

立法會
Legislative Council

LC Paper No. CB(2) 783/09-10

Ref : CB2/H/5/09

House Committee of the Legislative Council

**Minutes of the 11th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 15 January 2010**

Members present :

Hon Miriam LAU Kin-yee, GBS, JP (Chairman)
Hon Fred LI Wah-ming, SBS, JP (Deputy Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon LEE Cheuk-yan
Dr Hon Margaret NG
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon LEUNG Yiu-chung
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon LAU Kong-wah, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, 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, SBS, JP
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
Dr Hon Joseph LEE Kok-long, SBS, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung

Hon CHEUNG Hok-ming, GBS, JP
Hon WONG Ting-kwong, BBS, JP
Hon CHIM Pui-chung
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon Starry LEE Wai-king
Dr Hon LAM Tai-fai, BBS, JP
Hon CHAN Hak-kan
Hon Paul CHAN Mo-po, MH, JP
Hon CHAN Kin-por, JP
Hon Tanya CHAN
Dr Hon Priscilla LEUNG Mei-fun
Hon CHEUNG Kwok-che
Hon WONG Kwok-kin, BBS
Hon WONG Yuk-man
Hon IP Wai-ming, MH
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Paul TSE Wai-chun
Dr Hon Samson TAM Wai-ho, JP

Members absent :

Hon Albert HO Chun-yan
Dr Hon David LI Kwok-po, GBM, GBS, JP
Hon Ronny TONG Ka-wah, SC
Dr Hon LEUNG Ka-lau
Hon WONG Sing-chi
Dr Hon PAN Pey-chyou

Clerk in attendance :

Mrs Vivian KAM Clerk to the House Committee

Staff in attendance :

Ms Pauline NG	Secretary General
Mr Jimmy MA, JP	Legal Adviser
Mrs Constance LI	Assistant Secretary General 1
Mrs Justina LAM	Assistant Secretary General 3
Mrs Percy MA	Assistant Secretary General (Special Duty)
Ms Connie FUNG	Senior Assistant Legal Adviser 1
Mrs Sharon TONG	Principal Council Secretary (Complaints)
Mr Simon WONG	Chief Public Information Officer

Miss Odelia LEUNG	Chief Council Secretary (2)6
Mr Timothy TSO	Assistant Legal Adviser 2
Mr KAU Kin-wah	Assistant Legal Adviser 6
Ms Amy YU	Senior Council Secretary (2)3
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)8

Action

**I. Confirmation of the minutes of the 10th meeting held on 8 January 2010
(LC Paper No. CB(2) 737/09-10)**

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.

Attendance of Government officials at debates on Members' motions without legislative effect

3. The Deputy Chairman expressed dissatisfaction that the Administration had not fielded any Government officials to attend the debate on the motion on "Releasing LIU Xiaobo" moved by him at the Council meeting on 13 January 2010 but had issued on the same day a press release to respond to the motion. He indicated that he would make a proposal for discussing the matter at the next House Committee meeting. In the meantime, CS should be requested to explain the reasons for not fielding any Government officials to attend the motion debate.

4. The Chairman invited Members' views on the Deputy Chairman's request.

5. Ms Audrey EU said that it was her understanding that the Deputy Chairman was concerned not only with the non-attendance of Government officials at the motion debate but also the issuance by the Administration of a press release on the motion.

6. The Chairman said that issues concerning the press release could be discussed in the context of the matter at the next House Committee meeting.

7. The Chairman said that as Members did not raise objection, she would relay the Deputy Chairman's request to CS.

III. Further business for the Council meeting on 20 January 2010

(a) **Questions**

(LC Paper No. CB(3) 339/09-10)

8. The Chairman said that Mr IP Kwok-him had replaced his oral question.

(b) **Bills - resumption of debate on Second Reading, Committee Stage and Third Reading**

(i) **Legal Practitioners (Amendment) Bill 2009**

(ii) **Telecommunications (Amendment) Bill 2009**

9. The Chairman said that the relevant Bills Committees on the two Bills had reported to the House Committee at the last meeting, and Members did not raise objection to the resumption of the Second Reading debates on the Bills.

IV. Business for the Council meeting on 27 January 2010

(a) **Questions**

(LC Paper No. CB(3) 338/09-10)

10. 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**

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

(c) **Government motion**

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

(d) **Members' motions**

(i) **Motion on "Select Committee to inquire into the interference with the professionalism of social workers on the part of the Secretary for Home Affairs and District Officer (Islands)"**

(Wording of the motion issued vide LC Paper No. CB(3) 346/09-10 dated 13 January 2010.)

13. The Chairman said that the above motion would be moved by Mr CHEUNG Kwok-che. She reminded Members that the speaking time limit was 15 minutes.

(ii) Motion to be moved by Hon Albert CHAN Wai-yip

14. The Chairman said that the subject of the motion to be moved by Mr Albert CHAN was "Actively resolving deep-rooted conflicts".

(iii) Motion to be moved by Hon WONG Yung-kan

15. The Chairman said that the subject of the motion to be moved by Mr WONG Yung-kan was "Promoting the development of fishing activities".

16. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 20 January 2010.

V. Report of Bills Committees and subcommittees

**(a) Report of the Bills Committee on Inland Revenue (Amendment)
(No. 2) Bill 2009**

(LC Paper No. CB(1) 878/09-10)

17. Mr CHAN Kam-lam, Chairman of the Bills Committee, reported on the deliberations of the Bills Committee as detailed in its report. He said that the Bill sought to improve the operation of the Board of Review and the administration of the Inland Revenue Ordinance. The Bills Committee had held four meetings with the Administration and had invited the public, including relevant organizations, to give views on the Bill.

18. Mr CHAN further reported that in response to members' concerns, the Administration would propose Committee Stage amendments (CSAs) to amend the time limit from six to two years for prosecution for an offence committed by a staff member of the Inland Revenue Department in breach of the secrecy provisions of the Ordinance.

19. Regarding the proposal in the Bill to allow a retired member of the Board of Review to handle a case that he had handled before under the three specified circumstances, Mr CHAN said that the Bills Committee noted that some members had reservations about the proposal and considered that the Administration should impose a statutory requirement for the Board of Review to obtain the prior consent of both parties before allowing a retired member to handle a case that he had handled before. He added that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting on 27 January 2010.

20. The Chairman reminded Members that the deadline for giving notice of CSAs, if any, was Monday, 18 January 2010.

(b) **Continuation of work of subcommittees on policy issues**
(LC Paper Nos. CB(2) 739/09-10 and CB(2) 763/09-10(01))

21. The Chairman said that the paper invited Members to give endorsement for the following three subcommittees on policy issues which commenced work in January or February 2009 to work beyond 12 months -

- (a) Subcommittee to Study Issues Relating to Mainland-HKSAR Families under the House Committee;
- (b) Subcommittee on Poverty Alleviation under the Panel on Welfare Services; and
- (c) Joint Subcommittee on Amendments to Land Titles Ordinance under the Panel on Development and Panel on Administration of Justice and Legal Services.

Subcommittee to Study Issues Relating to Mainland-HKSAR Families under the House Committee

22. Mr LEE Cheuk-yan, Chairman of the Subcommittee, explained the need for the continuation of work of the Subcommittee. He said that the Subcommittee had held eight meetings with the Administration since its appointment in January 2009. He referred Members to the Subcommittee's paper for details of the progress of its work.

23. Mr LEE further said that the Administration had indicated that it would revert to the Subcommittee on improvement measures to the One Way Permit and Two Way Permit Schemes to facilitate the reunion of Mainland residents with their families in Hong Kong and issues relating to arrangements for the use of obstetric services by Mainland women whose spouses were Hong Kong residents. As the Administration had yet to provide the response, the Subcommittee needed to hold further meetings to pursue these issues. He appealed to Members to support the proposed continuation of work of the Subcommittee in the 2009-2010 session.

24. Members agreed to the continuation of work of the Subcommittee.

Subcommittee on Poverty Alleviation under the Panel on Welfare Services

25. As Mr Frederick FUNG, Chairman of the Subcommittee, was not in the Chamber then, the Chairman referred Members to the Subcommittee's paper for details of the progress of its work and its proposal for continuation of work in the 2009-2010 session.

26. Members agreed to the continuation of work of the Subcommittee.

Action

Joint Subcommittee on Amendments to Land Titles Ordinance under the Panel on Development and Panel on Administration of Justice and Legal Services

27. Dr Margaret NG, Chairman of the Joint Subcommittee, explained the need for the continuation of work of the Joint Subcommittee. She said that the Joint Subcommittee was appointed in January 2009 to monitor the Administration's work on the preparation of amendments to the Land Titles Ordinance (LTO). The Joint Subcommittee had held six meetings and had received views from relevant organizations.

28. Dr NG further said that the Joint Subcommittee noted with grave concern at its initial meetings that upon revisiting the implications of the implementation of LTO, the Administration believed that under LTO's "Daylight Conversion" framework, from the conversion day the Government would be exposed to an "immediate and unquantifiable risk", the avoidance of which would necessitate changing the conversion mechanism. Members considered such significant amendments to LTO, which had yet to commence, unacceptable. At the request of the Joint Subcommittee, she had written on its behalf to the former Secretary for Housing, Planning and Lands and the incumbent Secretary for Development (SDEV) to seek a full explanation on the matter.

29. Dr NG elaborated that SDEV had subsequently made a reply and attended a meeting of the Joint Subcommittee to explain the matter. SDEV had undertaken to amend LTO within the framework of the "Daylight Conversion" mechanism and adopt risk management measures to cope with the liabilities arising from the automatic conversion mechanism in LTO. SDEV also assured the Joint Subcommittee that she would do her utmost to bring the legislation into operation as soon as possible and to ensure that the Land Registrar had the means to manage the risks in a prudent and effective manner for the benefit of the community. The Joint Subcommittee welcomed the Administration's decision.

30. Dr NG added that the major outstanding matters to be followed up by the Joint Subcommittee included financial measures to be adopted by the Administration, the proposed mechanism of "Registrar's caution against conversion", the proposed exceptions to the mandatory rectification rule and issues relating to determination of land boundaries. Given these outstanding matters, the Joint Subcommittee considered it necessary to continue its work for the remainder of the 2009-2010 session. She appealed to Members to support the proposed continuation of work of the Joint Subcommittee.

31. Members agreed to the continuation of work of the Joint Subcommittee.

Action

VI. Position on Bills Committees and subcommittees
(LC Paper No. CB(2) 738/09-10)

32. The Chairman said that there were three subcommittees on policy issues under the House Committee and seven subcommittees under Panels in action.

33. At the invitation of the Chairman, the Deputy Chairman, the most senior Member among Members on the tentative membership list of the Bills Committee on the Toys and Children's Products Safety (Amendment) Bill 2009, made a verbal report on the Bills Committee.

34. The Deputy Chairman said that at the House Committee meeting on 18 December 2009, Members agreed to form a Bills Committee to study the Bill. Upon the expiry of the deadline for signification of membership at 12:00 midnight on 13 January 2010, members who had originally indicated interest in joining the Bills Committee had decided otherwise, as the Bill involved mainly technical amendments and no problems in its legal and drafting aspects had been identified. He requested the House Committee to rescind its decision to form a Bills Committee in order that the Bill could be implemented early to enhance the safety standards for toys and children's products.

35. Ms Audrey EU said that she and Miss Tanya CHAN had originally indicated interest in joining the Bills Committee given the importance of ensuring the safety of toys. Subsequently, the Administration had contacted them to explain the legislative proposals. They accepted the Administration's views, and decided to withdraw from the Bills Committee.

36. Mr Jeffrey LAM said that he had not joined the Bills Committee as he had studied the legislative proposals which were technical in nature and sought to replace the existing safety standards for toys and children's products with the latest international standards. He supported the early implementation of the Bill.

37. Members agreed to rescind the earlier decision of the House Committee to form a Bills Committee to study the Bill. Members did not raise objection to the resumption of the Second Reading debate on the Bill.

38. The Chairman informed Members that there were six Bills Committees in action.

VII. Any other business

39. There being no other business, the meeting ended at 2:44 pm.