

立法會
Legislative Council

LC Paper No. CB(2) 1678/09-10

Ref : CB2/H/5/09

House Committee of the Legislative Council

**Minutes of the 24th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 28 May 2010**

Members present :

Hon Miriam LAU Kin-yee, GBS, JP (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 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 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 Andrew LEUNG Kwan-yuen, SBS, 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
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 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
Hon Alan LEONG Kah-kit, SC
Hon Tanya CHAN
Hon Albert CHAN Wai-yip
Hon WONG Yuk-man

Members absent :

Hon Fred LI Wah-ming, SBS, JP (Deputy Chairman)
Hon WONG Yung-kan, SBS, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon CHEUNG Hok-ming, GBS, JP
Hon LEUNG Kwok-hung

Clerk in attendance :

Mrs Vivian KAM Clerk to the House Committee

Staff in attendance :

Ms Pauline NG	Secretary General
Mr Arthur CHEUNG	Acting 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
Mrs Sharon TONG	Principal Council Secretary (Complaints)
Mr Simon WONG	Chief Public Information Officer
Mr Bonny LOO	Assistant Legal Adviser 3
Mr Stephen LAM	Assistant Legal Adviser 4
Mr YICK Wing-kin	Assistant Legal Adviser 8
Ms Amy YU	Senior Council Secretary (2)3

Ms Anna CHEUNG
Mr Arthur KAN

Senior Legislative Assistant (2)3
Legislative Assistant (2)8

Action

I. Confirmation of the minutes of the 23rd meeting held on 14 May 2010
(LC Paper No. CB(2) 1624/09-10)

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 subsidiary legislation gazetted on 14 May 2010 and tabled in Council on 19 May 2010
(LC Paper No. LS 67/09-10)

3. The Chairman said that only one item of subsidiary legislation, i.e. the Electronic Transactions (Exclusion) (Amendment) Order 2010, was gazetted on 14 May 2010 and tabled in the Council on 19 May 2010.

4. Members did not raise any queries on this item of subsidiary legislation.

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

(b) Legal Service Division report on subsidiary legislation gazetted on 20 May 2010 and tabled in Council on 26 May 2010
(LC Paper No. LS 68/09-10)

6. The Chairman said that a total of 14 items of subsidiary legislation, including one Commencement Notice, were gazetted on 20 May 2010 and tabled in the Council on 26 May 2010.

7. Regarding the Tate's Cairn Tunnel Ordinance (Amendment of Schedule) Notice 2010, the Chairman said that the Panel on Transport had been consulted on the application for toll increase by the Tate's Cairn Tunnel Company Limited ("TCTC") at its meeting on 15 December 2009. TCTC proposed a \$1 toll increase for most vehicle types, representing increases ranging from 3% to 9%. She added that the Legislative Council had no power to amend the proposed level of increase, and Members could only propose minor technical amendments to the Notice.

Action

8. Mr WONG Kwok-hing considered it necessary to form a subcommittee to study the Notice.

9. The Chairman proposed that a subcommittee be formed to study the Notice in detail. Members agreed. The following Members agreed to join: Ms Miriam LAU, Mr WONG Kwok-hing and Mr IP Wai-ming.

10. Regarding the Solicitors (Professional Indemnity) (Amendment) Rules 2010, the Chairman said that it sought to enable the Hong Kong Solicitors Indemnity Fund Limited, authorized by a resolution passed by the Council of The Law Society of Hong Kong, to reduce the contributions to the indemnity fund payable by all solicitors firms (instead of the newly constituted firms) during an indemnity period.

11. Dr Margaret NG said that the Panel on Administration of Justice and Legal Services had planned to discuss the proposed amendments. However, the Amendment Rules were gazetted before the Panel had had the opportunity to discuss the legislative proposals. She considered it necessary to form a subcommittee to study the Amendment Rules.

12. The Chairman proposed that a subcommittee be formed to study the Amendment Rules in detail. Members agreed. The following Members agreed to join: Dr Margaret NG, Ms Miriam LAU, Ms Audrey EU and Ms Cyd HO.

13. Members did not raise any queries on the other 12 items of subsidiary legislation.

14. The Chairman reminded Members that the deadline for amending the subsidiary legislation was 23 June 2010.

IV. Business for the Council meeting on 2 June 2010

(a) Tabling of papers

**Report No. 12/09-10 of the House Committee on Consideration of
Subsidiary Legislation and Other Instruments**

(LC Paper No. CB(2) 1626/09-10 issued vide LC Paper No. CB(3) 735/09-10 dated 27 May 2010)

15. The Chairman said that the report covered three items of subsidiary legislation, including the Dutiable Commodities (Exempted Quantities) (Amendment) Notice 2010, the period for amendment of which would expire on 2 June 2010. As a Member had notified his intention to speak on the Notice, she, as Chairman of the House Committee, would move a motion to take note of the report in relation to the Notice.

Action

(b) **Questions**

(LC Paper No. CB(3) 730/09-10)

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

(c) **Bills - First Reading and moving of Second Reading**

Food Safety Bill

17. 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 next meeting on 4 June 2010.

(d) **Government motion**

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

(e) **Members' motions**

(i) **Motion on "The 4 June incident"**

(Wording of the motion issued vide LC Paper No. CB(3) 708/09-10 dated 19 May 2010.)

(ii) **Motion on "Increasing the powers and responsibilities of District Councils in district planning"**

(Wording of the motion issued vide LC Paper No. CB(3) 713/09-10 dated 20 May 2010.)

19. The Chairman said that the above motions would be moved by Mr Albert HO and Prof Patrick LAU respectively and the wording of the motions had been issued to Members.

20. The Chairman said that the deadline for giving notice of amendments to the motions had expired on 26 May 2010.

V. Business for the Council meeting on 9 June 2010

(a) **Questions**

(LC Paper No. CB(3) 731/09-10)

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

Action

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

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

(c) **Government motions**

- (i) **Two proposed resolutions to be moved by the Chief Secretary for Administration under Article 73(7) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and section 7A of the Hong Kong Court of Final Appeal Ordinance**

(Wording of the proposed resolutions issued vide LC Paper No. CB(3) 720/09-10 dated 24 May 2010.)

23. The Chairman said that the Subcommittee on Proposed Senior Judicial Appointments had reported to the House Committee at the last meeting, and Members did not raise objection to the proposed judicial appointments.

- (ii) **Proposed resolution to be moved by the Secretary for Food and Health under the Pharmacy and Poisons Ordinance relating to:**

- **the Pharmacy and Poisons (Amendment) (No. 2) Regulation 2010; and**

- **the Poisons List (Amendment) (No. 2) Regulation 2010**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 717/09-10 dated 24 May 2010.)
(LC Paper No. LS 66/09-10)

24. The Chairman said that the proposed resolution was for seeking the Legislative Council's approval of the Pharmacy and Poisons (Amendment) (No. 2) Regulation 2010 and the Poisons List (Amendment) (No. 2) Regulation 2010 to add two substances to Division A of the First and Third Schedules to the Pharmacy and Poisons Regulations and to Division A of Part I of the Schedule to the Poisons List Regulations respectively.

25. Members did not raise objection to the Administration moving the proposed resolution at the Council meeting.

(d) **Members' motions**

- (i) **Motion on "Constitutional reform"**

(Wording of the motion issued vide LC Paper No. CB(3) 738/09-10 dated 27 May 2010.)

- (ii) **Motion on "Hong Kong's co-operation with ASEAN region"**
(Wording of the motion issued vide LC Paper No. CB(3)
739/09-10 dated 27 May 2010.)

26. The Chairman said that the above motions would be moved by Mr Ronny TONG and Mr Andrew LEUNG respectively and the wording of the motions had been issued to Members.

27. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 2 June 2010.

Report on subsidiary legislation the period for amendment of which would expire on 9 June 2010

28. The Chairman said that the list of subsidiary legislation the period for amendment of which would expire on 9 June 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, 1 June 2010.

VI. Report of Bills Committees and subcommittees

Report of the Bills Committee on Inland Revenue (Amendment) Bill 2010 (LC Paper No. CB(1) 2057/09-10)

29. Mr CHAN Kam-lam, Chairman of the Bills Committee, reported on the deliberations of the Bills Committee as detailed in its report. He elaborated that the Bills Committee had held one meeting and had raised no objection to the proposed one-off reduction of salaries tax and tax under personal assessment by 75%, subject to a ceiling of \$6,000 per case. As regards the proposal for accelerating profits tax deduction for capital expenditure on environmental-friendly vehicles, the Bills Committee noted that the Environmental Protection Department would review annually the qualifying standards for remission of first registration tax for such vehicles. The Bills Committee had agreed that the issue of promoting wider use of environmental-friendly vehicles be referred to the Panel on Environmental Affairs for consideration.

30. The Chairman said that the Administration had indicated its intention to give notice for the resumption of the Second Reading debate on the Bill at the Council meeting on 9 June 2010.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 1625/09-10)

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

IX. Any other business

32. There being no other business, the meeting ended at 2:46 pm.