

立法會
Legislative Council

LC Paper No. CB(2) 2209/06-07

Ref : CB2/H/5/06

House Committee of the Legislative Council

**Minutes of the 29th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 15 June 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
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon LEE Cheuk-yan
Hon Martin LEE Chu-ming, SC, 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 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 LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon Andrew CHENG Kar-foo
Hon Timothy FOK Tsun-ting, GBS, 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 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 Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Dr Hon KWOK Ka-ki
Dr Hon Fernando CHEUNG Chiu-hung
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
Hon Ronny TONG Ka-wah, SC
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon KWONG Chi-kin
Hon TAM Heung-man

Members absent :

Hon Albert HO Chun-yan
Dr Hon David LI Kwok-po, GBS, JP
Dr Hon LUI Ming-wah, SBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon MA Lik, GBS, JP
Hon CHIM Pui-chung
Hon Albert Jinghan CHENG

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 Pandora CHAN	Acting Principal Council Secretary (Complaints)
Miss Odelia LEUNG	Chief Council Secretary (2)6
Mr Kelvin LEE	Assistant Legal Adviser 1
Mr Timothy TSO	Assistant Legal Adviser 2
Mr KAU Kin-wah	Assistant Legal Adviser 6
Miss Monna LAI	Assistant Legal Adviser 7
Ms Emily PANG	Senior Public Information Officer 2
Ms Amy YU	Senior Council Secretary (2)3

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I. Confirmation of the minutes of the 28th meeting held on 8 June 2007
(LC Paper No. CB(2) 2144/06-07)

The minutes were confirmed.

II. Matters arising

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

Attendance of Principal Officials at and provision of papers for Panel meetings

2. The Chairman said that she had conveyed to CS Members' concern about the low attendance rate of Principal Officials at Panel meetings. She had also relayed to CS Members' requests for the reasons for the low attendance rate, and for the Administration to draw up a performance pledge on the attendance of Principal Officials at Panel and Bills Committee meetings.

3. The Chairman further said that she had reiterated to CS the importance for the Administration to adhere to the agreed deadlines for the provision of papers for Panel meetings.

4. The Chairman added that she had written to CS on the subject. CS said that he was in receipt of her letter and would provide a detailed response as soon as possible. He added that the reply would be made public.

5. In response to Ms Audrey EU about the timing for the response, the Chairman said that CS had not indicated the timing. She would follow up with CS if the reply was not received soon.

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6. Dr YEUNG Sum considered it important for the Administration to draw up a performance pledge on the attendance of Principal Officials at Panel and Bills Committee meetings in view of the impending new appointment of Principal Officials.

7. The Chairman reiterated that she had already conveyed the request to CS in writing and during their meeting.

Number of Bills Committee slots

8. The Chairman said that CS had indicated that a few more bills would be presented to the Council before the summer recess.

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) Supplementary Appropriation (2006-2007) Bill
(LC Paper No. LS 82/06-07)

9. The Chairman said that the Bill provided for the appropriation of \$1,214,366,260.08 for the services of the Government in the financial year ending on 31 March 2007 in addition to the sum appropriated by the Appropriation Ordinance 2006.

10. The Legal Adviser said that the specified amount of appropriation was the excess of expenditure already incurred over the original appropriation for the last financial year.

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

(ii) The Chinese University of Hong Kong (Declaration of Morningside College and S. H. Ho College as Constituent Colleges) Bill
(LC Paper No. LS 91/06-07)

12. The Chairman said that the Bill was introduced by Mr CHEUNG Man-kwong.

13. Mr CHEUNG Man-kwong said that the Bill sought to amend The Chinese University of Hong Kong Ordinance to declare two new colleges as constituent colleges of The Chinese University of Hong Kong. The Panel on

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Education had been briefed on the draft Bill at its meeting on 14 May 2007. Mr CHEUNG further said that as the Bill was simple and the legal aspects were in order, subject to Members' view, he did not consider it necessary to form a Bills Committee to study it.

14. 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 8 June 2007 and tabled in Council on 13 June 2007
(LC Paper No. LS 89/06-07)

15. The Chairman said that four items of subsidiary legislation were gazetted on 8 June 2007 and tabled in Council on 13 June 2007.

16. Regarding the Building Management (Fee Revision) Regulation 2007 and the Hotel and Guesthouse Accommodation (Revision of Licence Fees) Regulation 2007, Ms Audrey EU enquired whether the relevant Panel had been consulted on the proposals on fee increase.

17. The Chairman said that the Administration had issued an information paper on the two Regulations to the Panel on Home Affairs on 25 April 2007, and members of the Panel had not made any comments or request for discussion.

18. Mr Abraham SHEK considered it necessary to form subcommittees to study the two Regulations as the proposed increases in fees were substantial.

19. Mr Howard YOUNG said that he had consulted the hotel trade on the fee revision proposals in the Hotel and Guesthouse Accommodation (Revision of Licence Fees) Regulation 2007, and the trade had not raised any objection to the proposals.

20. The Chairman said that the proposed fee revision ranged from -14% to +20% for the issue and renewal of licenses in respect of hotels or guesthouses.

21. As Mr Abraham SHEK had raised concern about the two Regulations, the Chairman proposed that a subcommittee be formed to study each of them in detail. Members agreed.

22. The following Members agreed to join the subcommittee to study the Building Management (Fee Revision) Regulation 2007: Mrs Selina CHOW, Mr Abraham SHEK, Ms Audrey EU, Prof Patrick LAU and Miss TAM Heung-man.

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23. The following Members agreed to join the subcommittee to study the Hotel and Guesthouse Accommodation (Revision of Licence Fees) Regulation 2007: Mr Howard YOUNG, Miss CHOY So-yuk, Mr Abraham SHEK, Ms Audrey EU, Prof Patrick LAU and Miss TAM Heung-man.

24. Regarding the Unsolicited Electronic Messages Regulation, the Legal Adviser said that the Legal Service Division had written to the Administration to seek clarification on certain technical matters and had just received the Administration's reply. The Legal Service Division would make a further report at the next House Committee meeting.

25. In response to Ms Emily LAU's enquiry on whether the trade had been consulted on the Regulation, the Legal Adviser said that such information was not available as the Administration had not provided a Legislative Council (LegCo) Brief on the Regulation. At the suggestion of Ms LAU, the Legal Adviser undertook to seek the information from the Administration.

26. The Chairman said that the information could be incorporated into the further report on the Regulation to be provided by the Legal Service Division.

27. In response to Ms Margaret NG's request for background information on the Statutes of The Chinese University of Hong Kong (Amendment) (No.2) Statute 2007, the Legal Adviser said that since the Administration had not provided a LegCo Brief on the Amendment Statute, the Legal Service Division had sought information from The Chinese University of Hong Kong. He referred Members to paragraph 14 of the Legal Service Division Report, and explained that according to a background paper provided by the University, the Amendment Statute implemented a system of search for and appointment of Faculty Deans that was recommended by the University Grants Committee (UGC). The system was in line with those already implemented in the other UGC-funded institutions. The Legal Adviser further said that the background paper could be circulated to Members, if considered necessary.

28. Mr CHEUNG Man-kwong said that Mr James TIEN, Mr KWONG Chi-kin and he were sitting on the Council of The Chinese University of Hong Kong in their capacity as LegCo Members. He said that the proposal had been discussed by the University for a long time. The proposed system for the appointment of Faculty Deans was accepted by the Government as the policy for the entire higher education sector, and The Chinese University of Hong Kong was the last among the eight UGC-funded institutions to implement the changes.

29. Mr CHEUNG further said that he and the other two LegCo Members had made criticisms about the internal consultation conducted by the University on the proposed changes, and had requested the University to conduct

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extensive internal consultation. The results of the further consultation conducted by the University indicated support for the proposed changes. Mr CHEUNG added that a similar system had recently been implemented in The University of Hong Kong.

30. Members did not raise any further queries on the Amendment Statute.

(c) **Legal Service Division report on subsidiary legislation gazetted on 12 June 2007 and tabled in Council on 13 June 2007**
(*LC Paper No. LS 93/06-07*)

31. The Chairman said that four items of subsidiary legislation relating to the rail merger were gazetted on 12 June 2007 and tabled in Council on 13 June 2007.

32. The Chairman, in her capacity as Chairman of the Subcommittee to Study the Draft Subsidiary Legislation Relating to the Rail Merger, reported that the four items of subsidiary legislation gazetted on 12 June 2007, which were subject to negative vetting, were among the eight items of subsidiary legislation which had to be made to implement the rail merger proposal. The proposed amendments in the four items of subsidiary legislation gazetted were technical in nature and relatively simple.

33. The Chairman further said that at the meeting of the Subcommittee held in the morning, members had agreed that it was not necessary to form a new subcommittee to study the four items of subsidiary legislation as the Subcommittee had already completed their scrutiny.

34. As regards the remaining four items of subsidiary legislation yet to be made, the Chairman said that they were bylaws and would be subject to positive vetting. The Subcommittee would continue its scrutiny work and consider the need to hold further meetings after the wording of the relevant resolution(s) was made available to Members.

35. Mr TAM Yiu-chung said that the Subcommittee had completed the scrutiny of the four items of subsidiary legislation, and agreed that it was not necessary to form a new subcommittee to study them.

36. Members agreed that it was not necessary to set up a subcommittee to study the four items of subsidiary legislation.

IV. Further business for the Council meeting on 20 June 2007

(a) Questions

(LC Paper No. CB(3) 693/06-07)

37. The Chairman said that Dr Philip WONG had given up the oral question slot allocated to him, and the slot was allocated to Dr Joseph LEE.

(b) Members' motions

Proposed resolution to be moved by Hon Margaret NG under the Fugitive Offenders Ordinance

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 704/06-07 dated 14 June 2007.)

38. The Chairman said that Ms Margaret NG would move a motion to extend the scrutiny period of the Fugitive Offenders (Corruption) Order to the first meeting of LegCo in the next session.

V. Business for the Council meeting on 27 June 2007

(a) Questions

(LC Paper No. CB(3) 694/06-07)

39. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the meeting.

40. Ms Emily LAU enquired whether questions scheduled for the Council meeting could be replaced and, if so, the deadline for making such a request.

41. The Chairman replied in the affirmative. Assistant Secretary General 3 supplemented that the deadline for giving notice of questions was 16 June 2007.

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

(i) Attachment of Income Order (Application to Government and Miscellaneous Amendments) Bill

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(ii) **Mandatory Provident Fund Schemes (Amendment) Bill 2007**

(iii) **Domestic Violence (Amendment) Bill 2007**

42. The Chairman said that the Administration had given notices to present the above three Bills to the Council. The House Committee would consider these Bills at its meeting on 29 June 2007.

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

(i) **Copyright (Amendment) Bill 2006**

(ii) **Tsing Sha Control Area Bill**

43. 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 motions**

(i) **Proposed resolution to be moved by the Secretary for Commerce, Industry and Technology under section 54A of the Interpretation and General Clauses Ordinance**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 667/06-07 dated 8 June 2007.)

(LC Paper No. LS 87/06-07)

44. The Chairman said that the proposed resolution was for seeking the approval of LegCo to effect a transfer, with effect from 1 July 2007, of the statutory functions of the Secretary for Commerce, Industry and Technology under the Import and Export (Amendment) Ordinance and the Unsolicited Electronic Messages Ordinance to the Secretary for Commerce and Economic Development.

45. Members did not raise objection to the Administration moving the proposed resolution at the Council meeting.

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(ii) **Proposed resolution to be moved by the Secretary for Health, Welfare and Food under the Pharmacy and Poisons Ordinance relating to:**

- **the Pharmacy and Poisons (Amendment) (No. 3) Regulation 2007; and**
- **the Poisons List (Amendment) (No. 3) Regulation 2007**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 666/06-07 dated 8 June 2007.)
(LC Paper No. LS 86/06-07)*

46. The Chairman said that the proposed resolution was for seeking LegCo's approval of the two Amendment Regulations to add two substances to Division A of the First and Third Schedules to the Pharmacy and Poisons Regulations, and Division A in Part I of the Schedule to the Poisons List Regulations, so that pharmaceutical products containing any of these two substances must be sold in premises of authorised sellers of poisons by registered pharmacists or in his presence and under his supervision, with the support of prescriptions.

47. Members did not raise objection to the Administration moving the proposed resolution at the Council meeting.

(e) **Members' motions**

(i) **Motion on "Elderly in poverty"**

(Wording of the motion issued vide LC Paper No. CB(3) 695/06-07 dated 12 June 2007.)

(ii) **Motion on "Lowering the Mandatory Provident Fund management fees"**

(Wording of the motion issued vide LC Paper No. CB(3) 699/06-07 dated 13 June 2007.)

48. The Chairman said that the above motions would be moved by Mr Frederick FUNG and her respectively, and the wording of the motions had been issued to Members.

49. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 20 June 2007.

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50. In response to Ms Emily LAU's enquiry on the arrangement for the Council meeting on 27 June 2007, the Chairman said that the business on the Agenda of the Council meeting could probably be finished on that day. The Chairman further said that Members would be notified as soon as practicable should there be any special arrangements.

VI. Report of Bills Committees and subcommittees

Report of the Subcommittee on Subsidiary Legislation Relating to the Shenzhen Bay Port Hong Kong Port Area

(LC Paper No. CB(2) 2145/06-07)

51. Mr LAU Kong-wah, Chairman of the Subcommittee, referred Members to the report, and said that the Subcommittee did not raise any objection to the five items of subsidiary legislation relating to the Shenzhen Bay Port Hong Kong Port Area. Mr LAU added that Mr James TO had proposed two amendments to the Shenzhen Bay Port Hong Kong Port Area (Permission to Enter) Notice.

52. The Chairman reminded Members that the deadline for giving notice of amendments, if any, was Wednesday, 20 June 2007.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 2146/06-07)

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

54. The Chairman invited Members to note that the Bills Committee on Mainland Judgments (Reciprocal Enforcement) Bill would have to work beyond three months since commencement of its work.

VIII. Any other business

55. There being no other business, the meeting ended at 2:53 pm.