

立法會
Legislative Council

LC Paper No. CB(2) 825/06-07

Ref : CB2/H/5/06

House Committee of the Legislative Council

**Minutes of the 10th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 5 January 2007**

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 David LI Kwok-po, GBS, JP
Dr Hon LUI Ming-wah, SBS, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-yee, 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 SIN Chung-kai, JP
Dr Hon Philip WONG Yu-hong, GBS
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 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 Albert CHAN Wai-yip
Hon Audrey EU Yuet-mee, SC, JP

Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mrs Constance LI	Principal Council Secretary (Complaints)
Mr Simon WONG	Chief Public Information Officer
Miss Becky YU	Chief Council Secretary (1)1
Miss Odelia LEUNG	Chief Council Secretary (2)6
Mr Kelvin LEE	Assistant Legal Adviser 1
Ms Connie FUNG	Assistant Legal Adviser 3
Mr Stephen LAM	Assistant Legal Adviser 4
Miss Kitty CHENG	Assistant Legal Adviser 5
Miss Monna LAI	Assistant Legal Adviser 7
Ms Amy YU	Senior Council Secretary (2)3

Action

I. Confirmation of the minutes of the 9th meeting held on 15 December 2006
(*LC Paper No. CB(2) 740/06-07*)

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 reports on bills referred to the House Committee in accordance with Rule 54(4)

(i) Employment (Amendment) Bill 2006
(*LC Paper No. LS 20/06-07*)

3. The Chairman said that the Bill sought to take the average of an employee's wages during the past 12 months for the purpose of calculating certain statutory entitlements under the Employment Ordinance.

4. The Chairman added that the Panel on Manpower had been consulted on the Administration's proposal in the Bill. Some members expressed support for the proposal whilst some other members were concerned about the impact of the proposal on employers of various sectors.

5. Dr Fernando CHEUNG considered that a Bills Committee should be formed to study the Bill.

Action

6. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Mr Martin LEE, Ms Margaret NG, Miss CHAN Yuen-han, Mr Andrew CHENG (as advised by Dr YEUNG Sum), Ms LI Fung-ying, Mr LEUNG Kwok-hung and Dr Fernando CHEUNG.

(ii) **District Councils (Amendment) Bill 2006**
(LC Paper No. LS 22/06-07)

7. The Chairman said that the Bill sought mainly to establish a financial assistance scheme for election expenses incurred by District Council election candidates.

8. The Chairman further said that the Panel on Constitutional Affairs had been consulted on the proposals. The majority of members considered that election donations should not be taken into account in calculating the maximum amounts of financial assistance payable. The Chairman added that the Administration had taken on board members' views which had been reflected in the proposals in the Bill.

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

(b) **Legal Service Division report on subsidiary legislation gazetted on 15 December 2006 and tabled in Council on 20 December 2006**
(LC Paper No. LS 23/06-07)

10. The Chairman said that a total of three items of subsidiary legislation were gazetted on 15 December 2006 and tabled in Council on 20 December 2006.

11. Members did not raise any queries on these items of subsidiary legislation.

12. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 17 January 2007.

IV. **Legal Service Division's report on subsidiary legislation gazetted on 22 December 2006**
(LC Paper No. LS 24/06-07)

13. The Chairman said that only one item of subsidiary legislation, i.e. the Declaration of Constituencies (District Councils) Order 2006, was gazetted on 22 December 2006. The Order would be tabled in Council on 10 January 2007.

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14. Members did not raise any queries on this item of subsidiary legislation.
15. The Chairman reminded Members that the deadline for amending this item of subsidiary legislation was 7 February 2007.

V. Legal Service Division's report on subsidiary legislation gazetted on 29 December 2006

(LC Paper No. LS 26/06-07)

16. The Chairman said that a total of 11 items of subsidiary legislation, including 10 Commencement Notices, were gazetted on 29 December 2006. These items of subsidiary legislation would be tabled in Council on 10 January 2007.
17. Members did not raise any queries on these items of subsidiary legislation.
18. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 7 February 2007.

VI. Business for the Council meeting on 10 January 2007

(a) Questions

(LC Paper No. CB(3) 252/06-07)

19. The Chairman said that there were 19 questions (six oral and 13 written) scheduled for the meeting as Mr Jasper TSANG had withdrawn his written question.

(b) Bills - First Reading and moving of Second Reading

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

(c) Government motion

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

(d) Members' motions

- (i) **Motion on "Enhancing the efficacy of the management of public finances"**

(Wording of the motion issued vide LC Paper No. CB(3) 251/06-07 dated 28 December 2006.)

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(ii) **Motion on "Non-local pregnant women giving birth in Hong Kong"**

(Wording of the motion issued vide LC Paper No. CB(3) 250/06-07 dated 28 December 2006.)

22. The Chairman said that the above motions would be moved by Miss TAM Heung-man and Dr Joseph LEE respectively, and the wording of the motions had been issued to Members.

VII. The Chief Executive's Question and Answer Session on 11 January 2007

23. The Chairman said that the Chief Executive (CE)'s Question and Answer Session (Q & A Session) would be held from 3:00 pm to 4:30 pm. The Chairman invited Members' views on issues which they would like CE to cover.

24. Mr KWOK Ka-ki suggested that CE cover the policy on conservation of monuments, which was featured in CE's "Letter to Hong Kong" recently broadcasted by the Radio Television Hong Kong. Dr YEUNG Sum expressed similar views.

25. Mr LAU Kong-wah suggested that CE cover his recent duty visit to Beijing, and measures to address the issue of non-local pregnant women giving birth in Hong Kong.

26. Mr Martin LEE said that he would like CE to cover the issue of universal suffrage.

27. Mr LEUNG Kwok-hung said that he would ask CE about his intention to stand for the coming CE election and his election platform.

28. Mr James TO said that whether CE intended to stand for the coming CE election was not an issue monitored by the Legislative Council. He did not consider it appropriate for Members to suggest such a topic for the Q & A Session.

29. The Chairman said that she would convey to CS the topics Members would like CE to cover. The Chairman further said that, in view of Mr James TO's view, she would also inform CS of Mr LEUNG Kwok-hung's possible question about CE's intention to stand for the coming CE election and his election platform.

VIII. Business for the Council meeting on 17 January 2007

(a) **Questions**

(LC Paper No. CB(3) 253/06-07)

30. 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**

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

(c) **Government motion**

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

(d) **Members' motions**

(i) **Motion to be moved by Hon Audrey EU Yuet-mee**

(Wording of the motion issued vide LC Paper No. CB(3) 265/06-07 dated 5 January 2007.)

33. The Chairman said that the subject of the motion to be moved by Ms Audrey EU was "Policy on conservation of monuments".

(ii) **Motion to be moved by Hon Vincent FANG Kang**

(Wording of the motion issued vide LC Paper No. CB(3) 265/06-07 dated 5 January 2007.)

34. The Chairman said that the subject of the motion to be moved by Mr Vincent FANG was "Retaining and supporting the development of commercial districts and bazaars with local characteristics".

35. Mr Martin LEE was concerned about the possible overlap in subject matter of the two motions and said that co-ordination might be necessary in respect of motions in future.

36. The Chairman responded that the two motions, though appeared similar, were different in focus.

37. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 10 January 2007.

IX. Reports of Bills Committees and subcommittees

(a) **Report of the Subcommittee on Fugitive Offenders (Germany) Order and Fugitive Offenders (Republic of Korea) Order**

(LC Paper No. CB(2) 738/06-07)

38. Mr James TO, Chairman of the Subcommittee, referred Members to the report of the Subcommittee and said that the Subcommittee supported the two Orders. Mr James TO added that the Subcommittee had made some suggestions on how certain technical aspects of similar agreements signed in future could be improved.

(b) **Report of the Subcommittee on Mutual Legal Assistance in Criminal Matters (Germany) Order**

(LC Paper No. CB(2) 739/06-07)

39. Mr James TO, Chairman of the Subcommittee, referred Members to the report of the Subcommittee and said that the Subcommittee did not object to the Administration giving fresh notice to move a resolution on the Order at the Council meeting on 24 January 2007. Mr James TO added that the Subcommittee had made some suggestions on technical improvements to similar agreements entered into by the Government in future.

(c) **Report of the Subcommittee on Air Pollution Control (Volatile Organic Compounds) Regulation**

40. Ms Audrey EU, Chairman of the Subcommittee, said that the Subcommittee had held two meetings since its formation on 1 December 2006. Members were concerned about the definition of certain terms and the coverage of the Regulation, which regulated only the manufacture and importation of certain products containing volatile organic compounds but not the sale of such products. As the extended scrutiny period would expire on 17 January 2007, the Administration agreed to repeal the Regulation to allow more time for the Subcommittee to examine the provisions contained therein.

41. Ms EU added that in the meantime, the Subcommittee would continue with its scrutiny of the Regulation with a view to concluding its work by mid-February 2007, in order that the Regulation could come into effect on 1 April 2007 as planned. The Administration would gazette the Regulation again after the Subcommittee had completed its scrutiny work.

42. Ms EU further said that a newspaper report, quoting from an anonymous source from the Administration, had stated that the Subcommittee did not support the Regulation. Ms EU pointed out that the report was incorrect. She clarified that the Subcommittee supported the Regulation but needed more time to scrutinise the details.

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43. The Chairman said that the Administration would move a motion to repeal the Regulation at the Council meeting on 17 January 2007.

44. Ms Margaret NG asked whether Members could speak at the moving of the motion by the Administration to repeal the Regulation. The Legal Adviser replied in the affirmative. Ms NG suggested that the Chairman of the Subcommittee could speak then to clarify the stance of the Subcommittee.

45. Members agreed that the Subcommittee continued with its scrutiny work.

X. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 741/06-07)

46. The Chairman said that there were 10 Bills Committees and six subcommittees under the House Committee in action.

XI. Any other business

47. There being no other business, the meeting ended at 2:51 pm.