

立法會
Legislative Council

LC Paper No. CB(2) 2235/03-04

Ref : CB2/H/5

House Committee of the Legislative Council

**Minutes of the 23rd meeting
held in the Legislative Council Chamber
at 3:15 pm on Friday, 30 April 2004**

Members present :

Hon Miriam LAU Kin-yee, JP (Chairman)
Hon Fred LI Wah-ming, JP (Deputy Chairman)
Hon Kenneth TING Woo-shou, JP
Hon James TIEN Pei-chun, GBS, JP
Dr Hon David CHU Yu-lin, JP
Hon Cyd HO Sau-lan
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, JP
Hon Martin LEE Chu-ming, SC, JP
Dr Hon LUI Ming-wah, JP
Hon NG Leung-sing, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon CHAN Yuen-han, JP
Hon Bernard CHAN, JP
Hon CHAN Kam-lam, JP
Hon LEUNG Yiu-chung
Hon Andrew WONG Wang-fat, JP
Hon WONG Yung-kan
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Dr Hon YEUNG Sum
Hon LAU Kong-wah, JP
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo
Hon SZETO Wah
Hon Timothy FOK Tsun-ting, SBS, JP

Dr Hon LAW Chi-kwong, JP
Dr Hon TANG Siu-tong, JP
Hon Abraham SHEK Lai-him, JP
Hon LI Fung-ying, JP
Hon Henry WU King-cheong, BBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Hon Albert CHAN Wai-yip
Dr Hon LO Wing-lok, JP
Hon WONG Sing-chi
Hon Frederick FUNG Kin-kee
Hon IP Kwok-him, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon MA Fung-kwok, JP

Members absent :

Hon LEE Cheuk-yan
Dr Hon Eric LI Ka-cheung, GBS, JP
Dr Hon David LI Kwok-po, GBS, JP
Hon HUI Cheung-ching, JP
Hon CHAN Kwok-keung, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon SIN Chung-kai
Dr Hon Philip WONG Yu-hong, GBS
Hon YEUNG Yiu-chung, BBS
Hon LAU Chin-shek, JP
Hon LAU Wong-fat, GBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon LEUNG Fu-wah, MH, JP
Hon LAU Ping-cheung

Clerk in attendance :

Mrs Justina LAM	Clerk to the House Committee
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Staff in attendance :

Mr Ricky C C FUNG, JP	Secretary General
Mr Jimmy MA, JP	Legal Adviser
Ms Pauline NG	Assistant Secretary General 1
Mr Ray CHAN	Assistant Secretary General 3
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2

Mrs Vivian KAM	Principal Council Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Mrs Constance LI	Chief Council Secretary (2)5
Miss Anita HO	Assistant Legal Adviser 2
Mr Stephen LAM	Assistant Legal Adviser 4
Miss Lolita SHEK	Senior Council Secretary (2)7

Action

I. Confirmation of the minutes of the 22nd meeting held on 23 April 2004
(LC Paper No. CB(2) 2156/03-04)

The minutes were confirmed.

II. Matters arising

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

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)

Revenue Bill 2004
(LC Paper No. LS 72/03-04)

3. The Legal Adviser explained that the Bill sought to amend the Inland Revenue Ordinance (Cap. 112) in order to implement certain revenue-related proposals announced by the Financial Secretary (FS) in the 2004-05 Budget -

- (a) to extend the scope of profits tax deduction to cover research and development expenses from 1 April 2004; and
- (b) to extend the five-year salaries tax deduction for home loan interest by a further two years from 1 April 2003.

4. The Legal Adviser said that no difficulties in relation to the legal and drafting aspects of the Bill had been identified.

5. The Legal Adviser said that subject to Members' views, the Bill was ready for resumption of Second Reading debate.

Action

6. Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(b) Legal Service Division report on subsidiary legislation gazetted on 23 April 2004 and tabled in Council on 28 April 2004
(LC Paper No. LS 71/03-04)

7. The Legal Adviser said that there were six items of subsidiary legislation, including one Commencement Notice, gazetted on 23 April 2004 and tabled in Council on 28 April 2004.

8. The Legal Adviser explained that five items of subsidiary legislation were related to the establishment of a new Tuen Mun Ferry Terminal for the operation of cross-boundary passenger ferry services to Macau and Mainland ports. Before the operation of the new ferry terminal, its boundaries and the restricted areas within the terminal had to be declared under the Shipping and Port Control Ordinance (Cap. 313). A place of detention had also to be designated within the new Tuen Mun Ferry Terminal. The Immigration (Places of Detention) Order (Cap. 115 sub. Leg. B) and the Immigration Service (Designated Places) Order (Cap. 331 sub. Leg. B) had to be amended. The commencement date of these five items of subsidiary legislation would be appointed by the Secretary for the Environment, Transport and Works by notice in the gazette.

9. The Legal Adviser said that the Panel on Transport was briefed on 30 January 2004 on the proposal to establish a new Tuen Mun Ferry Terminal. The Panel was generally in support of the proposal, although some members expressed concern about the fares.

10. The Legal Adviser added that no difficulties relating to the legal and drafting aspects of these subsidiary legislation had been identified.

11. On the Chemical Weapons (Convention) Ordinance (26 of 2003) (Commencement) Notice 2004, the Legal Adviser explained that the Secretary for Commerce, Industry and Technology appointed 18 June 2004 as the day on which the Chemical Weapons (Convention) Ordinance would come into operation.

12. Ms Cyd HO said that a Bills Committee had scrutinized the relevant Bill prior to its enactment, and members had noted that only a few institutions would be affected by the implementation of the Ordinance. As the commencement date had not been discussed by the Panel on Commerce and Industry, Ms HO suggested that the Legal Service Division should write to the Administration to seek confirmation that the affected institutions would be ready to comply with the provisions of the Ordinance when it came into operation. The Legal Adviser undertook to write to the Administration.

Action

13. The Chairman requested that the response from the Administration be circulated to Members when available.

14. Members did not raise further queries on the six items of subsidiary legislation.

15. The Chairman said that the deadline for amending these items of subsidiary legislation was 19 May 2004, or 16 June 2004, if extended by resolution.

IV. Further business for the Council meeting on 5 May 2004

Questions

(LC Paper No. CB(3) 550/03-04)

16. The Chairman said that Mr WONG Sing-chi had replaced his previous oral question.

V. Chief Executive's Question and Answer Session on 6 May 2004

17. The Chairman said that the Chief Executive (CE)'s Question and Answer Session would start at 3:00 pm on Thursday, 6 May 2004. She invited Members to give suggestions on topics for CE to answer questions on.

18. Ms Emily LAU suggested that questions be raised on "the talk of the town".

19. Ms Cyd HO suggested that CE should be requested to stay longer as there would be a lot of questions for him.

20. The Chairman said that she would convey Members' suggestions to CS at their meeting on Monday.

VI. Business for the Council meeting on 12 May 2004

(a) Questions

(LC Paper No. CB(3) 551/03-04)

21. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 12 May 2004.

Action

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

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

(c) **Government motion**

Proposed resolution to be moved by the Financial Secretary under the Loans Ordinance

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 539/03-04 dated 23 April 2004.)

(LC Paper No. LS 73/03-04)

23. The Legal Adviser explained that the proposed resolution sought LegCo's approval to authorize the Government to borrow, for the purposes of the Capital Works Reserve Fund established by resolutions passed under section 29 of the Public Finance Ordinance (Cap. 2), a sum or sums not exceeding in total \$20 billion or equivalent.

24. The Legal Adviser said that in his Budget Speech on 10 March 2004, FS announced that government bonds would be issued in order to raise capital revenue to fund infrastructure or other investment projects which would bring long-term economic benefits to Hong Kong.

25. Ms Emily LAU asked whether the Panel on Financial Affairs had been consulted on the proposed resolution. Assistant Secretary General 1 responded that while the Panel had been briefed on the Government's policy to continue the implementation of asset sale and securitization programme in general, it had not been consulted on the proposed resolution.

26. Ms Emily LAU said that a subcommittee should be formed to study the proposed resolution.

27. The Chairman proposed that a subcommittee be formed. Members agreed. Ms Emily LAU agreed to join. The Chairman added that the Secretariat would issue a circular to invite Members to join the subcommittee.

28. The Chairman said that FS would be requested to withdraw his notice for moving the proposed resolution.

(d) **Members' motions**

(i) **Motion on "The 4 June incident"**

(Wording of the motion issued vide LC Paper No. CB(3) 557/03-04 dated 28 April 2004.)

Action

(ii) **Motion on "Public housing rent policy"**

(Wording of the motion issued vide LC Paper No. CB(3) 564/03-04 dated 29 April 2004.)

29. The Chairman said that the above motions would be moved by Mr SZETO Wah and Mr LAU Ping-cheung respectively, and the wording of their motions had been issued to Members.

30. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 5 May 2004.

VII. Position on Bills Committees/subcommittees

(LC Paper No. CB(2) 2196/03-04)

31. The Chairman said that there were 15 Bills Committees and six subcommittees in action, as well as eight Bills Committees on the waiting list.

VIII. Report on the duty visit to study the food regulatory systems in Japan by the delegation of the Panel on Food Safety and Environmental Hygiene

(LC Paper No. CB(2) 2190/03-04)

32. Mr Fred LI, Chairman of the Panel and leader of the delegation, said that the delegation visited Japan from 15 to 21 January 2004 to study its food safety requirements and food regulatory systems. A detailed report on the visit was provided for Members' reference.

IX. Any other business

33. There being no other business, the meeting ended at 3:30 pm.

Council Business Division 2
Legislative Council Secretariat
5 May 2004