

立法會
Legislative Council

LC Paper No. CB(2) 24/04-05

Ref : CB2/H/5/04

House Committee of the Legislative Council

**Minutes of the 2nd meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 8 October 2004**

Members present :

Hon Miriam LAU Kin-ye, GBS, JP (Chairman)
Hon Fred LI Wah-ming, JP (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP
Hon LEE Cheuk-yan
Hon Martin LEE Chu-ming, SC, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon CHAN Yuen-han, JP
Hon SIN Chung-kai, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Dr Hon YEUNG Sum
Hon LAU Chin-shek, JP
Hon LAU Kong-wah, JP
Hon LAU Wong-fat, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo
Hon Timothy FOK Tsun-ting, GBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon LI Fung-ying, BBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Albert CHAN Wai-yip
Hon Frederick FUNG Kin-kee, JP
Hon Audrey EU Yuet-mee, SC, JP

Hon Vincent FANG Kang, JP
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
Hon LI Kwok-ying, MH
Hon Daniel LAM Wai-keung, BBS, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Dr Hon KWOK Ka-ki
Dr Hon Fernando CHEUNG Chiu-hung
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
Hon TONG Ka-wah, SC
Hon CHIM Pui-chung
Hon Albert Jinghan CHENG
Hon KWONG Chi-kin
Hon TAM Heung-man

Members absent :

Dr Hon David LI Kwok-po, GBS, JP
Dr Hon LUI Ming-wah, JP
Hon Bernard CHAN, JP
Hon CHAN Kam-lam, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon LEUNG Yiu-chung
Hon WONG Yung-kan, JP
Hon CHOY So-yuk
Dr Hon Joseph LEE Kok-long
Hon MA Lik, JP
Hon Patrick LAU Sau-shing, SBS, JP

Clerk in attendance :

Mrs Justina LAM Clerk to the House Committee

Staff in attendance :

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| Mr Ricky C C FUNG, JP | Secretary General |
| Mr Jimmy MA, JP | Legal Adviser |
| Ms Pauline NG | Assistant Secretary General 1 |
| Mr Ray CHAN | Assistant Secretary General 3 |

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| Mr LEE Yu-sung | Senior Assistant Legal Adviser 1 |
| Mr Arthur CHEUNG | Senior Assistant Legal Adviser 2 |
| Miss Kathleen LAU | Chief Public Information Officer |
| 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 |
| Ms Connie FUNG | Assistant Legal Adviser 3 |
| Mr Stephen LAM | Assistant Legal Adviser 4 |
| Ms Kitty CHENG | Assistant Legal Adviser 5 |
| Mr KAU Kin-wah | Assistant Legal Adviser 6 |
| Miss Monna LAI | Assistant Legal Adviser 7 |
| Miss Lolita SHEK | Senior Council Secretary (2)7 |

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I. Legal Service Division reports on subsidiary legislation tabled from 23 June to 7 July and on 6 October 2004
(LC Paper No. LS 1/04-05)

[Previous papers in respect of the four Commencement Notices (tabled in Council on 23 June 2004) relating to the installation of passenger protection equipment on all newly registered public light buses:

Report of the "Subcommittee on four items of subsidiary legislation relating to the installation of passenger protection equipment on all newly registered public light buses" for the House Committee meeting on 2 July 2004 (LC Paper No. CB(1) 2292/03-04); and
extract from the minutes of the special House Committee meeting on 2 July 2004 (LC Paper No. CB(2) 5/04-05(01))]

[Previous papers in respect of the United Nations Sanctions (Iraq) (Amendment) Regulation 2004:

Further report of the "Subcommittee on United Nations Sanctions (Liberia) Regulation 2003" for the House Committee meeting on 25 June 2004 (LC Paper No. CB(2) 2892/03-04); and
extract from the minutes of the House Committee meeting on 25 June 2004 (LC Paper No. CB(2) 2/04-05(01))]

Subsidiary legislation tabled between 23 June and 7 July 2004

The Chairman said that a total of 12 items of subsidiary legislation were gazetted between 18 June and 2 July 2004 and tabled in Council between 23 June and 7 July 2004. The Chairman further said that most of these items of subsidiary legislation had been considered at the House Committee meeting on 25 June 2004, and a subcommittee was formed to examine the four commencement notices relating to the installation of passenger protection

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equipment on all newly registered public light buses. The Subcommittee's report was considered at the special meeting of the House Committee on 2 July 2004. The Chairman added that the draft of the Merchant Shipping (Security of Ships and Port Facilities) Rules had been examined by the Bills Committee formed to study the Merchant Shipping (Security of Ships and Port Facilities) Bill.

2. The Legal Adviser informed Members that the Legal Service Division had sought clarification from the Administration on a technical issue regarding the Banking (Specification of Public Sector Entities in Hong Kong) (Amendment) Notice 2004 which was tabled in Council on 23 June 2004. The technical issue had now been resolved with the gazettal of the Banking (Specification of Public Sector Entities in Hong Kong) (Amendment) Notice 2004 (Repeal) Notice and the Banking (Specification of Public Sector Entities in Hong Kong) (Amendment) (No. 2) Notice 2004 on 24 September 2004.

3. Members did not raise any queries on these 12 items of subsidiary legislation.

4. The Chairman said that the deadline for amending these items of subsidiary legislation was the second Council meeting, i.e. 13 October 2004, or 3 November 2004, if extended by resolution of the Council.

Subsidiary legislation tabled on 6 October 2004

5. The Chairman said that a total of 15 items of subsidiary legislation were gazetted between 16 July and 30 September 2004, and tabled in Council on 6 October 2004.

6. As regards the United Nations Sanctions (Iraq) (Amendment) Regulation 2004 which was made under the United Nations Sanctions Ordinance (Cap. 537), the Legal Adviser said that the Regulation was not required to be laid before the Council and was not subject to amendment by the Council. The Legal Adviser further said that a subcommittee was formed in the last term to examine the United Nations Sanctions (Liberia) Regulation 2003 which was also made under the United Nations Sanctions Ordinance. The Subcommittee recommended in its report to the House Committee on 25 June 2004 that a subcommittee should be formed in the next legislative term to examine the arrangements for implementing in Hong Kong sanctions imposed through resolutions of the United Nations Security Council (UNSC).

7. Ms Margaret NG said that the Subcommittee on United Nations Sanctions (Liberia) Regulation 2003 considered that there were major problems in the existing arrangements for implementing in Hong Kong sanctions imposed through resolutions of UNSC. Ms NG further said that Professor Yash GHAI from the Department of Law of the University of Hong Kong also

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commented that there were legal problems in the arrangements as these arrangements might be in contravention of the Basic Law. Ms NG said that a subcommittee should be set up as recommended by the Subcommittee on United Nations Sanctions (Liberia) Regulation 2003.

8. The Chairman proposed that a subcommittee be formed to examine the arrangements for implementing in Hong Kong sanctions imposed through resolutions of UNSC. Members agreed. The following Members agreed to join: Mr Martin LEE, Ms Margaret NG and Mr James TO.

9. Members did not raise any queries on the other 15 items of subsidiary legislation.

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

II. Business for the Council meeting on 13 October 2004

(a) Questions

(LC Paper No. CB(3) 22/04-05)

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

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

(i) Vocational Training Council (Amendment) Bill 2004

(ii) Undesirable Medical Advertisements (Amendment) (No. 2) Bill 2004

(iii) Construction Industry Council (No. 2) Bill

(iv) Bankruptcy (Amendment) Bill 2004

(v) Companies (Amendment) Bill 2004

12. The Chairman said that the Administration had given notice to introduce the above five Bills into the Council on 13 October 2004. The House Committee would consider these Bills at its meeting on 15 October 2004.

(c) Government motion

13. The Chairman said that no notice had been received yet.

(d) Members' motions

- (i) Motion on "Minimum wage, maximum working hours"**
(Wording of the motion issued vide LC Paper No. CB(3) 25/04-05 dated 6 October 2004.)
- (ii) Motion on "Facilitating the integration of people with disabilities into society"**
(Wording of the motion issued vide LC Paper No. CB(3) 25/04-05 dated 6 October 2004.)

14. The Chairman said that the above motions would be moved by Miss CHAN Yuen-han and Mr LEUNG Yiu-chung respectively, and the wording of the motions had been issued to Members.

15. The Chairman further said that unless otherwise decided by the House Committee, the speaking time limits specified in rule 17(b) of the House Rules would be deemed to have been agreed to by the House Committee.

16. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Friday, 8 October 2004.

III. Chief Executive's Question and Answer Session on 14 October 2004

17. The Chairman said that the Chief Executive (CE)'s Question and Answer Session would start at 3:00 pm on Thursday, 14 October 2004. She invited Members to give suggestions on topics for CE to answer questions on.

18. Ms Emily LAU said that she would raise a question on constitutional reform.

19. Dr KWOK Ka-ki said that CE should explain to Members the difficulties encountered in matters relating to the appointment of the new Secretary for Health, Welfare and Food, in particular the reason for the last-minute cancellation of the announcement of the appointment on 7 October 2004, which led to much confusion.

20. Mr Martin LEE said that CE should be requested to stay longer to answer questions from Members, and the duration of CE's Question and Answer Sessions should be from 3:00 pm to 4:30 pm.

21. Mr LEE Cheuk-yan said that the frequency of CE's Question and Answer Session should be increased to once a month.

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22. The Chairman said that she would convey Members' suggestions and requests to CS at their meeting on Monday.

IV. Business for the Council meeting on 20 October 2004

(a) Questions

(LC Paper No. CB(3) 23/04-05)

23. The Chairman said that 15 questions (six oral and nine written) had been scheduled for the Council meeting on 20 October 2004.

24. The Chairman reminded Members that the deadline for giving notice of questions was Monday, 11 October 2004.

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

25. The Chairman said that no notice had been received yet.

(c) Government motion

Proposed resolution to be moved by the Secretary for Health, Welfare and Food under the Pharmacy and Poisons Ordinance relating to:

(i) the Pharmacy and Poisons (Amendment) (No. 3) Regulation 2004; and

(ii) the Poisons List (Amendment) (No. 3) Regulation 2004

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 29/04-05 dated 6 October 2004.)

26. The Chairman said that the Legal Service Division would provide a report on the proposed resolution for the meeting of the House Committee on 15 October 2004.

(d) Members' motions

(i) Motion on "Total smoking ban in workplaces"

(Wording of the motion issued vide LC Paper No. CB(3) 26/04-05 dated 6 October 2004.)

(ii) Motion on "Enacting a fair competition law"

(Wording of the motion issued vide LC Paper No. CB(3) 26/04-05 dated 6 October 2004.)

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27. The Chairman said that the above motions would be moved by Mr Bernard CHAN and Mr Fred LI respectively, and the wording of the motions had been issued to Members.

28. The Chairman further said that unless otherwise decided by the House Committee, the speaking time limits for a motion debate specified in rule 17(b) of the House Rules would be deemed to have been agreed to by the House Committee.

29. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 13 October 2004.

V. Procedure for election of Members for appointment to the Public Accounts Committee, Committee on Members' Interests and Committee on Rules of Procedure

(LC Paper No. CB(3) 10/04-05)

30. Members endorsed the procedure for the election of Members for appointment to the Public Accounts Committee, the Committee on Members' Interests and the Committee on Rules of Procedure set out in paragraph 3 of the paper. Members also agreed that the election be held at the next meeting of the House Committee on 15 October 2004.

31. Ms Margaret NG said that she would like to join the Committee on Rules of Procedure, but she would not be able to attend the meeting on 15 October 2004. The Chairman advised that nomination of a Member could be made in his/her absence. The nominating Member would need to state that the absent Member's acceptance of the nomination had been secured.

VI. Election of members of The Legislative Council Commission

(LC Paper No. AS 23/04-05)

32. Members agreed that the election of members of The Legislative Council Commission be held at the meeting of the House Committee on 29 October 2004. The Chairman informed Members that a circular would be issued to invite nominations from Members and the deadline for nominations was Saturday, 23 October 2004.

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VII. Formation of Parliamentary Liaison Subcommittee

(LC Paper No. CB(3) 9/04-05)

33. Members agreed to the election procedure set out in paragraph 6(b) of the paper, and that the membership of the Parliamentary Liaison Subcommittee should be nine members, as in the first and second terms. Members also agreed that the election be held at the next meeting of the House Committee on 15 October 2004.

VIII. Proposed amendments to Rule 46 (Decision on Motions) of the Rules of Procedure

(LC Paper No. CB(3) 11/04-05)

34. Members endorsed the recommendations in paragraphs 4 and 5 of the paper and the proposed amendment to Rule 46(2)(b) of the Rules of Procedure in Appendix I of the paper.

35. Members also agreed that the Chairman of the House Committee should move the proposed resolution in Appendix II of the paper to amend the Rule at the Council meeting on 13 October 2004. Members supported the proposal to seek the President's permission to dispense with the required notice for moving the proposed resolution.

IX. Any other business

36. There being no other business, the meeting ended at 2:50 pm.