

立法會  
*Legislative Council*

LC Paper No. CB(2) 1513/09-10

Ref : CB2/H/5/09

**House Committee of the Legislative Council**

**Minutes of the 22nd meeting  
held in the Legislative Council Chamber  
at 2:30 pm on Friday, 7 May 2010**

**Members present :**

Hon Miriam LAU Kin-yee, GBS, JP (Chairman)  
Hon Fred LI Wah-ming, SBS, JP (Deputy Chairman)  
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  
Hon WONG Yung-kan, SBS, JP  
Hon LAU Kong-wah, 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 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 CHEUNG Hok-ming, GBS, JP  
Hon WONG Ting-kwong, BBS, JP  
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  
Dr Hon Priscilla LEUNG Mei-fun  
Hon CHEUNG Kwok-che  
Hon WONG Kwok-kin, BBS  
Hon IP Wai-ming, MH  
Hon IP Kwok-him, GBS, JP  
Dr Hon Samson TAM Wai-ho, JP

**Members absent :**

Hon Albert HO Chun-yan  
Dr Hon Philip WONG Yu-hong, GBS  
Hon LAU Wong-fat, GBM, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Timothy FOK Tsun-ting, GBS, JP  
Prof Hon Patrick LAU Sau-shing, SBS, JP  
Dr Hon LEUNG Ka-lau  
Hon WONG Sing-chi  
Hon Mrs Regina IP LAU Suk-yee, GBS, JP  
Dr Hon PAN Pey-chyou  
Hon Paul TSE Wai-chun

**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 Duties)
Ms Connie FUNG	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 Odelia LEUNG	Chief Council Secretary (2)6
Mr Kelvin LEE	Assistant Legal Adviser 1
Mr Stephen LAM	Assistant Legal Adviser 4
Ms Clara TAM	Assistant Legal Adviser 9
Ms Amy YU	Senior Council Secretary (2)3
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)8

---

**I. Confirmation of the minutes of the 21st meeting held on 30 April 2010**  
(LC Paper No. CB(2) 1453/09-10)

The minutes were confirmed.

**II. Matters arising**

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

**Framework Agreement on Hong Kong/Guangdong Co-operation ("Framework Agreement")**

2. The Chairman said that she had conveyed to CS the great importance attached by Members to the Framework Agreement and their proposal for holding a special meeting of the House Committee to discuss the Framework Agreement with the Administration. The Director of Administration had written to the Secretariat on the day of the House Committee meeting proposing that the special meeting be held on the following Friday, 14 May 2010, from 2:30 pm to 4:00 pm, and advising that CS and other relevant Government officials would attend the meeting. The Chairman further said that should Members agree to the proposal, the regular meeting of the House Committee would be held immediately after the special meeting at 4:00 pm and the meeting of the Finance Committee at 4:30 pm. Members agreed.

**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)**

**Stamp Duty (Amendment) Bill 2010**  
(LC Paper No. LS 60/09-10)

3. The Chairman said that the Bill sought to amend the Stamp Duty Ordinance to disallow deferment of payment of stamp duty chargeable on an agreement for sale made in respect of residential property and to increase the rate of stamp duty payable in relation to transactions of immovable property valued more than \$20,000,000 from 3.75% to 4.25%.

4. Mr LEE Wing-tat considered it necessary to form a Bills Committee to study the Bill.

Action

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 James TO, Mr CHAN Kam-lam, Ms Miriam LAU, Mr Tommy CHEUNG, Ms Audrey EU (as advised by Dr Margaret NG) and Mr LEE Wing-tat.

6. 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 30 April 2010**  

---

*(LC Paper No. LS 61/09-10)*

7. The Chairman said that a total of seven items of subsidiary legislation, including four items of subsidiary legislation made under the United Nations Sanctions Ordinance which were not required to be tabled in the Council, were gazetted on 30 April 2010.

8. Regarding the four Regulations made under the United Nations Sanctions Ordinance, the Chairman said that they came within the terms of reference of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions. She suggested that the Regulations be referred to the Subcommittee. Members agreed.

9. As regards the Fugitive Offenders (South Africa) Order, the Chairman said that it sought to provide for the application of the procedures in the Fugitive Offenders Ordinance for the surrender of fugitive offenders between Hong Kong and South Africa.

10. Dr Margaret NG said that subcommittees were formed normally in the past to study items of subsidiary legislation of a similar nature. She considered it necessary to form a subcommittee to study the Order.

11. The Chairman proposed that a subcommittee be formed to study the Order in detail. Members agreed. The following Members agreed to join: Dr Margaret NG, Mr James TO (as advised by Mr LEE Wing-tat) and Mr LAU Kong-wah.

12. The Chairman informed Members that a related item of subsidiary legislation, i.e. the Mutual Legal Assistance in Criminal Matters (South Africa) Order, would be discussed under agenda item V(c).

13. Members did not raise any queries on the other two items of subsidiary legislation.

14. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation (except the subsidiary legislation not required to be tabled in the Council) was 2 June 2010.

#### IV. Further business for the Council meeting on 12 May 2010

##### **Tabling of papers**

##### **Report No. 9/09-10 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments**

*(LC Paper No. CB(2) 1451/09-10 issued vide LC Paper No. CB(3) 661/09-10 dated 6 May 2010)*

15. The Chairman said that the report covered two items of subsidiary legislation the period for amendment of which would expire on 12 May 2010. No Members had requested to speak on the subsidiary legislation.

16. Members noted the report.

#### V. Business for the Council meeting on 19 May 2010

##### **(a) Questions**

*(LC Paper No. CB(3) 658/09-10)*

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

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

18. The Chairman said that no notice had been received yet.

##### **(c) Government motion**

##### **Proposed resolution to be moved by the Secretary for Security under the Mutual Legal Assistance in Criminal Matters Ordinance**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3)*

*643/09-10 dated 3 May 2010.)*

*(LC Paper No. LS 62/09-10)*

19. The Chairman said that the proposed resolution was for seeking the Legislative Council's approval of the Mutual Legal Assistance in Criminal Matters (South Africa) Order made under section 4 of the Mutual Legal Assistance in Criminal Matters Ordinance.

20. The Chairman further said that the proposed resolution was subject to positive vetting, and was related to the Fugitive Offenders (South Africa) Order under agenda item III(b) above, which was subject to negative vetting. Notwithstanding their being subject to different vetting mechanisms, there were past cases where related items of subsidiary legislation of a similar nature were studied by the same subcommittee. As a subcommittee had been formed to

Action

study the Fugitive Offenders (South Africa) Order, the Chairman invited Members' view on whether the Subcommittee should also study the above proposed resolution. Members agreed.

21. The Chairman added that the Administration would be requested to withdraw its notice for moving the proposed resolution.

**(d) Members' motions**

**(i) Motion to be moved by Hon IP Wai-ming**

22. The Chairman said that the subject of the motion to be moved by Mr IP Wai-ming was "Reviewing occupational safety and health and employees' compensation system".

**(ii) Motion on "Concern about the quality and regulation of proprietary Chinese medicines"**

*(Wording of the motion issued vide LC Paper No. CB(3) 662/09-10 dated 5 May 2010.)*

23. The Chairman said that the above motion would be moved by Dr Joseph LEE and the wording of the motion had been issued to Members.

24. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 12 May 2010.

Report on subsidiary legislation the period for amendment of which would expire on 19 May 2010

---

25. The Chairman said that the list of subsidiary legislation the period for amendment of which would expire on 19 May 2010 had been tabled at the meeting. The Clerk would issue the relevant report to Members and invite Members to notify their intention to speak on the subsidiary legislation. The deadline for giving such notification was 5:00 pm on Tuesday, 11 May 2010.

**VI. Position on Bills Committees and subcommittees**

*(LC Paper No. CB(2) 1454/09-10)*

26. The Chairman said that there were eight Bills Committees, eight subcommittees under the House Committee (i.e. three subcommittees on subsidiary legislation, one subcommittee on proposed senior judicial appointments, one subcommittee on constitutional reform proposals, and three subcommittees on policy issues) and nine subcommittees under Panels in action.

Action

**VII. Any other business**

27. There being no other business, the meeting ended at 2:41 pm.

Council Business Division 2  
Legislative Council Secretariat  
12 May 2010