

立法會
Legislative Council

LC Paper No. CB(2)479/13-14

Ref : CB2/H/5/13

House Committee of the Legislative Council

**Minutes of the 9th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 6 December 2013**

Members present:

Hon Andrew LEUNG Kwan-yuen, GBS, JP (Chairman)
Hon Ronny TONG Ka-wah, SC (Deputy Chairman)
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon CHAN Kam-lam, SBS, JP
Hon LEUNG Yiu-chung
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, GBS, 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, BBS, MH
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon Cyd HO Sau-lan
Hon Starry LEE Wai-king, JP
Dr Hon LAM Tai-fai, SBS, JP
Hon CHAN Hak-kan, JP
Hon CHAN Kin-por, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon CHEUNG Kwok-che
Hon WONG Kwok-kin, BBS
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-yee, 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 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 CHAN Yuen-han, SBS, 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
Hon IP Kin-yuen
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 James TO Kun-sun
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
Dr Hon LEUNG Ka-lau
Hon Michael TIEN Puk-sun, BBS, JP
Hon LEUNG Che-cheung, BBS, MH, JP
Dr Hon Helena WONG Pik-wan

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
Ms Dora WAI	Principal Council Secretary 1
Ms Emily PANG	Chief Public Information Officer
Ms Amy YU	Chief Council Secretary (2)6
Mr Timothy TSO	Assistant Legal Adviser 2
Mr Bonny LOO	Assistant Legal Adviser 3
Ms Wendy KAN	Assistant Legal Adviser 6
Ms Clara TAM	Assistant Legal Adviser 9
Mr Jove CHAN	Senior Council Secretary (2)2
Miss Josephine SO	Senior Council Secretary (2)6
Miss Jasmine TAM	Council Secretary (2)6
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)7

Action

I. Confirmation of verbatim transcript/minutes of meetings

(a) Verbatim transcript of the special meeting held on 8 November 2013

(LC Paper No. CB(2)419/13-14)

(b) Minutes of the 8th meeting held on 29 November 2013

(LC Paper No. CB(2)420/13-14)

The above two sets of verbatim transcript/minutes of meetings were confirmed.

II. Matters arising

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

2. The Chairman said that the Task Force on Constitutional Development led by CS had proposed to host four dinners in January 2014 for all Legislative Council ("LegCo") Members to exchange views on the consultation document on constitutional development just released. CS hoped that each dinner would be attended by Members of different political affiliations, so as to facilitate the exchange of different views. He and the Deputy Chairman had agreed to help coordinate the attendance list of each dinner.

3. The Chairman further said that the relevant letter from CS's Office was issued to Members on the day before this meeting. To facilitate coordination of the attendance list of each dinner, he reminded Members to indicate their preferred dinner dates on the reply slip and return it to the Secretariat by 12 December 2013. He and the Deputy Chairman would coordinate and finalize the attendance list of each dinner based on Members' replies. The Administration would then send out formal invitation cards to Members accordingly.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 29 November 2013 and tabled in Council on 4 December 2013 (LC Paper No. LS18/13-14)

4. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the Legal Service Division ("LSD") report on the four items of subsidiary legislation (i.e. L.N. 188 to L.N. 191) gazetted on 29 November 2013 and tabled in Council on 4 December 2013.

5. Regarding the Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 (L.N. 188) and the Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013 (L.N. 189), Mr WU Chi-wai considered it necessary to form a subcommittee to study the two Regulations in detail, given the controversies over the issues concerned. Members agreed. The following Members agreed to join the subcommittee: Mr Ronny TONG, Ms Cyd HO, Mr Frankie YICK, Mr WU Chi-wai and Miss Alice MAK.

Action

6. The Chairman said that as the deadline for amending L.N. 188 and L.N. 189 was the Council meeting of 18 December 2013, he proposed to move a proposed resolution, in his capacity as Chairman of the House Committee ("HC"), at the Council meeting of 11 December 2013 to extend the scrutiny period of the two Regulations to the Council meeting of 22 January 2014, to allow sufficient time for the subcommittee to scrutinize the Regulations. Members agreed.

7. Ms Cyd HO noted from the LSD report that a typo had been identified in the Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) (No. 2) Order 2013 (L.N. 190). She enquired what the typo was and how it was made.

8. At the invitation of the Chairman, Assistant Legal Adviser 6 said that the typo was found in section 1(2) of Schedule 2 to the Order, where the word "Trial" should instead be "Trail". The legal effect of the relevant part of the Order would not be affected by the typo. The Administration would have the error corrected by editorial amendment under section 2A(1)(b) of the Laws (Loose-leaf Publication) Ordinance 1990 when the next opportunity arose.

9. Ms Cyd HO considered it unacceptable that there was a typo in the Order. She requested LSD to seek explanation from the Administration on how the typo was made and what the proof-reading process was for the production of legislative instruments. LA undertook to do so. He added that under the existing law, the Secretary for Justice was empowered to make editorial amendments, such as correcting grammatical, clerical or typographical errors, which were minor and straightforward in nature.

10. Members did not raise any questions on the remaining item of subsidiary legislation, i.e. the Professional Accountants (Amendment) Ordinance 2013 (Commencement) Notice (L.N. 191), covered in the LSD report.

11. The Chairman reminded Members that the deadline for amending the two items of subsidiary legislation on which no subcommittee had been formed, i.e. L.N. 190 and L.N. 191, was the Council meeting of 18 December 2013.

IV. Business for the Council meeting of 18 December 2013

(a) Questions
(LC Paper No. CB(3)229/13-14)

12. The Chairman said that 22 questions (six oral and 16 written) had been scheduled for the meeting.

(b) Bills – First Reading and moving of Second Reading

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

(c) Government motion

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

(d) Members' motions

(i) Motion on "Report of the Delegation of the Panel on Environmental Affairs on its duty visit to the Republic of Korea to study its experience on waste management" to be moved by Hon Cyd HO

(Wording of the motion issued vide LC Paper No. CB(3)227/13-14 dated 2 December 2013.)

(ii) Motion to be moved by Hon Mrs Regina IP

15. The Chairman said that the subject of the motion to be moved by Mrs Regina IP was "Boosting and reviving the academic standard and atmosphere of Hong Kong's mathematics and the sciences, and fully supporting the hosting of international mathematics competitions", and the wording of the motion had been issued to Members.

16. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above two motions was Wednesday, 11 December 2013.

Report of HC on Consideration of Subsidiary Legislation

17. The Chairman invited Members to note the list of subsidiary legislation tabled at the meeting (LC Paper No. CB(3)233/13-14), the period for amendment of which would expire on 18 December 2013. He reminded Members to indicate their intention by 5:00 pm on Tuesday, 10 December 2013 should they wish to speak on the subsidiary legislation.

V. Reports of Bills Committees and subcommittees

(a) Report of the Bills Committee on Waste Disposal (Amendment) Bill 2013

(LC Paper No. CB(1)457/13-14)

18. Ms Cyd HO, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Members noted that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting of 18 December 2013.

(b) Report of the Bills Committee on Toys and Children's Products Safety (Amendment) Bill 2013

(LC Paper No. CB(2)425/13-14)

19. Mr Jeffrey LAM, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Mr LAM highlighted that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting of 18 December 2013, and raised no objection to the Committee stage amendments ("CSAs") to be moved by the Administration to the Bill.

20. The Chairman reminded Members that the deadline for giving notice of CSAs, if any, to the above two bills was Monday, 9 December 2013.

(c) Report of the Subcommittee on Air Pollution Control (Air Pollutant Emission) (Controlled Vehicles) Regulation

21. Ms Cyd HO, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. Ms HO said that the Regulation sought to effect the proposed retirement deadlines for some 80 000 pre-Euro IV diesel commercial vehicles and the proposed service limit of 15 years for diesel commercial vehicles first registered on or after 1 February 2014.

22. Ms Cyd HO further said that the Subcommittee had received views from the public at one of its meetings. The Subcommittee had discussed the view expressed by some deputations that the retirement deadlines for pre-Euro, Euro I, Euro II and Euro III diesel vehicles being set on "1 January" of 2016, 2017, 2018 and 2020 respectively might lead unwary vehicle owners to believe that their vehicles could still run on the road for

Action

the entire year of 2016, 2017, 2018 and 2020 respectively. To avoid giving such a mistaken impression, the Administration had undertaken that in the future publicity programme for the Regulation, it would put emphasis on the requirement that pre-Euro IV diesel commercial vehicles had to be phased out "no later than 31 December" of the year immediately preceding the relevant retirement deadline.

23. Ms Cyd HO added that in response to the views of the Subcommittee, the Administration had also agreed to propose an amendment to section 6 of the Regulation to the effect that the Director of Environmental Protection would only have the power to exempt a controlled vehicle, and not a type of controlled vehicle, from the application of the Regulation.

(d) Report of the Subcommittee on Statutes of the University of Hong Kong (Amendment) Statute 2013

24. Mr MA Fung-kwok, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. Mr MA said that the Amendment Statute sought to add certain degrees and academic distinctions which might be conferred and awarded by the University of Hong Kong ("HKU"). It also sought to change, and provide for the specification of disciplines of studies in, the titles of certain degrees and academic distinctions.

25. Mr MA Fung-kwok further said that the Subcommittee supported in principle the Amendment Statute. In the course of deliberations, members had expressed views on the articulation of the Chinese titles of certain academic distinctions, and whether a more flexible approach should be adopted for specifying in the Statutes of HKU the disciplines of studies in the titles of degrees. HKU had agreed to relay members' views to the relevant departments and faculties for reference. Members of the Subcommittee had also expressed concern about the approach adopted by other local universities to add, or change the titles, of certain degrees and academic distinctions; as well as the consultation and approval procedure in HKU before the Amendment Statute was submitted to LegCo. Mr MA added that the Subcommittee fully recognized the principle of institutional autonomy and would not propose any amendment to the Amendment Statute.

26. The Chairman reminded Members that as the deadline for amending the two items of subsidiary legislation studied by the above two Subcommittees was the Council meeting of 18 December 2013, the deadline for giving notice of amendments, if any, was Wednesday, 11 December 2013.

Action

VI. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)421/13-14)

27. The Chairman said that as at 5 December 2013, there were nine Bills Committees, nine subcommittees under HC (i.e. six 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. Four subcommittees on policy issues were on the waiting list.

VII. Any other business

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

Council Business Division 2
Legislative Council Secretariat
11 December 2013