

立法會

Legislative Council

LC Paper No. CB(2) 1611/08-09

Ref : CB2/H/5/08

House Committee of the Legislative Council

Minutes of the 23rd meeting held in the Legislative Council Chamber at 2:30 pm on Friday, 15 May 2009

Members present :

Hon Miriam LAU Kin-yee, GBS, JP (Chairman)
Hon Fred LI Wah-ming, JP (Deputy Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., 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 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, BBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Albert CHAN Wai-yip
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
Dr Hon Joseph LEE Kok-long, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
Hon Ronny TONG Ka-wah, SC
Hon CHIM Pui-chung
Hon KAM Nai-wai, MH

Hon Cyd HO Sau-lan
Hon Starry LEE Wai-king
Dr Hon LAM Tai-fai, BBS, JP
Hon CHAN Hak-kan
Hon Paul CHAN Mo-po, MH, JP
Hon CHAN Kin-por, JP
Hon Tanya CHAN
Dr Hon Priscilla LEUNG Mei-fun
Dr Hon LEUNG Ka-lau
Hon CHEUNG Kwok-che
Hon WONG Kwok-kin, BBS
Hon WONG Yuk-man
Hon IP Wai-ming, MH
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-yea, GBS, JP
Dr Hon PAN Pey-chyou
Hon Paul TSE Wai-chun

Members absent :

Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Dr Hon David LI Kwok-po, GBM, GBS, JP
Hon WONG Yung-kan, SBS, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon LEUNG Kwok-hung
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon WONG Sing-chi
Dr Hon Samson TAM Wai-ho, JP

Clerk in attendance :

Mrs Vivian KAM 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 (Special Duty)
Mr LEE Yu-sung	Senior Assistant Legal Adviser 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mrs Sharon TONG	Principal Council Secretary (Complaints)
Mr Simon WONG	Chief Public Information Officer
Miss Becky YU	Chief Council Secretary (1)1
Miss Odelia LEUNG	Chief Council Secretary (2)6
Mr Kelvin LEE	Assistant Legal Adviser 1
Miss Winnie LO	Assistant Legal Adviser 7
Mr YICK Wing-kin	Assistant Legal Adviser 8
Ms Clara TAM	Assistant Legal Adviser 9
Ms Amy YU	Senior Council Secretary (2)3
Mr Arthur KAN	Legislative Assistant (2)8

Action

I. Confirmation of the minutes of the 22nd meeting held on 8 May 2009
(*LC Paper No. CB(2) 1528/08-09*)

The minutes were confirmed.

II. Matters arising

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

2. The Chairman said that she had conveyed to CS the issues which Members would like to raise at the special House Committee meeting to be held on 22 May 2009.

III. Business arising from previous Council meetings

(a) Legal Service Division report on bills referred to the House Committee in accordance with Rule 54(4)

(i) Dutiable Commodities (Amendment) Bill 2009
(*LC Paper No. LS 63/08-09*)

3. The Chairman said that the Bill sought to give effect to the proposal in the 2009-2010 Budget to increase the rates of duty on various types of tobacco by 50%.

Action

4. Mr Albert CHAN considered it necessary to form a Bills Committee to study the Bill.

5. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Mr Andrew CHENG, Mr Albert CHAN and Miss Tanya CHAN (as advised by Ms Audrey EU).

6. The Chairman said that as there were vacant slots, the Bills Committee could commence work immediately.

(ii) Inland Revenue (Amendment) Bill 2009
(LC Paper No. LS 64/08-09)

7. The Chairman said that the Bill sought to give effect to the one-off tax reduction for the year of assessment 2008-2009 as proposed in the 2009-2010 Budget, i.e. to reduce the amounts of salaries tax and tax under personal assessment payable for the year of assessment by 50% or \$6,000, whichever was the lesser.

8. Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(b) Legal Service Division report on subsidiary legislation and non-legislative instrument gazetted on 8 May 2009 and tabled in Council on 13 May 2009

(LC Paper No. LS 69/08-09)

9. The Chairman said that a total of three items of subsidiary legislation and a Code of Practice on Employment made under the Race Discrimination Ordinance were gazetted on 8 May 2009 and tabled in the Council on 13 May 2009.

10. Regarding the Food Business (Amendment) Regulation 2009, the Chairman said that it was to amend the Principal Regulation to prohibit the extraction of seawater from specified prohibited areas for keeping live fish and live shell fish intended for sale for human consumption. The prohibited areas included the Victoria Harbour, the 14 typhoon shelters specified in the Schedule to the Merchant Shipping (Local Vessels) (Typhoon Shelters) Regulation, areas along the shoreline of Hong Kong Island (including Ap Lei Chau) and areas along the western shoreline of the New Territories (including Tsing Yi).

11. The Chairman further said that the Panel on Food Safety and Environmental Hygiene had been consulted on the Regulation at its meeting on

Action

20 January 2009. While members supported the legislative proposals in principle, some members considered the proposed penalty level too low.

12. Mr Fred LI said that some seafood traders at Lei Yue Mun area had raised objection to the legislative proposals. He considered it necessary to form a subcommittee to study the Regulation.

13. Mrs Regina IP expressed support for forming a subcommittee to scrutinize the Regulation.

14. The Chairman proposed that a subcommittee be formed to study the Regulation in detail. Members agreed. The following Members agreed to join: Mr Fred LI, Mr CHAN Kam-lam, Mr Tommy CHEUNG, Mr Alan LEONG, Mr WONG Kwok-kin and Mrs Regina IP.

15. Regarding the Race Discrimination (Formal Investigations) Rules and Race Discrimination (Investigation and Conciliation) Rules, the Chairman said that they were made by the Equal Opportunities Commission (EOC) under section 82 of the Race Discrimination Ordinance. The Race Discrimination (Formal Investigations) Rules set out the procedure of formal investigation conducted by EOC under the Ordinance, while the Discrimination (Investigation and Conciliation) Rules the procedure relating to the lodgement of complaints under section 78 of the Ordinance and the investigation and conciliation of such complaints.

16. Ms Emily LAU considered it necessary to form a subcommittee to study the two sets of Rules. Members agreed.

17. As regards the Code of Practice on Employment made under the Race Discrimination Ordinance which was a non-legislative instrument, the Chairman said that EOC had conducted public consultation on the first draft of the Code. The Legal Service Division had written to EOC to seek clarification on some drafting points about the Code and would provide a further report if necessary.

18. Dr Margaret NG said that when the Panel on Constitutional Affairs was briefed on the first draft of the Code, many members and organizations had raised various concerns. She considered it necessary to form a subcommittee to study the Code.

19. As the two sets of Rules and the Code were all related to the implementation of the Race Discrimination Ordinance, the Chairman sought Members' views on whether a subcommittee should be formed to study them jointly, or whether two subcommittees should be formed.

Action

20. Dr Margaret NG said that she had no strong view on the matter.
21. Ms Cyd HO proposed that one subcommittee be formed to study the two sets of Rules and the Code together as they fell within the same policy area. Members agreed. The following Members agreed to join: Dr Margaret NG, Ms Emily LAU and Ms Cyd HO.
22. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation and the Code was 10 June 2009, or 8 July 2009 if extended by resolution.

IV. Further business for the Council meeting on 20 May 2009

(a) Bills - resumption of debate on Second Reading, Committee Stage and Third Reading

Road Traffic (Driving-offence Points) (Amendment) Bill 2009

23. The Chairman said that the relevant Bills Committee had reported to the House Committee at the last meeting, and Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(b) Government motion

Proposed resolution to be moved by the Secretary for Development under section 34(2) of the Interpretation and General Clauses Ordinance relating to the Building (Minor Works) Regulation
(Wording of the proposed resolution issued vide LC Paper No. CB(3) 589/08-09 dated 14 May 2009.)

24. The Chairman said that the relevant Subcommittee had reported to the House Committee at the last meeting.

V. Business for the Council meeting on 27 May 2009

(a) Questions
(LC Paper No. CB(3) 586/08-09)

25. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the meeting.

Action

(b) **Bills - First Reading and moving of Second Reading**

(i) **Village Representative Election Legislation (Miscellaneous Amendments) Bill 2009**

(ii) **Merchant Shipping (Safety) (Amendment) Bill 2009**

26. The Chairman said that the Administration had given notice to present the above two Bills to the Council on 27 May 2009. The House Committee would consider the Bills at its meeting on 29 May 2009.

(c) **Government motion**

Proposed resolution to be moved by the Secretary for Home Affairs under the Legal Aid Ordinance

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 567/08-09 dated 7 May 2009.)

27. The Chairman said that the Secretary for Home Affairs had given fresh notice to move the proposed resolution at the Council meeting. The relevant Subcommittee would report under agenda item VI below.

(d) **Members' motions**

(i) **Motion on "The 4 June incident"**

(Wording of the motion issued vide LC Paper No. CB(3) 587/08-09 dated 13 May 2009.)

(ii) **Motion on "Implementation of One Country, Two Systems"**

(Wording of the motion issued vide LC Paper No. CB(3) 591/08-09 dated 14 May 2009.)

28. The Chairman said that the above motions would be moved by Mr LEE Cheuk-yan and Ms Emily LAU respectively and the wording of their motions had been issued to Members.

29. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 20 May 2009.

VI. Report of Bills Committees and subcommittees

Report of the Subcommittee on Proposed Resolution under Section 7(a) of the Legal Aid Ordinance (Cap. 91)

(LC Paper No. CB(2) 1529/08-09)

Action

30. The Chairman referred Members to the Subcommittee's report for details of its deliberations as the Chairman of the Subcommittee, Mr LEE Cheuk-yan, was not able to attend the House Committee meeting. The Chairman said that the Subcommittee supported the Administration giving fresh notice to move the proposed resolution at the Council meeting on 27 May 2009.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 1530/08-09)

31. The Chairman said that there were five Bills Committees, nine subcommittees under the House Committee (i.e. six subcommittees on subsidiary legislation and three subcommittees on policy issues) and eight subcommittees under Panels in action.

VIII. Any other business

32. There being no other business, the meeting ended at 2:42 pm.

Council Business Division 2
Legislative Council Secretariat
20 May 2009

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