

立法會
Legislative Council

LC Paper No. CB(2) 1665/08-09

Ref : CB2/H/5/08

House Committee of the Legislative Council

**Minutes of the 24th meeting
held in the Legislative Council Chamber
at 4:02 pm on Friday, 22 May 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
Dr Hon Margaret NG
Hon CHEUNG Man-kwong
Hon CHAN Kam-lam, SBS, JP
Hon LEUNG Yiu-chung
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 TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon LI Fung-ying, BBS, 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 LEUNG Kwok-hung
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
Hon Ronny TONG Ka-wah, SC
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan

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 LEUNG Ka-lau
Hon CHEUNG Kwok-che
Hon WONG Yuk-man
Hon IP Wai-ming, MH
Hon Mrs Regina IP LAU Suk-yeet, GBS, JP
Dr Hon PAN Pey-chyou
Hon Paul TSE Wai-chun
Dr Hon Samson TAM Wai-ho, JP

Members absent :

Hon LEE Cheuk-yan
Dr Hon David LI Kwok-po, GBM, GBS, JP
Hon James TO Kun-sun
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon CHIM Pui-chung
Hon Starry LEE Wai-king
Dr Hon Priscilla LEUNG Mei-fun
Hon WONG Sing-chi
Hon WONG Kwok-kin, BBS
Hon IP Kwok-him, GBS, JP

Clerk in attendance :

Mrs Vivian KAM Clerk to the House Committee

Staff in attendance :

Ms Pauline NG	Secretary General
Mr Arthur CHEUNG	Acting 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

Mrs Sharon TONG	Principal Council Secretary (Complaints)
Mr Simon WONG	Chief Public Information Officer
Miss Odelia LEUNG	Chief Council Secretary (2)6
Ms Connie FUNG	Assistant Legal Adviser 3
Ms Amy YU	Senior Council Secretary (2)3
Mr Arthur KAN	Legislative Assistant (2)8

Action

I. Confirmation of the minutes of the 23rd meeting held on 15 May 2009
(LC Paper No. CB(2) 1611/08-09)

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.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 15 May 2009 and tabled in Council on 20 May 2009

(LC Paper No. LS 70/08-09)

3. The Chairman said that a total of 11 items of subsidiary legislation, including one Commencement Notice, were gazetted on 15 May 2009 and tabled in the Council on 20 May 2009.

4. Regarding the Practising Certificate (Solicitors) (Amendment) Rules 2009, the Chairman said that the proposed amendments sought to reduce the fee payable for an application for a solicitor's practising certificate for the practice years beginning on or after 1 January 2010 from \$6,800 to \$5,000.

5. Dr Margaret NG noted that the proposed amendments had already come into effect upon gazettal. In her view, this should not be an issue of concern, as the amendments were to give effect to a fee reduction proposal which did not involve public interest.

6. Members did not raise any other queries on these 11 items of subsidiary legislation.

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7. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 17 June 2009.

IV. Further business for the Council meeting on 27 May 2009

Questions

(LC Paper No. CB(3) 609/08-09)

8. The Chairman said that Mr IP Wai-ming had replaced his oral question.

V. Business for the Council meeting on 3 June 2009

(a) Questions

(LC Paper No. CB(3) 608/08-09)

9. 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) Occupational Deafness (Compensation) (Amendment) Bill 2009

(ii) Genetically Modified Organisms (Control of Release) Bill

10. The Chairman said that the Administration had given notice to present the above two Bills to the Council on 3 June 2009. The House Committee would consider these Bills at its meeting on 5 June 2009.

(c) Government motion

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

(d) Members' motions

(i) Motion to be moved by Hon WONG Yuk-man

(Wording of the motion issued vide LC Paper No. CB(3) 618/08-09 dated 21 May 2009.)

12. The Chairman said that the subject of the motion to be moved by Mr WONG Yuk-man was "Comprehensive review of the accountability system" and the wording of the motion had been issued to Members.

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(ii) **Motion on "Promoting research and development"**

(Wording of the motion issued vide LC Paper No. CB(3) 615/08-09 dated 21 May 2009.)

13. The Chairman said that the above motion would be moved by Dr PAN Pey-chyou and the wording of the motion had been issued to Members.

14. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Tuesday, 26 May 2009, and there was an intervening public holiday during the period.

VI. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 1612/08-09)

15. The Chairman said that there were five Bills Committees, nine subcommittees under the House Committee (i.e. six subcommittees on subsidiary legislation and three subcommittees on policy issues) and eight subcommittees under Panels in action.

VII. Paper of the Committee on Rules of Procedure (CRoP)

Notice periods for motions to amend or extend the scrutiny period of subsidiary legislation and instruments which are not subsidiary legislation

(LC Paper No. CROP 52/08-09)

16. Mr TAM Yiu-chung, Chairman of CRoP, sought the House Committee's views on CRoP's proposed amendments to Rule 29 of the Rules of Procedure (RoP).

17. Mr TAM elaborated that under the current RoP, Members might give notice to amend or extend the scrutiny period of -

- (a) subsidiary legislation which was subject to section 34 of the Interpretation and General Clauses Ordinance (Cap. 1);
- (b) subsidiary legislation which was subject to a scrutiny mechanism, very similar to section 34 of Cap. 1, as provided in their respective Ordinances; and
- (c) instruments which were not subsidiary legislation, but subject to a scrutiny mechanism, very similar to section 34 of Cap. 1, as provided in their respective Ordinances.

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18. Mr TAM explained that CRoP noted that while the notice period for a motion to amend or extend the scrutiny period of either (a) or (c) above was to be given not less than five clear days or three clear days respectively, the notice of a motion to amend or extend the scrutiny period of (b) above was to be given not less than 12 clear days before the relevant Council meeting.

19. Mr TAM further said that as the scrutiny mechanisms in paragraph 17 (a) to (c) above were very similar, CRoP considered that the discrepancy in RoP 29 should be rectified so that the notice periods for motions to amend or extend the scrutiny period of subsidiary legislation and instruments which were not subsidiary legislation were the same, i.e. no less than five clear days for notice of amendment and no less than three clear days for notice of extension of scrutiny period. Consequential amendments were also proposed to be made to other relevant provisions in RoP and the House Rules (HR).

20. Mr TAM added that subject to the House Committee's endorsement, he, as Chairman of CRoP, would move a motion at the Council meeting on 10 June 2009 to amend RoP as proposed. Upon the passage of the amendments to RoP by the Council, consequential amendments would be made to HR accordingly.

21. Members endorsed the proposed amendments to RoP and HR as set out in Appendices I and II to the paper.

VIII. Proposal for a visit by a Legislative Council delegation to Sichuan in connection with reconstruction support for the earthquake

(Letter dated 15 May 2009 from Hon Albert HO Chun-yan to the Chairman of the House Committee (LC Paper No. CB(2) 1613/08-09(01))

22. Mr Albert HO said that a year had passed since the devastating earthquake in Sichuan, and Members were concerned about the progress of the reconstruction work in the quake-stricken areas and the utilization of the funds, totalling \$6 billion, approved by LegCo for this purpose. He further said that in 2005, Members had undertaken a duty visit to the Pearl River Delta Region led by the Chief Executive (CE). In May 2009, a delegation comprising members of the Panel on Economic Development and the Panel on Environmental Affairs had conducted a duty visit to the Guangdong Province. In his view, it would be useful for Members to conduct more duty visits to the Mainland to enhance the exchange of views. He was given to understand that the Administration would soon submit a further funding proposal to LegCo in connection with the reconstruction work in Sichuan. On behalf of Members belonging to the Democratic Party (DP), he proposed that a visit be undertaken by a LegCo delegation to Sichuan, to be led by the President of LegCo or the Chairman of the House Committee.

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23. Mr WONG Kwok-hing expressed support for the proposal to visit Sichuan, which would help Members gain first-hand information on the progress of the reconstruction work and the utilization of the funds approved by LegCo for the purpose. He had no strong views on whether such a visit should be led by the President or CE. Referring to the second paragraph of Mr Albert HO's letter which stated that DP had requested the Administration to provide progress reports on the reconstruction support projects funded by the Hong Kong Special Administrative Region (HKSAR) Government before submitting the next round of funding proposal to the Finance Committee, he sought clarification on whether the proposed visit to Sichuan was a precondition for LegCo's approval of further funding support for the reconstruction work. In his view, reconstruction work was urgent and the proposed visit should not be a precondition for LegCo's approval of further funding support.

24. Mr Albert HO clarified that he had not used the word "precondition" in his letter. Neither had he indicated in the letter how Members belonging to DP would vote on a funding proposal in connection with reconstruction support for Sichuan. He considered it incumbent upon the Central People's Government to inform Members of the utilization of the funds approved by LegCo for the reconstruction support work, which would also impact on Members' decision on how to vote on any further funding proposal.

25. Mr WONG Kwok-hing welcomed Mr Albert HO's clarification.

26. Mr LEE Wing-tat said that it was not uncommon for the Administration to arrange site visits for Members to enhance their understanding of the projects for which funding was sought. He pointed out that the issue was not whether the proposed visit was a precondition for LegCo's approval of further funding support. In his view, it was imperative for Members to monitor the use of taxpayers' money, as \$6 billion was no small amount of money. To his understanding, only \$1 billion had been spent so far mainly on the reconstruction of the Wolong Natural Reserve, while other education and medical projects to be funded by the HKSAR Government had yet to commence. Moreover, he was concerned that the Administration had only just appointed the independent consultant for monitoring the reconstruction support projects. He stressed that it was incumbent upon Members to see for themselves the progress of the reconstruction work supported by taxpayers' money to ensure that the funds were properly used and not for constructing structures of substandard quality. In line with the approval of funding commitments for other projects, the Administration should provide regular progress reports to Members and the public on the utilization of such funds.

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27. Mr Ronny TONG said that in view of the large sum of funding provided by the HKSAR Government, he considered it reasonable for Members to visit Sichuan to obtain first-hand information on the progress of the reconstruction work before deciding whether to commit further funding for the cause. He further said that unlike the visit to Sichuan last year, no quota should be set on the number of participating Members should the proposed visit be undertaken. He hoped that all interested Members would be able to join the visit.

28. Ms Emily LAU said that it had been the established practice for the Administration to explain how the approved funding had been used should further funding be sought for a certain purpose. It was therefore necessary for Members of the Finance Committee to be apprised of the utilization of the funds approved for the Sichuan reconstruction support before considering further funding application for the same purpose. She was concerned about reports about structures of substandard quality in Sichuan and hoped to ensure that the fund approved would not be used for constructing such structures. She opined that if certain LegCo Members were to be refused entry to the Mainland, the LegCo delegation should not conduct the visit. She added that the delegation should not be led by the Administration.

29. Mr LEUNG Kwok-hung said that as rescue work was of utmost importance, there should not be any precondition. He noted the worry about certain LegCo Members being refused entry to the Mainland in considering the proposal for a visit to Sichuan. He was resentful about the view of some people in Sichuan that they would rather not receive the financial assistance from the HKSAR than if he himself were to be allowed to visit Sichuan. He considered that such people had total disregard for the need of the earthquake victims.

30. Mr CHEUNG Man-kwong said that Mr WONG Kwok-hing had misinterpreted Mr Albert HO's letter, and Mr WONG's misunderstanding was provocative. Mr CHEUNG did not consider that a precondition had been suggested in Mr Albert HO's letter for the application of further funding by the Administration to the Finance Committee in support of the reconstruction work in Sichuan. Referring to the second paragraph of the letter, he said that DP had only requested the submission of progress reports of HKSAR's reconstruction support work to ensure vigilant monitoring of the reconstruction projects and proper use of the funds. In his view, it was reasonable for Members to make such a request before considering further funding proposals. It was also reasonable to request improvement to the reconstruction work should there be such room, and it was only reasonable not to approve further funding until improvement had been made.

31. Mr TAM Yiu-chung said that he was one of the Members of the LegCo delegation visiting Sichuan last year. He found the visit very useful. He

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looked forward to another visit to Sichuan at an appropriate time in future to further understand the reconstruction work, in particular that with the participation of HKSAR.

32. Mr WONG Kwok-hing said that he had only raised a point for Mr Albert HO to clarify, and he thanked Mr HO for his clarification. He did not accept Mr CHEUNG Man-kwong's remarks.

33. The Chairman said that as no Members had raised objection to the proposal for a visit to Sichuan, she would write on behalf of Members to the Chief Secretary for Administration requesting the HKSAR Government to assist in arranging the visit. The Chairman added that Members hoped that the visit would be led by the President of LegCo. Members agreed.

IX. Any other business

34. There being no other business, the meeting ended at 4:28 pm.