

立法會
Legislative Council

LC Paper No. CB(2) 97/11-12

Ref : CB2/H/5/10

House Committee of the Legislative Council

**Minutes of the 1st meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 14 October 2011**

Members present:

Hon Miriam LAU Kin-yee, GBS, JP (Chairman)
Hon Fred LI Wah-ming, SBS, JP (Deputy Chairman)
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 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, SBS, JP
Hon Tommy CHEUNG Yu-yan, 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, GBS, JP
Hon Andrew LEUNG Kwan-yuen, GBS, JP
Hon CHEUNG Hok-ming, GBS, JP
Hon WONG Ting-kwong, BBS, 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
Dr Hon LAM Tai-fai, BBS, JP
Hon CHAN Hak-kan
Hon Paul CHAN Mo-po, MH, JP
Hon CHAN Kin-por, JP
Dr Hon Priscilla LEUNG Mei-fun, JP
Hon CHEUNG Kwok-che
Hon WONG Sing-chi
Hon WONG Kwok-kin, BBS
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, JP
Dr Hon Samson TAM Wai-ho, JP
Hon Alan LEONG Kah-kit, SC
Hon Tanya CHAN
Hon Albert CHAN Wai-yip
Hon WONG Yuk-man

Members absent:

Hon Albert HO Chun-yan
Hon LAU Wong-fat, GBM, GBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Starry LEE Wai-king, JP
Dr Hon LEUNG Ka-lau
Hon LEUNG Kwok-hung

Clerk in attendance :

Miss Odelia LEUNG 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 4
Ms Connie FUNG	Senior Assistant Legal Adviser 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mr KAU Kin-wah	Senior Assistant Legal Adviser 3
Mr Stephen LAM	Principal Council Secretary (Complaints)
Mr Simon WONG	Chief Public Information Officer
Ms Amy YU	Chief Council Secretary (2)6
Ms Miranda HON	Chief Council Secretary (4)2
Mr Kelvin LEE	Assistant Legal Adviser 1
Miss Carrie WONG	Assistant Legal Adviser 4
Ms Judy TING	Council Secretary (2)6
Ms Theresa CHEUNG	Senior Legislative Assistant (2)2
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)8

Action

I. Confirmation of the minutes of the 30th meeting held on 7 October 2011
(*LC Paper No. CB(2) 23/11-12*)

The minutes were confirmed.

II. Matters arising

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

Attendance of CS at House Committee meetings

2. The Chairman said that she had informed CS of the established practice for CS to attend two special meetings of the House Committee during each session to exchange views with Members. She had relayed to CS Members' request for him to attend a House Committee meeting as soon as practicable and their suggestion that there should be more than two such meetings in the current session. CS had indicated that he would keep to the practice of attending two House Committee meetings in each session but would take the initiative to request for the holding of special meetings should there be a need to discuss special matters.

Action

3. The Chairman further said that after her meeting with CS, the Administration Wing had informed the Legislative Council ("LegCo") Secretariat that CS would attend a special House Committee meeting on 11 November 2011 and Members would be informed of the topic later.

2011-2012 Legislative Programme

4. The Chairman said that she had conveyed to CS Members' request for the Administration to introduce legislative proposals into the Council as early as practicable, given that the current session was the last legislative session of the Fourth LegCo. She had also requested CS to ensure that legislative proposals would be introduced into the Council before March and April 2012 so as to allow Members sufficient time for scrutiny, and to avoid introducing controversial legislative proposals as Members might not be able to complete scrutiny before the end of the current term. CS had indicated that he would make careful assessment and ensure that controversial legislative proposals would be introduced into LegCo as early as practicable.

5. The Chairman further said that subsequent to her meeting with CS, the Administration had submitted the 2011-2012 Legislative Programme which had been issued to Members. According to the Legislative Programme, eight bills would be introduced into the Council in the current session, of which seven would be introduced in the first half of the session and one in the second half.

III. Further business for the Council meeting of 19 October 2011

(a) Tabling of papers

Report No. 1/11-12 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

(LC Paper No. CB(2) 25/11-12 issued vide LC Paper No. CB(3) 29/11-12 dated 13 October 2011)

6. The Chairman said that the report covered seven items of subsidiary legislation, the period for amendment of which would expire on 19 October 2011. No Member had indicated intention to speak on the subsidiary legislation.

7. Members noted the report.

Action

(b) **Questions**

(LC Paper No. CB(3) 26/11-12)

8. The Chairman said that Mr James TO had replaced his oral question.

(c) **Members' motions**

(i) **Proposed resolution to be moved by Hon Miriam LAU Kin-ye under section 34(4) of the Interpretation and General Clauses Ordinance relating to the Securities and Futures (Contracts Limits and Reportable Positions) (Amendment) Rules 2011**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 37/11-12 dated 13 October 2011.)

9. The Chairman said that in her capacity as Chairman of the House Committee, she would move a motion at the Council meeting to extend the scrutiny period of the Rules to 9 November 2011.

(ii) **Motion on "Appointment of a select committee"**

(Wording of the motion issued vide LC Paper No. CB(3) 19/11-12 dated 10 October 2011.)

10. The Chairman said that Ms Emily LAU would move the above motion at the Council meeting to appoint a select committee to inquire into matters relating to Asia Television Limited.

11. The Chairman informed Members that the deadline for giving notice of amendments to the motion had expired on 12 October 2011. No notice of amendments had been received.

IV. Business for the Council meeting of 26, 27 and 28 October 2011

(a) **Questions**

(LC Paper No. CB(3) 25/11-12)

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

(b) **Members' motion**

Motion of Thanks

(Director of Administration's letter dated 13 October 2011 on "The Debate on the Motion of Thanks on the 2011-2012 Policy Address - Proposed Grouping of Policy Areas" (LC Paper No. CB(2) 58/11-12(01)))

13. The Chairman referred Members to the Director of Administration's letter dated 13 October 2011 on the proposed grouping of policy areas for the five debate sessions. Members agreed with the proposed grouping which was the same as last year.

14. The Chairman sought Members' views on adopting the same arrangements for the debate on the Policy Address as those in the past six years. Under these arrangements, a Member might speak once in one or more sessions of the five debate sessions, but subject to the total speaking time limit of 30 minutes. She, as mover of the motion, would have an additional 15-minute speaking time for moving the motion and making her reply. If there were amendments to the motion, she would have another five minutes to speak on the amendments at the end of the last session. Members agreed to adopt the same arrangements for the debate on the 2011-2012 Policy Address.

15. Mr Ronny TONG said that during the past debates on Policy Addresses, the President had exercised discretion to allow Members to speak on policy areas not of the policy grouping for the session concerned. He sought confirmation on whether such an arrangement would apply to the debate on the 2011-2012 Policy Address.

16. The Chairman said that the President normally would not restrict the content of Members' speeches. Should a Member speak on a policy area not of the policy grouping for the session, he would remind the Member concerned that the relevant public official was not attending the session and there might not be response to his/her speech at that session.

V. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 24/11-12)

17. The Chairman said that there were 16 Bills Committees, eight subcommittees under the House Committee (i.e. three subcommittees on subsidiary legislation, two subcommittees on policy issues and three subcommittees on other Council business) and 10 subcommittees under Panels in action. Two Bills Committees were on the waiting list.

VI. Duration of the ringing of the division bell at Council meetings and of the voting bell at committee meetings

(LC Paper No. CB(3) 27/11-12)

18. At the invitation of the Chairman, Secretary General ("SG") said that the paper sought Members' views on the proposed arrangements regarding the duration of the ringing of the division bell at Council meetings and of the voting bell at committee meetings. She elaborated that at the last House Committee meeting, Members agreed to suspend the relevant House Rules and to adopt the interim arrangements which were applicable to the House Committee, Panels, Bills Committees and their subcommittees. Under the interim arrangements, the voting bell should be rung for five minutes when a matter was voted upon at a committee meeting and if the voting bell did not function, the voting should be held 10 minutes after the chairman of the committee concerned had ordered the clerk to arrange for members in the precincts of the Chamber to be notified of the voting.

19. Regarding the duration of the division bell at Council meetings, SG said that it was proposed that the President's leave be sought for the moving of a motion by the Chairman of the House Committee at the Council meeting of 19 October 2011 to suspend Rule 47(1)(c) and (2)(c) as well as Rule 49(8) of the Rules of Procedure ("RoP"), and to adopt the following arrangements during the suspension of the Rules:

- (a) if a Member challenged the statement of the President made under RoP 47(1)(b) or (2)(b) by claiming a division, the division should be held after the division bell had been rung for five minutes;
- (b) if the division bell did not function, the division should be held 10 minutes after the President had ordered the Clerk to arrange for Members within the precincts of the Chamber to be notified of the division; and
- (c) the House Committee might recommend to the President that the periods specified in paragraph (a) or (b) above for a Council meeting or in respect of an item of business on the Agenda of a Council meeting might be shorter or longer.

20. As for the shortening of the division bell to one minute under RoP 49(4) and (6), SG explained that based on the results of the earlier trials conducted by the Secretariat, no change was recommended as Members were likely to stay in the Chamber or its vicinity if further divisions were expected to be held one after another within a short time.

Action

21. SG further said that it was proposed that the duration of the ringing of the division bell at Council meetings and of the voting bell at committee meetings be studied by the Committee on Rules of Procedure ("CRoP"). Meanwhile, the Secretariat would keep record of whether Members had sufficient time to return to the meeting venue to vote each time the division bell at Council meetings or the voting bell at committee meetings was rung. Such information would be forwarded to CRoP for consideration. SG added that the same suspension of the relevant rules would be proposed for the Finance Committee ("FC") and its two subcommittees if CRoP had not come up with its recommendations before the next meeting of FC.

22. Members endorsed the proposed arrangements as set out in paragraphs 9, 10, 12 and 13 of the paper.

23. Ms Audrey EU followed up on her request raised at the last House Committee meeting for installing switches in Members' offices for adjusting the volume of the division/voting bell.

24. At the invitation of the Chairman, SG said that the Secretariat had discussed the matter with the contractor concerned. As an interim measure, Members or their staff could contact the Building Management Office to request for setting and fixing the volume of the division/voting bell in their offices. The contractor would explore the feasibility of enabling Members in their individual offices to adjust the volume of the division/voting bell according to their needs at different times.

25. Mr Albert CHAN said that he heard some music playing on the public address system in his office one evening. The music was quite loud and lasted for more than an hour. He was concerned that there was no switch in his office for adjusting the volume of or turning off the music.

26. At the invitation of the Chairman, SG explained that the playing of the music was to test the volume levels of the public address system.

VII. Filling of vacancy in the membership of the Public Accounts Committee

(Paragraphs 47 and 48 of the minutes of the 30th House Committee meeting held on 7 October 2011)

[Previous paper:

LC Paper No. PAC 1/11-12 issued vide LC Paper No. CB(2) 2692/10-11 dated 4 October 2011]

Action

27. The Chairman said that as Mr Andrew CHENG had given notification of his withdrawal from the Public Accounts Committee ("PAC"), there was a need to elect a Member to fill the vacancy in the membership of PAC. Members agreed at the last House Committee meeting that the election should be held at the House Committee meeting on 14 October 2011. She invited Members to make nominations.

28. Mr WONG Sing-chi nominated Mr KAM Nai-wai and the nomination was seconded by Mr CHEUNG Man-kwong. Mr KAM Nai-wai accepted the nomination.

29. After ascertaining that there was no further nomination, the Chairman declared that Mr KAM Nai-wai was elected for appointment to PAC by the President.

30. Dr Philip WONG, Chairman of PAC, thanked Mr Andrew CHENG for his contributions to the work of PAC, and welcomed Mr KAM Nai-wai for joining PAC.

VIII. Nomination and election of Members of the Legislative Council to serve on the Council of The Chinese University of Hong Kong, the Court of the University of Hong Kong and the Council of the University of Hong Kong
(*LC Paper No. CB(2) 26/11-12*)

31. The Chairman said that Members were invited to nominate and elect two Members to serve on the Council of The Chinese University of Hong Kong ("CUHK Council") and five Members to serve on the Court of the University of Hong Kong ("HKU Court").

32. The Chairman further said that according to the resolution passed by the HKU Council in June 2011, the HKU Council would invite one of the five Members elected to serve on the HKU Court to be its member on a personal basis. A nomination would be made by the five Members concerned from among themselves for consideration by the HKU Council for appointment as its member. Members noted the arrangement.

(a) Two Members to serve on the CUHK Council

33. Mr Tommy CHEUNG sought clarification on the number of Members to be elected to serve on the CUHK Council. He said that it was his understanding that there should be three Members serving on the CUHK Council.

Action

34. The Chairman said that Mr Tommy CHEUNG, Mr CHAN Hak-kan and Mr Paul CHAN were currently serving on the CUHK Council. The term of office of Mr Tommy CHEUNG and Mr CHAN Hak-kan would expire in mid-October 2011. Mr Paul CHAN was elected on 26 February 2010 to fill the vacancy in the CUHK Council following the resignation of Mr WONG Yuk-man as a LegCo Member, and his term of office was three years. As Mr Paul CHAN's term of office had yet to expire, only two Members were to be elected to serve on the CUHK Council.

35. The Chairman invited Members to make nominations for the appointment of two Members to the CUHK Council.

36. Mrs Sophie LEUNG nominated Mr Tommy CHEUNG and the nomination was seconded by Prof Patrick LAU. Mr Tommy CHEUNG accepted the nomination.

37. Mr IP Kwok-him nominated Mr CHAN Hak-kan and the nomination was seconded by Mr CHAN Kam-lam. Mr CHAN Hak-kan accepted the nomination.

38. After ascertaining that there was no further nomination, the Chairman declared that Mr Tommy CHEUNG and Mr CHAN Hak-kan were elected for appointment to the CUHK Council.

(b) Five Members to serve on the HKU Court

39. The Chairman invited Members to make nominations for the appointment of five Members to the HKU Court.

40. Mrs Regina IP said that she was one of the five Members serving on the HKU Court. Owing to her busy schedule, she could not continue to serve on the HKU Court after expiry of her current term of office.

41. Ms Cyd HO nominated Mr LEE Cheuk-yan and the nomination was seconded by Mr LEUNG Yiu-chung. Mr LEE Cheuk-yan accepted the nomination.

42. Mr CHEUNG Man-kwong nominated Mr James TO and the nomination was seconded by Mr WONG Sing-chi. Mr James TO accepted the nomination.

Action

43. Ir Dr Raymond HO nominated Mr Abraham SHEK and the nomination was seconded by Mrs Sophie LEUNG. Mr Abraham SHEK accepted the nomination.

44. Mr CHAN Hak-kan nominated Mr IP Kwok-him and the nomination was seconded by Mr TAM Yiu-chung. Mr IP Kwok-him accepted the nomination.

45. Mr WONG Kwok-kin nominated Dr PAN Pey-chyou and the nomination was seconded Mr IP Wai-ming. Dr PAN Pey-chyou accepted the nomination.

46. Mrs Regina IP nominated Mr Paul TSE and the nomination was seconded by Mr Jeffrey LAM. Mr Paul TSE accepted the nomination.

47. After ascertaining that there was no further nomination, the Chairman said that as the number of nominations exceeded that required for appointment, a vote would be taken by a show of hands.

48. At the request of Mr IP Kwok-him, the Chairman proposed to suspend the meeting for five minutes to allow Members to discuss the nominations among themselves. Members agreed.

(The meeting was suspended at 2:54 pm and resumed at 2:59 pm.)

49. The Chairman said that the term of office of the five Members to be elected to the HKU Court would expire upon the end of the Fourth LegCo. In response to Mr IP Kwok-him, the Chairman said that an election would be held again at the beginning of the Fifth LegCo to elect five Members to serve on the HKU Court.

50. The Chairman reminded Members that they might vote for as many as five nominees. She ordered a vote by a show of hands. The outcome of the votes was as follows -

Mr LEE Cheuk-yan	30 votes
Mr James TO	38 votes
Mr Abraham SHEK	41 votes
Mr IP Kwok-him	37 votes
Dr PAN Pey-chyou	35 votes
Mr Paul TSE	11 votes

Action

51. The Chairman declared that Mr LEE Cheuk-yan, Mr James TO, Mr Abraham SHEK, Mr IP Kwok-him and Dr PAN Pey-chyou were elected to serve on the HKU Court.

52. There being no other business, the meeting ended at 3:04 pm.

Council Business Division 2
Legislative Council Secretariat
19 October 2011