

立法會
Legislative Council

LC Paper No. CB(2) 381/05-06

Ref : CB2/H/5/05

House Committee of the Legislative Council

**Minutes of the 4th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 11 November 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 LUI Ming-wah, SBS, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHEUNG Man-kwong
Hon CHAN Yuen-han, JP
Hon CHAN Kam-lam, 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 LI Fung-ying, BBS, JP
Hon Albert CHAN Wai-yip
Hon Frederick FUNG Kin-kee, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, JP

Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mrs Vivian KAM	Principal Council Secretary (Complaints)
Mr Andy LAU	Chief Council Secretary (1)2
Mrs Constance LI	Chief Council Secretary (2)5
Mrs Betty LEUNG	Chief Council Secretary (3)1
Miss Anita HO	Assistant Legal Adviser 2
Ms Connie FUNG	Assistant Legal Adviser 3
Mr KAU Kin-wah	Assistant Legal Adviser 6
Miss Monna LAI	Assistant Legal Adviser 7
Ms Emily PANG	Senior Public Information Officer 2
Miss Lolita SHEK	Senior Council Secretary (2)7

Action

I. Confirmation of the minutes of the 3rd meeting held on 4 November 2005

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

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

Legal Service Division report on subsidiary legislation gazetted on 4 November 2005 and tabled in Council on 9 November 2005

(LC Paper No. LS 9/05-06)

3. The Chairman said that only one item of subsidiary legislation, i.e. the Tax Reserve Certificates (Rate of Interest) (No. 8) Notice 2005, was gazetted on 4 November 2005 and tabled in the Legislative Council (LegCo) on 9 November 2005.

4. Members did not raise any queries on this item of subsidiary legislation.

Action

5. The Chairman reminded Members that the deadline for amending this item of subsidiary legislation was 7 December 2005, or 11 January 2006 if extended by resolution.

IV. Further business for the Council meeting on 16 November 2005

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

Marriage (Introduction of Civil Celebrants of Marriages and General Amendments) Bill

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

(b) Government motion

Proposed resolution to be moved by the Secretary for the Environment, Transport and Works under section 34(2) of the Interpretation and General Clauses Ordinance relating to the Construction Workers Registration (Fees) Regulation

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 116/05-06 dated 7 November 2005.)

[Previous papers:

Paragraphs 6 to 9 of LC Paper No. LS 3/05-06 issued vide LC Paper No. CB(2) 121/05-06 dated 20 October 2005; and

Paragraph 8 of the minutes of the 2nd House Committee meeting on 21 October 2005 (LC Paper No. CB(2) 252/05-06 issued vide LC Paper No. CB(2) 276/05-06 dated 2 November 2005)]

7. The Chairman said that the Construction Workers Registration (Fees) Regulation was tabled in Council on 19 October 2005 and discussed by the House Committee on 21 October 2005. The Chairman further said that in consideration of the comments made by the Legal Service Division, the Administration would move the proposed resolution to amend certain provisions in the Regulation to improve their clarity.

Action

V. Business for the Council meeting on 23 November 2005

(a) Questions

(LC Paper No. CB(3) 117/05-06)

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

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

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

(c) Government motion

Proposed resolution to be moved by the Secretary for Health, Welfare and Food under the Pharmacy and Poisons Ordinance relating to:

(i) the Pharmacy and Poisons (Amendment) (No. 3) Regulation 2005; and

(ii) the Poisons List (Amendment) (No. 3) Regulation 2005

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 104/05-06 dated 3 November 2005.)

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

10. The Chairman said that the proposed resolution sought LegCo's approval of the Pharmacy and Poisons (Amendment) (No. 3) Regulation 2005 and the Poisons List (Amendment) (No. 3) Regulation 2005, which added five new drugs/medicines including Codeine to the relevant Schedules to the Pharmacy and Poisons Regulations and the Poisons List.

11. The Chairman added that the Administration had briefed the Panel on Health Services, at its meeting on 28 June 2005, on the current control of sale of cough preparations containing Codeine.

12. Members did not raise objection to the Secretary for Health, Welfare and Food moving the proposed resolution at the Council meeting on 23 November 2005.

Action

(d) **Members' motions**

(i) **Motion to be moved by Hon CHAN Kam-lam**

(Wording of the motion issued vide LC Paper No. CB(3) 129/05-06 dated 10 November 2005.)

13. The Chairman said that the subject of the motion to be moved by Mr CHAN Kam-lam was "Enhancing economic and trade cooperation between Hong Kong and the Pan-Pearl River Delta region", and the wording of the motion had been issued to Members.

(ii) **Motion to be moved by Hon Tommy CHEUNG Yu-yan**

(Wording of the motion issued vide LC Paper No. CB(3) 130/05-06 dated 10 November 2005.)

14. The Chairman said that the subject of the motion to be moved by Mr Tommy CHEUNG was "Policy on inheritance of 'dai pai dong' culture", and the wording of the motion had been issued to Members.

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

VI. Report of Bills Committees and subcommittees

Report of the Bills Committee on Merchant Shipping (Local Vessels and Miscellaneous Amendments Bill 2005

(LC Paper No. CB(1) 242/05-06)

16. The Chairman, in her capacity as Chairman of the Bills Committee, said that the Bills Committee supported the Bill and the Committee Stage amendments (CSAs) to be moved by the Administration.

17. Members did not raise objection to the resumption of the Second Reading debate on the Bill on 30 November 2005.

18. The Chairman said that the deadline for giving notice of CSAs, if any, was Monday, 21 November 2005.

Action

VII. Position on Bills Committees/subcommittees

(LC Paper No. CB(2) 320/05-06)

19. The Chairman said that there were 13 Bills Committees and eight subcommittees in action.

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

Proposed amendments to Rules of Procedure regarding voting rights of chairmen of committees/subcommittees

(LC Paper No. CROP 13/05-06)

20. Mr Jasper TSANG, Chairman of CRoP, said that CRoP invited the House Committee's endorsement of the following recommendations regarding the voting rights of Chairmen of committees –

- (a) in exercising the casting vote, the Chairmen of Finance Committee, Public Accounts Committee, House Committee, Committee on Members' Interests, CRoP, Investigation Committee, Select Committee, and subcommittees appointed by the House Committee to study matters other than subsidiary legislation/instrument should not exercise the vote in such a way as to produce a majority vote in favour of the question put;
- (b) in an election of the Chairman or Deputy Chairman of a committee, if two or more nominees received the same highest number of votes, the Chairman or presiding member should exercise his casting vote in accordance with the lot drawn by him; and
- (c) the Chairman of a subcommittee appointed by the House Committee to study any item of subsidiary legislation, any instrument made under any ordinance, or any draft of subsidiary legislation or instrument had an original vote but not a casting vote, except in an election of the Chairman or Deputy Chairman of the committee.

21. Members endorsed CRoP's recommendations in paragraphs 4, 5, and 9 to 12 of the paper.

Action

IX. Proposal to invite the Chief Executive to attend a meeting of the Legislative Council to answer Members' questions on his recent official visits to Canada, the United States and the United Kingdom
(Letter dated 5 November 2005 from Hon Emily LAU to the Chairman of the House Committee (LC Paper No. CB(2) 325/05-06(01))

22. Ms Emily LAU pointed out that at the Chief Executive (CE)'s Question and Answer Session held on 13 October 2005, CE had said that Members should not be concerned that his meetings with Mainland officials would undermine Hong Kong's high degree of autonomy. Instead, Members should be concerned about his contacts with Consuls-General, the purpose of such contacts and whether he had betrayed the interests of the people of Hong Kong. Ms LAU requested that CE should be invited to attend a Council meeting to answer Members' questions on his recent visits to Canada, the United States of America and the United Kingdom.

23. Ms LAU added that CE had indicated that he would attend the Question and Answer Sessions more frequently. The Chairman responded that she and the Deputy Chairman had reminded CS of the House Committee's earlier request for the CE's Question and Answer Sessions to be held monthly when the Council was in session, and for each Session to last for one and a half hours.

24. Members did not raise objection to Ms LAU's request. The Chairman said that she would ask CS to convey the request to CE at their next meeting.

X. Any other business

25. There being no other business, the meeting ended at 2:43 pm.