

立法會
Legislative Council

LC Paper No. CB(2) 1624/09-10

Ref : CB2/H/5/09

House Committee of the Legislative Council

**Minutes of the 23rd meeting
held in the Legislative Council Chamber
at 4:05 pm on Friday, 14 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
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 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, SBS, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon WONG Ting-kwong, BBS, JP
Hon Ronny TONG Ka-wah, SC
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon Starry LEE Wai-king
Dr Hon LAM Tai-fai, BBS, JP
Hon Paul CHAN Mo-po, MH, JP
Hon CHAN Kin-por, JP
Dr Hon LEUNG Ka-lau
Hon CHEUNG Kwok-che
Hon WONG Sing-chi
Hon IP Kwok-him, 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 Andrew LEUNG Kwan-yuen, SBS, JP
Hon CHEUNG Hok-ming, GBS, JP
Hon CHIM Pui-chung
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon CHAN Hak-kan
Dr Hon Priscilla LEUNG Mei-fun
Hon WONG Kwok-kin, BBS
Hon IP Wai-ming, MH
Hon Mrs Regina IP LAU Suk-yea, GBS, JP
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 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 Bonny LOO	Assistant Legal Adviser 3
Mr KAU Kin-wah	Assistant Legal Adviser 6
Mr YICK Wing-kin	Assistant Legal Adviser 8
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 22nd meeting held on 7 May 2010
(*LC Paper No. CB(2) 1513/09-10*)

The minutes were confirmed.

II. Matters arising

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

2. The Chairman said that there was nothing special to report.

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) Inland Revenue (Amendment) Bill 2010
(*LC Paper No. LS 64/09-10*)

3. The Chairman said that the Bill sought to give effect to two proposals concerning tax concessions in the 2010-2011 Budget, as follows -

(a) providing for one-off tax reduction to reduce the amount of salaries tax and tax under personal assessment payable for the year of assessment 2009-2010 by 75% or \$6,000, whichever was the lesser; and

(b) allowing more concessionary profits tax deduction for capital expenditure on environment-friendly vehicles.

4. Mr KAM Nai-wai 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 Tommy CHEUNG (as advised by the Chairman) and Mr KAM Nai-wai.

6. The Chairman said that the Secretariat would issue a circular to invite Members to join the proposed Bills Committee. Should less than three Members join the proposed Bills Committee by the deadline for signification of membership, the Bills Committee would not be formed. Members noted the arrangement.

(ii) **Road Traffic (Amendment) Bill 2010**
(LC Paper No. LS 65/09-10)

7. The Chairman said that the Bill sought to amend the Road Traffic Ordinance to introduce various measures to further deter drink driving offences. The Panel on Transport had been consulted on the legislative proposals at its meeting on 17 July 2009, and members had expressed diverse views.

8. In response to Mr Ronny TONG, the Chairman said that the Bill was not concerned with drug driving.

9. Mr Andrew CHENG considered it necessary to form a Bills Committee to study the Bill.

10. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Ms Miriam LAU, Mr Andrew CHENG and Mr Ronny TONG.

11. The Chairman said that as there were vacant slots, this Bills Committee and the Bills Committee on Inland Revenue (Amendment) Bill 2010 could commence work immediately.

(b) **Legal Service Division report on subsidiary legislation gazetted on 7 May 2010 and tabled in Council on 12 May 2010**
(LC Paper No. LS 63/09-10)

12. The Chairman said that three items of subsidiary legislation, including two Commencement Notices, were gazetted on 7 May 2010 and tabled in the Council on 12 May 2010.

13. Members did not raise any queries on these items of subsidiary legislation.

14. The Chairman reminded Members that the deadline for amending the subsidiary legislation was 9 June 2010.

IV. Further business for the Council meeting on 19 May 2010

(a) **Tabling of papers**

Report No. 10/09-10 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
(LC Paper No. CB(2) 1516/09-10 issued vide LC Paper No. CB(3) 687/09-10 dated 13 May 2010)

15. The Chairman said that the report covered three items of subsidiary legislation the period for amendment of which would expire on 19 May 2010. No Members had requested to speak on the subsidiary legislation.

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16. Members noted the report.

(b) **Questions**
(*LC Paper No. CB(3) 683/09-10*)

17. The Chairman said that Mr KAM Nai-wai had replaced his oral question.

V. Business for the Council meeting on 26 May 2010

(a) **Questions**
(*LC Paper No. CB(3) 682/09-10*)

18. 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**

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

(c) **Government motion**

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

(d) **Members' motions**

(i) **Motion on "Proactively implementing the Framework Agreement on Hong Kong/Guangdong Co-operation"**
(*Wording of the motion issued vide LC Paper No. CB(3) 690/09-10 dated 12 May 2010.*)

(ii) **Motion on "Report on the collapse of the building at 45J Ma Tau Wai Road"**
(*Wording of the motion issued vide LC Paper No. CB(3) 680/09-10 dated 11 May 2010.*)

21. The Chairman said that the above motions would be moved by Mr Jeffrey LAM and Ir Dr Raymond HO respectively and the wording of the motions had been issued to Members.

22. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Tuesday, 18 May 2010.

Report on subsidiary legislation the period for amendment of which would expire on 26 May 2010

23. The Chairman said that the list of subsidiary legislation the period for amendment of which would expire on 26 May 2010 had been tabled at the

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meeting. The Clerk had issued the relevant report to Members in the morning of the day of the House Committee meeting and invited Members to notify their intention to speak on the subsidiary legislation. The deadline for giving such notification was 12:00 midnight on Monday, 17 May 2010.

VI. Advance information on business for the Council meeting on 2 June 2010

Bills - First Reading and moving of Second Reading

Food Safety Bill

24. The Chairman said that the Administration had given notice to present the above Bill to the Council. The House Committee would consider the Bill at its meeting on 4 June 2010.

VII. Report of Bills Committees and subcommittees

(a) Report of the Subcommittee on Proposed Senior Judicial Appointments

(LC Paper No. CB(2) 1514/09-10)

25. Dr Margaret NG, Chairman of the Subcommittee, reported on the deliberations of the Subcommittee the details of which were set out in its report. She reported that the Subcommittee supported the proposed appointments of Mr Justice Geoffrey MA Tao-li as the Chief Justice of the Court of Final Appeal (“CFA”), and Mr Justice Robert TANG Ching, Mr Justice Frank Stock and Mr Justice Michael John Hartmann as non-permanent Hong Kong judges to CFA. However, members had expressed grave concern about the appointment of three serving Justices of Appeal of the Court of Appeal of the High Court as non-permanent judges to CFA, and considered it necessary to conduct a review on the judicial manpower situation in CFA and other levels of courts. Members had also expressed reservation about the membership of the Secretary for Justice, being a Principal Official under the Political Appointment System, on the Judicial Officers Recommendation Commission. Dr NG added that the Panel on Administration of Justice and Legal Services would follow up on the relevant policy issues.

(b) Report of the Subcommittee on Dutiable Commodities (Exempted Quantities) (Amendment) Notice 2010

(LC Paper No. CB(1) 1867/09-10)

26. Mr CHAN Kin-por, Chairman of the Subcommittee, reported that the Subcommittee had held two meetings, including one to receive views from deputations.

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27. Mr CHAN elaborated that the Notice specified the maximum number of duty-free cigarettes allowable for each incoming passengers to be 19 sticks. Some members requested the Administration to consider adjusting the cap to 20 sticks. The Administration explained that the policy intent was to abolish duty-free concessions on tobacco products brought into Hong Kong, and the purpose of exempting a small quantity of tobacco products for own consumption was to facilitate law enforcement and minimize nuisance to incoming passengers who smoked. In response to members' request, the Administration agreed to consider actively and carefully banning the sale of duty-free cigarettes at inbound duty-free shops. He added that the Subcommittee had also discussed issues relating to the enforcement and publicity of the Notice and the impact of tobacco control policy. He referred Members to the Subcommittee's report for details of its deliberations.

28. The Chairman reminded Members that as the deadline for amending the Notice was 2 June 2010, the deadline for giving notice of amendments, if any, was Wednesday, 26 May 2010.

VIII. Position on Bills Committees and subcommittees
(LC Paper No. CB(2) 1515/09-10)

29. The Chairman said that there were 10 Bills Committees, six subcommittees under the House Committee (i.e. two subcommittees on subsidiary legislation, one subcommittee on constitutional reform proposals, and three subcommittees on policy issues) and nine subcommittees under Panels in action.

30. The Chairman invited Members to note that the Bills Committee on Companies (Amendment) Bill 2010 and Business Registration (Amendment) Bill 2010, and the Bills Committee on Buildings (Amendment) Bill 2010 would have to work beyond three months since commencement of their work.

IX. Any other business

31. There being no other business, the meeting ended at 4:16 pm.