Appropriation Bill 2010

(Members speak)

8. The Chairman said that each Member would have a speaking time limit of 15 minutes.

(c) **Government motion**

Proposed resolution to be moved by the Secretary for Security under section 34(2) of the Interpretation and General Clauses Ordinance relating to the Immigration (Treatment of Detainees) (Amendment) Order 2010

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 571/09-10 dated 9 April 2010.)

9. The Chairman said that the relevant Subcommittee had reported its deliberations to the House Committee.

Report on subsidiary legislation the period for amendment of which would expire on 14 April 2010

10. The Chairman said that she would present a report of the House Committee on Consideration of Subsidiary Legislation and Other Instruments at the Council meeting. The report covered six items of subsidiary legislation, including the Immigration (Treatment of Detainees) (Amendment) Order 2010, the period for amendment of which would expire on 14 April 2010. While no Member had requested to speak on the subsidiary legislation covered in the report, Members would have the opportunity to speak on the Immigration (Treatment of Detainees) (Amendment) Order 2010 as the Administration would move a motion to amend it.

V. Business for the Council meeting on 21 April 2010

(a) **Questions**

(LC Paper No. CB(3) 564/09-10)

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11. The Chairman said that 20 written questions had been scheduled for the Council meeting, as the Administration would respond to Members' comments on the Appropriation Bill 2010.

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

Deposit Protection Scheme (Amendment) Bill 2010

12. The Chairman said that the Administration had given notice to present the above Bill to the Council. The House Committee would consider the Bill at its meeting on 23 April 2010.

(c) **Bills - resumption of debate on Second Reading, Committee Stage and Third Reading**

Appropriation Bill 2010

(Response by the Administration)

13. The Chairman said that the Administration would respond to Members' comments on the Appropriation Bill 2010.

(d) **Government motion**

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

Report on subsidiary legislation the period for amendment of which would expire on 21 April 2010

15. The Chairman said that a list of subsidiary legislation the period for amendment of which would expire on 21 April 2010 had been tabled at the meeting. The 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, 13 April 2010.

VI. The Chief Executive's Question and Answer Session on 22 April 2010

16. The Chairman said that the Chief Executive ("CE")'s Question and Answer Session would be held from 3:00 pm to 4:30 pm, and invited Members' views on issues which they would like CE to cover at the Question and Answer Session.

17. Ms Emily LAU said that she would like CE to cover the issue of constitutional development.

18. The Chairman said that the topic suggested by Ms Emily LAU would be conveyed to CS.

VII. Report of Bills Committees and subcommittees

Report of the Subcommittee on Designation of Libraries Order 2010

(LC Paper No. CB(2) 1239/09-10)

19. Mr WONG Kwok-hing reported on the work of the Subcommittee on behalf of Mr LEUNG Yiu-chung, Chairman of the Subcommittee, who was not able to attend the meeting.

20. Mr WONG reported that the Subcommittee had completed the scrutiny work and supported the Order which provided for the early provision of the Students' Study Room of the Tung Chung Public Library with effect from 1 March 2010 to cater for the needs of students. The Subcommittee had no objection to the commissioning of the Tung Chung Public Library in mid 2010, but had expressed reservations about the Administration's plan to cease the operation of the existing library at Yat Tung Estate ("YTEL") upon the opening of the new library.

21. Mr WONG further reported that to address the concern raised by members, the Administration was enlisting the partnership of a non-governmental organization ("NGO") to operate a community library at the YTEL premises for the continued provision of library services at Yat Tung Estate. While not objecting to such an arrangement, members had urged the Administration to undertake to ensure uninterrupted library services for local residents during the transitional period and to put in place another NGO to take charge of the community library in the event that the first operator could not proceed with the plan for the proposed library for whatever reasons.

22. Mr WONG added that the Administration had assured members that in the conversion of YTEL into a community library, it would endeavour to arrange with the NGO concerned on measures to ensure a short transitional period and uninterrupted library service. It would strive to identify another NGO for cooperation should the organization concerned be unable to continue to carry out the plan for whatever reasons, so as to ensure that the provision of library services at Yat Tung Estate would not be disrupted.

23. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the Order was Wednesday, 14 April 2010.

VIII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 1217/09-10)

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

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25. The Chairman invited Members to note that the Bills Committee on Buildings Energy Efficiency Bill would have to work beyond three months since commencement of its work.

IX. Legislative Council delegation to conduct a duty visit to the Shanghai World Expo

(LC Paper No. CB(1) 1564/09-10)

26. At the invitation of the Chairman, Secretary General ("SG") briefed Members on the progress and arrangements of the proposed duty visit to the Shanghai World Expo by a delegation of Members of LegCo. SG said that pursuant to the special House Committee meeting on 23 March 2010, the President had written to the Director of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region ("the Liaison Office") on 25 March 2010 conveying Members' views on the proposed duty visit. A reply was received from the Director of the Liaison Office on 31 March 2010 relaying the Shanghai Municipal People's Government's invitation to Members to visit the Shanghai World Expo from 8 to 10 May 2010. The two letters had been issued to Members on 1 April 2010 and were also attached to the paper prepared by the Secretariat (LC Paper No. CB(1)1564/09-10)). The Secretariat had since then been in close contact with the Shanghai authorities and the Liaison Office on the visit programme and the logistical arrangements.

27. SG elaborated that under the plan for the three-day visit, the delegation would take the Express Rail Link ("ERL") from Guangzhou to Wuhan and then take a flight from Wuhan to Shanghai on 8 May 2010. During the ERL ride from Guangzhou to Wuhan, relevant experts from the Ministry of Railways would brief Members on the operation of ERL and its development on the Mainland. The Government of the Hong Kong Special Administrative Region ("HKSAR") was planning to send a senior engineer to accompany the delegation to brief Members on the connection of the Hong Kong section with the Mainland section of ERL.

28. SG further said that Members would have two full days, i.e. 9 and 10 May 2010, in the Shanghai World Expo. Members would visit the Pavilions region in Pudong on 9 May. The places to be visited included the China Pavilion, the Hong Kong Pavilion, the Theme Pavilions as well as the Pavilions of the United States, United Kingdom and Japan. Special arrangements had been made to facilitate Members' visits to these Pavilions without the need for queuing up. On 10 May morning, the delegation would visit the Urban Best Practices Area in Puxi where Hong Kong would exhibit its smartcard technology. Arrangements were being made for the delegation to visit a number of other pavilions in the afternoon, subject to availability of time. The delegation would take the 7:35 pm flight from Shanghai to Hong Kong on 10 May 2010.

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29. As regards the financial arrangement, SG said that a tentative estimate of the expenditure for the three-day visit was about \$9,500 per person, which was calculated according to the standard rates of subsistence allowance applicable to civil servants on duty visits to Shanghai (at about \$2,500 per day) and covered transportation costs. SG added that special arrangement would be made to enable press members to accompany the delegation throughout the visit on a self-paying basis.

30. Ms Emily LAU said that the crux of the matter was the deprivation of the right of some Members to travel to the Mainland. She considered it unacceptable that these Members could only visit the Mainland on a one-off basis upon the invitation of the Mainland authorities. While thanking the Mainland authorities for inviting all Members of LegCo for the proposed duty visit, she said that all Members should mean 60 Members. She had decided that she would not join any duty visits to the Mainland until she had the freedom to enter and leave the Mainland. She considered it necessary to send a clear message to the Central Authorities that Chinese citizens in Hong Kong should enjoy such freedom.

31. Mr Ronny TONG said that some press members had expressed concern that they might not be granted entry visas to the Mainland to cover the Shanghai World Expo even though they had obtained the relevant press permits. Some of them had faced such a problem during the Beijing Olympics. He considered it unfair that press members were subjected to political censorship in covering official activities on the Mainland. He considered it incumbent upon LegCo Members to reflect such concern to the Liaison Office. He hoped that press members would not be subjected to political censorship in covering the duty visit. He also enquired about the latest date for Members to indicate their interest in joining the duty visit.

32. At the invitation of the Chairman, SG said that she would relay to the Liaison Office the concern expressed by Mr Ronny TONG about the granting of entry visas to press members. As in the case of duty visits to the Mainland conducted in the past, the Secretariat would arrange to forward the names of press members accompanying the delegation to the Liaison Office for application of entry visas to the Mainland. As regards the deadline for Members to indicate interest in joining the visit, SG said that the airline concerned had requested the Secretariat to provide the names of participants in the duty visit by 15 April 2010 for confirmation of the air tickets. Hence, Members could indicate their interest in joining the duty visit by 15 April 2010 at the latest.

33. Mr LAU Kong-wah said that LegCo should treasure each opportunity for conducting duty visits on the Mainland which had proved to be very useful and pragmatic in the past. Although the programme of the proposed duty visit would be tight, he considered the proposed duty visit useful as Members could ride on ERL and visit the Shanghai World Expo. While noting that a senior engineer of the HKSAR Government might accompany the delegation to brief Members on ERL, he sought clarification on whether experts from the

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Mainland would brief Members on ERL as well. He requested the Secretariat to prepare background information on the pavilions to be visited for Members' reference.

34. SG confirmed that during the journey from Guangzhou to Wuhan, relevant experts from the Ministry of Railways would brief Members on the operation of ERL and its development on the Mainland. She added that the Secretariat was collating information from different sources for the compilation of background information relevant to the proposed duty visit.

35. Mr Paul TSE was concerned about the tentative estimated expenditure for the 3-day visit of about \$9,500 per person. He considered the expenditure to be on the high side and enquired about the reasons for it.

36. SG said that a more accurate estimate of the expenditure had yet to be worked out. The figure of \$9,500 per person was calculated according to the standard rates of subsistence allowance applicable to civil servants on duty visits to Shanghai. This figure would be the maximum amount. SG added that the transportation costs alone had worked out to be some \$4,000.

37. Mr Paul TSE said that the tourism sector would be happy to offer assistance if needed.

38. Members accepted the invitation for the proposed duty visit and endorsed the charging of the expenditure to individual Members' overseas duty visit accounts.

39. In response to Mr Ronny TONG, the Chairman said that each Member had his/her own overseas duty visit account and the expenditure of duty visits conducted by individual Members in a LegCo term would be charged to his/her account.

40. The Chairman reminded Members of the deadline for indicating interest in joining the duty visit on 15 April 2010.

X. Any other business

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