

立法會

# *Legislative Council*

LC Paper No. CB(2) 820/08-09

Ref : CB2/H/5/08

## **House Committee of the Legislative Council**

### **Minutes of the 14th meeting held in the Legislative Council Chamber at 2:30 pm on Friday, 6 February 2009**

#### **Members present :**

Hon Miriam LAU Kin-yee, GBS, JP (Chairman)  
Hon Fred LI Wah-ming, JP (Deputy Chairman)  
Hon Albert HO Chun-yan  
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP  
Hon LEE Cheuk-yan  
Dr Hon David LI Kwok-po, GBM, GBS, JP  
Dr Hon Margaret NG  
Hon James TO Kun-sun  
Hon CHEUNG Man-kwong  
Hon CHAN Kam-lam, SBS, JP  
Hon LEUNG Yiu-chung  
Dr Hon Philip WONG Yu-hong, GBS  
Hon WONG Yung-kan, SBS, JP  
Hon LAU Kong-wah, JP  
Hon LAU Wong-fat, GBM, GBS, JP  
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 Frederick FUNG Kin-kee, SBS, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon Vincent FANG Kang, SBS, JP  
Hon WONG Kwok-hing, MH  
Hon LEE Wing-tat  
Dr Hon Joseph LEE Kok-long, JP  
Hon Jeffrey LAM Kin-fung, SBS, JP  
Hon Andrew LEUNG Kwan-yuen, SBS, JP  
Hon LEUNG Kwok-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 KAM Nai-wai, MH  
Hon Cyd HO Sau-lan  
Hon Starry LEE Wai-king  
Dr Hon LAM Tai-fai, BBS, JP  
Hon CHAN Kin-por, JP  
Dr Hon LEUNG Ka-lau  
Hon CHEUNG Kwok-che  
Hon WONG Kwok-kin, BBS  
Hon WONG Yuk-man  
Hon IP Wai-ming, MH  
Hon IP Kwok-him, GBS, JP  
Hon Mrs Regina IP LAU Suk-yee, GBS, JP  
Dr Hon PAN Pey-chyou  
Hon Paul TSE Wai-chun  
Dr Hon Samson TAM Wai-ho, JP

**Members absent :**

Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Andrew CHENG Kar-foo  
Hon Albert CHAN Wai-yip  
Hon Alan LEONG Kah-kit, SC  
Hon CHAN Hak-kan  
Hon Paul CHAN Mo-po, MH, JP  
Hon Tanya CHAN  
Dr Hon Priscilla LEUNG Mei-fun  
Hon WONG Sing-chi

**Clerk in attendance :**

Mrs Vivian KAM Clerk to the House Committee

**Staff in attendance :**

Ms Pauline NG	Secretary General
Mr Jimmy MA, JP	Legal Adviser
Mrs Constance LI	Assistant Secretary General 1
Mrs Justina LAM	Assistant Secretary General 3

Mrs Percy MA	Assistant Secretary General (Special Duty)
Mr LEE Yu-sung	Senior Assistant Legal Adviser 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mrs Sharon TONG	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
Miss Kitty CHENG	Assistant Legal Adviser 5
Miss Winnie LO	Assistant Legal Adviser 7
Mr YICK Wing-kin	Assistant Legal Adviser 8
Ms Amy YU	Senior Council Secretary (2)3
Mr Arthur KAN	Legislative Assistant (2)8

---

Action

**I. Confirmation of the minutes of the 13th meeting held on 23 January 2009**  
(LC Paper No. CB(2) 761/08-09)

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.

Introduction of bills

3. Mr Ronny TONG expressed concern about the late introduction of bills on the Legislative Programme 2008-2009 into the Council. He said that the Administration should be reminded to introduce the bills as early as possible and avoid "bunching" towards the end of a session or a term.

4. The Chairman said that she had raised this concern with the Administration at the beginning of the current session and had reiterated it to CS. She agreed to remind CS again.

**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

**Road Traffic (Driving-offence Points) (Amendment) Bill 2009**  
(LC Paper No. LS 34/08-09)

5. The Chairman said that the Bill sought to amend the Road Traffic (Driving-offence Points) Ordinance (the Ordinance) to -

- (a) provide for the service of a summons issued under the Ordinance; and
- (b) require the Commissioner of Transport not to issue, reissue or renew a driving licence to a person if a summons issued under the Ordinance had been served on that person and that person had failed to appear in court in answer to the summons.

6. The Chairman further said that the Panel on Transport had been consulted on the legislative proposals at its meeting on 28 November 2008. While members were in general supportive of the proposals, they had raised various concerns.

7. At the invitation of the Chairman, Legal Adviser said that the Legal Service Division had written to the Administration to seek clarification on section 16(1A) of the Bill, and the Administration's reply had just been received. A further report would be made, if necessary.

8. Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(b) **Legal Service Division report on subsidiary legislation gazetted on 23 January 2009 and tabled in Council on 4 February 2009**  
(LC Paper No. LS 35/08-09)

9. The Chairman said that two items of subsidiary legislation were gazetted on 23 January 2009 and tabled in the Council on 4 February 2009.

10. Members did not raise any queries on these two items of subsidiary legislation.

(c) **Legal Service Division report on subsidiary legislation gazetted on 30 January 2009 and tabled in Council on 4 February 2009**  
(LC Paper No. LS 37/08-09)

11. The Chairman said that six items of subsidiary legislation, including one Commencement Notice, were gazetted on 30 January 2009 and tabled in the Council on 4 February 2009.

Action

12. Regarding the Hong Kong Court of Final Appeal Fees (Amendment) Rules 2009, the Chairman said that the proposed amendments to the taxation procedures of the Hong Kong Court of Final Appeal were to follow the revised taxation procedures under the Rules of the High Court. As regards the District Court Civil Procedure (Fees) (Amendment) Rules 2009, they provided a basis for levying a prescribed fee for a new fee item which would supersede an original fee item, but the amount of the prescribed fee remained unchanged.

13. On the Civil Justice (Miscellaneous Amendments) Ordinance 2008 (Commencement) Notice, the Chairman said that it appointed 2 April 2009 as the day on which the Civil Justice (Miscellaneous Amendments) Ordinance 2008 (CJO), which was enacted on 30 January 2008, should come into force. The Chairman added that the seven sets of subsidiary legislation relating to the Civil Justice Reform (CJR) would also come into operation on the same day as the CJO.

14. Dr Margaret NG considered it necessary to form a subcommittee to study the two Amendment Rules and the Commencement Notice, all of which were related to the implementation of CJR. She said that although the Judiciary Administration had briefed the Panel on Administration of Justice and Legal Services on the progress on preparation for the implementation of CJR and the proposed amendments to certain subsidiary legislation were non-controversial and technical in nature, it was necessary to form a subcommittee to study the three items of subsidiary legislation in detail to ensure that all parties concerned were ready for the implementation of CJR. She added that the scrutiny of the subsidiary legislation by the proposed subcommittee would not affect their target commencement on 2 April 2009.

15. The Chairman proposed that a subcommittee be formed to study the three items of subsidiary legislation in detail. Members agreed. The following Members agreed to join: Mr Albert HO, Dr Margaret NG, Mr LEUNG Kwok-hung and Mr Ronny TONG.

16. Members did not raise any queries on the other three items of subsidiary legislation.

17. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 4 March 2009, or 1 April 2009 if extended by resolution.

**IV. Business for the Council meeting on 11 February 2009**

- (a) **Questions**  
(LC Paper No. CB(3) 326/08-09)

Action

18. 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**

**Adaptation of Laws Bill 2009**

19. The Chairman said that the House Committee would consider the above Bill at its meeting on 13 February 2009.

(c) **Government motion**

**Proposed resolution to be moved by the Secretary for Commerce and Economic Development under the Hong Kong Export Credit Insurance Corporation Ordinance**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 304/08-09 dated 23 January 2009.)*

*(LC Paper No. LS 36/08-09)*

20. The Chairman said that the proposed resolution was for seeking the Legislative Council's approval to increase the maximum contingent liability at any time of the Hong Kong Export Credit Insurance Corporation under contracts of insurance from \$15,000 million to \$30,000 million. The Panel on Commerce and Industry had been consulted on the legislative proposals and members were generally supportive of the proposals.

21. Members did not raise objection to the Administration moving the proposed resolution at the Council meeting.

(d) **Members' motions**

(i) **Proposed resolution to be moved by Hon TAM Yiu-chung 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) 312/08-09 dated 2 February 2009.)*

22. The Chairman said that at the last House Committee meeting, Members noted that Mr TAM Yiu-chung, Chairman of the Committee on Rules of Procedure, would move a motion at the Council meeting to amend Rule 80 of the Rules of Procedure on attendance of witness.

(ii) **Motion on "Procrastinating public consultation on constitutional development"**

Action

*(Wording of the motion issued vide LC Paper No. CB(3) 310/08-09 dated 30 January 2009.)*

**(iii) Motion on "Relaxing the eligibility criteria for legal aid"**

*(Wording of the motion issued vide LC Paper No. CB(3) 318/08-09 dated 30 January 2009.)*

23. The Chairman said that the above motions would be moved by Mr Albert HO and Dr Priscilla LEUNG respectively. The Chairman further said that the deadline for giving notice of amendments to the motions had expired on 4 February 2009.

**V. Business for the Council meeting on 18 February 2009**

**(a) Questions**

*(LC Paper No. CB(3) 327/08-09)*

24. 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**

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

**(c) Government motion**

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

**(d) Members' motions**

**(i) Motion on "Measures for combating drink driving"**

*(Wording of the motion issued vide LC Paper No. CB(3) 331/08-09 dated 5 February 2009.)*

**(ii) Motion on "Helping young people cope with the financial tsunami"**

*(Wording of the motion issued vide LC Paper No. CB(3) 332/08-09 dated 5 February 2009.)*

27. The Chairman said that the above motions would be moved by Mr LEE Wing-tat and Miss Tanya CHAN respectively and the wording of the motions had been issued to Members.

28. The Chairman further said that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 11 February 2009.

## **VI. Report of Bills Committees and subcommittees**

### **Report of the Subcommittee on Mutual Legal Assistance in Criminal Matters (Indonesia) Order, Mutual Legal Assistance in Criminal Matters (Japan) Order and Mutual Legal Assistance in Criminal Matters (Sri Lanka) Order**

---

*(LC Paper No. CB(2) 755/08-09)*

29. Mr James TO, Chairman of the Subcommittee, said that members had studied similar orders relating to many other countries. In examining the three Orders, the Subcommittee had made an article-by-article comparison of the provisions of the Orders with those in the model agreement on mutual legal assistance in criminal matters. For provisions which departed from the model agreement, the Subcommittee had examined the reasons for the departure and considered those provisions reasonable and acceptable. Mr TO added that the Subcommittee supported the three Orders. He appealed to Members to support them.

## **VII. Position on Bills Committees and subcommittees**

*(LC Paper No. CB(2) 762/08-09)*

30. The Chairman said that there was one Bills Committee, six subcommittees under the House Committee (i.e. three subcommittees on subsidiary legislation and three subcommittees on policy issues) and seven subcommittees under Panels in action.

## **VIII. Any other business**

31. There being no other business, the meeting ended at 2:45 pm.