

立法會
Legislative Council

LC Paper No. CB(2) 1911/07-08

Ref : CB2/H/5/07

House Committee of the Legislative Council

**Minutes of the 22nd meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 9 May 2008**

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
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon LEE Cheuk-yan
Hon Martin LEE Chu-ming, SC, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon CHAN Yuen-han, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon LEUNG Yiu-chung
Hon WONG Yung-kan, SBS, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
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 Timothy FOK Tsun-ting, GBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon LI Fung-ying, BBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Albert CHAN Wai-yip
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, JP
Hon LEE Wing-tat

Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mrs Pandora CHAN	Acting Principal Council Secretary (Complaints)
Mr Simon WONG	Chief Public Information Officer
Miss Odelia LEUNG	Chief Council Secretary (2)6
Mr Kelvin LEE	Assistant Legal Adviser 1
Ms Connie FUNG	Assistant Legal Adviser 3
Miss Winnie LO	Assistant Legal Adviser 7
Ms Amy YU	Senior Council Secretary (2)3
Mr Arthur KAN	Legislative Assistant (2)7

Action

I. Confirmation of the minutes of the 21st meeting held on 2 May 2008
(LC Paper No. CB(2) 1831/07-08)

The minutes were confirmed.

II. Matters arising

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

Attendance of the Financial Secretary (FS) at the Legislative Council meeting on Resumption of the Second Reading debate on the Appropriation Bill 2008

2. The Chairman said that she had conveyed to CS the points of dissatisfaction raised by Members at the last House Committee meeting, particularly the need for FS to listen to Members' views and the difference between the Appropriation Bill and other bills. She had also expressed her hope for the Administration to review its arrangements and make improvement in future.

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)

(i) Dutiable Commodities (Amendment) Bill 2008

(Letter dated 2 May 2008 from the Director of Administration on "Dutiable Commodities (Amendment) Bill 2008 and Dutiable Commodities (Amendment) (No. 2) Bill 2008" (LC Paper No. CB(2) 1832/07-08(01))
(LC Paper No. LS 79/07-08)

Action

3. The Chairman said that the Bill sought to amend the Dutiable Commodities Ordinance to lower the rates of duty on two types of liquors to 0% and provide for related matters.

4. At the invitation of the Chairman, Legal Adviser (LA) said that the Legal Service Division had studied the drafting aspects of the Bill and considered these in order.

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

(ii) Dutiable Commodities (Amendment) (No. 2) Bill 2008
(LC Paper No. LS 80/07-08)

6. The Chairman said that the Bill, which was related to the Dutiable Commodities (Amendment) Bill 2008, provided for the suspension of the licensing/permit arrangements hitherto required for import/export, storage, manufacturing and movement of the selected alcoholic liquors for the purpose of duty collection.

7. In response to the Chairman, LA said that he had nothing to add to the Legal Service Division report.

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

(iii) Revenue Bill 2008
(LC Paper No. LS 82/07-08)

9. The Chairman said that the Bill sought to amend the Inland Revenue Ordinance and the Hotel Accommodation Tax Ordinance to give effect to some of the proposals in the 2008-2009 Budget, including the proposals to lower the standard rate and the corporate tax rate.

10. The Chairman added that the Legal Service Division was seeking clarification from the Administration on some technical issues, and would submit a further report after the receipt of the Administration's reply.

11. Mr LEE Cheuk-yan considered it necessary to form a Bills Committee to study the Bill.

12. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Mr Albert HO, Mr LEE Cheuk-yan and Ms Emily LAU.

Action

13. The Chairman said that as there were vacant slots, the Bills Committee could commence work immediately.

(b) **Legal Service Division report on subsidiary legislation gazetted on 2 May 2008 and tabled in Council on 7 May 2008**
(LC Paper No. LS 78/07-08)

14. The Chairman said that a total of 10 items of subsidiary legislation, including one Commencement Notice, were gazetted on 2 May 2008 and tabled in the Council on 7 May 2008.

15. Regarding the Fugitive Offenders (Ireland) Order, the Chairman said that it sought to apply as between Hong Kong and Ireland the procedures for the surrender of fugitive offenders set out in the Fugitive Offenders Ordinance. The Order was made in consequence of the arrangements for the surrender of fugitive offenders entered into by Hong Kong and Ireland and signed in Dublin on 5 October 2007.

16. Mr James TO considered it necessary to form a subcommittee to study the Order.

17. The Chairman proposed that a subcommittee be formed to study the Order in detail. Members agreed. The following Members agreed to join: Ms Margaret NG, Mr James TO and Ms Miriam LAU.

18. As regards the Pension Benefits Ordinance (Established Offices) (Amendment) (No. 2) Order 2008, the Chairman said that it sought to include Model Scale 1 (MOD 1) grades as established offices so as to enable MOD 1 staff to become Category A officers (i.e. officers appointed to and confirmed in established offices). MOD 1 staff were currently Category B officers (i.e. officers who held non-established offices).

19. The Chairman further said that the Panel on Public Service had been consulted on the legislative proposals, and had received views from the relevant staff associations at its meeting on 21 April 2008.

20. Mr LEE Cheuk-yan considered it necessary to form a subcommittee to study the Order as divergent views had been expressed at the meeting of the Panel.

21. The Chairman proposed that a subcommittee be formed to study the Order in detail. Members agreed. The following Members agreed to join: Mr LEE Cheuk-yan, Ms LI Fung-ying, Ms Audrey EU and Mr KWONG Chi-kin.

Action

22. Members did not raise any queries on the other eight items of subsidiary legislation.

23. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 4 June 2008.

IV. Further business for the Council meeting on 14 May 2008

Members' motions

Proposed resolution to be moved by Hon CHAN Kam-lam under section 34(4) of the Interpretation and General Clauses Ordinance relating to six items of subsidiary legislation

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 595/07-08 dated 7 May 2008.)

24. The Chairman said that Mr CHAN Kam-lam, Chairman of the Subcommittee to Study Six Items of Subsidiary Legislation under the Trade Descriptions Ordinance Gazetted on 18 April 2008, would move a motion at the Council meeting to extend the scrutiny period of the six items of subsidiary legislation to 11 June 2008.

V. Business for the Council meeting on 21 May 2008

(a) Questions

(LC Paper No. CB(3) 590/07-08)

25. 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

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

(c) Government motion

Proposed resolution to be moved by the Secretary for Security under the Mutual Legal Assistance in Criminal Matters Ordinance relating to the Mutual Legal Assistance in Criminal Matters (Finland) Order

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 581/07-08 dated 2 May 2008.)

(LC Paper No. LS 81/07-08)

Action

27. The Chairman said that the motion was for seeking the approval of the Legislative Council (LegCo) for the Mutual Legal Assistance in Criminal Matters (Finland) Order. The Order was made in consequence of the arrangement between the Hong Kong Special Administrative Region Government and the Government of the Republic of Finland signed on 4 October 2007. It specified the scope and procedures in relation to the provision of mutual legal assistance in criminal matters, and provided for safeguard for persons involved in criminal proceedings.

28. Mr James TO considered it necessary to form a subcommittee to study the proposed resolution.

29. The Chairman proposed that a subcommittee be formed to study the proposed resolution in detail. Members agreed. The following Members agreed to join: Ms Margaret NG, Mr James TO and Ms Miriam LAU.

30. The Chairman said that the Administration would be requested to withdraw its notice for moving the proposed resolution.

(d) **Members' motions**

(i) **Motion on "Complementary measures for moving towards universal suffrage"**

(Wording of the motion issued vide LC Paper No. CB(3) 594/07-08 dated 7 May 2008.)

(ii) **Motion on "Inclusion of general holidays as statutory holidays"**

(Wording of the motion issued vide LC Paper No. CB(3) 593/07-08 dated 7 May 2008.)

31. The Chairman said that the above motions would be moved by Mr Ronny TONG and Mr LEE Cheuk-yan respectively, and the wording of the motions had been issued to Members.

32. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 14 May 2008.

VI. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 1833/07-08)

33. The Chairman said that there were 15 Bills Committees, 12 subcommittees under the House Committee and five subcommittees under Panels in action. She added that there was one subcommittee on policy issue on the waiting list.

Action

VII. Any other business

LegCo Fun Day

34. The Chairman reminded Members that the LegCo Fun Day for the Third LegCo would be held at 5:00 pm after the Finance Committee meeting. She said that so far, 26 Members had indicated that they would participate in the event at which Members and LegCo-beat reporters would enjoy an evening of fun and joy. She appealed to Members and LegCo-beat reporters to join the event.

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

Council Business Division 2
Legislative Council Secretariat
15 May 2008

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