

立法會  
*Legislative Council*

LC Paper No. CB(2) 2270/06-07

Ref : CB2/H/5/06

**House Committee of the Legislative Council**

**Minutes of the 30th meeting  
held in the Legislative Council Chamber  
at 2:30 pm on Friday, 22 June 2007**

**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  
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP  
Hon Martin LEE Chu-ming, SC, JP  
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 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 Kong-wah, 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 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 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 Albert Jinghan CHENG  
Hon KWONG Chi-kin  
Hon TAM Heung-man

**Members absent :**

Hon Albert HO Chun-yan  
Hon LEE Cheuk-yan  
Dr Hon David LI Kwok-po, GBS, JP  
Dr Hon LUI Ming-wah, SBS, JP  
Hon Bernard CHAN, GBS, JP  
Hon LEUNG Yiu-chung  
Hon WONG Yung-kan, JP  
Hon LAU Chin-shek, JP  
Hon LAU Wong-fat, GBM, GBS, JP  
Hon Andrew CHENG Kar-foo  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon MA Lik, GBS, JP  
Hon CHIM Pui-chung

**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
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 Amy YU	Senior Council Secretary (2)3

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**I. Confirmation of the minutes of the 29th meeting held on 15 June 2007**  
(LC Paper No. CB(2) 2209/06-07)

The minutes were confirmed.

**II. Matters arising**

**(a) 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

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2. The Chairman said that she had followed up with CS on the timing of his response, and CS had indicated that a reply would be provided within two to three weeks.

**(b) Unsolicited Electronic Messages Regulation**

(LC Paper No. LS 97/06-07)

(Paragraphs 24 to 26 of the minutes of the 29th House Committee meeting on 15 June 2007)

[Previous paper:

Paragraphs 7 to 12 of LC Paper No. LS 89/06-07 issued vide LC Paper No. CB(2) 2171/06-07 dated 14 June 2007]

3. The Chairman said that at the last House Committee meeting, Members were informed that the Legal Service Division had written to the Administration to seek clarification on certain technical matters. At the request of Members, the Legal Service Division had also written to the Administration to enquire whether the industry had been consulted on the Regulation. The Administration had given its reply, which was summarized in the further report by the Legal Service Division. The Chairman further said that according to the Administration, it had consulted the major industry stakeholders and had received four submissions in support of the Regulation.

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4. Members did not raise any further query on the Regulation.
5. The Chairman reminded Members that the deadline for amending the item of subsidiary legislation was 11 July 2007.

**III. Business arising from previous Council meetings**

**Legal Service Division report on subsidiary legislation gazetted on 15 June 2007**

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*(LC Paper No. LS 95/06-07)*

6. The Chairman said that a total of eight items of subsidiary legislation were gazetted on 15 June 2007.

7. In response to Ms Margaret NG's enquiry on the Commencement Notice and the Amendment Regulation made under the Legal Aid Ordinance, the Chairman said that the two items of subsidiary legislation were to implement the resolution passed at the Legislative Council (LegCo) meeting on 2 May 2007 to increase the financial resources eligibility limit for the Ordinary Legal Aid Scheme and the Supplementary Legal Aid Scheme. The Commencement Notice appointed 15 June 2007 as the day on which the resolution should come into operation, whereas the Amendment Regulation was a consequential amendment which was technical in nature.

8. Members did not raise any queries on the other four items of subsidiary legislation tabled in the Council.

9. Regarding the two items of subsidiary legislation made under the United Nations Sanctions Ordinance which were not required to be tabled in the Council, i.e. the United Nations Sanctions (Democratic People's Republic of Korea) Regulation and the United Nations Sanctions (Liberia) Regulation 2005 (Amendment) (No.2) Regulation 2007, the Chairman said that they came within the terms of reference of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions. She suggested that the two Regulations be referred to the Subcommittee.

10. In response to Ms Margaret NG, the Chairman said that she had conveyed the Subcommittee's request for CS to critically examine its deliberations and proposals at their meeting on 21 May 2007, and CS had undertaken to give a detailed response to the Subcommittee within three months. In the meantime, the Subcommittee would continue to operate.

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11. Members agreed that the two Regulations be referred to the Subcommittee.

**IV. Further business for the Council meeting on 27 June 2007**

**Questions**

*(LC Paper No. CB(3) 719/06-07)*

12. The Chairman said that Mr Ronny TONG, Mr Alan LEONG and Mr CHEUNG Man-kwong had replaced their oral questions, and Dr Fernando CHEUNG had replaced his written question.

**V. Business for the Council meeting on 4 July 2007**

**(a) Questions**

*(LC Paper No. CB(3) 720/06-07)*

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

**Supplementary Appropriation (2006-2007) Bill**

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

**(d) Government motions**

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

**(e) Members' Bill - resumption of debate on Second Reading, Committee Stage and Third Reading**

**The Chinese University of Hong Kong (Declaration of Morningside College and S. H. Ho College as Constituent Colleges) Bill**

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

(f) **Members' motions**

(i) **Motion on "Strengthening the regulation of unscrupulous business practices in pay television, telecommunications and internet services"**

*(Wording of the motion issued vide LC Paper No. CB(3) 724/06-07 dated 20 June 2007.)*

(ii) **Motion on "Developing environmental industries to create job opportunities"**

*(Wording of the motion issued vide LC Paper No. CB(3) 723/06-07 dated 20 June 2007.)*

18. The Chairman said that the above motions would be moved by Dr YEUNG Sum and Mr KWONG Chi-kin respectively, and the wording of the motions had been issued to Members.

19. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Tuesday, 26 June 2007.

**VI. The Chief Executive's Question and Answer Session on 5 July 2007**

20. 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.

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

22. The Chairman said that she would convey the topic to CS.

**VII. Report of Bills Committees and subcommittees**

**Report of the Bills Committee on Hazardous Chemicals Control Bill**

*(LC Paper No. CB(1) 1939/06-07)*

23. Miss CHOY So-yuk, Chairman of the Subcommittee, referred Members to the Bills Committee's report, and explained that the objective of the Bill was to regulate the manufacture, export, import and use of

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non-pesticide hazardous chemicals, including those that were subject to the regulation of the Rotterdam Convention and the Stockholm Convention.

24. Miss CHOY reported that the Bills Committee generally supported the policy intent of the Bill to regulate hazardous chemicals, given their hazards to human health and the environment. Members, however, had expressed concern about the approach adopted in the Bill for the implementation of the two international Conventions in Hong Kong. As against the prevailing approach to expressly set out the relevant parts of an international agreement which had the force of law in local legislation, the Administration had included in the Bill only a general reference clause to the international agreements concerned. As a general reference clause did not have a clearly defined scope, this might create uncertainty and ambiguity. To address members' concern, the Administration would move Committee Stage amendments (CSAs) to delete the general reference clause in the Bill.

25. Miss CHOY further said that in the course of deliberations, members had also raised concern about various issues, including the addition of new convention and non-convention chemicals, the scope of the control regime, liability of the Government and public officers, liability of employers and service of notices. The Administration had taken on board members' views and would move CSAs accordingly.

26. Miss CHOY added that the Bills Committee supported the resumption of the Second Reading debate on the Bill on 11 July 2007.

27. The Chairman reminded Members that the deadline for giving notice of CSAs was Saturday, 30 June 2007.

**VIII. Position on Bills Committees and subcommittees**

*(LC Paper No. CB(2) 2210/06-07)*

28. The Chairman said that there were eight Bills Committees and 11 subcommittees under the House Committee in action.

**IX. Proposed review of Rule 57(4) of the Rules of Procedure**

*(Letter dated 13 June 2007 from Dr Hon Fernando CHEUNG Chiu-hung to the Chairman of the House Committee (LC Paper No. CB(2) 2208/06-07(01))*

29. Referring Members to his letter, Dr Fernando CHEUNG said that he was concerned about the restrictions imposed by Rule 57(4) of the Rules of Procedure (RoP) on proposing amendments to bills. He elaborated that during the scrutiny of the Rail Merger Bill, some members had considered

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amendments to the Bill including its long title. However, the Legal Adviser to the Bills Committee advised that the long title could not be amended under RoP as it was not part of the Bill. The long title defined the scope of the Bill and amendments beyond its scope could not be proposed. Dr CHEUNG considered that Rule 57(4) was a self-imposed restriction on Members' right to propose amendments. He was concerned whether this provision contravened the Basic Law which provided for the power of LegCo to amend laws. Dr CHEUNG opined that as the issue was of constitutional importance and fundamental to the relationship between LegCo and the Executive, an expeditious review of the Rule by the Committee on Rules of Procedure (CRoP) was necessary.

30. Members agreed that the matter be referred to CRoP for follow up. The Chairman said that CRoP would report the outcome of its study to the House Committee.

**X. Proposed invitation to Principal Officials to meet with relevant Panels**

*(Letter dated 18 June 2007 from Hon Albert HO Chun-yan to the Chairman of the House Committee (LC Paper No. CB(2) 2208/06-07(02))*

31. The Chairman referred Members to the letter from Mr Albert HO, who was not present at the meeting, and said that Mr HO proposed to invite Principal Officials of the next term of the Government of the Hong Kong Special Administrative Region to meet with relevant Panels to brief Members on their visions for governance and ways to establish working relationship with LegCo.

32. The Chairman informed Members that the House Committee had discussed a similar proposal at its meeting on 28 June 2002. Members then agreed that the House Committee Chairman should convey to CS the request for Principal Officials to meet with relevant Panels as early as possible, and individual Panels should extend the invitation to the corresponding Principal Officials separately.

33. Mr SIN Chung-kai said that the Principal Officials should proactively communicate and meet with the corresponding Panels. He suggested that instead of asking individual Panels to write to the corresponding Principal Officials, the Chairman of the House Committee could, on behalf of Members, extend an invitation to CS so that he could pass it on to the Principal Officials concerned. The Principal Officials could then proactively make arrangements with the corresponding Panels for attending Panel meetings.



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34. The Chairman opined that a two-pronged approach as that adopted in 2002 could be taken. She could relay the message to CS, and individual Panels could extend the invitation to the Principal Officials separately.

35. Mr SIN Chung-kai was concerned about the workload generated to the Secretariat if individual Panels had to extend the invitation to the Principal Officials separately.

36. In response to the Chairman, Secretary General said that the Secretariat was ready to do the work. He thanked Mr SIN for being so considerate.

37. Members agreed to invite the new Principal Officials to meet with the relevant Panels as early as possible. They also agreed that the Chairman of the House Committee would relay the message to CS, and individual Panels would extend the invitations to the Principal Officials concerned separately.

**XI. Any other business**

38. There being no other business, the meeting ended at 2:48 pm.