

立法會
Legislative Council

LC Paper No. CB(2) 252/05-06

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, 21 October 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
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 LUI Ming-wah, SBS, 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, 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 Timothy FOK Tsun-ting, GBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, JP

Mrs Anna LO	Principal Council Secretary (Administration)
Miss Erin TSANG	Acting Principal Council Secretary (Complaints)
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
Mr KAU Kin-wah	Assistant Legal Adviser 6
Miss Lolita SHEK	Senior Council Secretary (2)7
Miss Josephine SO	Council Secretary (2)1

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I. Confirmation of the minutes of the 1st meeting held on 14 October 2005
(LC Paper No. CB(2) 99/05-06)

The minutes were confirmed.

II. Matters arising

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

Embargo arrangement for Government documents

2. The Chairman said that she had briefed CS on the points made by Members at the last meeting. CS had responded that the Chief Executive (CE) was very concerned about information leaks and had directed the Administration to look into why the leaks had occurred and to devise preventive measures. CS had also responded that the Administration agreed that the Legislative Council (LegCo) should be informed of important Government policies and decisions as soon as possible.

3. The Chairman further said that CS had explained that he had not provided the relevant documents to Members immediately after the meeting of the Executive Council (ExCo) on 4 October 2005, because the special meeting of the House Committee to discuss the West Kowloon Cultural District (WKCD) project would not be held until 7 October 2005. The Chairman added that she had told CS that if necessary, special meetings of the House Committee could be organised on days other than Friday for the Administration to give briefings to Members as early as possible.

4. Mr LEE Wing-tat said that he could not accept CS's explanation because CS, being a very experienced senior Government official, should know that urgent briefings for Members could be arranged at short notice, and that the

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relevant documents should be provided to Members immediately after ExCo had taken decisions on important matters. Mr LEE welcomed the Administration's investigation into the information leaks, and requested that the investigation report be provided to LegCo.

5. Dr KWOK Ka-ki said that the Chairman should request CS to inform Members of the progress of the investigation.

Frequency and duration of the Chief Executive's Question and Answer Sessions

6. The Chairman said that she had reminded CS of the House Committee's earlier request for CE's Question and Answer Sessions to be held monthly when the Council was in session, and for each to last for one and a half hours. CS had undertaken to convey this request to CE.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 14 October 2005 and tabled in Council on 19 October 2005

(LC Paper No. LS 3/05-06)

7. The Chairman said that a total of five items of subsidiary legislation, including one Commencement Notice, were gazetted on 14 October 2005 and tabled in Council on 19 October 2005.

8. The Chairman further said that the Legal Service Division had raised with the Administration some drafting issues on the Construction Workers Registration (Fees) Regulation. The Administration would move a motion to amend the Regulation.

9. Members did not raise any queries on these five items of subsidiary legislation.

10. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 16 November 2005, or 7 December 2005 if extended by resolution.

IV. Business for the Council meeting on 2 November 2005

(a) Questions

(LC Paper No. CB(3) 55/05-06)

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

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

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

(c) **Government motion**

Proposed resolution to be moved by the Secretary for Economic Development and Labour under the Tung Chung Cable Car Ordinance

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 64/05-06 dated 19 October 2005.)

13. The Chairman said that the Subcommittee on Proposed Resolution under Section 22 of the Tung Chung Cable Car Ordinance (Cap. 577) had presented its report to the House Committee on 14 October 2005, and supported the Secretary for Economic Development and Labour giving fresh notice to move the proposed resolution at the Council meeting on 2 November 2005.

(d) **Members' motions**

(i) **Motion to be moved by Hon WONG Yung-kan**

(Wording of the motion issued vide LC Paper No. CB(3) 70/05-06 dated 20 October 2005.)

14. The Chairman said that the subject of the motion to be moved by WONG Yung-kan was "Perfecting the food safety regulatory mechanism", and the wording of the motion had been issued to Members.

(ii) **Motion on "Comprehensively developing the border area"**

(Wording of the motion issued vide LC Paper No. CB(3) 71/05-06 dated 20 October 2005.)

15. The Chairman said that the above motion would be moved by Mr WONG Ting-kwong, and the wording of the motion had been issued to Members.

16. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 26 October 2005.

V. Report of Bills Committees and subcommittees

Report of the Bills Committee on Revenue (Abolition of Estate Duty) Bill 2005

(LC Paper No. CB(2) 101/05-06)

17. The Chairman, in her capacity as the Chairman of the Bills Committee, reported that the Administration would move Committee Stage amendments to the Bill in response to the concerns of the Bills Committee.

18. The Chairman further said that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting on 2 November 2005. The deadline for giving notice of amendments was Monday, 24 October 2005.

VI. Position on Bills Committees/subcommittees

(LC Paper No. CB(2) 82/05-06)

19. The Chairman said that there were 14 Bills Committees and seven subcommittees in action.

20. The Chairman added that as there was a vacant slot, the Bills Committee on Dentists Registration (Amendment) Bill 2005 on the waiting list could commence work.

VII. Election of Members of The Legislative Council Commission

(LC Paper No. AS 8/05-06)

21. The Chairman said that seven nominations had been received before the deadline. As there was no further nomination at the meeting, the Chairman declared that the following Members were elected members of The Legislative Council Commission –

Ms Margaret NG
Mr CHEUNG Man-kwong
Mr Jasper TSANG
Ms Emily LAU
Mr Andrew LEUNG
Mr WONG Ting-kwong
Mr Patrick LAU

VIII. Follow-up work to examine the Administration's proposal on constitutional development

(Letter dated 18 October 2005 from Hon Bernard CHAN to the Chairman of the House Committee (LC Paper No. CB(2) 103/05-06(01))

22. Mr Bernard CHAN said that the Constitutional Development Task Force had published its Fifth Report on 19 October 2005, which detailed the Administration's proposal on how the methods for selecting CE in 2007 and for forming LegCo in 2008 should be amended. Mr CHAN pointed out that according to paragraph 7.03 of the Report, the Administration would formally present to LegCo the two motions concerning the amendments to Annex I and Annex II to the Basic Law in December 2005. Mr CHAN proposed that a subcommittee should be formed under the House Committee to study the Administration's proposal immediately, given the time constraint.

23. Mr Ronny TONG said that following the publication of the Fifth Report, 26 Members had openly voiced objection to the Administration's proposal on constitutional development, while some other Members had expressed support for the proposal. Mr TONG further said that as the Administration had indicated that there was no room for revising its proposal, he did not see the point of forming a subcommittee to study it. Mr TONG added that perhaps discussions should be held between the Administration and those Members who objected to the proposal.

24. Mr Bernard CHAN responded that the implementation of the proposal was subject to a very tight timetable. Local legislation had to be enacted and the electoral arrangements put in place within 2006, if the two motions were passed by LegCo in December this year. Mr CHAN added that as not all Members had joined the Panel on Constitutional Affairs (CA Panel), a subcommittee formed under the House Committee would provide a forum for all interested Members to participate in the discussion of the Administration's proposal.

25. Dr KWOK Ka-ki expressed reservations about forming a subcommittee under the House Committee to study the Administration's proposal. Dr KWOK said that there were already too many committees under the Council. As 44 Members were members of the CA Panel and its meetings were open to non-Panel Members, it would be more appropriate for the CA Panel to study the Administration's proposal on constitutional development.

26. Mr LEE Wing-tat agreed with Mr Bernard CHAN that there was little time for Members to study the proposal, if the Administration was to present the two motions to LegCo in December 2005. Mr LEE said that LegCo should not be rushed in the scrutiny of the two motions, and the Administration

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should defer presenting the two motions to LegCo, so that Members and the public would have more time to consider the proposal in detail. Mr LEE further said that it was the practice of the House Committee to consider whether to form a subcommittee to study a motion after formal notice of the motion had been given. The House Committee should not consider forming a subcommittee to study the two motions, in anticipation that notice of the two motions would be given by the Administration. Mr LEE added that the CA Panel should study the proposal in the Fifth Report.

27. Mr Martin LEE requested Mr Bernard CHAN to clarify whether it was his own idea or the Administration's idea that a subcommittee should be formed under the House Committee to study the Administration's proposal on constitutional development. Mr Bernard CHAN responded that it was his own idea.

28. Dr YEUNG Sum said that according to the interpretation of the Standing Committee of the National People's Congress (NPCSC), any amendments to the methods for selecting CE and for forming LegCo should be introduced by the Government of the Hong Kong Special Administrative Region (HKSAR), and the Administration had already indicated that there was no room for revising its proposal. Dr YEUNG expressed doubts about the usefulness of holding discussions with the Administration.

29. Mr LEE Cheuk-yan pointed out that under the Rules of Procedure (RoP), amendments to motions were allowed. Mr LEE sought clarification on whether amendments to the electoral methods stipulated in Annexes I and II to the Basic Law should be introduced in the form of motions, and how such motions should be dealt with under RoP. Mr LEE said that the House Committee should only consider forming a subcommittee to study a motion after the Administration had given notice to move the motion at a Council meeting. Mr LEE added that the CA Panel or a subcommittee under the Panel, and not a subcommittee under the House Committee, should study the Administration's proposal on constitutional development.

30. Acting Legal Adviser explained that according to the interpretation of NPCSC of Article 7 of Annex I and Article III of Annex II to the Basic Law promulgated on 6 April 2004, the bills on the amendments to the electoral methods stipulated in Annexes I and II to the Basic Law, and the proposed amendments to such bills, should be introduced by the HKSAR Government. Acting Legal Adviser added that should there be inconsistency between the provisions in the Basic Law and those in RoP, the provisions in the Basic Law would prevail.

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Legal Adviser

31. Acting Legal Adviser further explained that as the HKSAR Government could amend its motions, the relevant provisions in RoP on amendments to motions would be applicable. At the request of Mr LEE Cheuk-yan, Acting Legal Adviser undertook to provide a paper on whether the provisions in RoP would be applicable to motions to amend the electoral methods stipulated in the Annexes to the Basic Law.

32. Mr LAU Kong-wah said that it was regrettable that some Members had decided not to study the Administration's proposal at this early stage. Mr LAU further said that the Administration's proposal was very important, and Members belonging to the Democratic Alliance for Betterment and Progress of Hong Kong (DAB) supported forming a subcommittee under the House Committee to enable interested Members to discuss the proposal in detail. Mr LAU added that there were precedents of subcommittees being formed under the House Committee to study important matters or issues, and the Subcommittee on West Kowloon Cultural District Development was a precedent.

33. Mr LAU further said that Mr Ronny TONG's earlier remarks that only those Members who objected to the Administration's proposal would need to hold discussions with the Administration were divisive. Mr LAU added that it was illogical for Mr LEE Wing-tat to suggest that the Administration should defer presenting the two motions to LegCo, since he did not consider it necessary for Members to discuss the Administration's proposal.

34. Mrs Selina CHOW said that it was necessary to form a subcommittee under the House Committee to examine the Administration's proposal on constitutional development, as it was an important issue of public concern. The subcommittee would provide a forum for all interested Members, and not only members of the CA Panel, to participate in the discussion. Mrs CHOW agreed with Mr LAU Kong-wah that there were precedents of subcommittees being formed under the House Committee to examine important matters and issues, and another precedent was the subcommittee formed to examine the Airport Corporation White Bill.

35. The Chairman advised that a subcommittee was also set up under the House Committee to study the proposed accountability system for Principal Officials in April 2002.

36. Referring to Mr Ronny TONG's earlier remarks, Mr CHIM Pui-chung said that as he had not yet expressed his views on the Administration's proposal, he should not be included in the group of Members who had expressed objection. Mr CHIM further said that he did not have strong views on Mr Bernard CHAN's proposal to form a subcommittee, which should be dealt with

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in accordance with the practices and procedures of the House Committee. Mr CHIM added that the Legislature and the Executive should respect each other, and the Administration should listen to the views of LegCo.

37. Mr Abraham SHEK said that Members belonging to The Alliance supported Mr Bernard CHAN's request for a subcommittee to be formed under the House Committee to examine the Administration's proposal in the Fifth Report. Mr SHEK added that as the proposal was very important, Members should devote more time to study and discuss it with the Administration at meetings of the subcommittee, so that both the Administration and the public would know Members' views on the proposal.

38. Ms Margaret NG said that a subcommittee was formed under the House Committee in April 2002 to study the proposed accountability system for Principal Officials because the Administration considered it unnecessary to introduce a bill to provide the legal basis for the accountability system. As regards the Subcommittee on West Kowloon Cultural District Development, Ms NG said that the Subcommittee was formed under the House Committee because the project straddled the policy areas of several Panels.

39. Ms NG expressed concern that the subcommittee to study the Administration's proposal on constitutional development, if formed, would adopt the mode of operation of the Bills Committee on National Security (Legislative Provisions) Bill in that the subcommittee would be dominated by Members in support of the proposal and they only wanted to speed up the scrutiny process. The subcommittee would meet very frequently and its members would not have time to attend to other Council business.

40. Mr Martin LEE suggested that the House Committee should defer discussion of Mr Bernard CHAN's proposal to form a subcommittee until the Administration had given formal notice for the two motions. Mr LEE added that if the Administration considered that there was urgency in presenting the motions to LegCo, it should give formal notice of the two motions immediately.

41. Ir Dr Raymond HO said that as the Administration had not yet given formal notice for the two motions, Members would have more time to discuss the proposal and request for more information from the Administration. Ir Dr HO pointed out that the two motions to be presented by the Administration were not the usual types of motions presented to LegCo. Ir Dr HO considered it appropriate for the House Committee, which was one of the most important committees under the Council, to form a subcommittee to discuss the draft motions.

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42. Ir Dr HO further said that many Members, including himself, had not yet expressed their views on the Administration's proposal on constitutional development. It was not certain at this stage whether the two motions could be passed by a two-thirds majority of LegCo Members, as required in the provisions in Annex II to the Basic Law. Ir Dr HO considered that as some Members had not joined the CA Panel and they could not vote at the meetings of the Panel, it would be more appropriate for the House Committee, and not the CA Panel, to consider whether a subcommittee should be formed to study the Administration's proposal on constitutional development.

43. Mr LEUNG Yiu-chung requested Mr Bernard CHAN to clarify the objectives and scope of work of the proposed subcommittee. Mr LEUNG said that if the motions could not be amended, there was no point in setting up a subcommittee. Mr LEUNG pointed out that Members could still express their views on the Administration's proposal at meetings of the CA Panel, even if they were not members. Mr LEUNG added that as Panel meetings were open meetings, the public would be able to know what was discussed at the meetings.

44. Mr Albert CHAN said that he did not understand the purpose of the proposed subcommittee. He doubted if Mr Bernard CHAN had acted on the direction of ExCo. Mr Albert CHAN further said that as the motions to be presented by the Administration would have to be endorsed by a two-thirds majority of LegCo Members, Mr Bernard CHAN's proposal of forming a subcommittee under the House Committee should also be subject to the same voting requirement. Mr Albert CHAN suggested that two subcommittees, one for Members supporting the Administration's proposal and the other for Members opposing the proposal, should be formed under the House Committee. Mr CHAN added that these two subcommittees could consult public views and study the two motions in parallel.

45. Mr Fred LI said that Mr Bernard CHAN had not explained why a subcommittee should be formed under the House Committee and not under the CA Panel. Mr LI further said that if a subject matter was clearly within the policy area of a Panel, it should be followed up by that Panel. Mr LI pointed out that the CA Panel had been following up the subject matter of constitutional development for a long time. Mr LI added that although non-Panel Members did not have voting rights, he failed to see the need to take a vote on any matter, if the CA Panel was to study the proposal.

46. Mr LEUNG Kwok-hung said that it was a waste of time for Members to consider forming a subcommittee under the House Committee, as the Administration had not yet given notice to present the two motions to LegCo.

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47. Mr Jeffrey LAM and Mr Patrick LAU said that an appropriate forum should be provided for Members and the public to participate in the discussion of the Administration's proposal, and a subcommittee formed under the House Committee was such a forum. They further said that those Members who did not consider it necessary to discuss the Administration's proposal should not prevent other Members from forming a subcommittee to discuss it.

48. Mr Patrick LAU pointed out that he had not yet taken a stance on the Administration's proposal, and the media reports did not accurately reflect his views on the matter.

49. Mr James TIEN said that there was not much time for LegCo to study the Administration's proposal, if the Administration was to present the two motions in December 2005. Mr TIEN further said that although there was little room to revise the proposal, it would not be appropriate for Members to take a decision on the two motions without first discussing them in detail. Mr TIEN added that Members belonging to the Liberal Party supported forming a subcommittee under the House Committee to study the Administration's proposal.

50. Mr Ronny TONG said that he had no intention of preventing other Members from discussing the Administration's proposal. He only wished to point out that as the Administration had indicated that it would not amend the two motions, holding discussions with the Administration would not serve any useful purpose. Mr TONG added that the 25 pan-democratic Members had demanded that universal suffrage be introduced as soon as possible. The issue had been discussed for a long time in LegCo but little progress had been made.

51. Dr YEUNG Sum said that Members who objected to the Administration's proposal had no intention of preventing the Administration from presenting the two motions, or preventing other Members from expressing their views. However, as NPCSC had decided that amendments to the Basic Law could only be introduced by the HKSAR Government, and the Administration had already indicated that it would not revise its proposal, there was little Members could achieve in holding discussions with the Administration. Dr YEUNG further said that a subcommittee should only be formed under the House Committee if the subject matter in question straddled the policy areas of more than one Panel. Dr YEUNG added that the Chairman should rule whether the House Committee should consider Mr Bernard CHAN's proposal, as the subject matter of constitutional development was already within the ambit of the CA Panel.

52. The Chairman advised that under Rule 75(12) of RoP, the House Committee could set up subcommittees for the purpose of assisting it in considering items relating to the business of the Council. The Chairman

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added that it was for the House Committee, and not the Chairman, to decide whether Members' requests for forming subcommittees should be acceded to.

53. Mr SIN Chung-kai said that a subcommittee was previously formed to study the proposed resolution on the implementation of the accountability system because it involved the transfer of statutory functions between the Principal Officials.

54. Assistant Secretary General 1 (ASG1) said that there were precedents of subcommittees being formed under the House Committee to study draft subsidiary legislation, and the subcommittee formed to study the draft regulations under the Securities and Futures Ordinance was a precedent.

55. Referring to the precedent cited by ASG1, Ms Margaret NG said that the regulations in question were complex and Members had requested the Administration to provide the draft texts of the regulations for early study. Ms NG further said that Members should only consider whether to form a subcommittee to study the Administration's proposal, if the Administration would agree to provide, at this stage, the draft text of the bill to be introduced if the two motions were passed.

56. Mr LEE Cheuk-yan asked whether another subcommittee would be formed after the Administration had given notice for the two motions, if a subcommittee had already been formed to study the draft motions.

57. Assistant Secretary General 2 (ASG2) explained that a subcommittee was set up under the House Committee to examine the proposed accountability system for Principal Officials and the draft motion on the transfer of statutory functions. When the Administration gave formal notice for the motion, the House Committee considered the Legal Service Division report on the motion and decided that the subcommittee should study the motion, without the need to form another subcommittee. ASG2 added that it would be for the House Committee to decide how the two motions to amend the electoral methods prescribed in Annex I and Annex II to the Basic Law should be dealt with, after the Administration had given formal notice to present the motions to LegCo.

58. Mr Martin LEE said that the subject of constitutional development clearly fell within the ambit of the CA Panel. Members should respect the Panel and allow the Panel to follow up the Administration's proposal, unless Dr LUI Ming-wah, the Chairman of the CA Panel, indicated that he did not have confidence in chairing meetings to discuss the Administration's proposal.

59. Dr LUI Ming-wah said that the suggestion of forming a subcommittee under the House Committee to follow up the Administration's proposal had nothing to do with the ability of the Chairman of the CA Panel.

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60. Ir Dr Raymond HO said that Mr Bernard CHAN's request aimed to enable all Members, and not just the members of the CA Panel, to decide whether a subcommittee should be formed to discuss the Administration's proposal. Ir Dr HO added that Members belonging to The Alliance had no intention of contesting for the chairmanship or deputy chairmanship of the subcommittee, if formed.

61. Ms Margaret NG sought clarification on whether the two motions to be presented by the Administration should be regarded as "bills". Ms NG said that if these motions were "bills" as described in Chapter Seven of the Fifth Report, such "bills" should first be discussed by the CA Panel, in accordance with the existing practice.

62. Acting Legal Adviser explained that in accordance with Rule 75(12) of RoP, the House Committee could set up subcommittees for the purpose of assisting the committee in performing its functions under Rule 75(10) and 75(11). The subcommittees formed under Rule 75(10) were for studying subsidiary legislation which was subject to the provisions of sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1), while those formed under Rule 75(11) were for studying other issues relating to the business of the Council.

63. Acting Legal Adviser further explained that the procedure on bills stipulated in RoP did not apply to the two motions proposed by the Administration. Rule 75(10) of RoP also did not apply as the two motions were not subsidiary legislation subject to the provisions of sections 34 and 35 of Cap. 1. Acting Legal Adviser added that the two motions could be regarded as motions that had legal effect.

64. Ms Margaret NG suggested that the Legal Adviser should be given adequate time to provide a considered view on the issues involved. Ms NG added that the CA Panel should study the Administration's proposal.

65. Mr Bernard CHAN said that his request for forming a subcommittee under the House Committee to examine the Administration's proposal was based on the following considerations –

- (a) there was little time for Members to examine the Administration's proposal given the tight timetable for passing the two motions, enacting local legislation and putting in place the electoral arrangements; and
- (b) it would be more efficient and effective for a subcommittee under the House Committee to study the Administration's proposal.

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66. Mr CHAN explained that as no meeting of the House Committee was scheduled for the following Friday, he had put forward his proposal for Members' consideration at this meeting, ahead of the special meeting of the CA Panel to discuss the Fifth Report to be held immediately after the House Committee meeting.

67. Mr Albert CHAN requested that his earlier suggestion of forming two subcommittees under the House Committee to discuss the Administration's proposal be put to vote. Mr CHAN said that his suggestion was an amendment to Mr Bernard CHAN's proposal, and should be dealt with first.

68. Ms Emily LAU expressed concern as to how Members could participate in the discussion of the two subcommittees, if formed.

69. Mr LAU Kong-wah said that he would not support Mr Albert CHAN's suggestion as it was not sensible.

70. Mr CHEUNG Man-kwong expressed concern that forming two subcommittees to study the Administration's proposal would create an undesirable precedent, and would also convey a confusing message to the public. Mr CHEUNG said that members who did not support forming a subcommittee under the House Committee should simply vote against Mr Bernard CHAN's proposal.

71. Mr LEE Cheuk-yan suggested that Mr Albert CHAN should withdraw his suggestion. Mr Albert CHAN withdrew his suggestion.

72. The Chairman put Mr Bernard CHAN's proposal that a subcommittee should be set up under the House Committee to study the Administration's proposal on constitutional development in the Fifth Report of the Constitutional Development Task Force to vote. The result was that 28 Members voted for the proposal, 21 Members voted against the proposal and one Member abstained from voting.

73. The Chairman said that a subcommittee would be formed under the House Committee to study the Administration's proposal. The following Members agreed to join the subcommittee: Mr James TIEN, Ir Dr Raymond HO, Mr LEE Cheuk-yan, Mr Martin LEE, Dr LUI Ming-wah, Mrs Selina CHOW, Mr James TO, Mr CHEUNG Man-kwong, Mr Bernard CHAN, Mrs Sophie LEUNG, Mr SIN Chung-kai, Dr Philip WONG, Mr Howard YOUNG, Mr LAU Kong-wah, Mr LAU Wong-fat, Mr TAM Yiu-chung, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr LEUNG Kwok-hung, Mr CHEUNG Hok-ming, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Mr Patrick LAU and Mr KWONG Chi-kin.

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IX. Any other business

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

Council Business Division 2
Legislative Council Secretariat
2 November 2005