

立法會  
*Legislative Council*

LC Paper No. CB(2) 1848/04-05

Ref : CB2/H/5/04

**House Committee of the Legislative Council**

**Minutes of the 30th meeting  
held in the Legislative Council Chamber  
at 2:30 pm on Friday, 3 June 2005**

**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  
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 Bernard CHAN, JP  
Hon CHAN Kam-lam, 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 Kong-wah, JP  
Hon LAU Wong-fat, GBS, JP  
Hon Emily LAU Wai-hing, 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 Audrey EU Yuet-mee, SC, JP  
Hon Vincent FANG Kang, JP  
Hon WONG Kwok-hing, MH



Mr LEE Yu-sung	Senior Assistant Legal Adviser 1
Mrs Vivian KAM	Principal Council Secretary (Complaints)
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
Miss Kitty CHENG	Assistant Legal Adviser 5
Mr KAU Kin-wah	Assistant Legal Adviser 6
Mr Simon WONG	Senior Public Information Officer 1
Miss Lolita SHEK	Senior Council Secretary (2)7

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**I. Confirmation of the minutes of the 29th meeting held on 27 May 2005**  
(*LC Paper No. CB(2) 1738/04-05*)

The minutes were confirmed.

**II. Matters arising**

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

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

**(b) Industrial and Commercial Bank of China (Asia) Limited (Merger) Bill**

(*Paragraphs 3 to 6 of the minutes of the 29th House Committee meeting on 27 May 2005*)

[*Previous paper:*

*LC Paper No. LS 71/04-05 issued vide LC Paper No. CB(2) 1686/04-05 dated 26 May 2005]*

3. The Chairman said that at the last meeting, Members agreed to defer a decision on the Bill to this meeting.

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

### 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)**

(i) **Civil Aviation (Amendment) Bill 2005**  
(*LC Paper No. LS 72/04-05*)

5. The Chairman said that the Bill sought to exempt the owner of an aircraft, who had hired out the aircraft without crew for a period exceeding 14 days and who did not have the management of the aircraft, from strict liability for loss or damage to persons or property on land or water caused by the aircraft. The Chairman added that the Panel on Economic Services had been consulted on the proposal on 16 March 2005.

6. Mr Ronny TONG said that he needed time to study the Bill to ascertain whether the Administration had amended the original proposal in response to his concern about the criteria for an aircraft owner to be qualified for exemption from strict liability.

7. The Chairman proposed that a decision on the Bill be deferred to the next meeting on 10 June 2005. Members agreed.

(ii) **Marriage (Introduction of Civil Celebrants of Marriages and General Amendments) Bill**  
(*LC Paper No. LS 73/04-05*)

8. The Chairman said that the Bill mainly sought to provide for a statutory framework for the appointment of civil celebrants to celebrate marriages. The Administration had briefed the Panel on Security on the proposed scheme of civil celebrants on 15 April 2005. Members of the Panel supported the proposed scheme in principle but had expressed concern about the level of fee to be charged.

9. Ms Margaret NG said that a Bills Committee should be formed to study the Bill.

10. The Chairman proposed that a Bills Committee be formed. Members agreed. The following Members agreed to join: Ms Margaret NG, Ms Miriam LAU, Mr Andrew CHENG, Mr Abraham SHEK and Ms Audrey EU.

11. The Chairman said that as there was no vacant slot, the Bills Committee would be placed on the waiting list.

**(iii) The Methodist Church, Hong Kong, Incorporation  
(Amendment) Bill 2005**  
(*LC Paper No. LS 74/04-05*)

12. The Chairman said that the Bill was a Member's Bill introduced by Mr LAU Chin-shek. The Bill sought to expand the power of investment of The Methodist Church, Hong Kong to enable it to make investments outside Hong Kong, and to make miscellaneous textual amendments.

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

**(b) Legal Service Division report on subsidiary legislation gazetted on  
27 May 2005 and tabled in Council on 1 June 2005**  

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*(LC Paper No. LS 76/04-05)*

14. The Chairman said that only one item of subsidiary legislation, i.e. the Road Traffic (Public Service Vehicles) (Amendment) Regulation 2005, was gazetted on 27 May 2005 and tabled in the Legislative Council (LegCo) on 1 June 2005. The Regulation increased the return toll charge to \$25 for taxi passengers using Eastern Harbour Crossing and Western Harbour Crossing. The Panel on Transport was generally in support of the proposal when consulted on 22 April 2005. The Chairman added that the Regulation would come into operation on 1 October 2005.

15. Members did not raise any queries on the Regulation.

16. The Chairman reminded Members that the deadline for amending this item of subsidiary legislation was 29 June 2005.

**IV. Further business for the Council meeting on 8 June 2005**

**(a) Questions**  
*(LC Paper No. CB(3) 652/04-05)*

17. The Chairman said that one new oral question would be raised by Mr CHAN Kam-lam at the Council meeting on 8 June 2005.

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

**Supplementary Appropriation (2004-2005) Bill**

18. The Chairman said that the Administration would present the Bill to LegCo on 8 June 2005. The House Committee would consider the Bill at its meeting on 10 June 2005.

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

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(i) **Revenue (Allowances for Tax) Bill 2005**

19. The Chairman said that the Bills Committee on the Bill had presented its report to the House Committee at the last meeting, and Members had not raised objection to the resumption of the Second Reading debate on the Bill.

(ii) **Trade Descriptions (Amendment) Bill 2004**

20. The Chairman said that the Bills Committee on the Bill had presented its report to the House Committee at the last meeting, and Members had not raised objection to the resumption of the Second Reading debate on the Bill.

(d) **Members' motions**

21. The Chairman informed Members that the President had approved that the debate on Dr Joseph LEE's motion would take place before the debate on Mr Vincent FANG's motion.

22. In response to Mr Martin LEE's enquiry, the Chairman said that the change to the order of debates on the two Members' motions was made at the request of the Secretary for Health, Welfare and Food, as he had to attend an official function that evening. The Chairman added that with the President's approval and consent of the Members concerned, the order of debates on Members' motions could be changed.

V. **Business for the Council meeting on 15 June 2005**

(a) **Questions**

*(LC Paper No. CB(3) 653/04-05)*

23. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 15 June 2005.

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

**Certification for Employee Benefits (Chinese Medicine)  
(Miscellaneous Amendments) Bill 2005**

24. The Chairman said that the Administration would present the Bill to LegCo on 15 June 2005. The House Committee would consider the Bill at its meeting on 17 June 2005.

(c) **Government motions**

(i) **Proposed resolution to be moved by the Secretary for the Environment, Transport and Works under the Road Traffic (Driving-offence Points) Ordinance**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 637/04-05 dated 26 May 2005.)*

*(LC Paper No. LS 75/04-05)*

(ii) **Proposed resolution to be moved by the Secretary for the Environment, Transport and Works under the Fixed Penalty (Criminal Proceedings) Ordinance**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 636/04-05 dated 26 May 2005.)*

*(LC Paper No. LS 75/04-05)*

25. The Chairman explained that the proposed resolution made under the Road Traffic (Driving-offence Points) Ordinance (Cap. 375) sought LegCo's approval to increase the driving-offence points for the offence of failure to comply with traffic signals under regulation 18 of the Road Traffic (Traffic Control) Regulations from three to five.

26. The Chairman further explained that the proposed resolution made under the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) sought LegCo's approval to increase the fixed penalty for the offence of failure to comply with traffic signals from \$450 to \$600, and to make three existing traffic offences punishable by fixed penalty.

27. Referring to the letter dated 3 June 2005 from the Permanent Secretary for the Environment, Transport and Works (Transport) tabled at the meeting, the Chairman said that the Administration intended to conclude this legislative exercise before the summer recess. The Chairman further said that it would be for Members to decide whether there was urgency to do so, as the proposed resolutions would not come into operation until 1 January 2006.

28. Mr LEE Cheuk-yan said that a subcommittee should be formed to study the proposed resolutions.

29. The Chairman proposed that a subcommittee be formed. Members agreed. The following Members agreed to join: Mr LEE Cheuk-yan, Mr Martin LEE, Ms Margaret NG, Mr LEUNG Yiu-chung, Mr LAU Kong-wah, Ms Miriam LAU, Mr Andrew CHENG, Ms LI Fung-ying, Ms Audrey EU, Mr WONG Kwok-hing and Mr Alan LEONG.

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30. The Chairman said that the Secretary for the Environment, Transport and Works would be requested to withdraw her notices for moving the two proposed resolutions.

**(d) Members' motions**

**(i) Motion on "Nature conservation policy"**

*(Wording of the motion issued vide LC Paper No. CB(3) 663/04-05 dated 2 June 2005.)*

31. The Chairman said that the above motion would be moved by Mr CHEUNG Hok-ming, and the wording of the motion had been issued to Members.

**(ii) Motion to be moved by Hon WONG Ting-kwong**

32. The Chairman said that the subject of the motion to be moved by Mr WONG Ting-kwong was "Deepening the Mainland and Hong Kong Closer Economic Partnership Arrangement". The wording of the motion had been issued to Members and also tabled at the meeting.

33. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Tuesday, 7 June 2005.

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

**(a) Report of the Subcommittee on Subsidiary Legislation Relating to Consular Matters**

34. Ms Margaret NG, Chairman of the Subcommittee, said that the Subcommittee supported the seven items of subsidiary legislation, and a written report would be provided to the House Committee at its next meeting.

35. The Chairman reminded Members that the deadline for giving notice of amendments, if any, was Tuesday, 7 June 2005.

**(b) Report of the Subcommittee on International Organizations (Privileges and Immunities) (World Trade Organization) Order**  
*(LC Paper No. CB(1) 1686/04-05)*

36. The Chairman said that the Subcommittee had completed its scrutiny work and had not proposed any amendments. Referring to paragraph 16 of the report, the Chairman added that the Subcommittee had recommended that the subject of the drafting approaches adopted for preparing local legislation to



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implement provisions of international agreements in Hong Kong should be referred to the Panel on Administration of Justice and Legal Services for further consideration. Members agreed.

**VII. Position on Bills Committees/subcommittees**

*(LC Paper No. CB(2) 1739/04-05)*

37. The Chairman said that there were 15 Bills Committees and 10 subcommittees in action, as well as three Bills Committee on the waiting list, including the Bills Committee formed under agenda item III(a)(ii) above.

**VIII. Any other business**

38. There being no other business, the meeting ended at 2:44 pm.

Council Business Division 2  
Legislative Council Secretariat  
8 June 2005

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