

立法會  
*Legislative Council*

LC Paper No. CB(2) 1476/05-06

Ref : CB2/H/5/05

**House Committee of the Legislative Council**

**Minutes of the 18th meeting  
held in the Legislative Council Chamber  
at 2:30 pm on Friday, 17 March 2006**

**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  
Dr Hon LUI Ming-wah, SBS, JP  
Hon Margaret NG  
Hon Mrs Selina CHOW LIANG Shuk-yee, 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 Kong-wah, 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  
Hon LI Fung-ying, BBS, JP  
Hon Tommy CHEUNG Yu-yan, JP



Mr LEE Yu-sung	Senior Assistant Legal Adviser 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mrs Vivian KAM	Principal Council Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Miss Odelia LEUNG	Chief Council Secretary (2)6
Mrs Betty LEUNG	Chief Council Secretary (3)1
Miss Monna LAI	Assistant Legal Adviser 7
Miss Lolita SHEK	Senior Council Secretary (2)7

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Action

**I. Confirmation of the minutes of the 17th meeting held on 10 March 2006**  
(*LC Paper No. CB(2) 1383/05-06*)

The minutes were confirmed.

**II. Matters arising**

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

Number of Bills Committee slots

2. The Chairman said that she had informed CS that there were currently four vacant Bills Committee slots. CS had indicated that more bills would be presented to the Council.

**III. Legal Service Division report on subsidiary legislation gazetted on 10 March 2006**

(*LC Paper No. LS 47/05-06*)

3. The Chairman said that four items of subsidiary legislation were gazetted on 10 March 2006 and would be tabled in Council on 22 March 2006.

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

5. The Chairman reminded Members that the deadline for amending these four items of subsidiary legislation was 29 March 2006, or 10 May 2006 if extended by resolution.

**IV. Business for the Council meeting on 29 March 2006**

(a) **Questions**

*(LC Paper No. CB(3) 427/05-06)*

6. The Chairman said that 20 written questions had been scheduled for the meeting.

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

**Copyright (Amendment) Bill 2006**

7. The Chairman said that the Administration had given notice to present the above Bill to the Council on 29 March 2006. The House Committee would consider the Bill at its meeting on 31 March 2006.

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

**Appropriation Bill 2006**

*(Response by the Administration)*

8. The Chairman said that the Administration would respond to Members' comments on the Appropriation Bill 2006.

(d) **Government motion**

**Proposed resolution to be moved by the Secretary for Commerce, Industry and Technology under the Hong Kong Export Credit Insurance Corporation Ordinance**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 419/05-06 dated 8 March 2006.)*

*(LC Paper No. LS 46/05-06)*

9. The Legal Adviser explained that the purpose of the proposed resolution was to increase the maximum contingency liability at any time of the Hong Kong Export Credit Insurance Corporation under contracts of insurance from \$12.5 billion to \$15 billion.

10. The Legal Adviser added that the Administration had provided an information note on the subject to the Finance Committee on 13 February 2006.

11. Members did not raise objection to the Secretary for Commerce, Industry and Technology moving the proposed resolution at the Council

Action

meeting on 29 March 2006.

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

**(a) Report of the Bills Committee on Waste Disposal (Amendment) Bill 2005**

*(LC Paper No. CB(2) 1394/05-06)*

12. Ms Audrey EU, Chairman of the Bills Committee, said that the purpose of the Bill was to control the management of clinical waste and the disposal of imported waste, and to give effect to the international ban prohibiting the export of hazardous waste from some developed countries in Hong Kong.

13. Ms EU further said that the Kwai Tsing District Council (KTDC) was strongly opposed to the proposal to treat clinical waste at the Chemical Waste Treatment Centre at Tsing Yi. The Bills Committee had requested the Administration to consider providing community facilities for the betterment of the environment of the Kwai Tsing district, as a means to gain KTDC's acceptance of the proposal. The Administration had agreed to implement suitable projects to help improve the local environment.

14. Ms EU added that the Bills Committee supported the Administration's Committee Stage amendments (CSAs) and the resumption of the Second Reading debate on the Bill at the Council meeting on 29 March 2006.

15. Ms Emily LAU said that members had requested the Secretary for the Environment, Transport and Works (SETW) to give a specific response to their request for the provision of community facilities for the betterment of the environment of the Kwai Tsing district in her speech to be delivered during the resumption of the Second Reading debate on the Bill. Ms LAU suggested that the Chairman should ask CS at their next meeting to remind SETW of members' request. The Chairman agreed.

16. The Chairman said that the deadline for giving notice of CSAs was Monday, 20 March 2006.

**(b) Report of the Subcommittee on Waste Disposal Ordinance (Amendment of Fourth Schedule) Notice 2006 and Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) Regulation 2006**

17. Mr Fred LI, Chairman of the Subcommittee, said that the purpose of the Waste Disposal Ordinance (Amendment of Fourth Schedule) Notice 2006 and the Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) Regulation 2006 was to ban backyard poultry keeping in Hong Kong, and they had come into operation on 13 February 2006.

Action

18. Mr LI further said that the Subcommittee had held four meetings, including one meeting to listen to public views. The Subcommittee was generally in support of banning backyard poultry keeping. Members had, however, expressed reservations about the legislative amendments taking effect only five days after their gazettal.

19. Mr LI added that to enable persons who wished to continue to keep a small number of poultry (including racing pigeons) as pets, the Administration had agreed to amend the Notice and the Amendment Regulation to empower the Director of Agriculture, Fisheries and Conservation to grant exemption permit in respect of the keeping of specified birds.

20. Mr LI said that the Administration had also agreed to consider, on a case-by-case basis, whether to issue an animals/birds exhibition licence to owners who wished to continue to keep racing pigeons. To address the concern about the high fee charged for the licence, the Administration would amend the Public Health (Animals and Birds) (Exhibitions) Regulations to stipulate a separate licence fee for persons who kept a small number (i.e. 20 or less) of racing pigeons.

21. Mr LI added that the Subcommittee did not raise objection to the amendments to be moved by the Administration at the Council meeting on 29 March 2006. A written report on the Subcommittee's deliberations would be provided to the House Committee in the following week.

22. The Chairman said that the deadline for giving notice of amendments was Wednesday, 22 March 2006.

**VI. Position on Bills Committees and subcommittees**

*(LC Paper No. CB(2) 1393/05-06)*

23. The Chairman said that there were 10 Bills Committees and nine subcommittees under the House Committee in action.

**VII. Proposed subcommittee to study the future development of the electricity market in Hong Kong**

*(Letter dated 7 March 2006 from Hon SIN Chung-kai to the House Committee (LC Paper No. CB(2) 1336/05-06(01) issued vide LC Paper No. CB(2) 1336/05-06 dated 8 March 2006); and*

*LC Paper No. CB(2) 843/05-06 dated 12 January 2006 issued by the Secretary General regarding servicing of subcommittees and re-circulated to Members vide LC Paper No. CB(2) 1336/05-06 dated 8 March 2006)*

Action

24. Mr SIN Chung-kai said that the future regulatory regime of the electricity market would affect the general public, and there was also wide public concern about the environmental aspects of the regime. Mr SIN further said that Miss CHOY So-yuk, Chairman of the Panel on Environmental Affairs (EA Panel), supported the setting up of a joint subcommittee under the Panel on Economic Services (ES Panel) and EA Panel to study the future development of the electricity market. Mr SIN added that he had put forth such a proposal for the consideration of the ES Panel at its meeting on 27 February 2006, but it was voted down.

25. Mr SIN pointed out that the matter straddled the policy areas of several Panels, and Members who were not members of the ES Panel or the EA Panel might also be interested to take part in the relevant discussions. He had therefore proposed that a subcommittee should be set up under the House Committee to study the eight issues set out in his letter dated 7 March 2006. Mr SIN requested Members to support his proposal.

26. The Chairman referred Members to the paper dated 12 January 2006 issued by the Secretary General regarding servicing of subcommittees by the Legislative Council (LegCo) Secretariat. The Chairman explained that when the House Committee discussed the proposal to set up a subcommittee to study the transport needs of and provision of transport concessions to disabled persons at its meeting on 18 November 2005, the LegCo Secretariat had indicated that manpower would be a problem if Members continued to form subcommittees under the House Committee. She had requested the Secretariat to conduct a review of its manpower resources. The outcome of the review was that –

- (a) the number of subcommittees formed under Bills Committees and subcommittees formed by the House Committee to consider subsidiary legislation, other instruments and senior judicial appointments which could be serviced at any one time was two; and
- (b) the number of other subcommittees which could be serviced at any one time was eight. These subcommittees were those formed by the House Committee or Panels to study policy issues or other Council business.

27. The Chairman said that there were, at present, 15 subcommittees, including four subcommittees formed under the House Committee to study subsidiary legislation and senior judicial appointments, and 11 subcommittees under the House Committee or Panels to study policy issues.



Action

28. In response to Mr LAU Kong-wah's enquiry, the Chairman said that Mr SIN Chung-kai's proposal of setting up a joint subcommittee under the ES Panel and EA Panel to study the future development of the electricity market in Hong Kong was voted down at the meeting of the ES Panel on 27 February 2006. However, the ES Panel had agreed that it would continue to follow up the matter. The Chairman further said that the EA Panel would listen to the views of deputations on the matter at its coming meeting.

29. Mr James TIEN, Chairman of the ES Panel, said that although the ES Panel had decided not to set up a joint subcommittee, it had agreed to continue to follow up the matter and special meetings would be held, if necessary.

30. Mr TIEN further said that while the ES Panel would follow up the economic issues involved, the EA Panel could follow up the environmental issues, and the two Panels could invite each other to their respective meetings. Mr TIEN added that it was up to Members to decide whether a subcommittee should be formed under the House Committee to follow up the matter.

31. Mr LEE Wing-tat said that he was not a member of the ES Panel but he had attended the discussions of the Panel on the future development of the electricity market. Mr LEE pointed out that the issues involved, including the permitted rate of return of the electricity companies, was of wide public concern because they affected the entire population of Hong Kong. Given that the current Scheme of Control Agreements with the two electricity companies would expire in 2008, there was not much time for discussion on the new regulatory regime. Mr LEE further said that Panels were not the most appropriate forum to follow up the matter because they had many other issues to discuss. A subcommittee should be formed to provide a dedicated forum to discuss the matter, and the public would be disappointed if Members decided not to do so.

32. Mr LEE added that to address the manpower problem of the Secretariat, Members should review whether some subcommittees could complete their work soon and be dissolved.

33. Ms Audrey EU supported the setting up of a subcommittee under the House Committee. Ms EU said that the future development of the electricity market in Hong Kong involved not only the permitted rate of return of the electricity companies, but also the more important issues of renewable energy and sustainable development. It was undesirable for the ES Panel and EA Panel to separately discuss those issues falling within their respective ambits. Ms EU further said that the economic and environmental issues

Action

involved should be considered together in the context of the long-term development of the electricity market. LegCo should take the lead in the discussion of the matter, and it would be difficult to explain to the public if Members failed to do so.

34. Ms Emily LAU said that a subcommittee should be set up to provide a focal point to discuss the matter, in particular, the issues set out in Mr SIN's letter. Ms LAU further said that if the issues were discussed by individual Panels, there would be duplication of efforts. Furthermore, an individual Panel might have difficulties in inviting those bureaux which were not the Panel's corresponding bureaux to send representatives to attend its meetings. Ms LAU added that the environmental groups which had sent submissions to the House Committee supported Mr SIN's proposal.

35. Mr LAU Kong-wah said that he had supported the formation of subcommittees under the House Committee to study policy issues in the past. In considering whether such a subcommittee should be formed, he would take into account the nature of the matter, and whether the matter straddled the policy areas of a number of Panels. Mr LAU further said that as the future development of the electricity market in Hong Kong clearly fell within the purview of the ES Panel, he did not support setting up a subcommittee under the House Committee. Mr LAU added that setting up a subcommittee under the ES Panel or the EA Panel to follow up the matter would be more appropriate. Such a subcommittee could serve as the focal point for discussion and non-Panel Members could attend its meetings if they wished.

36. Mr SIN Chung-kai said that at the meeting of the ES Panel on 27 February 2006, Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) did not support his proposal to set up a joint subcommittee under the ES Panel and EA Panel. Mr SIN further said that he would agree to setting up any type of subcommittee to discuss the matter, be it a subcommittee under the House Committee, or the ES Panel, or the EA Panel, or a joint subcommittee under the two Panels.

37. Mr LAU Kong-wah said that the matter could be discussed by the ES Panel and EA Panel separately, or at their joint meetings. It was up to the Chairmen of the two Panels to discuss the detailed arrangements.

38. Mrs Selina CHOW said that there was no disagreement among Members that the matter should be followed up. The question to resolve was merely one of finding a suitable forum. Mrs CHOW pointed out that Mr James TIEN had already agreed that the ES Panel would follow up the matter and, if necessary, special meetings would be held. Mrs CHOW further said that the matter could be followed up by either the ES Panel which could invite the EA

Action

Panel to its meetings, or the two Panels holding joint meetings. It was not necessary to set up a new subcommittee for the purpose.

39. Mr Fred LI said that Mr SIN Chung-kai's proposals to set up a joint subcommittee under the ES Panel and EA Panel, and to hold joint Panel meetings to study the future development of the electricity market in Hong Kong were voted down at the meeting of the ES Panel on 27 February 2006. Mr Fred LI further said that the matter involved environmental issues, but the ES Panel had refused to discuss the matter jointly with the EA Panel.

40. Mr Andrew LEUNG said that Mr James TIEN had agreed that special meetings of the ES Panel would be held, if necessary, to follow up the matter.

41. Mr Albert CHAN said that he had moved a motion on "Opening up the electricity market" for debate at the Council meeting on 15 February 2006, and the motion was passed by Members. The future development of the electricity market in Hong Kong was of wide public concern, and involved issues which straddled the policy areas of several Panels. Mr CHAN further said that there were precedents of subcommittees being formed under the House Committee to study matters of wide public concern. As the ES Panel had decided not to form a subcommittee to follow up the matter, the House Committee should form a subcommittee for the purpose.

42. Ms Margaret NG said that forming a subcommittee would enable the matter to be followed up in a more focused manner. However, if a joint subcommittee was formed under the ES Panel and EA Panel, non-Panel Members would not be able to join the joint subcommittee. Ms NG further said that given that the matter was of wide public concern, all interested Members should be able to join the subcommittee. It was therefore more appropriate for the House Committee to set up the subcommittee.

43. Dr KWOK Ka-ki said that he was not a member of the ES Panel or the EA Panel, and he supported Mr SIN's proposal to set up a subcommittee under the House Committee to study the future development of the electricity market in Hong Kong. Dr KWOK pointed out that as both the ES Panel and EA Panel had a long list of outstanding items for discussion, it would not be fair to request any of the two Panels to follow up the matter intensively. Mr LEE Wing-tat concurred with Dr KWOK.

44. Dr KWOK further said that the existing subcommittees under the House Committee had been formed to study important matters which straddled the policy areas of several Panels. As the future development of the electricity market in Hong Kong was an important matter, and the public had high expectations of LegCo's involvement, the House Committee should set up a

Action

subcommittee to study the matter. Dr KWOK pointed out that if a subcommittee was formed under a Panel to follow up the matter, non-Panel Members would not be able to join.

45. Dr KWOK said that he expected Mr SIN's proposal to be voted down by the House Committee. As Mr James TIEN wanted to chair discussions on the matter, he had objected to a subcommittee discussing the matter. Dr KWOK added that Mr TIEN could be the Chairman of the subcommittee formed by the House Committee to study the matter.

46. Mr Jasper TSANG raised a point of order that Dr KWOK should not, as stipulated in Rule 41(5) of the Rules of Procedure, impute improper motives to another Member. Dr KWOK clarified that it was only his impression that Mr James TIEN wanted to chair discussions on the matter. The Chairman reminded Dr KWOK to refrain from making such remarks.

47. Miss CHOY So-yuk said that the two electricity companies had not been cooperative in accepting their responsibilities in environmental protection. Miss CHOY stressed that there should be more discussions on the matter, irrespective of whether they were held separately or jointly by the ES Panel and EA Panel.

48. Mr James TIEN said that it was the practice of the ES Panel not to hold special meetings, if discussion items could be dealt with at regular meetings. As far as the future development of the electricity market in Hong Kong was concerned, the Panel had agreed that special meetings would be held, if necessary, to discuss the matter. Mr TIEN further said that irrespective of whether a subcommittee would be set up, or whether the ES Panel would continue to follow up the matter, Members would need to make themselves available to attend the relevant meetings, and the Secretariat would need to provide the support services. The Liberal Party considered that a viable option was for the ES Panel to hold special meetings to discuss the matter and invite all interested Members to attend the meetings.

49. Mr LEE Cheuk-yan said that the down side of holding special meetings was that there was no certainty as to when the meetings would be held, as it was not the practice to set out a schedule of meeting dates for special meetings. He preferred the setting up of a subcommittee under the House Committee so as to provide a dedicated forum to discuss the matter. Mr LEE further said that he was ready to consider the option of the ES Panel following up the matter, if the Panel would be agreeable to, say, hold special meetings once a month.

50. Mr Abraham SHEK said that The Alliance supported that the matter be

Action

followed up by the ES Panel.

51. Mr CHAN Kam-lam said that it was not necessary for Members to form a subcommittee to follow up a certain matter in order to show that they were very concerned about the matter. Mr CHAN further said that non-Panel Members could attend the meetings held separately or jointly by the ES Panel and EA Panel to discuss the future development of the electricity market of Hong Kong. Mr CHAN added that regardless of whether the matter was followed up by the Panels concerned or by a subcommittee, Members would have a busy time attending the relevant meetings.

52. Dr YEUNG Sum said that in deciding whether to form a subcommittee to study a certain matter, the House Committee had always considered the extent of public concern about the matter. Dr YEUNG further said that the future development of the electricity market was of concern to all sectors of the community, particularly to the people residing on Hong Kong Island. Dr YEUNG pointed out that the matter did not just concern electricity charges, it also involved other important issues, including environmental protection, monopoly of the electricity market by the two electricity companies and the scheme of control. The most appropriate arrangement was to set up a subcommittee under the House Committee to follow up the matter.

53. Dr Philip WONG said that the economic and environmental aspects of the matter could be dealt with by the ES Panel and EA Panel respectively, and non-Panel Members could attend their meetings. He did not see the need for a subcommittee.

54. Mr LEUNG Kwok-hung said that the crux of the issue was whether Members would have the right to vote. If the proposed subcommittee was formed under the House Committee, any interested Members could join. Mr LEUNG further said that if Members considered a matter sufficiently important, a subcommittee should be formed to provide a platform for discussion.

55. Ms Emily LAU said that setting up a subcommittee was a better option. However, if a subcommittee was not formed, the matter should be followed up in a single forum so that Government officials, deputations and stakeholders would not have to attend the meetings of separate committees. Ms LAU further said that meetings should be convened expeditiously and it might be necessary to hold meetings more frequently than once a month, as the consultation period on the matter would expire soon.

56. Ms Margaret NG said that it was undesirable for the ES Panel and EA Panel to discuss the matter separately. Ms NG further said that it was equally

Action

undesirable for the ES Panel to follow up the matter, as it could not discuss issues which fell outside its purview. Moreover, in fixing the dates of meetings, a Panel would only take into account the availability of its own members, and non-Panel Members might not be available to attend the meetings.

57. Mr LAU Kong-wah said that there was no dispute among Members on the need to discuss the matter. The questions to resolve were to identify an appropriate forum and to ensure there would be adequate time for discussion. Mr LAU further said that the ES Panel had agreed to follow up the matter. He could not see the logic why some Members supported the ES Panel setting up a subcommittee, but objected to the ES Panel holding special meetings, to follow up the matter.

58. Dr YEUNG Sum considered it inappropriate for the ES Panel to follow up the matter as it straddled the policy areas of several Panels. Dr YEUNG reiterated that as the matter was of great public concern, the best arrangement was for the House Committee to set up a subcommittee, as it had done on past occasions.

59. Mr LEE Wing-tat said that if at the meeting of the ES Panel on 27 February 2006 and at this meeting, Members belonging to DAB had said the same thing, it would not be necessary for Mr SIN to propose the setting up of a subcommittee under the House Committee. Mr LEE further said that although Mr James TIEN had now agreed to hold special meetings to discuss the matter, it was still unclear how frequently the meetings would be held, and whether all the eight issues set out in Mr SIN's letter would be discussed. He was concerned that as the date and agenda of a Panel meeting were decided by the Panel Chairman, meetings to discuss the matter would only be held frequently at the beginning but after a while, less and less meetings would be held. Mr LEE considered that there should be a clearer undertaking in this respect.

60. Mr Abraham SHEK and Mr CHAN Kam-lam reiterated that the ES Panel had agreed to hold special meetings, if necessary, to discuss the matter. Mr CHAN added that what he had said at this meeting and at the meeting of the ES Panel was the same.

61. Mr James TIEN said that although the Chairman of a Panel could determine the date and time of a meeting, it had always been his practice to consult the ES Panel on the dates of meetings. Mr TIEN further said that he had no objection to drawing up a schedule of monthly special meetings to discuss the matter, if the Panel supported the arrangement. Any meeting on the schedule could always be cancelled if there was nothing to discuss. Mr

Action

TIEN added that he had never turned down any request from a member to place an item on the agenda of a meeting.

62. The Secretary General said that the number of subcommittees formed by the House Committee or Panels to study policy issues which could be serviced by the Secretariat at any one time was eight, but the number of such subcommittees had already reached 11. The Secretariat could cope with the workload for the time being because there were only 10 Bills Committees in action. As more bills would be introduced and more Bills Committees formed, the Secretariat would have problem in servicing additional subcommittees.

63. Mr SIN Chung-kai said that regardless of whether the matter would be followed up by a subcommittee or by the ES Panel holding special meetings, the Secretariat would need to provide the support services. Mr SIN added that the ES Panel should at least hold a two-hour special meeting once a month to discuss the issues set out in his letter one by one.

64. The Chairman put Mr SIN's proposal that a subcommittee be set up under the House Committee to study the future development of the electricity market in Hong Kong to vote. The outcome was that 18 members voted in favour of the proposal, 23 Members voted against the proposal, and three Members abstained from voting. The Chairman declared that Mr SIN's proposal was not supported by the House Committee.

**VIII. Any other business**

65. There being no other business, the meeting ended at 3:37 pm.