

立法會
Legislative Council

LC Paper No. CB(2)857/11-12
(The minutes have been seen
by the Administration)

Ref : CB2/BC/5/09

**Bills Committee on
Adaptation of Laws (Military References) Bill 2010**

**Minutes of the eleventh meeting
held on Monday, 12 December 2011, at 10:45 am
in Conference Room 2A of the Legislative Council Complex**

Members present : Hon IP Kwok-him, GBS, JP (Chairman)
Hon LAU Kong-wah, JP
Hon Cyd HO Sau-lan
Hon CHAN Hak-kan
Dr Hon Priscilla LEUNG Mei-fun, JP
Hon WONG Kwok-kin, BBS
Hon Paul TSE Wai-chun, JP

Members absent : Dr Hon Margaret NG
Hon James TO Kun-sun
Hon Andrew LEUNG Kwan-yuen, GBS, JP

Public Officers attending : Item I

Ms Carol YIP, JP
Deputy Secretary for Security

Mr David LAU
Principal Assistant Secretary for Security

Ms Francoise LAM
Senior Government Counsel
Department of Justice

Clerk in attendance : Mrs Sharon TONG
Principal Council Secretary (2)

Staff in attendance : Ms Clara TAM
Assistant Legal Adviser 9

Ms Catherina YU
Senior Council Secretary (2) 6

Ms Michelle LEE
Legislative Assistant (2) 7

I. Meeting with the Administration

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Administration was requested -

- (a) in relation to section 3 of Schedule 1, to provide information on the provisions applicable to the administration of the estate provision of any person dying in any of Her Majesty's forces before 1 July 1997 where the relevant procedures straddled 1 July 1997; and
- (b) to advise on the date of the Council meeting on which it wished to resume the Second Reading debate on the Bill.

(Post meeting note: The Administration suggested and the Chairman agreed that the resumption of the Second Reading debate on the Bill would take place at the Council meeting of 8 February 2012. The Chairman also agreed that a report on the deliberations of the Bills Committee would be submitted to the House Committee at its meeting on 13 January 2012. The deadlines for the Administration to issue the consultation letter to the Chairman of the House Committee and giving notice to resume the Second Reading debate on the Bill are 10 January and 20 January 2012 respectively. The deadline for giving notice to move Committee Stage amendments to the Bill is 30 January 2012.)

II. Any other business

3. There being no other business, the meeting ended at 12:00 pm.

Council Business Division 2
Legislative Council Secretariat
18 January 2012

**Proceedings of the eleventh meeting of the
Bills Committee on Adaptation of Laws (Military References) Bill 2010
on Monday, 12 December 2011, at 10:45 am
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
000408 - 000549	Chairman	Opening remarks	
000550 - 001127	Chairman Admin	LC Paper No. CB(2)537/11-12(01) Briefing by the Administration	
001128 - 001556	Chairman	The approach for the discussion of commencement dates set out in Annex A to LC Paper No. CB(2)537/11-12(01)	
001557 - 001840	Chairman ALA9 Admin	<u>Section 2 of Schedule 1</u> <u>Jury Ordinance (Cap. 3)</u> Concern about the possible negative effect arising from the retrospective effect of the provisions concerned; and Explanation by the Administration on the justifications for its proposal and confirmation by the Administration that proposed commencement date would not cause any negative effect	
001841 - 001950	Chairman Mr LAU Kong-wah ALA9	Views on the approach for the discussion of commencement dates set out in Annex A to LC Paper No. CB(2)537/11-12(01)	
001951 - 002922	Chairman ALA9 Admin Mr LAU Kong-wah	<u>Section 3 of Schedule 1</u> <u>Probate and Administration Ordinance</u> <u>(Cap. 10)</u> Concern about whether there were any provisions to deal with the administration of the estate provisions of any person dying in any of Her Majesty's forces before 1 July 1997 if the proposed adaptation had to take retrospective effect from 1 July 1997	The Administration to provide information on the provisions applicable to the administration of the estate provision of any person dying in any of Her Majesty's forces before 1 July 1997 where the relevant procedures straddled 1 July 1997.

Time marker	Speaker	Subject(s)	Action required
002923 - 003237	Chairman ALA9 Admin Mr LAU Kong-wah	<p><u>Section 18 of Schedule 1</u> <u>Inland Revenue Ordinance (Cap. 112)</u></p> <p>Concern about the possible negative effect arising from the retrospective effect of the provision concerned; and</p> <p>Explanation by the Administration on the justifications for its proposal and confirmation by the Administration that proposed commencement date would not cause any negative effect</p>	
003238 - 004553	Chairman ALA9 Admin Mr LAU Kong-wah Mr WONG Kwok-kin	<p><u>Section 28 of Schedule 1</u> <u>Hong Kong Cemetery, Happy Valley, Rules (Cap. 132 sub. leg. AJ)</u></p> <p>Suggestion of setting the commencement date of the provisions concerned on the gazettal date of the Adaptation of Laws (Military Reference) Ordinance; and</p> <p>Explanation by the Administration on the justifications for its proposal and confirmation by the Administration that proposed commencement date would not cause any negative effect</p>	
004554 - 005241	Chairman ALA9 Admin Dr Priscilla LEUNG Mr LAU Kong-wah	<p><u>Sections 47 of Schedule 1</u> <u>Defences (Firing Areas) Ordinance (Cap. 196)</u></p> <p>Suggestion of setting the commencement date of the provisions concerned on the gazettal date of the Adaptation of Laws (Military Reference) Ordinance;</p> <p>Explanation by the Administration on the justifications for its proposal and confirmation by the Administration that proposed commencement date would not cause any negative effect; and</p> <p>The meaning of "officer (人員)" and "any person (人士)" in section 8(2)</p>	
005242 - 005613	Chairman ALA9 Admin Mr LAU Kong-wah	<p><u>Sections 106 of Schedule 1</u> <u>Motor Vehicles (First Registration Tax) Ordinance (Cap. 330)</u></p> <p>Enquiry on the possible negative effect arising from the retrospective effect of the provisions concerned; and</p>	

Time marker	Speaker	Subject(s)	Action required
		Explanation by the Administration on the justifications for its proposal and confirmation by the Administration that proposed commencement date would not cause any negative effect	
005614 - 005745	Chairman Admin	LC Paper No. CB(2)568/11-12(01) Draft Committee Stage amendment ("CSA") to clause 5; and Draft CSA to section 1 of Schedule 1 to the Bill	
005746 - 005852	Chairman Admin	Draft CSA to section 8 of Schedule 1 to the Bill	
005853 - 005943	Chairman Admin	Draft CSA to section 14 of Schedule 1 to the Bill	
005944 - 010009	Chairman Admin	Draft CSA to section 20 of Schedule 1 to the Bill	
010010 - 010035	Chairman Admin	Draft CSA to section 45 of Schedule 1 to the Bill	
010036 - 010051	Chairman Admin Mr LAU Kong-wah	Draft CSA to section 60 of Schedule 1 to the Bill; and The meaning of "senior naval commander"	
010052 - 010325	Chairman Admin	Draft CSA to section 65 of Schedule 1 to the Bill	
010326 - 010340	Chairman Admin	Draft CSA to section 71(2) of Schedule 1 to the Bill	
010341 - 010438	Chairman Admin	Draft CSA to sections 119 and 132 of Schedule 1 to the Bill	
010439 - 010554	Chairman Admin	Draft CSA to sections 128(3) and 135 of Schedule 1 to the Bill	
010555 - 018034	Chairman Admin Mr LAU Kong-wah	Draft CSA to sections 137(1), 137(2), 137(3)(a), 137(4), 137(5)(a) and 137(6) of Schedule 1 to the Bill	
010835 - 011031	Chairman Admin	Completion of scrutiny of the Bill; Date of reporting the deliberation of the Bills Committee to the House Committee; and	The Administration to advise on the date of the Council meeting on which it wished to resume the Second Reading

Time marker	Speaker	Subject(s)	Action required
		Date of resumption of Second Reading debate on the Bill	debate on the Bill.
011032 - 011137	Chairman Admin	Closing remarks	

Council Business Division 2
Legislative Council Secretariat
18 January 2012