

Ref. MI/1

Record of meeting of the
Legislative Council House Committee
held in the LegCo Chamber of the
Legislative Council Building
on Wednesday, 7 October 1992 at 10:00 a.m.

Present : Hon Mrs Elsie TU, CBE (Chairman)
Hon Andrew WONG, OBE, JP (Deputy Chairman)
Hon Allen LEE, CBE, JP
Hon Stephen CHEONG, CBE, JP
Hon Mrs Selina CHOW, OBE, JP
Hon HUI Yin-fat, OBE, JP
Hon Martin LEE, QC, JP
Hon NGAI Shiu-kit, OBE, JP
Hon PANG Chun-hoi, MBE
Hon SZETO Wah
Hon TAM Yiu-chung
Hon LAU Wong-fat, OBE, JP
Hon Edward S T HO, OBE, JP
Hon Ronald Arculli, JP
Hon Martin Barrow, OBE, JP
Hon Mrs Peggy LAM, MBE, JP
Hon Mrs Miriam LAU Kin-yee, OBE, JP
Hon LAU Wah-sum, OBE, JP
Dr Hon LEONG Che-hung, OBE
Hon J D McGregor, OBE, ISO, JP
Hon Peter WONG Hong-yuen, JP
Hon Albert CHAN Wai-yip
Prof Hon Edward CHEN Kwan-yiu
Hon Vincent CHENG Hoi-chuen
Hon Moses CHENG Mo-chi
Hon Marvin CHEUNG Kin-tung, JP

Hon CHEUNG Man-kwong
Hon CHIM Pui-chung
Rev Hon FUNG Chi-wood
Hon Frederick FUNG Kin-kee
Hon Michael HO Mun-ka
Hon Simon IP Sik-on, JP
Dr Hon LAM Kui-chun
Dr Hon Conrad LAM Kui-shing
Hon LAU Chin-shek
Hon Emily LAU Wai-hing
Hon LEE Wing-tat
Hon Gilbert LEUNG Kam-ho
Hon Eric LI Ka-cheung, JP
Hon LI Wah-ming
Hon Steven POON Kwok-lim
Hon Henry TANG Ying-yen, JP
Hon TIK Chi-yuen
Dr Hon Samuel WONG Ping-wai, MBE, JP
Dr Hon Philip WONG Yu-hong
Dr Hon YEUNG Sum
Hon Howard YOUNG
Hon Zachary WONG Wai-yin
Dr Hon TANG Siu-tong, JP

Absent with
apologies

Hon David K P LI, OBE, JP)
Hon Timothy HA Wing-ho, MBE, JP) away from
Hon James TO Kun-sun) Hong Kong

Hon Mrs Rita FAN, CBE, JP)
Dr Hon HUANG Chen-ya, MBE) other
Prof Hon Felice LIEH MAK, OBE, JP) commitments
Hon MAN Sai-cheong)

In attendance SG LA ASG1 ASG2 SALA ALA1
 ALA2 ALA3 PASC OPS PAPS (L) CASA
 CAST2 CAST3 CAST4 CAST5 SAST6 (Des)
 SAST12 SAST14

- (1) Confirmation of the record of the meeting held on 18.9.92
(LegCo Paper No. 57/92-93)

The record of the meeting held on 18.9.92 was confirmed.

- (2) Subsidiary Legislation

(a) Items tabled in the Legislative Council on 8.7.92 and 15/16.7.92

(b) Items to be tabled in the Legislative Council on 7.10.92 (Items gazetted between 17.7.92 - 1.10.92)

(LegCo Papers Nos. 1857, 1860, 1892, 1917, 1936, 1954, 2001 & 2006/91-92)

(LegCo Paper Nos. 2, 34 & 59/92-93)

In view of the substantial number of items involved and as some of them were related to increases of Government fees and charges, Mr Ronald Arculli suggested and Members agreed that a subcommittee be formed to study the above subsidiary legislation. The following Members agreed to join : Mr Ronald Arculli, Mr Martin Barrow, Mr LAU Wah-sum, Mr Peter WONG Hong-yuen and Mr LEE Wing-tat.

Members also noted that the expiry date for LegCo amendments to some of the subsidiary legislation would be due very soon and in order to allow sufficient time for the subcommittee to study the items, it might be necessary to extend the scrutiny period for a further 21 days for these items.

- (3) Business for the LegCo sitting on 7.10.92

(a) Opening of the 1992/93 Session (Governor's Address)

Members noted that the Governor would deliver his Policy Address at the LegCo sitting to be held that afternoon. Prior to the Governor's Address, there would be a swearing-in ceremony for Dr TANG Siu-tong to take his affirmation.

Mrs Elsie TU reminded Members that immediately after the sitting, the Governor would join Members for tea and photo-taking at the Dining Hall.

- (b) Governor's question and answer session on his Policy Address to LegCo to be held on 8.10.92

(LegCo Papers Nos. 104 & 105/92-93)

In the absence of Mr Martin LEE during the discussion and on his behalf, Dr YEUNG Sum briefly explained Mr LEE's suggestion as detailed in LegCo Paper No. 104/92-93. Members generally agreed to Mr Martin LEE's suggestion that the Governor's question and answer session should be conducted as a formal sitting of the Council so that the proceedings would be formally recorded in the Hansard and that Members would be covered by the provisions of the Legislative Council (Powers and Privileges) Ordinance. It was also agreed that the sitting should last about 1 1/2 hours.

In reply to Mrs Selina CHOW, the Legal Adviser said that in his view there would not be any constitutional problems to prevent the Governor from presiding at a formal sitting of the Legislative Council to answer Members' questions, if he so wished. As regards procedural difficulties, these could be overcome by a Member moving a motion to suspend the relevant Standing Orders to enable the President, if he so wished, to appoint a LegCo sitting on 8.10.92 for the purpose of the Governor inviting and answering Members' questions on matters arising from his Policy Address. Members agreed that the motion to suspend the relevant Standing Orders should be moved by Mrs Elsie TU.

As regards questions from Members, some Members suggested that they should be structured into different subject areas to facilitate follow up by supplementary questions. Other Members considered that there would be difficulties to structure the questions as proposed above, particularly when the contents of the Governor's speech were not yet known. After discussion, Members agreed that it should be left to the Governor to regulate the questions as he saw fit.

(Post meeting note: The House Committee's decision was immediately conveyed to the Administration and the suggestion was subsequently accepted by the Governor.)

(4) Business for the LegCo sitting on 14.10.92

(a) Questions
(LegCo Paper No. 86/92-93)

Members noted that 20 questions (6 oral and 14 written) would be scheduled for the sitting on 14.10.92.

Members also noted that the wording of some of the questions listed in LegCo Paper No. 86/92-93 had not yet been finalized. They felt that the questions, even if they were still in draft form, should be made available for Members' information at the time of consideration by the House Committee.

Referring to his two (one oral and one written) questions scheduled for the same sitting on 14.10.92, Mr J D McGregor said that he would like to swap the two so that his question on "British Nationality for ex-POW and their spouses" (originally submitted as a written question) would be raised for oral reply and his question on "Review of Public Order Ordinance" (originally submitted as an oral question) would be raised for written reply.

Referring to his written question on "Dangerous Gases" scheduled for the same sitting, Mr Zachary WONG said that in the light of the explosion incident which occurred in Tuen Mun recently, he would like to change the question to an oral one and be raised at the sitting on 14.10.92. After discussion, Members agreed that permission from the Deputy President should be sought in order that Mr WONG's question could be raised as an urgent oral question, in addition to the 6 oral questions already scheduled for the LegCo sitting on 14.10.92.

(b) Statement(s)

No statements had yet been notified.

(c) Motion(s)

No motions had yet been notified.

(d) Bills - 1st and 2nd Readings

(i) Oaths and Declarations (Amendment)
Bill 1992

(ii) Amusement Game Centres Bill

(iii) Waterworks (Amendment) Bill 1992

Mrs Elsie TU said that notice had been received from the Administration that the above 3 bills would be introduced into the Legislative Council at the sitting on 14.10.92. They were listed on the agenda for Members' information only. In accordance with Standing Order 42(3A), unless the Council decided otherwise, the bills would automatically be referred to the House Committee after their introduction into LegCo on 14.10.92. It was agreed that the above bills should be formally considered by the House Committee at its meeting to be held on 16.10.92.

(e) Resumption of Debate on 2nd Reading, Committee Stage and 3rd Reading

Employees Retraining Bill

(LegCo Paper No. 90/92-93)

Prof Edward CHEN Kwan-yiu, Convener, referred to LegCo Paper No. 90/92-93 and reported that the Ad Hoc Group fully supported the establishment of an Employees Retraining Fund (ERF) proposed under the Bill. The Group was however concerned about two points : Government's financial commitment on the ERF and the Administrative cost charged on the ERF. After deliberation, the Group had been able to impress upon the Administration of the need for a clear financial commitment by the Government and amendments to the Bill would be made during the Committees Stage to have the commitment spelt out clearly in the Bill. As regards administrative costs, the Administration had assured that such charges would be kept to the minimum level. The Ad Hoc Group was satisfied with the provisions of the Bill and recommended that the Bill be passed at the sitting on 14.10.92.

Members endorsed the Ad Hoc Group's recommendation and agreed that the Second Reading debate on the Bill should be resumed on 14.10.92. The following Members would speak during the resumption of debate : Prof Edward CHEN Kwan-yiu, Mr PANG Chun-hoi, Mr TAM Yiu-chung, Mr LAU Chin-shek, Ms Emily LAU Wai-hing and Mr Howard YOUNG.

(5) Any Other Business

- (a) Report on Commonwealth Parliamentary Association Regional Seminar for Asia and South-east Asia attended by Mr Peter WONG Hong-yuen and Ms Emily LAU Wai-hing
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(LegCo Paper No. 3/92-93)

Members noted LegCo Paper No. 3/92-93 which reported on Mr Peter WONG Hong-yuen and Ms Emily LAU Wai-hing's attendance at the Commonwealth Parliamentary Association Regional Seminar for Asia and South-east Asia in Kuching, Sarawak in September 1992.

On the proposal to set up a Parliamentary friendship group with Malaysia or the Sabah State Legislative Assembly, Members agreed that this would be considered at a later stage.

- (b) Report of the Working Group on Implementation of the new Committee Structure of the Legislative Council
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(LegCo Paper No. 83/92-93 attaching revised LegCo Paper No. 16/92-93)

Mrs Elsie TU referred to revised LegCo Paper No. 16/92-93 and invited Members' views on the Working Group's Report. Members deliberated on the options set out in the Paper and arrived at the following decision :

- (i) No. of motion/adjournment debates allowed at a regular LegCo sitting

A majority of Members was in favour of option (1), i.e. no more than 2 debates (which might be 2 motion debates, two subjects for debate on a motion for the adjournment of the Council, or 1 motion debate and 1 adjournment debate) should be held at each regular sitting.

- (ii) Speaking time during motion debates

Members generally agreed that the mover of a motion should be allowed a total maximum speaking time of 15 minutes whilst other Members, including movers of amendments to a motion, should normally be allowed a maximum speaking time of 7 minutes. Subject to the view of the House Committee, the 7-minute time limit might be lifted in the event of debates on very important subjects.

As regards the speaking time allowed for the Administration, some Members considered that this should be more flexible instead of limiting it to 15 minutes as suggested in the Paper. As it was only a suggestion by Members on which the Administration had not yet been consulted, it was agreed that Mrs Elsie TU should seek the Administration's view at her next meeting with the Chief Secretary.

(iii) Hours of sitting of the Legislative Council

Members largely were in favour of the existing provisions in Standing Order 8(1), i.e. the LegCo sitting should continue to begin at 2:30 p.m.

(iv) Chairmanship of Bills Committees

Both options set out in the Paper had the support of equal number of Members present at the meeting. Mrs Elsie TU, as Chairman of the House Committee, offered her view that flexibility should be retained and the final decision was that no restriction on the chairmanship of Bills Committees should be imposed.

In addition to the above, Members also discussed the following points :

(v) Follow-up on debates

Some Members expressed reservations on the present practice of having OMELCO panels to follow up debates held in the Legislative Council. After discussion, it was agreed that since there would be an impending review on the future of OMELCO, including the operation of its panels, consideration of the issue might be deferred to a later date, having regard to the outcome of the review.

(vi) Speaking order during debates

As the subject had not been included in the Working Group's Report, Members agreed that this should be discussed under a separate agenda item at the next House Committee meeting to be held on 9.10.92.

(vii) Records of House/Bills Committees meetings

Members agreed to the Working Group's recommendation that, in principle, the papers and records of House/Bills Committees meetings might be made available to the public. It was however recognized that there would be practical difficulties to implement the proposal fully in the short term owing to resources implications. The Secretary General said that initially, the Secretariat would make additional copies for members of the public and the press who actually attended the Bills Committee meetings. Some Members suggested that instead of providing copies of papers and records to the public, consideration might be given to keeping a full set of records in a library to which public could have access. A coin-operated photocopying machine might be provided for the public to make copies of such records at their own expenses. These suggestions were noted, and the Secretary General undertook to look into the implications.

(viii) Allocation of LegCo Questions

Ms Emily LAU Wai-hing suggested and Members agreed that unless there were untaken slots, no Members should be allowed to raise more than 1 (either oral or written) question at a LegCo sitting.

(ix) Number of Bills Committees

The Legal Adviser informed Members that Mr Ronald Arculli had proposed some textual amendments to Paragraph b(i) on Page 12 of the draft House Rules. He added that the draft House Rules would be further revised to take into account Members' comments and decisions made at the meeting. The final text would be presented for the House committee's endorsement at a later meeting.

Mrs Elsie TU further advised Members that those rules which required changes to the Standing Orders for implementation would be discussed with the Deputy President. Those which did not require such changes would be implemented with immediate effect.

There being no other business, the meeting was adjourned at 12:25 p.m.

The OMELCO Secretariat

RCD-2

14 October 1992