

立法會  
*Legislative Council*

LC Paper No. CB(2) 1713/10-11

Ref : CB2/H/5/10

**House Committee of the Legislative Council**

**Minutes of the 21st meeting  
held in the Legislative Council Chamber  
at 2:30 pm on Friday, 6 May 2011**

**Members present:**

Hon Miriam LAU Kin-ye, GBS, JP (Chairman)  
Hon Fred LI Wah-ming, SBS, JP (Deputy Chairman)  
Hon Albert HO Chun-yan  
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP  
Hon LEE Cheuk-yan  
Hon James TO Kun-sun  
Hon CHEUNG Man-kwong  
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP  
Hon LEUNG Yiu-chung  
Dr Hon Philip WONG Yu-hong, GBS  
Hon LAU Kong-wah, JP  
Hon LAU Wong-fat, GBM, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon Abraham SHEK Lai-him, SBS, JP  
Hon LI Fung-ying, SBS, JP  
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, GBS, JP  
Hon CHEUNG Hok-ming, GBS, JP  
Hon WONG Ting-kwong, BBS, JP  
Hon Ronny TONG Ka-wah, SC  
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, JP  
Hon Paul CHAN Mo-po, MH, JP  
Hon CHAN Kin-por, JP  
Dr Hon Priscilla LEUNG Mei-fun  
Dr Hon LEUNG Ka-lau  
Hon CHEUNG Kwok-che  
Hon WONG Sing-chi  
Hon WONG Kwok-kin, BBS  
Hon IP Wai-ming, MH  
Hon IP Kwok-him, GBS, JP  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Dr Hon PAN Pey-chyou  
Hon Paul TSE Wai-chun  
Dr Hon Samson TAM Wai-ho, JP  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Hon Tanya CHAN  
Hon Albert CHAN Wai-yip  
Hon WONG Yuk-man

**Members absent :**

Dr Hon David LI Kwok-po, GBM, GBS, JP  
Dr Hon Margaret NG  
Hon CHAN Kam-lam, SBS, JP  
Hon WONG Yung-kan, SBS, JP  
Hon Andrew CHENG Kar-foo  
Hon Tommy CHEUNG Yu-yan, SBS, JP  
Dr Hon LAM Tai-fai, BBS, JP  
Hon CHAN Hak-kan

**Clerk in attendance :**

Miss Odelia LEUNG                      Clerk to the House Committee

**Staff in attendance :**

Mrs Percy MA                              Acting Secretary General  
Mr Arthur CHEUNG                        Acting Legal Adviser  
Mrs Constance LI                         Assistant Secretary General 1

Mrs Justina LAM	Assistant Secretary General 3
Ms Connie FUNG	Senior Assistant Legal Adviser 1
Mr KAU Kin-wah	Senior Assistant Legal Adviser 3
Mr Stephen LAM	Principal Council Secretary (Complaints)
Mr Simon WONG	Chief Public Information Officer
Ms Amy YU	Chief Council Secretary (2)6
Miss Winnie LO	Assistant Legal Adviser 7
Mr YICK Wing-kin	Assistant Legal Adviser 8
Ms Clara TAM	Assistant Legal Adviser 9
Miss Evelyn LEE	Assistant Legal Adviser 10
Miss Josephine SO	Senior Council Secretary (2)7
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)8

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Action

**I. Confirmation of the minutes of the 20th meeting held on 15 April 2011  
(LC Paper No. CB(2) 1649/10-11)**

The minutes were confirmed.

**II. Matters arising**

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

Special House Committee meeting

2. The Chairman said that CS had proposed the holding of a special House Committee meeting on Friday, 20 May 2011, at 2:30 pm to answer questions from Members on the National 12th Five-Year Plan. The Chairman further said that should Members agree to the proposal, the regular meeting of the House Committee would be held immediately after the special meeting. Members agreed.

**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) Electoral Legislation (Miscellaneous Amendments) Bill  
2011  
(LC Paper No. LS 54/10-11)**

Action

3. The Chairman said that the Bill sought to introduce various changes to electoral and related arrangements for returning the Chief Executive ("CE"), Legislative Council Members, District Council ("DC") members and Village Representatives. The Panel on Constitutional Affairs had been consulted on the legislative proposals at three of its meetings in January, February and April 2011. Support for the proposals was mixed with reservations. She added that the Legal Service Division was continuing its scrutiny of the Bill.

4. Ms Emily LAU considered it necessary to form a Bills Committee to study the Bill in detail.

5. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Ms Miriam LAU, Ms Emily LAU, Ms Audrey EU, Mr LEE Wing-tat and Mr Alan LEONG.

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

**(ii) Inland Revenue (Amendment) (No. 3) Bill 2011**  
*(LC Paper No. LS 55/10-11)*

7. The Chairman said that the Bill sought to amend the Inland Revenue Ordinance (Cap. 112) to give effect to the Budget Speech and post Budget Speech proposals concerning tax concessions for salaries tax and tax under personal assessment.

8. 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 15 April 2011 and tabled in Council on 4 May 2011**  
*(LC Paper No. LS 51/10-11)*

9. The Chairman said that a total of two items of subsidiary legislation, including one Commencement Notice, were gazetted on 15 April 2011 and tabled in the Council on 4 May 2011.

10. Members did not raise any queries on the two items of subsidiary legislation.

11. The Chairman reminded Members that the deadline for amending the subsidiary legislation was 1 June 2011.

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- (c) **Legal Service Division report on subsidiary legislation gazetted on 29 April 2011 and tabled in Council on 4 May 2011**  
(*LC Paper No. LS 56/10-11*)

12. The Chairman said that only one item of subsidiary legislation, i.e. the Hong Kong Airport (Control of Obstructions) (Exemption) (Amendment) Order 2011, was gazetted on 29 April 2011 and tabled in the Council on 4 May 2011.

13. Members did not raise any queries on the Order.

14. The Chairman reminded Members that the deadline for amending the Order was 1 June 2011.

**IV. Business for the Council meeting of 11 May 2011**

- (a) **Tabling of papers**

**Report No. 21/10-11 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments**  
(*LC Paper No. CB(2) 1651/10-11 issued vide LC Paper No. CB(3) 714/10-11 dated 5 May 2011*)

15. The Chairman said that the report covered three items of subsidiary legislation, the period for amendment of which would expire on 11 May 2011. No Member had requested to speak on the subsidiary legislation.

16. Members noted the report.

- (b) **Questions**  
(*LC Paper No. CB(3) 709/10-11*)

17. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the meeting.

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

**Lifts and Escalators Bill**

18. The Chairman said that the Administration had given notice to present the above Bill to the Council on 11 May 2011. The House Committee would consider the Bill at its meeting on 13 May 2011.

(d) **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 (India) Order**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 690/10-11 dated 26 April 2011.)*

19. The Chairman said that the Secretary for Security had given fresh notice to move the above proposed resolution at the Council meeting. The relevant Subcommittee had reported to the House Committee at the last meeting.

(e) **Members' motions**

(i) **Proposed resolution to be moved by Hon Cyd HO Sau-lan under the Disability Discrimination Ordinance**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 715/10-11 dated 5 May 2011.)*

20. The Chairman said that Ms Cyd HO, Chairman of the relevant Subcommittee, would move a motion at the Council meeting to extend the scrutiny period of the Revised Code of Practice on Employment ("the Revised Code") under the Disability Discrimination Ordinance to 1 June 2011.

21. Ms Cyd HO said that some members of the Subcommittee had already indicated their intention to speak on the Revised Code at the Council meeting of 1 June 2011.

22. The Chairman said that Members would have the opportunity to speak on the Revised Code if there was a motion to amend it. If no amendment had been proposed, Members could still speak on it when a motion to take note of the relevant Report of the House Committee in relation to the Revised Code was moved by her in her capacity as Chairman of the House Committee.

Action

- (ii) **Two proposed resolutions to be moved by Hon TAM Yiu-chung under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China**

*(Wording of the proposed resolutions issued vide LC Paper No. CB(3) 689/10-11 dated 26 April 2011.)*

23. The Chairman said that at the last House Committee meeting, Members noted the proposal of the Committee on Rules of Procedure ("CRoP") to amend Rules 44 and 45 of the Rules of Procedure ("RoP") to extend the application of these two rules to all committees of the Council. Mr TAM Yiu-chung, Chairman of CRoP, would move two proposed resolutions at the Council meeting to amend RoP as proposed.

- (iii) **Motion on "Temporarily suspending the implementation of the Minimum Wage Ordinance"**

*(Wording of the motion issued vide LC Paper No. CB(3) 687/10-11 dated 26 April 2011.)*

- (iv) **Motion on "Improving ancillary facilities at various crossings for the convenience of residents travelling between Guangdong and Hong Kong"**

*(Wording of the motion issued vide LC Paper No. CB(3) 688/10-11 dated 21 April 2011.)*

24. The Chairman said that the above motions would be moved by Mr Paul TSE and Mr Jeffrey LAM respectively and the wording of the motions had been issued to Members. The deadline for giving notice of amendments to the motions had expired on 3 May 2011.

**V. Business for the Council meeting of 18 May 2011**

- (a) **Questions**

*(LC Paper No. CB(3) 708/10-11)*

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.

Action

(c) **Government motion**

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

(d) **Members' motions**

(i) **Motion on "Alleviating the impact of food price inflation on the public"**

*(Wording of the motion issued vide LC Paper No. CB(3) 712/10-11 dated 4 May 2011.)*

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

*(Wording of the motion issued vide LC Paper No. CB(3) 713/10-11 dated 4 May 2011.)*

28. The Chairman said that the above motions would be moved by Mr WONG Yung-kan and Mr LEE Cheuk-yan respectively and the wording of the motions had been issued to Members.

29. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 11 May 2011.

**Report on study of subsidiary legislation**

30. The Chairman invited Members to note the list of subsidiary legislation tabled at the meeting, the scrutiny period of which would expire on 18 May 2011. The Chairman said that the list contained two items of subsidiary legislation, namely, the Declaration of Constituencies (District Councils) Order 2011 and the Fisheries Protection (Specification of Apparatus) (Amendment) Notice 2011. Members who wished to speak on the subsidiary legislation should notify the Clerk by 5:00 pm on Monday, 9 May 2011.

31. Ms Emily LAU indicated her intention to speak on the Declaration of Constituencies (District Councils) Order 2011 at the Council meeting of 18 May 2011.

**VI. The Chief Executive's Question and Answer Session on 19 May 2011**

32. The Chairman said that the CE's Question and Answer ("Q & A") Session would be held from 3:00 pm to 4:30 pm. She invited Members' views on issues which they would like CE to cover at the Q & A Session. Members did not raise any particular issues.



## VII. Report of Bills Committees and subcommittees

### (a) **Report of the Subcommittee on Declaration of Constituencies (District Councils) Order 2011**

*(LC Paper No. CB(2) 1652/10-11)*

33. Mr IP Kwok-him, Chairman of the Subcommittee, reported that the Subcommittee had held one meeting with the Administration to discuss issues related to the delineation of constituency areas for DC ordinary election.

34. Mr IP Kwok-him elaborated that members had expressed strong dissatisfaction with the Administration's delay in finalizing the delineation of DC constituency areas ("DCCAs") as it would affect the preparation work of incumbent DC members and prospective candidates who planned to stand for the upcoming DC ordinary election. They considered that the Administration should advance the timeframe for the delineation of DCCAs in the future.

35. Mr IP Kwok-him further reported that some members had expressed concern as to whether there was sufficient transparency in the demarcation exercise and whether it had not been influenced by political considerations. On the other hand, some other members were of the view that as the adjustments to the boundaries of existing DCCAs were made on the basis of the statutory criteria including the population quota requirement, there should not be any political considerations. These members also held the view that the Electoral Affairs Commission ("EAC") should conduct the demarcation exercise independently and it was inappropriate for Members to interfere with the recommendations of EAC. He added that the Subcommittee raised no objection to the Order and would not propose any amendment to the Order.

36. The Chairman reminded Members that as the deadline for amending the Order was 18 May 2011, the deadline for giving notice of amendments, if any, was Wednesday, 11 May 2011.

### (b) **Report of the Subcommittee on Fisheries Protection (Specification of Apparatus) (Amendment) Notice 2011**

37. Mr TAM Yiu-chung, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. He said that the Amendment Notice sought to specify trawling devices as a class of apparatus under the Fisheries Protection Regulations (Cap. 171 sub. leg. A) for prohibition of its use for fishing activities in Hong Kong waters.

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38. Mr TAM Yiu-chung elaborated that the Subcommittee had held two meetings with the Administration to examine issues related to the proposed ex-gratia allowance ("EGA") to trawler owners affected by the proposed trawl ban and one-off grants to assist the affected local deckhands; the voluntary buyout scheme of trawlers; and other assistance to trawler fishermen. Members were particularly concerned about the principles adopted for calculating the amount of EGA payable to affected fishermen and the buyout price of individual trawler vessels, and the amount of the one-off grants to local deckhands.

39. Mr TAM Yiu-chung further reported that in response to members' concerns and upon further discussions with the fisheries sector, the Administration proposed to raise the multiplier of the EGA formula from seven years to 11 years' notional fish catch value in calculating EGA for the some 400 inshore trawlers most affected by the trawl ban. With regard to the some 700 larger trawlers, the Administration proposed that a lump sum EGA of \$150,000 be given to each trawler. Some members requested the Administration to consider raising the amount of this EGA.

40. Mr TAM Yiu-chung said that members noted the Administration's proposal to offer a one-off grant of \$34,000 to each affected local deckhand, which was equivalent to about three-month average salaries of a worker. In respect of the voluntary buyout scheme of trawlers, members noted that the buyout price of an individual vessel would be determined by an inter-departmental working group which would make reference to the valuation provided by an independent marine surveyor if necessary.

41. Mr TAM Yiu-chung further said that some members were concerned that the Administration had not proposed any form of compensation or EGA to the related trades (such as fish collectors) to help them modify their vessels to cater for the change of business model.

42. Mr TAM Yiu-chung added that the Subcommittee would not propose amendments to the Amendment Notice. Mr Tommy CHEUNG had indicated that if the affected parties did not accept the relevant compensation package, he might consider proposing amendments to the Amendment Notice. Mr TAM added that the Subcommittee would provide a written report the following week.

43. The Chairman reminded Members that as the deadline for amending the Amendment Notice was 18 May 2011, the deadline for giving notice of amendments, if any, was Wednesday, 11 May 2011.

**VIII. Position on Bills Committees and subcommittees**

*(LC Paper No. CB(2) 1650/10-11)*

44. The Chairman said that there were 15 Bills Committees, nine subcommittees under the House Committee (i.e. three subcommittees on subsidiary legislation/other instruments, two subcommittees on policy issues and four subcommittees on other Council business) and nine subcommittees under Panels in action.

45. There being no other business, the meeting ended at 2:49 pm.

Council Business Division 2  
Legislative Council Secretariat  
12 May 2011