

立法會
Legislative Council

LC Paper No. CB(2) 196/11-12

Ref : CB2/H/5/10

House Committee of the Legislative Council

**Minutes of the 2nd meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 21 October 2011**

Members present:

Hon Miriam LAU Kin-ye, 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 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 Timothy FOK Tsun-ting, GBS, JP
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 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, GBS, JP
Hon Andrew LEUNG Kwan-yuen, GBS, JP

Hon CHEUNG Hok-ming, GBS, JP
Hon WONG Ting-kwong, BBS, JP
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, JP
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
Dr Hon LEUNG Ka-lau
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 LEUNG Kwok-hung
Hon Tanya CHAN
Hon Albert CHAN Wai-yip
Hon WONG Yuk-man

Members absent:

Hon Albert HO Chun-yan
Hon CHAN Kam-lam, SBS, JP
Hon Ronny TONG Ka-wah, SC
Hon Alan LEONG Kah-kit, SC

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 Andy LAU	Principal Council Secretary (Administration)
Miss Erin TSANG	Acting Principal Council Secretary (Complaints)
Mr Simon WONG	Chief Public Information Officer
Ms Amy YU	Chief Council Secretary (2)6
Mr Timothy TSO	Assistant Legal Adviser 2
Ms Wendy KAN	Assistant Legal Adviser 6
Ms Judy TING	Council Secretary (2)6
Ms Theresa CHEUNG	Senior Legislative Assistant (2)2
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Ms CHAU Kwan-bing	Legislative Assistant (2)9

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I. Confirmation of the minutes of the 1st meeting held on 14 October 2011
(LC Paper No. CB(2) 97/11-12)

The minutes were confirmed.

II. Matters arising

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

2. The Chairman said that there was nothing special to report.

(b) Securities and Futures (Professional Investor) (Amendment) Rules 2011

(Letter dated 18 October 2011 from Hon James TO Kun-sun to the Chairman of the House Committee (LC Paper No. CB(2) 102/11-12(01)))

[Previous papers:

LC Paper No. LS 99/10-11 and its Annex B issued vide LC Paper No. CB(2) 2711/10-11 dated 6 October 2011; and paragraphs 24 to 29 of the minutes of the 30th House Committee meeting on 7 October 2011 (LC Paper

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No. CB(2) 23/11-12 issued vide LC Paper No. CB(2) 58/11-12 dated 13 October 2011)]

3 The Chairman said that the above Rules had been considered at the House Committee meeting on 7 October 2011 and Members had not raised any queries then. Subsequently, Mr James TO had written to her on 18 October 2011 proposing to form a subcommittee to study the Rules. The deadline for amending the Rules was 9 November 2011.

4. At the invitation of the Chairman, Mr James TO said that the Rules were made following the Administration's review of the Lehman Brothers minibonds incident. He considered it necessary to form a subcommittee to study them in detail. Members agreed. The following Members agreed to join the Subcommittee: Mr James TO, Ms Audrey EU, Mr CHIM Pui-chung and Mr KAM Nai-wai.

III. Business for the Council meeting of 2 November 2011

(a) **Questions**

(LC Paper No. CB(3) 54/11-12)

5. 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**

Fisheries Protection (Amendment) Bill 2011

6. The Chairman said that the Administration had given notice to present the above Bill to the Council on 2 November 2011. The House Committee would consider the Bill at its meeting on 4 November 2011.

(c) **Government motion**

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

(d) **Members' motions**

(i) **Motion to be moved by Hon LAU Kong-wah**

8. The Chairman said that the subject of the motion to be moved by Mr LAU Kong-wah was "Alleviating the financial burden of middle-class people".

(ii) **Motion to be moved by Hon TAM Yiu-chung**

9. The Chairman said that the subject of the motion to be moved by Mr TAM Yiu-chung was "Comprehensively reforming the Mandatory Provident Fund Scheme".

10. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 26 October 2011.

Arrangement for Council meetings

11. Ms Emily LAU expressed concern that the Council meeting of 19 October 2011 ended at 1:00 am the following day but Members had not been consulted on the arrangement. She said that according to the usual arrangement, if the President was of the opinion that the business on the Agenda of a Council meeting would unlikely be finished by about midnight on that day, he would suspend the meeting at about 10:00 pm and order that it be resumed the following day. She requested the Chairman to reiterate the usual arrangement to the President.

12. Dr Philip WONG said that he was one of the Members consulted by the President.

13. The Chairman said that according to her recollection, the President informed Members at about 8:00 pm on 19 October that he was of the opinion that the Agenda of the Council meeting could likely be finished by midnight on that day. However, the meeting lasted longer than estimated and ended at about 1:00 am on 20 October. She would relay Ms Emily LAU's views to the President.

IV. Report of Bills Committees and subcommittees

(a) **Report of the Subcommittee on Securities and Futures (Contracts Limits and Reportable Positions) (Amendment) Rules 2011**

14. Mr James TO, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. He said that the Amendment Rules sought to set a reportable position for the HIS Dividend Point Index future contracts and the large open HSCEI Dividend Point Index future contracts, and to set a position limit and the large open position reporting level for the A50 ETF stock options contracts and the CSI 300 ETF stock options contracts.

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15. Mr James TO reported that the Subcommittee had held one meeting on 12 October 2011. Members had enquired about the background leading to the introduction of the Amendment Rules; the bases upon which the prescribed limits and reporting levels for the stock options contracts and the Dividend Point Index future contracts were arrived at; the effects of substantial fluctuations in the stock options market on the stock market; and the measures in place to prevent circumvention of the prescribed limits for stock options contracts using different companies. The Administration had provided a paper to address the concerns raised by the Subcommittee. Should members raise no further queries, the Subcommittee would provide a written report to the House Committee. The Subcommittee would convene another meeting, if necessary, to continue its scrutiny of the Amendment Rules.

16. Mr James TO added that as the deadline for amending the Amendment Rules had been extended to 9 November 2011, the deadline for giving notice of amendments, if any, was 2 November 2011.

(b) Report of the Subcommittee on Residential Care Homes (Persons with Disabilities) Regulation and Residential Care Homes (Persons with Disabilities) Ordinance (Commencement) Notice 2011

17. Mr WONG Sing-chi, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. He reported that the Subcommittee had held five meetings and had received views from operators of residential care homes for persons with disabilities ("RCHDs") and other stakeholders at two of the meetings. The Subcommittee had completed its scrutiny work.

18. Mr WONG Sing-chi elaborated that the Regulation sought to regulate RCHDs through the implementation of a licensing scheme and the Commencement Notice was to appoint 18 November 2011 as the date on which the principal Ordinance (except Part 2) came into operation. Members supported the implementation of a licensing scheme to improve the quality of RCHDs. The major issues discussed by the Subcommittee included the statutory regulatory framework under the licensing scheme and the possible impact of the licensing scheme on the operators and residents of RCHDs. Members were particularly concerned about the home fees to be increased by some private RCHDs to meet the additional costs for compliance with the licensing requirements on fire and building safety. Under the worst situation, private RCHDs would cease operation and their residents would have to move out.

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19. Mr WONG Sing-chi further said that to address members' concerns, the Administration undertook to introduce suitable complementary measures to assist private RCHDs to upgrade their service standards, including the introduction of a pilot Bought Place Scheme and a Financial Assistance Scheme for private RCHDs. There would be an 18-month grace period upon the commencement of the Ordinance. At the request of the Subcommittee, the Administration also undertook to conduct an interim review six months after the commencement of the Regulation to evaluate the implementation of the licensing scheme and the effectiveness of the complementary measures, and to revert to the Panel on Welfare Services on the review findings.

20. Mr WONG Sing-chi added that the Subcommittee supported an amendment to be moved by the Administration to improve section 5(4) of the Regulation. The Subcommittee would provide a written report to the House Committee.

(c) Proposed continuation of work of subcommittees on policy issues and activation of the Subcommittee on Health Protection Scheme under the Panel on Health Services

(LC Paper No. CB(2) 100/11-12)

21. The Chairman said that the paper invited Members to consider the proposed continuation of work of four subcommittees on policy issues and the proposed activation of the Subcommittee on Health Protection Scheme ("Subcommittee on HPS") under the Panel on Health Services ("HS Panel").

Proposed continuation of work of four subcommittees on policy issues

Subcommittee to Study Issues Relating to Mainland-HKSAR Families under the House Committee

22. Mr LEE Cheuk-yan, Chairman of the Subcommittee, explained the need for the continuation of work of the Subcommittee. He said that the Subcommittee had held 17 meetings since its appointment in January 2009, and referred Members to the Subcommittee's paper for details of the progress of its work. The Subcommittee considered it necessary to hold further meetings to pursue the following issues with the Administration –

- (a) improvements to the One Way Permit ("OWP") and the Two Way Permit Schemes to facilitate the reunion of Mainland residents with their families in Hong Kong;

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- (b) arrangements and timetable for applications by Mainland "overage children" of Hong Kong residents for OWP for settlement in Hong Kong;
- (c) arrangements for using public obstetric services by Mainland women whose spouses were Hong Kong residents; and
- (d) review of the existing population policy and its impact on local families with members from the Mainland.

23. Mr LEE Cheuk-yan added that shortly before the House Committee meeting, he had once again extended an invitation to CS to attend meetings of the Subcommittee to discuss relevant issues with members. He appealed to Members to support the proposed continuation of work of the Subcommittee in the 2011-2012 session.

24. Members agreed to the continuation of work of the Subcommittee.

Subcommittee on Improving Air Quality under the Panel on Environmental Affairs

25. Ms Audrey EU, Chairman of the Subcommittee, explained the need for the continuation of work of the Subcommittee. She said that the ambient air pollution problem had all along been a public concern. To enable more focused discussion on the Government's efforts in addressing air pollution, the Panel on Environmental Affairs set up the Subcommittee in October 2008 to monitor and study policies as well as public concerns on improving air quality.

26. Ms Audrey EU highlighted the issues studied by the Subcommittee in the 2010-2011 session. They included progress of measures to achieve the emission reduction targets under the Pearl River Delta Regional Air Quality Management Plan; the Study on Impact of Loss of Visibility on Mortality Risk: A Report of Regional and Global Importance; and the trend of primary nitrogen dioxide emissions from vehicles.

27. Ms Audrey EU further said that in view of the many measures and initiatives being contemplated by the Administration in improving air quality, the Panel considered that the Subcommittee had provided a platform for more focused discussion of these measures and initiatives. In October 2011, the Panel agreed that the Subcommittee should continue its work. She appealed to Members to support the proposed continuation of work of the Subcommittee in the 2011-2012 session.

28. Members agreed to the continuation of work of the Subcommittee.

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Joint Subcommittee to monitor the implementation of the West Kowloon Cultural District Project under the Panel on Home Affairs and Panel on Development

29. Mr IP Kwok-him, Chairman of the Joint Subcommittee, explained the need for the continuation of work of the Joint Subcommittee. He highlighted the main issues discussed by the Joint Subcommittee in the 2010-2011 session. They included the resignation and recruitment of the West Kowloon Cultural District Authority's ("WKCD") Chief Executive Officer; financial strategies of WKCD; outcome of Stage 2 public engagement ("PE") exercise; selection of Conceptual Plan Option; implementation of M+; and planning of arts and cultural activities before the commissioning of Phase 1 facilities. The Joint Subcommittee had met with the newly-appointed Chief Executive Officer of WKCD to gain a better understanding of his vision on the development of the West Kowloon Cultural District ("WKCD") project.

30. Mr IP Kwok-him further said that many of the issues highlighted above were ongoing issues the development of which would have a significant bearing on the implementation of the WKCD project. WKCD had reached a critical phase of development. WKCD was conducting Stage 3 PE exercise to gauge the views of the public and stakeholders on the draft Development Plan, which was expected to be finalized and submitted to the Town Planning Board for consideration by the end of 2011. The Joint Subcommittee considered it necessary to continue its work in the 2011-2012 session. The Panel on Home Affairs and the Panel on Development had agreed to the proposed continuation of work of the Joint Subcommittee.

31. Members agreed to the continuation of work of the Joint Subcommittee.

Subcommittee on Building Safety and Related Issues under the Panel on Development

32. Prof Patrick LAU, Chairman of the Subcommittee, explained the need for the continuation of work of the Subcommittee. He said that in response to the incident of the collapse of a building at 45J Ma Tau Wai Road, To Kwa Wan, on 29 January 2010, the Panel on Development set up the Subcommittee to monitor the Administration's work in enhancing building safety in Hong Kong.

33. Prof Patrick LAU elaborated that since March 2010, the Subcommittee had held four meetings. The issues discussed included the actual cause of the incident; the Administration's follow-up actions and its initial response to the findings of the Coroner's inquest into the incident; enforcement against unauthorized alteration works inside

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private premises; the Administration's multi-pronged measures to enhance building safety; and consolidation of financial assistance schemes for building maintenance and repair.

34. Prof Patrick LAU further said that the Subcommittee considered it necessary to follow up the outstanding issues relating to the Administration's initiatives to enhance the building safety regime; policy and enforcement against unauthorized building works in multi-storey buildings as well as village houses in the New Territories; and control and enforcement on internal works and subdivided flats. He appealed to Members to support the proposed continuation of work of the Subcommittee in the 2011-2012 session.

35. Members agreed to the continuation of work of the Subcommittee.

Proposed activation of the Subcommittee on HPS under the HS Panel

36. As Dr LEUNG Ka-lau, Chairman of the HS Panel, had left the meeting due to other commitments, Dr Joseph LEE, Deputy Chairman of the HS Panel, explained the proposal for activation of the Subcommittee on HPS. Dr LEE said that the Panel agreed at its meeting on 8 August 2011 to set up the Subcommittee on HPS to study issues relating to the Health Protection Scheme. He referred Members to the paper for details of the terms of reference, work plan and time frame for completion of work of the Subcommittee on HPS.

37. Dr Joseph LEE elaborated that on 6 October 2010, the Government published the Healthcare Reform Second Stage Public Consultation Document proposing a government-regulated, voluntary HPS with a view to enhancing the long-term sustainability of the healthcare system. Members held divergent views on HPS and expressed concern on various issues, including impact of HPS on the public healthcare services and healthcare manpower; the benefit coverage of HPS and its regulatory framework; and the use of the \$50 billion fiscal reserves to support healthcare reform. To enable more focused discussion, the Panel agreed to set up a subcommittee to study HPS.

38. Dr Joseph LEE further said that Panel members had noted that as more than eight subcommittees on policy issues were currently in operation, the Subcommittee on HPS had been placed on the waiting list. The Panel had also agreed that it would continue to follow up the subject pending the approval of the House Committee for the activation of the Subcommittee on HPS. He appealed to Members to endorse the activation of the Subcommittee.

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39. The Chairman drew Members' attention to rule 26(a) of the House Rules ("HR") which provided that the maximum number of subcommittees on policy issues that might be in operation at any one time was eight. As 10 such subcommittees were currently in operation, the Subcommittee on HPS had been placed on the waiting list. According to HR 26(b), the House Committee might activate subcommittees on the waiting list after having considered the following –

- (a) the number of vacant slots for Bills Committees;
- (b) the number of bills likely to be introduced to the Council in the next three months;
- (c) the number of subcommittees on subsidiary legislation already or likely to be appointed; and
- (d) the availability of resources in the Secretariat.

40. The Chairman then briefed Members on the existing and anticipated number of Bills Committees and subcommittees. She highlighted that 16 Bills Committees were currently in operation and two Bills Committees were on the waiting list. Based on the 2011-2012 Legislative Programme, seven bills would be introduced to the Council in the first half of the current session and one in the second half. In addition, four subcommittees on subsidiary legislation were currently in operation. Taking into account its existing and anticipated workload, the Secretariat considered that it was able to provide servicing to the Subcommittee on HPS on the waiting list only after any one of the subcommittees on policy issues in operation had completed its work.

41. In response to the Chairman, Dr Joseph LEE said that the HS Panel considered the proposed timing for activation of the Subcommittee on HPS acceptable.

42. Members agreed to the proposed timing for activation of the Subcommittee on HPS.

V. Position on Bills Committees and subcommittees
(*LC Paper No. CB(2) 98/11-12*)

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

VI. Report on duty visit to study the experiences of Boston, New York and Vancouver in harbourfront planning and development by the Subcommittee on Harbourfront Planning
(*LC Paper No. CB(1) 80/11-12*)

44. Prof Patrick LAU, Chairman of the Subcommittee, reported that the Subcommittee had conducted a duty visit to Boston, New York and Vancouver from 24 April to 1 May 2011 to study these cities' experiences in waterfront planning, development, regeneration and management.

45. Prof Patrick LAU said that during the visit, the delegation had met with members of town planning authorities, city councillors and representatives of relevant organizations, and had toured waterfront developments in the three cities. The delegation had made observations on the development models for harbourfront projects; planning and design of harbourfront areas; and modes of public engagement in the three cities. It had also made various recommendations for the reference of the Administration. He referred Members to the Subcommittee's report for details of the findings and recommendations of the delegation.

46. Prof Patrick LAU added that members of the delegation and the Subcommittee had an informal exchange with the Harbourfront Commission and the Administration on 9 July 2011 to share the experiences and observations of the delegation.

VII. Election of members of The Legislative Council Commission
(*LC Paper No. AS 15/11-12*)

47. The Chairman said that The Legislative Council Commission Ordinance provided that the membership of the Commission included the President of the Legislative Council ("LegCo"), the Chairman and the Deputy Chairman of the House Committee, and not more than 10 other members elected by and from amongst LegCo Members.

48. The Chairman further said that nine valid nominations for election to The Legislative Council Commission had been received by the deadline of 17 October 2011. The Chairman asked whether there were any further nominations.

49. After ascertaining that there was no further nomination, the Chairman declared the following nine nominees elected as members of The Legislative Council Commission -

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Mr LEE Cheuk-yan
Dr Margaret NG
Dr Philip WONG
Ms Emily LAU
Mr Andrew LEUNG
Mr WONG Ting-kwong
Prof Patrick LAU
Ms Cyd HO
Mr IP Kwok-him

VIII. Any other business

50. There being no other business, the meeting ended at 2:53 pm.

Council Business Division 2
Legislative Council Secretariat
2 November 2011