

立法會

Legislative Council

LC Paper No. CB(2) 2129/08-09

Ref : CB2/H/5/08

House Committee of the Legislative Council

Minutes of the 30th meeting held in the Legislative Council Chamber at 2:30 pm on Friday, 3 July 2009

Members present :

Hon Miriam LAU Kin-yee, GBS, JP (Chairman)
Hon Fred LI Wah-ming, SBS, 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 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 TAM Yiu-chung, GBS, 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 Vincent FANG Kang, SBS, JP
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
Dr Hon Joseph LEE Kok-long, SBS, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon CHEUNG Hok-ming, GBS, JP

Mrs Percy MA	Assistant Secretary General (Special Duty)
Ms Connie FUNG	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
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 29th meeting held on 26 June 2009
(*LC Paper No. CB(2) 2051/08-09*)

The minutes were confirmed.

II. Matters arising

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

Relationship between the Executive Authority and the Legislature

2. The Chairman said that she had conveyed to CS Members' concern about the recent development in the relationship between the Executive Authority and the Legislature, and had requested CS to take note of such concern. CS had indicated that the Administration attached great importance to the relationship between the Executive Authority and the Legislature, and would endeavour to brief the Legislative Council (LegCo) before implementing important or new policies.

Public consultation on review of Hong Kong's air quality objectives

3. Regarding the time frame for the public consultation on review of Hong Kong's air quality objectives, the Chairman said that CS had indicated that he had relayed Members' views to the policy bureau concerned, which would report the progress of the matter to the Subcommittee on Improving Air Quality at its meeting on 8 July 2009. CS further said that if the bureau concerned was not able to provide a specific time frame for the public consultation exercise at the meeting, he would strongly suggest that the bureau should not start the consultation before 1 August 2009, in order that the three-month consultation period would straddle the next legislative session and Members would have sufficient time to discuss the matter.

Action

4. Ms Audrey EU said that the issue was not when the public consultation exercise would end or whether there would be sufficient time for Members' discussion, but when the consultation exercise would start. She elaborated that the Subcommittee had originally requested the Administration to brief members on the consultation exercise before it was launched. As the request was turned down by the Administration, the Subcommittee then requested that its members should at least be briefed in the first instance after the consultation exercise was launched, and the Undersecretary for the Environment had acceded to the request. Against this background and with the summer recess approaching, it was necessary for the Subcommittee to know when the consultation exercise would be launched so that it could schedule its meetings accordingly. The Undersecretary had, however, refused to provide the information. She stressed that the Executive Authority and the Legislature should cooperate with each other to ensure smooth and harmonious working relationship.

5. The Chairman said that CS had also indicated that he had requested the policy bureau concerned to inform the LegCo Secretariat in the first instance when the consultation exercise was launched, even if this was during the summer recess, so that the Secretariat could inform members accordingly. She hoped that the matter could be resolved at the Subcommittee's meeting on 8 July 2009.

6. Ms Audrey EU said that she would follow up the matter at the Subcommittee's meeting.

Report of the Task Force on Tree Management

7. Mr Albert CHAN quoted the handling of the Report of the Task Force on Tree Management which was released recently as an example of the Administration paying lip service to the importance it claimed to have attached to the relationship between the Executive Authority and the Legislature. He pointed out that if CS attached importance to this relationship between the Executive Authority and the Legislature, he should have briefed Members on the Report once it was released, instead of merely distributing it to Members.

8. The Chairman said that she would convey Mr Albert CHAN's view to CS.

Special meeting of the Panel on Economic Development (ED Panel) on 30 June 2009

9. The Chairman said that she had conveyed to CS Members' views concerning the special meeting of the ED Panel on 30 June 2009. CS had

Action

indicated that he had reminded all policy bureaux to provide the topic for the Administration's briefings. The Chairman further said that the Panel had scheduled a special meeting for 4 July 2009 to further discuss the proposed expansion of Hong Kong Disneyland.

10. Ms Emily LAU stressed that unless the Administration could provide valid reasons, it should inform Members not only the topic for but also the content of briefings.

11. The Chairman said that for matters such as those involving commercially sensitive information, the established practice was for the Administration to provide at least the topic for briefings. As pointed out by Members at the last House Committee meeting, such briefings should not be regarded as consultation with the relevant committee on the proposal concerned, and the committee should be properly consulted after the relevant papers were available. Hence, after the special meeting on 30 June 2009, a further meeting of the ED Panel had been scheduled to discuss the proposed Hong Kong Disneyland expansion programme. The Chairman shared the view that under normal circumstances, the Administration should also inform Members of the content of briefings.

12. Ms Emily LAU enquired whether the Chairman had conveyed to CS Members' dissatisfaction with the Administration's refusal to inform Members the subject of briefing at the special meeting of the ED Panel on the one hand, but leakage to the media of the full content of the subject matter on the other. She stressed that such an approach taken by the Administration was unacceptable, and was not conducive to the building up of a relationship between the Executive Authority and the Legislature.

13. The Chairman said that she had conveyed to CS the concern raised by Ms Emily LAU. She had not discussed the relevant press reports with CS, as the bureau concerned had denied having divulged the subject of the briefing to the media.

14. Mr Albert CHAN suggested inviting CS to attend a special House Committee meeting to explain the matter.

15. The Chairman said that CS had undertaken to attend two special meetings of the House Committee during each session and he had already done so for the current session. Members could follow this up in the next session.

Action

Motion for adjournment under Rule 16(4) of the Rules of Procedure (RoP) at the Council meeting on 8 July 2009

16. The Chairman further said that CS had noted the frequent holding of adjournment debates on various issues of concern recently. CS considered that some of the issues could be discussed by the relevant Panels.

III. Legal Service Division report on subsidiary legislation gazetted on 26 June 2009

(LC Paper No. LS 98/08-09)

17. The Chairman said that a total of nine items of subsidiary legislation were gazetted on 26 June 2009.

18. Members did not raise any queries on these nine items of subsidiary legislation.

IV. Further business for the Council meeting on 8 July 2009

(a) Government motions

(i) Proposed resolution to be moved by the Secretary for Constitutional and Mainland Affairs under the Race Discrimination Ordinance relating to the Code of Practice on Employment

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 772/08-09 dated 3 July 2009.)

19. The Chairman said that the Chairman of the relevant Subcommittee had made a verbal report at the last House Committee meeting. The written report had been circulated to Members.

(ii) Proposed resolution to be moved by the Secretary for Food and Health under the Interpretation and General Clauses Ordinance relating to the Food Business (Amendment) Regulation 2009

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 771/08-09 dated 3 July 2009.)

20. The Chairman said that the relevant Subcommittee had reported to the House Committee at the last meeting. She added that the Administration had taken on board the Subcommittee's request and would move an amendment to defer the implementation of the Amendment Regulation for one year.

(b) **Members' motions**

Motion for adjournment of the Council to be moved by Hon Miriam LAU Kin-yea concerning the following two issues:

- (i) **review of the tree management policy and the report on the review raised by Hon Tanya CHAN; and**
- (ii) **persistent rent increases by The Link Management Limited and the substantial layoffs upon the change of service contracts for its carparks raised by Hon WONG Kwok-kin**

(Wording of the motion issued vide LC Paper No. CB(3) 774/08-09 dated 3 July 2009.)

21. The Chairman said that in her capacity as the Chairman of the House Committee, she would move a motion for the adjournment of the Council concerning the above two issues. Each Member would have a speaking time limit of five minutes for each of the issues.

V. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 2052/08-09)

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

VI. Any other business

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