

立法會
Legislative Council

LC Paper No. CB(4)176/15-16
(These minutes have been seen
by the Administration and the
Judiciary Administration.)

Ref: CB4/SS/17/14

**Subcommittee on Rules of the High Court (Amendment) Rules 2015
(Commencement) Notice and Five Items of Subsidiary Legislation Related
to Competition Ordinance Gazetted on 17 July 2015**

**Minutes of the first meeting held on
Thursday, 22 October 2015, at 11:00 am
in Conference Room 2B of the Legislative Council Complex**

Members present : Hon Andrew LEUNG Kwan-yuen, GBS, JP (Chairman)
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon Cyd HO Sau-lan, JP
Hon Dennis KWOK
Hon SIN Chung-kai, SBS, JP
Hon Martin LIAO Cheung-kong, SBS, JP

**Public Officers
attending** : **Agenda item II**

The Administration

Commerce and Economic Development Bureau

Ms Carol YUEN, JP
Deputy Secretary for Commerce and Economic
Development (Commerce and Industry) 1

Mr Sam HUI
Principal Assistant Secretary for Commerce and
Economic Development (Commerce and Industry)

Department of Justice

Ms Phyllis POON
Senior Government Counsel

Office of the Communications Authority

Mr Sanda CHEUK
Assistant Director (Market and Competition)

Mr Benson CHENG
Head, Legal and Enforcement Support (Acting)

Judiciary Administration

Ms Wendy CHEUNG
Assistant Judiciary Administrator (Development)

**Related
organization**

: Agenda item II

Competition Commission

Ms Rose WEBB
Senior Executive Director

Mr Philip MONAGHAN
Executive Director (General Counsel)

Mr Rasul BUTT
Executive Director (Corporate Services and
Public Affairs)

Clerk in attendance : Ms Debbie YAU
Chief Council Secretary (4)5

Staff in attendance : Mr Timothy TSO
Senior Assistant Legal Adviser 1

Ms Shirley TAM
Senior Council Secretary (4)5

Ms Lauren LI
Council Secretary (4)5

Ms Zoe TONG
Legislative Assistant (4)5

Action

I. Election of Chairman

Election of Chairman

Mr Jeffrey LAM, the member with the highest precedence among those present at the meeting, presided over the election of the Chairman of the Subcommittee. Mr LAM invited nominations for the chairmanship of the Subcommittee.

2. Mr Andrew LEUNG was nominated by Mr Dennis KWOK and the nomination was seconded by Mr Martin LIAO. Mr Andrew LEUNG accepted the nomination. There being no other nomination, Mr LEUNG was declared Chairman of the Subcommittee.

3. Members agreed that there was no need to elect a Deputy Chairman.

II. Meeting with the Administration, the Judiciary Administration and the Competition Commission

(L.N. 160 of 2015	— Rules of the High Court (Amendment) Rules 2015 (Commencement) Notice
L.N. 156 of 2015	— Competition Ordinance (Commencement) (No. 2) Notice 2015
L.N. 157 of 2015	— Competition Tribunal Rules (Commencement) Notice
L.N. 158 of 2015	— Competition Tribunal Fees Rules (Commencement) Notice

Action

- L.N. 159 of 2015 — Competition Tribunal Suitors' Funds Rules (Commencement) Notice
- L.N. 155 of 2015 — Competition (Fees) Regulation
- File Ref.: CITB CR 05/62/43/9 — Legislative Council Brief issued by Commerce and Economic Development Bureau on Competition Ordinance (Cap. 619) Competition (Fees) Regulation
- File Ref.: CITB CR 05/62/25/14 — Legislative Council Brief issued by Commerce and Economic Development Bureau on Competition Ordinance (Cap. 619) Competition Ordinance (Commencement) (No. 2) Notice 2015
- LC Paper No. LS77/14-15 — Legal Service Division Report on Subsidiary Legislation Gazetted on 17 July 2015
- LC Paper No. CB(4)44/15-16(01) — Background brief prepared by the Legislative Council Secretariat)

Previous paper issued

- (File Ref.: SC/CR/19/1/11) — Legislative Council Brief issued by Judiciary Administration on Competition Ordinance (Cap. 619) High Court Ordinance (Cap. 4) Competition Tribunal Rules, Rules of the High Court (Amendment) Rules 2015, Competition Tribunal Fees Rules and Competition Tribunal Suitors' Funds Rules)

ActionDeclaration of interest

4. The Chairman declared that he was a member of the Competition Commission.

Discussion

5. The Subcommittee deliberated (index of proceedings attached at **Annex**).

6. The Subcommittee noted that in response to its request, the Administration undertook to review the levels of fees in light of implementation experience.

III. Any other businessLegislative timetable

7. The Chairman concluded that the Subcommittee had completed scrutiny of the six items of subsidiary legislation. Members noted that the Subcommittee would report its deliberations to the House Committee on 30 October 2015. The scrutiny period of the six items of subsidiary legislation would expire on 11 November 2015, and the deadline for giving notice to move amendments to them was 4 November 2015.

8. There being no other business, the meeting ended at 11:55 am.

Council Business Division 4
Legislative Council Secretariat
5 November 2015

**Proceedings of the first meeting of
the Subcommittee on Rules of the High Court (Amendment) Rules 2015 (Commencement) Notice and
Five Items of Subsidiary Legislation Related to Competition Ordinance Gazetted on 17 July 2015
on Thursday, 22 October 2015, at 11:00 am
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Agenda item I – Election of Chairman			
000519 – 000706	Mr Jeffrey LAM Mr Dennis KWOK Mr Martin LIAO Mr Andrew LEUNG	Election of Chairman	
000707 – 000755	Chairman	Declaration of interest	
Agenda item II – Meeting with the Administration			
000756 – 001258	Chairman Administration	Briefing by the Administration on the subsidiary legislation	
001259 – 002759	Mr SIN Chung-kai Mr WONG Ting-kwong Administration Chairman Competition Commission ("the Commission")	Discussion on the levels of fees to be charged for applications set out in the Competition (Fees) Regulation ("C(F)R"), the criteria to be considered by the Commission in exercising the discretion to reduce, waive or refund the fees, and binding effect of the free consultation advice provided by the Commission	
002800 – 003234	Senior Assistant Legal Adviser 1 ("SALA1") Administration	SALA1 drew members' attention to the different charging mechanisms in relation to the applications made to the Commission and the Communications Authority ("CA").	
003235 – 003843	Mr Martin LIAO Chairman Judiciary Administration	Discussion on the costs of proceedings in relation to the Competition Tribunal. The Chairman considered that the matter was outside the scope of the subsidiary legislation under scrutiny.	
003844 – 004628	Ms Cyd HO Chairman Administration Commission	Discussion on the upfront payment to the Commission on specified applications under C(F)R and the impact on small and medium enterprises In response to Ms Cyd HO's request, the Administration undertook to review the levels of fees in light of implementation experience.	
004629 – 004740	SALA1	SALA1 drew members' attention that as the Commission was given the discretion to reduce, waive or refund the fees of applications while CA was not, the same type of applications made to these bodies might have different charging implications.	

Time marker	Speaker	Subject(s)	Action required
004741 – 005454	Chairman Administration	<u>Examination of the provisions</u> The Chairman suggested and members agreed to examine the provisions of C(F)R only as the other five items of subsidiary legislation were just about the date of commencement. <u>C(F)R</u> Members did not raise any question.	
Agenda item III – Any other business			
005455 – 005532	Chairman	Legislative timetable Closing remarks	