

立法會
Legislative Council

LC Paper No. CB(2) 1368/10-11

Ref : CB2/H/5/10

House Committee of the Legislative Council

**Minutes of the 17th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 18 March 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 Margaret NG
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon LEUNG Yiu-chung
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon LAU Kong-wah, JP
Hon LAU Wong-fat, GBM, GBS, 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 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, GBS, JP
Hon CHEUNG Hok-ming, GBS, JP
Hon WONG Ting-kwong, BBS, JP

Hon CHIM Pui-chung
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon KAM Nai-wai, MH
Hon Starry LEE Wai-king, JP
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 Sing-chi
Hon WONG Kwok-kin, BBS
Hon IP Wai-ming, MH
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Dr Hon PAN Pey-chyou
Hon Paul TSE Wai-chun
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon Tanya CHAN
Hon Albert CHAN Wai-yip
Hon WONG Yuk-man

Members absent :

Hon Albert HO Chun-yan
Dr Hon David LI Kwok-po, GBM, GBS, JP
Hon Andrew CHENG Kar-foo
Hon Ronny TONG Ka-wah, SC
Hon Cyd HO Sau-lan
Dr Hon Samson TAM Wai-ho, JP

Clerk in attendance :

Miss Odelia LEUNG 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
Miss Mary SO	Acting Assistant Secretary General 3

Mrs Percy MA	Assistant Secretary General 4
Miss Kitty CHENG	Acting Senior Assistant Legal Adviser 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mr KAU Kin-wah	Senior Assistant Legal Adviser 3
Mr Andy LAU	Principal Council Secretary (Administration)
Mr Stephen LAM	Principal Council Secretary (Complaints)
Mr Simon WONG	Chief Public Information Officer
Ms Amy YU	Chief Council Secretary (2)6
Ms Wendy KAN	Assistant Legal Adviser 6
Mr Joseph KWONG	Accountant
Miss Josephine SO	Senior Council Secretary (2)7
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 16th meeting held on 11 March 2011
(LC Paper No. CB(2) 1277/10-11)

The minutes were confirmed.

II. Matters arising

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

2. The Chairman invited the Deputy Chairman, who attended the meeting with CS as she was out of town, to report to Members on the meeting.

Non-attendance of bureau officials at special meetings of the Panel on Health Services ("HS Panel") on 17 January and 15 February 2011

3. The Deputy Chairman said that at the meeting with CS, he reiterated the significant impact of the implementation of the relevant provisions of the Chinese Medicine Ordinance (Cap. 549) ("CMO") on the trade and the public. He highlighted that the discussions at the HS Panel meetings did not only involve technical issues relating to implementation but also policy issues, and conveyed to CS Members' concern about the refusal of bureau officials to attend the HS Panel meetings despite repeated invitations. CS responded to him that should the HS Panel consider it necessary to discuss policy issues of the Ordinance at meetings in future, bureau officials would be happy to attend.

Stamp Duty (Amendment) (No. 2) Bill 2010

4. The Deputy Chairman said that he had also relayed to CS Members' concern about the various issues raised by the Bills Committee on Stamp Duty (Amendment) (No. 2) Bill 2010 to which the Administration's response was still outstanding. He highlighted to CS that as the provisions in the Bill would take retrospective effect, Members hoped that CS would follow up the matter. CS's response was that in view of the complexity of the Bill and the many issues raised by the Bills Committee, the Administration needed to consider the issues carefully before responding. CS assured him that he would ensure the provision of the requisite information by the relevant bureau as early as practicable.

(b) Inland Revenue (Amendment) (No.2) Bill 2011

(Paragraphs 11 and 12 of the minutes of the 16th House Committee meeting on 11 March 2011)

(LC Paper No. LS 42/10-11)

[Previous paper:

LC Paper No. LS 37/10-11 issued vide LC Paper No. CB(2) 1248/10-11 dated 10 March 2011]

5. The Chairman said that Members had considered it not necessary to form a Bills Committee to study the Bill at the last House Committee meeting, but noted that the Legal Service Division ("LSD") would follow up with the Administration on some technical issues. She invited Members to note a further report by LSD on the subject.

6. Members noted the report and raised no objection to the resumption of the Second Reading debate on the Bill.

III. Business for the Council meeting of 30 March 2011

(a) Questions

(LC Paper No. CB(3) 587/10-11)

7. 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

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

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

Food Safety Bill

9. The Chairman said that the relevant Bills Committee had reported to the House Committee at the last meeting. Members noted that the Bill would be resumed for Second Reading debate at the Council meeting of 30 March 2011.

(d) **Government motions**

(i) **Proposed resolution to be moved by the Secretary for Home Affairs under the Legal Aid Ordinance**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 566/10-11 dated 10 March 2011.)

(LC Paper No. LS 40/10-11)

10. The Chairman said that the proposed resolution was for seeking the approval of the Legislative Council ("LegCo") for the upward adjustment of the financial eligibility limit for the Ordinary Legal Aid Scheme from \$175,800 to \$260,000 and that for the Supplementary Legal Aid Scheme from \$488,400 to \$1.3 million. The Panel on Administration of Justice and Legal Services had discussed the legislative proposals at a number of meetings.

11. Dr Margaret NG considered it not necessary to set up a subcommittee to study the proposed resolution. She sought confirmation on whether Members would have the opportunity to speak on the resolution at the Council meeting.

12. The Chairman said that as the legislative proposal was subject to the positive vetting procedure, Members would have the opportunity to speak at the debate on the proposed resolution at the Council meeting. Each Member would have a speaking time limit of 15 minutes.

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

(ii) **Proposed resolution to be moved by the Secretary for Home Affairs under section 34(2) of the Interpretation and General Clauses Ordinance relating to the Legal Aid (Assessment of Resources and Contributions) (Amendment) Regulation 2011**

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(Wording of the proposed resolution issued vide LC Paper No. CB(3) 560/10-11 dated 7 March 2011.)

(Paragraphs 21 to 24 of the minutes of the 16th House Committee meeting on 11 March 2011)

[Previous paper:

Paragraphs 1 to 8 of LC Paper No. LS 34/10-11 issued vide LC Paper No. CB(2) 1202/10-11 dated 3 March 2011]

14. The Chairman said that at the last House Committee meeting, Members noted that the Administration would move a motion to amend the Chinese text of section 3(2) of the Amendment Regulation to maintain consistency in the expressions used.

(iii) Proposed resolution to be moved by the Secretary for Transport and Housing under the Road Traffic Ordinance

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 583/10-11 dated 14 March 2011.)

(LC Paper No. LS 39/10-11)

15. The Chairman said that the proposed resolution was for seeking LegCo's approval to further extend, for five years up to 20 June 2016, the period during which the current limit on the number of registered public light buses, i.e. 4 350, was to continue to be in force. The current limit had been in force for many years and was last extended in May 2006 for five years by resolution of LegCo.

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

(e) Members' motions

(i) Proposed resolution to be moved by Hon TAM Yiu-chung under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 588/10-11 dated 15 March 2011.)

17. The Chairman said that Mr TAM Yiu-chung, Chairman of the Committee on Rules of Procedure, would move a motion at the Council meeting to amend Rule 58(2) of the Rules of Procedure ("RoP") regarding the procedure for dealing with interdependent amendments to a bill during the committee stage.

(ii) **Motion to be moved by Hon WONG Ting-kwong**

(iii) **Motion to be moved by Hon IP Kwok-him**

18. The Chairman said that Mr WONG Ting-kwong and Mr IP Kwok-him had each been allocated a debate slot. The Secretariat would later inform Members of the subjects of the motions by circulars.

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

Report on study of subsidiary legislation

20. The Chairman asked Members to note the list of subsidiary legislation tabled at the meeting, the scrutiny period of which would expire on 30 March 2011, and reminded Members who wished to speak on the subsidiary legislation to notify the Clerk by 12:00 midnight on Tuesday, 22 March 2011.

IV. Report of Bills Committees and subcommittees

First Report of the Subcommittee on Members' Remuneration and Operating Expenses Reimbursement — Review of Members' Operating Expenses Reimbursements

(LC Paper No. AS 197/10-11)

21. Ms Emily LAU, Chairman of the Subcommittee, said that the House Committee agreed on 17 October 2008 to appoint the Subcommittee to follow up on issues relating to Members' remuneration and operating expenses reimbursement ("OER"). In the first stage of its work, the Subcommittee had focused on reviewing the level of OER and had formulated a package of proposals for consideration by the Independent Commission on Remuneration for Members of the Executive Council and the Legislature, and Officials under the Political Appointment System of the Hong Kong Special Administrative Region ("the Independent Commission"). She thanked the Secretariat for its assistance in conducting the review and referred Members to the Subcommittee's Report for details of its proposals.

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22. Ms Emily LAU elaborated that since 2009, the Subcommittee had, with the assistance of the Secretariat, conducted a series of surveys with a view to assessing the extent of resources required for Members to perform their LegCo functions and duties. Upon the completion of the surveys, the Subcommittee had held three meetings to discuss the findings and proposals put forward by the Secretariat. It had also received views from deputations, including Members' Personal Assistants ("PAs"), at one of its meetings. Having considered the findings of the surveys and the views expressed by deputations, the Subcommittee had conducted further studies and come up with a package of proposals for consultation with Members and their PAs. A briefing session was conducted by the Secretary General ("SG") on 14 February 2011 for all Members and PAs, who had put forward some suggestions to improve the package. The proposals, after further fine-tuning by the Subcommittee, were set out in the submission to the Independent Commission in Appendix IV to the Report.

23. Ms Emily LAU further reported that based on the findings of the surveys, the Subcommittee found that the current level of OER was no longer adequate to meet Members' needs. The inadequacy of resources had created tremendous pressure and difficulties for Members, in particular for those who needed to operate two or more district offices. Members did not have sufficient resources to pay their staff at a level commensurate with the salaries of those with the same qualifications performing the same level of work in the employment market. Owing to poor career prospects, irregular and long working hours and inadequate fringe benefits, the annual turnover rate of full-time staff in Members' offices was as high as 34%. In order to retain experienced staff and maintain the basic services provided by their district offices, many Members had to pay staff salaries and end-of-service gratuities out of their own pockets. Members who did not have the financial capacity to make up for the shortfall in operating expenses had to put up with the high turnover rate of their staff.

24. Ms Emily LAU further said that the Subcommittee noted that over the years, the variety and complexity of issues dealt with by Members, and the size of constituencies served by them had increased substantially. These had rendered the present level of resources provided for Members neither sufficient for setting up a reasonable number of offices in the districts they served nor engaging good quality staff to conduct public and social policy research. She stressed that as Office Operation Expenses Reimbursement ("OOER") were accountable and reimbursed on the basis of expenses actually incurred, the level of OOER should meet the actual needs of Members.

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25. Ms Emily LAU then elaborated on the recommendations of the Subcommittee. She explained that on the basis of each Member engaging seven full-time staff to operate one central office and two district offices, the Subcommittee recommended that the annual accountable component of OOER should be increased from the current \$1,654,750 to \$2,078,613. The Subcommittee also recommended that an end-of-service gratuity at 10 to 15% should be provided to full-time staff engaged by Members, and the required funding would be \$210,228 per annum. As this funding was aimed to improve the remuneration package of staff, the Subcommittee recommended that the funding earmarked for the payment of gratuities should be kept and maintained by the LegCo Secretariat and all gratuities were paid directly by the Secretariat to the individual staff on instructions given by Members upon completion of employment contract by staff.

26. Ms Emily LAU added that the Subcommittee further recommended that a new accountable allowance of \$204,000 per annum should be provided to Members for conducting research. The Subcommittee considered that the existing restriction on Members to use the OOER to employ a political party they were affiliated to in undertaking a consultancy was already outdated in the light of the current political and constitutional development in Hong Kong, hence its recommendation for the removal of this restriction. In addition, the Subcommittee recommended that the one-off provision for setting up offices and procuring IT and communication equipment should be merged into one single allowance to increase flexibility, and the combined allowance should be \$482,500 per term. She appealed to Members to endorse the Subcommittee's package of proposals and the submission of the proposals to the Independent Commission with a view to implementing the proposals with effect from 1 October 2011.

27. Dr Priscilla LEUNG said that the Subcommittee should also study the funding required by Members for improving the fringe benefits, such as medical allowance, to their staff. Ms Emily LAU noted her view.

28. Members endorsed the package of proposals as set out in paragraphs 6 to 24 of the Subcommittee's Report and agreed to forward the submission containing the package of proposals in Appendix IV to the Report to the Independent Commission.

V. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 1278/10-11)

29. The Chairman said that there were 12 Bills Committees, eight subcommittees under the House Committee (i.e. four subcommittees on subsidiary legislation, two subcommittees on policy issues and two subcommittees on other Council business) and eight subcommittees under Panels in action.

VI. Proposal for activation of the Subcommittee on Registration of Proprietary Chinese Medicines under the Panel on Health Services

(LC Paper No. CB(2) 1286/10-11)

30. Dr LEUNG Ka-lau, Chairman of the HS Panel, said that the Panel had agreed at its meeting on 14 March 2011 to set up a subcommittee to study the registration of proprietary Chinese medicines ("pCm"). He referred Members to the HS Panel's paper for details of the Subcommittee's terms of reference, work plan and time frame for completion of work.

31. Dr LEUNG Ka-lau elaborated that the provisions in CMO related to the mandatory registration of pCm had commenced operation since 3 December 2010. Members had expressed grave concern about the lack of transparency and objectivity of the assessment criteria and procedure for the registration of pCm. Members were also dissatisfied with the inadequate support provided by the Government to the trade in meeting the registration requirements for pCm and considered it high time to conduct a review on the policy regulating Chinese medicines. To enable more focused discussion, members agreed that a subcommittee should be set up under the HS Panel to study the registration of pCm.

32. Dr LEUNG Ka-lau further said that the HS Panel had noted that as more than eight subcommittees on policy issues were currently in operation, the Subcommittee had been placed on the waiting list. The HS Panel would continue to follow up the subject pending the approval of the House Committee for the activation of the Subcommittee. He appealed to Members to support the activation of the Subcommittee.

33. The Chairman said that apart from the Subcommittee under discussion, two subcommittees appointed earlier under the Panel on Welfare Services ("WS Panel"), namely, the Subcommittee on Retirement Protection and the Subcommittee on Improving Barrier Free Access and Facilities for Persons with Disabilities, had already been placed on the

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waiting list. The House Committee had agreed at its meeting on 21 January 2011 that the former Subcommittee could be activated in late April 2011 and the latter Subcommittee be activated after the Subcommittee on Residential and Community Care Services for Persons with Disabilities and the Elderly under the WS Panel had completed its work.

34. The Chairman drew Members' attention to Rule 26(b) of the House Rules which provided that where the number of subcommittees on policy issues in operation had reached the maximum number of eight, a queuing system would automatically be activated with a waiting list formed. Where the number of Bills Committee 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.

35. At the invitation of the Chairman, SG briefed Members on the existing and anticipated workload of the Secretariat. She highlighted that 12 subcommittees on policy/other issues and 12 Bills Committees were currently in operation. It was expected that 14 bills would be introduced into the Council in the coming three months and Bills Committees would likely be formed on most of these bills, taking up the remaining four slots for Bills Committees. In addition, while the nominal maximum number of subcommittees on subsidiary legislation was two, four such subcommittees were currently in operation, and another seven or eight were expected to be appointed in the next three months. Given the existing and anticipated heavy workload and unless some subcommittees on policy issues could soon complete their work, the Secretariat had to reserve its capacity for servicing anticipated committees on legislative proposals and would not be able to absorb the servicing of the Subcommittee for the time being.

36. The Chairman said that as the Secretariat had practical difficulties in servicing the Subcommittee for the time being, it could activate when a subcommittee on policy issues in operation had completed its work.

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37. Dr LEUNG Ka-lau was concerned about the expected time when the Subcommittee could commence work, given the significant impact of the registration of pCm on the trade and the public.

38. At the invitation of the Chairman, SG further explained that the timing for activation of the Subcommittee depended on when the subcommittees on policy issues currently in operation would complete their work. When any one of these subcommittees (discounting the Subcommittee on Residential and Community Care Services for Persons with disabilities and the Elderly) had completed its work and the number of Bills Committee in operation was less than 16, the Subcommittee could commence its work.

39. Dr LEUNG Ka-lau reiterated his concern about the need to know the expected timing for activation of the Subcommittee. He pointed out that while the HS Panel would continue to follow up the subject pending the activation of the Subcommittee, it was important to let the trade and the public know when the Subcommittee could be expected to commence its work.

40. The Chairman said that the latest position on Bills Committees and subcommittees was reported to Members at each House Committee meeting.

41. Dr Priscilla LEUNG shared the concern about the need to know when the Subcommittee could be expected to commence work. She pointed out that the trade had expressed concern on whether the matter would be followed up by the HS Panel.

42. At the invitation of the Chairman, SG said that the Secretariat would consult the subcommittees on policy issues in operation and ascertain if there was any feasibility of suspension of work for a few months or early completion of work. The Secretariat would report back to the House Committee in about two weeks' time.

VII. Proposal to set up a subcommittee to study the subject of poverty alleviation

(LC Paper No. ESC 31/10-11)

43. Dr Margaret NG, Chairman of the Establishment Subcommittee ("ESC"), said that at its meeting on 5 January 2011, ESC had considered the Administration's proposal to retain a supernumerary post of Administrative Officer Staff Grade C ("AOSGC") in the Labour and

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Welfare Bureau ("LWB") for three years with effect from March 2011 to coordinate the Administration's efforts in poverty alleviation. She elaborated that with the conclusion of work of the former Commission on Poverty ("CoP") in 2007, LWB had taken up the responsibilities of overseeing and monitoring poverty alleviation work. The AOSGC post was to provide dedicated directorate support to underpin LWB's efforts in this regard.

44. Dr Margaret NG further said that when examining the Administration's staffing proposal, members considered it important and necessary for LegCo to continue the work of the former subcommittees on poverty alleviation, and suggested that a subcommittee be appointed again to study the subject and follow up with the Administration on the outstanding recommendations on poverty alleviation. As poverty alleviation straddled across various policy bureaux, there was a view that it would be appropriate for the proposed subcommittee to be set up under the House Committee. However, there was another view that the proposal should be referred to the WS Panel for consideration first. On behalf of ESC, she had therefore brought up the matter to the House Committee to seek its views.

45. The Chairman invited Members' views on the matter.

46. Mr LAU Kong-wah said that during the discussion at the ESC meeting, he had expressed the view that the WS Panel should first be invited to consider the need for the appointment of a subcommittee on poverty alleviation.

47. Mr Frederick FUNG said that he was the Chairman of the two former subcommittees appointed to study the subject of poverty alleviation. He agreed to the need for LegCo to continue to study the subject. He pointed out that following the conclusion of work of CoP, the responsibility for overall coordination on poverty alleviation work had been taken up by LWB. There had been concerns about the progress in taking forward the recommendations of CoP. As the problems currently faced by the poverty-stricken groups were different from those a few years ago, he considered it necessary to conduct a comprehensive study on the subject again. In his view, it was more appropriate for a subcommittee to be appointed under the House Committee.

48. Mr CHEUNG Kwok-che, Chairman of the WS Panel, said that while he considered it more appropriate for the proposed subcommittee to be appointed under the House Committee given that poverty alleviation straddled across various policy areas, he noted that even if a

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subcommittee was to be appointed, it could not commence work immediately as three subcommittees had already been on the waiting list. In the circumstances, he considered it a better arrangement to refer the proposal to the WS Panel for consideration first. In the meantime, the WS Panel could continue to follow up issues relating to poverty alleviation. Should the WS Panel decide to recommend the appointment of a subcommittee under the House Committee to study the subject, it would raise the matter with the House Committee.

49. Mr IP Kwok-him expressed support for referring the proposal to the WS Panel.

50. Members agreed to refer the proposal for the appointment of a subcommittee to study issues relating to poverty alleviation to the WS Panel for consideration.

VIII. Proposal from Hon LEUNG Kwok-hung for moving a motion for adjournment under Rule 16(4) at the Council meeting of 30 March 2011 for the purpose of debating the following issue: whether the Financial Secretary should step down for the lack of long-term social security planning in the Budget

(Letter dated 15 March 2011 from Hon LEUNG Kwok-hung to the Chairman of the House Committee (LC Paper No. CB(2) 1287/10-11(01))

51. At the invitation of the Chairman, Mr LEUNG Kwok-hung said that it was reported in the media the inclusion of a question in a survey commissioned by the Government on whether the Financial Secretary ("FS") should resign over his handling of the Budget. He noted a recent statement made by Mr WEN Jia-bao, Premier of the State Council, that the Hong Kong Special Administrative Region Government should make use of the huge fiscal surplus to resolve the deep-rooted conflicts in Hong Kong and assist the vulnerable groups. Mr LEUNG quoted from the speech made by Chairman MAO Ze-dong on 8 September 1944 entitled "Serving the people" which mentioned that a government should not be afraid to have its shortcomings being pointed out by anyone and should make corrections so long as it was in the interests of the people to do so. Mr LEUNG opined that the Administration was currently facing a serious governance crisis. He had proposed the holding of an adjournment debate to provide an opportunity for Members to speak on this important matter. He added that FS should attend the debate to make a reply.

52. The Chairman invited Members' views on Mr LEUNG Kwok-hung's proposal.

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53. Mr IP Kwok-him affirmed the essence of the quoted speech of Chairman MAO Ze-dong. He said that Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong objected to the proposal as Members would have ample opportunities to express their views on the matter at the second Budget meeting of the Council scheduled for 6 and 7 April 2011. Moreover, the issue for the adjournment debate would not be put to vote.

54. The Chairman reminded Members that the question put to vote at an adjournment debate was "that the Council do now adjourn".

55. Dr Margaret NG said that she did not support Mr LEUNG Kwok-hung's proposal not because of the subject matter of the proposed adjournment debate but because she considered it inappropriate to discuss such a solemn matter by way of an adjournment debate under RoP 16(4). In her view, FS should resign over his handling of the Budget, but he should be given an opportunity to respond to Members' views on the matter.

56. Mr CHEUNG Man-kwong said that it was his understanding that the subject of an adjournment debate should be couched in neutral terms. He sought confirmation from the Legal Adviser ("LA") on whether his understanding was correct.

57. At the invitation of the Chairman, LA said that under RoP 16(4), at the conclusion of all the business on the Agenda of the Council, a Member might move a motion to adjourn the Council, for the purpose of raising any issue concerning public interest, with a view to eliciting a reply from a designated public officer. He further said that it was his observation that proposed issues for debate pursuant to a motion to adjourn the Council under RoP 16(4) which had been subject to rulings of the President were descriptions of issues concerning public interest without indication of a stance.

58. Mr Paul TSE said that according to his understanding, the subject of an adjournment debate should be neutrally worded pursuant to RoP 16(1). While he had yet to formulate his view on the subject of the proposed adjournment debate, he considered it inappropriate for FS to reply at the debate given that he was the subject of the debate. In his view, the invocation of the mechanism for moving an adjournment debate under RoP 16(4) was inappropriate.

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59. Mr LEUNG Kwok-hung said that CS could reply at the adjournment debate if it was considered inappropriate for FS to do so. In his view, the subject of his proposed adjournment debate satisfied the criteria in RoP 16(4) as it was an issue concerning public interest and neutrally worded. He stressed that the issue for the proposed debate was phrased in the form of a question and the question in itself did not denote any stance, although a stance might come up during the debate.

60. Dr Margaret NG said that she had moved a motion of no confidence respectively in the former Secretary for Justice, Miss Elsie LEUNG, in 1999 and in the former FS, Mr Antony LEUNG, in 2003. She recalled that apart from CS, the Government official who was the subject of the motion had also attended the relevant debate to reply. While she did not consider it offending to move a motion of no confidence in a senior Government official, she reiterated that it was not appropriate to debate such a solemn and serious constitutional matter at an adjournment debate as the official concerned should be given adequate time and opportunities to respond directly. She suggested that Mr LEUNG Kwok-hung should consider withdrawing his proposal.

61. While sharing the view that an adjournment debate might not be an appropriate forum for debating the matter given its short duration, Mr LEUNG Kwok-hung said that he had raised the proposal in order to provide Members with an early opportunity to discuss and give their initial views on the matter. He added that FS could attend the debate to give a reply. He sought information on the speaking time limit for a designated public officer at an adjournment debate under RoP 16(4).

62. The Chairman said that the time limit for reply by a designated public officer at an adjournment debate under RoP 16(4) was 15 minutes.

63. The Chairman put to vote Mr LEUNG Kwok-hung's proposal for moving a motion for adjournment under RoP 16(4) at the Council meeting of 30 March 2011 for the purpose of debating the following issue: whether FS should step down for the lack of long-term social security planning in the Budget. Mr LAU Kong-wah requested to claim a division.

The following Members voted in favour of the proposal:

Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr CHEUNG Man-kwong, Ms Emily LAU, Mr Frederick FUNG, Mr LEE Wing-tat, Dr Joseph LEE, Mr KAM Nai-wai, Mr CHEUNG Kwok-che, Mr WONG Sing-chi and Mr LEUNG Kwok-hung
(12 Members)

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The following Members voted against the proposal:

Ir Dr Raymond HO, Dr Margaret NG, Mr CHAN Kam-lam, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Kong-wah, Mr LAU Wong-fat, Mr Timothy FOK, Mr TAM Yiu-chung, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Ms Audrey EU, Mr WONG Kwok-hing, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr CHEUNG Hok-ming, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Ms Starry LEE, Mr CHAN Hak-kan, Mr CHAN Kin-por, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mr IP Wai-ming, Mr IP Kwok-him, Mrs Regina IP, Dr PAN Pey-chyou, Mr Paul TSE, Mr Alan LEONG and Miss Tanya CHAN
(33 Members)

64. The Chairman declared that 12 Members voted for and 33 Members voted against the proposal and no Member abstained. The proposal was negatived.

IX. Proposal from Hon LAU Kong-wah for discussion on the failure of the Philippine authorities to facilitate the Hong Kong coroner's inquest into the Manila hostage incident

(Letter dated 15 March 2011 from Hon LAU Kong-wah to the Chairman of the House Committee (LC Paper No. CB(2) 1287/10-11(02))

65. At the invitation of the Chairman, Mr LAU Kong-wah said that he had raised on 15 March 2011 the matter for discussion in the light of the grave public concern about the refusal of the Philippine witnesses summoned by the Hong Kong Coroner's Court ("the Coroner's Court") to testify in the inquest into the deaths of eight of the victims of the Manila hostage incident. Not only the family members of the victims but also LegCo Members were distressed to note that even among the few Philippine witnesses who had agreed to testify via video link, some had subsequently failed to turn up. Notwithstanding the further developments over the past few days, including the holding of an adjournment debate on the matter at the Council meeting of 16 March and the actions taken by the Administration through various channels to urge the Philippine Government to render full assistance in the death inquest, he considered the taking of evidence from the Philippine witnesses still far from adequate because not each and every witness who had agreed to testify had testified. He stressed the need for Members to continue to follow up the matter, either directly with the Philippine Government or through the Chief Executive ("CE") and the Ministry of Foreign Affairs of the People's Republic of China ("Ministry of Foreign Affairs"), urging the Philippine Government to honour its undertaking to assist in the death inquest.

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66. Mr James TO, Chairman of the Panel on Security ("the Panel"), said that the Panel would hold a special meeting on 19 March 2011 to discuss, among others, actions taken by the Administration in relation to the death inquest. He shared the view that although an adjournment debate had been held, it was necessary for LegCo to continue to follow up the matter. He noted with grave concern that of the 116 Philippine witnesses summoned to testify before the Coroner's Court, only a few had agreed to testify. He appealed to non-Panel Members to attend the discussion of the item to join in the call for the Administration to request the Central Government to assist in the matter. He added that the family members of the victims of the hostage incident had requested him to convey to CE their wish to meet with him, but CE had yet to reply. He called on Members to support the request of the family members for meeting with CE.

67. Dr Priscilla LEUNG said that Members should continue to exert pressure on the Philippine Government until it had rendered full assistance in the death inquest, so as to do justice to the victims. The holding of the adjournment debate on the matter had impact as several Philippine witnesses had given evidence via video link on the day of the House Committee meeting. She pointed out that the Manila hostage incident had already affected collaboration between Hong Kong and the Philippines on various fronts. She suggested that the Chairman should, on behalf of Members, write to CE requesting him to urge the Philippine Government to facilitate the taking of evidence from all Philippine witnesses either in person or via video link.

68. Mr LEUNG Kwok-hung noted with concern the imminent conclusion of the Coroner's inquest into the death of the eight victims of the Manila hostage incident. Given the grave public concern on the incident, he considered it incumbent upon CE to request the Ministry of Foreign Affairs to urge the Philippine Government to assist the Coroner's Court in the taking of evidence from the Philippine witnesses. He also considered it important for CE to respond as soon as possible to the wish of the family members of the victims to meet with him.

69. Dr PAN Pey-chyou criticized the Philippine Government for its rascal attitude and failure to honour its undertaking to facilitate the Coroner's inquest into the deaths of the victims of the Manila hostage incident. He echoed the deep concern about the failure of some Philippine witnesses to turn up notwithstanding their earlier agreement to testify. He stressed the need to convey a strong message to the Philippine Government on Members' grave dissatisfaction and anger over its non-cooperation and untrustworthiness.

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70. In response to Mr Paul TSE, the Chairman clarified that Mr LAU Kong-wah was not proposing the holding of an adjournment debate. The matter under discussion was how Members should follow up on the failure of the Philippine authorities to facilitate the Coroner's inquest. Suggestions made by Members included writing directly to the Philippine Government, or CE, or the Ministry of Foreign Affairs to relay Members' views and request to the Philippine Government.

71. Mr Paul TSE said that he was also very disappointed and furious with the failure of the Philippine Government to facilitate the Coroner's Court in the taking of evidence from the Philippine witnesses. While not objecting to the suggestion of writing to urge the Philippine Government to assist in the death inquest, he doubted the effectiveness of such an action. He also queried the need for taking any further action at this stage, given that an adjournment debate had been held at the Council meeting and the matter had been scheduled for discussion at the special Panel meeting to be held on the following day.

72. Mr James TO suggested that the Chairman should write to CE requesting him to meet with the family members of the victims and to seek assistance from the Central Government to urge the Philippine Government to take all necessary actions to assist the Coroner's Court in the taking of evidence from the Philippine witnesses.

73. Mr LAU Kong-wah said that although an adjournment debate had been held, it had not led to any action taken by Members. Should the House Committee agree to the suggestion of writing to CE on the matter, this would represent a collective action by Members which would exert more pressure on the Philippine Government to provide the necessary assistance in the death inquest. He stressed that a concerted action taken by the House Committee was very different from mere discussion at a Panel meeting.

74. Dr Priscilla LEUNG shared the view that a strong request from Members to the Philippine Government for providing assistance in the death inquest would bear fruit, given the strong economic ties between Hong Kong and the Philippines.

75. The Chairman said that the proposal was for her, on behalf of Members, to write to CE to request the Ministry of Foreign Affairs to urge the Philippine Government to take all necessary actions to assist the Coroner's Court in the taking of evidence from the Philippine witnesses either in person or through video link, and to meet with the family members of the victims. She invited Members' view on the proposal.

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76. Mr IP Kwok-him considered it unnecessary for Members to request CE to meet with the family members of the victims as it should be a matter for CE to decide. He added that CE should be well aware of the public views on the matter.

77. Mr James TO said that while it would be for CE to decide whether to meet with the family members of the victims, he did not see any problem with Members conveying their request for CE to meet with the family members. He appealed to Mr IP Kwok-him to withdraw his objection.

78. Dr PAN Pey-chyou noted that CE had expressed his deep concern for the victims and their families on many occasions. While understanding the wish of the family members of the victims for a fair inquest, he did not consider that CE must accede to their request for meeting with him. In his view, the most important thing was for CE to be aware of the views of Members and to make his best endeavours to assist the victims and their family members in finding out the truth about the tragic incident.

79. Mr IP Kwok-him clarified that he had not said that he objected to CE meeting with the family members of the victims. He had only remarked that it might not be appropriate and necessary for the House Committee to make a demand that CE should meet with them.

80. Dr Priscilla LEUNG said that she had no doubt about CE's concern for the victims and their family members. However, whether CE would meet with the family members was a matter of compassion. She therefore did not consider it appropriate for Members to convey in the letter their request for CE to meet with them. She stressed that as CE was aware of the views of Members, it should be for CE to decide.

81. Mr LAU Kong-wah said that it had all along been the common wish of all Members to assist the victims and their families. He stressed that Members should make concerted efforts in this regard and should not criticize other Members emotionally. He added that the letter could reflect the two aspects as summarized by the Chairman in paragraph 75 above.

82. Mr CHIM Pui-chung requested that the draft letter be circulated for Members' comments before issuance to CE. He shared the view that it was not appropriate for Members to instruct or request CE to take a certain course of action.

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83. The Chairman said that the draft letter would be circulated to Members for comments. If no comment was received by a specified deadline, the letter would be issued to CE.

84. Mr James TO said that the family members of the victims had requested him on the day before the House Committee meeting to convey to the Office of CE their wish to meet with CE. He called on Members to support the wish of the family members and the relay of their wish in the proposed letter to CE.

85. Dr LAM Tai-fai stressed that it was the objective of all Members, irrespective of their political affiliations, to strive for the best interests of the public and reflect their wishes to the Administration. He appreciated the helplessness of the family members of the victims and considered it incumbent upon Members to assist them and convey their wish to meet with CE. He expressed support for inclusion in the letter to CE Members' request for CE to meet with the family members. In his view, the wish of the family members of the victims to meet with CE was reasonable by any standard.

86. Mr Abraham SHEK said that the family members of the victims had requested Mr James TO, and not LegCo, to convey to CE their wish to meet with him. He noted that Mr James TO had already conveyed their wish to CE. While agreeing to the proposal of the Chairman writing to CE on behalf of Members, he did not consider it appropriate to convey in the letter the request for CE to meet with the family members, which, in his view, should be a matter for CE to decide.

87. Mr LEE Cheuk-yan said that Members should take concerted actions to help the family members of the victims and request CE to meet with them. Whether the wish of the family members to meet with CE was made to Mr James TO or LegCo should not be a factor for consideration. He stressed that a letter from the House Committee to CE would certainly carry more weight than the relay of the wish to CE by Mr James TO alone.

88. Mr CHEUNG Man-kwong said that it was his understanding that the family members of the victims had not only requested Mr James TO to convey their wish to meet with CE. They had also expressed their wish to the media. He stressed that all Hong Kong people had sympathy for them and it was incumbent upon CE to meet with them. He expressed support for conveying the wish of the family members in the Chairman's letter to CE.

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89. Dr Margaret NG expressed support for the views of Dr LAM Tai-fai and Mr LEE Cheuk-yan. She agreed that the wish of the family members should be reflected in the Chairman's letter to CE. She said that should the House Committee not relay the wish in the letter, a letter jointly signed by individual Members could be sent to CE, and she would be happy to sign in such a letter.

90. Summing up, the Chairman proposed that she would write to CE on behalf of Members urging him to request the Ministry of Foreign Affairs to urge the Philippine Government to take all necessary actions to assist the Coroner's Court in the taking of evidence from the Philippine witnesses and conveying the wish of the family members of the victims to meet with him. Members agreed.

(Post-meeting note: A draft letter to CE was circulated to Members vide LC Paper No. CB(2)1310/10-11 on 19 March 2011. As CE had met with the family members of the victims in the afternoon of 18 March and with the concurrence of the Chairman, the relay of the wish of the family members to meet with CE had not been mentioned in the draft letter. The letter was sent to CE on 21 March and issued to Members vide LC Paper No. CB(2)1316/10-11 on the same day.)

X. Proposal from Hon Emily LAU Wai-hing for discussion on the impact on Hong Kong of the Fukushima nuclear plant incident in Japan

(Letter dated 16 March 2011 from Hon Emily LAU to the Chairman of the House Committee (LC Paper No. CB(2) 1287/10-11(03))

91. Ms Emily LAU thanked the Chairman for agreeing to include her proposal in the agenda which was submitted after the deadline for proposing agenda items. She said that her intention was to invite relevant Bureau Secretaries and representatives of government departments to attend the House Committee meeting to discuss the impact on Hong Kong of the Fukushima nuclear plant incident in Japan. As the matter straddled across the policy areas of various Panels, she considered the House Committee an appropriate forum for discussion. She stressed the importance for the Administration to brief Members and the public on a regular basis on the contingency measures taken in different areas. Given the urgency of the matter, she considered it necessary for the House Committee to invite the Administration as soon as practicable to brief Members on the impact of the incident on Hong Kong on various fronts. She sought Members' view on the way to take forward her proposal.

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92. The Chairman informed Members that the Panel on Security would discuss, among others, "Government contingency measures and Outbound Travel Alert in relation to the recent nuclear plant incidents in Japan" at its special meeting to be held on 19 March. It was her understanding that representatives from all relevant bureaux/departments would attend the meeting.

93. Mr WONG Sing-chi said that as the radiation leak at the Fukushima nuclear plant had caused panic in the community, he considered it necessary for Members to have a thorough discussion on the matter. In view of the number of discussion items at the special Panel meeting, he was concerned whether there would be sufficient time for discussion of the matter. Furthermore, new developments might unfold every day. Hence, he supported the holding of a special House Committee meeting next week to enable Members to have a focused and thorough discussion on the matter with the Administration.

94. Mr Jeffrey LAM said that there was grave public concern about the radiation leak at the Fukushima nuclear plant and the safety of Hong Kong residents in Japan. He appreciated the Administration for its prompt actions in assisting Hong Kong residents who were stranded in Japan to return to Hong Kong. Noting different expert views on the Fukushima nuclear plant situation, he reckoned that the Administration might not be able to provide the answers to many questions at the current stage. At the Council meeting of 16 March, the Administration had responded to three urgent oral questions on the Fukushima nuclear plant incident and had attended the relevant adjournment debate. Instead of inviting the Administration to attend meetings with Members frequently, he considered it a better use of time to allow the Administration to deal with the matter. In his view, keeping LegCo and the public informed of the developments through public announcement or press briefing on a daily basis would suffice. He added that the impact of the incident on different areas, such as economic development, tourism and environment, could be followed up by the relevant Panels as appropriate.

95. Mr LEUNG Kwok-hung expressed doubt on whether the Administration had the expertise to answer the questions raised by Members on the incident and considered it necessary for it to seek assistance from the relevant Mainland authorities. He stressed that it was the responsibility of the Administration to explain to Members and the public, through experts or government officials of high standing and good credibility, the possible impact of the radiation leak on Hong Kong. He considered it necessary to put in place a notification system to inform the general public of the latest developments on a regular basis. Should an effective notification system be put in place, it would then not be

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necessary for LegCo to hold meetings with the Administration frequently. He did not subscribe to the view that meeting with Members would interfere with the Administration's work in handling the matter.

96. The Chairman said that to her knowledge, the Administration was holding press briefings in the afternoon on a daily basis to update the public on the Fukushima nuclear incident.

97. Mr LAU Kong-wah said that as the Panel on Security would discuss the matter at its special meeting and representatives from all relevant bureaux/departments would attend, he considered it a better approach to explore the way forward after the discussions by the Panel.

98. Mr Paul TSE shared the views expressed by Mr Jeffrey LAM and Mr LAU Kong-wah. He said that while Members had the responsibility to monitor the Administration's handling of the matter, he considered it important to take a balanced approach to allow time and room for the Administration to tackle it.

99. Ms Emily LAU said that she had raised the proposal because she considered it incumbent upon the Administration to provide an overall response to LegCo on its handling of the matter given the wide public concern. Notwithstanding the raising of urgent oral questions and the holding of an adjournment debate on the matter, she considered it necessary for LegCo to provide a platform to enable Members to raise questions on related issues and the Administration to provide a coordinated response. In her view, the holding of a daily press briefing by the Administration was not adequate.

100. The Chairman enquired with Mr James TO on the time allocated for the discussion of the matter at the special Panel meeting.

101. Mr James TO said that he had received a phone call from CS in the morning of the day of the House Committee meeting. At the request of CS, he had directed that a total of one and an half hours be allocated for discussion of the item on the Fukushima nuclear power plant incident at the special Panel meeting. He assured Members that where necessary, he would defer the discussion of a less urgent item to a future meeting to allow more time for discussion on the incident.

102. Mrs Sophie LEUNG said that when Ms Emily LAU made the proposal, she was probably not aware of the raising of urgent oral questions and the holding of the adjournment debate on the matter at the Council meeting of 16 March. Given that the matter would be discussed at the special Panel meeting, she shared the view that Members should decide on the need for further meetings after discussions at that meeting.

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She added that it was important to allow time for the Administration to tackle the matter. Should there be urgent developments, special meetings could be convened immediately.

103. Mr Andrew LEUNG said that the fact that CS had requested more time for discussion of the matter at the special Panel meeting showed that the Administration was eager to brief Members. As all Members had been invited to attend the special Panel meeting, he considered it an appropriate forum for urgent discussion of the matter. In his view, the Panel might convene additional special meetings should the development of the matter so warrant.

104. Dr Priscilla LEUNG said that LegCo should handle the matter in a rational manner to avoid arousing unnecessary panic among the public. In her view, Members should keep in view the developments and urgent special meetings of the House Committee could be held if the situation so warranted.

105. Mr CHAN Kam-lam said that Members were very concerned about the extent of the impact of the Fukushima nuclear incident on Hong Kong. He hoped that Ms Emily LAU could consider withdrawing her proposal as the special Panel meeting to be attended by representatives of relevant bureaux/departments would achieve the same purpose as hers. He added that there could be different forums for following up the matter after the discussions at the special Panel meeting.

106. Mr James TO suggested that the Chairman could keep in view closely the developments of the matter and convene a special House Committee meeting if considered necessary.

107. Concluding the discussions, the Chairman said that should comprehensive discussions of the issues be held at the special Panel meeting, the purpose of Ms Emily LAU's proposal could be met to some extent. She would keep in view closely the developments and consult Members on the need for holding a special House Committee meeting if the situation warranted urgent attention by Members. Members agreed.

XI. Any other business

108. There being no other business, the meeting ended at 4:10 pm.