

立法會  
*Legislative Council*

LC Paper No. CB(2) 967/03-04

Ref : CB2/H/5

**House Committee of the Legislative Council**

**Minutes of the 12th meeting  
held in the Legislative Council Chamber  
at 2:30 pm on Friday, 9 January 2004**

**Members present :**

Hon Miriam LAU Kin-yee, JP (Chairman)  
Hon Fred LI Wah-ming, JP (Deputy Chairman)  
Hon Kenneth TING Woo-shou, JP  
Hon James TIEN Pei-chun, GBS, JP  
Hon Cyd HO Sau-lan  
Hon Albert HO Chun-yan  
Ir Dr Hon Raymond HO Chung-tai, JP  
Hon LEE Cheuk-yan  
Hon Martin LEE Chu-ming, SC, JP  
Dr Hon Eric LI Ka-cheung, GBS, JP  
Dr Hon David LI Kwok-po, GBS, JP  
Hon Margaret NG  
Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP  
Hon James TO Kun-sun  
Hon CHEUNG Man-kwong  
Hon HUI Cheung-ching, JP  
Hon CHAN Kwok-keung, JP  
Hon CHAN Yuen-han, JP  
Hon Bernard CHAN, JP  
Hon CHAN Kam-lam, JP  
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP  
Hon LEUNG Yiu-chung  
Hon SIN Chung-kai  
Hon Andrew WONG Wang-fat, JP  
Dr Hon Philip WONG Yu-hong, GBS  
Hon WONG Yung-kan  
Hon Jasper TSANG Yok-sing, GBS, JP  
Hon Howard YOUNG, SBS, JP  
Dr Hon YEUNG Sum  
Hon YEUNG Yiu-chung, BBS

Hon LAU Chin-shek, JP  
Hon LAU Kong-wah, JP  
Hon Ambrose LAU Hon-chuen, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Andrew CHENG Kar-foo  
Hon SZETO Wah  
Hon Timothy FOK Tsun-ting, SBS, JP  
Dr Hon LAW Chi-kwong, JP  
Hon TAM Yiu-chung, GBS, JP  
Dr Hon TANG Siu-tong, JP  
Hon Abraham SHEK Lai-him, JP  
Hon LI Fung-ying, JP  
Hon Henry WU King-cheong, BBS, JP  
Hon Tommy CHEUNG Yu-yan, JP  
Hon Michael MAK Kwok-fung  
Hon Albert CHAN Wai-yip  
Hon LEUNG Fu-wah, MH, JP  
Hon WONG Sing-chi  
Hon Frederick FUNG Kin-kee  
Hon IP Kwok-him, JP  
Hon Audrey EU Yuet-mee, SC, JP

**Members absent :**

Dr Hon David CHU Yu-lin, JP  
Dr Hon LUI Ming-wah, JP  
Hon NG Leung-sing, JP  
Hon LAU Wong-fat, GBS, JP  
Hon CHOY So-yuk  
Dr Hon LO Wing-lok, JP  
Hon LAU Ping-cheung  
Hon MA Fung-kwok, JP

**Clerk in attendance :**

|                 |                              |
|-----------------|------------------------------|
| Mrs Justina LAM | Clerk to the House Committee |
|-----------------|------------------------------|

**Staff in attendance :**

|                       |                               |
|-----------------------|-------------------------------|
| Mr Ricky C C FUNG, JP | Secretary General             |
| Mr Jimmy MA, JP       | Legal Adviser                 |
| Mr LAW Kam-sang, JP   | Deputy Secretary General      |
| Ms Pauline NG         | Assistant Secretary General 1 |

|                  |  |
|------------------|--|
| Mr Ray CHAN      | Assistant Secretary General 3            |
| Mr LEE Yu-sung   | Senior Assistant Legal Adviser 1         |
| Mr Arthur CHEUNG | Senior Assistant Legal Adviser 2         |
| Mrs Vivian KAM   | Principal Council Secretary (Complaints) |
| Mr Simon WONG    | Acting Chief Public Information Officer  |
| Mr Andy LAU      | Chief Council Secretary (1)2             |
| Mrs Constance LI | Chief Council Secretary (2)5             |
| Mrs Betty LEUNG  | Chief Council Secretary (3)1             |
| Ms Bernice WONG  | Assistant Legal Adviser 1                |
| Miss Anita HO    | Assistant Legal Adviser 2                |
| Miss Connie FUNG | Assistant Legal Adviser 3                |
| Mr Stephen LAM   | Assistant Legal Adviser 4                |
| Miss Monna LAI   | Assistant Legal Adviser 7                |
| Miss Lolita SHEK | Senior Council Secretary (2)7            |

---

Action

**I. Confirmation of the minutes of the 11th meeting held on 19 December 2003  
(LC Paper No. CB(2) 851/03-04)**

The minutes were confirmed.

**II. Matters arising**

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

---

**Attendance by CS at House Committee meetings**

2. The Chairman said that she had informed CS that Members had suggested the topic of "Long term accommodation for the Legislative Council (LegCo)" for the special meeting with him on 27 February 2004. The Chairman added that CS had said that depending on developments, he might raise additional topics, such as co-operation between Guangdong and Hong Kong.

3. Ms Emily LAU said that CS had been appointed to head the newly formed Task Force to examine issues relating to the review of constitutional development of the Hong Kong Special Administrative Region, and he had promised to discuss with Members. Ms LAU further said that while CS, the Secretary for Justice (S for J) and Secretary for Constitutional Affairs would attend the policy briefing for the Panel on Constitutional Affairs (CA Panel) on 15 January 2004, there might not be sufficient time for discussion on the subject as the policy briefing would last for only one hour. Ms LAU considered that CS should let Members know the details of the work of the

Action

Task Force, such as what its timetable would be and how Members would be consulted. Ms LAU suggested that the Chairman should raise these questions at her next meeting with CS. The Chairman agreed.

**Proposal to invite the Chief Executive (CE) to brief the Council on his recent duty visit to Beijing and to establish a convention for CE to brief the Council upon his return from such duty visits**

4. The Chairman said that she had informed CS that she had written to CE to invite him to attend a Council meeting to brief Members on his recent duty visit to Beijing, and also to request him to give such a briefing for Members after each duty visit. The Chairman added that a reply from CE was awaited.

**III. Business arising from previous Council meetings**

**(a) Legal Service Division report on subsidiary legislation gazetted on 19 December 2003 and tabled in Council on 7 January 2004**  
*(LC Paper No. LS 29/03-04)*

5. The Legal Adviser said that there were three items of subsidiary legislation gazetted on 19 December 2003 and tabled in Council on 7 January 2004.

6. The Legal Adviser explained that the Electoral Affairs Commission (Financial Assistance for Legislative Council Elections) (Application and Payment Procedure) Regulation set out the procedure to implement the scheme for the payment of financial assistance to candidates in the LegCo elections in 2004 and thereafter.

7. The Legal Adviser said that the CA Panel was briefed on the proposed procedure at its meeting on 17 November 2003. The Panel considered that it was for the House Committee to decide whether a subcommittee should be formed to study the Regulation.

8. Ms Emily LAU suggested that a subcommittee should be set up to examine the Regulation. The Chairman proposed that the Regulation under discussion and other items of subsidiary legislation relating to the 2004 LegCo elections to be gazetted within the session should be examined by the subcommittee formed earlier by the House Committee to study the Particulars Relating to Candidates on Ballot Papers (Legislative Council) Regulation. Members agreed. The Chairman said that the Secretariat would issue a circular to invite other Members to join the subcommittee.

9. Members did not raise any queries on the other two items of subsidiary legislation.

Action

10. The Chairman said that the deadline for amending the three items of subsidiary legislation was 4 February 2004, or 25 February 2004, if extended by resolution.

(b) **Legal Service Division report on subsidiary legislation gazetted on 24 December 2003 and tabled in Council on 7 January 2004**  
(*LC Paper No. LS 33/03-04*)

11. The Legal Adviser said that only one item of subsidiary legislation, the Import and Export (Fees) (Amendment) Regulation 2003 (L.N. 247 of 2003) (Commencement) Notice 2003, was gazetted on 24 December 2003 and tabled in Council on 7 January 2004. The Legal Adviser further said that this Notice appointed 2 January 2004 as the day on which the Import and Export (Fees) (Amendment) Regulation 2003 would come into operation.

12. Members did not raise any queries on the Notice.

13. The Chairman said that the deadline for amending the Notice was 4 February 2004, or 25 February 2004, if extended by resolution.

**IV. Business for the Council meeting on 14 January 2004**

(a) **Questions**  
(*LC Paper No. CB(3) 292/03-04*)

14. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 14 January 2004.

(b) **Bills - First Reading and moving of Second Reading**

**Vocational Training Council (Amendment) Bill 2003**

15. The Chairman said that the Administration had given notice to introduce the above Bill into the Council on 14 January 2004, and the Bill would be considered by the House Committee at its meeting on 16 January 2004.

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

**Education (Miscellaneous Amendments) Bill 2003**

16. The Chairman said that the Bills Committee had reported at the last House Committee meeting on 19 December 2003, and Members did not raise objection to the resumption of the Second Reading debate on the Bill.

**(d) Government motions**

**(i) Proposed resolution to be moved by the Chief Secretary for Administration under the Legal Aid Ordinance**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 268/03-04 dated 24 December 2003.)*

*(LC Paper No. LS 30/03-04)*

17. The Legal Adviser explained that the proposed resolution was to seek LegCo's approval for the downward adjustment of the financial eligibility limits of legal aid applicants.

18. The Legal Adviser further explained that according to the draft speech by CS, the cumulative decrease in Consumer Price Index over the period from July 2000 to July 2003 was 8.2%. To maintain the real values of the financial eligibility limits, the Administration proposed to adjust downward the limit for the Ordinary Legal Aid Scheme from \$169,700 to \$155,800, and that for the Supplementary Legal Aid Scheme from \$471,600 to \$432,900, in accordance with the cumulative decrease in consumer prices.

19. The Legal Adviser said that the resolution, if passed by LegCo, would come into operation on a day to be appointed by the Director of Administration by notice published in the Gazette.

20. The Legal Adviser further said that the issue of financial limits of legal aid applicants had been discussed by the Panel on Administration of Justice and Legal Services (AJLS Panel) at its meetings on 23 June 2003 and 27 October 2003. He added that the Panel considered that it would be for the House Committee to decide whether a subcommittee should be set up to study the proposed adjustments.

21. Miss Margaret NG, Chairman of the AJLS Panel, said that some members had expressed concern that under the existing financial eligibility limits, a large number of applicants who could not afford the costs of private litigation were refused legal aid on grounds of means. These members had questioned whether the financial eligibility limits had been realistically set.

22. Mr WONG Sing-chi suggested that a subcommittee should be formed to study the proposed resolution.

23. The Chairman proposed that a subcommittee be formed. Members agreed. The following Members agreed to join: Mr Albert HO (as advised by Mr WONG Sing-chi), Mr LEE Cheuk-yan, Miss Margaret NG, Mr Andrew WONG and Ms Miriam LAU.

Action

24. The Chairman said that CS would be requested to withdraw his notice for moving the proposed resolution.

(ii) **Proposed resolution to be moved by the Secretary for Financial Services and the Treasury under the Loans Ordinance**

*(Wording of the original proposed resolution issued vide LC Paper No. CB(3) 265/03-04 dated 17 December 2003.*

*Wording of the revised resolution issued vide LC Paper No. CB(3) 298/03-04 dated 8 January 2004.)*

*(LC Paper No. LS 28/03-04)*

25. The Legal Adviser explained that the motion sought LegCo's approval to authorize the Government to borrow, for the purposes of the Capital Works Reserve Fund established by resolutions passed under section 29 of the Public Finance Ordinance (Cap. 2), a sum or sums not exceeding \$6,000,000,000 or equivalent by way of securitizing Government revenue receivable from tolls on bridges and tunnels and such other Government revenue receivable from those bridges and tunnels as specified by the Financial Secretary (FS).

26. The Legal Adviser further said that it was the Administration's intention that FS would exercise his discretion under section 3(4) of the Loans Ordinance not to table in LegCo a copy of the agreement relating to the issue of the notes under the proposed securitization.

27. The Legal Adviser informed Members that in response to the drafting issues raised by the Legal Service Division, the Administration had obtained the President's permission to replace the original motion with a modified version which was attached to the Legal Service Division report. The Legal Adviser said that the legal effect of the modified version was substantially the same as the original motion.

28. The Legal Adviser further said that the Panel on Financial Affairs had been briefed on the policy aspects of the proposed resolution at its meeting on 5 January 2004. Some Panel members had expressed various concerns about the proposed resolution. The Administration had provided further information to the Panel, and its latest response dated 8 January 2004 was being studied by the Legal Service Division.

29. Mr LEUNG Fu-wah said that some employees of the tunnel/bridge companies had expressed concern that the proposed securitization might affect their salaries and benefits. Mr LEUNG suggested that a subcommittee should be formed to study the proposed resolution, so that the Administration could clearly explain the impact of the proposal on the employment of personnel concerned.

Action

30. Mr CHAN Kam-lam, Mr Henry WU and Ms Audrey EU expressed support for the setting up of a subcommittee to study the proposed resolution. They considered that the Administration had not fully addressed members' concerns raised at the Panel meeting on 5 January 2004.

31. Mr Henry WU said that he had requested the Secretary for Financial Services and the Treasury (SFST) to provide further information. He further said that the Administration's answer on the target investors of the proposed securitization was unclear.

32. Ms Audrey EU expressed concern about the detailed arrangements for the proposed securitization and its impact. Ms EU said that although there was a view that the proposed securitization should be implemented as soon as possible to take advantage of the low interest rate, it was necessary to ensure that the proposed arrangements were in order. Ms EU did not agree that Members should be rushed into passing the proposed resolution.

33. Mr Abraham SHEK, Mr James TIEN, Mr SIN Chung-kai and Dr Eric LI expressed support for the proposed resolution to be passed as early as possible so as to enable the securitization arrangements to be finalised by mid-March 2004.

34. Mr Abraham SHEK said that the proposed securitization would bring in capital revenue to finance the capital works projects which would create job opportunities. Mr SHEK pointed out that the Administration's proposal was to securitize the revenue from tolled roads and not to privatise the tunnel/bridge companies. The issue of employee salaries and benefits was therefore irrelevant, and the formation of a subcommittee would delay implementation of the proposed securitization.

35. Mr James TIEN said that it was in the interest of taxpayers to implement the proposed securitization as early as possible as the interest rate might increase in the near future. Mr TIEN further said that if a subcommittee was to be set up, it should work expeditiously to facilitate implementation of the proposed securitization in March/April 2004.

36. Mr SIN Chung-kai said that Members belonging to the Democratic Party supported the proposed resolution. Mr SIN added that both the financial and construction sectors welcomed the proposal and supported early implementation of the proposed securitization.

37. Dr Eric LI said that the Administration had already carried out a lot of preparatory work for the proposed securitization, and it should be implemented as soon as possible to reduce the budget deficit.



Action

38. Mr Henry WU said that the Administration could continue with its preparatory work for the securitization while the proposed resolution was being examined by a subcommittee. He considered that there would be sufficient time for the implementation of the securitization by March 2004.

39. Mr CHAN Kam-lam reckoned that Members would support the proposed resolution if they were satisfied that it was in the interest of the public to implement the proposal. Mr CHAN did not consider that the setting up of a subcommittee would delay the securitization process and the taking forward of capital works projects. He stressed that it was important to ensure that the securitization arrangements were in order.

40. Mr Abraham SHEK said that he would not object to the setting up of a subcommittee, if other Members so wished.

41. The Chairman proposed that a subcommittee be formed. Members agreed. The following Members agreed to join: Mr LEE Cheuk-yan, Mr CHAN Kam-lam, Mr SIN Chung-kai, Ms Miriam LAU, Mr Abraham SHEK, Mr Henry WU, Mr LEUNG Fu-wah and Ms Audrey EU.

42. The Chairman said that SFST would be requested to withdraw his notice for moving the proposed resolution.

- (iii) **Two proposed resolutions to be moved by the Secretary for Security under the Mutual Legal Assistance in Criminal Matters Ordinance relating to:**  
**the Mutual Legal Assistance in Criminal Matters (Ukraine) Order; and**  
**the Mutual Legal Assistance in Criminal Matters (Singapore) Order**  
*(Wording of the proposed resolutions issued vide LC Paper No. CB(3) 273/03-04 dated 27 December 2003.)*  
*(LC Paper No. LS 34/03-04)*

43. The Legal Adviser explained that the purpose of the proposed resolutions was to seek LegCo's approval for the Mutual Legal Assistance in Criminal Matters (Ukraine) Order and the Mutual Legal Assistance in Criminal Matters (Singapore) Order.

44. The Legal Adviser said that the Legal Service Division had requested the Administration to clarify some drafting points and certain provisions in the Orders which were different from those in similar orders previously approved by LegCo. The Legal Adviser further said that the Legal Service Division was studying the Administration's response which had just been received.

Action

45. Mr James TO suggested that a subcommittee be formed to study the two Orders.

46. The Chairman proposed that a subcommittee be formed. Members agreed. The following Members agreed to join: Miss Margaret NG, Mr James TO, Mr Jasper TSANG and Ms Miriam LAU.

47. The Chairman said that the Secretary for Security would be requested to withdraw his notice for moving the proposed resolutions.

(e) **Members' Bills - resumption of debate on Second Reading, Committee Stage and Third Reading**

**Ling Liang World-Wide Evangelistic Mission Incorporation (Amendment) Bill 2003**

48. The Chairman said that at the House Committee meeting on 12 December 2003, Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(f) **Members' motions**

(i) **Motion on “Supporting the import and export industries”**  
(Wording of the motion issued vide LC Paper No. CB(3) 286/03-04 dated 31 December 2003.)

(ii) **Motion on “Better health care financing policy”**  
(Wording of the motion issued vide LC Paper No. CB(3) 287/03-04 dated 31 December 2003.)

49. The Chairman said that the above motions would be moved by Mr HUI Cheung-ching and Mr Michael MAK respectively, and the wording of their motions had been issued to Members.

**V. Reports of Bills Committees and subcommittees**

(a) **Report of the Subcommittee on Summary Disposal of Complaints (Solicitors) Rules**  
(LC Paper No. CB(2) 902/03-04)

50. Miss Margaret NG, Chairman of the Subcommittee, said that the Subcommittee had requested the Law Society of Hong Kong to clarify certain issues relating to the operation of the summary procedure for disposal of complaints against solicitors under the Rules by way of a fixed penalty. The Law Society had proposed some amendments to the Rules, and these

Action

amendments would be moved by S for J on its behalf. Miss Margaret NG said that subject to the proposed amendments, the Subcommittee supported the Rules.

51. The Chairman informed Members that S for J had already given notice to move a motion to amend the Rules at the Council meeting on 14 January 2004.

**(b) Report of the Subcommittee on Particulars Relating to Candidates on Ballot Papers (Legislative Council) Regulation**

52. Mr HUI Cheung-ching, Chairman of the Subcommittee, said that the Subcommittee had agreed that he should move a motion at the Council meeting on 14 January 2004 to extend the scrutiny period of the Regulation to 4 February 2004, to allow more time for the Subcommittee to scrutinize the Regulation and report to the House Committee.

53. Mr HUI Cheung-ching further said that the Subcommittee would hold its next meeting on 12 January 2004. Mr HUI added that as agreed by Members under agenda item III(a) above, the Subcommittee would also study the Electoral Affairs Commission (Financial Assistance for Legislative Council Elections) (Application and Payment Procedure) Regulation.

**VI. Position on Bills Committees/subcommittees**  
(LC Paper No. CB(2) 884/03-04)

54. The Chairman said that there were 15 Bills Committees and nine subcommittees in action, including the three subcommittees formed under agenda item IV(d) above. There were also six Bills Committees on the waiting list.

**VII. Proposed overseas duty visit by the Panel on Economic Services**  
(LC Paper No. CB(1) 720/03-04)

55. Mr James TIEN, Chairman of the Panel, said that the House Committee's permission was sought for the Panel to conduct an overseas duty visit to Europe in April 2004 to study the port and airport management, logistics development, airport privatization, and theme park management and development.

56. Ms Emily LAU expressed interest in joining the visit as she would be in Europe during the Easter holidays. In response to Ms LAU, Chief Council Secretary (1)2 said that arrangements would be made to ensure that the ports and airports covered in the visit would be able to receive the delegation around the Easter holidays.

Action

57. Members did not raise objection to the proposed visit.

**VIII. Any other business**

58. There being no other business, the meeting ended at 3:20 pm.

Council Business Division 2  
Legislative Council Secretariat  
14 January 2004