

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 5th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 5 November 1999**

Members present :

Dr Hon LEONG Che-hung, JP (Chairman)
Dr Hon YEUNG Sum (Deputy Chairman)
Hon Kenneth TING Woo-shou, JP
Hon James TIEN Pei-chun, JP
Hon David CHU Yu-lin
Hon HO Sai-chu, SBS, JP
Hon Cyd HO Sau-lan
Hon Edward HO Sing-tin, SBS, JP
Hon Michael HO Mun-ka
Ir Dr Hon Raymond HO Chung-tai, JP
Hon LEE Wing-tat
Hon LEE Cheuk-yan
Hon Eric LI Ka-cheung, JP
Hon LEE Kai-ming, SBS, JP
Hon Fred LI Wah-ming, JP
Hon NG Leung-sing
Prof Hon NG Ching-fai
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, JP
Hon MA Fung-kwok
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon Ambrose CHEUNG Wing-sum, JP
Hon HUI Cheung-ching
Hon Christine LOH Kung-wai
Hon CHAN Kwok-keung
Hon CHAN Yuen-han
Hon Bernard CHAN
Hon CHAN Wing-chan
Hon CHAN Kam-lam

Ms Pauline NG	Assistant Secretary General 1
Mr Ray CHAN	Assistant Secretary General 3
Ms Bernice WONG	Assistant Legal Adviser 1
Miss Anita HO	Assistant Legal Adviser 2
Mr Arthur CHEUNG	Assistant Legal Adviser 5
Mrs Vivian KAM	Chief Assistant Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Miss Salumi CHAN	Chief Assistant Secretary (1)5
Mr LAW Wing-lok	Chief Assistant Secretary (2)5
Mrs Betty LEUNG	Chief Assistant Secretary (3)1
Miss Mary SO	Senior Assistant Secretary (2)8

Action

I. Confirmation of the minutes of the 4th meeting held on 29 October 1999
(LC Paper No. CB(2) 251/99-00)

The minutes were confirmed.

II. Matters arising

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

2. The Chairman said that he had relayed to CS Members' request for extending the public consultation period of the Urban Renewal Authority White Bill. CS had responded that she saw no problem to have the consultation period extended to the end of December 1999.

3. The Chairman further said that members agreed at the last meeting that a motion, which would be along the lines : "This Council notes the Urban Renewal Authority White Bill", should be moved by him on behalf of the House Committee at the Council meeting on 8 December 1999. He added that members also agreed that the motion debate on the White Bill would go first, and that no amendments should be proposed to the motion.

III. Business arising from previous Council meetings

(a) Legal Service Division's report on bills referred to the House Committee in accordance with Rule 54(4)

Protection of the Harbour (Amendment) Bill 1999
(LC Paper No. LS 16/99-00)

Action

4. The Legal Adviser said that the Bill sought to amend the Protection of the Harbour Ordinance (Cap. 531) to extend the scope of application of Cap. 531 from central harbour to the harbour as defined in the Interpretation and General Clauses Ordinance. He further said that the Bill was originally proposed by Miss Christine LOH, but the Administration had subsequently agreed to introduce the Bill as a Government Bill. He added that the Legal Service Division was of the view that the legal and drafting aspects of the Bill were in order.

5. The Chairman said that the Administration had briefed the Panel on Environmental Affairs (not the Panel on Planning, Lands and Works as stated in paragraph 9 of the paper) on the details of the Bill on 28 October 1999. Panel members had expressed support for the Bill.

6. Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(b) **Legal Service Division's report on subsidiary legislation tabled in Council on 3 November 1999 (gazetted on 29 October 1999)**
(LC Paper No. LS 23/99-00)

7. The Chairman referred members to the paper which detailed the two items of subsidiary legislation gazetted on 29 October 1999.

8. The Legal Adviser said that the Solicitors (Professional Indemnity) (Amendment) (No.2) Rules 1999 (the Amendment Rules) were made under self-regulatory powers of the Council of the Law Society with the prior approval of the Chief Justice. He explained that the Amendment Rules sought to tighten up certain procedures in the indemnity rules and did not introduce any change in policy.

9. Mr James TO said that he needed more time to study the Amendment Rules.

10. The Chairman suggested and members agreed that a decision on the Amendment Rules be deferred to the next meeting.

11. Members raised no queries on the other item of subsidiary legislation covered in the paper.

12. The Chairman reminded members that the deadline for amending the subsidiary legislation was 1 December 1999, or 8 December 1999 if extended by resolution.

Action

IV. Further report by the Legal Service Division on outstanding bills

Industrial Training (Construction Industry) (Amendment) Bill 1999

(LC Paper No. LS 24/99-00)

13. The Legal Adviser said that the Administration proposed to amend the Bill by adding a validation clause to accord the Construction Industry Training Authority with legal basis for certain activities being undertaken by the Authority following queries raised by the Legal Service Division. The Legal Adviser added that the Administration had briefed the Panel on Manpower on the policy aspects of the Bill on 28 October 1999.

14. Mr LEE Kai-ming said that as the Administration had already provided clarifications to questions raised by Panel members, he did not consider it necessary to form a Bills Committee to study the Bill. Dr Raymond HO concurred with Mr LEE.

15. The Chairman said that Mr Andrew CHENG, who was not present at the meeting, had advised that he supported the Bill.

16. Members did not raise objection to the resumption of the Second Reading debate on the Bill.

V. Further business for the Council meeting on 10 November 1999

Bill - First and Second Readings

Exchanges and Clearing Houses (Merger) Bill

17. Members noted that the above Bill would be introduced into the Council on 10 November 1999 and considered by the House Committee on 12 November 1999.

VI. Business for the Council meeting on 17 November 1999

(a) Questions

(LC Paper No. CB(3) 160/99-00)

18. Members noted that 20 questions (six oral and 14 written) had been scheduled.

Action

(b) **Bill - First and Second Readings**

Dutiable Commodities (Amendment) Bill 1999

19. Members noted that the above Bill would be introduced into the Council on 17 November 1999 and considered by the House Committee on 19 November 1999.

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

Housing Managers Registration Bill

20. The Chairman said that members agreed at the meeting on 8 October 1999 that the Second Reading debate on the Bill be resumed.

(d) **Government motions**

21. Members noted that no notice had been received.

(e) **Members' motions**

(i) **Motion on "Education on media literacy"**

22. Members noted the wording of the motion to be moved by Miss Cyd HO Sau-lan.

(ii) **Motion on "The Government's policy on the engagement of consultants"**

23. Members noted the wording of the motion to be moved by Mr NG Leung-sing.

24. The Chairman said that the deadline for giving notice of amendments (if any) to the motions was 10 November 1999. The speaking time limits stipulated in rule 17(c) of the House Rules would apply.

VII. Advance information on business for the Council meeting on 24 November 1999

Members' motions

(a) **Motion on "Quality of public housing"**

25. Members noted that Mr LEE Wing-tat had been allocated a debate slot.

Action

26. Mr LEE Wing-tat invited members to note that he would change the topic of his motion.

(b) Motion on "Allocation of secondary school places for girls/boys"

27. Members noted that Miss Christine LOH had been allocated a debate slot.

28. The Chairman said that the deadlines for giving notice of motions and notice of amendments (if any) to the motions were 9 November 1999 and 17 November 1999 respectively. The speaking time limits stipulated in rule 17(c) of the House Rules would apply.

VIII. Papers of the Committee on Rules of Procedure

(a) Report of the outcome of consultation exercise on rules of speaking during debates in the Council and in committee of the whole Council

(LC Paper No. CB(1) 267/99-00)

29. Mrs Selina CHOW, Chairman of the Committee on Rules of Procedure (the Committee), introduced the paper which detailed the outcome of the consultation exercise. She highlighted in particular the concern expressed by a Committee member set out in paragraph 7 of the paper and invited members to note the Committee's recommendations in paragraph 8.

30. The Chairman said that the outcome of the consultation exercise indicated that the majority of Members were in support of amending Rule 38 to specify that no Member would be allowed to speak after the mover of a motion had made his reply. He sought members' views as to when the amendment to Rule 38 should be presented to the Council, and whether the amendment should be submitted along with other amendments to the Rules of Procedure for consideration by the Council. The Chairman further said Members would have the opportunity to express their views on the merits or demerits of the proposed amendment when it was debated in Council.

31. Mr Andrew WONG said that under Rule 38, the President had considerable discretion in allowing a Member to speak more than once on a question. The President might allow a Member who had not spoken in a motion debate to speak after the mover of a motion had made his reply but before the question was put. The President might even allow a Member who had spoken to speak again to respond to any new points raised in the reply of the mover of the motion. Mr WONG was of the view that the amendment to Rule 38 should retain this flexibility, otherwise he would be in favour of not amending the existing Rule 38.

Action

32. Mr LEE Wing-tat said that it was not unusual for a public officer to not fully, in his speech, address the views expressed by Members during a motion debate. Mr LEE also referred to an earlier motion debate where the Member who moved the motion made only a short introductory speech, but gave the main thrust of his viewpoints in his reply, thus depriving Members of the opportunity to respond to his views. He therefore considered that some flexibility should be provided in the Rules of Procedure for Members to speak after the public officer had spoken or after the mover of a motion had made his reply.

33. Mr James TIEN pointed out that the proposed amendment to Rule 38 did not take away the President's discretionary power to allow Members to speak again after the public officer had spoken.

34. Miss Emily LAU said that the incident mentioned by Mr LEE Wing-tat had occurred only once and she hoped that such incident would not occur again. Miss LAU asked the Chairman to urge the Administration again to designate a public officer to speak both at the beginning and towards the end of a debate. The Chairman replied that he would remind the Administration to make such an arrangement, particularly for a motion debate on a major or controversial issue.

35. Mr James TO asked whether the Committee had considered amending the Rules of Procedure to specify that the mover of a motion should state his viewpoints in his introductory speech and should only respond to the views expressed by Members and the public officer in his reply.

36. Dr YEUNG Sum was of the view that the President's discretionary power to allow Members to speak after the mover of a motion had made his reply should be retained in order that the President had the flexibility to deal with unexpected situations that might arise during a debate. He further said that from the procedural point of view, he was not in favour of adopting the Committee's recommendation in paragraph 8(b) of the paper that pending amendment to Rule 38, the President might take into account the majority view of Members as expressed in the consultation exercise when calling upon Members to speak during motion debates.

37. Mr Andrew WONG said that the established practice was that no Member would be allowed to speak after the reply of the mover of the motion. To allow flexibility, he proposed that instead of amending Rule 38, consideration should be given to adding a new Rule to provide that save with the permission of the President, a Member might not speak after the mover of a motion had made his reply.

Action

38. Mrs Selina CHOW said that the Committee had considered the pros and cons of allowing Members to speak after the mover had made his reply. The major concern expressed by the majority of the members of the Committee was that if such an arrangement was adopted, it would give rise to several rounds of debates. She further said that the Committee had not had the opportunity to discuss Mr WONG's proposal as he had not put forward his proposal to the Committee during the consultation period, nor had he explained his proposal at the meeting of the Committee on 26 October 1999. She suggested that as the Committee had completed its consultation work, the House Committee should decide whether the Committee's recommendation that Rule 38 should be amended to specify that no Member would be allowed to speak after the mover of a motion had made his reply should be presented to the Council for approval.

39. Mr Andrew WONG explained that he had not presented his proposal at the meeting on 26 October 1999 as he turned up late for the meeting.

40. Miss Margaret NG said that members first became aware of the result of the consultation exercise from the paper issued on 3 November 1999. She further said that given that the result had not indicated an overwhelming majority of Members in favour of not allowing Members to speak after the mover of a motion had made his reply, she suggested that Mr WONG's proposal be considered by the Committee first.

41. Dr YEUNG Sum asked the Legal Adviser to clarify the point made by Mr WONG earlier regarding the established practice that no Member would be allowed to speak after the mover of a motion had made his reply.

42. The Legal Adviser said that it was not possible for the Rules of Procedure to cover all scenarios that might possibly arise. The common rules of debate were that the reply of the mover of a motion was for him to respond to views expressed in the debate and the reply would bring the debate to a close followed by the chairman putting the question to a vote. He added that past experience had prompted a review of the existing rules on speaking by Members after the reply of the mover of a motion with a view to stating the rules in clearer terms. It would be up to Members to decide whether any new rules should be specified in the Rules of Procedure.

43. Mr LEE Wing-tat proposed that if there was no urgency in submitting the amendment to Rule 38 for approval by the Council, Mr WONG's proposal should be discussed by the Committee on Rules of Procedure before it was considered by the House Committee.

44. The Chairman proposed to put Mr LEE's suggestion to vote. Members agreed. The results were 13 members voted in favour of Mr LEE's proposal, 14 members voted against.

Action

45. Mrs Selina CHOW said that as some members present at the meeting had not voted and in view of the narrow margin of the result of the vote, she suggested that Mr WONG's proposal be referred to the Committee on Rules of Procedure for discussion. Members agreed.

(b) **Proposed amendments to House Rules: Withdrawal of Members or disallowance of vote on grounds of direct pecuniary interest**
(LC Paper No. CB(1) 268/99-00)

46. Members endorsed the proposed amendments to the House Rules as detailed in Appendices II and II(a) to the paper.

IX. Report

Position report on Bills Committees/subcommittees
(LC Paper No. CB(2) 259/99-00)

47. The Chairman said that there were 15 Bills Committees and six subcommittees in action. In addition, 10 Bills Committees were on the waiting list.

X. Any other business

48. There being no further business, the meeting ended at 3:10 pm.

Legislative Council Secretariat
10 November 1999