

**立法會**  
**Legislative Council**

Ref : CB2/SS/5/11

LC Paper No. CB(2)34/12-13  
(These minutes have been seen  
by the Administration)

**Subcommittee to Study the Proposed Legislative Amendments Relating to  
the Re-organisation of the Government Secretariat**

**Minutes of the ninth meeting  
held on Thursday, 7 June 2012, at 8:30 am  
in Conference Room 1 of the Legislative Council Complex**

- Members present** : Hon TAM Yiu-chung, GBS, JP (Chairman)  
Hon Jeffrey LAM Kin-fung, GBS, JP (Deputy Chairman)  
Hon Albert HO Chun-yan  
Dr Hon Margaret NG  
Hon CHEUNG Man-kwong  
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP  
Hon WONG Yung-kan, SBS, JP  
Hon LAU Kong-wah, JP  
Hon Emily LAU Wai-hing, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon WONG Kwok-hing, MH  
Hon LEE Wing-tat  
Hon CHEUNG Hok-ming, GBS, JP  
Hon WONG Ting-kwong, BBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, JP  
Hon IP Wai-ming, MH  
Hon IP Kwok-him, GBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Hon Tanya CHAN
- Members attending** : Hon Albert CHAN Wai-yip
- Members absent** : Hon LEE Cheuk-yan  
Dr Hon Philip WONG Yu-hong, GBS  
Hon LAU Wong-fat, GBM, GBS, JP

Hon Miriam LAU Kin-ye, GBS, JP  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon CHAN Kin-por, JP  
Hon WONG Kwok-kin, BBS  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Dr Hon PAN Pey-chyou  
Dr Hon Samson TAM Wai-ho, JP

**Public Officers** : Office of the Chief Executive-elect  
**attending**

Mrs Fanny LAW FAN Chiu-fun  
Head of the Chief Executive-elect's Office

Ms Alice LAU Yim  
Secretary-General of the Chief Executive-elect's Office

Constitutional and Mainland Affairs Bureau

Mr Raymond TAM Chi-yuen  
Secretary for Constitutional and Mainland Affairs

Mr Joshua LAW Chi-kong  
Permanent Secretary for Constitutional and Mainland  
Affairs

Mr Gordon LEUNG Chung-tai  
Deputy Secretary for Constitutional and Mainland Affairs

Mr Freely CHENG Kei  
Principal Assistant Secretary for Constitutional and  
Mainland Affairs

Department of Justice

Mr Gilbert MO Sik-keung  
Deputy Law Draftsman  
(Bilingual Drafting & Administration)

Transport and Housing Bureau

Mr Fletch CHAN Wai-wai  
Principal Assistant Secretary for Transport and Housing  
(Transport) 3

Ms Jenny CHAN Wai-man  
Principal Assistant Secretary for Transport and Housing  
(Transport) 10

Mr Vincent TANG Chi-leung  
Principal Assistant Secretary (Housing) (Policy Support)  
/ Assistant Director (Policy Support)

**Clerk in attendance** : Miss Flora TAI  
Chief Council Secretary (2)3

**Staff in attendance** : Mr Kelvin LEE  
Senior Assistant Legal Adviser 2 (Acting)

Miss Cindy HO  
Senior Council Secretary (2)3

Ms Wendy LO  
Council Secretary (2)3

Mrs Fanny TSANG  
Legislative Assistant (2)3

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Action

**I. Meeting with the Administration**

[CMAB F19/6/3/2, LC Paper Nos. CB(3)735/11-12, CB(2)1908/11-12(01), CB(2)2105/11-12(01), CB(2)2106/11-12(01) to (02), CB(2)2158/11-12(01) to (03), CB(2)2164/11-12(01), CB(2)2193/11-12(01) and CB(2)2228/11-12(01)]

The Subcommittee deliberated (index of proceedings attached at **Annex**).

Follow-up actions required of the Administration

2. The Administration was requested to confirm whether the Kowloon-Canton Railway Corporation Ordinance (Cap. 372) contained historical references to the post of Secretary for Transport and Housing.

Action

**II. Any other business**

Date of next meeting

3. The Chairman reminded members that the Subcommittee would hold its next meeting on 9 June 2012 at 9:00 am.
4. There being no other business, the meeting ended at 10:35 am.

Council Business Division 2  
Legislative Council Secretariat  
16 October 2012

**Proceedings of the ninth meeting of the  
Subcommittee to Study the Proposed Legislative Amendments Relating to the  
Re-organisation of the Government Secretariat  
on Thursday, 7 June 2012, at 8:30 am  
in Conference Room 1 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000615 - 000744	Chairman	Opening remarks	
000745 - 001416	Chairman Administration	<p><u>Scrutiny of detailed provision</u> [LC Paper No. CB(3)735/11-12 and LC Paper No. CB(2)2158/11-12(03)]</p> <p><u>Paragraph (1)(f) of the Resolution</u> <u>Paragraph (1)(g) of the Resolution</u></p> <p><u>Division 1 of Part 1 to Schedule 4</u> <u>Division 2 of Part 1 to Schedule 4</u> <u>Division 3 of Part 1 to Schedule 4</u></p> <p><u>Division 1 of Part 2 to Schedule 4</u> [with reference to Annex B to LC Paper No. CB(2)2158/11-12(03)]</p>	
001417 - 002027	Chairman Mr Albert CHAN Mr WONG Kwok-hing	<p>Concerns of Mr Albert CHAN regarding the transfer of statutory functions from Secretary for Transport and Housing ("STH") to Secretary for Transport and Works ("STW") under the Roads (Works, Use and Compensation) Ordinance (Cap. 370) as follows –</p> <p>(a) the definitions for the persons to be authorized and the powers to be exercised were too broad under the definition; and</p> <p>(b) the powers relating to land resumption for the purposes of or incidental to works/creation of easement or other rights which should be a task within the portfolio of the new Housing, Planning and Lands Bureau ("HPLB").</p> <p>Mr Albert CHAN expressed dissatisfaction that he had yet to receive any response to his letter addressed to the Administration via the Panel on Housing with regard to the relevant policy issues.</p>	
002028 - 002444	Chairman Mr LEE Wing-tat Administration	Concerns of Mr LEE Wing-tat on the power relating to "land resumption" and "creation of easement or other rights" under the Roads (Works, Use and Compensation) Ordinance.	

Time Marker	Speaker(s)	Subject(s)	Action required
		The Administration's response that in this regard, STW would be delegated the authority specifically on works in relation to roads and the use of roads.	
002445 - 003108	Chairman Mr Albert CHAN Head of the Chief Executive-elect's Office ("H/CEEO")	Mr Albert CHAN's views that when the land planning and housing portfolios were put under the former HPLB, the housing supply remained at a low level. He doubted the effectiveness if the same structure was proposed to be adopted.  H/CEEO's response that combining the portfolios of land planning and housing under the new HPLB reporting to Financial Secretary ("FS") aimed to achieve better coordination in the timing of land supply to meet the demand for both public and private housing.	
003109 - 004219	Chairman Mr LEE Wing-tat Administration H/CEEO	Concerns of Mr LEE Wing-tat on the power relating to road closure and Government foreshore or sea-bed reclamation for the purposes of or incidental to works. He noted that similar power was provided under the Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127) under which the Director of Lands was delegated the power.  The Administration's response that the two ordinances provided for separate powers and did not overlap with each other. The power to be delegated to STW was confined to purposes associated with road works.	
004220 - 011455	Chairman Ms Emily LAU H/CEEO Mr CHEUNG Man-kwong Mrs Sophie LEUNG Mr Albert CHAN Mr LEE Wing-tat	Ms Emily LAU's concern that construction works of transport infrastructure would impact on the environment, but STW would not be responsible for environmental protection issues.  Ms Emily LAU and Mr CHEUNG Man-kwong expressed concerns that the line of command between Deputy Secretary of Department ("DSoD") and Director of Bureaux ("DoBs") remained unclear.  Mr Albert CHAN's reiteration that STW might authorise any person to exercise the power conferred on him under Cap. 370 which, in his view, was inappropriate. He suggested that only professional staff should be authorised to exercise the power.  Mr LEE Wing-tat shared the concern, adding that there was also no restriction on the persons to be authorised to enter any land or building for the purpose of making inspection/site investigation/valuation.	

Time Marker	Speaker(s)	Subject(s)	Action required
011456 - 013657	Chairman Mr LEE Wing-tat Administration H/CEEO Mr Albert HO Mr IP Kwok-him Mr LEUNG Kwok-hung Mr Albert CHAN	<p>Regarding Kowloon-Canton Railway Corporation Ordinance (Cap. 372), the Administration's explanation that the operation of Kowloon-Canton Railway Corporation ("KCRC") had ceased upon the merger of KCRC and MTR Corporation Limited ("MTRCL"). KCRC handed over its franchise to MTRCL for a period of 50 years but the Corporation still retained assets and liabilities.</p> <p>Mr Albert CHAN expressed dissatisfaction that the Administration did not take the opportunity to rationalise the disposal of assets of KCRC.</p>	
013658 - 020635	Chairman Dr Margaret NG Administration Mr LEUNG Kwok-hung Mr Albert HO Mr LEE Wing-tat Mr Albert CHAN H/CEEO Dr Margaret NG	<p>Section 4(1)(a) of the KCRC Ordinance stipulated that the Corporation shall have power to construct the North-west Railway and any other railway that the STH authorised the Corporation to construct. Dr Margaret NG's enquiry on whether it belonged to a historical reference and should be excluded from the present exercise of legislative amendments.</p> <p>The Administration's response regarding "historical references" that the titles appeared in the context of a one-off act which had taken place and would not be undone under the re-organisation exercise. Historical references to the post of STH were not included in this amendment exercise. Dr NG's request for a written explanation on the issue.</p> <p>Discussion on the disposal of assets of KCRC to the appropriate authority such as the Financial Secretary or the Secretary for Financial Services and the Treasury instead of STW and members considered that STW's purview should be confined to matters relating to transport and works. Mr Albert HO was of the view that the powers of the Corporation relating to land development under section 4(3) of Cap. 372 should more appropriate be put under the portfolio of housing, planning and land.</p>	<p><b>Admin</b> (Para 2 of minutes)</p>
020636 - 020647	Chairman	Closing remarks  Date of Next Meeting	