

立法會
Legislative Council

LC Paper No. CB(2) 1687/06-07

Ref : CB2/H/5/06

House Committee of the Legislative Council

**Minutes of the 21st meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 20 April 2007**

Members present :

Hon Miriam LAU Kin-yee, GBS, JP (Chairman)
Hon Fred LI Wah-ming, JP (Deputy Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon LEE Cheuk-yan
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-ye, GBS, JP
Hon CHEUNG Man-kwong
Hon CHAN Yuen-han, JP
Hon Bernard CHAN, GBS, JP
Hon CHAN Kam-lam, 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 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 Albert CHAN Wai-yip
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, JP

Mrs Constance LI	Principal Council Secretary (Complaints)
Mr Simon WONG	Chief Public Information Officer
Miss Odelia LEUNG	Chief Council Secretary (2)6
Mr Kelvin LEE	Assistant Legal Adviser 1
Mr Timothy TSO	Assistant Legal Adviser 2
Mr Stephen LAM	Assistant Legal Adviser 4
Ms Amy YU	Senior Council Secretary (2)3

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I. Confirmation of the minutes of the 20th meeting held on 13 April 2007
(LC Paper No. CB(2) 1608/06-07)

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 she had relayed to CS the misgivings of a few Members about the late introduction of the Shenzhen Bay Port Hong Kong Port Area Bill, hence the tight schedule for scrutinising the Bill. She had also conveyed to CS Members' request for ample time to be given for them to scrutinise bills in future.

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)

(i) Patents (Amendment) Bill 2007
(LC Paper No. LS 53/06-07)

3. The Chairman said that the Bill sought to amend the Patents Ordinance to implement the Protocol Amending the Agreement on Trade-Related Aspects of Intellectual Property Rights of the World Trade Organisation in relation to patents and public health.

4. The Chairman further said that the Panel on Commerce and Industry had been briefed on the legislative proposals at its meeting on 19 December 2006 and the Panel was in principle supportive of the proposals.

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5. The Chairman added that the Legal Service Division was still scrutinising the legal and drafting aspects of the Bill.

6. Mr SIN Chung-kai considered 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: Ms Margaret NG and Mr Andrew CHENG (as advised by Mr SIN Chung-kai).

8. The Chairman said that as there were vacant slots, the Bills Committee could commence work immediately.

(ii) Import and Export (Amendment) Bill 2007
(LC Paper No. LS 61/06-07)

9. The Chairman said that the Bill sought to extend the regulation making power under section 31 of the Import and Export Ordinance to require a specified person to give certain information to the authorities in relation to a vehicle entering or leaving Hong Kong or an article being imported to or exported from Hong Kong.

10. The Chairman further said that the Panel on Commerce and Industry had been briefed on the legislative proposal at its meeting on 16 January 2007. Members were in support of the proposal although some concerns were expressed.

11. The Legal Adviser said that the main provision in the Bill was an enabling provision, and referred Members to the draft regulation that was annexed to the Legislative Council Brief. The draft regulation contained detailed provisions on the operation of the relevant proposed arrangements for the supply of information. It would be made pursuant to the proposed extended regulation making power. The Legal Adviser added that the Bill was relatively simple.

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

(iii) Tsing Sha Control Area Bill
(LC Paper No. LS 60/06-07)

13. The Chairman said that the Bill sought to provide for the determination of the boundaries of the road network between Sha Tin and Tsing Yi via Cheung Sha Wan to be known as the Tsing Sha Control Area, its management, operation and maintenance and the imposition of financial penalties on its operators.

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14. The Chairman further said that the Panel on Transport had been briefed on the major provisions of the Bill at its meeting on 26 January 2007.

15. The Chairman added that the Legal Service Division was still scrutinising the legal and drafting aspects of the Bill and would report further, if necessary.

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

17. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Ms Miriam LAU and Mr LEE Wing-tat.

18. The Chairman said that as there were vacant slots, the Bills Committee could commence work immediately.

(iv) Energy Efficiency (Labelling of Products) Bill
(LC Paper No. LS 54/06-07)

19. The Chairman said that the Bill sought to require the provision by suppliers of information relating to specified energy-using products and the display of energy labels on such products.

20. The Chairman further said that the Panel on Environmental Affairs had been briefed on the legislative proposals at its meeting on 13 June 2006. While members did not raise objection to the proposed mandatory Energy Efficiency Labelling Scheme, they had raised various issues of concern.

21. The Chairman added that the Legal Service Division was still scrutinising the legal and drafting aspects of the Bill.

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

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

24. The Chairman said that as there were vacant slots, the Bills Committee could commence work immediately.

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- (b) **Legal Service Division report on subsidiary legislation gazetted on 13 April 2007 and tabled in Council on 18 April 2007**
(LC Paper No. LS 59/06-07)

25. The Chairman said that only one item of subsidiary legislation, i.e. the Human Reproductive Technology (Fees) Regulation, was gazetted on 13 April 2007 and tabled in Council on 18 April 2007.

26. Members did not raise any query on this item of subsidiary legislation.

27. The Chairman reminded Members that the deadline for amending this item of subsidiary legislation was 16 May 2007.

IV. Further business for the Council meeting on 25 April 2007

- (a) **Questions**
(LC Paper No. CB(3) 485/06-07)

28. The Chairman informed Members that Mr James TIEN had withdrawn his oral question and a new oral question would be raised by Mr CHEUNG Hok-ming.

- (b) **Bills - resumption of debate on Second Reading, Committee Stage and Third Reading**

(i) **Shenzhen Bay Port Hong Kong Port Area Bill**

(ii) **Building Management (Amendment) Bill 2005**

29. The Chairman said that the Bills Committees on the above two Bills had presented their reports to the House Committee at the last meeting, and Members did not raise objection to the resumption of the Second Reading debate on the Bills.

- (c) **Members' motions**

(i) **Proposed resolution to be moved by Hon Fred LI Wah-ming under section 34(4) of the Interpretation and General Clauses Ordinance**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 488/06-07 dated 18 April 2007.)

(ii) **Proposed resolution to be moved by Hon Fred LI Wah-ming under the Sewage Services Ordinance**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 495/06-07 dated 19 April 2007.)

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30. The Chairman said that Members agreed at the last meeting that the Deputy Chairman would move motions at the Council meeting on 25 April 2007 to extend the scrutiny period of the two Regulations and the Technical Memorandum made under the Sewage Services Ordinance.

31. In response to Ms Emily LAU's enquiry on the arrangement for the Council meeting of 25 April 2007, the Chairman informed Members that if the business on the Agenda of the meeting could not be finished on 25 April 2007, the meeting would resume on 26 April 2007 at 2:30 pm.

32. Ms Emily LAU said that the usual arrangement was that if the President was of the opinion that it was unlikely that the business on the Agenda of a Council meeting could be finished by about midnight on the day of the meeting, the President would suspend the meeting at about 10:00 pm and order that it be resumed on the following day.

33. The Chairman said that it was up to the President to decide when to suspend a Council meeting and resume it for the continuation of the business.

34. Ms Emily LAU hoped that the Council meeting of 25 April 2007 would not be suspended at a late hour, and requested the Secretary General to reiterate the usual arrangement to the President.

V. Business for the Council meeting on 2 May 2007

(a) **Questions**
(*LC Paper No. CB(3) 486/06-07*)

35. 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**

(i) **Revenue Bill 2007**

(ii) **Revenue (No. 2) Bill 2007**

36. The Chairman said that the Administration had given notice to present the two Bills to the Council on 2 May 2007. The House Committee would consider the Bills at its meeting on 4 May 2007.

(c) **Bills - resumption of debate on Second Reading, Committee Stage and Third Reading**

(i) **Accreditation of Academic and Vocational Qualifications Bill**

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(ii) **Employment (Amendment) Bill 2006**

37. The Chairman said that the Bills Committees on the above two Bills had presented their reports to the House Committee at the last meeting, and Members did not raise objection to the resumption of the Second Reading debate on the Bills.

(d) **Government motion**

Proposed resolution to be moved by the Chief Secretary for Administration under the Legal Aid Ordinance

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 469/06-07 dated 12 April 2007.)

(LC Paper No. LS 58/06-07)

38. The Chairman said that the proposed resolution was for seeking the Council's approval of the upward adjustment of the financial eligibility limits of legal aid applicants in accordance with the cumulative increase in consumer prices.

39. The Chairman further said that the Panel on Administration of Justice and Legal Services had been briefed on the proposal at its meeting on 27 November 2006 and members did not raise any queries on the proposed increase.

40. Members did not raise objection to CS moving the proposed resolution at the Council meeting.

(e) **Members' motions**

(i) **Motion on "Increasing the number of local university places"**
(Wording of the motion issued vide LC Paper No. CB(3) 493/06-07 dated 18 April 2007.)

(ii) **Motion on "Conserving the Queen's Pier"**
(Wording of the motion issued vide LC Paper No. CB(3) 492/06-07 dated 18 April 2007.)

41. The Chairman said that the above motions would be moved by Mr CHEUNG Man-kwong and Mr Alan LEONG respectively, and the wording of the motions had been issued to Members.

42. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Tuesday, 24 April 2007.

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VI. The Chief Executive's Question and Answer Session on 3 May 2007

43. The Chairman said that the Chief Executive (CE)'s Question and Answer 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.

44. Ms Emily LAU said that she would like CE to cover the issue of universal suffrage for the CE and the Legislative Council elections.

45. Dr YEUNG Sum suggested that CE cover the topic of the Green Paper on Constitutional Development.

46. The Chairman said that the topics suggested by Members would be conveyed to CS.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 1609/06-07)

47. The Chairman said that there were 12 Bills Committees and six subcommittees under the House Committee in action.

VIII. Proposed amendments to the House Rules regarding subcommittees and work plans of subcommittees

(LC Paper No. CB(2) 1606/06-07)

48. The Chairman invited Members to endorse the proposed amendments to the House Rules (HR) regarding the appointment, operation and servicing of subcommittees, and to note the work plans of 11 subcommittees currently in operation and appointed under the House Committee and Panels on policy issues or Council business.

49. Members endorsed the proposed amendments to HR regarding subcommittees and noted the work plans of the subcommittees.

IX. Any other business

50. There being no other business, the meeting ended at 2:45 pm.