

立法會
Legislative Council

LC Paper No. CB(2) 14/06-07

Ref : CB2/H/5/05

House Committee of the Legislative Council

**Minutes of the 32nd meeting
held in the Legislative Council Chamber
at 2:40 pm on Friday, 6 October 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, SBS, S.B.St.J., JP
Hon LEE Cheuk-yan
Dr Hon David LI Kwok-po, GBS, JP
Dr Hon LUI Ming-wah, SBS, JP
Hon Margaret NG
Hon James TO Kun-sun
Hon Bernard CHAN, GBS, 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 Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon Andrew CHENG Kar-foo
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
Hon Albert CHAN Wai-yip
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP

Hon Vincent FANG Kang, JP
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
Hon LI Kwok-ying, MH, JP
Dr Hon Joseph LEE Kok-long, JP
Hon Daniel LAM Wai-keung, SBS, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon MA Lik, GBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki
Dr Hon Fernando CHEUNG Chiu-hung
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
Hon Patrick LAU Sau-shing, SBS, JP
Hon Albert Jinghan CHENG
Hon TAM Heung-man

Members absent :

Hon Martin LEE Chu-ming, SC, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHEUNG Man-kwong
Hon CHAN Yuen-han, JP
Hon LAU Chin-shek, JP
Hon LAU Kong-wah, JP
Hon LEUNG Kwok-hung
Hon Ronny TONG Ka-wah, SC
Hon CHIM Pui-chung
Hon KWONG Chi-kin

Clerk in attendance :

Mrs Vivian KAM Clerk to the House Committee

Staff in attendance :

Mr Ricky C C FUNG, JP	Secretary General
Mr Jimmy MA, JP	Legal Adviser
Ms Pauline NG	Assistant Secretary General 1
Mrs Justina LAM	Assistant Secretary General 3
Mr LEE Yu-sung	Senior Assistant Legal Adviser 1

Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mrs Constance LI	Principal Council Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Miss Odelia LEUNG	Chief Council Secretary (2)6
Ms Connie FUNG	Assistant Legal Adviser 3
Mr Stephen LAM	Assistant Legal Adviser 4
Miss Kitty CHENG	Assistant Legal Adviser 5
Mr KAU Kin-wah	Assistant Legal Adviser 6
Miss Monna LAI	Assistant Legal Adviser 7
Ms Amy YU	Senior Council Secretary (2)3

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I. Confirmation of the minutes of the 31st meeting held on 21 July 2006
(*LC Paper No. CB(2) 2888/05-06*)

The minutes were confirmed.

II. Matters arising

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

Legislative Programme

2. The Chairman said that she had reminded CS that the Prevention of Bribery (Amendment) Bill, which the Administration had failed to introduce within the 2005-2006 session, should be introduced as early as possible in the next session. She had also cautioned against “bunching of bills” in the next session.

3. Dr YEUNG Sum agreed with the need for the Administration to be reminded of the early introduction of the Prevention of Bribery (Amendment) Bill in the 2006-2007 session in view of the upcoming Chief Executive (CE) election.

III. Legal Service Division’s report on subsidiary legislation gazetted from 21 July 2006 to 29 September 2006
(*LC Paper No. LS 113/05-06*)

4. The Chairman said that a total of 11 items of subsidiary legislation, including three items which were not required to be tabled in the Legislative Council (LegCo), were gazetted during the period between 21 July 2006 and 29 September 2006.

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5. Regarding the Amendment Regulation made under the United Nations Sanctions Ordinance, the Chairman said that although it was not subject to the scrutiny of LegCo, it 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.
6. The Chairman proposed that the Amendment Regulation be referred to the Subcommittee for further study. Members agreed.
7. Regarding the Western Harbour Crossing Ordinance (Replacement of Schedule 1) Notice 2006 and the Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Toll Increase) Notice 2006, the Chairman said that these two Notices were not required to be tabled in LegCo and were not subject to amendment by LegCo. The Chairman further said that despite the increase in the statutory tolls, there was no actual increase in the tolls paid by users as the franchisees concerned had continued to offer concessions to all types of vehicles.
8. Mr Albert HO said that a subcommittee should be formed to study the two Notices, notwithstanding their not being subject to amendment by LegCo.
9. The Chairman proposed that a subcommittee be formed to study the two Notices in detail. Members agreed. The following Members agreed to join: Mr Albert HO, Ms Miriam LAU and Mr Ronny TONG (as advised by Ms Audrey EU).
10. Members did not raise any queries on the other eight items of subsidiary legislation.

IV. Business for the Council meeting on 11 October 2006

The Chief Executive's Policy Address

11. The Chairman said that CE would deliver his Policy Address at the Council meeting on 11 October 2006.
12. The Chairman said that she would request the Administration to provide by noon on Thursday, 12 October 2006, the proposed grouping of policy areas for the debate on the Motion of Thanks to be held at the Council meeting of 25, 26 and 27 October 2006. The Administration's proposed grouping would be discussed at the House Committee meeting on 13 October 2006.

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V. The Chief Executive's Question and Answer Session on 12 October 2006

13. The Chairman said that the CE's Question and Answer Session would be from 3:00 pm to 4:30 pm, and CE would answer questions on his Policy Address.

VI. Business for the Council meeting on 18 October 2006

(a) Questions

(LC Paper No. CB(3) 15/06-07)

14. 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

15. 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 (SHWF) under the Pharmacy and Poisons Ordinance relating to:

(i) the Pharmacy and Poisons (Amendment) (No. 4) Regulation 2006; and

(ii) the Poisons List (Amendment) (No. 4) Regulation 2006

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 9/06-07 dated 29 September 2006.)

(LC Paper No. LS 1/06-07)

16. The Chairman said that the two Amendment Regulations sought LegCo's approval to amend the Poisons List in the Poisons List Regulations and the Schedules to the Pharmacy and Poisons Regulations for the purpose of imposing control on seven new medicines.

17. Members did not raise objection to SHWF moving the proposed resolution at the Council meeting on 18 October 2006.

(d) Members' Bill - First Reading and moving of Second Reading

City University of Hong Kong (Amendment) Bill 2006

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18. The Chairman said that Ir Dr Raymond HO had given notice to present the above Bill to the Council.

(e) **Member's Bill - resumption of debate on Second Reading, Committee Stage and Third Reading**

Hong Kong Society for the Protection of Children Incorporation (Amendment) Bill 2006

19. The Chairman said that Mr Bernard CHAN had given notice to resume the Second Reading debate on the Bill.

(f) **Members' motions**

- (i) **Proposed resolution to be moved by Hon Tommy CHEUNG Yu-yan under section 34(4) of the Interpretation and General Clauses Ordinance relating to the Public Health (Animals and Birds) (Exhibitions) (Amendment) Regulation 2006**
(Wording of the proposed resolution issued vide LC Paper No. CB(3) 20/06-07 dated 4 October 2006.)

20. The Chairman said that Mr Tommy CHEUNG, on behalf of the Subcommittee on Public Health (Animals and Birds) (Exhibitions) (Amendment) Regulation 2006, had given notice to move a motion to extend the scrutiny period of the Amendment Regulation to 8 November 2006.

- (ii) **Proposed resolution to be moved by Hon Tommy CHEUNG Yu-yan under section 34(4) of the Interpretation and General Clauses Ordinance relating to the Food Business (Amendment) Regulation 2006**
(Wording of the proposed resolution issued vide LC Paper No. CB(3) 11/06-07 dated 29 September 2006.)

21. The Chairman said that Mr Tommy CHEUNG, Chairman of the Subcommittee on Food Business (Amendment) Regulation 2006, had given notice to move a motion to extend the scrutiny period of the Amendment Regulation to 8 November 2006.

- (iii) **Proposed resolution to be moved by Hon Jasper TSANG Yok-sing under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China**
(Wording of the proposed resolution issued vide LC Paper No. CB(3) 10/06-07 dated 29 September 2006.)

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22. The Chairman said that Mr Jasper TSANG, Chairman of the Committee on Rules of Procedure, had given notice to move a motion to amend the Rules of Procedure regarding the authority to be given to the deputy chairman of a committee to, in the absence of the chairman, consider a request for holding a special meeting and determine the date, time and place of the meeting.

(iv) **Motion on “Opposing the introduction of a Goods and Services Tax”**

(Wording of the motion issued vide LC Paper No. CB(3) 16/06-07 dated 3 October 2006.)

(v) **Motion on “Introducing legislation to regulate clandestine photo-taking”**

(Wording of the motion issued vide LC Paper No. CB(3) 17/06-07 dated 3 October 2006.)

23. The Chairman said that the above motions would be moved by Dr YEUNG Sum and Mr Andrew LEUNG respectively, and the wording of the motions 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, 11 October 2006.

VII. Report of Bills Committees and subcommittees

Report of the Bills Committee on Smoking (Public Health) (Amendment) Bill 2005

(LC Paper No. CB(2) 3126/05-06)

(Letter dated 3 October 2006 from SHWF to the Chairman of the House Committee (LC Paper No. CB(2) 3155/05-06(01))

25. Mr Andrew CHENG, Chairman of the Bills Committee, said that the Bill sought to expand the scope of statutory no smoking areas by imposing smoking ban in indoor workplaces and certain public places. The smoking ban in indoor workplaces and certain public places, such as restaurants, karaoke establishments, escalators, stadia and public swimming pools would be implemented on 1 January 2007. Mr CHENG added that the Administration would move Committee Stage amendments (CSAs) to defer the implementation date of the smoking ban for six categories of qualified establishments to 1 July 2009, having regard to the unique mode of operation of these establishments.

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26. Mr CHENG pointed out that the Administration had previously proposed a CSA concerning the “grandfathering and notation” approach to allow certain descriptors to continue to appear on cigarette packets, and some members had expressed strong objection to the CSA. These members considered that the Administration’s proposed approach did not comply with the requirements of the Framework Convention on Tobacco Control and would set a very bad precedent. Mr CHENG said that pursuant to a series of meetings in September 2006, the Administration agreed to impose a general ban on the use of misleading words on tobacco packaging, instead of adopting the “grandfathering and notation” approach.

27. Mr CHENG further said that most amendments proposed by the Bills Committee were accepted and would be taken over by the Administration. On behalf of the Bills Committee, he would propose CSAs to retain the requirement for managers of premises to display “no smoking” signs, and to designate public pleasure grounds as no smoking areas. Mr CHENG added that Mr Tommy CHEUNG, Mr Albert CHAN, Dr KWOK Ka-ki and himself in his individual capacity would also propose CSAs.

28. Mr CHENG also said that the Bills Committee supported the resumption of the Second Reading debate on the Bill on 18 October 2006. He requested the House Committee to support SHWF seeking the President’s leave to waive the requisite notice period for resuming the Second Reading debate on the Bill on 18 October 2006.

29. The Chairman referred Members to the letter dated 3 October 2006 from SHWF in this regard.

30. Dr KWOK Ka-ki indicated support for SHWF’s request. He said that any delay in passing the Bill might affect its commencement date.

31. Members supported SHWF’s request.

32. The Chairman reminded Members that the deadline for giving notice of CSAs was Monday, 9 October 2006.

33. The Chairman also said that Members should inform the Secretariat by Monday, 9 October 2006, if they considered it necessary to arrange for separate voting for any clauses or amendments during the Committee Stage to facilitate preparation of the script for the Council meeting by the Secretariat.

34. In response to Ms Emily LAU, the Chairman said that if the business on the agenda of the Council meeting on 18 October 2006 could not be finished on that day, the meeting would be resumed on 19 October 2006 at 2:30 pm.

VIII. Position on Bills Committees and subcommittees

(LC Paper No. CB(3) 3137/05-06)

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

36. The Chairman invited Members to note that the Bills Committee on Safety of United Nations and Associated Personnel Bill and the Bills Committee on Hazardous Chemicals Control Bill would have to work beyond three months since their commencement.

37. Mr LEE Wing-tat enquired about the reason for the two Bills Committees to have to work beyond three months.

38. Ms Margaret NG, Chairman of the Bills Committee on Safety of United Nations and Associated Personnel Bill, said that the Bills Committee had almost completed its scrutiny work and was awaiting some information from the Administration. In response to Dr KWOK Ka-ki, Ms NG further said that given the summer recess and that there was no urgency with the Bill, the Bills Committee considered it appropriate to allow more time for the Administration to prepare the information.

39. Miss CHOY So-yuk, Chairman of the Bills Committee on Hazardous Chemicals Control Bill, said that the Bills Committee had convened only one meeting since its formation because of the summer recess.

IX. Report of the Panel on Food Safety and Environmental Hygiene on its duty visit to study the operation of poultry slaughtering in Singapore and Kuala Lumpur

(LC Paper No. CB(2) 3134/05-06)

40. Mr Fred LI, Chairman of the Panel on Food Safety and Environmental Hygiene and leader of the delegation, referred members to the report of the Panel on its duty visit to Singapore and Kuala Lumpur in July 2006, and said that the information obtained from the visit had provided useful reference for Members in considering proposals on the setting up of a central poultry slaughtering system in Hong Kong.

X. Report of the Panel on Health Services on its duty visit to study Singapore's financing models for healthcare services

(LC Paper No. CB(2) 3133/05-06)

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41. Dr KWOK Ka-ki, Chairman of the Panel on Health Services and leader of the delegation, said that the visit was very useful. In particular, the information obtained on Singapore's financing models for healthcare services, which had undergone a major overhaul lately, would facilitate Members' consideration of Government's future proposals on healthcare financing options for Hong Kong.

42. Dr KWOK added that the delegation had also visited two public hospitals and one private hospital in Singapore to observe the facilities and services provided.

XI. Arrangements for House Committee meetings

(LC Paper No. CB(2) 3129/05-06)

43. The Chairman invited Members to consider the proposals for House Committee meetings to, with effect from the 2006-2007 session, start at 2:30 pm, and in the event that the meeting could not end at 3:00 pm, for the meeting to be suspended at 3:00 pm and resumed after the Finance Committee meeting to deal with all the unfinished business. The Chairman said that rule 20(e) of the House Rules would need to be amended and the new meeting arrangements, if endorsed, would be reviewed at the end of the 2006-2007 session.

44. In response to Dr KWOK Ka-ki's enquiry, the Chairman referred Members to Appendix I to the paper and said that in the 2005-2006 session, 22.6% of the House Committee meetings lasted more than 30 minutes while 77.4% of the meetings were concluded within 30 minutes.

45. Members endorsed the proposals concerning the new meeting arrangements and the proposed amendments to rule 20(e) of the House Rules.

XII. Quota of active Bills Committees

(LC Paper No. CB(2) 3082/05-06)

46. The Chairman invited Members to consider the proposal to increase the maximum number of active Bills Committees from 15 to 16.

47. Whilst welcoming the increase in the quota of active Bills Committees, Dr KWOK Ka-ki sought information on the quota for subcommittees. Dr KWOK said that some Panels had wanted to set up subcommittees to study issues of public concern but had not done so because of the number of subcommittees already formed.

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48. Ms Margaret NG shared Dr KWOK Ka-ki's view and said that the number of Bills Committees had decreased in the past few years as a result of the fewer number of bills introduced by the Administration. Conversely, the need for forming subcommittees to examine issues straddling various policy areas was increasing. Ms NG was of the view that the Secretariat should exercise flexibility in deploying its manpower resources for servicing the two types of committees to facilitate the work of Members on the one hand and avoid Secretariat staff being overloaded with work on the other.

49. Secretary General (SG) said that a circular had been issued to Members in January 2006 concerning the number of subcommittees which could be serviced by the Secretariat at any one time. SG added that the Secretariat reviewed regularly its workload and manpower resources with a view to facilitating the work of Members.

50. In response to Dr KWOK Ka-ki's request for a review on the servicing of subcommittees and the related time frame, SG said that the review would be conducted as soon as practicable. SG added that one of the difficulties faced by the Secretariat was that some subcommittees had continued for a long period without a definite time frame for completion of work. This made it difficult for the Secretariat to assess its capacity for taking on new subcommittees.

51. Mr LEE Wing-tat was concerned with the length of time under which some subcommittees had continued. He was of the view that subcommittees should confine their work to a specific task within a specified time frame of say six months or one year. If not, their operation would be tantamount to that of Panels. Mr LEE considered that there should be a mechanism for subcommittees to set a target date for completion of their work, and for the House Committee's agreement to be sought for their continued operation beyond the target date. Mr LEE suggested that the review of the servicing of subcommittees should include also the functions and terms of reference of subcommittees.

52. Dr YEUNG Sum shared the concern of Mr LEE Wing tat. He pointed out that the Secretariat staff were not in a position to comment on the length of time under which certain subcommittees had been in operation.

53. SG agreed with Mr LEE Wing-tat's views. SG added that some subcommittees had broad terms of reference encompassing an extensive scope, hence making it difficult for their work to be completed within a short time.

54. The Chairman said that many issues of public concern could in effect be followed up by Panels. In the event that the issues straddled several policy

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areas, joint meetings of Panels could be held. The Chairman agreed with the view that the functions of subcommittees should be looked into in the review.

55. Mr TAM Yiu-chung concurred with the Chairman's views, and added that it was important to differentiate between the functions of Panels and subcommittees. Mr TAM further said that subcommittees should only last for a specified period of time, as otherwise the number of subcommittees would proliferate.

56. Members approved the proposed increase in the quota of active Bills Committees and the proposed amendment to rule 21(a) of the House Rules as set out in the Appendix to the paper.

XIII. Election of members of The Legislative Council Commission
(*LC Paper No. AS 320/05-06*)

57. Members agreed that the election of members of The Legislative Council Commission would be held at the House Committee meeting on 20 October 2006.

58. The Chairman informed Members that the deadline for making nominations of members for the election was 16 October 2006.

59. Dr KWOK Ka-ki said that the President and the Chairman, being members of The Legislative Council Commission, had been appointed as members of the Special Selection Board (SSB) for the Tamar Development Project. He sought clarification as to whether Members could reflect their views on the Project via the President and the Chairman and whether The Legislative Council Commission would deal with matters relating to the Central Government Complex on the Tamar site, apart from the new LegCo Complex.

60. The Chairman explained that as stated in her reply in response to Dr KWOK Ka-ki's letter, Mrs Rita FAN and she were appointed as members of SSB in their individual capacity, and not as representatives of LegCo Members. As the functions of The Legislative Council Commission were for dealing with matters relating to LegCo and the Secretariat, it would deal only with matters relating to the development of the new LegCo Complex. Members who had views on the development of the new LegCo Complex were welcomed to forward such views to The Legislative Council Commission, and both Mrs Rita FAN and herself would be happy to convey Members' views to SSB.

61. The Chairman added that should Members have concerns about the overall development of the Tamar site, they could bring the matters up with the

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Subcommittee to Review the Planning for the Central Waterfront (including the Tamar Site) formed under the LegCo Panel on Planning, Lands and Works.

XIV. Election of the Chairman and Deputy Chairman of the House Committee for the 2006-2007 session

Election of Chairman

62. The Chairman called for nominations for the chairmanship of the House Committee. Ms Miriam LAU was nominated by Dr YEUNG Sum and the nomination was seconded by Mr Jeffrey LAM. Ms Miriam LAU accepted the nomination.

63. The Deputy Chairman, Mr Fred LI, took over from Ms Miriam LAU to preside over the election. As there was no other nomination, Mr Fred LI declared Ms Miriam LAU elected as the Chairman of the House Committee for the 2006-2007 session.

Election of Deputy Chairman

64. The Chairman called for nominations for the deputy chairmanship of the House Committee. Mr Fred LI was nominated by Mr James TIEN and the nomination was seconded by Miss TAM Heung-man. Mr Fred LI accepted the nomination.

65. As there was no other nomination, the Chairman declared Mr Fred LI elected as the Deputy Chairman of the House Committee for the 2006-2007 session.

XV. Any other business

Up-to-date position on the re-signification of membership of Panels

66. The Chairman said that a list showing the up-to-date position on the re-signification of membership of the 18 Panels was tabled at the meeting. The Chairman reminded Members that the deadline for reply was 5:00 pm on 6 October 2006.

67. There being no other business, the meeting ended at 3:15 pm.