

立法會
Legislative Council

LC Paper No. CB(2) 256/11-12

Ref : CB2/H/5/10

House Committee of the Legislative Council

**Minutes of the 3rd meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 4 November 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
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Dr Hon Margaret NG
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 LAU Kong-wah, JP
Hon LAU Wong-fat, GBM, GBS, 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 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
Dr Hon Joseph LEE Kok-long, 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
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 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-yee, GBS, JP
Dr Hon PAN Pey-chyou
Hon Paul TSE Wai-chun, JP
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 LEE Cheuk-yan
Dr Hon David LI Kwok-po, GBM, GBS, JP
Hon James TO Kun-sun
Hon Timothy FOK Tsun-ting, GBS, JP
Hon LEE Wing-tat
Hon Jeffrey LAM Kin-fung, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, JP
Hon WONG Sing-chi
Hon LEUNG Kwok-hung

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
Miss Erin TSANG	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
Ms Clara TAM	Assistant Legal Adviser 9
Miss Evelyn LEE	Assistant Legal Adviser 10
Miss Josephine SO	Senior Council Secretary (2)7
Ms Judy TING	Council Secretary (2)6
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 2nd meeting held on 21 October 2011

(LC Paper No. CB(2) 196/11-12)

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 the Administration Wing had just conveyed to the Legislative Council ("LegCo") Secretariat of CS's suggestion to exchange views with Members on the latest progress of the work of the Hong Kong Special Administrative Region in complementing the National Twelfth Five-Year Plan at the special House Committee meeting to be held on 11 November 2011. Members raised no objection.

III. Business arising from previous Council meetings

(a) **Legal Service Division report on subsidiary legislation gazetted on 21 October 2011 and tabled in Council on 26 October 2011**
(*LC Paper No. LS 2/11-12*)

3. The Chairman said that a total of seven items of subsidiary legislation were gazetted on 21 October 2011 and tabled in the Council on 26 October 2011.

4. Regarding the Air Navigation (Hong Kong) Order 1995 (Amendment) Order 2011, the Chairman said that according to the LegCo Brief, the Amendment Order was to expand the power to charge fees under Article 97 of the Principal Order to enable the introduction of certain fee proposals to achieve full cost recovery. Upon the enquiry of the Legal Service Division ("LSD"), the Administration had clarified that the Amendment Order was to tidy up the relevant provisions relating to the fees and charges mechanism. In view of the re-formulation of the Administration's intention, LSD considered it necessary to study afresh the effects of the amendments and would provide a further report if necessary. The Amendment Order would come into operation on 16 December 2011. Members noted.

5. Regarding the Companies Ordinance (Exemption of Companies and Prospectuses from Compliance with Provisions) (Amendment) Notice 2011, the Chairman said that it sought to exempt certain prospectuses issued by companies from the requirement to set out a valuation report containing the particulars specified in paragraph 34(2) of the Third Schedule to the Principal Ordinance, subject to certain conditions. It would come into operation on 1 January 2012.

6. Mr KAM Nai-wai considered it necessary to form a subcommittee to study the Amendment Notice in detail. Members agreed. The following Member agreed to join the subcommittee: Mr James TO (as advised by Mr KAM Nai-wai).

7. The Chairman said that the Secretariat would issue a circular to invite Members to join the proposed subcommittee. Should less than three Members join the subcommittee by the deadline for signification of membership, the subcommittee would not be formed in accordance with the House Rules. Members noted the arrangement.

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

9. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 23 November 2011.

- (b) **Legal Service Division report on subsidiary legislation gazetted on 28 October 2011 and tabled in Council on 2 November 2011**
(*LC Paper No. LS 3/11-12*)

10. The Chairman said that a total of five items of subsidiary legislation, including one Commencement Notice, were gazetted on 28 October 2011 and tabled in the Council on 2 November 2011.

11. Regarding the four items of subsidiary legislation made under the Buildings Ordinance (Cap. 123), namely, the Building (Inspection and Repair) Regulation, the Building (Administration) (Amendment) Regulation 2011, the Building (Minor Works) (Amendment) Regulation 2011 and the Buildings (Amendment) Ordinance 2011 (Commencement) Notice 2011, the Chairman said that they were to implement the Mandatory Building Inspection Scheme and the Mandatory Window Inspection Scheme.

12. Prof Patrick LAU considered it necessary to form a subcommittee to study these four items of subsidiary legislation in detail. Members agreed. The following Members agreed to join the subcommittee: Ir Dr Raymond HO, Mr Abraham SHEK, Ms Audrey EU, Prof Patrick LAU, Mr KAM Nai-wai, Ms Cyd HO, Ms Starry LEE, Mr IP Kwok-him and Miss Tanya CHAN,

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

14. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 30 November 2011.

IV. Business for the Council meeting of 9 November 2011

- (a) **Tabling of papers**

Report No. 2/11-12 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
(*LC Paper No. CB(2) 198/11-12 issued vide LC Paper No. CB(3) 104/11-12 dated 3 November 2011*)

15. The Chairman said that the Report covered five items of subsidiary legislation, the period for amendment of which would expire on 9 November 2011. Upon the expiry of the deadline at 5:00 pm on 1 November 2011, a Member had indicated intention to speak on the Residential Care Homes (Persons with Disabilities) Regulation ("the

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Regulation") and the Residential Care Homes (Persons with Disabilities) Ordinance (Commencement) Notice 2011. As the Administration had given notice to move a motion to amend the Regulation, Members would have the opportunity to speak on the two related items of subsidiary legislation at the Council meeting. As such, she would not move a motion to take note of the Report in relation to the two items of subsidiary legislation.

16. Members noted the Report.

(b) **Questions**

(LC Paper No. CB(3) 94/11-12)

17. 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**

Fisheries Protection (Amendment) Bill 2011

18. The Chairman said that the Administration had rescheduled the first reading of the above Bill from 2 November to 9 November 2011, and the House Committee would consider the Bill at its meeting on 11 November 2011.

(d) **Government motion**

Proposed resolution to be moved by the Secretary for Labour and Welfare under section 34(2) of the Interpretation and General Clauses Ordinance relating to the Residential Care Homes (Persons with Disabilities) Regulation

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 97/11-12 dated 2 November 2011.)

19. The Chairman said that the relevant Subcommittee had reported its deliberations at the last House Committee meeting, and Members did not raise objection to the resolution to be moved by the Administration.

(e) **Members' motions**

(i) **Motion on "Assisting the public in coping with economic fluctuations"**

(Wording of the motion issued vide LC Paper No. CB(3) 79/11-12 dated 27 October 2011.)

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(ii) **Motion on "Comprehensively reviewing the Disability Allowance scheme"**

(Wording of the motion issued vide LC Paper No. CB(3) 80/11-12 dated 27 October 2011.)

20. The Chairman said that the above motions would be moved by Dr Philip WONG and Mr WONG Kwok-hing respectively and the wording of the motions had been issued to Members. The deadline for giving notice of amendments to the above two motions had expired on 2 November 2011.

V. Business for the Council meeting of 16 November 2011

(a) **Questions**

(LC Paper No. CB(3) 93/11-12)

21. 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**

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

(c) **Government motion**

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

(d) **Members' motions**

(i) **Motion on "Comprehensively improving the water quality of the Victoria Harbour"**

(Wording of the motion issued vide LC Paper No. CB(3) 101/11-12 dated 3 November 2011.)

(ii) **Motion on "Enacting an archives law"**

(Wording of the motion issued vide LC Paper No. CB(3) 102/11-12 dated 3 November 2011.)

24. The Chairman said that the above motions would be moved by Dr Priscilla LEUNG and Dr Margaret NG respectively and the wording of the motions had been issued to Members.

25. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 9 November 2011.

VI. Report of Bills Committees and subcommittees

Report of the Subcommittee on Mandatory Provident Fund Schemes Ordinance (Amendment of Schedule 3) Notice 2011

(LC Paper No. CB(1) 241/11-12)

26. Mr WONG Ting-kwong, Chairman of the Subcommittee, reported that the Amendment Notice sought to increase the prescribed Maximum Relevant Income Level ("Max RI") for contribution purpose under the Mandatory Provident Fund Schemes Ordinance (Cap. 485) from \$20,000 to \$25,000 per month with effect from 1 June 2012.

27. Mr WONG Ting-kwong further reported that the Subcommittee noted that while the prescribed Minimum Relevant Income Level had already increased from \$5,000 to \$6,500 per month with effect from 1 November 2011, the increase of the monthly Max RI would only come into operation on 1 June 2012 subject to the passage of the Amendment Notice. Members were concerned that the delay in adjusting the Max RI might constitute discrimination.

28. Mr WONG Ting-kwong said that the Subcommittee also noted that the statutory factor to be considered for the review of Max RI had pointed to a level of \$30,000 since 2002. Some members had enquired whether there was any plan to increase the Max RI to \$30,000. According to the Administration, the Mandatory Provident Fund Schemes Authority would conduct a comprehensive review of the statutory adjustment mechanism, including the mechanism for adjusting the Max RI, when the effect of the implementation of the Statutory Minimum Wage was more evident.

29. Mr WONG Ting-kwong added that the Subcommittee had not proposed any amendment to the Amendment Notice. The Administration would decide the date for moving the resolution on the Amendment Notice.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 197/11-12)

30. The Chairman said that there were 16 Bills Committees, eight subcommittees under the House Committee (i.e. three subcommittees on subsidiary legislation, two subcommittees on policy issues and three subcommittees on other Council business) and eight subcommittees under Panels in action. Two Bills Committees and one subcommittee on policy issues were on the waiting list.

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31. There being no other business, the meeting ended at 2:45 pm.

Council Business Division 2
Legislative Council Secretariat
9 November 2011