

立法會
Legislative Council

LC Paper No. CB(2) 1124/10-11

Ref : CB2/H/5/10

House Committee of the Legislative Council

**Minutes of the 14th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 18 February 2011**

Members present:

Hon Miriam LAU Kin-ye, GBS, JP (Chairman)
Hon Fred LI Wah-ming, SBS, JP (Deputy Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon LEE Cheuk-yan
Dr Hon David LI Kwok-po, GBM, GBS, JP
Dr Hon Margaret NG
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon LEUNG Yiu-chung
Dr Hon Philip WONG Yu-hong, GBS
Hon LAU Kong-wah, JP
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon LI Fung-ying, SBS, JP
Hon Tommy CHEUNG Yu-yan, 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 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, JP

Mrs Justina LAM	Assistant Secretary General 3
Mrs Percy MA	Assistant Secretary General 4
Ms Connie FUNG	Senior Assistant Legal Adviser 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mr KAU Kin-wah	Senior Assistant Legal Adviser 3
Mr Stephen LAM	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 Bonny LOO	Assistant Legal Adviser 3
Miss Kitty CHENG	Assistant Legal Adviser 5
Miss Winnie LO	Assistant Legal Adviser 7
Miss Josephine SO	Senior Council Secretary (2)1
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 13th meeting held on 11 February 2011
(LC Paper No. CB(2) 1031/10-11)**

The minutes were confirmed.

II. Matters arising

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

Invitation to Mr WANG Guangya, Director of Hong Kong and Macao
Affairs Office of the State Council, to meet with Members

2. The Chairman said that she had written on behalf of Members to the Chief Executive on 11 February 2011 to convey their wish for meeting with Mr WANG during his visit to Hong Kong. She had also conveyed Members' wish to CS during their meeting.

Non-attendance of bureau officials at special meetings of the Panel on
Health Services

3. Dr LEUNG Ka-lau, in his capacity as Chairman of the Panel on Health Services ("the Panel"), requested the Chairman to relay to CS the Panel's grave dissatisfaction and regret with the non-attendance of the Secretary for Food and Health ("SFH") or the Under Secretary for Food and Health ("USFH") at its special meetings held on 17 January and 15 February 2011.

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4. Dr LEUNG Ka-lau elaborated that the two special Panel meetings were held to receive views from deputations on the provisions relating to the mandatory registration of proprietary Chinese medicines in the Chinese Medicine Ordinance (Cap. 549) ("CMO"). At the special meeting on 17 January 2011, members had expressed great dissatisfaction with the attendance of representatives from the Department of Health only. On 2 February, he had written to SFH requesting his presence at the special meeting scheduled for 15 February to explain the policy on the regulation of proprietary Chinese medicine and answer questions from members and attending deputations. However, SFH had declined to attend the meeting. Neither had he sent USFH or other officials from the Bureau to the meeting. The Panel had expressed grave dissatisfaction and regret with such an arrangement.

5. Dr LEUNG Ka-lau further said that as the official responsible for health policy, it was most important for SFH to attend the Panel meetings to understand the specific concerns of members and the trade to ensure the formulation of the relevant policy to meet public expectation. Such a responsibility could not be discharged by representatives of the Department of Health on his behalf. As Chairman of the Panel, he requested the Chairman to relay to CS the Panel's dissatisfaction and its request for SFH or representatives of the Bureau to attend future Panel meetings on matters relating to the registration of proprietary Chinese medicine.

6. The Chairman invited Members' views on the Panel's request.

7. Dr Priscilla LEUNG recalled that apart from expressing regret with the non-attendance of SFH and USFH, which she considered a mere gesture, the Panel had also agreed at the meetings to recommend the appointment of a subcommittee under the House Committee to review the relevant provisions in CMO, in view of the concerns over their policy intent and enforceability.

8. The Chairman said that according to the relevant procedures for the appointment and activation of subcommittees on policy issues, a Panel might appoint subcommittees to study specific policy issues under its purview. Approval would only have to be sought from the House Committee for the activation of the subcommittees if the number of such subcommittees in operation had exceeded the maximum number of eight.

9. Dr LEUNG Ka-lau clarified that at the relevant Panel meetings, members had raised the proposal of setting up a subcommittee under the Panel. The Panel would further discuss the proposal at its next meeting, including the terms of reference of the proposed subcommittee. After

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the Panel had endorsed the proposal, the House Committee's approval would be sought for the activation of the subcommittee.

10. Dr Priscilla LEUNG explained that she had raised the concern because after the Panel meetings, some Chinese medicine organizations had expressed concern on whether the matter would be followed up by the Panel.

11. The Chairman reiterated that according to the relevant procedures, a Panel could appoint a subcommittee to study specific policy issues under its purview. As the number of subcommittees on policy issues currently in operation had exceeded the quota, should the Panel decide to appoint the subcommittee, it would have to seek the House Committee's approval for the activation of the subcommittee.

12. Dr LEUNG Ka-lau said that the appointment of the proposed subcommittee was not the matter under discussion. His request was for the Chairman to relay to CS the Panel's dissatisfaction with the non-attendance of SFH and USFH at the special Panel meetings.

13. Mr LEUNG Yiu-chung expressed support for the Panel's request.

14. The Chairman said that she would convey the Panel's views and request to CS.

Relocation of the drug treatment and rehabilitation centres of Christian Zheng Sheng Association and provision of school places in South Lantau

15. Mr LEUNG Yiu-chung said that at the meeting of the Panel on Education on 14 February 2011, members had passed a motion requesting the Administration to resolve the problem concerning the relocation of the drug treatment and rehabilitation centres of Christian Zheng Sheng Association and to reopen the former New Territories Heung Yee Kuk Southern District Secondary School to provide a secondary school for students in South Lantau and Peng Chau. He stressed the need to resolve the matter expeditiously, given that the current academic year was drawing to a close. He requested the Chairman to relay to CS the Panel's request for the Administration to follow up the matter and provide a response to the Panel as early as practicable.

16. The Chairman said that it was not uncommon for Panels to pass motions at their meetings. Such motions were usually followed up by the Bureau concerned. In considering Mr LEUNG Yiu-chung's request, Members should take into account the setting of precedents. She was concerned that many Panels might raise similar requests to the House Committee in future. She sought Members' views on Mr LEUNG's request.

17. Ms Cyd HO said that the matter had dragged on for a long time. In her view, as it straddled the policy areas of various bureaux, including the Education Bureau, the Security Bureau and the Development Bureau, the Chairman should request CS to follow it up with the relevant bureaux.

18. Mr LEUNG Yiu-chung considered it necessary for the Chairman to relay the matter to CS as it involved not only the Education Bureau, but also various other bureaux.

19. The Chairman said that as Members raised no objection, she would relay the matter to CS.

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)**

Inland Revenue (Amendment) Bill 2011

(LC Paper No. LS 27/10-11)

20. The Chairman said that the Bill sought to extend the tax concession for qualifying debt instruments to those debt instruments with an original maturity of less than three years. The Panel on Financial Affairs had discussed the legislative proposals at its meeting on 5 July 2010. Some members expressed support and certain issues were raised during the discussion.

21. The Chairman further said that the Legal Service Division was continuing its scrutiny of the Bill and would provide a further report if necessary.

(b) **Legal Service Division report on subsidiary legislation gazetted on 11 February 2011 and tabled in Council on 16 February 2011**

(LC Paper No. LS 28/10-11)

22. The Chairman said that only one item of subsidiary legislation, i.e. the Mutual Legal Assistance in Criminal Matters (Sri Lanka) Order (Commencement) Notice, was gazetted on 11 February 2011 and tabled in the Council on 16 February 2011.

23. Members did not raise any query on the Commencement Notice.

24. The Chairman reminded Members that the deadline for amending the Commencement Notice was 16 March 2011.

IV. Further business for the Council meeting of 23 February 2011

Tabling of papers

Report No. 13/10-11 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

(LC Paper No. CB(2) 1033/10-11 issued vide LC Paper No. CB(3) 475/10-11 dated 16 February 2011)

25. The Chairman said that the report covered eight items of subsidiary legislation the period for amendment of which would expire on 23 February 2011. No Member had requested to speak on the subsidiary legislation.

26. Members noted the report.

V. Business for the Council meeting of 2 March 2011

(a) Questions

(LC Paper No. CB(3) 471/10-11)

27. 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

Mandatory Provident Fund Schemes (Amendment) Bill 2011

28. 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 4 March 2011.

(c) Government motion

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

(d) **Members' motions**

(i) **Motion on “Public Accounts Committee’s Report on ‘Administration of the Direct Subsidy Scheme and Governance and Administration of Direct Subsidy Scheme Schools’”**

(Wording of the motion issued vide LC Paper No. CB(3) 443/10-11 dated 31 January 2011.)

30. The Chairman said that the above motion would be moved by Dr Philip WONG in his capacity as Chairman of the Public Accounts Committee and the wording of the motion had been issued to Members. She reminded Members that the speaking time limit was 15 minutes for each Member at the debate.

(ii) **Motion to be moved by Hon CHAN Kin-por**

31. The Chairman said that the subject of the motion to be moved by Mr CHAN Kin-por was "Promoting personal financial management education".

32. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 23 February 2011.

Report on study of subsidiary legislation

33. The Chairman said that a list containing two items of subsidiary legislation the period for amendment of which would expire on 2 March 2011 had been tabled at the meeting. Members who wished to speak on the subsidiary legislation should notify the Clerk by 5:00 pm on Tuesday, 22 February 2011.

VI. Report of Bills Committees and subcommittees

(a) **Report of the Bills Committee on Motor Vehicle Idling (Fixed Penalty) Bill**

(LC Paper No. CB(1) 1304/10-11)

34. The Chairman said that Ms Audrey EU, Chairman of the Bills Committee, was not able to attend the meeting. She referred Members to the Bills Committee's report for details of its deliberations.

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35. The Chairman further said that the Administration would move Committee Stage amendments ("CSAs") to the Bill. Mr CHAN Kam-lam had also indicated that he might move a CSA.

36. The Chairman reminded Members that the deadline for giving notice of CSAs, if any, was Monday, 21 February 2011.

(b) Report of the Bills Committee on Chief Executive Election (Amendment) Bill 2010 and Legislative Council (Amendment) Bill 2010

(LC Paper No. CB(2) 1034/10-11)

37. Mr TAM Yiu-chung, Chairman of the Bills Committee, reported on the deliberations of the Bills Committee. He said that the Bills Committee had held a total of 11 meetings and had received views from 78 organizations and individuals.

38. Mr TAM Yiu-chung then highlighted the major issues discussed by the Bills Committee. These included the nomination threshold for the Chief Executive election; the composition of the Election Committee and the allocation of seats among the subsectors; the number of Legislative Council ("LegCo") Members to be returned from each geographical constituency; financial assistance scheme for the LegCo election; the new District Council functional constituency and electorate of traditional functional constituencies. He added that the Administration, Mr WONG Kwok-kin, Ms Emily LAU and Dr Margaret NG would move CSAs to the Bills. He referred Members to the Bills Committee's report for details of its deliberations.

39. The Chairman reminded Members that the deadline for giving notice of CSAs, if any, was Monday, 21 February 2011.

(c) Report of the Subcommittee on Minimum Wage (Criteria for Approved Assessors) Notice and Minimum Wage (Assessment Methods) Notice

(LC Paper No. CB(2) 1039/10-11)

40. Mr TAM Yiu-chung, Chairman of the Subcommittee, reported that the Subcommittee had completed scrutiny of the two Notices concerning productivity assessments for persons with disabilities under the statutory minimum wage regime.

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41. Mr TAM Yiu-chung then elaborated on the issues discussed by the Subcommittee. These included the requirement for a vocational rehabilitation practitioner to obtain a recommendation from a recognized organization; whether the proposed four categories of approved assessors would be adequate; training for approved assessors; mechanisms for appointment and registration of approved assessors; whether an assessment could be conducted by an assessor who worked in the same organization as the person with disabilities to be assessed; cost of assessment; employment protection for persons with disabilities; assessment methods; whether an appeal mechanism should be provided; complaints against assessors; the requirement for provision of aiding equipment; administrative guidelines for approved assessors and wage subsidy. He referred Members to the Subcommittee's report for details of its deliberations.

42. The Chairman reminded Members that as the deadline for amending these two Notices was 2 March 2011, the deadline for giving notice of amendments, if any, was Wednesday, 23 February 2011.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 1032/10-11)

43. The Chairman said that there were 13 Bills Committees, seven subcommittees under the House Committee (i.e. three subcommittees on subsidiary legislation, two subcommittees on policy issues and two subcommittees on other Council business) and eight subcommittees under Panels in action.

44. The Chairman invited Members to note that the following two Bills Committees would have to work beyond three months since commencement of their work –

- (a) Bills Committee on Legislation Publication Bill; and
- (b) Bills Committee on Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) Bill.

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