

立法會
Legislative Council

LC Paper No. CB(2) 2596/08-09

Ref : CB2/H/5/08

House Committee of the Legislative Council

**Minutes of the 31st meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 10 July 2009**

Members present :

Hon Miriam LAU Kin-ye, GBS, JP (Chairman)
Hon Fred LI Wah-ming, SBS, JP (Deputy Chairman)
Hon Albert HO Chun-yan
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 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 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 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 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, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC

Hon CHEUNG Hok-ming, GBS, JP
Hon WONG Ting-kwong, BBS, JP
Hon Ronny TONG Ka-wah, SC
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
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 Sing-chi
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
Dr Hon Samson TAM Wai-ho, JP

Members absent :

Hon Timothy FOK Tsun-ting, GBS, JP
Hon LEUNG Kwok-hung

Clerk in attendance :

Mrs Vivian KAM Clerk to the House Committee

Staff in attendance :

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| 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) |
| Ms Connie FUNG | Senior Assistant Legal Adviser 1 |
| Mr Arthur CHEUNG | Senior Assistant Legal Adviser 2 |

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| Mrs Sharon TONG | Principal Council Secretary (Complaints) |
| Mr Simon WONG | Chief Public Information Officer |
| Miss Odelia LEUNG | Chief Council Secretary (2)6 |
| Mr Kelvin LEE | Assistant Legal Adviser 1 |
| Mr Timothy TSO | Assistant Legal Adviser 2 |
| Miss Winnie LO | Assistant Legal Adviser 7 |
| Ms Clara TAM | Assistant Legal Adviser 9 |
| Ms Amy YU | Senior Council Secretary (2)3 |
| Mr Arthur KAN | Legislative Assistant (2)8 |

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I. Confirmation of the minutes of the 30th meeting held on 3 July 2009
(*LC Paper No. CB(2) 2129/08-09*)

The minutes were confirmed.

II. Matters arising

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

Relationship between the Executive Authority and the Legislature

2. The Chairman said that she had conveyed to CS Members' view that he should have briefed the Legislative Council (LegCo) on the Report of the Task Force on Tree Management once it was released. CS had indicated that he had attended a special meeting of the House Committee to exchange views with Members on issues relating to the policy on tree management. In addition, there had been an adjournment debate on the subject at the Council meeting of 8 July 2009, and the Panel on Development would also discuss the Report at its meeting to be held on 28 July 2009.

3. Mr Albert CHAN considered CS's response unacceptable. He stressed the need for CS to brief LegCo in the first instance once the Report was released. He said that the holding of the adjournment debate and the Panel meeting some time after the release of the Report was different in nature, not to mention that CS might not attend the Panel meeting.

4. Ms Audrey EU said that the Report was not yet released when CS attended the special meeting of the House Committee. As the public had expressed various views on the recommendations made in the Report, she considered it necessary for CS to attend the Panel meeting to discuss the Report with members. She asked the Chairman to convey her request to CS.

5. The Chairman said that she would convey Ms Audrey EU's request to CS.

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6. The Chairman further said that she had also conveyed to CS Members' dissatisfaction with the Administration's refusal to inform Members the subject of briefing at the special meeting of the Panel on Economic Development on 30 June 2009 on the one hand, but the leakage of the content of the subject to the media on the other. CS had indicated that he did not know how the media had got hold of the information concerning the subject of the briefing.

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) Arbitration Bill

(LC Paper No. LS 101/08-09)

7. The Chairman said that the Bill sought to reform substantially the law relating to arbitration, and was complex and voluminous. The Panel on Administration of Justice and Legal Services had been consulted on matters relating to the Bill. While members did not disagree with the legislative proposals, they raised various issues of concern.

8. Dr Priscilla LEUNG considered it necessary to form a Bills Committee to study the Bill.

9. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Mr Albert HO, Ir Dr Raymond HO, Dr Margaret NG, Mr LAU Kong-wah, Ms Miriam LAU, Mr Ronny TONG and Dr Priscilla LEUNG.

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

(ii) Public Officers Pay Adjustment Bill

(LC Paper No. LS 99/08-09)

11. The Chairman said that the Bill sought to adjust the pay and amounts of allowances payable to public officers with a monthly pay exceeding \$48,400 by reducing them by 5.38%. The Panel on Public Service had been consulted on the legislative proposals, and members expressed various issues of concern.

12. Mr IP Kwok-him considered it necessary to form a Bills Committee to study the Bill.

13. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Mr LEE Cheuk-yan, Mr James TO, Mr CHEUNG Man-kwong, Ms LI

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Fung-ying, Prof Patrick LAU, Mr WONG Kwok-kin, Mr IP Kwok-him and Mrs Regina IP.

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

(iii) Employment (Amendment) Bill 2009
(LC Paper No. LS 104/08-09)

15. The Chairman said that the Bill sought to create a new offence against employers failing to make payment under an award of the Labour Tribunal or the Minor Employment Claims Adjudication Board. The Panel on Manpower had been briefed on the legislative proposals. While the Panel supported the proposals in principle, members raised various concerns.

16. Mr WONG Kwok-hing considered it necessary to form a Bills Committee to study the Bill.

17. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Mr LEE Cheuk-yan, Mr LEUNG Yiu-chung, Ms LI Fung-ying, Mr WONG Kwok-hing, Mr Alan LEONG, Mr Ronny TONG, Ms Cyd HO, Mr WONG Sing-chi and Mr IP Wai-ming.

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

(iv) Minimum Wage Bill
(LC Paper No. LS 103/08-09)

19. The Chairman said that the Bill sought to provide for a statutory minimum wage at an hourly rate for certain employees and to establish a Minimum Wage Commission. The Panel on Manpower had been briefed on the legislative proposals at a number of meetings, and members raised various issues of concern. The Legal Service Division was continuing with the scrutiny of the legal and drafting aspects of the Bill.

20. Mr WONG Kwok-hing considered it necessary to form a Bills Committee to study the Bill.

21. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Mr Albert HO, Mr LEE Cheuk-yan, Mr LEUNG Yiu-chung, Ms Miriam LAU, Ms Emily LAU, Ms LI Fung-ying, Mr Tommy CHEUNG, Ms Audrey EU, Mr Vincent FANG, Mr WONG Kwok-hing, Mr Alan LEONG, Mr Ronny TONG, Ms Cyd HO, Mr Paul CHAN, Mr CHAN Kin-por, Miss Tanya CHAN, Dr LEUNG Ka-lau, Mr CHEUNG Kwok-che, Mr WONG Sing-chi, Mr WONG Kwok-kin, Mr IP Wai-ming, Mr IP Kwok-him and Mrs Regina IP.

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

(v) **Inland Revenue (Amendment) (No. 3) Bill 2009**
(LC Paper No. LS 100/08-09)

23. The Chairman said that the Bill sought to amend the Inland Revenue Ordinance to facilitate the collection and disclosure of information concerning tax of a territory outside Hong Kong under arrangements made with the government of that territory for the avoidance of double taxation. The Panel on Financial Affairs had been briefed on the proposed legislative amendments at its meeting on 4 May 2009, and members expressed concern on various matters. The Legal Service Division was scrutinizing the legal and drafting aspects of the Bill.

24. Mr Paul CHAN considered it necessary to form a Bills Committee to study the Bill.

25. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Mr James TO, Mr CHAN Kam-lam, Ms Miriam LAU, Mr Paul CHAN and Miss Tanya CHAN.

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

(b) **Legal Service Division report on subsidiary legislation gazetted on 3 July 2009 and tabled in Council on 8 July 2009**
(LC Paper No. LS 102/08-09)

27. The Chairman said that a total of 13 items of subsidiary legislation, including one Commencement Notice, were gazetted on 3 July 2009 and tabled in the Council on 8 July 2009.

28. Regarding the three Amendment Regulations made under the Electoral Affairs Commission Ordinance concerning electoral registration arrangements for imprisoned persons, the Chairman said that at the House Committee meeting on 26 June 2009, Members had agreed that the Subcommittee formed to study the five Amendments Regulations gazetted on 19 June 2009 relating to practical arrangements for voting by imprisoned persons (the Subcommittee) should also study these three Amendment Regulations if detailed scrutiny was considered necessary. Members agreed that the Subcommittee should also examine the three Amendment Regulations.

29. On the Voting by Imprisoned Persons Ordinance (Commencement) Notice 2009, the Chairman said that it appointed 3 July 2009 as the day on which sections 1, 2, 5, 6, 7 and 11 of the Ordinance came into operation.

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30. Ms Emily LAU considered it necessary to study the Commencement Notice in detail. She proposed that it should also be studied by the Subcommittee as it concerned the same subject matter.

31. Members agreed with Ms Emily LAU's proposal.

32. The Chairman said that the Secretariat would issue a circular to notify Members of the four additional items of subsidiary legislation to be studied by the Subcommittee and invite them to join the Subcommittee.

33. Members did not raise any queries on the other nine items of subsidiary legislation.

34. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 21 October 2009.

IV. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 2130/08-09)

35. The Chairman said that there were 14 Bills Committees, six subcommittees under the House Committee (i.e. three subcommittees on subsidiary legislation and three subcommittees on policy issues) and eight subcommittees under Panels in action.

V. Proposed overseas duty visit to the United States and Canada by the Subcommittee on Harbourfront Planning

(LC Paper No. CB(1) 2181/08-09)

36. Prof Patrick LAU, Chairman of the Subcommittee, said that the Subcommittee was appointed by the Panel on Development in November 2008 to monitor and study the planning, land use and related issues in respect of the harbourfront areas on both sides of the Victoria Harbour. The Subcommittee sought the House Committee's permission to conduct an overseas duty visit to Vancouver, New York, Boston and Baltimore to study the experience of these cities in waterfront planning and management. The duty visit was tentatively scheduled for late September 2009.

37. Prof LAU further said that so far, seven members (including one non-Subcommittee member) had indicated interest in joining the visit. He appealed to Members to support the proposed visit.

38. The Chairman proposed that permission be given for the Subcommittee to undertake the duty visit under rules 22(v) and 26(f) of the House Rules. Members agreed.

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VI. Any other business

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

Council Business Division 2
Legislative Council Secretariat
7 October 2009

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