

立法會  
*Legislative Council*

LC Paper No. CB(2) 306/10-11

Ref : CB2/H/5/10

**House Committee of the Legislative Council**

**Minutes of the 4th meeting  
held in the Legislative Council Chamber  
at 2:30 pm on Friday, 12 November 2010**

**Members present :**

Hon Miriam LAU Kin-ye, GBS, JP (Chairman)  
Hon Fred LI Wah-ming, SBS, JP (Deputy 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 Margaret NG  
Hon James TO Kun-sun  
Hon CHAN Kam-lam, SBS, JP  
Hon LEUNG Yiu-chung  
Dr Hon Philip WONG Yu-hong, GBS  
Hon WONG Yung-kan, SBS, JP  
Hon LAU Kong-wah, JP  
Hon LAU Wong-fat, GBM, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon LI Fung-ying, SBS, 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, GBS, JP  
Hon CHEUNG Hok-ming, GBS, 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, JP



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 Timothy TSO	Assistant Legal Adviser 2
Miss Kitty CHENG	Assistant Legal Adviser 5
Ms Amy YU	Senior Council Secretary (2)3
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)8

---

Action

**I. Confirmation of the minutes of the 3rd meeting held on 5 November 2010**

*(LC Paper No. CB(2) 245/10-11)*

The minutes were confirmed.

**II. Matters arising**

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

Special House Committee meeting

2. The Chairman said that CS had indicated that he attached great importance to communication with Members. He usually attended two special House Committee meetings during each session to exchange views with Members. For the current session, CS proposed to attend a special House Committee meeting on Friday, 10 December 2010, at 2:30 pm to exchange views with Members on issues relating to "Population policy review". The Chairman added that the regular House Committee meeting would be held immediately after the special meeting at around 4:00 pm.

3. The Chairman further said that the subject of "Population policy review" in the context of the Chief Executive's Policy Address covered two topics, namely, measures to facilitate and support the elderly to settle in the Mainland after retirement if they so wished, and ramifications of children born in Hong Kong to Mainland women returning to Hong Kong. In respect of the latter, approximately 30 000 children were born in Hong Kong to Mainland women annually in recent years. These children were Hong Kong permanent residents, although most of them lived in the Mainland after birth. Members might wish to discuss with CS issues relating to these children returning to Hong Kong to study and live. She

Action

added that population policy covered a wide range of topics and Members could raise other relevant topics during the discussion.

4. Ms Emily LAU said that she would like CS to also exchange views with Members on the Community Care Fund at the special House Committee meeting. Given that CS was the Chairman of the Community Care Fund Steering Committee, he should exchange views with Members on the subject at the special meeting or later when the subject was ready for discussion.

5. Mr LEE Cheuk-yan said that the Subcommittee to Study Issues Relating to Mainland-HKSAR Families under the House Committee chaired by him had invited CS many times to attend meetings of the Subcommittee to respond to issues raised by members on population policy, but CS had declined the invitations. As the Subcommittee provided a dedicated forum to discuss issues relating to population policy, in his view, CS should attend a meeting of the Subcommittee to exchange views with members on the subject. Mr LEE considered that CS should discuss with Members other issues of public concern at the special House Committee meeting.

6. The Chairman said that she would convey Members' views to CS. She added that the scope of population policy went beyond policies relating to Mainland-HKSAR families.

### **III. Business arising from previous Council meetings**

#### **Legal Service Division report on bills referred to the House Committee in accordance with Rule 54(4)**

##### **Anti-money Laundering and Counter-Terrorist Financing (Financial Institutions) Bill**

*(LC Paper No. LS 7/10-11)*

7. The Chairman said that the Bill sought to provide a legislative framework to implement the requirements of the Financial Action Task Force, which set the standard for international anti-money laundering. The Panel on Financial Affairs had been briefed on the legislative proposals, and members had raised various concerns.

8. Mr James TO considered it necessary to form a Bills Committee to study the Bill.

Action

9. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Dr Margaret NG, Mr James TO, Mr CHAN Kam-lam, Mr LAU Kong-wah, Ms Audrey EU, Mr WONG Ting-kwong and Ms Starry LEE.

10. The Chairman said that as there were vacant slots, the Bills Committee could commence work immediately.

**IV. Further business for the Council meeting on 17 November 2010**

**Tabling of papers**

**Report No. 4/10-11 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments**

*(LC Paper No. CB(2) 247/10-11 issued vide LC Paper No. CB(3) 162/10-11 dated 11 November 2010)*

11. The Chairman said that the report covered 10 items of subsidiary legislation, including the following five Orders, the period for amendment of which would expire on 17 November 2010 -

- (a) Inland Revenue (Double Taxation Relief and Prevention of Fiscal Evasion with respect to Taxes on Income) (Republic of Hungary) Order;
- (b) Inland Revenue (Double Taxation Relief and Prevention of Fiscal Evasion with respect to Taxes on Income and Capital) (Republic of Austria) Order;
- (c) Inland Revenue (Double Taxation Relief and Prevention of Fiscal Evasion with respect to Taxes on Income and Capital Gains) (United Kingdom of Great Britain and Northern Ireland) Order;
- (d) Inland Revenue (Double Taxation Relief and Prevention of Fiscal Evasion with respect to Taxes on Income) (Ireland) Order; and
- (e) Specification of Arrangements (The Mainland of China) (Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income) (Third Protocol) Order.

12. The Chairman said that as Mr James TO had notified his intention to speak on the five Orders, she, as Chairman of the House Committee, would move a motion to take note of the report in relation to the Orders.

**V. Business for the Council meeting on 24 November 2010**

**(a) Questions**

*(LC Paper No. CB(3) 153/10-11)*

13. 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**

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

**(c) Government motion**

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

**(d) Members' Bills - First Reading and moving of Second Reading**

**University of Hong Kong (Amendment) Bill 2010**

16. The Chairman said that Dr David LI had given notice to present the above Bill to the Council on 24 November 2010. The House Committee would consider the Bill at its meeting on 26 November 2010.

**(e) Members' motions**

**(i) Motion to be moved by Hon Vincent FANG Kang**

17. The Chairman said that the subject of the motion to be moved by Mr Vincent FANG was "Promoting the waste recycling industries".

**(ii) Motion to be moved by Hon Frederick FUNG Kin-kee**

18. The Chairman said that the subject of the motion to be moved by Mr Frederick FUNG was "Alleviating the disparity between the rich and the poor".

19. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 17 November 2010.

Report on study of subsidiary legislation

20. The Chairman said that the list of subsidiary legislation the period for amendment of which would expire on 24 November 2010 had been tabled at the meeting. Members who wished to speak on the subsidiary legislation should notify the Clerk by 5:00 pm on Tuesday, 16 November 2010.

**VI. Report of Bills Committees and subcommittees**

**(a) Report of the Bills Committee on Buildings Energy Efficiency Bill**

*(LC Paper No. CB(1) 393/10-11)*

21. Ms Audrey EU, Chairman of the Bills Committee, reported on the deliberations of the Bills Committee as detailed in its report. She said that the Bill sought to require compliance with the Building Energy Codes promulgated by the Electrical and Mechanical Services Department concerning the energy efficiency of four types of building service installations, including air-conditioning, electrical, lift and escalator as well as lighting installations in respect of certain types of buildings with a view to enhancing energy efficiency in buildings.

22. Ms Audrey EU elaborated that the Bills Committee generally supported the policy intent of the Bill to enhance energy efficiency and reduce greenhouse gas emissions. In the course of deliberations, members had expressed particular concern about the definition of "lighting installation" and the relevant exemption provisions. Under the Bill, lighting installation in relation to a building meant a fixed electrical lighting system in the building. Members had requested the Administration to explain how to determine whether a lighting installation was a fixed electrical lighting system in the building or outside the building, and whether lighting installations mounted external to the building but connected to the lighting system in the building were covered under the definition. Members disagreed that lighting installations solely for illumination of a product on display or decoration should be exempted as these lighting installations were usually of excessive glare and their exemption might run contrary to the policy intent of the Bill to enhance energy efficiency. She and two other members would move Committee Stage amendments ("CSAs") to the Bill in relation to the definition of "lighting installation" and the relevant exemption provisions.

Action

23. Ms Audrey EU further reported that The Law Society of Hong Kong ("LSHK") had raised the concern that non-compliance with the requirements for Certificates of Compliance Registration, Forms of Compliance or Improvement Notices might not only give rise to disputes and litigation in conveyancing transactions, but also entitle the Government to re-enter the premises under the Land Grant. In response to members' concern, the Administration had proposed a CSA to add a new clause 51A to make it clear that a contravention of any provision of the Bill in relation to any premises did not itself subject the title of the premises to any encumbrance. LSHK remained of the view that the proposed CSA was not able to fully address the problem and proposed to add the phrase "any provision in the Land Grant notwithstanding" at the end of the proposed CSA. However, the Administration considered LSHK's proposal unacceptable.

24. Ms Audrey EU added that subsequently she had received a letter from LSHK advising that following its further discussion with the Administration, the issue of the Government's right of re-entry had been resolved, and the new clause 51A was no longer necessary. LSHK had obtained the Government's assurance that it was not the Government's policy to exercise its right of re-entry under the Land Grant for breaches of any provisions in the Bill. The Lands Department would write to LSHK to confirm its assurance. LSHK considered this arrangement acceptable.

25. Ms Audrey EU further said that as the Bills Committee had considered LSHK's proposal on the matter and had endorsed the Administration's proposed CSA to add a new clause 51A, and given that the deadline for giving notice of CSAs was 15 November 2010, the Bills Committee had decided to hold a further meeting on Monday, 15 November 2010, at 8:30 am to discuss the latest developments.

26. Ms Audrey EU added that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting on 24 November 2010.

27. The Chairman reminded Members that the deadline for giving notice of CSAs, if any, was Monday, 15 November 2010.



(b) **Report of the Subcommittee on the Five Orders Made under Section 49(1A) of the Inland Revenue Ordinance and Gazetted on 15 October 2010**

*(LC Paper No. CB(1) 390/10-11)*

28. The Chairman said that Mr James TO, Chairman of the Subcommittee, had made a verbal report at the last House Committee meeting. A written report was provided for the House Committee meeting.

29. Members did not raise any queries on the report.

(c) **Report of the Subcommittee on Deposit Protection Scheme (Representation on Scheme Membership and Protection of Financial Products under Scheme) (Amendment) Rules 2010**

*(LC Paper No. CB(1) 391/10-11)*

30. The Chairman said that Mr CHAN Kam-lam, Chairman of the Subcommittee, had made a verbal report at the last House Committee meeting. A written report was provided for the House Committee meeting.

31. Members did not raise any queries on the report.

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

*(LC Paper No. CB(2) 246/10-11)*

32. The Chairman informed Members that there were 14 Bills Committees, eight subcommittees under the House Committee (i.e. five subcommittees on subsidiary legislation and three subcommittees on policy issues) and eight subcommittees under Panels in action.

**VIII. Any other business**

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