

立法會
Legislative Council

LC Paper No. CB(2) 2145/07-08

Ref : CB2/H/5/07

House Committee of the Legislative Council

**Minutes of the 25th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 30 May 2008**

Members present :

Hon Fred LI Wah-ming, JP (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Hon Albert HO Chun-yan
Hon Martin LEE Chu-ming, SC, JP
Dr Hon David LI Kwok-po, GBM, GBS, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon James TO Kun-sun
Hon CHAN Yuen-han, SBS, JP
Hon Bernard CHAN, GBS, JP
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Dr Hon YEUNG Sum, 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 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 Frederick FUNG Kin-kee, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, JP
Hon LEE Wing-tat
Dr Hon Joseph LEE Kok-long, JP

Hon Daniel LAM Wai-keung, SBS, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki
Dr Hon Fernando CHEUNG Chiu-hung
Hon CHEUNG Hok-ming, SBS, JP
Hon CHIM Pui-chung
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Albert Jinghan CHENG, JP
Hon KWONG Chi-kin
Hon TAM Heung-man
Hon Mrs Anson CHAN, GBM, JP

Members absent :

Hon Miriam LAU Kin-yee, GBS, JP (Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon LEE Cheuk-yan
Dr Hon LUI Ming-wah, SBS, JP
Hon CHEUNG Man-kwong
Hon LEUNG Yiu-chung
Hon SIN Chung-kai, SBS, JP
Hon LAU Chin-shek, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Albert CHAN Wai-yip
Hon WONG Kwok-hing, MH
Hon LI Kwok-ying, MH, JP
Hon LEUNG Kwok-hung
Hon WONG Ting-kwong, BBS
Hon Ronny TONG Ka-wah, SC

Clerk in attendance :

Mrs Vivian KAM Clerk to the House Committee

Staff in attendance :

Mr Ricky C C FUNG, JP	Secretary General
Mr Arthur CHEUNG	Acting Legal Adviser
Ms Pauline NG	Assistant Secretary General (Special Duty)
Mrs Constance LI	Assistant Secretary General 1

Mrs Justina LAM	Assistant Secretary General 3
Mr LEE Yu-sung	Senior Assistant Legal Adviser 1
Mrs Pandora CHAN	Acting Principal Council Secretary (Complaints)
Mr Simon WONG	Chief Public Information Officer
Ms YUE Tin-po	Chief Council Secretary (1)3
Miss Polly YEUNG	Chief Council Secretary (1)5
Ms Connie SZETO	Chief Council Secretary (1)6
Miss Odelia LEUNG	Chief Council Secretary (2)6
Ms Connie FUNG	Assistant Legal Adviser 3
Mr Stephen LAM	Assistant Legal Adviser 4
Miss Kitty CHENG	Assistant Legal Adviser 5
Mr KAU Kin-wah	Assistant Legal Adviser 6
Ms Amy YU	Senior Council Secretary (2)3
Mr Arthur KAN	Legislative Assistant (2)7

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I. Confirmation of the minutes of the 24th meeting held on 23 May 2008
(LC Paper No. CB(2) 2060/07-08)

The minutes were confirmed.

II. Matters arising

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

Attendance by CS at House Committee meeting

2. The Deputy Chairman said that in response to the Chairman, CS suggested that the Director of Administration should consult the Secretary General to fix a date for his attendance at a House Committee meeting. The Deputy Chairman added that Members would be informed once the date had been fixed.

The Chief Executive (CE)'s Question and Answer Session

3. The Deputy Chairman said that in response to the Chairman, CS confirmed that he had relayed Members' request to CE concerning the date of the fourth Question and Answer Session.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 23 May 2008 and tabled in Council on 28 May 2008

(LC Paper No. LS 88/07-08)

4. The Deputy Chairman said that a total of two items of subsidiary legislation were gazetted on 23 May 2008 and tabled in the Council on 28 May 2008.

5. Members did not raise any queries on these two items of subsidiary legislation.

6. The Deputy Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 25 June 2008.

IV. Further business for the Council meeting on 4 June 2008

(a) **Questions**

(LC Paper No. CB(3) 663/07-08)

7. The Deputy Chairman said that Mr SIN Chung-kai had withdrawn his oral question and the slot had been taken up by Mr Frederick FUNG. The slot originally allocated to Mr Frederick FUNG for written question had been taken up by Mr WONG Kwok-hing. Mr CHEUNG Hok-ming and Miss CHOY So-yuk had replaced their written questions.

(b) **Members' motions**

Proposed resolution to be moved by Hon Audrey EU Yuet-mee under section 34(4) of the Interpretation and General Clauses Ordinance relating to the Sewage Services (Trade Effluent Surcharge) (Amendment) Regulation 2008

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 668/07-08 dated 27 May 2008.)

8. The Deputy Chairman said that Ms Audrey EU, Chairman of the Subcommittee on Sewage Services (Trade Effluent Surcharge) (Amendment) Regulation 2008, would move a motion at the Council meeting to extend the scrutiny period of the Regulation to 2 July 2008.

V. Business for the Council meeting on 11 June 2008

(a) **Questions**

(LC Paper No. CB(3) 664/07-08)

9. The Deputy 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**

10. The Deputy Chairman said that no notice had been received yet.

(c) **Government motion**

11. The Deputy Chairman said that no notice had been received yet.

(d) **Members' motions**

(i) **Motion on "Providing food and nutrition support to the grassroots"**

(Wording of the motion issued vide LC Paper No. CB(3) 674/07-08 dated 29 May 2008.)

(ii) **Motion on "Implementation of 'one country, two systems'"**

(Wording of the motion issued vide LC Paper No. CB(3) 673/07-08 dated 29 May 2008.)

12. The Deputy Chairman said that the above motions would be moved by Mr KWONG Chi-kin and Mr Martin LEE respectively, and the wording of the motions had been issued to Members.

13. The Deputy Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Tuesday, 3 June 2008.

VI. Report of Bills Committees and subcommittees

(a) **Report of the Bills Committee on Mandatory Provident Fund Schemes (Amendment) (No. 2) Bill 2007**

(LC Paper No. CB(1) 1666/07-08)

14. Mr James TIEN, Chairman of the Bills Committee, reported that the Bills Committee had held nine meetings and had received the views of various deputations on the Bill.

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15. Mr TIEN elaborated that the Bills Committee generally supported the Bill which sought to improve the enforcement and operation of the Mandatory Provident Fund (MPF) System. Some members, however, had expressed grave concern on whether the proposed amendments could effectively plug the existing loopholes and had adequate deterrent effect.

16. Mr TIEN further reported that members were particularly concerned that some corporate employers had persisted in failing to make MPF contributions despite a court judgment on their liability for MPF payment. At the meeting on 9 May 2008, the Bills Committee agreed to move Committee Stage amendments (CSAs) to impose an evidential burden on the defendant director with a view to facilitating prosecution, and to hold the directors of a company personally liable for the unpaid contributions in specified circumstances. Mr TIEN added that he and Members belonging to the Liberal Party did not support the proposed CSAs. The CSAs would, therefore, be moved by Mr CHAN Kam-lam, Deputy Chairman of the Bills Committee.

17. Mr TIEN added that the Bills Committee had no objection to the proposed CSAs to be moved by the Administration, and supported the resumption of the Second Reading debate on the Bill at the Council meeting on 18 June 2008.

18. The Deputy Chairman reminded Members that the deadline for giving notice of CSAs was Saturday, 7 June 2008.

(b) Report of the Bills Committee on Domestic Violence (Amendment) Bill 2007

(LC Paper No. CB(2) 2097/07-08)

19. Dr Fernando CHEUNG, Chairman of the Bills Committee, reported that the Bill sought to extend the coverage of the Domestic Violence Ordinance to include persons of specified family relationships with a view to enhancing protection for victims of domestic violence.

20. Dr CHEUNG highlighted the major issues of concern raised by members, including the definition of the term "molest" and whether the scope of the Bill should be expanded to cover same sex cohabitants. He said that at the meeting on 27 May 2008, the Bills Committee had discussed the papers provided by the Administration on these two issues. To address members' concern, the Administration had agreed to extend the protection under the Domestic Violence Ordinance to include cohabitation between persons of the same sex. However, as the proposed amendment to the Ordinance in this regard would fall outside the scope of the Bill, it would have to be effected by way of a separate amendment bill. Accordingly, the Secretary for Labour and Welfare would, when moving the resumption of the Second Reading debate on

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the Bill, undertake that the Administration would introduce amendments to the Ordinance to include cohabitation between persons of the same sex at the earliest possible time in the next legislative session. The Bills Committee accepted such an arrangement.

21. Dr CHEUNG added that the Bills Committee supported the CSAs to be moved by the Administration and the resumption of the Second Reading debate on the Bill at the Council meeting on 18 June 2008.

22. The Deputy Chairman reminded Members that the deadline for giving notice of CSAs was Saturday, 7 June 2008.

(c) **Report of the Bills Committee on Buildings (Amendment) Bill 2007**

23. Mr KWONG Chi-kin, Chairman of the Bills Committee, reported that the Bills Committee in general supported the policy intent of the Bill to introduce a minor works control system to provide for a set of simplified statutory requirements for carrying out minor works with a view to enhancing building safety.

24. Mr KWONG elaborated that the Bills Committee had held 12 meetings. In the course of deliberations, the Bills Committee had raised concern on various issues, including the classification of minor works, qualifications required of persons carrying out minor works, procedures for notifying the Building Authority before commencement and upon completion of minor works, registration system for minor works contractors, validation scheme, liabilities of building owners and minor works contractors, and public education. Mr KWONG further said that the Administration had taken on board members' views and would move CSAs accordingly. The Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting on 18 June 2008.

25. Mr KWONG added that the Bills Committee would provide a written report at the next House Committee meeting.

26. The Deputy Chairman reminded Members that the deadline for giving notice of CSAs was Saturday, 7 June 2008.

(d) **Report of the Bills Committee on Trade Descriptions (Amendment) Bill 2007**

(LC Paper No. CB(1) 1670/07-08)

27. In his capacity as the Chairman of the Bills Committee, the Deputy Chairman reported that the Bills Committee supported the Bill which sought to enhance protection for consumers by prohibiting retailers from giving

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misleading price indications and making false or misleading representations to deceive consumers. The Bills Committee had held five meetings and had received views from deputations. He referred Members to the Bills Committee's report for details of its deliberations.

28. The Deputy Chairman further reported that to address various concerns raised by members, the Administration would move CSAs to -

- (a) provide explicitly that the definition of "trade description" covered information relating to the provision of spare parts;
- (b) refine the drafting to provide clearly that price signs must indicate the price of goods in a readily comprehensible manner; and
- (c) limit the application of the proposed section 13C(2) to representations made in connection with the supply or promotion of the supply of goods.

29. The Deputy Chairman added that the Bills Committee supported the CSAs to be moved by the Administration and would not propose any CSAs. The Bills Committee also supported the resumption of the Second Reading debate on the Bill at the Council meeting on 18 June 2008.

30. The Deputy Chairman reminded Members that the deadline for giving notice of CSAs was Saturday, 7 June 2008.

Meeting arrangement for the Council meeting on 18 June 2008

31. Noting that the resumption of the Second Reading debate on the above four Bills would take place at the Council meeting on 18 June 2008, Ms Emily LAU enquired about the meeting arrangement.

32. The Deputy Chairman said that apart from the resumption of the Second Reading debate on the four Bills, there would also be debates on two Members' motions with no legislative effect at that Council meeting. Should the business on the Agenda of that Council meeting unlikely be finished by midnight on 18 June 2008, the meeting would probably be suspended at about 10:00 pm and be resumed on the following day. The Deputy Chairman added that Members would be notified of the meeting arrangement as soon as practicable.

(e) Report of the Subcommittee to Study Six Items of Subsidiary Legislation under the Trade Descriptions Ordinance Gazetted on 18 April 2008

(LC Paper No. CB(1) 1665/07-08)

33. Mr CHAN Kam-lam, Chairman of the Subcommittee, reported that the Subcommittee had held four meetings and had received a total of eight submissions from 11 organizations/individuals. He referred Members to the Subcommittee's report for details of its deliberations.

34. Mr CHAN further reported that the Subcommittee supported the six items of subsidiary legislation to enhance protection for consumers in purchasing jewellery items and popular electronic products. The Subcommittee noted that the trade associations also welcomed early enactment of the subsidiary legislation to combat malpractices of the dishonest retailers and help boost citizens' and visitors' confidence in shopping in Hong Kong. Nonetheless, during the scrutiny of the subsidiary legislation, members had identified some issues relating to the requirements and implementation of the subsidiary legislation which were of concern to retailers in the relevant trades. After discussions, the Administration had taken on board members' views and would move the relevant amendments. The Subcommittee supported the proposed amendments.

35. The Deputy Chairman reminded Members that the deadline for giving notice of amendments to these items of subsidiary legislation, if any, was Tuesday, 3 June 2008.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 2061/07-08)

36. The Deputy Chairman said that there were 11 Bills Committees, 15 subcommittees under the House Committee and five subcommittees under Panels in action. He added that there was one subcommittee on policy issue on the waiting list.

VIII. Any other business

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