

**立法會**  
**Legislative Council**

LC Paper No. CB(1)348/10-11  
(These minutes have been cleared  
by the Chairman)

Ref : CB1/BC/12/09

**Bills Committee on Competition Bill**

**Minutes of first meeting on  
Monday, 25 October 2010, at 9:30 am  
in Conference Room A of the Legislative Council Building**

**Members present** : Hon Andrew LEUNG Kwan-yuen, GBS, JP (Chairman)  
Hon Ronny TONG Ka-wah, SC (Deputy Chairman)  
Hon Albert HO Chun-yan  
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP  
Hon LEE Cheuk-yan  
Hon Fred LI Wah-ming, SBS, JP  
Dr Hon Margaret NG  
Hon James TO Kun-sun  
Hon CHAN Kam-lam, SBS, JP  
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP  
Dr Hon Philip WONG Yu-hong, GBS  
Hon Miriam LAU Kin-yee, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Abraham SHEK Lai-him, SBS, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon Vincent FANG Kang, SBS, JP  
Hon WONG Kwok-hing, MH  
Hon Jeffrey LAM Kin-fung, SBS, JP  
Hon WONG Ting-kwong, BBS, JP  
Hon CHIM Pui-chung  
Prof Hon Patrick LAU Sau-shing, SBS, JP  
Hon Cyd HO Sau-lan  
Hon Starry LEE Wai-king, JP  
Dr Hon LAM Tai-fai, BBS, JP  
Hon CHAN Hak-kan  
Hon Paul CHAN Mo-po, MH, JP  
Hon CHAN Kin-por, JP  
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  
Dr Hon Samson TAM Wai-ho, JP  
Hon LEUNG Kwok-hung  
Hon Tanya CHAN  
Hon Albert CHAN Wai-yip

**Members absent** : Dr Hon Priscilla LEUNG Mei-fun  
Dr Hon LEUNG Ka-lau  
Hon Alan LEONG Kah-kit, SC  
Hon WONG Yuk-man

**Clerk in attendance** : Ms Debbie YAU  
Chief Council Secretary (1)6

**Staff in attendance** : Mrs Constance LI  
Assistant Secretary General 1

Mr Timothy TSO  
Assistant Legal Adviser 2

Ms Diana WONG  
Senior Council Secretary (1)8

Mr Simon KAM  
Council Secretary (1)6

Ms Michelle NIEN  
Legislative Assistant (1)9

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Action

The Bills Committee deliberated (Index of proceedings attached at **Appendix**).

**I Election of Chairman and Deputy Chairman**

2. Mr Albert HO, the member who had the highest precedence in the Council among all members of the Bills Committee present, presided over the election of the Chairman of the Bills Committee. He invited nominations for the chairmanship of the Bills Committee.

3. Mr Andrew LEUNG was nominated by Mr Jeffrey LAM and the nomination was seconded by Mr CHAN Kam-lam. Mr LEUNG accepted the nomination. Mr HO called for other nominations. Mr Ronny TONG was nominated by Miss Tanya CHAN and the nomination was seconded by Ms Emily LAU. Mr TONG accepted the nomination. In response to the request of Ms Cyd HO, Mr Albert HO invited the two candidates to present their platform.

4. Mr Andrew LEUNG said that if elected, he would listen to the needs of each individual member and ensure that members would have ample time to discuss the issues at hand. Mr LEUNG further said that he did not oppose to the enactment of the Competition Bill, and he would take into account the need for free and fair competition in Hong Kong when scrutinizing the Bill.

5. Mr Ronny TONG said that he was a fair-minded person and would conduct meetings in a fair and open manner if elected. Regarding the press reports which claimed that barristers were not suitable for chairing the meetings of the Bills Committee on Competition Bill because of potential conflict of interest, Mr TONG said that he had reservations about the provision in the Bill for the right to take private legal action in respect of cases of anti-competitive conduct. He envisaged that before the culture of competition took root in the business sector, there would be fundamental problems associated with instituting private actions. As such, Mr TONG did not consider there would be any conflict of interest for him to assume the chair of the Bills Committee.

6. The Bills Committee took a vote by secret ballot to elect the Chairman of the Bills Committee. Mr Albert HO announced that Mr Andrew LEUNG was elected as Chairman by a majority vote of 21 to 15. Mr LEUNG then took the chair.

7. The Bills Committee agreed to elect a Deputy Chairman. In response to the Chairman's invitation for nominations, Mr CHAN Kam-lam was nominated by Mr WONG Ting-kwong and the nomination was seconded by Dr Philip WONG. Mr CHAN accepted the nomination. The Chairman called for other nominations. Mr Ronny TONG was nominated by Mr Albert HO and the nomination was seconded by Ms Cyd HO. Mr TONG accepted the nomination. The Chairman announced that voting be conducted by secret ballot. Of the members present, 18 voted for Mr CHAN Kam-lam and 18 voted for Mr Ronny TONG. As both nominees received the same number of votes, the Chairman then drew lots and gave the casting vote to Mr Ronny TONG in accordance with the lot drawn. Mr Ronny TONG was declared Deputy Chairman of the Bills Committee.

## **II Any other business**

### Dates of second and third meetings

8. The Bills Committee agreed to schedule the next meeting on 9 November 2010 from 2:30 pm to 4:30 pm. Members also agreed to meet with deputations on 29 November 2010 and if necessary, also on 30 November 2010, both from 4:30 pm to 8:30 pm.

9. There being no other business, the meeting ended at 9:55 am.

Council Business Division 1  
Legislative Council Secretariat  
5 November 2010

**Proceedings of the first meeting of  
Bills Committee on Competition Bill  
on Monday, 25 October 2010, at 9:30 am  
in Conference Room A of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
000000 – 002045	Mr Albert HO Mr Jeffrey LAM Mr CHAN Kam-lam Mr Andrew LEUNG Miss Tanya CHAN Mr Ronny TONG Ms Cyd HO Mrs Regina IP Ms Emily LAU Mr Albert CHAN Dr Margaret NG	Election of Chairman	
002046 – 003220	Chairman Mr WONG Ting-kwong Dr Philip WONG Mr CHAN Kam-lam Mr Albert HO Mr Ronny TONG Ms Cyd HO	Election of Deputy Chairman	
003221 – 003440	Chairman Mr Fred LI Ms Emily LAU Mr Albert CHAN Ms Miriam LAU	Members agreed to invite deputations' view  Dates of second and third meetings	