

立法會

Legislative Council

LC Paper No. CB(2) 22/07-08

Ref : CB2/H/5/06

House Committee of the Legislative Council

Minutes of the 33rd meeting held in the Legislative Council Chamber at 2:37 pm on Friday, 5 October 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
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-ye, GBS, JP
Hon James TO Kun-sun
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 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, SBS, JP
Hon LI Fung-ying, BBS, JP

Hon Tommy CHEUNG Yu-yan, SBS, 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, JP
Hon KWONG Chi-kin
Hon TAM Heung-man

Members absent :

Dr Hon David LI Kwok-po, GBM, GBS, JP
Hon CHEUNG Man-kwong
Hon LAU Chin-shek, 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
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 Odelia LEUNG	Chief Council Secretary (2)6
Mr Kelvin LEE	Assistant Legal Adviser 1
Mr Timothy TSO	Assistant Legal Adviser 2
Ms Connie FUNG	Assistant Legal Adviser 3
Mr Stephen LAM	Assistant Legal Adviser 4
Miss Kitty CHENG	Assistant Legal Adviser 5
Mr KAU Kin-wah	Assistant Legal Adviser 6
Miss Monna LAI	Assistant Legal Adviser 7
Ms Amy YU	Senior Council Secretary (2)3
Mr Arthur KAN	Legislative Assistant (2)7

Action

I. Confirmation of the minutes of the 32nd meeting held on 6 July 2007
(LC Paper No. CB(2) 2761/06-07)

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 Legislative Council committee meetings

2. The Chairman said that she had relayed to CS the points made by Members at the House Committee meeting on 6 July 2007. She had also written to him on the matter. In his reply dated 14 August 2007, CS stated that Principal Officials would attend Legislative Council committee meetings on a need basis. CS also indicated that he would like to attend a House Committee meeting to be scheduled immediately after the Policy Address. In this regard, she had just been informed of CS's suggestion for a meeting with Members on 12 October 2007. The Chairman proposed that in line with the arrangements in the past, the meeting with CS be held from 2:30 pm to 4:00 pm. Members agreed.

3. Dr YEUNG Sum opined that there should be some flexibility in the duration of the meeting with CS. The Chairman noted Dr YEUNG's view.

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)

Action

(i) Prevention of Bribery (Amendment) Bill 2007
(LC Paper No. LS 124/06-07)

4. The Chairman said that the Bill sought to amend the Prevention of Bribery Ordinance to make provisions relating to the solicitation and acceptance of advantages by the Chief Executive (CE).
5. Ms Emily LAU considered that a Bills Committee should be formed to study the Bill as it was controversial.
6. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Mr Martin LEE, Ms Margaret NG, Mr Jasper TSANG, Dr YEUNG Sum, Ms Emily LAU, Mr TAM Yiu-chung and Mr KWONG Chi-kin.
7. The Chairman said that as there were vacant slots, the Bills Committee could commence work immediately.

(ii) Independent Police Complaints Council Bill
(LC Paper No. LS 120/06-07)

8. The Chairman said that the Bill sought to incorporate the existing Independent Police Complaints Council as a body corporate and to make provisions relating to its membership, functions, powers and procedures.
9. The Chairman further said that the Panel on Security had been briefed on the legislative proposals.
10. Mr James TO considered it necessary to form a Bills Committee to study the Bill.
11. 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, Mr James TO, Mr LAU Kong-wah, Ms Emily LAU, Mr TAM Yiu-chung, Mr Daniel LAM and Mr Alan LEONG.
12. The Chairman said that as there were vacant slots, the Bills Committee could commence work immediately.

(b) Legal Service Division report on subsidiary legislation gazetted on 6 July 2007 and tabled in Council on 11 July 2007
(LC Paper No. LS 121/06-07)

Action

13. The Chairman said that a total of nine items of subsidiary legislation were gazetted on 6 July 2007 and tabled in Council on 11 July 2007.

14. Regarding the Building Management (Third Party Risks Insurance) Regulation, the Chairman said that the object of the Regulation was to prescribe the requirements for a policy of third party risks insurance procured by an owners' corporation in relation to the common parts of a building.

15. The Chairman further said that Members had raised various issues of concern, including the proposed minimum insurance coverage of \$10 million. The Legal Service Division recommended that a subcommittee be formed to study the Regulation in detail.

16. Mr James TO considered that a subcommittee should be formed to study the Regulation.

17. The Chairman proposed that a subcommittee be formed to study the Regulation in detail. Members agreed. The following Members agreed to join: Mr James TO, Ms Miriam LAU and Mr WONG Kwok-hing.

18. Regarding the Merchant Shipping (Prevention of Air Pollution) Regulation, the Chairman said that the Regulation was to give effect to Annex VI to the International Convention for the Prevention of Pollution from Ships concerning the prevention of air pollution to the marine environment by the emission of harmful substances from ships.

19. Mr WONG Yung-kan considered that a subcommittee should be formed to study the Regulation.

20. The Chairman proposed that a subcommittee be formed to study the Regulation in detail. Members agreed. The following Members agreed to join: Mr SIN Chung-kai, Mr WONG Yung-kan, Ms Miriam LAU and Mr TAM Yiu-chung.

21. The Chairman said that the scrutiny period of the above-mentioned Regulations would expire on 17 October 2007. To allow more time for their scrutiny, she proposed to move a motion, in her capacity as Chairman of the House Committee, at the Council meeting on 17 October 2007 to extend their scrutiny period to 7 November 2007. Members agreed.

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

Action

IV. Legal Service Division report on subsidiary legislation gazetted from 27 July 2007 to 28 September 2007

(LC Paper No. LS 122/06-07)

23. The Chairman said that a total of 16 items of subsidiary legislation, including six Commencement Notices and four items which were not required to be tabled in the Council, were gazetted during the period between 27 July and 28 September 2007.

24. Regarding the United Nations Sanctions (Iran) Regulation which was not required to be tabled in the Council, the Chairman said that it 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 proposed that the Regulation be referred to the Subcommittee. Members agreed.

25. Members did not raise any queries on the other 15 items of subsidiary legislation.

26. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation (except those not required to be tabled in the Council) was 7 November 2007.

V. Business for the Council meeting on 10 October 2007

The Chief Executive's Policy Address

27. The Chairman said that CE would deliver his Policy Address at the Council meeting on 10 October 2007.

28. The Chairman said that she would request the Administration to provide by noon on Thursday, 11 October 2007, the proposed grouping of policy areas for the debate on the Motion of Thanks to be held at the Council meeting of 24, 25 and 26 October 2007. The House Committee would discuss the Administration's proposed grouping at the meeting on 12 October 2007.

VI. The Chief Executive's Question and Answer Session on 11 October 2007

29. The Chairman said that the CE's Question and Answer Session would be held from 3:00 pm to 4:30 pm, and CE would answer questions on his Policy Address.

VII. Business for the Council meeting on 17 October 2007

(a) **Questions**

(LC Paper No. CB(3) 16/07-08)

30. 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**

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

(c) **Government motion**

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

(d) **Members' motions**

(i) **Motion on "Franchised bus fares"**

(Wording of the motion issued vide LC Paper No. CB(3) 17/07-08 dated 4 October 2007.)

(ii) **Motion on "Development of the convention and exhibition industry"**

(Wording of the motion issued vide LC Paper No. CB(3) 20/07-08 dated 4 October 2007.)

33. The Chairman said that the above motions would be moved by Mr LEE Wing-tat and Mr Andrew LEUNG respectively, and the wording of the motions had been issued to Members.

34. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 10 October 2007.

VIII. Report of Bills Committees and subcommittees

(a) **Report of the Subcommittee on Subsidiary Legislation to Implement the Obligations under the United Nations Convention Against Corruption**

(LC Paper No. CB(2) 2764/06-07)

35. Ms Margaret NG, Chairman of the Subcommittee, said that the Subcommittee was formed to study three items of subsidiary legislation for implementing the obligations under the United Nations Convention Against

Action

Corruption (the Convention) in Hong Kong, namely, the Fugitive Offenders (Corruption) Order (the FO Order), the Organized and Serious Crimes Ordinance (Amendment of Schedule 2) Order 2007 (the OSCO Order) and the Mutual Legal Assistance in Criminal Matters (Corruption) Order (the MLA Order).

36. Ms NG reported that the Subcommittee had completed its scrutiny of the FO Order. Most members of the Subcommittee were in support of the Order. Mr James TO, however, had expressed reservations about the inclusion of the Convention in the Schedule to the Order.

37. Ms NG further said that the Subcommittee would continue with its scrutiny of the OSCO Order and the MLA Order, and would provide a report to the House Committee after completion of its scrutiny work.

(b) Report of the Subcommittee on Official Languages (Alteration of Text under Section 4D) (Miscellaneous) Order 2007
(LC Paper No. CB(2) 2763/06-07)

38. Ms Margaret NG, Chairman of the Subcommittee, referred Members to the Subcommittee's report, and said that the Subcommittee had completed scrutiny of the Order.

39. Ms NG reported that the Subcommittee supported the proposed amendments in the Order, except those in Part 2 relating to the Chinese equivalent of "advocate" and "advocacy". The Subcommittee had reservations about the proposed Chinese equivalent of "advocate" and "advocacy", and considered that the Administration should consult the relevant stakeholders. The Administration had agreed to move a motion at the Council meeting on 17 October 2007 to delete the proposed amendments in Part 2. The Administration had also undertaken to report the outcome of the consultation to the Panel on Administration of Justice and Legal Services, and would re-introduce the amendments in the light of the views of the consulted parties.

40. Ms NG added that the Subcommittee supported the motion to be moved by the Administration.

IX. Position on Bills Committees and subcommittees
(LC Paper No. CB(2) 2765/06-07)

41. The Chairman said that there were 13 Bills Committees and eight subcommittees under the House Committee in action.

Action

42. The Chairman invited Members to note that the following six Bills Committees would have to work beyond three months since commencement of their work -

- (a) Bills Committee on Patents (Amendment) Bill 2007;
- (b) Bills Committee on Energy Efficiency (Labelling of Products) Bill;
- (c) Bills Committee on Civil Justice (Miscellaneous Amendments) Bill 2007;
- (d) Bills Committee on Statute Law (Miscellaneous Provisions) Bill 2007;
- (e) Bills Committee on The English Schools Foundation (Amendment) Bill 2007; and
- (f) Bills Committee on Attachment of Income Order (Application to Government and Miscellaneous Amendments) Bill 2007.

X. Report of the Panel on Home Affairs on its duty visit to study Macao's experience in built heritage conservation
(*LC Paper No. CB(2) 2758/06-07*)

43. Miss CHOY So-yuk, Chairman of the Panel and leader of the delegation, reported that the Panel visited Macao on 27 July 2007 to study the city's experience in built heritage conservation.

44. Miss CHOY said that the delegation had learnt a lot from the visit and considered that Hong Kong could make reference to Macao's practices and experience in built heritage conservation.

XI. Election of members of The Legislative Council Commission
(*LC Paper No. AS 331/06-07*)

45. Members agreed that the election of members of The Legislative Council Commission would be held at the House Committee meeting on 2 November 2007.

XII. Election of the Chairman and Deputy Chairman of the House Committee for the 2007-2008 session

Election of Chairman

46. The Chairman called for nominations for the chairmanship of the House Committee. Dr YEUNG Sum nominated Ms Miriam LAU and the nomination was seconded by Mr TAM Yiu-chung. Ms Miriam LAU accepted the nomination.

47. The Deputy Chairman, Mr Fred LI, took over from Ms Miriam LAU to preside over the election. As there was no other nomination, Mr Fred LI declared Ms Miriam LAU elected as the Chairman of the House Committee for the 2007-2008 session.

Election of Deputy Chairman

48. The Chairman called for nominations for the deputy chairmanship of the House Committee. Dr YEUNG Sum nominated Mr Fred LI and the nomination was seconded by Ms LI Fung-ying. Mr Fred LI accepted the nomination.

49. As there was no other nomination, the Chairman declared Mr Fred LI elected as the Deputy Chairman of the House Committee for the 2007-2008 session.

XIII. Any other business

Up-to-date position on the re-signification of membership of Panels

50. The Chairman said that a list showing the up-to-date position on the re-signification of membership of the 18 Panels was tabled at the meeting. The Chairman reminded Members that the deadline for reply was 12:00 noon, Saturday, 6 October 2007.

51. There being no other business, the meeting ended at 3:03 pm.