

立法會
Legislative Council

LC Paper No. CB(2)168/12-13
(These minutes have been
cleared with the Chairman)

Ref : CB2/PL/WS

Panel on Welfare Services

Minutes of meeting
held on Tuesday, 16 October 2012, at 4:00 pm
in Conference Room 3 of the Legislative Council Complex

Members present : Hon CHAN Yuen-han, SBS, JP (Chairman)
Hon CHEUNG Kwok-che (Deputy Chairman)
Hon LEUNG Yiu-chung
Hon TAM Yiu-chung, GBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Ronny TONG Ka-wah, SC
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon Frankie YICK Chi-ming
Hon CHAN Chi-chuen
Hon CHAN Han-pan
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Alice MAK Mei-kuen, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu

Members absent : Hon Albert HO Chun-yan
Dr Hon LEUNG Ka-lau

Clerk in attendance : Mr Colin CHUI
Chief Council Secretary (2) 4

Staff in attendance : Miss Flora TAI
Assistant Secretary General 2

Ms Catherina YU
Senior Council Secretary (2) 4

Miss Karen LAI
Council Secretary (2) 4

Miss Maggie CHIU
Legislative Assistant (2) 4

Miss Tifa LEUNG
Clerical Assistant (2) 4

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I. Election of Chairman and Deputy Chairman for the 2012-2013 session

Election of Chairman

Mr LEUNG Yiu-chung, members present who had the highest precedence in the Council, presided over the election of Chairman. Mr LEUNG called for nominations for the chairmanship of the Panel for the 2012-2013 session. Ms CHAN Yuen-han was nominated by Ms Alice MAK and the nomination was seconded by Mr CHEUNG Kwok-che, Mr TAM Yiu-chung and Mr TANG Ka-piu. Ms CHAN accepted the nomination.

2. As there was no other nomination, Mr LEUNG declared Ms CHAN Yuen-han elected as Chairman of the Panel for the 2012-2013 session. Ms CHAN then took the chair.

Election of Deputy Chairman

3. The Chairman called for nominations for the deputy chairmanship of the Panel for 2012-2013 session. Mr CHEUNG Kwok-che was nominated by Dr Fernando CHEUNG and the nomination was seconded by Mr Alan LEONG, Dr Helena WONG, Mr POON Siu-ping and Mr LEUNG Yiu-chung. Mr CHEUNG accepted the nomination.

4. As there was no other nomination, the Chairman declared Mr CHEUNG Kwok-che elected as Deputy Chairman of the Panel for the 2012-2013 session.

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II. Schedule of meetings for the 2012-2013 session

5. Members agreed that regular meetings of the Panel would be held on the second Monday of each month at 10:45 am. As 11 February 2013 was a public holiday and 8 April 2013 was a scheduled date for a special meeting of the Finance Committee ("FC"), members agreed that the meetings in February and April be rescheduled for 19 February and 16 April 2013 respectively at 10:45 am. In this connection, members noted that the next regular meeting would be held on 12 November 2012 at 10:45 am. A schedule of meetings for the 2012-2013 session would be issued to members after the meeting.

(Post-meeting note: The meeting schedule was issued vide LC Paper No. CB(2)49/12-13 on 17 October 2012.)

III. Items for discussion at the next meeting

Meeting to discuss the Old Age Living Allowance

6. Referring to item 12 "Old Age Living Allowance" on the list of issues suggested to be considered, which was tabled at the meeting, the Chairman said that the Administration intended to seek FC's approval of the funding proposal on the Old Age Living Allowance ("OALA") on 26 October 2012. She then invited members' views on whether the Panel should meet with the Administration and receive views from deputations before that date and, if so, whether the Panel should meet with the Administration and deputations at the same meeting.

7. Mr Alan LEONG said that the Civic Party supported the holding of a meeting to receive views from deputations before 26 October 2012. He considered it acceptable for holding one meeting for meeting with both the Administration and deputations. He hoped that the Secretary for Labour and Welfare and the Chief Secretary for Administration would be present at the meeting.

8. Dr Fernando CHEUNG said that OALA was a major welfare initiative. The Administration should brief and consult the Panel thoroughly on OALA prior to the formal introduction of its financial proposal to FC. He said that to allow needy elders to enjoy OALA benefits as soon as possible, the Panel should hold special meetings to meet with the Administration and deputations before the next regular meeting in November. Yet members should not follow the Administration's

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timetable under which the discussion would end hastily by 26 October. He expressed his intention to move a motion at the meeting requesting the Administration to postpone submitting its funding proposal to FC.

9. Mr LEUNG Yiu-chung said that in view of the far reaching implications of OALA on the welfare system, members should take time to discuss its positioning, means test requirements and viability. He was concerned that Members would be dubbed as rubber stamp if the proposal was hastily approved by FC. While Members of different political parties and the public had expressed different views on OALA, the Panel should meet with the Administration and receive deputations' views separately, and hence at least two meetings should be held. Mr LEUNG also urged the Administration not to insist on submitting the proposal to FC on 26 October.

10. Mr LEUNG Kwok-hung and Mr Frederick FUNG agreed that meetings should be held to meet with the Administration and receive deputations separately. Mr LEUNG added that the Administration should date back the retrospective disbursement arrangement of OALA to 1 October 2012 regardless of the date of funding approval of FC.

11. Mr TAM Yiu-chung was of the view that instead of pressing the Administration for postponing the submission of its funding proposal to FC, the Panel could hold two separate meetings to meet with the Administration and receive deputations' views respectively. Mr TAM added that according to the established fiscal arrangement, the disbursement date for OALA would be 1 October 2012 if FC approved the funding in October. If FC's approval was obtained on a later date, the effective date would be the first day of the month of FC's approval. He said that members should discuss with the Administration in the coming meetings about the retrospective arrangement for the best interests of the needy elders.

12. Mr TANG Ka-piu opined that special meetings should be held as soon as possible before 26 October to exchange views with the Administration and deputations on OALA.

13. In summing up members' views, the Chairman said that a special meeting would be held from 8:30 am to 11:45 am on 22 October 2012 to meet with the Administration, and another meeting lasting for three to four hours would be held to receive deputations' views.

(Post-meeting note: Three special meetings were held, one on 22 October to meet with the Administration and the other two on 25

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October and 29 October 2012 to meet with deputations and the Administration.)

14. Dr Fernando CHEUNG was concerned that it would be unrealistic for Panel members and deputations to exchange views with the Administration on OALA within a very short time frame before 26 October. He said that the Panel should make it clear that it did not intend to delay the launch of OALA and only asked for more time for members to discuss the scheme. He therefore proposed to move a motion as follows -

"鑒於當局提出長者生活津貼引起廣泛關注及討論，本事務委員會認為此方案未經諮詢，立法會亦未有機會與當局商議此方案，本委員會認為政府不應強求將此方案於本月26日提交財務委員會審批，但方案通過後追溯期亦不應受通過日期的限制。"

(Translation)

"That, given that the Old Age Living Allowance proposed by the authorities has aroused widespread concern and discussion, this Panel considers that the proposal has not undergone any consultation, nor has the Legislative Council had any opportunity to deliberate on it with the authorities; this Panel is of the view that the Government should not insist on submitting the proposal to the Finance Committee for approval on the 26th of this month, and the retrospective period under the proposal should not be subject to the date of its passage."

15. Assistant Secretary General 2 referred members to Rule 22(p) of the House Rules, which stated that "during a Panel meeting, a motion may only be proposed if it is considered by the Chairman of the Panel as directly related to an agenda item of that meeting." Pointing out that the item, on which the Panel was currently holding discussion, was "Items for discussion at the next meeting" and OALA was not mentioned in this or other items of the agenda for the meeting, she reminded the Chairman to consider whether the motion was directly related to an agenda item of the meeting.

16. The Chairman sought members' views on whether it was appropriate to allow Dr CHEUNG to move his motion.

17. Dr Fernando CHEUNG said that the motion related to the agenda item "Items for discussion at the next meeting" as OALA was mentioned in

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the list of issues suggested to be considered, which was tabled at the meeting.

18. Mr LEUNG Yiu-chung said that Dr CHEUNG's motion should be dealt with at the meeting so that the Panel's discussion on OALA would not be constrained by the Administration's timetable under which FC's approval for the funding proposal would be sought on 26 October.

19. Mr Alan LEONG said that members present should state their stance on the motion. By doing so, the Panel's stance on the motion would be known without the need for moving and voting on the motion. He said that the Civic Party accepted the wording of Dr CHEUNG's proposed motion.

20. Mr LEUNG Kwok-hung proposed that for the sake of not contravening Rule 22(p) of the House Rules, the phrase "本會就下次會議的討論事項意見如下" could be added to the opening of the motion.

21. Mr TAM Yiu-chung was of the view that the proposed motion was not directly related to the agenda item and therefore should not be moved at the meeting. He said that as two special meetings on OALA would be held before 26 October, members could take the opportunity to exchange views with the Administration at the meetings and the Panel could then deal with the motion.

[To allow sufficient time for discussion, the Chairman extended the meeting for 15 minutes beyond the appointed ending time. As agreed by members present, the Chairman extended the meeting for a further period of five minutes.]

22. Having regard to Rule 22(p) of the House Rules, the Deputy Chairman said that it would be difficult for allowing the moving of the proposed motion. Noting that the majority of members who had spoken shared the views and request set out in the motion, he suggested that such views and request be conveyed to the Administration for response.

23. The Chairman said that since OALA was not mentioned in any item of the agenda of the meeting, it was difficult for her to rule that Dr Fernando CHEUNG's motion was directly related to any item of the agenda for the meeting. She supported the Deputy Chairman's suggestion and proposed that both she and the Deputy Chairman should jointly write to the Administration conveying such views and request. Members agreed to

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these suggestions.

24. Dr Fernando CHEUNG said that he would withdraw his motion but would move it at the next meeting if the Administration did not give a favourable response to the aforesaid views and request.

(Post-meeting note: A letter conveying the views expressed and request made by members at the meeting was sent to the Administration on 17 October 2012.)

IV. Any other business

25. There being no other business, the meeting ended at 4:40 pm.

Council Business Division 2
Legislative Council Secretariat
8 November 2012