

立法會
Legislative Council

LC Paper No. CB(2) 2761/06-07

Ref : CB2/H/5/06

House Committee of the Legislative Council

**Minutes of the 32nd meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 6 July 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 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, SBS, JP
Hon Bernard CHAN, GBS, JP
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon LEUNG Yiu-chung
Hon SIN Chung-kai, SBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Dr Hon YEUNG Sum, JP
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 TAM Yiu-chung, GBS, JP
Hon LI Fung-ying, BBS, JP

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
Miss Erin TSANG	Chief Council Secretary (1)3
Ms Connie SZETO	Chief Council Secretary (1)6
Miss Odelia LEUNG	Chief Council Secretary (2)6
Mr Stephen LAM	Assistant Legal Adviser 4
Miss Monna LAI	Assistant Legal Adviser 7
Ms Amy YU	Senior Council Secretary (2)3

Action

I. Confirmation of the minutes of the 31st meeting held on 29 June 2007
(LC Paper No. CB(2) 2365/06-07)

The minutes were confirmed.

II. Matters arising

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

Recent speech of the former CS at an interview with Shun Yan University students

2. The Chairman said that she had informed CS that some Members expressed dissatisfaction at the speech of the former CS at an interview with Shun Yan University students which was broadcasted by the media on 28 June 2007, while some other Members held a different view. She had written to the former CS on 30 June 2007 enclosing a verbatim record of Members' discussion on the matter. She had also told the new CS that Members looked forward to an early response from the former CS or the Administration. CS had taken note of Members' request.

Attendance of Principal Officials at Panel meetings

3. As regards Members' concern about the low attendance rates of Principal Officials at Panel meetings, the Chairman said that CS had advised that the Principal Officials would attend Panel meetings on a need basis. The Chairman further said that in response to Members' request for a performance pledge in this respect, CS was of the view that it might not be appropriate to measure the relationship between the Executive and the Legislature on the basis of the attendance rates of Principal Officials. CS also said that new positions at the levels of Deputy Director of Bureau and Assistant to Director

Action

of Bureau proposed for creation under the Political Appointment System would also help to strengthen relationship with Members.

4. Referring to Members' request for Principal Officials of the new term of the SAR Government to attend Panel meetings, the Chairman said that as at the morning of the House Committee meeting, four Principal Officials had indicated that they would attend the meetings of six Panels. Responding to Ms Emily LAU, the Chairman further said that arrangements were being made for other Principal Officials to meet with the relevant Panels after consultation with the Panel Chairmen. The Chairman added that so far, no Principal Officials had declined the invitations.

5. In response to Mr LEUNG Yiu-chung, the Chairman clarified that Members had agreed earlier on that the Principal Officials of the new term of the SAR Government should be invited to meet with the relevant Panels as soon as practicable to brief Members on their visions for governance. She had, therefore, reported the progress of the matter to Members.

6. Noting CS's comment that it might not be appropriate to measure the relationship between the Executive and the Legislature on the basis of the attendance rates of Principal Officials, Ms Audrey EU sought clarification on whether this was the Administration's interim or final response to Members' request for a performance pledge on the attendance of Principal Officials at LegCo committee meetings. She recalled that the former CS had indicated to the Chairman that the Administration would provide a detailed response to Members' request.

7. Secretary General (SG) said that pursuant to the discussion of the matter at the House Committee meeting in early June, the Chairman had written to the former CS, who had provided a reply on 29 June 2007. The reply stated that the Administration did not see any meaningful purpose to introduce any rigid pledge for attendance at Panel or Bills Committee meetings in view of the highly diversified and variable nature of the public business that was of interest to Legislative Council (LegCo) Members at any given time.

8. Ms Audrey EU said that the reply appeared to be the Administration's final response, but it was at variance with her impression that the Administration would make a pledge in time.

9. The Chairman said that she had raised the matter with the new CS, who had responded that it might not be appropriate to measure the relationship between the Executive and the Legislature on the basis of the attendance rates of Principal Officials.

Action

10. Ms Audrey EU said that Members' request for an attendance pledge, and the appropriateness of using the attendance rates to measure the relationship between the Executive and the Legislature, were two different issues. The Administration was entitled to its view that there could be different ways to measure the relationship between the Executive and the Legislature, and the attendance of Principal Officials at LegCo committee meetings was only one of the indicators. Ms EU stressed that Members were not seeking the Administration's view, but were asking for improvement and a performance pledge from the Administration because of the low attendance rates of Principal Officials at Panel meetings in the past. She questioned how the new term of the SAR Government would "reach out to the community" and be accountable to the people, as pledged by the Chief Executive (CE), when the Administration refused even to draw up a performance pledge on attending LegCo committee meetings. Ms EU expressed strong dissatisfaction with the response of the former and the new CSs. She suggested that the Chairman should request CS to further consider Members' request for an attendance pledge.

11. As the subject matter was related to agenda item II (b), the Chairman suggested that Members could further discuss the reply of the former CS under the agenda item. Members agreed.

(b) Attendance of Principal Officials at and provision of papers for Legislative Council committee meetings

(Correspondence between the Chairman and the Chief Secretary for Administration issued vide LC Paper No. CB(2) 2356/06-07 dated 29 June 2007)

12. Referring to the former CS's reply dated 29 June 2007, Ms Emily LAU said that the Administration did not accept Members' view that the attendance rates of Principal Officials at Panel meetings had declined; and even stated that there was no causal link between the attendance rates of Principal Officials and their commitment towards LegCo. Ms LAU pointed out that only four Principal Officials had an attendance rate of above 50% for Panel meetings in the current term, namely the Secretary for Constitutional Affairs, Secretary for Economic Development and Labour, Secretary for Housing, Planning and Lands (in respect of the meetings of the Panel on Planning, Lands and Works), and Secretary for Civil Service. The attendance rates of some Principal Officials, including the Secretary for Justice, Secretary for Health, Welfare and Food, Secretary for Home Affairs, Secretary for Commerce, Industry and Technology, Secretary for Security and Secretary for Environment, Transport and Works, were below 20%. Some Principal Officials had attended only one Panel meeting for the entire legislative session. Ms LAU considered such low attendance rates totally unacceptable. She opined that the Administration's resistance to give a performance pledge reflected its non-commitment towards LegCo. She was of the view that the Administration should at least be

Action

requested to give an undertaking that the Principal Officials would attend LegCo committee meetings more frequently.

13. Mr LEUNG Yiu-chung said that frequent attendance of Principal Officials at LegCo committee meetings would no doubt be conducive to enhancing the relationship between the Executive and the Legislature. However, this was not the primary objective of inviting Principal Officials to committee meetings. The primary objective was to enable thorough discussion on subject matters, with the Principal Officials explaining policies to and exchanging views with Members. As the Principal Officials were in a position to make decisions, their attendance would also expedite the handling of subject matters. Mr LEUNG requested the Chairman to relay his views to CS.

14. Mr Ronny TONG considered that the reply of the former CS represented the Administration's views rather than his personal views. Referring to the former CS's comment that the pan-democrats were opposing for the sake of opposition, Mr TONG said that this was a reflection of the Administration's failure to appreciate the pan-democrats' reasons for opposing certain Government policies. He was concerned about the new CS's view that it was not appropriate to measure the relationship between the Executive and the Legislature on the basis of the attendance rates of Principal Officials. He suggested that the Chairman should ask CS whether reading newspapers, watching television and listening to the radio on the part of the Principal Officials in lieu of attendance at LegCo committee meetings could help improve the relationship between the Executive and the Legislature.

15. Mr Albert CHAN said that enhancing communication and interaction was the key to improving all types of relationships. He pointed out that Principal Officials often took the initiative to attend LegCo committee meetings when they needed to garner Members' support for a legislative or financial proposal. This showed how important communication with Members was in the view of the Administration. However, when a subject matter was of lesser importance, even the relevant Permanent Secretary and his/her deputy would not attend the meeting, and only an Assistant Secretary was sent. Mr CHAN considered this disrespectful to LegCo and entirely unacceptable. He was of the view that Members should agree on a protocol that officials attending LegCo committee meetings should at least be in the rank of Deputy Secretary. He urged committee chairmen to remove an item from the agenda if the officials fielded by the Administration for the item were not of sufficiently high rank.

16. Mr CHAN was also concerned about the operation of the accountability system of Principal Officials. Referring to the remark of the former Permanent Secretary for Education on the unhealthy political situation in Hong

Action

Kong, Mr CHAN attributed the problem to the Administration and the unhealthy development of the accountability system of Principal Officials. He pointed out that Principal Officials, being political appointees, had the responsibility for answering Members' questions. However, they had attended less than 20% of Council meetings, while civil servants often attended LegCo committee meetings on their behalf. Mr CHAN criticised the Administration for failing to live up to the spirit and substance of the accountability system. He added that if the Principal Officials were unable to put the accountability system into practice, the Administration should abolish the system altogether.

17. Dr Fernando CHEUNG said that the response of the former and the new CSs showed that the spirit of accountability of the new term of the SAR Government was not only "to reach out to the community", but also "to stay away from LegCo". He pointed out that as Principal Officials seldom attended LegCo committee meetings, the Government officials attending the meetings were often not in a position to make decisions on policy matters, and could only relay members' views and requests to the relevant Directors of Bureaux for consideration. This resulted in subject matters having had to go back and forth between Members and the Administration several times. This was wasteful of Members' time and had undermined the efficiency of the work of LegCo.

18. Dr CHEUNG further said that in the past two years, the Administration often failed to brief LegCo on important policies prior to briefing the media. A recent case in point was the announcement on the appointment of the Principal Officials of the new term of the SAR Government. He considered this disrespectful to LegCo and not conducive to improving the relationship between the Executive and the Legislature. Dr CHEUNG added that should there be no improvement in the attendance rates of Principal Officials in the next session, he would consider proposing a motion of regret at the end of the current term.

19. Mr Albert HO shared the views expressed by Members. He said that while he considered it unnecessary for Principal Officials to attend each and every LegCo committee meeting, there had been numerous occasions in the past where Principal Officials did not attend committee meetings to discuss important or controversial policy issues, notwithstanding specific requests made by the committees. Mr HO considered this objectionable. He opined that the reluctance of Principal Officials to attend committee meetings showed that they were accountable to CE only and not to LegCo. Mr HO cautioned that with the proposed introduction of the ranks of Deputy Director of Bureau and Assistant to Director of Bureau, the attendance rates of Principal Officials at LegCo committee meetings might decline further.

Action

20. Mr James TIEN said that he had expressed his view previously that under the accountability system, Principal Officials should attend Panel meetings more frequently, especially when new proposals were introduced. Mr TIEN further said that he had confidence in the Principal Officials for the new term of the SAR Government. With due preparation, they should be competent to answer Members' questions and address Members' concerns at Panel meetings. From that perspective, attendance at LegCo committee meetings would not necessarily be a difficult task but could help promote their public image. He requested the Chairman to relay his view to CS.

21. Mr LAU Kong-wah said that there were indeed situations where the attendance of Principal Officials at LegCo committee meetings was necessary for resolving the issues under discussion. While he agreed that the Principal Officials should attend LegCo committee meetings more frequently, he did not consider it necessary for them to attend each and every meeting, nor did he see the need to draw up a performance pledge in this respect. He shared the view that there was no direct causal link between the attendance rates of Principal Officials and the relationship between the Executive and the Legislature. Mr LAU added that it was important for the Administration to field the most appropriate officers to attend LegCo committee meetings, irrespective of their rank.

22. Mr LEUNG Kwok-hung said that it was clearly stated in the Basic Law that the Government of the Hong Kong Special Administrative Region must be accountable to LegCo. As the Principal Officials were accountable to CE, they had the obligation to represent CE to attend LegCo committee meetings to explain Government policies to Members. This would also accord with the pledge of accountability of the new term of the SAR Government "to reach out to the community". Mr LEUNG suggested that the Chairman should ask CS to request the Principal Officials to mark in their diaries the dates of all relevant LegCo committee meetings, particularly those of the House Committee and the Finance Committee.

23. The Chairman said that other than CS, it was not necessary for the Principal Officials to attend House Committee meetings.

24. Mrs Selina CHOW said that it was legitimate for LegCo Members to expect the new Principal Officials to attend LegCo committee meetings more frequently. While Members appreciated that the policy portfolios of some Principal Officials were extensive, this should not be an excuse for them not to attend LegCo committee meetings. Principal Officials should attach great importance to their communication with LegCo Members who had constitutional responsibilities. Mrs CHOW opined that as the new CS had just taken up office, Members should allow some time for him to settle in. She also considered that the new CS should attend House Committee meetings

Action

on a regular basis to exchange views with Members. Mrs CHOW suggested that the new CS be requested to respond to Members' concerns and requests.

25. As it was already 3:00 pm, the Chairman pointed out that in accordance with Rule 20(e) of the House Rules, the House Committee meeting had to be suspended and would resume after the Finance Committee meeting to deal with the unfinished business on the Agenda.

(The meeting was suspended at 3:01 pm and resumed at 5:08 pm.)

26. Ms Emily LAU said that she was disappointed to note from a follow-up paper provided by the Secretariat (LC paper No. CB(2) 2400/06-07) that the former CS had only attended LegCo committee meetings on three occasions in his capacity as CS, namely a meeting each of the House Committee, the Panel on Constitutional Affairs and the Subcommittee on West Kowloon Cultural District Development on 7 October 2005, 21 October 2005 and 21 February 2006 respectively. Ms LAU pointed out that this was at variance with the established practice that CS would attend House Committee meetings on a regular basis to exchange views with Members on matters of mutual concern. She stressed that the new CS should not follow the example of the former CS in this regard.

27. Ms LAU further said that the Secretariat should continue to record the attendance of Principal Officials, and Members should review the attendance rates at the end of the current term. Should there be no improvement, Members should consider proposing a motion of regret as suggested by Dr Fernando CHEUNG. Ms LAU also expressed regret at the Administration's refusal to draw up a performance pledge. She added that Members should convey a clear message to the Principal Officials that they should attend LegCo committee meetings frequently, which was a way of showing respect to LegCo.

28. Ms Audrey EU said that as political appointees, it was incumbent upon Principal Officials to attend LegCo committee meetings to explain policy matters to Members. She pointed out that it was also important for Principal Officials to attend committee meetings to receive and respond to the views expressed by deputations. She considered it a disgrace if the new term of the SAR Government did not explain policy initiatives to LegCo or respond to views expressed by deputations.

29. Mr James TIEN clarified that he had stressed the importance of Principal Officials attending meetings which involved new policy proposals. However, this did not mean that he considered it unnecessary for them to attend other meetings. He considered that Principal Officials should make every effort to attend Panel meetings.

Action

30. The Chairman summed up Members' views as follows -

- (a) the response of the former and the new CSs that Principal Officials would only attend LegCo committee meetings on a need basis was not acceptable;
- (b) Principal Officials should make their best efforts to attend Panel and Bills Committee meetings frequently, especially when important or new policy matters were involved;
- (c) the Administration should brief LegCo Members on important or new policies prior to briefing the media;
- (d) officials attending LegCo committee meetings should be conversant with the relevant subject matters and be of a sufficiently high rank; and
- (e) the new CS should attend House Committee meetings on a regular basis to exchange views with Members on issues of mutual concern.

31. The Chairman proposed that she would write to CS on the above, and relay Members' views and requests to CS when she met with him. Members agreed.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 29 June 2007 and tabled in Council on 4 July 2007

(LC Paper No. LS 100/06-07)

32. The Chairman said that a total of eight items of subsidiary legislation were gazetted on 29 June 2007 and tabled in Council on 4 July 2007.

33. Regarding the Official Languages (Alteration of Text under Section 4D) (Miscellaneous) Order 2007, Ms Margaret NG enquired about the reasons for the proposed alterations to the Chinese text of various items of legislation by substituting "訟辯人" for "出庭代訟人", "代言人" and "代訟人".

34. Assistant Legal Adviser 4 explained that the term "訟辯人" was used in a number of existing items of legislation, and the proposed alterations sought to achieve consistency in the Chinese text of various items of legislation.

Action

35. In response to Ms Margaret NG, the Legal Adviser said that the Order was subject to the scrutiny of and amendments by LegCo. He added that the Order would come into effect after the expiry of the scrutiny period.

36. Ms Margaret NG requested the Legal Service Division to provide supplementary information on the items of legislation using the term "訟辯人". She considered it necessary to form a subcommittee to study the Order.

37. The Chairman proposed that a subcommittee be formed to study the Order in detail. Members agreed. The following Members agreed to join: Ms Margaret NG, Ms Audrey EU and Mr LEUNG Kwok-hung.

38. Members did not raise any queries on the other seven items of subsidiary legislation.

IV. Further business for the Council meeting on 11 July 2007

(a) **Questions**

(LC Paper No. CB(3) 774/06-07)

39. The Chairman said that Ms Audrey EU had replaced her oral question and Miss CHOY So-yuk had replaced her written question.

(b) **Bills – First Reading and moving of Second Reading**

Prevention of Bribery (Amendment) Bill 2007

40. The Chairman said that the Administration had given notice to present the above Bill to the Council on 11 July 2007. The House Committee would consider the Bill at the first meeting after the summer recess.

(c) **Members' motions**

Proposed resolution to be moved by Hon Jasper TSANG Yok-sing under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 775/06-07 dated 3 July 2007.)

41. The Chairman said that at the last House Committee meeting, Members noted that Mr Jasper TSANG, Chairman of the Committee on Rules of Procedure (CRoP), would move a motion at the Council meeting on 11 July 2007 to amend the Rules of Procedure (RoP) regarding the speaking order of designated public officers during motion debates initiated by Members at

Action

Council meetings. The Chairman further said that under the current arrangement, a designated public officer attending a motion debate initiated by a Member was called upon to speak towards the end of the debate. The proposed amendments to RoP would require the President to call upon designated public officers to speak at the early part of the debate on the motion. The objective of this proposed procedure was to have the Administration's stance on the relevant motion stated at the early part of the debate; when a designated public officer spoke towards the end of the debate, it was to respond to Members' views expressed during the debate.

42. Ms Emily LAU enquired whether public officers would speak in the debate on the motion during the Council meeting on 11 July 2007.

43. The Chairman said that normally public officers would not participate in the motion debates concerning RoP.

44. The Legal Adviser added that public officers could speak in the debate if they so wished.

45. Ms Emily LAU opined that as the proposed amendments were related to public officers' speaking order during motion debates, the Administration should explain its stance on the matter during the debate on the motion.

46. Mr Jasper TSANG said that the Administration's view had been sought on the subject matter. It considered that under the existing RoP, designated public officers attending a motion debate could speak more than once, and there were past occasions at which designated public officers had spoken both in the early part and at the end of motion debates. As such, the Administration did not consider the proposed amendments to RoP necessary. Mr TSANG added that the Basic Law did not require LegCo to seek the consent of the Administration when introducing amendments to RoP. Nevertheless, the Administration had been informed of the proposed amendments.

V. Report of Bills Committees and subcommittees

**(a) Report of the Subcommittee on Building Management (Fee Revision)
Regulation 2007**

(LC Paper No. CB(2) 2366/06-07)

47. The Chairman said that Mrs Selina CHOW, Chairman of the Subcommittee, had given a verbal report at the last House Committee meeting. A written report was provided for the current meeting.

Action

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

(b) Report of the Subcommittee on Hotel and Guesthouse Accommodation (Revision of Licence Fees) Regulation 2007
(LC Paper No. CB(2) 2367/06-07)

49. The Chairman said that Mr SIN Chung-kai, Chairman of the Subcommittee, had given a verbal report at the last House Committee meeting. A written report was provided for the current meeting.

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

VI. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 2368/06-07)

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

VII. Report of the Panel on Administration of Justice and Legal Services on juvenile justice system

(LC Paper No. CB(2) 2369/06-07)

52. Ms Margaret NG, Chairman of the Panel, explained the background to the Panel's report. Ms NG said that before the end of the Second LegCo, the Subcommittee on Juvenile Justice System had made a report to the House Committee, and had recommended that the Administration should report to the relevant Panel(s) in the new LegCo term on the following matters -

- (a) the effectiveness of the enhanced measures introduced to strengthen the support for unruly children and young offenders since October 2003; and
- (b) the outcome of the Administration's review on the development of a new juvenile justice system incorporating the principles and practices of restorative justice.

53. Ms NG reported that the Panel had been monitoring the progress of the above matters and had had further discussion. In respect of the development of a new juvenile justice system incorporating the principles and practices of restorative justice, the Administration considered that as any possible extra benefits that victim participation in the criminal justice system might bring on top of the existing measures were not apparent, it would not seek to introduce such an element into the system. Ms NG pointed out that some members and

Action

deputations had expressed dissatisfaction with the Administration's stance in this regard.

54. Ms NG further said that the Administration had also indicated that it did not plan to further raise the minimum age of criminal responsibility for the time being.

55. Ms NG added that as the Administration had reported on the effectiveness of the enhanced measures and had stated its position on the development of a new juvenile justice system incorporating the principles and practices of restorative justice, the Panel had agreed to make a report to the House Committee. Ms NG supplemented that the matter might be followed up further by other Panel(s), such as the Panel on Welfare Services, if necessary.

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

VIII. Proposed overseas duty visit by the Panel on Commerce and Industry and the Panel on Economic Services

(LC Paper No. CB(1) 2045/06-07)

57. Mr Vincent FANG, Chairman of the Panel on Commerce and Industry, said that the Panel and the Panel on Economic Services sought the House Committee's permission to conduct a joint overseas duty visit to Dubai, Spain, Germany and the United States (US) from 22 to 31 August 2007 to obtain first-hand information on the development of convention and exhibition facilities and cruise terminal facilities in these countries.

58. Mr FANG elaborated that the delegation would visit the convention and exhibition facilities in Frankfurt of Germany, known as the world's exhibition capital, and attend one of the world's leading trade show for the fashion and apparel industry, i.e. the Magic International, to be held in Las Vegas of the US. The delegation would also visit the cruise terminal facilities in Dubai, Barcelona of Spain and Los Angeles of the US. Apart from meeting with Government officials and authorities, the delegation would also meet with the management of the relevant organizations.

59. Mr FANG further said that the two Panels had agreed to conduct a joint visit in view of the extensive overlap of their membership and members' common interests in the facilities to be studied. Thirteen Members (including four non-Panel Members) had indicated interest in joining the visit. He referred Members to the paper for further details of the visit, and added that a report would be submitted to the House Committee in due course.

Action

60. The Chairman proposed that permission be given for the Panels to undertake the joint duty visit under rule 22(v) of the House Rules (HR). Members agreed.

IX. Proposal to undertake a duty visit to Macau by the Panel on Home Affairs
(*LC Paper No. CB(2) 2372/06-07*)

61. Miss CHOY So-yuk, Chairman of the Panel, said that the Panel sought the House Committee's permission to undertake a one-day duty visit to Macau for the purpose of understanding the city's experience in built heritage conservation. The delegation would exchange views with the officials involved in the conservation work of built heritage. She added that the Panel had earlier on conducted a one-day visit to local heritage sites.

62. The Chairman proposed that permission be given for the Panel to undertake the duty visit under rule 22(v) of HR. Members agreed.

63. Ms Emily LAU asked whether Government officials would be invited to join the duty visits of the Panels. She recalled that officials from relevant Government departments had been invited to join the duty visit conducted by the Panel on Environmental Affairs (EA Panel) in the last session.

64. Mr Vincent FANG said that the Panel on Commerce and Industry and the Panel on Economic Services would consider extending the invitation to Government officials should they indicate interest in joining the visit.

65. Mrs Selina CHOW recalled that Members had discussed the matter before, and had come to the view that overseas duty visits undertaken by LegCo Members should be separate from those by the Administration, given their different views and angles on the subject of study.

66. Assistant Secretary General 1 confirmed that Members had indeed discussed the matter, and agreed that it would not be appropriate for members of the Administration to take part in overseas duty visits conducted by LegCo committees as it might compromise the independence of the studies undertaken by the committees concerned. She stressed that the participation of public officers in EA Panel's previous overseas duty visits was an exceptional arrangement. The facilities visited by the Panel were technology-related. The Panel had acceded to the request of the Administration to accompany the delegation as members considered that it would be useful to have these public officers, who were professionals familiar with the subject matters under study, available for consultation when members encountered any technical issues during the duty visit.

Action

67. Miss CHOY So-yuk, the leader of the delegation of the visit conducted by the EA Panel, could not recall the matter having been discussed by Members before. She said that the Administration had requested to accompany the delegation and the visit had proven to be fruitful.

68. Mrs Selina CHOW pointed out that it was not uncommon for the Administration to propose to accompany Members on overseas duty visits. While appreciating the reasons for the EA Panel to have acceded to the Administration's request, she considered that as a matter of principle, Members should not conduct overseas duty visits together with Government officials on account of their different perspectives on subject matters. Mrs CHOW further said that unless Members had had further thorough discussion, it was inappropriate to change the decision already made on the matter.

69. Ms Emily LAU opined that the matter could be further discussed in future. Referring to the duty visit of the EA Panel, she pointed out that the delegation welcomed the participation of Government officials, who had kept a low profile throughout the visit. Their participation had facilitated subsequent discussion between Members and the Administration, as both parties had acquired knowledge of the facilities visited. She concurred with Miss CHOY So-yuk that the visit was fruitful for both Members and the Government officials concerned.

70. Mr LEUNG Kwok-hung said that he was not interested in undertaking a duty visit together with Government officials. He asked whether the Administration could assist him in obtaining an entry permit to Macau for the purpose of joining the duty visit of the Panel on Home Affairs.

71. The Chairman said that the request of Mr LEUNG did not fall within the purview of the House Committee. Mr LEUNG accepted the advice.

72. Miss CHOY So-yuk shared the view that the issue could be further discussed. She reiterated that it was worthwhile for Government officials to join overseas duty visits conducted by Members.

73. In concluding, the Chairman said that the decision made by Members concerning overseas duty visits should continue to be observed. If Members found certain duty visits useful, they could make suggestions for the Government officials concerned to undertake a similar visit on their own.

X. Paper of the Committee on Rules of Procedure (CRoP)

Review of the Distribution of Work of the Legislative Council Panels in the light of the Re-organization of Government Secretariat

(LC Paper No. CROP 47/06-07)

74. Mr Jasper TSANG, Chairman of CRoP, said that CRoP had undertaken a review of the distribution of work of LegCo Panels in the light of the recent re-organization of the Government Secretariat.

75. Mr TSANG reported that CRoP was of the view that a complete re-alignment of the policy areas of Panels based on the new schedule of responsibilities of the Directors of Bureaux would lead to significant changes to the Panel structure and membership composition, and such changes would make it difficult for individual Panels to monitor and follow-up on specific policy issues in the last session of the current term. CRoP, therefore, recommended that the present Panel structure, with suitable modifications to the names and terms of reference of some Panels, should be maintained for the remainder of the current legislative term.

76. Mr TSANG further said that CRoP also recommended that a review should be conducted towards the end of the 2007-2008 session to examine the Panel structure, with a view to proposing a Panel structure for LegCo of the next term. He added that the Administration had been consulted on the proposal and had indicated support for it. The proposed modifications to the names and terms of reference of some Panels were set out in Appendix III to the paper.

77. Mr TSANG said that subject to the House Committee's support for CRoP's recommendations, CRoP proposed that the motion seeking the Council's approval of the proposed modifications be moved by the Chairman of House Committee at the Council meeting of 11 July 2007. He also sought the House Committee's support for seeking the President's leave to dispense with the requisite notice period for moving the motion.

78. Members endorsed CRoP's proposal on the modifications to the names and terms of reference of some Panels. Members also supported CRoP's recommendation that the motion be moved by the Chairman of the House Committee, and the seeking of the President's leave to dispense with the requisite notice for moving the motion at the Council meeting of 11 July 2007.

Action

XI. Review of arrangements for House Committee meetings

(LC Paper No. CB(2) 2370/06-07)

79. The Chairman referred Members to the paper concerning the review of the arrangements for House Committee meetings implemented with effect from the 2006-2007 session. The Chairman highlighted that under the arrangements, House Committee meetings should start at 2:30 pm. When a Finance Committee meeting was scheduled to be held in the same afternoon, the House Committee meeting would be suspended at 3:00 pm and resumed after the Finance Committee meeting to deal with all the unfinished business. The Chairman added that most of the House Committee meetings in the current session were concluded within half an hour.

80. Ms Emily LAU remarked that the existing arrangements were odd but she respected Members' support for the continuation of the arrangements.

81. Members endorsed the continuation of the existing arrangements for House Committee meetings.

XII. Any other business

82. There being no other business, the meeting ended at 5:41 pm.