

立法會
Legislative Council

LC Paper No. CB(2) 897/08-09

Ref : CB2/H/5/08

House Committee of the Legislative Council

**Minutes of the 15th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 13 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 Mrs Sophie LEUNG LAU Yau-fun, GBS, 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 Emily LAU Wai-hing, 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 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, 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 Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon CHEUNG Hok-ming, SBS, JP
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 Paul CHAN Mo-po, MH, JP
Hon CHAN Kin-por, JP
Hon Tanya CHAN
Dr Hon Priscilla LEUNG Mei-fun
Dr Hon LEUNG Ka-lau
Hon CHEUNG Kwok-che
Hon WONG Sing-chi
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 LI Fung-ying, BBS, JP
Hon WONG Ting-kwong, BBS
Hon CHAN Hak-kan

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)
Ms Emily PANG	Chief Public Information Officer (Acting)
Ms YUE Tin-po	Chief Council Secretary (1)3
Miss Odelia LEUNG	Chief Council Secretary (2)6
Mr Kelvin LEE	Assistant Legal Adviser 1
Miss Kitty CHENG	Assistant Legal Adviser 5
Ms Clara TAM	Assistant Legal Adviser 9
Ms Amy YU	Senior Council Secretary (2)3
Mr Arthur KAN	Legislative Assistant (2)8

Action

I. Confirmation of the minutes of the 14th meeting held on 6 February 2009
(LC Paper No. CB(2) 820/08-09)

The minutes were confirmed.

II. Matters arising

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

Introduction of bills

2. The Chairman said that she had once again conveyed to CS Members' concern about the unsatisfactory progress of the introduction of bills in the Legislative Programme for 2008-2009 into the Council. Members were concerned about the bunching of bills at the end of a session or a term, and considered such an arrangement unsatisfactory. CS said that he had urged the policy bureaux to introduce the bills into the Council as early as possible. CS further said that he would convene a meeting shortly to review the progress of the Legislative Programme. An updated Legislative Programme would be provided to the House Committee as soon as possible after the review.

(b) Road Traffic (Driving-offence Points) (Amendment) Bill 2009

(Paragraphs 5 to 8 of the minutes of the 14th House Committee meeting on 6 February 2009)

(LC Paper No. LS 40/08-09)

[Previous paper:

LC Paper No. LS 34/08-09 issued vide LC Paper No. CB(2) 792/08-09 dated 5 February 2009]

Action

3. The Chairman said that at the last House Committee meeting, Members noted 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 been received. The Legal Service Division had provided a further report for Members' consideration.

4. The Chairman further said that as the Administration had not provided the clarification sought in relation to the effect of the proposed section 16(1A) in its reply, it had been asked to provide a supplementary response. Another further report would be made by the Legal Service Division. Given that the Bill involved various issues such as human rights, the Legal Service Division recommended that a Bills Committee be formed to study it in detail.

5. Members agreed with the recommendation to form a Bills Committee to study the Bill. The following Members agreed to join: Mr James TO, Ms Miriam LAU, Mr CHEUNG Hok-ming, Mr Ronny TONG and Mr IP Kwok-him.

6. The Chairman said that as there were vacant slots, the Bills Committee could commence work immediately.

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)**

Adaptation of Laws Bill 2009 (LC Paper No. LS 39/08-09)

7. The Chairman said that the Bill sought to -

- (a) add a definition of "Offices set up by the Central People's Government in the Hong Kong Special Administrative Region" to section 3 of the Interpretation and General Clauses Ordinance; and
- (b) amend the application provisions of four Ordinances to make them applicable to the offices set up by the Central People's Government in the Hong Kong Special Administrative Region.

8. The Chairman said that the Panel on Administration of Justice and Legal Services had been consulted on the legislative proposals at its meetings on 19 March and 28 April 2008, and members had raised various issues of concern.

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9. Dr Margaret NG considered it necessary to form a Bills Committee to study the Bill.

10. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Dr Margaret NG, Ms Miriam LAU, Mr LEUNG Kwok-hung and Mr IP Wai-ming.

11. 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 February 2009 and tabled in Council on 11 February 2009**
(*LC Paper No. LS 38/08-09*)

12. The Chairman said that four items of subsidiary legislation, including one Commencement Notice, were gazetted on 6 February 2009 and tabled in the Council on 11 February 2009.

13. Regarding the Telecommunications (Designation of Frequency Bands subject to Payment of Spectrum Utilization Fee) (Amendment) Order 2009, Telecommunications (Level of Spectrum Utilization Fees) (Second Generation Mobile Services) (Amendment) Regulation 2009 and Telecommunications (Determining Spectrum Utilization Fees by Auction) (Amendment) Regulation 2009, the Chairman said that they sought to designate two additional sets of frequency bands and make provisions for the relevant spectrum utilization fees.

14. Mr LEE Wing-tat considered it necessary to form a subcommittee to study the three items of subsidiary legislation.

15. The Chairman proposed that a subcommittee be formed to study the three items of subsidiary legislation in detail. Members agreed. Mr LEE Wing-tat agreed to join.

16. The Chairman said that the Legislative Council Secretariat would issue a circular to invite Members to join the proposed subcommittee. Should less than three Members join the subcommittee by the deadline for signification of membership, the subcommittee would not be formed in accordance with the House Rules. Members noted the arrangement.

17. Members did not raise any queries on the other item of subsidiary legislation.

18. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 11 March 2009.

IV. Further business for the Council meeting on 18 February 2009

Bills - First Reading and moving of Second Reading

Disciplined Services Legislation (Miscellaneous Amendments) Bill 2009

19. The Chairman said that the Administration had given notice to present the above Bill to the Council on 18 February 2009. The House Committee would consider the Bill at its meeting on 20 February 2009.

V. Business for the Council meeting on 25 February 2009

(a) Questions

(LC Paper No. CB(3) 346/08-09)

20. The Chairman said that 20 written questions had been scheduled for the Council meeting.

(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 2009; and

(ii) the Estimates of Expenditure for the year ending 31 March 2010

21. The Chairman said that the Financial Secretary would deliver his Budget speech.

VI. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 821/08-09)

22. The Chairman said that there were three Bills Committees, seven subcommittees under the House Committee (i.e. four subcommittees on subsidiary legislation and three subcommittees on policy issues) and seven subcommittees under Panels in action.

23. The Chairman invited Members to note that the Bills Committee on Public Health and Municipal Services (Amendment) Bill 2008, chaired by Mr Fred LI, would have to work beyond three months since commencement of its work.

Action

VII. Any other business

24. There being no other business, the meeting ended at 2:39 pm.

Council Business Division 2
Legislative Council Secretariat
18 February 2009

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