

立法會
Legislative Council

LC Paper No. CB(2) 1118/07-08

Ref : CB2/H/5/07

House Committee of the Legislative Council

**Minutes of the 13th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 15 February 2008**

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 Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP
Hon CHEUNG Man-kwong
Hon Bernard CHAN, GBS, JP
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
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
Dr Hon YEUNG Sum, JP
Hon LAU Kong-wah, 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 WONG Kwok-hing, MH
Hon LEE Wing-tat
Dr Hon Joseph LEE Kok-long, JP

Hon Daniel LAM Wai-keung, SBS, JP
Hon Alan LEONG Kah-kit, SC
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
Hon CHIM Pui-chung
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Albert Jinghan CHENG, JP
Hon KWONG Chi-kin
Hon TAM Heung-man
Hon Mrs Anson CHAN, GBM, JP

Members absent :

Hon LEE Cheuk-yan
Hon Martin LEE Chu-ming, SC, JP
Dr Hon David LI Kwok-po, GBM, GBS, JP
Dr Hon LUI Ming-wah, SBS, JP
Hon James TO Kun-sun
Hon CHAN Yuen-han, SBS, JP
Hon LEUNG Yiu-chung
Hon Howard YOUNG, SBS, JP
Hon LAU Chin-shek, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Vincent FANG Kang, JP
Hon LI Kwok-ying, MH, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon LEUNG Kwok-hung

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
Ms YUE Tin-po	Chief Council Secretary (1)3
Miss Odelia LEUNG	Chief Council Secretary (2)6
Mr Kelvin LEE	Assistant Legal Adviser 1
Mr Timothy TSO	Assistant Legal Adviser 2
Ms Amy YU	Senior Council Secretary (2)3
Mr Arthur KAN	Legislative Assistant (2)7

Action

**I. Confirmation of the minutes of the 12th meeting held on 25 January 2008
(LC Paper No. CB(2) 1044/07-08)**

The minutes were confirmed.

II. Matters arising

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

2. The Chairman said that there was nothing special to report.

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)

Pneumoconiosis (Compensation) (Amendment) Bill 2008
(LC Paper No. LS 42/07-08)

3. The Chairman said that the Bill sought to amend the Pneumoconiosis (Compensation) Ordinance to provide for the application of the benefits or compensation available to pneumoconiosis workers to those suffering from malignant mesothelioma.

4. The Chairman added that the Panel on Manpower had been consulted on the legislative proposals at its meeting on 15 November 2007. Whilst members generally supported the proposals, some members had expressed concern on a number of issues.

Action

5. Mr KWONG Chi-kin considered it necessary to form a Bills Committee to study the Bill.

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 Albert HO, Ms LI Fung-ying, Ms Audrey EU and Mr KWONG Chi-kin.

7. 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 25 January 2008

(LC Paper No. LS 41/07-08)

8. The Chairman said that a total of seven items of subsidiary legislation, including two items made under the United Nations Sanctions Ordinance which were not required to be tabled in the Council, were gazetted on 25 January 2008.

9. Regarding the two Regulations made under the United Nations Sanctions Ordinance, i.e. the United Nations Sanctions (Cote d'Ivoire) Regulation 2008 and the United Nations Sanctions (Democratic Republic of The Congo) Regulation 2008, the Chairman said that the two Regulations were not subject to amendment by the Legislative Council (LegCo). As the two Regulations 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, the Chairman proposed that the Regulations be referred to the Subcommittee. Members agreed.

10. Members did not raise any queries on the other five items of subsidiary legislation.

11. 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 27 February 2008.

IV. Legal Service Division report on subsidiary legislation gazetted on 1 February 2008

(LC Paper No. LS 44/07-08)

12. The Chairman said that a total of five items of subsidiary legislation were gazetted on 1 February 2008.

Action

13. Regarding the Antiquities and Monuments (Withdrawal of Declaration of Proposed Monument) (No. 128 Pok Fu Lam Road) Notice, the Chairman said that its object was to withdraw the declaration of the buildings and the adjoining land within Rural Building Lot No. 324, No. 128 Pok Fu Lam Road, Hong Kong together with all structures erected on such land (the Building) as a proposed monument under the Antiquities and Monuments Ordinance. The Chairman added that the Panel on Home Affairs had not been consulted on the Notice.

14. In response to Mr Albert HO, the Chairman said that the Notice was subject to scrutiny and amendment by LegCo.

15. Mr Albert HO considered it necessary to form a subcommittee to study the Notice.

16. Prof Patrick LAU pointed out that the Antiquities Advisory Board, of which he and Mr Bernard CHAN were members, had accorded the Building a Grade III status under its grading system. The Chairman said that the information was contained in the relevant LegCo Brief to which Members could refer for details.

17. The Chairman proposed that a subcommittee be formed to study the Notice in detail. Members agreed. The following Members agreed to join: Miss CHOY So-yuk, Ms Audrey EU and Mr LI Wing-tat.

18. Members did not raise any queries on the other four items of subsidiary legislation.

19. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 12 March 2008.

V. Business for the Council meeting on 20 February 2008

(a) Questions

(LC Paper No. CB(3) 379/07-08)

20. 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

(i) Statute Law (Miscellaneous Provisions) Bill 2008

(ii) Fixed Penalty (Smoking Offences) Bill

(iii) West Kowloon Cultural District Authority Bill

(iv) Air Pollution Control (Amendment) Bill 2008

(v) Road Traffic Legislation (Amendment) Bill 2008

21. The Chairman said that the Administration had given notice to present the above five Bills to the Council on 20 February 2008. The House Committee would consider these Bills at its meeting on 22 February 2008.

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

Domicile Bill

22. The Chairman said that the Bills Committee on the above Bill had presented its report to the House Committee at the last meeting, and Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(d) Government motion

Proposed resolution to be moved by the Secretary for Commerce and Economic Development under the Import and Export Ordinance

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 340/07-08 dated 24 January 2008.)

(LC Paper No. LS 40/07-08)

23. The Chairman said that the proposed resolution was for seeking LegCo's approval of the Import and Export (Registration) (Amendment) Regulation 2008 (the Amendment Regulation) made under section 31 of the Import and Export Ordinance to introduce a technical amendment to regulation 8 of the Import and Export (Registration) Regulations to better reflect the Administration's policy to exempt certain declaration charges.

24. The Chairman added that the Panel on Commerce and Industry had been consulted on the Amendment Regulation at its meeting on 20 November 2007, and the Panel was, in principle, supportive of the Amendment Regulation.

25. Members did not raise objection to the Secretary for Commerce and Economic Development moving the proposed resolution at the Council meeting.

Action

(e) **Members' motions**

- (i) **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) 359/07-08 dated 1 February 2008.)

26. The Chairman said that at the last House Committee meeting, Members noted that Mr Jasper TSANG, Chairman of the Committee on Rules of Procedure, would move a motion at the Council meeting to amend Rule 28(2) of the Rules of Procedure to the effect that short questions might be asked on a statement made by a designated public officer not only for the purpose of seeking elucidation.

- (ii) **Motion on “Report of the Subcommittee on Review of the Comprehensive Social Security Assistance Scheme”**
(Wording of the motion issued vide LC Paper No. CB(3) 348/07-08 dated 28 January 2008.)

- (iii) **Motion on “Transformation of old industrial areas”**
(Wording of the motion issued vide LC Paper No. CB(3) 366/07-08 dated 5 February 2008.)

27. The Chairman said that the above motions would be moved by Dr Fernando CHEUNG and Mr CHAN Kam-lam respectively, and the wording of the motions had been issued to Members.

VI. Business for the Council meeting on 27 February 2008

- (a) **Questions**
(LC Paper No. CB(3) 380/07-08)

28. The Chairman said that as the Financial Secretary (FS) would deliver his Budget speech at the meeting, 20 written questions had been scheduled.

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

The Administration has advised the Clerk to the Legislative Council that the Financial Secretary intends to present to the Council at the meeting:

- (i) **the Appropriation Bill 2008; and**

(ii) the Estimates of Expenditure for the year ending 31 March 2009

29. The Chairman said that FS would deliver his Budget speech.

VII. Report of Bills Committees and subcommittees

**Report of the Bills Committee on The English Schools Foundation
(Amendment) Bill 2007**

(LC Paper No. CB(2) 1048/07-08)

30. Dr YEUNG Sum, Chairman of the Bills Committee, reported that the Bills Committee had held six meetings and had received views from the relevant organizations and individuals.

31. Dr YEUNG elaborated that all organizations and individuals which/who had given views to the Bills Committee had expressed support for the object of the Bill to streamline the governing structure of The English Schools Foundation (ESF) and to improve the administration of its schools. The Bills Committee had focused its deliberations on four main issues, namely, objects of ESF, composition of the Board of Governors (the Board), composition of the Nominating Committee and composition of School Councils.

32. Dr YEUNG explained the Committee Stage amendments (CSAs) proposed by individual members. Members of the Bills Committee supported the CSAs to be moved by Mr Tommy CHEUNG to remove the two seats for LegCo Members from the Board and to add to the Board one parent representative of students with special educational needs (SEN students) to be elected from among all parents of students in ESF schools. He further said that members also supported the CSAs to be moved by Mr Abraham SHEK to improve the text of the Bill.

33. As regards the CSA to be moved by Dr Fernando CHEUNG to set out in the objects of ESF the aim of not discriminating against SEN students, Dr YEUNG pointed out that members had expressed diverse views. He referred Members to the Bills Committee's report for details of the discussions.

34. Dr YEUNG added that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting on 5 March 2008.

Action

35. The Chairman reminded Members that the deadline for giving notice of CSAs was Monday, 25 February 2008.

VIII. Position on Bills Committees and subcommittees
(*LC Paper No. CB(2) 1045/07-08*)

36. The Chairman said that there were 14 Bills Committees, eight subcommittees under the House Committee and five subcommittees under Panels in action.

IX. Any other business

37. There being no other business, the meeting ended at 2:47 pm.

Council Business Division 2
Legislative Council Secretariat
20 February 2008

080215e.doc