

立法會
Legislative Council

LC Paper No. CB(2) 324/05-06

Ref : CB2/H/5/04

House Committee of the Legislative Council

**Minutes of the 3rd meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 4 November 2005**

Members present :

Hon Miriam LAU Kin-ye, GBS, JP (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
Dr Hon LUI Ming-wah, SBS, JP
Hon Margaret NG
Hon CHEUNG Man-kwong
Hon CHAN Yuen-han, JP
Hon CHAN Kam-lam, SBS, 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 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 LI Fung-ying, BBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Albert CHAN Wai-yip
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, JP
Hon WONG Kwok-hing, MH

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
Miss Monna LAI	Assistant Legal Adviser 7
Miss Lolita SHEK	Senior Council Secretary (2)7

Action

I. Confirmation of verbatim record/minutes of meetings

(a) **Verbatim record of the proceedings of the special meeting held on 7 October 2005**

(LC Paper No. CB(2) 272/05-06)

The verbatim record of the meeting was confirmed.

(b) **Minutes of the 2nd meeting held on 21 October 2005**

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

2. The minutes of the meeting were confirmed.

II. Matters arising

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

Embargo arrangement for Government documents

3. The Chairman said that she had informed CS of Members' request that the progress of the investigation on the information leaks be reported to them. The Chairman further said that CS had explained that the Bureau concerned had been directed to review the mechanism for the handling of classified documents. The aim was to plug loopholes, if any, in the mechanism. As this was an internal issue, the Administration had no intention to make the result of the review public.

III. Business arising from previous Council meetings

(a) **Legal Service Division report on subsidiary legislation gazetted on 21 October 2005 and tabled in Council on 26 October 2005**

(LC Paper No. LS 5/05-06)

Action

4. The Chairman said that a total of six items of subsidiary legislation were gazetted on 21 October 2005 and tabled in the Legislative Council (LegCo) on 26 October 2005.

5. Members did not raise any queries on these six items of subsidiary legislation.

6. The Chairman said that the deadline for amending these items of subsidiary legislation was 23 November 2005, or 14 December 2005 if extended by resolution.

(b) Legal Service Division report on subsidiary legislation gazetted on 28 October 2005 and tabled in Council on 2 November 2005
(*LC Paper No. LS 7/05-06*)

7. The Chairman said that a total of 16 items of subsidiary legislation, including the United Nations Sanctions (Democratic Republic of Congo) Regulation 2005 and the United Nations Sanctions (Liberia) Regulation 2005 (Amendment) Regulation 2005, which were not required to be tabled in Council, were gazetted on 28 October 2005.

8. The Chairman further said that the two Regulations came within the terms of reference of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions. She proposed that they be referred to the Subcommittee for further study. Members agreed.

9. Members did not raise any queries on the remaining 14 items of subsidiary legislation.

10. The Chairman reminded Members that the deadline for amending these 14 items of subsidiary legislation was 30 November 2005, or 21 December 2005 if extended by resolution.

IV. Business for the Council meeting on 9 November 2005

(a) Questions
(*LC Paper No. CB(3) 78/05-06*)

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

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

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

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

Carriage by Air (Amendment) Bill 2005

13. The Chairman said that at the meeting of the House Committee on 7 October 2005, Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(d) **Government motion**

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

(e) **Members' motions**

(i) **Proposed resolution to be moved by Hon Fred LI Wah-ming under section 34(4) of the Interpretation and General Clauses Ordinance relating to the Harmful Substances in Food (Amendment) Regulation 2005**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 88/05-06 dated 27 October 2005.)

15. The Chairman said that Mr Fred LI, Chairman of the Subcommittee on Harmful Substances in Food (Amendment) Regulation 2005, would move a motion to extend the scrutiny period of the Amendment Regulation to 30 November 2005, to allow more time for the Subcommittee to scrutinise the Amendment Regulation.

(ii) **Proposed resolution to be moved by Hon Miriam LAU Kin-yee under section 34(4) of the Interpretation and General Clauses Ordinance relating to the Closed Area (Hong Kong Ministerial Conference of World Trade Organization) Order**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 107/05-06 dated 3 November 2005.)

16. The Chairman said that as Chairman of the Subcommittee on Closed Area (Hong Kong Ministerial Conference of World Trade Organization) Order, she would move a motion to extend the scrutiny period of the Order to 30 November 2005, to allow more time for the Subcommittee to scrutinise the Order.

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- (iii) **Motion on “Minimum wage, standard working hours”**
(Wording of the motion issued vide LC Paper No. CB(3) 89/05-06 dated 27 October 2005.)

17. The Chairman said that the above motion would be moved by Miss CHAN Yuen-han, and the wording of the motion had been issued to Members.

- (iv) **Motion on “Constitutional reform proposal”**
(Wording of the motion issued vide LC Paper No. CB(3) 90/05-06 dated 27 October 2005.)

18. The Chairman said that the above motion would be moved by Mr Ronny TONG, and the wording of the motion had been issued to Members.

V. Business for the Council meeting on 16 November 2005

- (a) **Questions**
(LC Paper No. CB(3) 79/05-06)

19. 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**

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

- (c) **Government motion**

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

- (d) **Members’ motions**

- (i) **Motion to be moved by Hon Miriam LAU Kin-ye**
(Wording of the motion issued vide LC Paper No. CB(3) 105/05-06 dated 3 November 2005.)

22. The Chairman said that subject of the motion to be moved by her was “Reducing and remitting the duty on ultra low sulphur diesel”, and the wording of the motion had been issued to Members.

- (ii) **Motion on “Fair competition law”**
(Wording of the motion issued vide LC Paper No. CB(3) 106/05-06 dated 3 November 2005.)

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23. The Chairman said that the above motion would be moved by Mr LEE Wing-tat, and the wording of the motion had been issued to Members.

24. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 9 November 2005.

VI. Report of Bills Committees and subcommittees

Report of the Bills Committee on Marriage (Introduction of Civil Celebrants of Marriages and General Amendments) Bill

(LC Paper No. CB(2) 255/05-06)

25. Ms Margaret NG, Chairman of the Bills Committee, said that the Administration would move Committee Stage amendments (CSAs) to address the various concerns raised by members. Ms NG further said that the Bills Committee supported the CSAs and the resumption of the Second Reading debate on the Bill on 16 November 2005.

26. The Chairman said that the deadline for giving notice of CSAs, if any, was Monday, 7 November 2005.

VII. Position on Bills Committees/subcommittees

(LC Paper No. CB(2) 256/05-06)

27. The Chairman said that there were 14 Bills Committees and eight subcommittees in action.

VIII. Report of the Panel on Constitutional Affairs on constitutional issues relating to prorogation of the Council

(LC Paper No. CB(2) 266/05-06)

28. The Chairman said that at the meeting of the House Committee on 23 April 2004, the Committee on Rules of Procedure (CRoP) provided a report on "Calling of emergency meetings and operation of the Legislative Council and its committees during prorogation of the Council". Upon the recommendation of CRoP, the constitutional issues relating to the prorogation of LegCo were referred to the Panel on Constitutional Affairs (CA Panel) for consideration.

29. Dr LUI Ming-wah, Chairman of the CA Panel, said that the Panel had examined the constitutional issues detailed in paragraph 2 of the report. The Panel had also considered the views of the Hong Kong Bar Association, the Law Society of Hong Kong, and Professor Yash Ghai of the University of Hong Kong on the issues.

Action

30. Dr LUI pointed out that the Administration's position was that –
- (a) the existing legal provisions and arrangements with regard to the prorogation of LegCo and the determination of the commencement and end dates of a LegCo session were appropriate and should remain unchanged; and
 - (b) the Council and its committees could resume operation during prorogation only at the request of the Chief Executive for convening emergency Council meetings.

31. The Chairman said that the CA Panel sought the views of the House Committee on whether it should further pursue the matter. The Chairman added that the CA Panel had already examined the issues thoroughly. Members noted the report and did not request the CA Panel to further pursue the matter.

IX. Any other business

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