

立法會
Legislative Council

Ref : CB2/HS/1/06

LC Paper No. CB(2)2494/06-07
(These minutes have been seen
by the Administration)

**Subcommittee on Legislative Amendments Relating to the Proposed
Re-organisation of Policy Bureaux of the Government Secretariat**

**Minutes of the fourth meeting
held on Tuesday, 29 May 2007, at 4:30 pm
in Conference Room A of the Legislative Council Building**

- Members present** :
- Hon TAM Yiu-chung, GBS, JP (Chairman)
 - Hon Howard YOUNG, SBS, JP (Deputy Chairman)
 - Hon James TIEN Pei-chun, GBS, JP
 - Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
 - Dr Hon LUI Ming-wah, SBS, JP
 - Hon Margaret NG
 - Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
 - Hon CHAN Yuen-han, JP
 - Hon SIN Chung-kai, JP
 - Dr Hon Philip WONG Yu-hong, GBS
 - Hon WONG Yung-kan, JP
 - Dr Hon YEUNG Sum
 - Hon LAU Kong-wah, JP
 - Hon Emily LAU Wai-hing, JP
 - Hon Abraham SHEK Lai-him, JP
 - Hon Frederick FUNG Kin-kee, SBS, JP
 - Hon Audrey EU Yuet-mee, SC, JP
 - Hon WONG Kwok-hing, MH
 - Hon Daniel LAM Wai-keung, SBS, JP
 - Hon Alan LEONG Kah-kit, SC
 - Hon LEUNG Kwok-hung
 - Dr Hon Fernando CHEUNG Chiu-hung
 - Hon Ronny TONG Ka-wah, SC
 - Hon KWONG Chi-kin
- Members absent**
- Hon Bernard CHAN, GBS, JP
 - Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
 - Hon Jasper TSANG Yok-sing, GBS, JP
 - Hon LAU Wong-fat, GBM, GBS, JP
 - Hon CHOY So-yuk, JP

Hon CHIM Pui-chung
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon TAM Heung-man

Public Officers : Item I
attending

Mr Stephen LAM Sui-lung
Secretary for Constitutional Affairs

Miss Denise YUE Chung-yee
Secretary for the Civil Service

Mr Ian WINGFIELD
Solicitor General

Miss Jennifer MAK Yee-ming
Permanent Secretary for the Civil Service (Acting)

Mrs Cherry TSE LING Kit-ching
Permanent Secretary for Constitutional Affairs

Ms Fanny IP Fung-king
Deputy Law Draftsman
(Bilingual Drafting & Adm) (Acting)

Ms Vicki LEE Yuet-ming
Senior Government Counsel

Mr Gary POON Wai-wing
Principal Assistant Secretary for Constitutional Affairs

Clerk in : Mrs Percy MA
attendance Chief Council Secretary (2)3

Staff in : Mr Arthur CHEUNG
attendance Senior Assistant Legal Adviser

Mrs Eleanor CHOW
Senior Council Secretary (2)4

Action

- I. Meeting with the Administration**
(CAB F19/6/3/2(2007) - Legislative Council Brief on "Re-organisation of Policy Bureaux of the Government Secretariat")

CAB F19/6/3/2(2007) - Legislative Council Brief on "Re-organisation of Policy Bureaux of the Government Secretariat : Legislative Amendments"

LC Paper No. CB(2)1868/06-07(01) - Marked-up copy of the draft Resolution under section 54A of Cap. 1

LC Paper No. CB(2)1972/06-07(01) - Background Brief prepared by the Legislative Council Secretariat

LC Paper Nos. CB(2)1969/06-07(01)-(08) - Eight papers provided by the Administration on transfer of statutory functions

LC Paper No. CB(2)1990/06-07(01) - Administration's paper on "Interpretation and General Clauses Ordinance (Replacement of Schedule 6) Order 2007")

The Subcommittee deliberated (index of proceedings attached at **Annex**).

II. Any other business

2. The Chairman informed members that the next two meetings would be held on 31 May 2007 at 8:30 am and 2:30 pm respectively.
3. The meeting ended at 6:30 pm.

Council Business Division 2
Legislative Council Secretariat
13 July 2007

**Proceedings of the fourth meeting of the
Subcommittee on Legislative Amendments Relating to the
Proposed Re-organisation of Policy Bureaux of the Government Secretariat
on Tuesday, 29 May 2007, at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
000024 - 000237	Chairman	Opening remarks	
000238 –003728	Admin Chairman SALA2 Miss Margaret NG	Scrutiny of the Resolution paragraph by paragraph with reference to page 2 to page 34 of Annex B to LC Paper No. CB(2)1969/06-07(05)	
003729 –004952	Miss Margaret NG Admin Chairman	Paragraph (8)(ac)(ii) of the Resolution - Explanation by the Administration on the operation of Cap 1C which set out in a schedule the public officers who might delegate to another public officer the powers conferred or duties imposed on him by any particular ordinance	
004953 –005528	Admin Chairman	Scrutiny of the Resolution paragraph by paragraph with reference to page 35 to page 40 of Annex B to LC Paper No. CB(2)1969/06-07(05)	
005529 - 010055	Miss Margaret NG Admin Chairman	Paragraph (8)(ay) of the Resolution - Explanation by the Administration that generally the power to resume land for the purpose of general government use was vested in the Secretary for Housing, Planning and Lands while the power to resume land for the purpose of or incidental to railway schemes was vested in the Secretary of the Environment, Transport and Works. Under the proposed re-organisation, such power would be transferred to the Secretary for Development and the Secretary for Transport and Housing respectively	
010056 –010447	Admin Chairman Mr Howard YOUNG	Scrutiny of the Resolution paragraph by paragraph with reference to page 41 to page 43 of Annex B to LC Paper No. CB(2)1969/06-07(05) Paragraph (8)(ba) of the Resolution - Confirmation by the Administration that technical amendment to the Rail Merger Bill to give effect to transfer of statutory functions would not be necessary following its enactment	

Time Marker	Speaker(s)	Subject(s)	Action required
010448 –011310	Miss Margaret NG Admin Chairman Ir Dr Raymond HO	<p>Scrutiny of the Resolution paragraph by paragraph with reference to page 44 to page 45 of Annex B to LC Paper No. CB(2)1969/06-07(05)</p> <p>Paragraph (8)(b) of the Resolution concerned the function of the Development Bureau relating to an excavation in unleased land which was a street maintained by the Highways Department. The Administration clarified that -</p> <p>(a) the Secretary for Development, rather than the Secretary for Transport and Housing, would be the one to deal with cases of contravention by public officer relating to such matters under the ordinance concerned;</p> <p>(b) under the proposed re-organisation, the Highways Department would report to the Secretary for Development and the Secretary for Transport and Housing depending on the work involved. An excavation in an unleased land which was works related would be placed under the purview of the Permanent Secretary for Development (Works); and</p> <p>(c) the Highways Department would continue to handle application of permits for road excavation</p>	
011311 –012128	Admin Mr WONG Kwok-hing Chairman Dr YEUNG Sum Mr Howard YOUNG Mr Abraham SHEK	Paragraph (8)(q) of the Resolution - Reasons for placing construction matters under the Development Bureau and not the Transport and Housing Bureau	
012129 –014445	Admin Chairman SALA2	<p>Scrutiny of the Resolution paragraph by paragraph with reference to page 46 to page 53 of Annex B to LC Paper No. CB(2)1969/06-07(05)</p> <p>Briefing by the Administration on the transfer of statutory functions currently exercisable by the Secretary for Housing, Planning and Lands (LC Paper No. CB(2)1969/06-07(06))</p> <p>Scrutiny of the Resolution paragraph by paragraph with reference to Annex B to LC Paper No. CB(2)1969/06-07(06)</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
014446 – 014533	Chairman	Date of next meeting	
014534 – 015618	Dr YEUNG Sum Admin Ms Emily LAU Chairman	Concerns of members on the proposed transfer of the legal aid portfolio to the Home Affairs Bureau - (a) the independence of the provision of legal aid would be undermined; (b) no prior consultation had been conducted with the Legal Aid Services Council, the two legal professional bodies and the public on the proposal; and (c) it would appear that there was no avenue for Members to veto the proposal	

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