

立法會
Legislative Council

LC Paper No. CB(2) 2276/04-05

Ref : CB2/H/5/04

House Committee of the Legislative Council

**Minutes of the 34th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 8 July 2005**

Members present :

Hon Miriam LAU Kin-yee, GBS, JP (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
Dr Hon David LI Kwok-po, GBS, JP
Dr Hon LUI Ming-wah, SBS, JP
Hon Margaret NG
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon CHAN Yuen-han, JP
Hon Bernard CHAN, JP
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon LEUNG Yiu-chung
Hon SIN Chung-kai, JP
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, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, JP

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 Anna LO	Principal Council Secretary (Administration)
Mrs Vivian KAM	Principal Council Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Mr Joseph KWONG	Accountant
Miss Odelia LEUNG	Chief Council Secretary (1)4
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 KAU Kin-wah	Assistant Legal Adviser 6
Miss Monna LAI	Assistant Legal Adviser 7
Miss Lolita SHEK	Senior Council Secretary (2)7

Action

I. Confirmation of the minutes of the 33rd meeting held on 24 June 2005
(LC Paper No. CB(2) 2177/04-05)

The minutes were confirmed.

II. Matters arising

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

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

(b) Carriage by Air (Amendment) Bill 2005

(Paragraphs 4 to 6 of the minutes of the 33rd House Committee meeting on 24 June 2005)

(LC Paper No. LS 93/04-05)

[Previous paper:

LC Paper No. LS 84/04-05 issued vide LC Paper No. CB(2) 2066/04-05 dated 23 June 2005]

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

Action

4. The Chairman said that the Legal Service Division had raised a number of queries on the legal and technical aspects of the Bill. As the Administration's reply had just been received, the Division needed time to study it.

5. The Chairman proposed that a decision on the Bill be further deferred to the next meeting. Members agreed.

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) Financial Reporting Council Bill
(LC Paper No. LS 86/04-05)

6. The Chairman said that the Bill sought to establish a Financial Reporting Council to investigate and enquire into irregularities and non-compliance in relation to listed entities in respect of auditing accounts and financial reporting.

7. The Chairman further said that the Panel on Financial Affairs had been briefed on the proposals. While the majority of the members supported the proposal in principle, some members had raised various concerns.

8. Miss TAM Heung-man said that a Bills Committee should be formed to study the Bill.

9. The Chairman proposed that a Bills Committee be formed. Members agreed. The following Members agreed to join: Mr SIN Chung-kai, Ms Emily LAU, Mr Ronny TONG and Miss TAM Heung-man.

10. The Chairman said that as there were three vacant slots, the Bills Committee could commence work immediately.

(ii) Accreditation of Academic and Vocational Qualifications Bill
(LC Paper No. LS 94/04-05)

11. The Chairman said that the Bill sought to provide for accreditation of academic and vocational qualifications under the Qualifications Framework administered by the Hong Kong Council for Academic and Vocational Accreditation, and for related and consequential matters. The Panel on Manpower had been consulted on the legislative proposals on 17 March 2005, and members had raised certain queries.

Action

12. Mr TAM Yiu-chung said that a Bills Committee should be formed to study the Bill.

13. The Chairman proposed that a Bills Committee be formed. Members agreed. The following Members agreed to join: Mr LEE Cheuk-yan, Ms Margaret NG, Miss CHAN Yuen-han (as advised by Mr WONG Kwok-hing), Mr Andrew CHENG (as advised by Dr YEUNG Sum), Mr TAM Yiu-chung and Ms LI Fung-ying.

14. The Chairman said that as there were two vacant slots, the Bills Committee could commence work immediately.

(iii) Revenue (Profits Tax Exemption for Offshore Funds) Bill 2005

(LC Paper No. LS 91/04-05)

15. The Chairman said that the Bill sought to amend the Inland Revenue Ordinance (Cap. 112) to exempt offshore funds from profits tax as had been proposed in the Budget for the 2003-2004 financial year, and to make related amendments. The Panel on Financial Affairs had been consulted on the proposal on 4 April 2005, and members had raised various concerns.

16. Mr CHAN Kam-lam said that a Bills Committee should be formed to study the Bill.

17. The Chairman proposed that a Bills Committee be formed. Members agreed. The following Members agreed to join: Mr James TIEN, Mr Bernard CHAN, Mr CHAN Kam-lam, Mr SIN Chung-kai, Mr WONG Ting-kwong, Mr Ronny TONG and Miss TAM Heung-man.

18. The Chairman said that as there was one vacant slot remaining, the Bills Committee could commence work immediately.

(iv) Dentists Registration (Amendment) Bill 2005

(LC Paper No. LS 92/04-05)

19. The Chairman said that the Bill sought to establish a Specialist Register for registered dentists qualified in various specialist fields of dentistry, and the Education and Accreditation Committee. The Panel on Health Services had been briefed on the proposed amendments on 14 March 2005. While members supported the legislative proposal, two members had raised queries about the transitional arrangements and the general review of the Ordinance.

Action

20. The Chairman further said that the Legal Service Division was still scrutinising the legal and drafting aspects of the Bill.

21. Dr KWOK Ka-ki said that a Bills Committee should be formed to study the Bill.

22. The Chairman proposed that a Bills Committee be formed. Members agreed. The following Members agreed to join: Mr Andrew CHENG, Mr LI Kwok-ying and Dr KWOK Ka-ki.

23. The Chairman said that the Bills Committee would be placed on the waiting list.

(b) Legal Service Division report on subsidiary legislation gazetted on 30 June 2005 and tabled in Council on 6 July 2005
(LC Paper No. LS 90/04-05)

24. The Chairman said that four items of subsidiary legislation were gazetted on 30 June 2005 and tabled in the Legislative Council (LegCo) on 6 July 2005.

25. Mr LEE Wing-tat sought clarification on the impact of the Building (Planning) (Amendment) Regulation 2005 (the Amendment Regulation) on the management of buildings.

26. The Legal Adviser explained that the Amendment Regulation was made mainly to amend the definition of “street” which was relevant for the Building Authority to determine, among other things, the maximum permitted plot ratio of a site. The need for an improved definition of “street” was raised by the Director of Audit and followed up by the Public Accounts Committee.

27. Members did not raise queries on the other three items of subsidiary legislation.

28. The Chairman reminded Members that the deadline for amending these four items of subsidiary legislation was the second Council meeting in the next session.

IV. Reports of Bills Committees and subcommittees

(a) Report of the Subcommittee on West Kowloon Cultural District Development

Action

29. Mr Alan LEONG, Chairman of the Subcommittee, said that the Subcommittee had completed the first phase of its work. The Subcommittee had made a number of recommendations in its Report on Phase I Study on the way forward for the Administration's consideration. As the study had uncovered a series of administrative deficiencies in the management of land resources, in planning process, in safeguarding public resources, and in formulating long-term policies which straddled various bureaux and government departments, the Subcommittee had also recommended that these subjects should be actively followed up by LegCo and the relevant Panels.

30. Mr LEONG further said that the Subcommittee would commence the second phase of its work in October 2005. The Subcommittee would mainly study what management structure should be put in place to ensure professionalism in the planning, development and management of arts and cultural facilities and implementation of related policies in the West Kowloon Cultural District (WKCD), and in what manner local arts and cultural sector could play a part in the planning and development of WKCD. The Subcommittee planned to complete the second phase of its work by the end of 2005, and would provide a further report to the House Committee.

31. The Chairman said that the Subcommittee's Report on Phase I Study would be forwarded to CS for the Administration's consideration and response.

32. Ms Emily LAU thanked Mr Alan LEONG for his able chairmanship, and Ms Margaret NG for her assistance in the drafting of the Subcommittee's report.

33. Ms Margaret NG thanked staff of the LegCo Secretariat for their hard work and effective support provided to the Subcommittee.

(b) Third report of the Subcommittee on Members' Remuneration and Operating Expenses Reimbursement

(LC Paper No. AS 361/04-05)

34. Mr Patrick LAU, Chairman of the Subcommittee, said that the Subcommittee proposed that the Independent Commission Against Corruption (ICAC)'s recommendations on "Rules and Practices for the Reimbursement of Members' Operating Expenses" as summarised in Appendix II, with modifications detailed in paragraph 34, be accepted. Mr LAU added that the Subcommittee also proposed that the new arrangements be implemented in the 2005-2006 legislative session.

35. Ms Emily LAU asked whether the Administration would be consulted on the new arrangements for reimbursement of operating expenses.

Action

36. The Secretary General explained that the existing “Guide for Reimbursement of Operating Expenses for Members of the Legislative Council” was drawn up in accordance with the principles for reimbursement of Members’ operating expenses agreed with the Administration. Subject to the House Committee’s endorsement of the new arrangements, the Guide would be revised accordingly. It would not be necessary to consult the Administration on the revisions to the Guide.

37. The Chairman said that subject to Members’ endorsement of the Subcommittee’s proposals, she would write to inform the Director of Administration and the Commissioner of ICAC of the House Committee’s decision.

38. Members endorsed the Subcommittee’s proposals.

V. Position on Bills Committees/subcommittees

(LC Paper No. CB(2) 2187/04-05)

39. The Chairman said that there were 15 Bills Committees, including the three Bills Committees formed under agenda item III(a)(i) to (iii) above, and seven subcommittees in action. The Chairman added that there was one Bills Committee, which was formed under agenda item III(a)(iv) above, on the waiting list.

VI. Papers of the Committee on Rules of Procedure

(a) Proposed amendments to House Rules regarding extending the duration of committee meetings

(LC Paper No. CROP 60/04-05)

40. Mr Jasper TSANG, Chairman of the Committee on Rules of Procedure (CRoP), explained CRoP’s recommendations and proposed amendments to the House Rules (HR) to provide for the extension of a committee meeting beyond the appointed ending time.

41. Members endorsed CRoP’s recommendations in paragraph 8 of the paper and the proposed amendments to HR in the Appendix.

(b) Proposed amendments to the Rules of Procedure and House Rules regarding formation of joint subcommittees under two or more Panels

(LC Paper No. CROP 64/04-05)

Action

42. Mr Jasper TSANG, Chairman of CRoP, explained the proposed amendments to the Rules of Procedure (RoP) and HR to provide for the formation of joint subcommittees by two or more Panels of the Council.

43. Members endorsed the proposed amendments to RoP and HR in the Appendix of the paper. Mr TSANG said that he would present the amendments to RoP to the Council for approval at the beginning of the next session.

VII. Information paper on “Committee on Members’ Interests to take up the responsibility to handle complaints and allegations concerning Members’ Operating Expenses Reimbursement Claims”

(LC Paper No. CMI/139/04-05)

44. Referring to the paper, the Chairman said that the Committee on Members’ Interests (CMI) had, in principle, agreed to take up the responsibility of handling complaints and allegations concerning Members’ operating expenses reimbursement claims. CMI intended to come up with concrete proposals by late October 2005 and consult Members accordingly.

45. Mr James TIEN said that there were grey areas in the rules and guidelines governing reimbursement of Members’ operating expenses, and sometimes the Secretariat could not provide clear-cut advice to enquiries relating to these grey areas. Mr TIEN suggested that CMI should also take up the responsibility of providing advice to Members in such situations. Miss TAM Heung-man said that she had similar experience and supported Mr TIEN’s suggestion.

46. The Secretary General said that he and other staff of the Secretariat had been providing advice and assistance to Members on operating expenses reimbursement claims. He would be happy to follow up any enquiries if Members would let him have the details.

47. Ms Emily LAU said that if Mr TIEN would like Members to consider his suggestion, he should set it out in writing.

VIII. Proposal to invite the Chief Secretary for Administration to attend a meeting of the House Committee

(Letter dated 4 July 2005 from Hon LEE Wing-tat to the Chairman of the House Committee (LC Paper No. CB(2) 2188/04-05(01))

48. Mr LEE Wing-tat said that CS had assumed office on 4 July 2005, and he had said that he would need about 10 days to meet with Bureau Secretaries.

Action

Mr LEE suggested that CS should be invited to attend a special meeting of the House Committee within the following week to discuss with Members his work plan, and also to provide an initial response to the report of the Subcommittee on West Kowloon Cultural District Development. Mr LEE pointed out that in the past, the Administration was able to respond to reports of LegCo select committees shortly after the publication of such reports. Mr LEE added that the new Chief Executive (CE) attended a Question and Answer Session immediately after he was appointed as CE. Mr LEE considered that CS should attend a special meeting of the House Committee on 14 or 15 July 2005.

49. Dr KWOK Ka-ki, Dr YEUNG Sum, Mr WONG Kwok-hing, Mr CHEUNG Man-kwong, Ms Emily LAU and Mr James TO supported Mr LEE Wing-tat's suggestion to invite CS to attend a special meeting of the House Committee in mid July.

50. Dr KWOK Ka-ki said that Members could only read about CS's philosophy of governance from media reports. While CS had invited Members belonging to political parties to meet with him, Members not belonging to any political party or grouping had not been invited. Dr KWOK further said that CS should attend a special meeting to discuss with all Members issues of public concern, such as the constitutional development in Hong Kong and the WKCD development. Dr KWOK added that CS should clarify his relationship with a property developer as soon as possible, and not wait until the commencement of the next legislative session in October 2005.

51. Mr James TIEN supported Mr LEE's suggestion of inviting CS to a special meeting of the House Committee. Mr TIEN said that as CS had indicated that he needed more time to study the report of the Subcommittee on West Kowloon Cultural District Development, Members could discuss other subjects with CS. The WKCD development could be discussed later, after CS had studied the Subcommittee's report.

52. Dr YEUNG Sum said that while he hoped that CS could give an initial response to the Subcommittee's report, CS could discuss with Members other issues of public concern, such as his work plan and how the relationship between the Executive and the Legislature could be improved.

53. Mr TAM Yiu-chung said that Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong supported the suggestion of inviting CS to a special meeting of the House Committee. He added that CS could respond to the Subcommittee's report at a later stage, and not necessarily at that meeting.

Action

54. Mr WONG Kwok-hing said that CS should attend a special meeting to brief Members on how he would take forward the proposals of minimum wage and maximum working hours. Mr WONG added that CS should not only meet with Members belonging to political parties and groupings, as such an arrangement lacked transparency.

55. Mr Abraham SHEK said that Members belonging to The Alliance supported the suggestion of inviting CS to a special meeting of the House Committee. However, CS should be allowed more time to study the report of the Subcommittee on West Kowloon Cultural District Development. Mr SHEK further said that as CS had already openly clarified his relationship with the property developer concerned, the special meeting could be held at the end of August or early September, after the Administration had come up with a comprehensive plan for the WKCD development.

56. Miss CHAN Yuen-han said that while the WKCD development could be discussed later, CS should attend a special meeting no later than mid July to discuss with Members other issues of public concern.

57. Dr Patrick LAU supported CS attending a special meeting of the House Committee at any time.

58. The Chairman said that she would write to invite CS to attend a special meeting of the House Committee within the following week. Members agreed.

IX. Any other business

59. There being no other business, the meeting ended at 3:10 pm.