

立法會

Legislative Council

LC Paper No. CB(2) 2109/05-06

Ref : CB2/H/5/05

House Committee of the Legislative Council

Minutes of the 24th meeting held in the Legislative Council Chamber at 4:06 pm on Friday, 19 May 2006

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 Martin LEE Chu-ming, SC, 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
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Dr Hon YEUNG Sum
Hon LAU Chin-shek, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon TAM Yiu-chung, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Albert CHAN Wai-yip
Hon Frederick FUNG Kin-kee, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, JP
Hon LEE Wing-tat
Dr Hon Joseph LEE Kok-long

Mr LEE Yu-sung	Senior Assistant Legal Adviser 1
Mrs Vivian KAM	Principal Council Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Miss Odelia LEUNG	Chief Council Secretary (2)6
Ms Bernice WONG	Assistant Legal Adviser 1
Miss Kitty CHENG	Assistant Legal Adviser 5
Ms Amy YU	Senior Council Secretary (2)3
Miss Lolita SHEK	Senior Council Secretary (2)7

Action

I. Confirmation of the minutes of the 23rd meeting held on 12 May 2006
(*LC Paper No. CB(2) 2029/05-06*)

The minutes were confirmed.

II. Matters arising

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

Letter dated 8 May 2006 from Hon Emily LAU to the Chairman of the House Committee regarding “value for money audit” procedures

2. The Chairman said that she had briefed CS on the concern raised by Ms Emily LAU in her letter and views expressed by other Members at the House Committee meeting on 12 May 2006. CS had responded that the arrangements agreed to between the Administration and the Public Accounts Committee (PAC) in 1998 were procedural in nature. The agreed procedures did not preclude the Administration from taking certain actions on a matter under PAC’s inquiry. CS cited the Harbourfest as a precedent where inquiries were held in parallel by the Administration and PAC.

3. The Chairman further said that CS had pointed out that in view of the inaccurate press reports after the release of Report No. 46 of the Director of Audit, the Administration saw the need to make its position clear as early as possible and therefore instructed Radio Television Hong Kong to conduct an internal review.

4. The Chairman added that CS had assured Members that the Administration would continue to adhere to the agreed procedures. However, he could not rule out the possibility that there might be cases where the Administration had to make its position clear quickly. CS’s view was that in the face of rapid development of communications, late response would be detrimental to transparency and accountability.

Action

5. The Chairman said that she had pointed out to CS that the Administration should discuss with PAC the circumstances under which the Administration would conduct a parallel investigation or inquiry. CS had undertaken to take the matter up with the Financial Secretary and the Secretary for Financial Services and the Treasury.
6. Mr Martin LEE said that in future, should the Administration conduct a parallel investigation, PAC should not commence its public hearings until the report of the Administration's investigation had been released. PAC could then consider the Administration's investigation report in its inquiry.
7. Mr Martin LEE further said that the Administration should explain why parallel inquiries were conducted on certain matters only.
8. Ms Emily LAU said that it was unwise for the Administration to conduct parallel investigations, and to give the impression that it was competing with PAC to finish the task first. Ms LAU pointed out that while PAC conducted its hearings in public, the Administration normally conducted its inquiries behind closed door. Ms LAU added that the agreed procedures between the Administration and PAC should be adhered to, and parallel inquiries by the Administration were undesirable.
9. Dr YEUNG Sum said that CS had tried to justify the decision of the Chief Executive to set up the independent committee of inquiry on the Sai Wan Ho Development. Dr YEUNG expressed concern that the case of the Sai Wan Ho Development would be a precedent, and the Administration would conduct a parallel inquiry whenever it wanted to counter the work of PAC or avert a political storm. He reiterated that while the Administration had the authority to conduct its own inquiries, it should respect the convention.
10. Mr James TO said that according to some press reports, the Administration had attributed the different conclusions of the two reports to the fact that certain documents considered by the independent committee had not been considered by PAC. Mr TO considered it a serious problem if the Administration had made available certain documents to the independent committee but not PAC. Mr TO suggested that PAC should follow up the matter with the Administration.
11. Ms Emily LAU said that as those Members who had expressed views at the meeting were not PAC members, their views should be conveyed to PAC for consideration.

Action

12. Mr Albert CHAN enquired how Members would know the outcome of PAC's discussion with the Administration. The Chairman suggested that PAC be requested to inform the House Committee of the outcome of the discussion. Members agreed.

III. Business arising from previous Council meetings

(a) Legal Service Division report on bills referred to the House Committee in accordance with Rule 54(4)

Safety of United Nations and Associated Personnel Bill

(LC Paper No. LS 61/05-06)

13. The Chairman said that the Panel on Security was consulted on the legislative proposals at its meeting on 6 December 2005. Members had raised various queries about the proposals.

14. Ms Margaret NG said that a Bills Committee should be formed to study the Bill.

15. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Ms Margaret NG and Mr James TO.

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

(b) Legal Service Division report on subsidiary legislation gazetted on 12 and 13 May 2006 and tabled in Council on 17 May 2006

(Letter dated 16 May 2006 from Hon SIN Chung-kai to the Chairman of the House Committee (LC Paper No. CB(2) 2044/05-06(01))

(LC Paper No. LS 69/05-06)

17. The Chairman said that there were six items of subsidiary legislation, including one Commencement Notice, gazetted on 12 and 13 May 2006 and tabled in Council on 17 May 2006.

18. Regarding the Broadcasting (Revision of Licence Fees) Regulation 2006, the Chairman said that Mr SIN Chung-kai had suggested that a subcommittee be formed to study the Regulation in detail. The Chairman added that two licensees had made submissions on the proposed fee increases to the Legislative Council.

Action

19. In response to Mr Ronny TONG's enquiry, Mr SIN Chung-kai explained that members of the Panel on Information Technology and Broadcasting did not raise objection to the fee revision proposals at its meeting on 6 April 2006, as the proposals were in line with the existing policy to recover costs for providing the services. However, as the two licensees had raised objection to the proposed fee increases, a subcommittee should be formed to study the Regulation and receive views from organisations concerned.

20. The Chairman proposed that a subcommittee be formed to study the Broadcasting (Revision of Licence Fees) Regulation 2006 in detail. Members agreed. The following Members agreed to join: Mr Fred LI, Mr SIN Chung-kai, Mr Jasper TSANG, Mr Howard YOUNG, Ms Emily LAU and Mr Ronny TONG.

21. Members did not raise any queries on the other five items of subsidiary legislation.

22. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 14 June 2006, or 5 July 2006 if extended by resolution.

IV. Further business for the Council meeting on 24 May 2006

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

Construction Industry Council (No. 2) Bill

23. 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.

V. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 2030/05-06)

24. The Chairman said that there were 10 Bills Committees, including the Bills Committee on the Safety and United Nations and Associated Personnel Bill formed under agenda item III(a) above, and six subcommittees including the Subcommittee on Broadcasting (Revision of Licence Fees) Regulation 2006 formed under agenda item III(b) above, under the House Committee in action.

Action

VI. Any other business

25. There being no other business, the meeting ended at 4:21 pm.

Council Business Division 2
Legislative Council Secretariat
24 May 2006
060519e.doc