

立法會
Legislative Council

LC Paper No. CB(2) 599/12-13

Ref : CB2/H/5/12

House Committee of the Legislative Council

**Minutes of the 15th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 25 January 2013**

Members present:

Hon Andrew LEUNG Kwan-yuen, GBS, JP (Chairman)

Hon Ronny TONG Ka-wah, SC (Deputy Chairman)

Hon LEE Cheuk-yan

Hon James TO Kun-sun

Hon CHAN Kam-lam, SBS, JP

Hon LEUNG Yiu-chung

Dr Hon LAU Wong-fat, GBM, GBS, JP

Hon Emily LAU Wai-hing, JP

Hon TAM Yiu-chung, GBS, JP

Hon Abraham SHEK Lai-him, SBS, JP

Hon Tommy CHEUNG Yu-yan, SBS, JP

Hon Frederick FUNG Kin-kee, SBS, JP

Hon Vincent FANG Kang, SBS, JP

Hon WONG Kwok-hing, MH

Dr Hon Joseph LEE Kok-long, SBS, JP

Hon WONG Ting-kwong, SBS, JP

Hon Cyd HO Sau-lan

Hon Starry LEE Wai-king, JP

Hon CHAN Hak-kan, JP

Hon CHAN Kin-por, BBS, JP

Dr Hon Priscilla LEUNG Mei-fun, JP

Dr Hon LEUNG Ka-lau

Hon CHEUNG Kwok-che

Hon WONG Kwok-kin, BBS

Hon IP Kwok-him, GBS, JP

Hon Mrs Regina IP LAU Suk-ye, GBS, JP

Hon Paul TSE Wai-chun, JP

Hon Alan LEONG Kah-kit, SC

Hon LEUNG Kwok-hung

Hon Albert CHAN Wai-yip
Hon WONG Yuk-man
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon James TIEN Pei-chun, GBS, JP
Hon NG Leung-sing, SBS, JP
Hon Steven HO Chun-yin
Hon Frankie YICK Chi-ming
Hon WU Chi-wai, MH
Hon YIU Si-wing
Hon Gary FAN Kwok-wai
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK
Hon CHAN Chi-chuen
Hon CHAN Han-pan
Dr Hon Kenneth CHAN Ka-lok
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
Hon Dennis KWOK
Hon Christopher CHEUNG Wah-fung, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon SIN Chung-kai, SBS, JP
Dr Hon Helena WONG Pik-wan
Dr Hon Elizabeth QUAT, JP
Hon Martin LIAO Cheung-kong, JP
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kwok, BBS, MH, JP
Hon CHUNG Kwok-pan
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen

Members absent:

Hon Albert HO Chun-yan
Hon Jeffrey LAM Kin-fung, GBS, JP
Dr Hon LAM Tai-fai, SBS, JP
Hon CHAN Yuen-han, SBS, JP
Hon IP Kin-yuen

Clerk in attendance :

Miss Flora TAI Clerk to the House Committee

Staff in attendance :

Mr Kenneth CHEN, SBS	Secretary General
Mr Jimmy MA, JP	Legal Adviser
Mrs Justina LAM	Deputy Secretary General
Mr Andy LAU	Assistant Secretary General 1
Miss Odelia LEUNG	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
Miss Erin TSANG	Acting Principal Council Secretary (Complaints)
Mr Simon WONG	Chief Public Information Officer
Miss Betty MA	Chief Council Secretary (2)1
Mr Colin CHUI	Chief Council Secretary (2)4
Ms Amy YU	Chief Council Secretary (2)6
Miss Evelyn LEE	Assistant Legal Adviser 10
Miss Josephine SO	Senior Council Secretary (2)2
Mr Jove CHAN	Senior Council Secretary (2)6
Mr Ringo LEE	Senior Legislative Assistant (2)1
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)7

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I. Confirmation of the minutes of the 14th meeting held on 18 January 2013
(*LC Paper No. CB(2)539/12-13*)

The minutes were confirmed.

II. Matters arising

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

Policy Address

2. The Chairman said that he had conveyed to CS Members' view that in scheduling future debates on Policy Address, more time should be allowed for Members to conduct consultation at district level. The

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Chairman further said that he had also enquired with CS the timing of the Chief Executive ("CE")'s future Policy Address. CS had advised that the Administration would review the effects of the presentation of the Policy Address in January this year, including the impact on the Resource Allocation Exercise ("RAE") and the Budget, before deciding on the timing of future Policy Address.

3. Ms Emily LAU said that in the past, Policy Address was normally delivered in October and the Budget in the following February or March. She stressed that there was a rationale for such an arrangement and expressed concern about the short interval between the presentation of the Policy Address and the Budget this year.

4. The Chairman reiterated that CS had indicated that the Administration would review the matter. The Chairman added that according to the Administration, there had been three occasions in the past where the Policy Address was delivered in January.

5. Ms Emily LAU considered that the Administration should consult Members before deciding on the timing of future Policy Address. The Chairman said that he would convey Ms LAU's views to CS at their next meeting.

6. Ms Cyd HO also expressed concern about the short interval between the presentation of the Policy Address and the Budget this year. She said that according to the Administration, as the change of term of both the Government and the Legislative Council ("LegCo") coincided in 2012, CE had decided to deliver his first Policy Address in January 2013 instead of October 2012, with a view to allowing sufficient time for a full-fledged consultation with Members of the new LegCo term. She considered it important that the interval between the Policy Address and the Budget should allow sufficient time for the public to express views on the Policy Address and the Financial Secretary to give effect in the Budget to the policy initiatives set out in the Policy Address. She considered that future Policy Address should be delivered in October and objected to scheduling it in January.

7. Ms Cyd HO further said that the Administration should be requested to follow the past practice of publishing a policy agenda setting out specific policy objectives and a progress report when the Policy Address was delivered, to enable Members and the public to monitor the Administration's work in implementing the policy initiatives set out in the Policy Address. She also expressed dissatisfaction that the papers provided by the Administration to some Panels for the briefings on the 2013 Policy Address were rather brief. The Chairman undertook to relay Ms HO's views to CS at their next meeting.

III. Business for the Council meeting of 6 February 2013

(a) **Questions**

(LC Paper No. CB(3)318/12-13)

8. 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**

Pesticides (Amendment) Bill 2013

9. The Chairman said that the Administration had given notice to present the above Bill to the Council on 6 February 2013. The House Committee ("HC") would consider the Bill at its meeting on 8 February 2013.

(c) **Government motion**

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

(d) **Members' motions**

(i) **Motion on "Developing a new North Lantau"**

(Wording of the motion issued vide LC Paper No. CB(3) 323/12-13 dated 24 January 2013)

(ii) **Motion on "Increasing the business floor areas of the retail industry"**

(Wording of the motion issued vide LC Paper No. CB(3) 326/12-13 dated 24 January 2013)

11. The Chairman said that the above two motions would be moved by Mr CHAN Han-pan and Mr Vincent FANG respectively, and the wording of the motions had been issued to Members.

12. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 30 January 2013.

Report of HC on consideration of subsidiary legislation

13. The Chairman invited Members to note the list containing six items of subsidiary legislation tabled at the meeting, the period for amendment of which would expire on 6 February 2013. Members who wished to speak on the subsidiary legislation should indicate their intention by 12:00 midnight on Tuesday, 29 January 2013.

IV. Report of Bills Committees and subcommittees

Report of the Subcommittee on Minimum Wage Ordinance (Amendment of Schedule 3) Notice 2012 and Employment Ordinance (Amendment of Ninth Schedule) Notice 2012

(LC Paper No. CB(2)542/12-13)

14. Mr TAM Yiu-chung, Chairman of the Subcommittee, said that the Subcommittee had held two meetings with the Administration, including one meeting to receive views from 16 organizations and individuals, and had completed its scrutiny of the two Notices relating to the statutory minimum wage ("SMW").

15. Mr TAM Yiu-chung further said that in the course of its deliberations, the Subcommittee had discussed the revised SMW rate, factors taken into account by the Minimum Wage Commission in making its recommendation on the revised SMW rate, impact of the SMW rate on employers and employees, and timing of future reviews of the SMW rate. Mr TAM referred Members to the Subcommittee's report for details of its deliberations and added that the Subcommittee would not propose any amendment to the Notices.

16. The Chairman informed Members that LegCo only had the power to repeal, and not amend the content of, the Minimum Wage Ordinance (Amendment of Schedule 3) Notice 2012. The Chairman reminded Members that the deadline for giving notice of amending (including repealing) the Notices was Wednesday, 30 January 2013.

V. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)540/12-13)

17. The Chairman said that as at 24 January 2013, there were two Bills Committees, six subcommittees under HC (i.e. three subcommittees on subsidiary legislation, one subcommittee on policy issues and two subcommittees on other Council business) and seven subcommittees on policy issues under Panels in action. Two subcommittees on policy issues under a Panel were on the waiting list.

VI. Proposal for activation of the Subcommittee on Retirement Protection under the Panel on Welfare Services

(LC Paper No. CB(2)541/12-13)

18. Mr CHEUNG Kwok-che, Deputy Chairman of the Panel on Welfare Services ("WS Panel"), briefed Members on the Panel's proposal to activate its Subcommittee on Retirement Protection ("the Subcommittee"). Mr CHEUNG said that as the Commission on Poverty would study issues relating to retirement protection, the WS Panel had considered whether such issues should be left to the Subcommittee on Poverty set up under HC for follow-up or the WS Panel should form another subcommittee to study them. Having considered that the Subcommittee on Retirement Protection appointed in the Fourth LegCo had made useful recommendations for the Administration's consideration and also recommended that the WS Panel should follow up the matter with the Administration in the current term, the WS Panel agreed to appoint the Subcommittee.

19. Mr CHEUNG Kwok-che further said that the WS Panel noted that the number of subcommittees on policy issues in operation had reached the maximum number of eight and the Subcommittee was placed on the waiting list. Having regard to members' concern that the Subcommittee was unable to commence work until a vacant slot arose upon the completion of work of any one of those eight subcommittees, the WS Panel decided that the approval of HC should be sought for the early activation of the Subcommittee. He appealed to HC to support the Panel's proposal.

20. The Chairman invited Members' views on the WS Panel's proposal.

21. Mr TANG Ka-piu expressed support for the WS Panel's proposal. Noting that the eight subcommittees on policy issues in operation had just commenced their work during November 2012 to January 2013, Mr TANG was concerned that the Subcommittee would not be able to commence work for quite some time until one of the eight subcommittees had completed its work. Mr TANG further said that in accordance with the House Rules, if the number of Bills Committees in operation was less than 16, HC might activate subcommittees on the waiting list. As the number of Bills Committees currently in action was far below 16, Mr TANG hoped that HC would support the proposed early activation of the Subcommittee.

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22. The Chairman referred Members to Appendices II to IV to the paper which set out details of the latest position on Bills Committees and subcommittees. The Chairman elaborated that based on the 2012-2013 Legislative Programme, 13 more bills would be introduced into the Council in the current session. In addition, eight bills not on the Legislative Programme were expected to be introduced within the current session, and three of them (including the Bill concerning the abolition of the appointed seats of District Councils) might be introduced in the next three months. It was anticipated that the Secretariat's workload in servicing committees on legislative proposals would be heavy. The Chairman further said that as the team of Secretariat staff responsible for servicing the WS Panel and related subcommittees was already providing services to the Subcommittee on Poverty under HC as well as the Joint Subcommittee on Long-term Care Policy under the WS Panel and the Panel on Health Services, it would not be able to absorb the servicing work of the Subcommittee. Coupled with the fact that the Council meetings in the current term were longer in duration, often lasting one and a half to two days, the manpower resources of the Secretariat had been stretched to the limit.

23. Mr IP Kwok-him said that while respecting Panels' decision to appoint subcommittees to study issues of public concern within their purview, Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong were of the view that the quota of eight subcommittees on policy issues in operation should be adhered to. He was concerned that both the Secretariat and Members would not have the capacity to cope with the heavy workload should more than eight subcommittees on policy issues be activated. Mr IP further said that as subcommittees on policy issues usually held various meetings to receive public views, the workload of such subcommittees was comparable to that of Panels. He appealed to the subcommittees on policy issues currently in action to complete their work expeditiously so that slots could be vacated for the activation of the subcommittees on the waiting list.

24. Ms Cyd HO shared the view that regard should be given to the workload of the Secretariat in considering the proposed activation of the Subcommittee. Ms HO considered it not desirable to have several subcommittees under the same Panel operating at the same time, as the committee team concerned would not be able to cope with the heavy workload, thus affecting the provision of efficient support for the subcommittees. In Ms HO's view, apart from the quota of eight subcommittees on policy issues in operation at the same time, consideration should also be given to setting a limit on the number of subcommittees under a Panel that could be activated.

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25. Ms Emily LAU agreed that the quota of eight subcommittees on policy issues in operation, which was set having regard to the manpower resources and workload of the Secretariat, should be adhered to. In view of the anticipated heavy workload in servicing committees on legislative proposals, Ms LAU asked whether there would be any increase in the manpower resources of the Secretariat in the next financial year and how far the existing quota of subcommittees on policy issues could be adjusted should additional resources be given to the Secretariat.

26. At the invitation of the Chairman, Secretary General ("SG") thanked Members for their concern about the heavy workload of the Secretariat. On the bidding of additional resources for servicing more committees, SG explained that the next RAE would be conducted in the summer of 2013. The Secretariat would critically review the demand on its services and seek the views and approval of The Legislative Council Commission before submitting its proposals to bid for allocation of resources in the next RAE. Any additional resources approved in the next RAE would be allocated with effect from April 2014 at the earliest.

27. The Deputy Chairman said that as the WS Panel dealt with livelihood issues, it was understandable that over the past years, more subcommittees had been appointed under the WS Panel as compared to other Panels. He hoped that in conducting the review, the Secretariat would consider allocating more resources to the servicing of the WS Panel and related subcommittees. The Deputy Chairman further appealed to the subcommittees on policy issues currently in operation, in particular those studying welfare services related issues, to speed up their work so that a slot could be vacated for the activation of the Subcommittee.

28. Mr WONG Kwok-kin said that the WS Panel had decided to appoint the Subcommittee given the grave public concern about retirement protection. Nevertheless, he respected Members' view that the quota of subcommittees on policy issues in operation should be adhered to and hoped that the subcommittees currently in operation would expedite their work so that slots could be vacated for the activation of the subcommittees on the waiting list.

29. The Chairman concluded that Members generally agreed that the Subcommittee should commence work only when a vacant slot arose upon the completion of work of any one of the eight subcommittees on policy issues in operation. The Chairman added that the Subcommittee aside, there was another subcommittee on policy issues under the WS Panel on the waiting list. He appealed to the subcommittees currently in operation to expedite their work.

VII. Any other business

30. The Chairman said that at the meeting of the Bills Committee on Stamp Duty (Amendment) Bill 2012 held in the morning of the day of this HC meeting, members had raised queries on whether they were required under Rule 83A of the Rules of Procedure to declare the same interest every time they spoke, and what interests should be declared. The Chairman further said that the Committee on Members' Interests ("CMI") had reviewed the Rule in the last term, and CMI of the current term would continue to follow up the relevant issues. He hoped that the review work would be expedited.

31. There being no other business, the meeting ended at 2:54 pm.