

立法會

# *Legislative Council*

LC Paper No. CB(2) 2172/05-06

Ref : CB2/H/5/05

## **House Committee of the Legislative Council**

### **Minutes of the 25th meeting held in the Legislative Council Chamber at 3:15 pm on Friday, 26 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  
Dr Hon David LI Kwok-po, GBS, 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 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 Andrew CHENG Kar-foo  
Hon Abraham SHEK Lai-him, 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 WONG Kwok-hing, MH

Hon LI Kwok-ying, MH  
Dr Hon Joseph LEE Kok-long  
Hon Daniel LAM Wai-keung, BBS, JP  
Hon Jeffrey LAM Kin-fung, SBS, JP  
Hon Andrew LEUNG Kwan-yuen, SBS, JP  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon WONG Ting-kwong, BBS  
Hon Ronny TONG Ka-wah, SC  
Hon Patrick LAU Sau-shing, SBS, JP  
Hon Albert Jinghan CHENG  
Hon KWONG Chi-kin  
Hon TAM Heung-man

**Members absent :**

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 LEUNG Yiu-chung  
Hon LAU Chin-shek, JP  
Hon LAU Wong-fat, GBM, GBS, JP  
Hon CHOY So-yuk, JP  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon LEE Wing-tat  
Hon MA Lik, GBS, JP  
Dr Hon KWOK Ka-ki  
Hon CHEUNG Hok-ming, SBS, JP  
Hon CHIM Pui-chung

**Clerk in attendance :**

Mrs Justina LAM Clerk to the House Committee

**Staff in attendance :**

Mr Ricky C C FUNG, JP Secretary General  
Mr Arthur CHEUNG Acting Legal Adviser  
Ms Pauline NG Assistant Secretary General 1

Mr Ray CHAN	Assistant Secretary General 3
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
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 Amy YU	Senior Council Secretary (2)3
Miss Lolita SHEK	Senior Council Secretary (2)7

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**I. Confirmation of the minutes of the 24th meeting held on 19 May 2006**  
(*LC Paper No. CB(2) 2109/05-06*)

The minutes were confirmed.

**II. Matters arising**

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

2. The Chairman said that there was nothing special to report.

**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)**

**Hazardous Chemicals Control Bill**

(*LC Paper No. LS 68/05-06*)

3. The Chairman said that the purpose of the Bill was to regulate the manufacture, import, export and use of non-pesticide hazardous chemicals. The Panel on Environmental Affairs had been consulted on the legislative proposals at its meeting on 27 February 2006. While members generally raised no objection to the proposed regulatory regime, they were concerned about its impact on importers/exporters.

4. Acting Legal Adviser said that according to the survey conducted by the Administration, there had not been any current trading and/or domestic use of

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chemicals covered by the Stockholm Convention on Persistent Organic Pollutants in Hong Kong.

5. In response to Mr SIN Chung-kai's enquiry, Acting Legal Adviser said that the Legal Service Division was still scrutinising the legal and drafting aspects of the Bill. Members might wish to form a Bills Committee to study the Bill which would introduce a new piece of legislation.

6. Mr SIN Chung-kai said that a Bills Committee should be formed to study the Bill.

7. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Mr SIN Chung-kai and Ms Audrey EU.

8. 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 19 May 2006 and tabled in Council on 24 May 2006**  
*(LC Paper No. LS 72/05-06)*

9. The Chairman said that there were 17 items of subsidiary legislation, including two Commencement Notices, gazetted on 19 May 2006 and tabled in Council on 24 May 2006.

10. The Chairman explained that the Security and Guarding Services (Fees) (Amendment) Regulation 2006 amended the Security and Guarding Services (Fees) Regulation (Cap. 460 sub. leg. A) by increasing the prescribed fees for issue and renewal of security personnel permits from \$110 to \$120, and decreasing various fees in respect of security company licences.

11. Ms LI Fung-ying said that a subcommittee should be formed to study the Amendment Regulation.

12. The Chairman proposed that a subcommittee be formed to study the Amendment Regulation in detail. Members agreed. The following Members agreed to join: Mr James TO (as advised by Mr SIN Chung-kai), Ms CHAN Yuen-han, Ms LI Fung-ying, Mr WONG Kwok-hing and Mr KWONG Chi-kin.

13. The Chairman said that the following two Orders had been made under the Protection of Endangered Species of Animals and Plants Ordinance –

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- (a) Protection of Endangered Species of Animals and Plants (Exemption for Appendix I Species) Order; and
- (b) Protection of Endangered Species of Animals and Plants (Exemption for Appendices II and III Species) Order.

14. Mr SIN Chung-kai said that a subcommittee should be formed to study the two Orders.

15. The Chairman proposed that a subcommittee be formed to study the two Orders. Members agreed. The following Members agreed to join: Mr SIN Chung-kai and Ms Audrey EU.

16. The Chairman said that the following four items of subsidiary legislation had been made under the Deposit Protection Scheme Ordinance (Cap. 581) –

- (a) Deposit Protection Scheme Ordinance (Amendment of Schedules 1 and 4) Notice 2006;
- (b) Deposit Protection Scheme (Representation on Scheme Membership and Protection of Financial Products under Scheme) Rules;
- (c) Deposit Protection Scheme (Payment of Contributions, Late Payment Fees and Rebates) Rules; and
- (d) Deposit Protection Scheme Ordinance (Commencement) Notice 2006.

17. The Chairman added that the Panel on Financial Affairs had been briefed on the proposed amendments.

18. Mr SIN Chung-kai said that a subcommittee should be formed to study the four items of subsidiary legislation.

19. The Chairman proposed that a subcommittee be formed to study the four items of subsidiary legislation. Members agreed. The following Members agreed to join: Mr David LI, Mr CHAN Kam-lam, Mr SIN Chung-kai, and Mr Ronny TONG.

20. The Chairman said that the following three items of subsidiary legislation made under the Electoral Affairs Commission Ordinance (Cap. 541) were related to the Election Committee –

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- (a) Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) (Amendment) Regulation 2006;
- (b) Electoral Affairs Commission (Nominations Advisory Committees (Election Committee)) (Amendment) Regulation 2006; and
- (c) Electoral Affairs Commission (Electoral Procedure) (Election Committee) (Amendment) Regulation 2006.

21. Dr YEUNG Sum said that a subcommittee should be formed to study the three items of subsidiary legislation.

22. The Chairman proposed that a subcommittee be formed to study the three items of subsidiary legislation. Members agreed. The following Members agreed to join: Mr James TIEN, Mr Howard YOUNG, Mr LEE Wing-tat (as advised by Dr YEUNG Sum) and Mr Ronny TONG.

23. Regarding the Factories and Industrial Undertakings (Loadshifting Machinery) Regulation (Commencement) Notice 2006, the Chairman said that the Commissioner for Labour had appointed 1 September 2006 as the day on which paragraphs (f) to (j) in Part II of the Schedule to the Factories and Industrial Undertakings (Loadshifting Machinery) Regulation would come into operation. The Chairman added that the Regulation set out the training and certification requirements for operators of specified loadshifting machines.

24. Ms LI Fung-ying said that a subcommittee should be formed to study the Commencement Notice.

25. The Chairman proposed that a subcommittee be formed to study the Commencement Notice in detail. Members agreed. The following Members agreed to join: Ms LI Fung-ying and Mr WONG Kwok-hing.

26. Members did not raise any queries on the other six items of subsidiary legislation.

**IV. Further reports by the Legal Service Division on outstanding bills/subsidiary legislation**

- (a) **Freight Containers (Safety) (Amendment) Bill 2006**  
(LC Paper No. LS 74/05-06)

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*[Previous papers:*

*LC Paper No. LS 55/05-06 issued vide LC Paper No. CB(2) 1857/05-06 dated 27 April 2006; and*

*paragraphs 6 to 8 of the minutes of the 22nd House Committee meeting on 28 April 2006 (LC Paper No. CB(2) 1939/05-06 issued vide LC Paper No. CB(2) 1964/05-06 dated 10 May 2006)]*

27. The Chairman said that at the House Committee meeting on 28 April 2006, Members had deferred a decision on the Bill pending a further report on the Administration's reply to certain technical issues raised by the Legal Service Division. The Administration had given its reply and agreed to move Committee Stage amendments to the Bill to improve the drafting of the Bill.

28. Members did not raise objection to the resumption of the Second Reading debate on the Bill.

**(b) Import and Export (Strategic Commodities) Regulations (Amendment of Schedule 1) Order 2006**

*(LC Paper No. LS 77/05-06)*

*[Previous papers:*

*Paragraphs 14 to 18 of LC Paper No. LS 64/05-06 issued vide LC Paper No. CB(2) 1983/05-06 dated 11 May 2006; and*

*paragraphs 5 to 8 of the minutes of the 23rd House Committee meeting on 12 May 2006 (LC Paper No. CB(2) 2029/05-06 issued vide LC Paper No. CB(2) 2044/05-06 dated 17 May 2006)]*

29. The Chairman said that at the House Committee meeting on 12 May 2006, Members noted that the Legal Service Division was seeking clarification from the Administration on a number of technical and drafting points of the Order. The Chairman further said that in its letter dated 25 May 2006 (tabled at the meeting), the Administration had agreed to make an Amendment Order to rectify some translation errors.

30. Acting Legal Adviser explained that the amendments mainly concerned the names of chemical compounds in the Chinese version of the Order.

31. Members did not raise any queries on the Order.

32. The Chairman reminded Members that the deadline for amending this item of subsidiary legislation was 7 June 2006, or 28 June 2006 if extended by resolution.

**V. Business for the Council meeting on 7 June 2006**

**(a) Questions**

*(LC Paper No. CB(3) 576/05-06)*

33. 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**

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

**(c) Government motion**

**Proposed resolution to be moved by the Secretary for Constitutional Affairs under the District Council Ordinance**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 567/05-06 dated 18 May 2006.)*

*(LC Paper No. LS 71/05-06)*

35. The Chairman said that the proposed resolution sought the Legislative Council's approval of the District Council Ordinance (Amendment of Schedule 3) Order 2006 made under section 8 of the District Council Ordinance to increase the number of elected members of the Islands District Council and the Sai Kung District Council, from eight to 10 and from 20 to 23 respectively.

36. The Chairman said that the Panel on Constitutional Affairs had been consulted on the proposal at its meeting on 20 February 2006. While members expressed support for the proposal, they had sought clarification on the justifications for providing additional seats on the two District Councils but not the remaining 16 District Councils.

37. Members did not raise objection to the Secretary for Constitutional Affairs moving the proposed resolution at the Council meeting on 7 June 2006.

**(d) Members' motions**

**(i) Motion on "Maintaining Hong Kong's role as the leader of economic development in the region"**

*(Wording of the motion issued vide LC Paper No. CB(3) 583/05-06 dated 25 May 2006.)*



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(ii) **Motion on “Regulating the transactions of new private residential properties”**

*(Wording of the motion issued vide LC Paper No. CB(3) 584/05-06 dated 25 May 2006.)*

38. The Chairman said that the above motions would be moved by Ir Dr Raymond HO and Mr Martin LEE respectively, and the wording of the motions had been issued to Members.

39. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Tuesday, 30 May 2006.

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

*(LC Paper No. CB(2) 2110/05-06)*

40. The Chairman said that there were 11 Bills Committees, including the Bills Committee on Hazardous Chemicals Control Bill formed under agenda item III(a) above, and 11 subcommittees, including the five subcommittees formed under agenda item III(b) above, under the House Committee in action.

**VII. Any other business**

41. There being no other business, the meeting ended at 3:30 pm.

Council Business Division 2  
Legislative Council Secretariat

1 June 2006

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