

立法會  
*Legislative Council*

LC Paper No. CB(2) 1168/03-04

Ref : CB2/H/5

**House Committee of the Legislative Council**

**Minutes of the 14th meeting  
held in the Legislative Council Chamber  
at 2:30 pm on Friday, 30 January 2004**

**Members present :**

Hon Miriam LAU Kin-yee, JP (Chairman)  
Hon Fred LI Wah-ming, JP (Deputy Chairman)  
Dr Hon David CHU Yu-lin, 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 David LI Kwok-po, GBS, JP  
Dr Hon LUI Ming-wah, JP  
Hon NG Leung-sing, JP  
Hon Margaret NG  
Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP  
Hon CHEUNG Man-kwong  
Hon HUI Cheung-ching, JP  
Hon CHAN Kwok-keung, 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  
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 LAU Wong-fat, GBS, JP

Hon Ambrose LAU Hon-chuen, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon CHOY So-yuk  
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 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  
Dr Hon LO Wing-lok, JP  
Hon WONG Sing-chi  
Hon Frederick FUNG Kin-kee  
Hon IP Kwok-him, JP  
Hon LAU Ping-cheung  
Hon Audrey EU Yuet-mee, SC, JP  
Hon MA Fung-kwok, JP

**Members absent :**

Hon Kenneth TING Woo-shou, JP  
Hon James TIEN Pei-chun, GBS, JP  
Dr Hon Eric LI Ka-cheung, GBS, JP  
Hon James TO Kun-sun  
Hon CHAN Yuen-han, JP  
Dr Hon Philip WONG Yu-hong, GBS  
Hon Abraham SHEK Lai-him, 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
Ms Erin TSANG	Acting Principal Council Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Miss Salumi CHAN	Chief Council Secretary (1)5
Mrs Constance LI	Chief Council Secretary (2)5
Mrs Betty LEUNG	Chief Council Secretary (3)1
Miss Anita HO	Assistant Legal Adviser 2
Miss Connie FUNG	Assistant Legal Adviser 3
Miss Kitty CHENG	Assistant Legal Adviser 5
Miss Lolita SHEK	Senior Council Secretary (2)7

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Action

**I. Confirmation of the minutes of the 13th meeting held on 16 January 2004**  
*(LC Paper No. CB(2) 1088/03-04)*

The minutes were confirmed.

**II. Matters arising**

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

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2. The Chairman said that she had informed CS of Members' agreement to the proposed grouping of policy areas for the debate on the Motion of Thanks at the Council meeting of 4, 5 and 6 February 2004.

**III. Legal Service Division report on subsidiary legislation gazetted on 16 January 2004**  
*(LC Paper No. LS 37/03-04)*

3. The Legal Adviser said that only one item of subsidiary legislation, the Land (Miscellaneous Provisions) (Amendment) Ordinance 2003 (17 of 2003) (Commencement) Notice 2004, was gazetted on 16 January 2004. The Legal Adviser explained that by the Notice, the Secretary for the Environment, Transport and Works appointed 1 April 2004 as the day on which the Land (Miscellaneous Provisions) (Amendment) Ordinance 2003 (17 of 2003) would come into operation. The Legal Adviser added that the Amendment Ordinance was passed by the Council on 14 May 2003 to improve the regulation of excavation in unleased land.

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

Action

5. The Chairman said that the deadline for amending the Notice was 3 March 2004, or 24 March 2004, if extended by resolution.

**IV. Legal Service Division report on subsidiary legislation gazetted on 21 January 2004**

*(LC Paper No. LS 38/03-04)*

6. The Legal Adviser said that there were three items of subsidiary legislation gazetted on 21 January 2004.

7. The Legal Adviser explained that the Air Transport (Licensing of Air Services) (Amendment) Regulation 2004 (L.N.4) amended Regulation 4 of the Air Transport (Licensing of Air Services) Regulations (Cap. 448 sub. Leg. A) to provide expressly that the quorum at a meeting of the Air Transport Licensing Authority (the Licensing Authority) for the dispatch of business was three members.

8. The Legal Adviser said that the Legal Service Division had asked the Administration whether it would consider making express provisions on the way in which the Licensing Authority would determine questions for its decision under the Regulations. The Legal Service Division was now studying the Administration's response which had just been received. A further report would be provided to the House Committee at its next meeting on 13 February 2004.

9. The Legal Adviser added that no difficulties relating to the legal and drafting aspects of the other two items of subsidiary legislation had been identified. Members did not raise any queries on these two items of subsidiary legislation.

10. The Chairman said that the deadline for amending these items of subsidiary legislation was 3 March 2004, or 24 March 2004, if extended by resolution.

**V. Further business for the Council meeting of 4, 5 and 6 February 2004**

**(a) Questions**

*(LC Paper No. CB(3) 326/03-04)*

11. The Chairman said that 20 written questions had been scheduled for the Council meeting commencing 4 February 2004.

Action

**(b) Members' motion**

**Proposed resolution to be moved by Hon HUI Cheung-ching under section 34(4) of the Interpretation and General Clauses Ordinance relating to the Electoral Affairs Commission (Financial Assistance for Legislative Council Elections) (Application and Payment Procedure) Regulation**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 322/03-04 dated 20 January 2004.)*

12. The Chairman said that Mr HUI Cheung-ching, Chairman of the Subcommittee on subsidiary legislation relating to 2004 Legislative Council elections, had given notice to move a motion at the Council meeting commencing 4 February 2004 to extend the scrutiny period of the Regulation to 25 February 2004.

**VI. Business for the Council meeting on 11 February 2004**

**(a) Questions**

*(LC Paper No. CB(3) 327/03-04)*

13. The Chairman said that 20 written questions (six oral and 14 written) had been scheduled for the Council meeting on 11 February 2004.

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

**(i) Undesirable Medical Advertisements (Amendment) Bill 2004**

**(ii) Construction Industry Council Bill**

14. The Chairman said that the Administration had given notice to introduce the above two Bills into the Council on 11 February 2004. The House Committee would consider these two Bills at its meeting on 13 February 2004.

**(c) Government motion**

**Proposed resolution to be moved by the Secretary for Housing, Planning and Lands under section 54A of the Interpretation and General Clauses Ordinance**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 294/03-04 dated 7 January 2004.)*

*(LC Paper No. LS 35/03-04)*

15. The Legal Adviser said that the motion sought the Council's approval to amend sections 14(4) and 15(2) of the Housing Ordinance (Cap. 283) to

Action

transfer the statutory functions of CS under these sections to the Secretary for Housing, Planning and Lands (SHPL).

16. The Legal Adviser explained that the amendments were mainly concerned with the tabling of the Housing Authority's annual report, its statement of accounts and auditor's report in Council.

17. The Legal Adviser further explained that CS had been exercising his power of delegation to delegate the above functions to SHPL since 1996 pursuant to a notice made under section 43(1) of the Interpretation and General Clauses Ordinance (Cap. 1). Now the Administration proposed to formally transfer the relevant statutory functions under the Housing Ordinance from CS to SHPL.

18. The Legal Adviser added that the drafting of the proposed resolution presented no problem.

19. Members did not raise objection to SHPL moving the proposed resolution at the Council meeting on 11 February 2004.

**(d) Members' motions**

**(i) Motion to be moved by Dr Hon LAW Chi-kwong**

20. The Chairman informed Members that the subject matter of the motion to be moved by Dr LAW Chi-kwong was "Demands on the Budget" and the wording of the motion was tabled at the meeting.

**(ii) Motion to be moved by Hon Mrs Sophie LEUNG LAU Yau-fun**

21. The Chairman informed Members that the subject matter of the motion to be moved by Mrs Sophie LEUNG LAU Yau-fun was "Border industrial zone" and the wording of the motion was tabled at the meeting.

22. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 4 February 2004.

**VII. Report of Bills Committees and subcommittees**

**(a) Report of the Bills Committee on Construction Industry Levy  
(Miscellaneous Amendments) Bill 2003**  

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*(LC Paper No. CB(2) 1080/03-04)*

Action

23. Mr LAU Ping-cheung, Chairman of the Bills Committee, said that the Bills Committee had completed scrutiny of the Bill. Mr LAU added that in response to members' various concerns, the Administration had agreed to move Committee Stage amendments (CSAs) to the Bill. Subject to the CSAs to be moved by the Administration, the Bills Committee supported the resumption of the Second Reading debate on the Bill on 11 February 2004.

24. The Chairman reminded Members that the deadline for giving notice of CSAs was Monday, 2 February 2004.

**(b) First report of the Subcommittee on subsidiary legislation relating to 2004 Legislative Council elections**  

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*(LC Paper No. CB(2) 1099/03-04)*

25. Mr HUI Cheung-ching, Chairman of the Subcommittee, said that he had made a verbal report on the Subcommittee's deliberation on the Particulars Relating to Candidates on Ballot Papers (Legislative Council) Regulation at the last House Committee meeting on 16 January 2004. A written report was now provided for Members' reference.

26. Mr HUI further said that in response to members' various concerns, the Administration had given notice to move a motion at the Council meeting on 4 February 2004 to make certain amendments to the Regulation, as detailed in the report.

27. Mr HUI Cheung-ching added that the Subcommittee supported the Regulation and the Administration's proposed amendments.

**(c) Report of the Subcommittee on proposed resolution under section 3(1) of the Loans Ordinance**  

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*(LC Paper No. CB(1) 866/03-04)*

28. Mr CHAN Kam-lam, Chairman of the Subcommittee, said that the Subcommittee supported the objectives of the proposed securitization exercise. Mr CHAN further said that the Subcommittee had discussed the following issues -

- (a) details of the proposed securitization exercise, such as the estimated costs, maturity and interest rates of the notes or securitized bonds, target investors, and Government's undertakings;
- (b) impact of the proposed securitization exercise on Government transport policy, toll rates and the employees of the tunnel/bridge companies concerned; and

Action

- (c) other fund-raising alternatives, if any, considered by the Administration.

29. Mr CHAN added that the Administration had provided further information in response to members' various concerns and had agreed to report on the overall outcome of the securitization exercise to the Panel on Financial Affairs in due course.

30. Mr CHAN said that members were in general satisfied with the response provided by the Administration. Mr CHAN further said that after the Subcommittee meeting on 16 January 2004, Mr Henry WU had written to the Administration on 20 and 29 January 2004 seeking more detailed information, and the Administration had replied to his letters.

31. Mr CHAN informed Members that the Subcommittee supported the modified version of the proposed resolution. Subject to the House Committee's view, the Administration would give notice by 3 February 2004 for moving the modified version of the proposed resolution at the Council meeting on 18 February 2004.

32. Mr Henry WU said that he supported the proposed securitization exercise in principle because it would help improve the financial situation of the Government. Mr WU further said that he was concerned about the detailed arrangements of the proposed securitization scheme and had therefore requested the Administration to provide additional information.

33. Mr WU added that the Government should enable more retail investors to participate in the proposed securitization exercise to make it more successful.

34. The Chairman said that Mr Henry WU's letter dated 29 January 2004 to the Secretary for Financial Services and the Treasury, and the latter's reply dated 30 January 2004 were tabled at the meeting for Members' reference.

35. Members did not raise objection to the Administration giving notice to move the modified version of the proposed resolution at the Council meeting on 18 February 2004.

**VIII. Position on Bills Committees/subcommittees**  
(*LC Paper No. CB(2) 1091/03-04*)

36. The Chairman said that there were 14 Bills Committees and eight subcommittees in action, as well as seven Bills Committees on the waiting list.



Action

37. The Chairman further said that as there was a vacant slot after the Bills Committee on Construction Industry Levy (Miscellaneous Amendments) Bill 2003 had reported on its work under agenda item VII(a) above, the Bills Committee on Electronic Transactions (Amendment) Bill 2003 on the waiting list could commence work.

**IX. Any other business**

38. There being no other business, the meeting ended at 2:55 pm.

Council Business Division 2  
Legislative Council Secretariat  
11 February 2004