

立法會  
*Legislative Council*

LC Paper No. CB(2) 724/10-11

Ref : CB2/H/5/10

**House Committee of the Legislative Council**

**Minutes of the 9th meeting  
held in the Legislative Council Chamber  
at 2:30 pm on Friday, 17 December 2010**

**Members present:**

Hon Miriam LAU Kin-ye, 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 LAU Kong-wah, JP  
Hon Emily LAU Wai-hing, JP  
Hon Andrew CHENG Kar-foo  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon Abraham SHEK Lai-him, SBS, JP  
Hon LI Fung-ying, SBS, 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 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 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  
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 Kwok-him, GBS, JP  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Dr Hon PAN Pey-chyou  
Hon Paul TSE Wai-chun  
Dr Hon Samson TAM Wai-ho, JP  
Hon Tanya CHAN  
Hon Albert CHAN Wai-yip

**Members absent :**

Hon Albert HO Chun-yan  
Dr Hon Philip WONG Yu-hong, GBS  
Hon WONG Yung-kan, SBS, JP  
Hon LAU Wong-fat, GBM, GBS, JP  
Hon Frederick FUNG Kin-kee, SBS, JP  
Hon Ronny TONG Ka-wah, SC  
Dr Hon LAM Tai-fai, BBS, JP  
Hon IP Wai-ming, MH  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Hon WONG Yuk-man

**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
Miss Kitty CHENG	Assistant Legal Adviser 5
Mr KAU Kin-wah	Assistant Legal Adviser 6
Mr YICK Wing-kin	Assistant Legal Adviser 8
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

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**I. Confirmation of the minutes of the 8th meeting held on 10 December 2010  
(LC Paper No. CB(2) 573/10-11)**

The minutes were confirmed.

**II. Matters arising**

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

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

**(b) Companies Ordinance (Exemption of Companies and Prospectuses from Compliance with Provisions) (Amendment) Notice 2010**

*(Paragraphs 7 to 11 of the minutes of the 8th meeting held on 10 December 2010)*

*(LC Paper No. LS 18/10-11)*

*[Previous paper:*

*Paragraphs 1 to 5 of LC Paper No. LS 12/10-11 issued vide LC Paper No. CB(2) 520/10-11 dated 9 December 2010]*

3. The Chairman said that at the last House Committee meeting, Members noted that the Legal Service Division was seeking clarification from the Administration on certain issues in relation to the Notice. As the Administration had given its reply, the Legal Service Division had provided a further report for Members' consideration.

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4. Members did not raise any queries on the Notice.
5. The Chairman reminded Members that the deadline for amending the Notice was 5 January 2011.

### 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) **Chief Executive Election (Amendment) Bill 2010**  
*(Letter dated 16 December 2010 from the Secretary for Constitutional and Mainland Affairs (LC Paper No. CB(2) 623/10-11(01)))*  
*(LC Paper No. LS 16/10-11)*
- (ii) **Legislative Council (Amendment) Bill 2010**  
*(Letter dated 16 December 2010 from the Secretary for Constitutional and Mainland Affairs (LC Paper No. CB(2) 623/10-11(01)))*  
*(LC Paper No. LS 17/10-11)*

6. The Chairman said that the two Bills sought to amend the methods for selecting the Chief Executive ("CE") and forming the Legislative Council ("LegCo") in 2012. The Secretary for Constitutional and Mainland Affairs ("SCMA") had written to propose that if Members considered it necessary to form Bills Committees to study the two Bills, the two Bills be considered together by one single Bills Committee. The Chairman added that similar arrangements had been adopted for scrutiny of Bills of such nature. She invited Members' views on SCMA's proposal.

7. Dr Margaret NG said that the legislative proposals on the two electoral methods concerned amendments to Annexes I and II to the Basic Law ("BL"). She sought information from the Legal Adviser ("LA") on the relevant procedures.

8. At the invitation of the Chairman, LA said that amendments to Annexes I and II to BL had to follow the procedures specified in the two Annexes as well as the relevant decision of the Standing Committee of the National People's Congress ("NPCSC"). After the passage in LegCo in June 2010 of the motions put forth by the Government concerning the draft amendments to the methods for the selection of CE and the formation of LegCo, CE had given his consent to the draft amendments and had submitted reports to NPCSC. According to the LegCo Brief

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provided by the Administration, NPCSC had approved and recorded respectively the amendments to Annexes I and II to BL. Promulgation of the amendments to Annexes I and II to BL, which rested with NPCSC, had been made.

9. Dr Margaret NG said that she had raised such concern as local legislation could not contravene BL, including its Annexes. In her view, the Administration should provide formally to LegCo the amendments made to Annexes I and II which would form the basis for scrutiny of the two Bills by LegCo. She considered it important procedure-wise for the Administration to provide the relevant documents to LegCo before the formation of the relevant Bills Committee.

10. The Chairman suggested and Members agreed that the Administration should be requested to provide the requisite information to Members before the commencement of work of the relevant Bills Committee. The Chairman requested the Legal Service Division to follow up the matter with the Administration.

11. Members agreed that one Bills Committee should be formed to study the two Bills jointly. The following Members agreed to join the Bills Committee: Ir Dr Raymond HO, Dr Margaret NG, Mr CHEUNG Man-kwong, Ms Miriam LAU, Ms Emily LAU, Mr TAM Yiu-chung, Mr Abraham SHEK, Ms Audrey EU, Mr WONG Kwok-hing, Mr LEE Wing-tat, Mr Ronny TONG (as advised by Dr Margaret NG), Ms Cyd HO, Dr Priscilla LEUNG, Mr IP Kwok-him, Mrs Regina IP, Mr Alan LEONG (as advised by Miss Tanya CHAN) and Miss Tanya CHAN.

12. 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 10 December 2010 and tabled in Council on 15 December 2010**

*(LC Paper No. LS 15/10-11)*

13. The Chairman said that a total of 10 items of subsidiary legislation, including five Commencement Notices, were gazetted on 10 December 2010 and tabled in the Council on 15 December 2010.

14. Members did not raise any queries on these 10 items of subsidiary legislation.

15. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 12 January 2011.

#### IV. **Business for the Council meeting on 5 January 2011**

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

16. The Chairman reminded Members that the cut-off date for registration of questions to be raised at the Council meeting was 12:00 midnight on Friday, 17 December 2010.

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

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

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

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

##### (d) **Members' motions**

(i) **Motion to be moved by Hon WONG Sing-chi**

(ii) **Motion to be moved by Hon KAM Nai-wai**

19. The Chairman said that Mr WONG Sing-chi and Mr KAM Nai-wai had each been allocated a debate slot. The Secretariat would later inform Members of the subjects of the motions by circulars.

20. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Tuesday, 28 December 2010.

##### **Report on study of subsidiary legislation**

21. The Chairman said that a list containing eight items of subsidiary legislation the period for amendment of which would expire on 5 January 2011 had been tabled at the meeting. Members who wished to speak on the subsidiary legislation should notify the Clerk by 12:00 midnight on Friday, 24 December 2010.

#### V. **Report of Bills Committees and subcommittees**

(a) **Report of the Subcommittee on Human Organ Transplant (Amendment) Regulation 2010 and Human Organ Transplant (Appeal Board) Regulation**  

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*(LC Paper No. CB(2) 579/10-11)*

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22. Ms Cyd HO, Chairman of the Subcommittee, reported that the Subcommittee had completed scrutiny of the two Regulations. She referred Members to the Subcommittee's report for its deliberations.

23. Ms Cyd HO highlighted that the Subcommittee had discussed the coverage of regulated products under the Human Organ Transplant Ordinance (Cap. 465) and issues relating to the prohibition of commercial dealings in human organs. In response to members' request, the Administration agreed to try to advance the commencement from the fourth quarter to the third quarter of 2011 of the two Regulations and those provisions of the Human Organ Transplant (Amendment) Ordinance 2004 concerning regulated products that had yet to come into operation. The Subcommittee supported the early commencement of the relevant provisions.

24. The Chairman reminded Members that as the deadline for amending the two Regulations was 5 January 2011, the deadline for giving notice of amendments, if any, was Tuesday, 28 December 2010.

**(b) Report of the Subcommittee on Subsidiary Legislation Relating to Statutory Minimum Wage**  
*(LC Paper No. CB(2) 576/10-11)*

25. Mr TAM Yiu-chung, Chairman of the Subcommittee, reported on the deliberations of the Subcommittee as detailed in its report. He said that the Subcommittee had completed its scrutiny of the four Notices. The major issues discussed by the Subcommittee included factors taken into account in the deliberation of the initial statutory minimum wage rate and future reviews of such rate; timing for the commencement of the statutory minimum wage rate and future reviews of such rate; monthly monetary cap on keeping records of hours worked by an employee; possible impact of the initial statutory minimum wage rate; publicity and briefings on the Minimum Wage Ordinance ("MWO") and manpower requirement for the implementation of MWO.

26. Mr TAM Yiu-chung added that Mr LEE Cheuk-yan had indicated that he might move an amendment to the Minimum Wage Ordinance (Commencement) (No. 2) Notice 2010 to advance the implementation of MWO from 1 May to 1 February 2011.

27. The Chairman reminded that as the deadline for amending the four Notices was 5 January 2011, the deadline for giving notice of amendments, if any, was Tuesday, 28 December 2010.

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

*(LC Paper No. CB(2) 575/10-11)*

28. The Chairman said that there were 14 Bills Committees, three subcommittees on policy issues under the House Committee and eight subcommittees under Panels in action.

**VII. Report of the Panel on Home Affairs on its duty visit to study the development of cultural software and preservation of Intangible Cultural Heritage in Japan and the Republic of Korea**

*(LC Paper No. CB(2) 507/10-11)*

29. Mr IP Kwok-him, Chairman of the Panel on Home Affairs and leader of the delegation, said that the delegation had visited Japan and the Republic of Korea from 4 to 11 August 2010 to study the experience in the development of cultural software and the preservation of Intangible Cultural Heritage ("ICH") in the two countries. He referred Members to the Panel's report for the findings and observations of the delegation.

30. Mr IP Kwok-him further said that the delegation had met with representatives of relevant government agencies, public organizations, non-profit organizations and social enterprises and had visited various arts and cultural institutions. The delegation considered the visit very fruitful as it had provided useful reference for the Panel in monitoring the work on the promotion of cultural software and preservation of ICH in Hong Kong.

**VIII. Report of the Panel on Health Services on its duty visit to study Japan's healthcare financing system**

*(LC Paper No. CB(2) 580/10-11)*

31. Dr Joseph LEE, leader of the delegation, said that a delegation of the Panel on Health Services comprising nine members visited Japan from 5 to 7 September 2010 to study the country's healthcare financing system. During the visit, the delegation had received briefings by the Ministry of Health, Labour and Welfare and the Health Insurance Claims Review & Reimbursement Services, and had visited a public hospital, a private hospital, a private medical centre and nursing homes to learn about their facilities and services.

32. Dr Joseph LEE further said that the delegation considered the visit useful as it had enabled members to better understand Japan's healthcare system. Although the relevant factors in Japan might not be directly applicable to Hong Kong, information obtained from the visit would



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facilitate members' consideration of the recommendations to be made by the Government in respect of healthcare financing options for Hong Kong. He referred Members to the Panel's report for the findings and observations of the delegation. On behalf of the delegation, he thanked the Secretariat for providing assistance to make the visit a success.

**IX. Report of the Panel on Food Safety and Environmental Hygiene on its duty visit to study Japan's columbarium facilities and fisheries industry**

*(LC Paper No. CB(2) 581/10-11)*

33. Mr Fred LI, leader of the delegation, said that a delegation of the Panel on Food Safety and Environmental Hygiene comprising nine Members visited Tokyo on 8 September 2010 to obtain first-hand information on the development of columbarium facilities in Japan, and visited Sapporo from 9 to 11 September 2010 to learn about the country's ways to sustain its fisheries industry. He referred Members to the Panel's report for the findings and observations of the delegation.

34. Mr Fred LI further said that during the visit, the delegation had received briefings by the Ministry of Health, Labour and Welfare, the Hokkaido Federation of Fisheries Cooperative Associations and the Hokkaido Fisheries Coordination Office, Fisheries Agency as well as the Otaru Shi Fisheries Cooperative Association. The delegation had also visited the Tama Reien, Tokyo Goby, the Gyoren Sogo Food Processing Factory, Sato Suisan Salmon Factory and the Sapporo Central Wholesale Markets. The delegation found the visit to Japan very enlightening as it had provided useful reference for members in their consideration of the Government's proposals for regulating columbarium facilities, promoting sustainable fisheries and safeguarding food safety in Hong Kong.

**X. Any other business**

35. The Chairman said that as it was the last House Committee meeting in 2010, she would like to take the opportunity to wish Members a Merry Christmas and a Happy New Year.

36. There being no other business, the meeting ended at 2:49 pm.