

立法會
Legislative Council

LC Paper No. CB(2)64/13-14

Ref : CB2/H/5/13

House Committee of the Legislative Council

**Minutes of the 1st meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 11 October 2013**

Members present:

Hon Andrew LEUNG Kwan-yuen, GBS, JP (Chairman)
Hon Ronny TONG Ka-wah, SC (Deputy Chairman)
Hon Albert HO Chun-yan
Hon James TO Kun-sun
Hon CHAN Kam-lam, SBS, JP
Hon LEUNG Yiu-chung
Hon Emily LAU Wai-hing, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, 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, BBS, MH
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon Cyd HO Sau-lan
Hon Starry LEE Wai-king, JP
Dr Hon LAM Tai-fai, SBS, JP
Hon CHAN Hak-kan, JP
Hon CHAN Kin-por, BBS, JP
Dr Hon LEUNG Ka-lau
Hon CHEUNG Kwok-che
Hon WONG Kwok-kin, BBS
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon LEUNG Kwok-hung
Hon Albert CHAN Wai-yip
Hon WONG Yuk-man

Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon James TIEN Pei-chun, GBS, JP
Hon NG Leung-sing, SBS, JP
Hon Frankie YICK Chi-ming
Hon WU Chi-wai, MH
Hon YIU Si-wing
Hon Gary FAN Kwok-wai
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK
Hon CHAN Chi-chuen
Hon CHAN Han-pan
Dr Hon Kenneth CHAN Ka-lok
Hon CHAN Yuen-han, SBS, JP
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Alice MAK Mei-kuen, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
Hon Dennis KWOK
Hon Christopher CHEUNG Wah-fung, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon SIN Chung-kai, SBS, JP
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, JP
Hon Martin LIAO Cheung-kong, JP
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kwok, BBS, MH, JP
Hon CHUNG Kwok-pan
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen

Members absent:

Hon LEE Cheuk-yan
Dr Hon LAU Wong-fat, GBM, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Paul TSE Wai-chun, JP
Hon Alan LEONG Kah-kit, SC
Hon Kenneth LEUNG
Hon Steven HO Chun-yin

Clerk in attendance :

Miss Flora TAI

Clerk to the House Committee

Staff in attendance :

Mr Kenneth CHEN, SBS	Secretary General
Mr Jimmy MA, JP	Legal Adviser
Mrs Justina LAM	Deputy Secretary General
Mr Andy LAU	Assistant Secretary General 1
Miss Odelia LEUNG	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
Ms Dora WAI	Principal Council Secretary 1
Mr Simon WONG	Head (Public Information)
Ms Amy YU	Chief Council Secretary (2)6
Ms Wendy KAN	Assistant Legal Adviser 6
Miss Evelyn LEE	Assistant Legal Adviser 10
Mr Jove CHAN	Senior Council Secretary (2)2
Miss Josephine SO	Senior Council Secretary (2)6
Miss Jasmine TAM	Council Secretary (2)6
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)7

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I. Confirmation of the minutes of the 34th meeting held on 4 October 2013

(LC Paper No. CB(2)12/13-14)

The minutes were confirmed.

II. Matters arising

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

2. The Chairman said that CS had advised that the Administration planned to introduce 28 bills into the Legislative Council ("LegCo") in the 2013-2014 session, of which 11 were scheduled for introduction in

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the first half of the session. The Chairman added that the Legislative Programme for the 2013-2014 session had already been issued to Members vide LC Paper No. CB(2)15/13-14 on 8 October 2013.

3. The Chairman further said that the Deputy Chairman had requested CS to provide for Members' reference a list of ordinances/provisions of ordinances which had been enacted but were not yet in operation. CS had advised that the Administration had been providing such information to the Panel on Administration of Justice and Legal Services, and she had undertaken to update the information as soon as possible.

4. The Chairman informed Members that CS would attend the meeting of the Subcommittee on Poverty scheduled for 29 October 2013 to brief Members on the latest progress of the Administration's work on poverty alleviation. CS had also advised that the Administration planned to publish a consultation paper on population policy in late October/early November 2013. He had indicated to CS that she was welcome to attend a special meeting of the House Committee ("HC") to brief Members on the consultation paper.

5. Ms Emily LAU suggested extending the duration of the proposed special HC meeting to allow sufficient time for Members to raise questions. The Chairman agreed to relay Ms LAU's view to CS.

6. Dr Kenneth CHAN said that the attempt by the former Special Representative for Hong Kong Economic and Trade Affairs to the European Communities to arrange an audience with Pope Benedict XVI for the former Chief Executive, Mr Donald TSANG Yam-kuen, had given rise to allegations of interference with judicial independence, as reported in the press. Although the Department of Justice had issued a press release on the matter, he considered that CS should be requested to give a full explanation.

7. The Deputy Chairman said that he would raise an oral question on the matter in Council. He suggested that Members should first consider the reply given by the Administration in response to his oral question before deciding whether any further follow-up should be made by relevant Panel(s) or the issue taken up with CS. Members raised no objection.

III. Business arising from previous Council meetings

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

Peak Tramway (Amendment) Bill 2013
(*LC Paper No. LS2/13-14*)

8. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the report prepared by the Legal Service Division on the Bill.

9. The Deputy Chairman considered that the long term arrangements for the operation of the Peak Tramway should be worked out as early as possible. He suggested that a Bills Committee be formed to study the Bill in detail. Members agreed. Mr Ronny TONG, Mr Frankie YICK, Dr Kenneth CHAN and Mr TANG Ka-piu agreed to join the Bills Committee.

(b) **Legal Service Division report on subsidiary legislation gazetted on 4 October 2013 and tabled in Council on 9 October 2013**
(*LC Paper No. LS3/13-14*)

10. At the invitation of the Chairman, LA briefed Members on the four items of subsidiary legislation (i.e. L.N. 147 to L.N. 150) which were gazetted on 4 October 2013 and tabled in Council on 9 October 2013.

11. Regarding the Post Office (Amendment) Regulation 2013 (L.N. 147), Mr TANG Ka-piu considered it necessary to form a subcommittee to study it in detail. Members agreed. Mr KWOK Wai-keung, Dr Elizabeth QUAT and Mr TANG Ka-piu agreed to join the subcommittee.

12. As regards the three Orders made under section 49(1A) of the Inland Revenue Ordinance (Cap. 112) to give effect to agreements for avoidance of double taxation and prevention of fiscal evasion with respect to taxes on income (L.N. 148 to L.N. 150), Mr James TO considered it necessary to form a subcommittee to study them in detail. Members agreed. Mr TO agreed to join the proposed subcommittee.

IV. Further business for the Council meeting of 16 October 2013

Tabling of papers

Report No. 1/13-14 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

(LC Paper No. CB(2)14/13-14 issued vide LC Paper No. CB(3)41/13-14 dated 10 October 2013)

13. The Chairman said that the Report covered five items of subsidiary legislation, the period for amendment of which would expire on 16 October 2013. Upon the expiry of the deadline, no Member had indicated an intention to speak on the subsidiary legislation.

V. Business for the Council meeting of 23 October 2013

(a) Questions

(LC Paper No. CB(3)35/13-14)

14. The Chairman said that 22 questions (six oral and 16 written) had been scheduled for the meeting.

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

Air Pollution Control (Amendment) (No. 2) Bill 2013

15. The Chairman informed Members that HC would consider the Bill at its meeting on 25 October 2013.

(c) Government motion

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

(d) Members' motions

(i) Motion on "Reviewing the functions of the Securities and Futures Commission" to be moved by Hon Tommy CHEUNG

(Wording of the motion issued vide LC Paper No. CB(3)37/13-14 dated 9 October 2013)

- (ii) **Motion on "Expeditiously formulating long-term planning for the tourism industry" to be moved by Hon YIU Si-wing**

(Wording of the motion issued vide LC Paper No. CB(3)36/13-14 dated 9 October 2013)

17. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above motions was Wednesday, 16 October 2013.

VI. Report of Bills Committees and subcommittees

Report of the Bills Committee on Professional Accountants (Amendment) Bill 2013

(LC Paper No. CB(1)11/13-14)

18. Mr Charles MOK, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Mr MOK highlighted that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting of 30 October 2013, and on behalf of the Bills Committee, he would move Committee stage amendments ("CSAs") to the Bill to make certain technical amendments.

19. The Chairman reminded Members that the deadline for giving notice of CSAs, if any, was Monday, 21 October 2013.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)13/13-14)

20. The Chairman said that as at 10 October 2013, there were nine Bills Committees, eight subcommittees under HC (i.e. five subcommittees on subsidiary legislation, one subcommittee on policy issues and two subcommittees on other Council business) and seven subcommittees on policy issues under Panels in action. Four subcommittees on policy issues under Panels were on the waiting list.

VIII. Any other business

Guest Day Lunch

21. The Chairman said that it was reported in the media that foie gras was on a menu for Guest Day Lunch. He asked the Secretary General ("SG") whether he wished to clarify the matter. SG explained that the menus offered by the caterers had never included foie gras, shark's fin or similar dishes. The misunderstanding arose possibly because one of the caterers' Chinese name (法國鵝肝專門店) contained the words foie gras. SG added that given the budget, expensive food items were not included.

22. Mr MA Fung-kwok said that he had received an enquiry from a web radio station regarding possible transfer of benefits to Members if the Hong Kong Jockey Club ("HKJC") offered catering services for Guest Day Lunches at a price lower than that for its members.

23. Ms Cyd HO said that she had received a similar enquiry from the same web radio station. She considered that the Secretariat should clarify as soon as possible whether HKJC had offered catering services for Guest Day Lunches at a price lower than that for its members.

24. Mr LEUNG Kwok-hung said that the best way to select caterers was by open tender and Members should bear the administrative cost for the catering services.

25. Ms Claudia MO expressed concern that using the caterer whose name contained the words foie gras, albeit foie gras was not on its menu, would reflect negatively on LegCo. She suggested that other caterers should be used instead.

26. Ms Emily LAU said that the Secretariat should clarify any incorrect media reports as early as possible. She was against the consumption of foie gras and shark's fin, and suggested that more vegetarian dishes be included.

27. At the invitation of the Chairman, SG said that to provide Members with as wide a choice as possible in terms of food and prices, eight caterers, which included a large catering group, hotels, a private club, small and medium size catering companies, as well as two social enterprises, had been selected. SG further said that more than one private clubs had been invited to submit quotations for providing catering services for Guest Day Lunches, but only HKJC provided a quotation.

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As to whether the price offered by HKJC for Guest Day Lunches was lower than that for its members, SG said that he was not in a position to answer on behalf of HKJC. SG added that the Secretariat welcomed Members' views on the choice of caterers and would review the list of caterers from time to time.

28. There being no other business, the meeting ended at 2:51 pm.

Council Business Division 2
Legislative Council Secretariat
17 October 2013