

Ref: CB1/SE/HG/2

Select Committee on Building Problems of Public Housing Units

**Minutes of the one hundred and twenty-fifth meeting (closed)
held on Tuesday, 20 April 2004, from 2:30 pm to 5:20 pm and continued on
Tuesday, 27 April 2004 from 4:00pm to 6:10 pm
in Conference Room B of the Legislative Council Building**

Members present : Hon Miriam LAU Kin-ye, JP (Chairman)
Hon Albert HO Chun-yan (Deputy Chairman)
Ir Dr Hon Raymond HO Chung-tai, JP
Hon LEE Cheuk-yan
Dr Hon LUI Ming-wah, JP
Hon James TO Kun-sun
Hon CHAN Yuen-han, JP
Hon CHAN Kam-lam, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon Howard YOUNG, SBS, JP
Dr Hon TANG Siu-tong, JP
Hon Abraham SHEK Lai-him, JP
Hon Michael MAK Kwok-fung
Hon LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, JP

Clerk in attendance : Miss Odelia LEUNG Hing-ye
Chief Council Secretary (1)4

Staff in attendance : Ms Pauline NG Man-wah
Assistant Secretary General 1

Mr Arthur CHEUNG Ping-kam
Senior Assistant Legal Adviser 2

Miss Monna LAI Shun-wo
Assistant Legal Adviser 7

Ms Sarah YUEN Ka-ling
Senior Council Secretary (1)6

I Confirmation of minutes of meetings
(LC Paper Nos. CB(1) 1428, 1429 and 1531/03-04)

The minutes of the meetings held on 9, 16 and 23 March 2004 were confirmed.

II Consideration and endorsement of the Select Committee's Second Report paragraph by paragraph
(LC Paper Nos. CB(1) 1419, 1468, 1539, 1540, 1593 and 1610/03-04)

2. The Chairman drew members' attention to the comments from witnesses on the revised draft Second Report. Members noted in particular the comments from Hsin Yieh Architects & Associates Ltd, consultant architect for the Tin Chung Court project, concerning the adoption of the summing-up delivered by the Judge of the criminal trial. Members were of the view that the findings and observations of the Select Committee were based on evidence obtained by the Select Committee. The summing-up was only used as reference alongside the Select Committee's own findings and quoted if it had illustrative and corroborative value. Members agreed that to dispel unnecessary misunderstanding, this stance of the Select Committee should be duly reflected in Chapter I of the Second Report.

3. The Clerk reported that the revised draft of the Second Report had incorporated members' comments made at previous meetings, textual improvement proposed by the Secretary General and comments from witnesses on factual information.

4. In accordance with Rule 79(7) of the Rules of Procedure, the draft Second Report was accepted as a basis for discussion. The question that the English version and Chinese version of the draft Second Report be adopted as the Chairman's report and be read a second time paragraph by paragraph, was proposed, put and agreed to.

Chapter I

5. Paragraph 1.1 read and agreed to.
6. Paragraph 1.2 read, amended and agreed to.
7. Paragraph 1.3 read, amended and agreed to.
8. Paragraphs 1.4 to 1.6 read and agreed to.

Chapter II

9. Paragraphs 2.1 to 2.4 read and agreed to.

10. Paragraph 2.5 read, amended and agreed to.

11. Paragraphs 2.6 to 2.26 read and agreed to.

Chapter III

12. Paragraphs 3.1 to 3.24 read and agreed to.

13. Paragraph 3.25 read, amended and agreed to.

14. Paragraph 3.26 read, amended and agreed to.

15. Paragraph 3.27 read and agreed to.

Chapter IV

16. Paragraphs 4.1 to 4.3 read and agreed to.

17. Paragraph 4.4 read, amended and agreed to.

18. Paragraphs 4.5 to 4.6 read and agreed to.

19. Paragraph 4.7 read, amended and agreed to.

20. Paragraphs 4.8 to 4.10 read and agreed to.

21. Paragraph 4.11 read, amended and agreed to.

22. Paragraphs 4.12 to 4.15 read and agreed to.

23. Paragraph 4.16 read, amended and agreed to.

24. Paragraph 4.17 read, amended and agreed to.

25. Paragraph 4.18 read and deleted as agreed to.

26. Paragraphs 4.19 to 4.30 read and agreed to.

27. Paragraph 4.31 read, amended and agreed to.

28. Paragraphs 4.32 to 4.46 read and agreed to.

Chapter V

29. Paragraphs 5.1 to 5.5 read and agreed to.
30. Paragraph 5.6 read, amended and agreed to.
31. Paragraph 5.7 read and agreed to.
32. Paragraph 5.8 read, amended and agreed to.
33. Paragraph 5.9 read, amended and agreed to.
34. Paragraph 5.10 read and agreed to.
35. Paragraph 5.11 read, amended and agreed to.
36. Paragraphs 5.12 to 5.24 read and agreed to.

Chapter VI

37. Paragraphs 6.1 to 6.12 read and agreed to.
38. Paragraph 6.13 read, amended and agreed to.
39. Paragraph 6.14 read and agreed to.
40. Paragraph 6.15 read, amended and agreed to.

Chapter VII

41. Paragraph 7.1 read, amended and agreed to.
42. Paragraphs 7.2 to 7.6 read and agreed to.
43. Paragraph 7.7 read, amended and agreed to.
44. Paragraph 7.8 read and agreed to.
45. Paragraph 7.9 read, amended and agreed to.
46. Paragraphs 7.10 to 7.13 read and agreed to.
47. An updated version of paragraph 7.14 was tabled. It was read, amended and agreed to.

48. An updated version of paragraph 7.15 was tabled. It was read, amended and agreed to.
49. Paragraph 7.16 read, amended and agreed to.
50. An updated version of paragraph 7.17 was tabled. It was read, amended and agreed to.
51. Paragraph 7.18 read, amended and agreed to.
52. Paragraphs 7.19 to 7.21 read and agreed to.
53. Paragraph 7.22 read, amended and agreed to.
54. Paragraphs 7.23 to 7.25 read and agreed to.
55. Paragraph 7.26 read, amended and agreed to.
56. Paragraphs 7.27 to 7.31 read and agreed to.
57. Paragraph 7.32 read, amended and agreed to.
58. Paragraph 7.33 read and agreed to.
59. Paragraph 7.34 read, amended and agreed to.
60. Paragraphs 7.35 to 7.36 read and agreed to.
61. Paragraph 7.37 read, amended and agreed to.
62. Paragraph 7.38 read and agreed to.
63. Question that the draft Second Report, as amended, be adopted as the Second Report of the Select Committee proposed, put and agreed to. The Select Committee authorized the Clerk to make necessary editorial amendments to the Second Report.
64. Members agreed to include in the Second Report the following -
 - (a) An acknowledgement to thank the Administration, witnesses, parties who had produced documents and/or made submissions, in particular the Registrar, High Court, and the staff of the Secretariat; and
 - (b) Signatures of members of the Select Committee.

(The meeting was adjourned at 5:20 pm on Tuesday, 20 April 2004, and resumed at 4:00 pm on Tuesday, 27 April 2004.)

III Arrangements for the tabling of the Second Report

Design and format of the Second Report

65. Members endorsed the colour proof of the cover of the Second Report. They also agreed that the layout and font size of text in the Second Report should be the same as that in the First Report.

Tabling of the Second Report

66. Members agreed that the Second Report be presented to the Council on 19 May 2004 and the Chairman would make a statement in the Council on the Second Report. A press conference would be held on the same day at 4:00 pm to answer media enquiries.

67. Members also decided that there was no need to move a motion on the Second Report as the institutional and policy issues of public housing had been debated when the Select Committee presented its First Report.

Provision of advance copies of the Second Report

68. Members agreed that as in the case of the First report, advance copies could be made available to the Chief Executive, the Department of Justice, all witnesses and related parties, subject to their undertaking not to divulge any part of the Second Report until the start of the Council meeting on 19 May 2004. The Second Report would also be made available to the media for perusal at 2:00 pm on that day.

Public access to unclassified documents

69. Members decided that with the exception of restricted and confidential documents, all written evidence in relation to the Tin Chung Court incident provided to the Select Committee should be made available for public inspection in the Legislative Council Library after the Second Report had been tabled in the Council.

IV Any other business

70. The Chairman thanked members and staff for their contribution to the work of the Select Committee. The meeting ended at 6:10 pm.

Legislative Council Secretariat

5 May 2004