

立法會  
*Legislative Council*

LC Paper No. CB(2) 294/06-07

Ref : CB2/H/5/06

**House Committee of the Legislative Council**

**Minutes of the 3rd meeting  
held in the Legislative Council Chamber  
at 2:30 pm on Friday, 3 November 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, SBS, S.B.St.J., JP  
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 James TO Kun-sun  
Hon CHEUNG Man-kwong  
Hon CHAN Yuen-han, 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 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 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  
Dr Hon Joseph LEE Kok-long, JP  
Hon Daniel LAM Wai-keung, SBS, 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 KWOK Ka-ki  
Hon CHEUNG Hok-ming, SBS, JP  
Hon WONG Ting-kwong, BBS  
Hon Patrick LAU Sau-shing, SBS, JP  
Hon Albert Jinghan CHENG  
Hon KWONG Chi-kin  
Hon TAM Heung-man

**Members absent :**

Hon LEE Cheuk-yan  
Dr Hon David LI Kwok-po, GBS, JP  
Hon Bernard CHAN, GBS, JP  
Dr Hon Philip WONG Yu-hong, GBS  
Hon CHOY So-yuk, JP  
Hon Andrew CHENG Kar-foo  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon LI Kwok-ying, MH, JP  
Hon MA Lik, GBS, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon Ronny TONG Ka-wah, SC  
Hon CHIM Pui-chung

**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

Ms Connie FUNG	Acting 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
Mr Andy LAU	Chief Council Secretary (1)2
Miss Odelia LEUNG	Chief Council Secretary (2)6
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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Action

**I. Confirmation of the minutes of the 2nd meeting held on 20 October 2006**  
*(LC Paper No. CB(2) 217/06-07)*

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**

(a) **Legal Service Division report on subsidiary legislation gazetted on 20 October 2006 and tabled in Council on 25 October 2006**  
*(LC Paper No. LS 5/06-07)*

3. The Chairman said that a total of 10 items of subsidiary legislation were gazetted on 20 October 2006 and tabled in Council on 25 October 2006.

4. Members did not raise any queries on the 10 items of subsidiary legislation.

5. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 22 November 2006.

(b) **Legal Service Division report on subsidiary legislation gazetted on 27 October 2006 and tabled in Council on 1 November 2006**  
*(LC Paper No. LS 6/06-07)*

Action

6. The Chairman said that a total of 15 items of subsidiary legislation were gazetted on 27 October 2006 and tabled in Council on 1 November 2006.

7. Regarding the Banking (Capital) Rules and the Banking (Disclosure) Rules, the Legal Adviser said that the Legal Service Division was continuing the scrutiny of the Rules and would provide a further report, if necessary.

8. As regards the six pieces of subsidiary legislation relating to the relocation of juveniles to the Tuen Mun Children and Juvenile Home, the Legal Adviser said that the relocation proposal had been discussed by the Panel on Welfare Services in May 2003. Mr Albert HO suggested that a decision on the subsidiary legislation be deferred to the next meeting of the House Committee. Members agreed.

9. Members did not raise any queries on the other nine items of subsidiary legislation.

10. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 29 November 2006.

**IV. Further report by the Legal Service Division on four pieces of subsidiary legislation made under the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) and gazetted on 6 October 2006**

*(LC Paper No. LS 7/06-07)*

*[Previous papers:*

*Paragraphs 8 to 23 of LC Paper No. LS 3/06-07 issued vide LC Paper No. CB(2) 48/06-07 dated 12 October 2006; and*

*Paragraph 5 of the minutes of the 1st House Committee meeting on 13 October 2006 (LC Paper No. CB(2) 93/06-07) issued vide LC Paper No. CB(2) 117/06-07 dated 18 October 2006]*

11. The Chairman said that at the House Committee meeting on 13 October 2006, Members were informed that the Legal Service Division was scrutinising the four Regulations and would provide a further report, if necessary.

12. The Legal Adviser said that in response to certain drafting points raised by the Legal Service Division, the Administration proposed to move a motion to amend the Regulations. The Legal Adviser added that as the first scrutiny period of 28 days would expire after 8 November 2006, the Legal Service Division recommended that the scrutiny period for the subsidiary legislation be extended to 29 November 2006.

Action

13. The Chairman proposed to move, in her capacity as Chairman of the House Committee, a motion to extend the scrutiny period for the subsidiary legislation at the Council meeting on 8 November 2006. Members agreed.

**V. Business for the Council meeting on 8 November 2006**

(a) **Questions**

*(LC Paper No. CB(3) 90/06-07)*

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 under section 34(2) 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) 95/06-07 dated 31 October 2006.)*

16. The Chairman said that at the request of the Subcommittee on Public Health (Animals and Birds) (Exhibitions) (Amendment) Regulation 2006, the Administration would move a motion to reduce the exhibition licence fees.

(d) **Members' motions**

(i) **Motion on "Implementing a licensing regime for property management companies and establishing a Building Affairs Tribunal"**

*(Wording of the motion issued vide LC Paper No. CB(3) 81/06-07 dated 25 October 2006.)*

(ii) **Motion on "Opening up the airwaves"**

*(Wording of the motion issued vide LC Paper No. CB(3) 84/06-07 dated 26 October 2006.)*

17. The Chairman said that the above motions would be moved by Miss CHOY So-yuk and Mr Albert CHAN respectively, and the wording of the motions had been issued to Members.

## **VI. Business for the Council meeting on 15 November 2006**

### **(a) Questions**

*(LC Paper No. CB(3) 91/06-07)*

18. 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**

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

### **(c) Government motion**

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

### **(d) Members' motions**

#### **(i) Motion to be moved by Hon WONG Ting-kwong**

*(Wording of the motion issued vide LC Paper No. CB(3) 100/06-07 dated 3 November 2006.)*

21. The Chairman said that the subject of the motion to be moved by Mr WONG Ting-kwong was "Cooperation between Hong Kong and the Pan-Pearl River Delta region".

#### **(ii) Motion on "Assisting people with disabilities in integrating into society"**

*(Wording of the motion issued vide LC Paper No. CB(3) 98/06-07 dated 1 November 2006.)*

22. The Chairman said that the above motion would be moved by Mr LEUNG Yiu-chung, and the wording of the motion had been issued to Members.

23. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 8 November 2006.

## **VII. Report of Bills Committees and subcommittees**

### **Report of the Subcommittee to Study Western Harbour Crossing Ordinance (Replacement of Schedule 1) Notice 2006 and Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Toll Increase) Notice 2006**

*(LC Paper No. CB(1) 211/06-07)*

Action

24. The Chairman, in her capacity as the Chairman of the Subcommittee, said that the Subcommittee had held a meeting with the Administration and the two tunnel companies concerned to discuss the Notices, which were not required to be tabled in the Legislative Council (LegCo) and were not subject to amendment by LegCo.

25. The Chairman further said that the Subcommittee noted that despite the increase in 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.

26. The Chairman added that the Subcommittee had also expressed concern about the uneven distribution of traffic among the three road harbour crossings, and had urged the Administration to expedite the formulation of measures to achieve traffic diversion among the various tunnels.

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

*(LC Paper No. CB(2) 218/06-07)*

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

28. Noting the availability of Bills Committee slots, Ms Audrey EU expressed concern about the pace on the part of the Administration in introducing the 27 bills on the legislative programme for 2006-2007. Ms EU said that some of these bills were controversial and involved complicated issues. To allow sufficient time for Members to scrutinise the bills, the Administration should introduce the bills on the legislative programme as soon as possible and avoid bunching of bills at the end of the session. Ms EU considered that the Administration should be requested to provide a specific time frame for the introduction of the bills on the legislative programme.

29. Ms Margaret NG said that she was given to know that the Administration was considering substantial amendments to the Land Titles Ordinance, which was not on the legislative programme for 2006-2007. Ms NG considered it important that Members would have sufficient time to scrutinise the proposed amendments.

30. Dr YEUNG Sum said that the Administration should advise the time for introducing the Prevention of Bribery (Amendment) Bill.

Action

31. The Chairman agreed to convey Members' concerns and requests to CS concerning the timetable for introducing the bills on the legislative programme and amendments to the Land Titles Ordinance.

**IX. Any other business**

32. There being no other business, the meeting ended at 2:44 pm.

Council Business Division 2  
Legislative Council Secretariat  
8 November 2006

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