

立法會
Legislative Council

LC Paper No. CB(2) 1118/05-06

Ref : CB2/H/5/05

House Committee of the Legislative Council

**Minutes of the 13th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 10 February 2006**

Members present :

Hon Miriam LAU Kin-ye, GBS, JP (Chairman)
Hon Fred LI Wah-ming, JP (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP
Hon Martin LEE Chu-ming, SC, JP
Dr Hon LUI Ming-wah, SBS, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon CHAN Yuen-han, JP
Hon Bernard CHAN, JP
Hon CHAN Kam-lam, SBS, JP
Hon LEUNG Yiu-chung
Hon SIN Chung-kai, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Dr Hon YEUNG Sum
Hon LAU Kong-wah, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon LI Fung-ying, BBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Albert CHAN Wai-yip
Hon Frederick FUNG Kin-kee, JP

Mr Ray CHAN	Assistant Secretary General 3
Mr LEE Yu-sung	Senior Assistant Legal Adviser 1
Mrs Vivian KAM	Principal Council Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Ms Connie SZETO	Chief Council Secretary (1)6
Mrs Constance LI	Chief Council Secretary (2)5
Mrs Betty LEUNG	Chief Council Secretary (3)1
Miss Anita HO	Assistant Legal Adviser 2
Ms Connie FUNG	Assistant Legal Adviser 3
Mr Stephen LAM	Assistant Legal Adviser 4
Miss Betty MA	Senior Council Secretary (2)1
Miss Lolita SHEK	Senior Council Secretary (2)7

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I. Confirmation of the minutes of the 12th meeting held on 3 February 2006
(LC Paper No. CB(2) 1040/05-06)

The minutes were confirmed.

II. Matters arising

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

Number of Bills Committee slots

2. The Chairman said that she had informed CS that there were three vacant Bills Committee slots and reminded him that the Administration should introduce bills as soon as possible. CS had responded that the bill on interception of communications and covert surveillance might be introduced in the next eight to 10 days. The Chairman added that given the judgment delivered on 9 February 2006 by the High Court in respect of the legality of the Law Enforcement (Covert Surveillance Procedures) Order, it would be for the Panel on Security and the Administration to discuss how the matter should be followed up.

III. Business arising from previous Council meetings

- (a) **Legal Service Division report on subsidiary legislation gazetted on 27 January 2006 and tabled in Council on 8 February 2006**
(LC Paper No. LS 29/05-06)

Action

3. The Chairman said that only one item of subsidiary legislation, i.e. the Employment (Increase in Penalty for Offences under Section 63C) Ordinance 2006 (Commencement) Notice, was gazetted on 27 January 2006 and tabled in Council on 8 February 2006. The Chairman added that by this Notice, the Secretary for Economic Development and Labour had appointed 30 March 2006 as the day on which the Ordinance would come into operation.

4. Members did not raise any queries on this item of subsidiary legislation.

5. The Chairman reminded Members that the deadline for amending this item of subsidiary legislation was 8 March 2006, or 29 March 2006 if extended by resolution.

(b) Legal Service Division report on subsidiary legislation gazetted on 3 and 8 February 2006 and tabled in Council on 8 February 2006
(LC Paper No. LS 30/05-06)

6. Acting Legal Adviser said that one item of subsidiary legislation, i.e., the Road Traffic (Traffic Control) (Amendment) Regulation 2005 (Commencement Notice), was gazetted on 3 February 2006, and the following two items of subsidiary legislation to ban backyard poultry keeping were gazetted on 8 February 2006 –

(a) Waste Disposal Ordinance (Amendment of Fourth Schedule) Notice 2006; and

(b) Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) Regulation 2006.

7. Acting Legal Adviser added that the three items of subsidiary legislation had been tabled in Council on 8 February 2006.

8. Acting Legal Adviser informed Members that the Panel on Food Safety and Environmental Hygiene had been briefed on the legislative proposal to ban backyard poultry keeping at its meeting on 7 February 2006, and the Panel had expressed support for the proposal.

9. Acting Legal Adviser further informed Members that the two items of subsidiary legislation would come into operation on 13 February 2006. The Legal Service Division had raised some questions about the two items of subsidiary legislation with the Administration, and the Administration's response was annexed to the report.

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10. Mr Fred LI said that the Administration had not fully answered the questions raised by the Legal Service Division. A subcommittee should be formed to examine the two items of subsidiary legislation in detail. Mr WONG Yung-kan and Ms Emily LAU expressed support.

11. The Chairman proposed that a subcommittee should be formed to study the Waste Disposal Ordinance (Amendment of Fourth Schedule) Notice 2006 and the Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) Regulation 2006. Members agreed. The following Members agreed to join: Mr Fred LI, Mr CHEUNG Man-kwong, Mr WONG Yung-kan, Ms Emily LAU, Mr Andrew CHENG, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Daniel LAM, Mr Alan LEONG, Mr CHEUNG Hok-ming and Mr Albert CHENG.

12. The Chairman reminded Members that the deadline for amending these three items of subsidiary legislation was 8 March 2006, or 29 March 2006 if extended by resolution.

IV. Business for the Council meeting on 22 February 2006

(a) Questions

(LC Paper No. CB(3) 321/05-06)

13. The Chairman said that 20 written questions had been scheduled for the Council meeting, as the Financial Secretary (FS) would deliver his Budget speech.

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

The Administration has advised the Clerk to the Legislative Council that the Financial Secretary intends to present to the Council at the meeting:

(i) the Appropriation Bill 2006; and

(ii) the estimates of expenditure for the year ending 31 March 2007

14. The Chairman said that FS would deliver his Budget speech.

V. Reports of Bills Committees and subcommittees

(a) Report of the Bills Committee on Revenue (Profits Tax Exemption for Offshore Funds) Bill 2005

(LC Paper No. CB(1) 853/05-06)

15. Mr James TIEN, Chairman of the Bills Committee, said that the Bills Committee supported the Bill which aimed to reinforce the status of Hong Kong as an international financial centre and enhance Hong Kong's competitiveness vis-à-vis other international financial centres. The Bills Committee also supported the Administration's proposed Committee Stage amendments (CSAs).

16. Mr TIEN further said that the exemption provisions in the Bill would apply with retrospective effect to the year of assessment of 1996-97. Some members had suggested that, instead of applying the exemption provisions with retrospective effect, the Administration should consider providing an undertaking that it would not recover outstanding or liable profits tax from offshore funds since 1 April 1996. However, in view of the strong support of the fund industry for the proposal of applying the exemption provisions with retrospective effect, the practical difficulties in recovering profits tax from offshore funds in the past, and the likely substantial costs involved for recovering potential outstanding profits tax from offshore funds, the Bills Committee had no objection to the proposal. Mr TIEN added that the Bills Committee supported the resumption of the Second Reading debate on the Bill on 1 March 2006.

17. Mr SIN Chung-kai said that although Members belonging to the Democratic Party did not object to the Bill, they had strong reservations about applying the exemption provisions with retrospective effect.

18. The Chairman said that the deadline for giving notice of CSAs, if any, was Monday, 20 February 2006.

(b) Report on working poverty by the Subcommittee to Study the Subject of Combating Poverty

(LC Paper No. CB(2) 1002/05-06)

19. Mr Frederick FUNG, Chairman of the Subcommittee, said that the Subcommittee had conducted an in-depth study of working poverty and a report was provided for Members' consideration. Mr FUNG further said that the Subcommittee had studied a large amount of reference materials and received views from deputations before compiling the report.

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20. Mr FUNG drew Members' attention to the strategies and recommendations to alleviate working poverty and the summary of recommendations in Chapters 5 and 6 of the report. Mr FUNG pointed out that the Subcommittee comprised members from various political parties and groupings, and they had reached consensus on most of the recommendations.

21. Mr FUNG further said that he had given notice to move a motion on the Report for debate at the Council meeting on 15 February 2006. Mr Frederick FUNG added that the Subcommittee would invite the Commission on Poverty to a meeting to discuss the report.

22. Dr Fernando CHEUNG said that a delegation of the Subcommittee had visited the United Kingdom (UK) and Ireland to study the anti-poverty strategies of these two countries. The delegation was impressed by their political determination, long-term commitment and clear objectives in tackling the problem of poverty. Dr CHEUNG further said that the Subcommittee's report on working poverty and duty visit report contained concrete recommendations and useful materials on alleviating poverty. The House Committee should forward both reports to the Commission on Poverty for reference.

23. The Chairman said that the two reports would be forwarded formally to FS who was the Chairman of the Commission on Poverty.

(c) **Report of the Subcommittee to Study the Subject of Combating Poverty on its duty visit to study the anti-poverty strategy and measures in the United Kingdom and Ireland**
(LC Paper No. CB(2) 1001/05-06)

24. Mr Frederick FUNG, Chairman of the Subcommittee and leader of the delegation, said that a delegation of the Subcommittee visited UK and Ireland from 19 to 23 September 2005 to study the formulation and implementation of anti-poverty strategy and measures in these two countries. The delegation found the visit very useful, and the main findings and observations of the delegation were detailed in the report for Members' reference.

VI. Position on Bills Committees and subcommittees
(LC Paper No. CB(2) 1046/05-06)

25. The Chairman said that there were 11 Bills Committees and six subcommittees under House Committee in action.

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VII. Any other business

26. The Chairman reminded Members that a fire drill would be held immediately after the meeting.

27. There being no other business, the meeting ended at 2:46 pm.

Council Business Division 2
Legislative Council Secretariat
15 February 2005

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