

立法會
Legislative Council

LC Paper No. CB(2) 1872/10-11

Ref : CB2/H/5/10

House Committee of the Legislative Council

**Minutes of the 23rd meeting
held in the Legislative Council Chamber
at 4:03 pm on Friday, 20 May 2011**

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
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 WONG Yung-kan, SBS, 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, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
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 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, 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 Kwok-kin, BBS
Hon IP Wai-ming, MH
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Dr Hon PAN Pey-chyou
Dr Hon Samson TAM Wai-ho, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon Tanya CHAN
Hon Albert CHAN Wai-yip

Members absent :

Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Dr Hon David LI Kwok-po, GBM, GBS, JP
Hon LAU Kong-wah, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon WONG Kwok-hing, MH
Hon CHEUNG Hok-ming, GBS, JP
Hon CHIM Pui-chung
Prof Hon Patrick LAU Sau-shing, SBS, JP
Dr Hon LAM Tai-fai, BBS, JP
Hon WONG Sing-chi
Hon Paul TSE Wai-chun
Hon WONG Yuk-man

Clerk in attendance :

Miss Odelia LEUNG 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 4
Ms Connie FUNG	Senior Assistant Legal Adviser 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mr KAU Kin-wah	Senior Assistant Legal Adviser 3
Mrs Pandora CHAN	Acting Principal Council Secretary (Complaints)
Mr Simon WONG	Chief Public Information Officer
Ms Amy YU	Chief Council Secretary (2)6
Mr Kelvin LEE	Assistant Legal Adviser 1
Mr Timothy TSO	Assistant Legal Adviser 2
Mr Bonny LOO	Assistant Legal Adviser 3
Ms Wendy KAN	Assistant Legal Adviser 6
Miss Evelyn LEE	Assistant Legal Adviser 10
Miss Josephine SO	Senior Council Secretary (2)7
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)8

Action

I. Confirmation of the minutes of the 22nd meeting held on 13 May 2011
(*LC Paper No. CB(2) 1783/10-11*)

The minutes were confirmed.

II. Matters arising

Report by the Chairman on the 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

Legal Service Division report on subsidiary legislation gazetted on 13 May 2011 and tabled in Council on 18 May 2011

(*LC Paper No. LS 60/10-11*)

3. The Chairman said that a total of 21 items of subsidiary legislation, including three Commencement Notices, were gazetted on 13 May 2011 and tabled in the Council on 18 May 2011.

Action

4. Regarding the five items of subsidiary legislation made under the Inland Revenue Ordinance (Cap. 112) concerning avoidance of double taxation, the Chairman highlighted that four of them were made to give effect to the new comprehensive agreements for avoidance of double taxation recently signed between Hong Kong and the relevant countries, while the other one was to give effect to the amendments made to an existing agreement.

5. Mr James TO considered it necessary to form a subcommittee to study these five items of subsidiary legislation in detail. Members agreed. Mr James TO agreed to join the subcommittee.

6. Regarding the nine items of subsidiary legislation made under the Electoral Affairs Commission Ordinance (Cap. 541) concerning electoral matters, the Chairman said that they covered four areas including aligning or improving electoral procedures; refining the voting arrangements for electors in custody; making amendments consequential to the Chief Executive Election (Amendment) Ordinance and the Legislative Council (Amendment) Ordinance. The Panel on Constitutional Affairs had been briefed on the legislative proposals at its meeting on 18 March 2011 and members were generally supportive of them.

7. Ms Emily LAU considered it necessary to form a subcommittee to study these nine items of subsidiary legislation in detail. Members agreed. Ms Emily LAU and Mr IP Kwok-him agreed to join the subcommittee.

8. As regards the Professional Accountants (Amendment) Bylaw 2011 ("Amendment Bylaw"), the Chairman said that it sought to add two new provisions to enable members of the Council of the Hong Kong Institute of Certified Public Accountants ("the Institute") who participated in a Council meeting, including those participated by telephone, video conferencing or other electronic means, to vote by ballot if the majority vote of members present and voting so demanded. According to the Legislative Council Brief, members of the Institute approved the proposed amendments unanimously on 17 December 2010.

9. Ms Emily LAU expressed concern about the orderliness and security of the voting process with remote participation of Council members through electronic means.

10. Mr Paul CHAN said that to facilitate the smooth conduct of the business of the Council of the Institute, Council members who could not physically attend a Council meeting owing to travel or other commitments were allowed to participate in the meeting by telephone,

Action

video conferencing or other electronic means. The proposed amendments sought to enable members of the Council who were present at a Council meeting (including those participated in the meeting through electronic means) to vote by ballot if the majority vote of members present and voting so demanded.

11. Mr Paul CHAN further said that only some 20 Council members of the Institute had the right to vote. The Council members had to give prior notification of their remote participation in a meeting and their identities would be verified through electronic means. An independent external legal advisor of the Institute would oversee the voting process.

12. The Chairman said that she noted that many international enterprises adopted similar arrangements in the conduct of meetings and voting.

13. Dr Margaret NG sought clarification on whether the proposed amendments concerned voting on matters related to the accounting profession. Mr Paul CHAN replied in the affirmative, adding that the proposed amendments would facilitate in particular the annual election of President and Vice Presidents of the Institute by its Council members.

14. Noting an allegation a few months ago that some members of the Institute were forced by partners of large accounting firms to give proxy votes, Mr James TO considered it necessary to form a subcommittee to study the Amendment Bylaw to examine the fairness of the proposed arrangements.

15. Mr Paul CHAN clarified that while he had no objection to the suggestion of forming a subcommittee to examine the Amendment Bylaw, the case which Mr James TO referred to was not related to the election of President of the Council of the Institute.

16. Members agreed that a subcommittee be formed to study the Amendment Bylaw in detail. The following Members agreed to join: Mr James TO, Dr Philip WONG and Ms Emily LAU.

17. Members did not raise any queries on the other six items of subsidiary legislation.

18. The Chairman reminded Members that the deadline for amending the 21 items of subsidiary legislation was 15 June 2011.

IV. Further business for the Council meeting of 25 May 2011

Bills - resumption of debate on Second Reading, Committee Stage and Third Reading

Withdrawal of the notice of resumption of the Second Reading debate on the Inland Revenue (Amendment) (No. 3) Bill 2011

(LC Paper No. CB(3) 771/10-11 issued on 19 May 2011)

19. The Chairman said that the Administration had withdrawn its notice of resumption of the Second Reading debate on the Inland Revenue (Amendment) (No. 3) Bill 2011 at the Council meeting of 25 May 2011 because of the need to make some technical amendments to the Bill. The Administration would give a fresh notice to resume the Second Reading debate on the Bill in due course.

V. Business for the Council meeting of 1 June 2011

(a) **Questions**

(LC Paper No. CB(3) 757/10-11)

20. 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**

Pyramid Schemes Prohibition Bill

21. The Chairman said that the Administration had given notice to present the above Bill to the Council on 1 June 2011. The House Committee would consider the Bill at its meeting on 3 June 2011.

(c) **Government motion**

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

(d) **Members' motions**

(i) **Motion on "Formulating a development strategy for a low-carbon traffic and transport system"**

(Wording of the motion issued vide LC Paper No. CB(3) 768/10-11 dated 19 May 2011.)

Action

- (ii) **Motion on "Promoting the relocation of departmental headquarters to the districts for creating employment"**
(*Wording of the motion issued vide LC Paper No. CB(3) 769/10-11 dated 19 May 2011.*)

23. The Chairman said that the above motions would be moved by Ir Dr Raymond HO and Mr Tommy CHEUNG respectively and the wording of the motions 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, 25 May 2011.

Report on study of subsidiary legislation/other instruments

25. The Chairman invited Members to note the list of four items of subsidiary legislation/other instruments tabled at the meeting, the scrutiny period of which would expire on 1 June 2011. Members who wished to speak on the subsidiary legislation/other instruments should indicate their intention by 5:00 pm on Tuesday, 24 May 2011.

VI. Report of Bills Committees and subcommittees

Report of the Subcommittee on Revised Code of Practice on Employment under the Disability Discrimination Ordinance
(*LC Paper No. CB(2) 1785/10-11*)

26. Ms Cyd HO, Chairman of the Subcommittee, reported that the Subcommittee had completed scrutiny of the Revised Code of Practice on Employment under the Disability Discrimination Ordinance ("the Revised Code").

27. Ms Cyd HO further reported that the Subcommittee had received views from relevant organizations and members of the public. The issues deliberated by the Subcommittee included the purpose and legal status of the Revised Code; consultation on the draft Revised Code conducted by the Equal Opportunities Commission ("EOC"); possible impact of the Revised Code on employers and employees; the independent role of EOC; handling of enquiries and complaints received by EOC; and funding provision for and expenditures on legal assistance. After consideration of the views expressed by members and the depositions, EOC had agreed to make various amendments to the Revised Code by a motion to be moved by the Administration. Ms HO added that Members would have an opportunity to speak on the Revised Code in the Council.

Action

28. The Chairman reminded Members as the deadline for amending the Revised Code was 1 June 2011, the deadline for giving notice of amendments, if any, was Wednesday, 25 May 2011.

VII. Position on Bills Committees and subcommittees
(LC Paper No. CB(2) 1784/10-11)

29. The Chairman said that there were 16 Bills Committees, nine subcommittees under the House Committee (i.e. four subcommittees on subsidiary legislation, two subcommittees on policy issues and three subcommittees on other Council business) and nine subcommittees under Panels in action.

30. The Chairman invited Members to note that the Bills Committee on Companies Bill would have to work beyond three months since commencement of its work.

31. There being no other business, the meeting ended at 4:24 pm.

Council Business Division 2
Legislative Council Secretariat
25 May 2011