

立法會  
*Legislative Council*

LC Paper No. CB(2) 947/08-09

Ref : CB2/H/5/08

**House Committee of the Legislative Council**

**Minutes of the 16th meeting  
held in the Legislative Council Chamber  
at 2:30 pm on Friday, 20 February 2009**

**Members present :**

Hon Miriam LAU Kin-ye, 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 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  
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 Hak-kan  
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-ye, GBS, JP  
Dr Hon PAN Pey-chyou  
Hon Paul TSE Wai-chun  
Dr Hon Samson TAM Wai-ho, JP

**Members absent :**

Hon Andrew CHENG Kar-foo  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon LI Fung-ying, BBS, JP  
Hon LEE Wing-tat  
Hon Alan LEONG Kah-kit, SC

**Clerk in attendance :**

Mrs Vivian KAM Clerk to the House Committee

**Staff in attendance :**

Ms Pauline NG	Secretary General
Mr Arthur CHEUNG	Legal Adviser (Acting)
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
Miss Erin TSANG	Principal Council Secretary (Complaints) (Acting)
Mr Simon WONG	Chief Public Information Officer
Miss Odelia LEUNG	Chief Council Secretary (2)6
Miss Kitty CHENG	Assistant Legal Adviser 5
Miss Winnie LO	Assistant Legal Adviser 7
Ms Amy YU	Senior Council Secretary (2)3
Mr Arthur KAN	Legislative Assistant (2)8

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**I. Confirmation of the minutes of the 15th meeting held on 13 February 2009**  
(LC Paper No. CB(2) 897/08-09)

The minutes were confirmed.

**II. Matters arising**

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

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Introduction of bills

2. The Chairman said that she had reminded CS of the need to provide Members with an updated Legislative Programme for 2008-2009. CS said that the updating work had largely been completed. To provide a more accurate forecast, he had requested the policy bureaux to go through the updated schedule again to ensure that it was practicable. He would endeavour to provide an updated Legislative Programme to the House Committee in the following week.

**III. Business arising from previous Council meetings**

**Legal Service Division report on bills referred to the House Committee in accordance with Rule 54(4)**

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**Disciplined Services Legislation (Miscellaneous Amendments) Bill 2009**  
(LC Paper No. LS 41/08-09)

3. The Chairman said that the Bill sought to amend the disciplined services legislation so that removal punishments impinging on retirement benefits and post-retirement entitlement under disciplined services welfare funds relating to civil servants who were members of the Civil Service Provident Fund Scheme

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in those services would be aligned with their pensionable counterparts or the rest of the civil service.

4. The Chairman further said that the Panel on Public Service had been consulted on the legislative proposals at its meetings on 20 October and 17 November 2008. Members had raised various concerns and requested the Administration to further consult staff.

5. Mr James TO 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 LEE Cheuk-yan, Mr James TO, Mr CHEUNG Man-kwong (as advised by Mr James TO) and Dr PAN Pey-chyou.

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

**IV. Business for the Council meeting on 4 March 2009**

(a) **Questions**  
(LC Paper No. CB(3) 372/08-09)

8. 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**

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

(c) **Government motion**

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

(d) **Members' motions**

(i) **Motion to be moved by Hon WONG Ting-kwong**

11. The Chairman said that the subject of the motion to be moved by Mr WONG Ting-kwong was "Actively implementing complementary policies for the Framework for Development and Reform Planning for Pearl River Delta Region".

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**(ii) Motion to be moved by Hon WONG Sing-chi**

*(Two letters dated 19 February 2009 from Hon WONG Sing-chi to the Chairman of the House Committee (LC Paper Nos. CB(2) 921/08-09(01) and CB(2) 929/08-09(01)))*

12. The Chairman said that the subject of the motion to be moved by Mr WONG Sing-chi was "Comprehensively improving the effectiveness of Integrated Family Service Centres".

13. The Chairman added that Mr WONG Sing-chi had earlier on written to request the House Committee's support for changing the subject of the motion for debate to be moved by him at the Council meeting, but had subsequently withdrawn his request.

14. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 25 February 2009.

**V. Report of Bills Committees and subcommittees**

**(a) Report of the Subcommittee on Independent Police Complaints Council Ordinance (Commencement) Notice**

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15. Mr LAU Kong-wah, Chairman of the Subcommittee, reported that the Subcommittee had held two meetings and had completed its work.

16. Mr LAU elaborated that the Commencement Notice sought to appoint 1 April 2009 as the commencement date of the Independent Police Complaints Council (IPCC) Ordinance. At the first meeting, members expressed concern about the financial arrangements for IPCC – a concern which had been raised by the Bills Committee formed to scrutinize the Bill. As information on the financial provision for IPCC for 2009-2010 would only be available after the Financial Secretary had delivered the Budget Speech, members had requested the Administration to defer the commencement of the IPCC Ordinance. In view of members' concern, the Administration informed members at the second meeting that it would repeal the Commencement Notice and make a new commencement notice to defer the commencement of the IPCC Ordinance to 1 June 2009. Mr LAU added that the Subcommittee supported the Administration's proposal, and considered that the new commencement notice could be studied by another subcommittee, if appointed.

17. In response to Mr James TO, the Chairman said that the Administration would repeal the Commencement Notice by notice in the gazette.

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18. Mr James TO sought clarification on whether Members could seek the consent of the President to address the Council on the Commencement Notice if it was to be repealed by notice in the gazette.

19. The Chairman said that in accordance with Rule 21(5) of the Rules of Procedures, a Member might, with the consent of the President, address the Council on an item of subsidiary legislation provided that its scrutiny period had not expired. An advance copy of the intended address had to be provided to the President. For the Commencement Notice in question, the Administration intended to repeal it by notice in the gazette and make a new commencement notice. After the new commencement notice was gazetted and laid in the Council, Members would have the opportunity to speak on it and, if they so wished, speak on the Commencement Notice as well in that context.

20. Mr James TO said that it was not the first time the Administration had resorted to repealing an item of subsidiary legislation by notice in the gazette. A case in point was the Employees Retraining Ordinance (Amendment of Schedule 3) Notice 2008. In the circumstances, he might consider giving notice to move a motion concerning the Commencement Notice before the deadline for notice on 25 February 2009, so that he could speak on the approach adopted by the Administration for repealing the Commencement Notice.

21. Ms Emily LAU requested the Chairman to convey to the Administration her appreciation of the Secretary for Security for having taken on board members' views on the Commencement Notice.

22. Mr James TO did not share Ms Emily LAU's view. He said that during the scrutiny of the Bill, members of different political affiliations had already expressed concern on the financial arrangements for IPCC, and the Administration should have taken this into account when working out the legislative timetable of the Commencement Notice. He pointed out that the Administration should have allowed sufficient time for scrutiny by Members in the first place. He did not agree that the Administration should be commended for repealing the Commencement Notice.

23. The Chairman said that she would not convey individual Members' views to the Administration. She suggested that Ms Emily LAU might convey her views to the Administration direct. She also said that Mr James TO could move motions relating to the Commencement Notice in accordance with the Rules of Procedure.

**(b) Report of the Subcommittee on Hong Kong Court of Final Appeal Fees (Amendment) Rules 2009, District Court Civil Procedure (Fees) (Amendment) Rules 2009 and Civil Justice (Miscellaneous Amendments) Ordinance 2008 (Commencement) Notice**  
*(LC Paper No. CB(2) 901/08-09)*

24. Dr Margaret NG, Chairman of the Subcommittee, reported that the Subcommittee had two main tasks, namely the scrutiny of the Commencement Notice for the implementation of the Civil Justice Reform (CJR) and the two Amendment Rules relating to CJR.

25. Regarding the Commencement Notice, Dr NG said that the primary concern of the Subcommittee was whether the Judiciary had made adequate preparation for the implementation of CJR. At the request of the Subcommittee, the Judiciary Administration (JA) had provided further information on the Judiciary's preparation work. Members were of the view that the Judiciary should extend its publicity work to reach the general public as far as possible, and suggested that publicity and explanatory materials relating to the implementation of CJR should be issued to non-governmental organizations providing free legal advice. In this regard, JA had provided further information on the various publicity initiatives including, for instance, the display of posters on the implementation of CJR in March 2009. Dr NG further said that members expressed concern on the impact which the various changes in CJR would have on litigants in persons in dealing with the applicable procedures in the conduct of their cases, and stressed the importance for the Judiciary to alert these litigants of the changes and provide adequate assistance to them. Members noted that a series of leaflets covering different topics in civil proceedings were being prepared or updated in the light of the implementation of CJR and would be made available at the Resource Centre for Unrepresented Litigants by mid March 2009.

26. Dr NG further reported that the Chief Justice had set up a committee to monitor the working of the reformed civil justice system after the implementation of CJR. The Subcommittee noted that the monitoring committee would not deal with individual complaints but would look into issues arising from feedback about the general operation of the reformed civil justice system. Further information on the scope of work and operation of the monitoring committee would be provided to the Panel on Administration of Justice and Legal Services in due course.

27. In respect of the preparation by the legal profession, Dr NG elaborated that members noted that the two legal professional bodies had organized extensive training programmes to prepare their members for the implementation of CJR. The Subcommittee had conveyed to the Steering Committee on CJR members' suggestion for the two legal professional bodies

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to consider conducting a survey to ascertain the number of legal practitioners who had attended CJR training.

28. Dr NG added that the Subcommittee had also examined the two Amendment Rules relating to CJR and considered them in order. The Subcommittee had held one meeting and completed its work. A further meeting had originally been scheduled but was subsequently cancelled upon the Subcommittee's receipt of a detailed response from JA on issues raised by members. She added that the Subcommittee supported the three items of subsidiary legislation.

**VI. Position on Bills Committees and subcommittees**

*(LC Paper No. CB(2) 898/08-09)*

29. The Chairman said that there were four Bills Committees, 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.

**VII. Any other business**

30. There being no other business, the meeting ended at 2:42 pm.