

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1029/08-09  
(These minutes have been  
cleared with the Chairman)

Ref : CB1/PL/DEV+AJLS/1

**Panel on Development and  
Panel on Administration of Justice and Legal Services**

**Minutes of joint meeting  
held on Tuesday, 20 January 2009, at 2:00 pm  
in Conference Room A of the Legislative Council Building**

**Members present** : Members of the Panel on Development

Hon LAU Wong-fat, GBM, GBS, JP (Chairman)  
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP  
\* Hon James TO Kun-sun  
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP  
Dr Hon Philip WONG Yu-hong, GBS  
Hon Abraham SHEK Lai-him, SBS, JP  
Hon Albert CHAN Wai-yip  
Hon Alan LEONG Kah-kit, SC  
Hon CHEUNG Hok-ming, SBS, JP  
Hon KAM Nai-wai, MH  
Hon Cyd HO Sau-lan  
Hon Starry LEE Wai-king  
Hon Tanya CHAN  
Hon IP Kwok-him, GBS, JP  
\* Dr Hon Priscilla LEUNG Mei-fun

Members of the Panel on Administration of Justice and  
Legal Services

Dr Hon Margaret NG (Chairman)  
# Hon Albert HO Chun-yan (Deputy Chairman)  
Hon LAU Kong-wah, JP  
Hon Audrey EU Yuet-mee, SC, JP

Hon Paul TSE Wai-chun

**Members absent** : Members of the Panel on Development

Prof Hon Patrick LAU Sau-shing, SBS, JP (Deputy Chairman)  
Hon CHAN Kam-lam, SBS, JP  
Hon WONG Yung-kan, SBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon LEE Wing-tat  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Dr Hon Samson TAM Wai-ho, JP

Members of the Panel on Administration of Justice and  
Legal Services

Hon Miriam LAU Kin-ye, GBS, JP

(\* Also members of the Panel on Administration of  
Justice and Legal Services

# Also a member of Panel on Development)

**Clerk in attendance** : Ms Anita SIT  
Chief Council Secretary (1)4

**Staff in attendance** : Mrs Constance LI  
Assistant Secretary General 1

Mr WONG Siu-ye  
Senior Council Secretary (1)7

Ms Christina SHIU  
Legislative Assistant (1)7

---

Action

**I Election of Chairman**

Dr Margaret NG was elected chairman of the joint meeting.

**II Way forward for monitoring the Administration's work on  
preparation of amendments to the Land Titles Ordinance**

(LC Paper No. CB(1)613/08-09(01) -- Administration's paper on amendments to Land Titles Ordinance

LC Paper No. CB(1)613/08-09(02) -- Paper on proposal for establishment of a subcommittee to monitor the Administration's work on the preparation of amendments to the Land Titles Ordinance prepared by the Legislative Council Secretariat)

2. The Chairman referred members to LC Paper No. CB(1)613/08-09(02) prepared by the Legislative Council (LegCo) Secretariat and recapitulated the background to the proposal for establishment of a subcommittee to monitor the Administration's work on the preparation of amendments to the Land Titles Ordinance (Cap. 585) (LTO). She said that the comprehensive review of the LTO conducted by the Administration revealed that substantial amendments to LTO were needed before commencement of the Ordinance. She then drew members' attention to the Annex to LC Paper No. CB(1)613/08-09(01) which outlined the Administration's work plan on four substantial outstanding matters relating to amendments to the LTO. She invited members to give views on whether a subcommittee should be appointed to enable the Legislative Council to monitor the Administration's work in a more focused manner and provide input in the bill drafting process, and if so, whether the subcommittee should be appointed under the two Panels or under the House Committee.

3. Ms Cyd HO expressed support for forming a subcommittee and said that she had no special views on whether the subcommittee should be a joint subcommittee under the two Panels or a subcommittee under the House Committee as long as it could achieve its purposes.

4. Mr Albert CHAN expressed concern about the extent to which the subcommittee, if established, could achieve its purposes because amendments to LTO involved a lot of complicated technical and legal issues. There had been a lot of discussion on the subject matter over the past years. As professional legal organizations and the Administration had not yet resolved many issues during their discussion, the subcommittee could not give any substantive advice unless it had concrete objectives of what to achieve and a very clear stance on and comprehensive understanding of the subject matter.

5. The Chairman said that the experience of the former Bills Committee on Land Titles Ordinance was that some of the important policy issues had not been fully addressed before the introduction of the LTO Bill, and the bill scrutiny process had been arduous for both Members and the Administration.

She was therefore inclined to setting up a subcommittee to facilitate Members in understanding and expressing views on the relevant policy issues and receiving views from concerned parties in advance. Members could then have a better understanding of the Administration's policy intentions underlying the future amendment bill during the scrutiny stage, and this would ensure coherence between the two. She expected that the frequency of meetings of the subcommittee would tie in with the progress of the Administration's consultation and bill drafting work.

6. Mr IP Kwok-him shared Mr Albert CHAN's concerns and expressed concern that the subcommittee might not be able to study the relevant subject matters in a focused manner even after spending a lot of time. He considered it easier to achieve focused scrutiny of the amendment bill after it had been introduced, while setting up a subcommittee at the present stage might only prolong the process of LegCo's study of the subject matters. Although he would not object to setting up a subcommittee to study the relevant issues, he was concerned about the substantial workload that Members would have to shoulder.

7. The Chairman said that the subcommittee, if formed, could study the outstanding matters in a focused manner based on the Administration's work plan. She referred members to the Administration's paper for the meeting of the Panel of Development on 19 December 2008 (LC Paper No. CB(1)396/08-09(06)) which provided the details of and work plan for the outstanding matters. The subcommittee could monitor the Administration's work progress and focus on the Administration's consultation work and the proposed amendments to LTO, and receive public views on those proposed amendments. The solid work done by the subcommittee in the legislation preparatory process could help expedite the bill scrutiny process in future.

8. At the suggestion of Mr Albert CHAN, the Chairman invited members to indicate whether they were interested in joining a joint subcommittee under the two Panels if one was appointed. Mr Albert HO, Ms Cyd HO, Mr Alan LEONG, Mr CHEUNG Hok-ming, Mr LAU Wong-fat and the Chairman indicated that they were interested in joining.

9. Mr Paul TSE expressed concern whether the membership of the proposed subcommittee would be the same as that of the future Bills Committee. He was worried that if some members of the future Bills Committee were not members of the proposed subcommittee, they might not be familiar with the background of the subject matter and this would affect the progress of the future Bills Committee, thus defeating the purpose of expediting the bill scrutiny process by means of setting up a subcommittee in advance. Given that there were already quite a number of subcommittees in action, he asked whether it would be more appropriate to hold joint meetings of the two Panels from time to

time to discuss the subject matters in question, instead of appointing another subcommittee.

10. Mrs Sophie LEUNG shared Mr Paul TSE's views and expressed support for holding joint meetings of the two Panels.

11. The Chairman asked whether any member objected to the proposal of setting up a subcommittee. No member indicated objection. She then solicited members' views on whether a joint subcommittee should be appointed under the two Panels or a subcommittee be set up under the House Committee.

12. Responding to Mr Abraham SHEK's enquiry, the Chairman said that while Members who were not members of the two Panels could not be a member of the joint subcommittee, they could attend meetings of the joint subcommittee but had no voting right.

13. Ms Cyd HO preferred setting up a joint subcommittee under the two Panels. She considered that Members who were not members of the two Panels could also attend meetings of a joint subcommittee and their views would be recorded. The need for voting might not arise and even if voting was needed at the joint subcommittee meeting, the results of the voting would not have legislative effect or be binding on any Member.

14. The Chairman asked whether any member objected to appointing a joint subcommittee under the two Panels. As no member indicated objection, the Chairman said that the Panels' decision was to form a joint subcommittee under the two Panels. At the suggestion of the Chairman, members also agreed that the terms of reference of the joint subcommittee should be based on the wording of paragraph 5 of LC Paper No. CB(1)613/08-09(02). The Chairman instructed the Clerk to prepare a notice to invite members of the two Panels to indicate whether they wished to join the joint subcommittee.

### **III Any other business**

15. There being no other business, the meeting ended at 2:25 pm.