

立法會
Legislative Council

LC Paper No. CB(2) 424/06-07

Ref : CB2/H/5/06

House Committee of the Legislative Council

**Minutes of the 5th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 17 November 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
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, GBS, JP
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, 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 Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon Andrew CHENG Kar-foo
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 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 Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
Hon Ronny TONG Ka-wah, SC
Hon CHIM Pui-chung
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Albert Jinghan CHENG
Hon KWONG Chi-kin
Hon TAM Heung-man

Members absent :

Hon Martin LEE Chu-ming, SC, JP
Dr Hon David LI Kwok-po, GBS, JP
Dr Hon LUI Ming-wah, SBS, JP
Hon LEUNG Yiu-chung
Hon SIN Chung-kai, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon LAU Wong-fat, GBM, GBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Albert CHAN Wai-yip
Hon MA Lik, GBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon LEUNG Kwok-hung
Dr Hon Fernando CHEUNG Chiu-hung

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
Mr Kelvin LEE	Assistant Legal Adviser 1
Mr KAU Kin-wah	Assistant Legal Adviser 6
Ms Amy YU	Senior Council Secretary (2)3

Action

I. Confirmation of the minutes of the 4th meeting held on 10 November 2006
(*LC Paper No. CB(2) 359/06-07*)

The minutes were confirmed.

II. Matters arising

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

(a) Introduction of bills

2. The Chairman said that she had reiterated to CS Members' request for a specific time frame for the introduction of bills in the 2006-2007 Legislative Programme. CS had undertaken to provide Members with the rough time frame as soon as possible.

(b) Replies of Government officials at Council meetings

3. The Chairman further said that CS had also undertaken to ask Government officials to be as concise as possible in their replies to oral questions at Council meetings.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 10 November 2006 and tabled in Council on 15 November 2006
(*LC Paper No. LS 9/06-07*)

4. The Chairman said that a total of four items of subsidiary legislation were gazetted on 10 November 2006 and tabled in Council on 15 November 2006.

5. Regarding the Deposit Protection Scheme (Asset Maintenance) Rules, the Chairman said that the Legal Service Division was continuing the scrutiny

Action

of these Rules and would seek clarification from the Administration on a number of drafting points. A further report would be made, if necessary.

6. Members did not raise any queries on the four items of subsidiary legislation.

IV. Final 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 10/06-07)

[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;

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;

LC Paper No. LS 7/06-07 issued vide LC Paper No. CB(2) 248/06-07 dated 2 November 2006; and

Paragraphs 11 to 13 of the minutes of the 3rd House Committee meeting on 3 November 2006 (LC Paper No. CB(2) 294/06-07) issued vide LC Paper No. CB(2) 312/06-07 dated 8 November 2006]

7. The Chairman said that at the House Committee meeting on 3 November 2006, Members were informed that in response to certain drafting points raised by the Legal Service Division, the Administration proposed to move two motions to amend the Regulations.

8. The Chairman added that the Administration had agreed to amend the Merchant Shipping (Local Vessels) (General) Regulation and the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation. The Secretary for Economic Development and Labour proposed to move the two motions to amend the Regulations accordingly at the Council meeting on 29 November 2006.

9. In response to Mr WONG Yung-kan's enquiry, the Legal Adviser explained that the proposed amendment to section 91 of the Merchant Shipping (Local Vessels) (General) Regulation sought to reflect fully the legislative intent that not only local vessels delivering bunker without permission of the Director of Marine committed an offence, but local vessels receiving bunker from another vessel that did not have the requisite permission also committed an offence.

10. Mr WONG Yung-kan said that it was not clear whether the permission of the Director of Marine would be required for a local vessel running out of

Action

fuel while within the waters of Hong Kong to receive bunker from another vessel. Mr WONG was concerned that this might constitute an offence under the Regulation and the vessel owners concerned would be prosecuted.

11. The Chairman said that Mr WONG's concern was an enforcement matter. She suggested that Mr WONG could speak on the motion to amend the Regulation at the Council meeting and raise his concern then.

V. Further business for the Council meeting on 22 November 2006

Questions

(LC Paper No. CB(3) 131/06-07)

12. The Chairman said that Mr SIN Chung-kai and Mr LAU Kong-wah had replaced their previous oral questions.

VI. Business for the Council meeting on 29 November 2006

(a) Questions

(LC Paper No. CB(3) 132/06-07)

13. 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

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

(c) Government motion

Proposed resolution to be moved by the Secretary for the Environment, Transport and Works under section 100A of the Interpretation and General Clauses Ordinance

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 105/06-07 dated 6 November 2006.)

15. The Chairman said that the Subcommittee to Study the Proposed Resolution on Increase of Fines in Waterworks Ordinance and Waterworks Regulations had presented its report to the House Committee on 13 October 2006, and supported the Administration giving fresh notice to move the proposed resolution at a future Council meeting.

Action

(d) **Members' motions**

(i) **Motion on "Electing the Legislative Council by universal suffrage"**

(Wording of the motion issued vide LC Paper No. CB(3) 136/06-07 dated 16 November 2006.)

16. The Chairman said that the above motion would be moved by Mr LEE Cheuk-yan and the wording of the motion had been issued to Members.

(ii) **Motion to be moved by Hon Tommy CHEUNG Yu-yan**

(Wording of the motion issued vide LC Paper No. CB(3) 136/06-07 dated 16 November 2006.)

17. The Chairman said that the subject of the motion to be moved by Mr Tommy CHEUNG was "Relief measures and compensation policies for the live poultry trades".

18. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 22 November 2006.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 360/06-07)

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

VIII. Any other business

20. There being no other business, the meeting ended at 2:40 pm.

Council Business Division 2
Legislative Council Secretariat
22 November 2006

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