

立法會  
*Legislative Council*

LC Paper No. CB(2) 1923/10-11

Ref : CB2/H/5/10

**House Committee of the Legislative Council**

**Minutes of the 24th meeting  
held in the Legislative Council Chamber  
at 2:30 pm on Friday, 27 May 2011**

**Members present:**

Hon Miriam LAU Kin-ye, GBS, JP (Chairman)  
Hon Fred LI Wah-ming, SBS, JP (Deputy Chairman)  
Hon Albert HO Chun-yan  
Hon LEE Cheuk-yan  
Dr Hon Margaret NG  
Hon James TO Kun-sun  
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 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 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 CHEUNG Hok-ming, GBS, JP  
Hon WONG Ting-kwong, BBS, JP  
Hon Ronny TONG Ka-wah, SC  
Hon CHIM Pui-chung  
Hon KAM Nai-wai, MH  
Hon Cyd HO Sau-lan  
Hon Starry LEE Wai-king, JP

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-yee, GBS, JP  
Hon Paul TSE Wai-chun  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Hon Tanya CHAN  
Hon Albert CHAN Wai-yip  
Hon WONG Yuk-man

**Members absent :**

Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP  
Dr Hon David LI Kwok-po, GBM, GBS, JP  
Hon CHEUNG Man-kwong  
Dr Hon Philip WONG Yu-hong, GBS  
Hon WONG Yung-kan, SBS, JP  
Hon LAU Wong-fat, GBM, GBS, JP  
Hon Andrew CHENG Kar-foo  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon Andrew LEUNG Kwan-yuen, GBS, JP  
Prof Hon Patrick LAU Sau-shing, SBS, JP  
Dr Hon PAN Pey-chyou  
Dr Hon Samson TAM Wai-ho, JP

**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
Mr Stephen LAM	Principal Council Secretary (Complaints)
Mr Simon WONG	Chief Public Information Officer
Ms Amy YU	Chief Council Secretary (2)6
Miss Carrie WONG	Assistant Legal Adviser 4
Mr YICK Wing-kin	Assistant Legal Adviser 8
Ms Clara TAM	Assistant Legal Adviser 9
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

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**I. Confirmation of the minutes of the 23rd meeting held on 20 May 2011**  
*(LC Paper No. CB(2) 1872/10-11)*

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**

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

**(i) Enduring Powers of Attorney (Amendment) Bill 2011**  
*(LC Paper No. LS 63/10-11)*

3. The Chairman said that the Bill sought to relax the existing requirements for the execution of an enduring power of attorney ("EPA") under the Enduring Powers of Attorney Ordinance (Cap. 501) by

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allowing a donor and a solicitor to sign an EPA within 28 days after it had been signed by a registered medical practitioner. The Panel on Health Services and the Panel on Administration of Justice and Legal Services had been consulted on the legislative proposals on 11 June 2007 and 21 December 2010 respectively. While members of the two Panels supported in principle the policy intent of relaxing the execution requirements, they had raised some concerns.

4. Dr Margaret NG considered it necessary to form a Bills Committee to study the Bill in detail, given the different views on the two alternative recommendations contained in the report of the Law Reform Commission. Members agreed. The following Members agreed to join the Bills Committee: Dr Margaret NG, Ms Miriam LAU and Ms Audrey EU.

5. The Chairman said that as the Bills Committee on Residential Care Homes (Persons with Disabilities) Bill and the Bills Committee on Dutiable Commodities (Amendment) Bill 2011 had provided their written reports for the House Committee meeting, there would be two vacant slots. The Bills Committee could commence work immediately.

**(ii) Road Traffic (Amendment) Bill 2011**  
*(LC Paper No. LS 67/10-11)*

6. The Chairman said that the Bill sought to amend the Road Traffic Ordinance (Cap. 374) to create new offences in connection with driving motor vehicles after consumption or use of drugs. The Panel on Transport had been consulted on the legislative proposals at its meetings on 17 July and 26 November 2010. Members in general expressed support for the early enactment of the legislative proposals.

7. Mr WONG Sing-chi considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. The following Members agreed to join the Bills Committee: Ms Miriam LAU, Mr KAM Nai-wai, Mr WONG Sing-chi and Mr IP Wai-ming.

8. The Chairman said that as there was a vacant slot, the Bills Committee could commence work immediately.

**(b) Legal Service Division report on subsidiary legislation gazetted on 20 May 2011 and tabled in Council on 25 May 2011**  
*(LC Paper No. LS 66/10-11)*

9. The Chairman said that a total of 10 items of subsidiary legislation, including three Commencement Notices, were gazetted on 20 May 2011 and tabled in the Council on 25 May 2011.

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

11. The Chairman reminded Members that the deadline for amending the subsidiary legislation was 22 June 2011.

**IV. Further business for the Council meeting of 1 June 2011**

**(a) Tabling of papers**

**Report No. 23/10-11 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments**

*(LC Paper No. CB(2) 1874/10-11 issued vide LC Paper No. CB(3) 798/10-11 dated 26 May 2011)*

12. The Chairman said that the report covered four items of subsidiary legislation/other instrument, including the Revised Code of Practice on Employment under the Disability Discrimination Ordinance ("the Revised Code"), the period for amendment of which would expire on 1 June 2011. Upon the expiry of the deadline, a Member had indicated intention to speak on the Revised Code at the Council meeting of 1 June 2011. As the Administration had given notice to move a motion to amend the Revised Code, Members would have the opportunity to speak on the Revised Code. As such, she would not move a motion in her capacity as Chairman of the House Committee to take note of the Report in relation to the Revised Code at the Council meeting.

**(b) Questions**

*(LC Paper No. CB(3) 793/10-11)*

13. The Chairman said that Mr WONG Kwok-hing had replaced his oral question.

**V. Business for the Council meeting of 8 June 2011**

**(a) Questions**

*(LC Paper No. CB(3) 792/10-11)*

14. 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**

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

(c) **Bills - resumption of debate on Second Reading, Committee Stage and Third Reading**

**Inland Revenue (Amendment) (No. 3) Bill 2011**

16. The Chairman said that the Administration had given fresh notice to resume the Second Reading debate on the above Bill at the Council meeting.

(d) **Government motions**

(i) **Proposed resolution 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 resolution issued vide LC Paper No. CB(3) 787/10-11 dated 24 May 2011.)*

(ii) **Proposed resolution 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**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 788/10-11 dated 24 May 2011.)*

17. The Chairman said that the Subcommittee on Proposed Senior Judicial Appointments had reported at the House Committee meeting on 13 May 2011, and Members raised no objection to the proposed judicial appointments.

(e) **Members' motions**

(i) **Motion on "Setting out a five-year plan for elderly services"**

*(Wording of the motion issued vide LC Paper No. CB(3) 795/10-11 dated 26 May 2011.)*

(ii) **Motion on "The inability of the Government's measures to help people acquire their homes"**

*(Wording of the motion issued vide LC Paper No. CB(3) 796/10-11 dated 25 May 2011.)*

18. The Chairman said that the above motions would be moved by Mr TAM Yiu-chung and Mr James TO respectively and the wording of the motions had been issued to Members.

19. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Tuesday, 31 May 2011.

Report on study of subsidiary legislation

20. The Chairman invited Members to note the list of subsidiary legislation tabled at the meeting, the scrutiny period of which would expire on 8 June 2011. The list contained one item of subsidiary legislation, i.e. the Tramway Ordinance (Alteration of Fares) (Amendment) Notice 2011 ("Amendment Notice"). Members who wished to speak on the Amendment Notice should indicate their intention by 5:00 pm on Tuesday, 31 May 2011.

21. Dr Margaret NG indicated her intention to speak on the Amendment Notice at the Council meeting of 8 June 2011.

**VI. Advance information on business for the Council meeting of 15 June 2011**

**Bills - First Reading and moving of Second Reading**

**Guardianship of Minors (Amendment) Bill 2011**

22. The Chairman said that the Administration had given notice to present the above Bill to the Council on 15 June 2011. The House Committee would consider the Bill at its meeting on 17 June 2011.

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

**(a) Report of the Bills Committee on Residential Care Homes (Persons with Disabilities) Bill**

*(LC Paper No. CB(2) 1877/10-11)*

23. Mr WONG Sing-chi, Chairman of the Bills Committee, reported that the Bills Committee had completed scrutiny of the Bill. It had held 14 meetings and had received views from 14 deputations.

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24. Mr WONG Sing-chi elaborated that the Bill sought to regulate all residential care homes for persons with disabilities ("RCHDs") through a statutory licensing scheme. The issues deliberated by the Bills Committee included the statutory framework of the licensing scheme; the licence application system; enforcement of the licensing scheme; licensing standards and requirements; likely impact of the licensing scheme on the private RCHD sector; the draft Residential Care Homes (Persons with Disabilities) Regulation ("the Regulation"); and the draft Code of Practice.

25. Mr WONG Sing-chi said that subject to the passage of the Bill, the Administration planned to gazette the Commencement Notice and the Regulation on 30 June 2011. Members could then further examine the standards relating to the operation, management and supervision of RCHDs. He referred Members to the Bills Committee's report for details of its deliberations.

26. Mr WONG Sing-chi added that in response to members' concerns and views, the Administration would move Committee Stage amendments ("CSAs") to the Bill, including technical amendments. The Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting of 15 June 2011 and the CSAs to be moved by the Administration.

27. The Chairman reminded Members that the deadline for giving notice of CSAs, if any, was Saturday, 4 June 2011.

**(b) Report of the Bills Committee on Dutiable Commodities  
(Amendment) Bill 2011**  

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*(LC Paper No. CB(1) 2265/10-11)*

28. Dr Joseph LEE, Chairman of the Bills Committee, reported that the Bills Committee had held two meetings to discuss the justifications for tobacco duty increase, the impact of tobacco duty increase on the livelihood of newspaper hawkers and illicit cigarette activities, and smoking cessation services. He referred Members to the Bills Committee's report for details of its deliberations.

29. Dr Joseph LEE further reported that the Bills Committee generally supported the Bill to increase the rates of tobacco duty as a measure to protect public health. Mrs Regina IP had indicated her intention to move a CSA to the Bill to reduce the proposed rates of duty on various types of tobacco. He added that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting of 15 June 2011.



30. The Chairman reminded Members that the deadline for giving notice of CSAs, if any, was Saturday, 4 June 2011.

**(c) Report of the Bills Committee on Motor Vehicles (First Registration Tax) (Amendment) Bill 2011**

31. Mr WONG Ting-kwong, Chairman of the Bills Committee, made a verbal report on the deliberations of the Bills Committee. He said that the Bills Committee had held four meetings and had received views from stakeholders and members of the public.

32. Mr WONG Ting-kwong elaborated that the Administration proposed to increase the rate for each tax band for the First Registration Tax ("FRT") for private cars by around 15% to curb the growth of private cars and reduce traffic congestion. Members generally considered that the Administration had failed to provide adequate justifications for attributing traffic congestion to the growth in private cars and the proposed increase was therefore unfair to private car owners. Some members also considered that the proposed increase in FRT could not tackle traffic congestion effectively. The Administration should adopt other more effective measures, such as rationalizing franchised bus routes, buying back the Western Harbour Crossing and Eastern Harbour Crossing and promoting park-and-ride.

33. Mr WONG Ting-kwong highlighted that many members were of the view that consideration should be given to exempting buyers of newly registered private cars from paying FRT under the new tax rates provided that they scrapped their old cars, to achieve the dual effect of containing the growth of private cars and phasing out old private cars to improve air quality.

34. Mr WONG Ting-kwong said that the Administration had agreed to adopt the following two proposals put forward by members -

- (a) exempting the private cars on order before the coming into effect of the Public Revenue Protection (Motor Vehicles First Registration Tax) Order 2011 on 23 February 2011 from paying FRT under the new tax rates; and
- (b) enhancing the tax concession for environment-friendly petrol private cars to encourage potential new car buyers to opt for such cars.

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35. Mr WONG Ting-kwong further said that according to the Administration, the above proposals could be implemented through administrative measures without the need to introduce legislative amendments. The Bills Committee welcomed the proposals and noted the Administration's intention to resume the Second Reading debate on the Bill at the Council meeting of 15 June 2011.

36. The Chairman said that the Bills Committee would provide its written report the following week. She reminded Members that the deadline for giving notice of CSAs, if any, was Saturday, 4 June 2011.

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

*(LC Paper No. CB(2) 1873/10-11)*

37. 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.

38. There being no other business, the meeting ended at 2:50 pm.

Council Business Division 2  
Legislative Council Secretariat  
1 June 2011