

立法會  
*Legislative Council*

LC Paper No. CB(2) 1066/11-12

Ref : CB2/H/5/11

**House Committee of the Legislative Council**

**Minutes of the 13th meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 10 February 2012**

**Members present:**

Hon Miriam LAU Kin-yee, 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  
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 Andrew CHENG Kar-foo  
Hon TAM Yiu-chung, GBS, JP  
Hon Abraham SHEK Lai-him, SBS, JP  
Hon Tommy CHEUNG Yu-yan, SBS, JP  
Hon Frederick FUNG Kin-kee, SBS, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon LEE Wing-tat  
Hon Jeffrey LAM Kin-fung, GBS, JP  
Hon Andrew LEUNG Kwan-yuen, GBS, 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  
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, JP  
Dr Hon LEUNG Ka-lau  
Hon CHEUNG Kwok-che  
Hon WONG Sing-chi  
Hon IP Kwok-him, GBS, JP  
Hon Paul TSE Wai-chun, JP  
Dr Hon Samson TAM Wai-ho, JP  
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  
Hon CHAN Kam-lam, SBS, JP  
Dr Hon Philip WONG Yu-hong, GBS  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon LI Fung-ying, SBS, JP  
Hon Vincent FANG Kang, SBS, JP  
Hon WONG Kwok-hing, MH  
Dr Hon Joseph LEE Kok-long, SBS, JP  
Hon WONG Kwok-kin, BBS  
Hon IP Wai-ming, MH  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Dr Hon PAN Pey-chyou

**Clerk in attendance :**

Mrs Sharon TONG                      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 4
Ms Connie FUNG	Senior Assistant Legal Adviser 1
Mr KAU Kin-wah	Senior Assistant Legal Adviser 3
Mr Stephen LAM	Principal Council Secretary (Complaints)
Mr Simon WONG	Chief Public Information Officer
Miss Flora TAI	Chief Council Secretary (2)3
Ms Amy YU	Chief Council Secretary (2)6
Miss Kitty CHENG	Assistant Legal Adviser 5
Ms Wendy KAN	Assistant Legal Adviser 6
Miss Josephine SO	Senior Council Secretary (2)7
Ms Judy TING	Council Secretary (2)6
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 12th meeting held on 3 February 2012**

*(LC Paper No. CB(2) 980/11-12)*

The minutes were confirmed.

**II. Matters arising**

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

Legislative Programme

2. The Chairman said that CS had indicated that the Administration would soon provide Members with an updated Legislative Programme for the second half of the current session.

3. The Chairman further said that two bills on the 2011-2012 Legislative Programme, namely, the Regulation of Sale of First-hand Residential Properties Bill and the Trade Descriptions (Unfair Trade Practices) (Amendment) Bill, had yet to be introduced. They were expected to be introduced into the Legislative Council ("LegCo") by the second half of March 2012.

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(b) **Banking (Amendment) Bill 2011**  
(LC Paper No. LS 30/11-12)

*[Previous papers:*

*LC Paper No. LS 21/11-12 issued vide LC Paper Nos. CB(2) 748/11-12 and CB(2) 753/11-12 dated 5 January 2012; and paragraphs 6 to 8 of the minutes of the 10th House Committee meeting held on 6 January 2012 (LC Paper No. CB(2) 782/11-12 issued vide LC Paper No. CB(2) 814/11-12 dated 12 January 2012)]*

4. The Chairman said that at the House Committee meeting on 6 January 2012, Members agreed to consider the need to form a Bills Committee to study the above Bill pending the Legal Service Division ("LSD")'s further report. LSD had completed scrutiny of the Bill and provided a further report. The Administration had agreed to propose Committee Stage amendments to the Bill to address some drafting issues identified by LSD.

5. Members considered it not necessary to form a Bills Committee to study the Bill, and raised no objection to the resumption of the Second Reading debate on the Bill.

**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)**

*(Letter dated 7 February 2012 from the Director of Administration on "Proposed Order of Priority in the Scrutiny of Bills" (LC Paper No. CB(2) 996/11-12(01))*

(i) **Legislative Council (Amendment) Bill 2012**  
(LC Paper No. LS 27/11-12)

6. The Chairman said that the Bill sought to provide for the Administration's latest proposal for filling vacancies in LegCo. The Panel on Constitutional Affairs had been briefed on the proposal on 31 January 2012, and members had expressed diverse views.

7. Mr Alan LEONG considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. The following Members agreed to join the Bills Committee: Dr Margaret NG, Mr CHEUNG Man-kwong, Mrs Sophie LEUNG, Ms Miriam LAU, Mr TAM Yiu-chung, Ms Audrey EU, Mr Jeffrey LAM, Mr Andrew LEUNG, Dr Priscilla LEUNG, Mr IP Kwok-him, Mr Alan LEONG and Miss Tanya CHAN.

(ii) **Electoral Legislation (Miscellaneous Amendments) Bill 2012**  
(*LC Paper No. LS 28/11-12*)

8. The Chairman said that the Bill sought, inter alia, to revise the regulation of election advertisements. The Panel on Constitutional Affairs had been briefed on the legislative proposals on 21 November 2011. While members generally welcomed the proposals, they had expressed various concerns about their operation. LSD was continuing scrutiny of the Bill.

9. Mr Ronny TONG considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. The following Members agreed to join the Bills Committee: Dr Margaret NG, Ms Emily LAU (as advised by Mr James TO), Mr Ronny TONG, Ms Cyd HO, Dr Priscilla LEUNG and Mr IP Kwok-him.

The Administration's proposed order of priority in the scrutiny of Bills

10. The Chairman said that the Director of Administration ("D of Adm") had written to her proposing that should the number of Bills Committees set up by Members exceed the number of vacant slots available, the first and second priority be accorded to the Legislative Council (Amendment) Bill 2012 ("LC(A) Bill 2012") and the Electoral Legislation (Miscellaneous Amendments) Bill 2012 ("EL(MA) Bill 2012") respectively.

11. Dr Margaret NG disagreed with the Administration's proposal. She considered it more urgent to scrutinize the EL(MA) Bill 2012 than the LC(A) Bill 2012, given that no Member had indicated intention to resign from office. She stressed that it was for Members to decide whether to accede to the Administration's proposal.

12. Mr Ronny TONG concurred with Dr Margaret NG's view. He considered it unlikely for any Member to resign in the remaining few months of the current term of LegCo. He queried the urgency for LegCo to examine the LC(A) Bill 2012.

13. Mr Jeffrey LAM said that it was difficult to foresee whether any Member had any intention to resign. He considered it urgent to plug the loophole.

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14. Mr TAM Yiu-chung said that consideration could be given to forming one Bills Committee to study the two Bills and he noted that Members might have different views on it. Should Members consider it necessary to form separate Bills Committees to study the two Bills respectively, he considered that priority should be accorded to the LC(A) Bill 2012 in accordance with their order of introduction into the Council.

15. The Chairman said that there would be a vacant slot after the further report of the Bills Committee on the Legislative Council (Amendment) Bill 2011 ("LC(A) Bill 2011") under agenda item VI(a) below. According to the order of introduction of the two Bills into the Council, the Bills Committee on the LC(A) Bill 2012 should be activated first. Irrespective of Members' decision on the priority to be accorded to which of the two Bills, the scrutiny of the other Bill could commence soon given that a number of Bills Committees in operation were expected to complete work and vacate their slots in the near future.

16. Mr Ronny TONG considered it logical to accord priority to the EL(MA) Bill 2012 as the next general election of LegCo would be held in September 2012. Even if a Member was to resign in the coming few months, which he considered unlikely, he queried the need to hold a by-election when the current term of LegCo was drawing to a close. He sought information on the Administration's rationale for its proposed order of priority in the scrutiny of the two Bills.

17. The Chairman said that according to the letter from D of Adm, the LC(A) Bill 2012 sought to impose a restriction on the nomination of candidates at a LegCo by-election, which would commence operation from the Fifth LegCo. In the Administration's view, since the next general election of LegCo would be held in September 2012 and an early decision on the proposed restriction would provide certainty to potential candidates, there was a need for LegCo to start examining the Bill as a matter of urgency. Hence, the Administration's proposal to accord the first priority to the LC(A) Bill 2012. As regards the EL(MA) Bill 2012 which dealt with various issues in preparation for the 2012 LegCo election, including regulation of EAs, update of the electorate, counting arrangements for the District Council (second) functional constituency, and improvement of electoral procedures, the amendments would have to be in place before the LegCo election to be held in September 2012. The Administration therefore suggested that the second priority be given to the EL(MA) 2012.

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18. Mr IP Kwok-him said that according to his recollection, the House Committee normally acceded to the Administration's proposals on the order of priority in the scrutiny of bills. He considered it appropriate for Members to follow the same practice on this occasion.

19. Mr LEE Cheuk-yan said that it was reasonably clear that the scrutiny of the EL(MA) Bill 2012 was more urgent than the LC(A) Bill 2012. The proposals in the former had to be in place before the LegCo election to be held in September 2012, while those in the latter would commence operation only from the Fifth LegCo. He considered it absurd for the Administration to have proposed to give priority to the examination of the LC(A) Bill 2012 on the ground that an early decision would provide certainty to potential candidates. He queried whether the proposed restriction on the nomination of candidates at a LegCo by-election was a factor taken into account by potential candidates in deciding whether to run in the election. In his view, the scrutiny of the LC(A) Bill 2012 could be left to the Fifth LegCo and the first priority should be accorded to the EL(MA) Bill 2012. To uphold the principle of separation of powers among the Executive, the Legislature and the Judiciary, he stressed that it should be for LegCo to decide on the order of priority in the scrutiny of bills.

20. The Chairman said that the Administration could put forward proposals on the order of priority in the scrutiny of bills for Members' consideration. According to her recollection, Members normally acceded to the Administration's proposals in the past. She informed Members that the Bills Committee on Lifts and Escalators Bill would report to the House Committee on 24 February. The Bills Committee on Securities and Futures (Amendment) Bill 2011 and the Bills Committee on Protection of Wages on Insolvency (Amendment) Bill 2011 were expected to complete their work in March 2012. Hence, there was no cause for concern that a Bills Committee on the waiting list had to await a long time before it could commence work.

21. Mr CHIM Pui-chung considered it reasonable for LegCo to decide on the LC(A) Bill 2012 as soon as possible to provide certainty to potential candidates for the LegCo election concerning any restriction on the candidature for a LegCo by-election in the Fifth LegCo. He said that in expressing their own views, Members should not criticize the views of other Members, which would provoke hostility among Members.

22. Dr Margaret NG said that it was not uncommon for Members to have diverse views at a debate. She fully agreed with Mr LEE Cheuk-yan's reasoning for according priority to the scrutiny of the EL(MA) Bill 2012. She also shared the view that the scrutiny of the LC(A) Bill 2012 could be left to the Fifth LegCo. She stressed that while the House Committee normally acceded to the Administration's

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proposed order of priority in the scrutiny of bills in the past, the decision rested with the House Committee. All along it had been for the House Committee to decide whether to accede to the Administration's proposal having considered the reasons put forward.

23. Mrs Sophie LEUNG said that there was no cause for concern as vacant Bills Committee slots were expected to be available soon. She did not object to the formation of one Bills Committee to scrutinize the two Bills. In her view, an early decision on the proposed restriction in the LC(A) Bill 2012 would facilitate electors' choice in the coming LegCo election.

24. Mr Paul TSE said that the decision of the House Committee on the matter under discussion would form a precedent. He sought clarification on whether the order in the scrutiny of bills rested with LegCo or the Administration. He also sought information on the criteria taken into account by Members in considering the order of priority in the scrutiny of bills.

25. The Chairman said that after the Administration had introduced a bill into LegCo, it would be for LegCo to decide on its scrutiny. The Administration and individual Members could put forward proposals for according priority to the scrutiny of certain bills for the House Committee's consideration. Since the Third LegCo, there had been four occasions on which the Administration had put forward such proposals to the House Committee for consideration and the House Committee had acceded to the Administration's proposals after discussion.

26. In response to Mr Paul TSE's enquiry on whether it was possible for the Administration to withdraw a bill when Members did not agree to its proposed order of priority in the scrutiny of bills, the Chairman said that such extreme cases had not happened before.

27. At the invitation of the Chairman, Secretary General ("SG") said that in accordance with rule 21(f) of the House Rules ("HR"), while the Administration could request priority activation of a Bills Committee, the decision rested with the House Committee.

28. Mr Albert CHAN opined that the Administration should have withdrawn the LC(A) Bill 2011 when it decided not to resume the Second Reading debate on the Bill at the Council meeting of 13 July 2011. The Administration should be condemned for its failure to do so, as it had affected the operation of LegCo. He considered it important to follow the established mechanism for activation of Bills Committees, unless there were strong grounds for deviation, for instance where significant public interest or public safety was involved.



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29. Dr Margaret NG said that HR 21(f) accorded with the basic principle that LegCo was master of its own affairs. Given that the LC(A) Bill 2011 and the LC(A) Bill 2012 related to arrangements for filling vacancies in LegCo, she sought clarification on whether it was in compliance with the Rules of Procedure ("RoP") for the Administration to introduce the latter Bill into the Council when the former Bill had yet to be withdrawn. She invited the Legal Adviser ("LA")'s views in this regard.

30. At the invitation of the Chairman, LA said that RoP did not impose any restriction on LegCo for dealing with more than one bill on the same subject matter concurrently. He recalled a precedent before 1997 where LegCo had dealt with bills relating to the same policy issues on housing at the same time. He added that there were substantive differences between the proposals for filling vacancies in LegCo under the two Bills in question.

31. The Chairman said that the Administration had indicated its intention to give notice to resume the Second Reading debate on the LC(A) Bill 2011 at the Council meeting of 22 February 2012 for the purpose of making an announcement to withdraw it.

32. Dr Margaret NG considered it not logical to have two bills on the same subject matter going through the legislative process at the same time. She reiterated her reservation about the introduction of the LC(A) Bill 2012 when the LC(A) Bill 2011 had yet to be formally withdrawn, and considered that it might be necessary for LSD to seek clarification with the Department of Justice and provide an information paper to Members in this regard.

33. Mr Albert CHAN shared Dr Margaret NG's concern. He considered it absurd to form a Bills Committee to study the LC(A) Bill 2012 before the Administration's formal withdrawal of the LC(A) Bill 2011.

34. Mr Paul TSE said that according to his understanding, it was legally in order to file another legal action involving the same parties and on the same cause of action if notice had been given for the withdrawal of the legal action filed first.

35. At the invitation of the Chairman, SG said that RoP 32 provided that where the Council had taken a decision on a specific question and the question had been decided in the affirmative, no further motion should be moved in relation to that question. The principle also applied to bills.

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She said that there had been an occasion in the past, as referred to by LA, where more than one bill concerning substantially the same housing issues were dealt with by LegCo concurrently. After one of the bills concerned had been passed, the other bills were not proceeded with.

36. Dr Margaret NG requested that the relevant examples be set out in an information paper to Members.

37. Given Members' diverse views, the Chairman put to vote the Administration's proposal on the order of priority in the scrutiny of the LC(A) Bill 2012 and the EL(MA) Bill 2012. The result was: 17 Members voted for the Administration's proposal, 15 Members voted against it and one Member abstained from voting. The Chairman declared that the Administration's proposal was supported. As there would be a vacant slot after the further report of the Bills Committee on LC(A) Bill 2011 under agenda item VI(a) below, the Bills Committee on the LC(A) Bill 2012 could commence work immediately. The Bills Committee on EL(MA) Bill 2012 would be placed on the waiting list.

**(b) Legal Service Division report on subsidiary legislation gazetted on 3 February 2012 and tabled in Council on 8 February 2012**

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*(LC Paper No. LS 26/11-12)*

38. The Chairman said that a total of five items of subsidiary legislation, including one Commencement Notice, were gazetted on 3 February 2012 and tabled in the Council on 8 February 2012.

39. Regarding the Rating (Exemption) Order 2012 (L.N. 14), the Chairman said that it sought to give effect to the proposal in the 2012-2013 Budget Speech to exempt all tenements from the payment of rates in the period from 1 April 2012 to 31 March 2013, subject to a cap of \$2,500 per quarter.

40. Mr Albert CHAN considered it necessary to form a subcommittee to study the Order in detail. Members agreed. Mr Albert CHAN and Mr LEE Cheuk-yan agreed to join the subcommittee.

41. The Chairman said that the Secretariat would issue a circular to invite Members to join the proposed subcommittee. Should less than three Members join the subcommittee by the deadline for signification of membership, the subcommittee would not be formed in accordance with the House Rules. Members noted the arrangements.

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42. Members did not raise any queries on the other four items of subsidiary legislation (L.N. 15 to L.N. 18).

43. The Chairman reminded Members that the deadline for amending the subsidiary legislation was 29 February 2012.

**IV. Further business for the Council meeting of 15 February 2012**

**(a) Tabling of papers**

**Report No. 12/11-12 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments**

*(LC Paper No. CB(2) 982/11-12 issued vide LC Paper No. CB(3) 420/11-12 dated 9 February 2012)*

44. The Chairman said that the Report covered only one item of subsidiary legislation the period for amendment of which would expire on 15 February 2012, i.e. the Undesirable Medical Advertisements (Amendment) Ordinance 2005 (Commencement) Notice 2012. Upon the expiry of the deadline, several Members had indicated intention to speak on the Notice. As such, she would move a motion in her capacity as Chairman of the House Committee to take note of the Report in relation to the Notice.

**(b) Questions**

*(LC Paper No. CB(3) 414/11-12)*

45. The Chairman said that Miss Tanya CHAN, Mr Albert HO and Mr WONG Sing-chi had replaced their oral questions.

**V. Business for the Council meeting of 22 February 2012**

**(a) Questions**

*(LC Paper No. CB(3) 413/11-12)*

46. 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**

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

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(c) **Government motion**

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

(d) **Members' motions**

(i) **Motion to be moved by Hon Ronny TONG**

49. The Chairman said that the subject of the motion to be moved by Mr Ronny TONG was "Reiterating Hong Kong's core values".

(ii) **Motion to be moved by Dr Hon PAN Pey-chyou**

50. The Chairman said that the subject of the motion to be moved by Dr PAN Pey-chyou was "Strengthening the support for persons suffering from dementia and their carers".

51. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 15 February 2012.

**VI. Report of Bills Committees and subcommittees**

(a) **Further report of the Bills Committee on Legislative Council (Amendment) Bill 2011**  
*(LC Paper No. CB(2) 983/II-12)*

52. Mr TAM Yiu-chung, Chairman of the Bills Committee, reported that the Bills Committee had agreed that in view of the Administration's decision to introduce a new bill to implement the latest proposal for filling vacancies in LegCo and to withdraw the Bill, there would be no need for it to continue its work.

53. Members noted the Administration's intention to give notice to resume the Second Reading debate on the Bill at the Council meeting of 22 February 2012 for the purpose of withdrawing it.

(b) **Report of the Subcommittee to Study Issues Relating to the Power of the Legislative Council to Amend Subsidiary Legislation and priority allocation of a debate slot to the Chairman of the Subcommittee**  
*(LC Paper No. CB(2) 975/II-12)*

54. Dr Margaret NG, Chairman of the Subcommittee, reported on the

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deliberations of the Subcommittee. She referred Members to the Subcommittee's Report which contained detailed information on the source of LegCo's power to amend subsidiary legislation and the relevant mechanism.

55. Dr Margaret NG highlighted the recommendations made by the Subcommittee as set out in paragraph 5.3 of Chapter 5 of the Report. She elaborated that to avoid incident similar to the case of the Country Parks (Designation) (Consolidation) (Amendment) Order 2010 ("the Amendment Order") from happening again, the Subcommittee considered that the Administration should state clearly in each LegCo Brief on subsidiary legislation to be tabled in the Council its position as to whether LegCo had the power to amend or repeal the subsidiary legislation concerned. Whenever LegCo and the Administration differed on the interpretation of an empowering provision which limited LegCo's power to amend the subsidiary legislation, the Administration should inform LegCo in the first instance its position with full legal reasons in order that both sides could engage in deliberations in a timely, open and transparent manner.

56. Dr Margaret NG reported that the Subcommittee considered that if warranted, judicial review might be considered as a means to resolve the differences between LegCo and the Administration on the power of LegCo to amend or repeal subsidiary legislation or settle their disputes. The Hong Kong Bar Association ("the Bar") was of the view that judicial determination should be seriously considered if the difference between LegCo and the Administration on the interpretation of a provision could not be resolved. Taking the controversy surrounding the Amendment Order as an example, the Administration considered LegCo's resolution to repeal the Amendment Order to be lacking any legal basis, but nevertheless decided not to seek judicial review. The Bar considered such situation unsatisfactory.

57. Dr Margaret NG further reported that if the dispute was about a resolution with legislative effect passed by LegCo and the Administration wished to institute judicial review proceedings against the resolution, the question of who should be the proper respondent would need to be resolved. In this regard, the Administration had advised that it did not foresee a problem and would seek legal advice as necessary if it wished to seek judicial review against a resolution of LegCo. The Subcommittee, however, considered that the Administration should thoroughly study the legal and procedural issues involved and take appropriate legislative measures if required, and that LegCo should follow up on the matter.

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58. Dr Margaret NG further said that as issues relating to the power of LegCo to amend subsidiary legislation were of significant importance, the Subcommittee considered it necessary to provide an opportunity for all Members to express views on the observations and recommendations made in its Report. The Subcommittee therefore sought the House Committee's agreement for the priority allocation of a debate slot to her as Chairman of the Subcommittee for moving a motion for debate on the Report at the Council meeting of 29 February 2012. She referred Members to the neutrally worded motion as set out in Appendix II to the paper and appealed to Members to support the Subcommittee's request.

59. The Chairman said that should the House Committee accede to the Subcommittee's request, the debate slot would not be counted as Dr Margaret NG's own slot. The House Committee should also decide whether there should be one or two other motions without legislative effect to be moved by individual Members for debate at the Council meeting of 29 February.

60. Dr Margaret NG suggested that two other debates on Members' motions could be held, considering that other Members might wish to move motions for debate at that Council meeting and not many Members would speak at the debate on the Subcommittee's Report.

61. In response to Dr Margaret NG, the Chairman said that in acceding to the request of the Panel on Security for priority allocation of a debate slot for moving a motion for debate on the Annual Report 2010 to the Chief Executive by the Commissioner on Interception of Communications and Surveillance at the Council meeting of 18 January 2012, the House Committee had decided that only one other Member's motion debate should be held at that Council meeting.

62. Dr Margaret NG said that she had no strong view on whether there should be one or two other motion debates at the Council meeting of 29 February.

63. Ms Emily LAU expressed support for the Subcommittee's request. She had all along been of the view that the holding of motion debates on reports of LegCo committees should be supported, as they were the outcomes of deliberations of members of the committees concerned. She considered that there should only be one other Member's motion without legislative effect at the Council meeting to enable more focused discussions.

64. Mr TAM Yiu-chung shared the view that there should only be one other Member's motion without legislative effect.

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65. Mr Paul TSE said that while he did not object to holding only one other Member's motion debate at the Council meeting, he was concerned whether it had become the practice for according priority to committees' requests for allocation of slots for debates on their reports.

66. Dr Margaret NG said that it was for the House Committee to decide on such requests on a case-by-case basis. She further elaborated on the reasons for the Subcommittee's request. She said that the Subcommittee was appointed by the House Committee to study issues relating to the power of LegCo to amend subsidiary legislation arising from the wide public controversy over the resolution passed by LegCo to repeal the Amendment Order. Given the controversy and the significant importance of the issues involved, members of the Subcommittee considered it necessary to hold a motion debate on the Report at a Council meeting.

67. Regarding the Subcommittee's recommendation in paragraph 5.3(d) of the Report, i.e. LegCo should follow up on the matter concerning the legal and procedural issues should the Administration seek judicial review against a LegCo resolution, Dr Margaret NG said that the matter should be referred to the Panel on Administration of Justice and Legal Services for follow-up.

68. Members noted the Subcommittee's Report and endorsed the recommendations in paragraph 5.3 of Chapter 5 of the Report.

69. Members agreed to the Subcommittee's request for priority allocation of a debate slot to its Chairman for moving a motion for debate on its Report at the Council meeting of 29 February. Members also agreed that there should only be one other Member's motion without legislative effect at that Council meeting.

70. The Chairman said that in line with the past practice, the Subcommittee's Report would be forwarded formally to the Administration for consideration and response.

**VII. Position on Bills Committees and subcommittees**  
(*LC Paper No. CB(2) 981/11-12*)

71. The Chairman said that there were 16 Bills Committees, eight subcommittees under 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. One Bills Committee and one subcommittee on policy issues were on the waiting list.

**VIII. Any other business**

Legislative Council Complex Open Day

72. The Chairman reminded Members that a two-day Open Day would be held on Saturday and Sunday, 11 and 12 February 2012. She appealed to Members to participate actively in the event.

73. There being no other business, the meeting ended at 3:26 pm.

Council Business Division 2  
Legislative Council Secretariat  
16 February 2012