

立法會
Legislative Council

LC Paper No. CB(2) 1864/06-07

Ref : CB2/H/5/06

House Committee of the Legislative Council

**Minutes of the 24th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 11 May 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 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-yee, GBS, JP
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
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 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 CHOY So-yuk, 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 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 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
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Albert Jinghan CHENG
Hon TAM Heung-man

Members absent :

Hon CHAN Yuen-han, JP
Hon WONG Yung-kan, JP
Hon Andrew CHENG Kar-foo
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon MA Lik, GBS, JP
Dr Hon Fernando CHEUNG Chiu-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
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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)
Mr Simon WONG	Chief Public Information Officer
Ms Anita SIT	Chief Council Secretary (1)4
Miss Odelia LEUNG	Chief Council Secretary (2)6
Mr Timothy TSO	Assistant Legal Adviser 2
Ms Connie FUNG	Assistant Legal Adviser 3
Mr KAU Kin-wah	Assistant Legal Adviser 6
Ms Amy YU	Senior Council Secretary (2)3

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I. Confirmation of the minutes of the 23rd meeting held on 4 May 2007
(LC Paper No. CB(2) 1787/06-07)

The minutes were confirmed.

II. Matters arising

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

2. The Chairman said that there was nothing special to report.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 4 May 2007 and tabled in Council on 9 May 2007
(LC Paper No. LS 70/06-07)

3. The Chairman said that a total of nine items of subsidiary legislation were gazetted on 4 May 2007 and tabled in Council on 9 May 2007.

4. Regarding the five items of subsidiary legislation concerning the Shenzhen Bay Port Hong Kong Port Area, Mr James TO said that the Bills Committee on Shenzhen Bay Port Hong Kong Port Area Bill had been informed of the Administration's plan to make the requisite subsidiary legislation before the commissioning of the Shenzhen Bay Port Hong Kong Port Area. Although he had expressed views on the subsidiary legislation during the scrutiny of the Bill, he considered it necessary to form a subcommittee to study the five items of subsidiary legislation.

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5. The Chairman proposed that a subcommittee be formed to study the following five items of subsidiary legislation relating to the Shenzhen Bay Port Hong Kong Port Area -

- (a) Closed Area (Hong Kong Section of the Shenzhen Bay Bridge and Deep Bay Link Portion) Order;
- (b) Shenzhen Bay Port Hong Kong Port Area (Permission to Enter) Notice;
- (c) Road Traffic (Amendment: Extension of Permitted Area for New Territories Taxis to Shenzhen Bay Port Hong Kong Port Area) Regulation 2007;
- (d) Immigration (Places of Detention) (Amendment: Shenzhen Bay Port Hong Kong Port Area) Order 2007; and
- (e) Immigration Service (Designated Places) (Amendment: Shenzhen Bay Port Hong Kong Port Area) Order 2007.

Members agreed. The following Members agreed to join: Ms Margaret NG, Mr James TO, Ms Miriam LAU and Mr Andrew LEUNG (as advised by Mrs Selina CHOW).

6. The Chairman informed Members of a typographical error in paragraph 14 of the Legal Service Division Report concerning the Frontier Closed Area (Permission to Enter) (Amendment) Notice 2007. The Chairman said that the period during which drivers of specified modes of public transport would be permitted access to the Lok Ma Chau Spur Line public transport interchange should be beginning on 0600 hours each day and ending on 0030 hours the next day.

7. Members did not raise any query on the other four items of subsidiary legislation.

8. The Chairman reminded Members that the deadline for amending the nine items of subsidiary legislation was 6 June 2007, or 27 June 2007 if extended by resolution.

IV. Further business for the Council meeting on 16 May 2007

Questions

(LC Paper No. CB(3) 554/06-07)

9. The Chairman said that Mr LAU Kong-wah had replaced his previous oral question, and Mr Frederick FUNG had given up the oral question slot

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before the deadline for giving notice. The Chairman added that the Secretariat had tried, within a short period, to arrange for a replacement oral question, but was unsuccessful. Hence, only 19 questions had been scheduled for the Council meeting.

V. Business for the Council meeting on 23 May 2007

(a) Questions

(LC Paper No. CB(3) 555/06-07)

10. 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

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

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

(i) Import and Export (Amendment) Bill 2007

12. The Chairman said that at the House Committee meeting on 20 April 2007, Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(ii) Revenue (No. 2) Bill 2007

13. The Chairman said that at the House Committee meeting on 4 May 2007, Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(d) Government motion

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

(e) Members' motions

(i) Motion on "Policies on sustainable urban development and green buildings"

(Wording of the motion issued vide LC Paper No. CB(3) 562/06-07 dated 10 May 2007.)

(ii) Motion on "Safeguarding the safety of live and fresh food"

(Wording of the motion issued vide LC Paper No. CB(3) 561/06-07 dated 10 May 2007.)

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15. The Chairman said that the above motions would be moved by Prof Patrick LAU and Mr TAM Yiu-chung respectively, and the wording of the motions had been issued to Members.

16. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 16 May 2007.

VI. Report of Bills Committees and subcommittees

(a) Report of the Bills Committee on Unsolicited Electronic Messages Bill

(LC Paper No. CB(1) 1559/06-07)

17. Mr Howard YOUNG, Chairman of the Bills Committee, said that the Bill sought to set up a scheme for regulating the sending of unsolicited electronic messages (UEMs) of a commercial nature and having a Hong Kong link, including e-mail, fax, short messaging service and voice or video calls. The Bills Committee had held 16 meetings and had received views from 24 organisations and eight individuals.

18. Mr YOUNG highlighted the major issues examined by the Bills Committee, including coverage of the proposed regulatory scheme for UEMs, application of the proposed legislation to the Government, rules governing the sending of commercial electronic messages, proposed measures for effective tackling of professional spammers and other illegal activities relating to the sending of commercial electronic messages, and enforcement of the proposed legislation.

19. Mr YOUNG further said that the Bills Committee had in-depth discussions on whether person-to-person (PTP) telemarketing calls should be subject to the requirements of including accurate sender information in the messages and of not concealing the calling line identification information in sending the messages. As the Administration maintained its position that the proposed legislation should not regulate PTP telemarketing calls at that juncture, Mr WONG Ting-kwong had indicated that he would propose Committee Stage amendments (CSAs) in this regard.

20. Mr YOUNG added that the Bills Committee did not object to the CSAs to be moved by the Administration and supported the resumption of the Second Reading debate on the Bill on 23 May 2007.

21. The Chairman reminded Members that the deadline for giving notice of CSAs was Monday, 14 May 2007.

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- (b) **Report of the Subcommittee on Sewage Services (Sewage Charge) (Amendment) Regulation 2007, Sewage Services (Trade Effluent Surcharge) (Amendment) Regulation 2007 and Technical Memorandum on Procedures and Methods for Sampling and Analysis of Trade Effluents**

(LC Paper No. CB(1) 1558/06-07)

22. The Chairman said that Ms Audrey EU, Chairman of the Subcommittee, had given a verbal report at the last House Committee meeting. A written report was now provided.

23. Members did not raise any queries on the report.

VII. Position on Bills Committees and subcommittees
(LC Paper No. CB(2) 1788/06-07)

24. The Chairman said that there were 14 Bills Committees and six subcommittees under the House Committee in action.

VIII. Any other business

25. Ms Emily LAU proposed to discuss ways to deal with the resolution to be moved by the Administration concerning the proposed reorganisation of the policy bureaux of the Government Secretariat. She said that Members had been provided with the resolution in draft form. However, under the existing arrangements, the House Committee would not discuss the need for the setting up of a subcommittee to study the resolution until after formal notice had been given by the Administration. Given the Administration's intention to move the resolution in June 2007, she was concerned that there might not be sufficient time for its scrutiny by Members.

26. The Chairman responded that the deadline for proposing agenda items for a House Committee meeting was normally 5:00 pm on the Tuesday before the meeting. She would accede to a request for raising an item for discussion after the deadline only if the subject matter was urgent and time-critical.

27. Ms Margaret NG recalled that the resolution to effect the implementation of the accountability system for principal officials in 2002 involved amendments to many ordinances. She shared Ms Emily LAU's concern about the tight schedule for scrutiny of the resolution by Members.

28. The Chairman said that Members agreed at the last meeting of the House Committee for the Panel on Constitutional Affairs to follow up on the proposed reorganisation. It would be necessary to find out how the Panel

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had progressed. Since the Chairman of the Panel was not at the meeting, she suggested discussing the matter with Members after the meeting.

29. Ms Margaret NG said that the Panel had agreed to focus its discussions on the policy aspects of the proposed reorganisation. The Panel would meet with deputations at two meetings scheduled on 18 and 26 May 2007. She was concerned whether the Panel would have time to consider the proposed resolution after dealing with all the policy aspects, and whether a subcommittee would be appointed to study the resolution after it had been discussed by the Panel. She therefore considered it necessary to raise the matter for discussion.

30. The Chairman noted the issues of concern raised by the two Members and reiterated that she would discuss with Members after the meeting.

31. There being no other business, the meeting ended at 2:42 pm.

Council Business Division 2
Legislative Council Secretariat
16 May 2007

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