

立法會
Legislative Council

LC Paper No. CB(2) 1392/09-10

Ref : CB2/H/5/09

House Committee of the Legislative Council

**Minutes of the 20th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 23 April 2010**

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 LEUNG Yiu-chung
Hon WONG Yung-kan, SBS, JP
Hon LAU Kong-wah, 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
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 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 Kwok-kin, BBS
Hon IP Kwok-him, 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 Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon LAU Wong-fat, GBM, GBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Dr Hon Joseph LEE Kok-long, SBS, JP
Hon WONG Sing-chi
Hon IP Wai-ming, MH
Hon Mrs Regina IP LAU Suk-yea, GBS, JP
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 Duties)
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 Bonny LOO	Assistant Legal Adviser 3
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

Action

I. Confirmation of the minutes of the 19th meeting held on 16 April 2010
(*LC Paper No. CB(2) 1350/09-10*)

The minutes were confirmed.

II. Matters arising

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

(*Letter dated 16 April 2010 from the Clerk to the House Committee to the Secretary for Constitutional and Mainland Affairs ("SCMA") and the reply dated 21 April 2010 from SCMA (LC Paper Nos. CB(2) 1362/09-10(01) and (02))*)

Methods for selecting the Chief Executive ("CE") and for forming the Legislative Council ("LegCo") ("the two electoral methods") in 2012

2. The Chairman said that she had enquired with CS about the date of the Council meeting on which the Administration planned to introduce into LegCo the two motions regarding the amendments to the two electoral methods. CS had indicated that it would depend on the progress of work of the relevant subcommittee. Subsequent to her meeting with CS, SCMA had sent a written reply on the matter, which had been circulated to Members. SCMA had indicated in his letter that while the Administration planned to obtain LegCo's endorsement of the two motions before the LegCo summer recess in mid-July 2010, the exact date on which the two motions would be put to LegCo for endorsement would depend on the progress of work of the relevant subcommittee.

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)

Deposit Protection Scheme (Amendment) Bill 2010
(*LC Paper No. LS 57/09-10*)

3. The Chairman said that the Panel on Financial Affairs had been briefed on the relevant legislative proposals at its meetings on 1 June 2009 and 1 February 2010, and members had raised various concerns. She further said that the Legal Service Division was considering the Administration's reply to technical issues raised in relation to the Bill, and would provide a further report if necessary.

Action

4. Mr Albert HO considered it necessary to form a Bills Committee to study the Bill.

5. 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 Fred LI, Mr CHAN Kam-lam, Ms Miriam LAU, Mr Tommy CHEUNG, Ms Audrey EU and Mr Ronny TONG.

6. 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 16 April 2010 and tabled in Council on 21 April 2010
(*LC Paper No. LS 56/09-10*)

7. The Chairman said that a total of three items of subsidiary legislation were gazetted on 16 April 2010 and tabled in the Council on 21 April 2010.

8. Regarding the Prisons (Amendment) (No.2) Order 2010, the Chairman said that it sought to set apart the Lo Wu Correctional Institution as a prison.

9. Dr Margaret NG sought clarification on the meaning of "setting apart" as used in relation to the Lo Wu Correctional Institution and background information to the setting apart.

10. At the invitation of the Chairman, Legal Adviser suggested writing to the Administration to seek clarification. Members agreed. Members also agreed that a decision on the Order be deferred to the next meeting of the House Committee pending receipt of the Administration's reply.

11. Members did not raise any queries on the other two items of subsidiary legislation.

12. The Chairman reminded Members that the deadline for amending the three items of subsidiary legislation was 19 May 2010.

IV. Further business for the Council meeting on 28 April 2010

(a) Questions
(*LC Paper No. CB(3) 605/09-10*)

13. The Chairman said that Mr CHEUNG Man-kwong had taken up the oral question slot originally allocated to her. She could not attend the relevant Council meeting as she had to attend the meeting of the Standing Committee of the National People's Congress from 26 to 29 April 2010.

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

Employment (Amendment) Bill 2009

14. The Chairman said that the relevant Bills Committee on the above Bill had reported to the House Committee at the last meeting, and Members did not raise objection to the resumption of the Second Reading debate on the Bill.

V. **Business for the Council meeting on 5 May 2010**

(a) **Questions**

(LC Paper No. CB(3) 606/09-10)

15. 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**

Stamp Duty (Amendment) Bill 2010

16. The Chairman said that the Administration had given notice to present the above Bill to the Council on 5 May 2010. The House Committee would consider the Bill at its meeting on 7 May 2010.

(c) **Government motion**

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

(d) **Members' motions**

(i) **Motion on "Medical check-ups for professional drivers"**

(Wording of the motion issued vide LC Paper No. CB(3) 616/09-10 dated 22 April 2010.)

(ii) **Motion on "Improving air quality"**

(Wording of the motion issued vide LC Paper No. CB(3) 617/09-10 dated 22 April 2010.)

18. The Chairman said that the above motions would be moved by Mr Andrew CHENG and Mr KAM Nai-wai respectively and the wording of the motions had been issued to Members.

19. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Tuesday, 27 April 2010.

VI. The Chief Executive's Question and Answer Session on 6 May 2010

20. The Chairman said that the Chief Executive's Question and Answer Session ("CE Q&A Session") originally scheduled after the House Committee meeting had been further re-scheduled to Thursday, 6 May 2010, from 3:00 pm to 4:30 pm. It was her understanding that some Members had to attend the memorial service for the late Mr TSUI Tsin-tong to be held in the afternoon of the House Committee meeting.

21. Mr Ronny TONG sought clarification on whether the re-scheduling was made at the request of certain Members or CE.

22. At the invitation of the Chairman, Secretary General said that according to the Administration Wing, a number of Members had enquired with CE's Office on whether the CE Q&A Session could be further re-scheduled to facilitate their attendance at the memorial service. The request for re-scheduling was made after taking into account such views.

23. Mr Ronny TONG believed that the re-scheduling was made at the request of CE. In his view, should the request have been raised by Members, there was no reason for them not to bring it to the House Committee for discussion. He stressed that CE should not shirk the responsibility to certain Members.

24. The Chairman referred Members to the circular issued by the Secretariat on the re-scheduling of the CE Q&A session dated 20 April 2010. As stated in the circular, after Members had been informed on 16 April 2010 of the re-scheduling of the CE Q&A Session to Friday, 23 April 2010, from 3:00 pm to 4:30 pm, a number of Members had enquired whether the CE Q&A Session could be further re-scheduled to facilitate their attendance at the memorial service for the late Mr TSUI Tsin-tong to be held at the same time that afternoon. As there was no other mutually agreeable time slot on 23 April 2010 and during the week that followed, the President had determined, in accordance with Rule 14(3) of the Rules of Procedure, that the CE Q&A Session scheduled for Friday, 23 April 2010, from 3:00 pm to 4:30 pm be re-scheduled to the same time on Thursday, 6 May 2010, as suggested by the CE's Office.

25. Mr Ronny TONG expressed concern about the procedure for re-scheduling the CE Q&A Session. In his view, as CE attended the Q&A Session at the invitation of Members, any request for re-scheduling should be discussed by the House Committee. He stressed that Members should not bypass the House Committee by raising their request with CE direct. On the other hand, if the re-scheduling was initiated by CE, he should provide an explanation to LegCo. He considered that the re-scheduling of the CE Q&A Session had not been handled properly.

Action

26. The Chairman suggested that as she could not attend the meeting with CS the following week, the Deputy Chairman should raise the matter with CS and request him to provide an explanation. She added that the decision to re-schedule the CE Q&A Session was made by the President, and neither the House Committee nor herself had been consulted on the matter.

27. Dr Margaret NG sought clarification on whether the dates of CE Q&A Sessions were determined by the House Committee or the President. She said that the President had all along adopted a cautious approach in handling LegCo business and would normally consult the House Committee on relevant matters. She suggested that an enquiry be made with the President about the re-scheduling.

28. The Chairman said that it had all along been the practice for the Director of Administration to inform LegCo of the dates for holding CE Q&A Sessions. The Director of Administration had written to the Secretariat in March 2010 proposing that the CE Q&A Session be held on 22 April 2010 from 3:00 pm to 4:30 pm. As long debates were anticipated at the Council meeting of 21 April 2010, the Q&A Session had been re-scheduled to 23 April 2010 at 3:00 pm. Subsequently, it had to be further re-scheduled as the memorial service for the late Mr TSUI Tsin-tong would be held at the same time that afternoon. The Chairman added that the Deputy Chairman would convey Members' concerns to CS and an enquiry would be made with the President.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 1351/09-10)

29. The Chairman said that there were six Bills Committees, seven subcommittees under the House Committee (three subcommittees on subsidiary legislation, one subcommittee on proposed senior judicial appointments and three subcommittees on policy issues) and nine subcommittees under Panels in action.

VIII. Any other business

30. There being no other business, the meeting ended at 2:44 pm.