

立法會
Legislative Council

LC Paper No. CB(2) 1443/04-05

Ref : CB2/H/5/04

House Committee of the Legislative Council

**Minutes of the 25th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 29 April 2005**

Members present :

Hon Miriam LAU Kin-yee, 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
Dr Hon David LI Kwok-po, GBS, JP
Hon Margaret NG
Hon CHEUNG Man-kwong
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
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Dr Hon YEUNG Sum
Hon LAU Chin-shek, JP
Hon LAU Wong-fat, GBS, JP
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo
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
Dr Hon Joseph LEE Kok-long
Hon Daniel LAM Wai-keung, BBS, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon MA Lik, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki
Dr Hon Fernando CHEUNG Chiu-hung
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
Hon Ronny TONG Ka-wah, SC
Hon Patrick LAU Sau-shing, SBS, JP
Hon Albert Jinghan CHENG
Hon KWONG Chi-kin
Hon TAM Heung-man

Members absent :

Dr Hon LUI Ming-wah, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon James TO Kun-sun
Hon SIN Chung-kai, JP
Hon LAU Kong-wah, JP
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon LEUNG Kwok-hung
Hon CHIM Pui-chung

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
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
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
Ms Connie FUNG	Assistant Legal Adviser 3
Mr Stephen LAM	Assistant Legal Adviser 4
Miss Kitty CHENG	Assistant Legal Adviser 5
Mr Simon WONG	Senior Public Information Officer 1
Miss Lolita SHEK	Senior Council Secretary (2)7

Action

I. Confirmation of the minutes of the 24th meeting held on 22 April 2005
(LC Paper No. CB(2) 1384/04-05)

The minutes were confirmed.

II. Matters arising

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

2. The Chairman said that there was nothing special to report.

III. Business arising from previous Council meetings

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

3. The Chairman said that five Bills were introduced into the Legislative Council (LegCo) on 27 April 2005. The Director of Administration (D of Adm) had written to her to request that priority be given to the scrutiny of the Revenue (Allowances for Tax) Bill 2005 and Child Care Services (Amendment) Bill 2005, if Bills Committees were set up to study the two Bills. D of Adm's letter dated 28 April 2005 had been issued to Members.

4. The Chairman added that the Administration's request would be dealt with after Members had decided whether or not to form Bills Committees to study the five Bills.

(i) Building Management (Amendment) Bill 2005

(LC Paper No. LS 57/04-05)

5. The Chairman said that the Bill sought to amend the Building Management Ordinance (Cap. 344) to make further provisions on the appointment of a management committee and better operation of an owners' corporation.

6. Mr Patrick LAU and Ms Margaret NG said that a Bills Committee should be formed to study the Bill in detail.

7. The Chairman proposed that a Bills Committee be formed. Members agreed. The following Members agreed to join: Mr Albert HO, Ms Margaret NG, Mrs Selina CHOW (as advised by Ms Miriam LAU), Mr James TO (as advised by Mr CHEUNG Man-kwong), Ms Miriam LAU, Miss CHOY So-yuk, Mr Abraham SHEK, Mr Albert CHAN, Ms Audrey EU, Mr Alan LEONG, Mr Ronny TONG, Mr Patrick LAU, Mr KWONG Chi-kin and Miss TAM Heung-man.

(ii) Protection of Endangered Species of Animals and Plants Bill
(LC Paper No. LS 59/04-05)

8. The Chairman said that the Panel on Environmental Affairs had been briefed on the legislative proposals at its meeting on 22 November 2004, and members had raised various concerns.

9. The Legal Adviser said that the Legal Service Division was still scrutinising the legal and drafting aspects of the Bill, and would provide a further report to the House Committee if necessary.

10. Members did not raise any queries on the Bill.

(iii) Revenue (Allowances for Tax) Bill 2005
(LC Paper No. LS 54/04-05)

11. The Chairman said that the Bill sought to implement the proposals relating to allowances under salaries tax and personal assessment announced by the Financial Secretary in his 2005-06 Budget Speech.

12. Mr LEE Wing-tat said that a Bills Committee should be formed to study the Bill.

Action

13. The Chairman proposed that a Bills Committee be formed. Members agreed. The following Members agreed to join: Mr LEE Cheuk-yan, Mr CHAN Kam-lam, Mr SIN Chung-kai (as advised by Mr CHEUNG Man-kwong) and Mr Ronny TONG.

(iv) **Immigration (Amendment) Bill 2005**
(*LC Paper No. LS 53/04-05*)

14. The Chairman said that the Bill mainly sought to empower the Director of Immigration to extend verification of identity by automated means to certain persons such as frequent visitors and non-permanent residents. The Panel on Security was consulted on the Administration's proposal on 1 March 2005, and members supported the Administration's proposal in principle.

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

(v) **Child Care Services (Amendment) Bill 2005**
(*LC Paper No. LS 58/04-05*)

16. The Chairman said that the Bill sought to amend the Child Care Services Ordinance (Cap. 243) and its subsidiary legislation to harmonise the services provided to pre-primary school children by child care centres and kindergartens. The Chairman further said that the Legal Service Division was seeking clarification with the Administration on certain drafting issues.

17. The Legal Adviser added that funding allocation for child care services was not within the ambit of the Bill.

18. Dr Fernando CHEUNG said that a Bills Committee should be formed to study the Bill in detail.

19. The Chairman proposed that a Bills Committee be formed. Members agreed. The following Members agreed to join: Mr LEE Cheuk-yan, Mr CHEUNG Man-kwong, Miss CHAN Yuen-han, Mr Jasper TSANG, Dr YEUNG Sum, Mr Tommy CHEUNG, Ms Audrey EU, Dr Fernando CHEUNG and Mr Patrick LAU.

20. Members agreed to the Administration's request for priority to be given to the scrutiny of the Revenue (Allowances for Tax) Bill 2005 and Child Care Services (Amendment) Bill 2005. The Chairman said that the Bills Committees formed to study these two Bills, and the Bills Committee on Building Management (Amendment) Bill 2005 could commence work immediately.

Action

(b) **Legal Service Division report on subsidiary legislation gazetted on 22 April 2005 and tabled in Council on 27 April 2005**
(*LC Paper No. LS 56/04-05*)

21. The Chairman said that a total of seven items of subsidiary legislation relating to consular matters were gazetted on 22 April 2005 and tabled in Council on 27 April 2005.

22. The Legal Adviser said that similar items of subsidiary legislation relating to consular matters were considered by the House Committee in 2003, and a subcommittee was formed to scrutinise those items of subsidiary legislation.

23. Ms Margaret NG said that a subcommittee should be formed to study the seven items of subsidiary legislation.

24. The Chairman proposed that a subcommittee be formed to study the seven items of subsidiary legislation. Members agreed. The following Members agreed to join: Ms Margaret NG and Mr James TO (as advised by Dr YEUNG Sum).

25. The Chairman said that the deadline for amending these seven items of subsidiary legislation was 25 May 2005, or 15 June 2005 if extended by resolution.

IV. Further business for the Council meeting on 4 May 2005

Bills - First Reading and moving of Second Reading

Revenue (Personalized Vehicle Registration Marks) Bill 2005

26. The Chairman said that the Administration had given notice to present the above Bill to LegCo on 4 May 2005. The House Committee would consider the Bill at its meeting on 6 May 2005.

V. Business for the Council meeting on 11 May 2005

(a) **Questions**
(*LC Paper No. CB(3) 532/04-05*)

Action

27. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 11 May 2005.

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

Smoking (Public Health) (Amendment) Bill 2005

28. The Chairman said that the Administration had given notice to present the above Bill to LegCo on 11 May 2005. The House Committee would consider the Bill at its meeting on 13 May 2005.

(c) **Government motions**

Two proposed resolutions to be moved by the Secretary for Security under the Mutual Legal Assistance in Criminal Matters Ordinance relating to:

(i) **the Mutual Legal Assistance in Criminal Matters (Belgium) Order; and**

(ii) **the Mutual Legal Assistance in Criminal Matters (Denmark) Order**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 520/04-05 dated 22 April 2005.)

(LC Paper No. LS 55/04-05)

29. The Legal Adviser explained that the purpose of the motions was to seek LegCo's approval of the Mutual Legal Assistance in Criminal Matters (Belgium) Order and Mutual Legal Assistance in Criminal Matters (Denmark) Order, which were made under the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525).

30. The Legal Adviser said that the Legal Service Division had sought clarification from the Administration on certain matters relating to the execution of requests for assistance. The Legal Service Division was studying the Administration's response which had just been received.

31. Ms Margaret NG said that a subcommittee should be formed to study the two Orders.

32. The Chairman proposed that a subcommittee be formed. Members agreed. The following Members agreed to join: Ms Margaret NG, Mr James TO (as advised by Mr CHEUNG Man-kwong) and Mr LAU Kong-wah (as advised by Mr Jasper TSANG).

Action

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

(d) **Members' motions**

(i) **Motion to be moved by Hon LEUNG Kwok-hung**

34. The Chairman said that Mr LEUNG Kwok-hung had been allocated a debate slot. The draft wording of Mr LEUNG's motion was tabled for Members' reference, pending the President's approval.

(a) **Motion on "Comprehensive review of the Inland Revenue Ordinance"**

(Wording of the motion issued vide LC Paper No. CB(3) 541/04-05 dated 28 April 2005.)

35. The Chairman said that the above motion would be moved by Miss TAM Heung-man and the wording of the motion had been issued to Members.

36. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 4 May 2005.

VI. Reports of Bills Committees and subcommittees

Report of the Subcommittee to Study the Eastern Harbour Crossing Ordinance (Amendment of Schedule) Notice 2005

37. The Chairman said that the report of the Subcommittee was tabled for Members' reference. On behalf of Mr LAU Kong-wah, Chairman of the Subcommittee, the Chairman reported that the Subcommittee had held three meetings to discuss the Notice with the Administration. The Subcommittee had also met with the New Hong Kong Tunnel Company Limited (NHKTC) and Dr Raymond SO, an Associate Professor of the Department of Finance of The Chinese University of Hong Kong.

38. The Chairman said that the Subcommittee had urged NHKTC to consider deferring the toll increase, but NHKTC had refused to do so. The Subcommittee passed a motion strongly reprimanding NHKTC for substantially increasing the tolls of the Eastern Harbour Crossing, and also calling on NHKTC to expeditiously reach an agreement with the Government.

Action

39. The Chairman further said that in view of the limited power which LegCo could exercise in respect of the Notice, the Subcommittee would not pursue the matter further. However, the Subcommittee had urged the Administration to come up with a proposal to resolve the uneven distribution of traffic among the three road harbour crossings, and recommended that the Panel on Transport should continue to follow up the related issues.

VII. Position on Bills Committees/subcommittees

(LC Paper No. CB(2) 1385/04-05)

40. The Chairman informed Members that there were 15 Bills Committees, including the three Bills Committees formed under item III(a) above, and 10 subcommittees including the two subcommittees formed under item V(c) above, in action.

VIII. Paper of the Committee on Rules of Procedure (CRoP)

Proposed amendments to House Rules regarding ringing of bell to notify members that voting will take place at committee meetings

(LC Paper No. CROP 40/04-05)

41. Mr Jasper TSANG, Chairman of CRoP, said that the paper invited Members to endorse the proposed amendments to the House Rules (HR) to provide for the ringing of a bell to notify committee members that voting would take place at a committee meeting. Mr TSANG further said that CRoP proposed to amend Rule 24 (i) and (j) of HR to the effect that –

- (a) when a matter had to be voted upon during a meeting of a committee, a voting bell would be rung to notify committee members of the voting if the chairman so ordered, on his own motion or upon request of any committee member. The committee would proceed to vote immediately after the bell had been rung for two minutes. This procedure would apply irrespective of whether a meeting was held in public or not;
- (b) if a committee meeting was held simultaneously with a Council meeting, a voting bell for the committee would not be rung; and
- (c) in circumstances where no voting bell was provided for the venue where a committee met, or if the bell did not function or would not be rung, the committee chairman concerned would order the clerk to arrange for committee members within the precincts of

Action

the Chamber to be notified of the voting. The voting would be held four minutes after the order had been made.

42. Mr TSANG added that to avoid confusion, CRoP recommended that simultaneous ringing of the voting bells in different meeting venues should not be facilitated.

43. Mr TSANG said that at present, only the Chamber and Conference Room A were each equipped with a bell for summoning committee members to vote. Subject to the House Committee's agreement to implement the procedure proposed by CRoP –

- (a) the Secretariat would install voting bells in Conference Rooms B and C. The installation was expected to complete before the beginning of the next session;
- (b) subject to the agreement of the Finance Committee, the Establishment Subcommittee and the Public Works Subcommittee, their respective procedures would need to be amended to implement the procedure; and
- (c) during the interim, committees holding meetings in the Chamber and Conference Room A would use the voting bells therein.

44. Mr LEE Wing-tat said that the ringing of voting bells could be very disturbing, as voting often took place during committee meetings. It would also create pressure on the committee clerks, if they had to arrange for committee members to be notified of the voting when the voting bell was not rung.

45. Mr Fred LI expressed concern about simultaneous ringing of voting bells when committee meetings were held at the same time in different venues. Mr LI said that the proposed arrangement for voting bells to be rung to notify members to vote at committee meetings could have the effect of encouraging Members not to stay in the meeting venue during a meeting.

46. Mr Albert CHENG concurred with Mr LEE Wing-tat and Mr Fred LI. Mr CHENG added that it would be difficult for staff of the LegCo Secretariat to notify all those members who had left the meeting venue of the voting, as some of them might not be in the LegCo Building. It could also lead to disputes if these Members subsequently claimed that they were in the vicinity of the Building, and that the clerk should have been able to notify them. Mr CHENG suggested that Members be paged, instead of being notified by ringing a voting bell.

Action

47. The Secretary General said that it would be easier to notify Members by ringing a voting bell than to page them. He added that staff of the Secretariat did not envisage any problem in implementing the proposed arrangement, if agreed to by Members.

48. Mr Jasper TSANG clarified that a voting bell would be rung only if the committee chairman concerned so ordered, on his own motion or upon request of any member of the committee. He added that there would be little chance that voting bells in different meeting venues would be rung simultaneously.

49. Regarding the arrangements for notifying committee members when the voting bell was not rung, Mr TSANG explained that the committee clerk would only be required to arrange for committee members within the precincts of the Chamber to be notified of the voting. Mr TSANG added that staff of the Secretariat had all long been very efficient in locating members within the LegCo Building.

50. Dr Philip WONG suggested that messages be displayed at various locations in the LegCo Building to notify Members that voting was about to take place in a meeting venue. Mr TSANG expressed reservations that the displaying messages would not be very effective in attracting Members' attention.

51. The Chairman proposed that the arrangements recommended by CRoP in paragraph 7 of the paper be adopted, and that a review would be conducted if necessary. Members agreed.

IX. Any other business

52. There being no other business, the meeting ended at 3:04 pm.