

立法會
Legislative Council

LC Paper No. CB(1)33/13-14
(These minutes have been seen
by the Administration)

Ref : CB1/BC/7/12/2

Bills Committee on Inland Revenue (Amendment) Bill 2013

**Minutes of the sixth meeting held on
Friday, 14 June 2013, at 9:00 am
in Conference Room 2B of the Legislative Council Complex**

Members present : Hon Kenneth LEUNG (Chairman)
Hon CHAN Kin-por, BBS, JP (Deputy Chairman)
Hon Alan LEONG Kah-kit, SC
Hon YIU Si-wing
Hon Christopher CHEUNG Wah-fung, JP
Hon SIN Chung-kai, SBS, JP

Members absent : Hon James TO Kun-sun
Hon Starry LEE Wai-king, JP
Hon Charles Peter MOK
Hon Dennis KWOK

Public officers attending : **Agenda item I**
Ms Mable CHAN, JP
Deputy Secretary for Financial Services and the
Treasury (Treasury) 2

Ms Shirley KWAN
Principal Assistant Secretary for Financial Services
and the Treasury (Treasury) (Revenue)

Miss Crystal YIP
Assistant Secretary for Financial Services and the
Treasury (Treasury) (Revenue) 1

Mr Brian CHIU Kwok-kit, JP
Deputy Commissioner of Inland Revenue
(Technical)

Ms Mabel MEI
Chief Assessor (Tax Treaty)
Inland Revenue Department

Mrs Paulina WONG
Senior Assessor (Tax Treaty) 2
Inland Revenue Department

Mr Michael LAM
Senior Assistant Law Draftsman
Department of Justice

Clerk in attendance : Ms Sharon CHUNG
Chief Council Secretary (1)6

Staff in attendance : Mr Bonny LOO
Assistant Legal Adviser 3

Mr Fred PANG
Council Secretary (1)6

Action

I Meeting with the Administration

Matters arising from the meeting on 7 June 2013

(LC Paper No. CB(1)1260/12-13(01) -- Submission from Office of
the Privacy Commissioner
for Personal Data, Hong
Kong dated 6 June 2013

Action

- LC Paper No. CB(1)1285/12-13(01) -- Follow-up actions to be taken by the Administration for the meeting on 7 June 2013
- LC Paper No. CB(1)1285/12-13(02) -- Administration's response to issues raised by members at the meeting on 7 June 2013
- Annex C to LC Paper No. CB(1)1243/12-13(02) -- Administration's responses to written submissions from deputations (updated version as at 5 June 2013)
- LC Paper No. CB(1)1249/12-13(01) -- Administration's responses to written submissions from deputations (second batch))

Other relevant papers

- (LC Paper No. CB(3)483/12-13 -- The Bill
- LC Paper No. CB(1)988/12-13(01) -- Marked-up copy of the Bill prepared by the Legal Service Division
(Restricted to members)
- File Ref.: TsyB R 183/700-6/4/0 (C) -- Legislative Council Brief
- LC Paper No. LS41/12-13 -- Legal Service Division Report
- LC Paper No. CB(1)988/12-13(02) -- Letter from Assistant Legal Adviser to the Administration dated 19 April 2013
- LC Paper No. CB(1)988/12-13(03) -- Administration's response to the letter from Assistant Legal Adviser as set out in LC Paper No. CB(1)988/12-13(02)
- LC Paper No. CB(1)988/12-13(04) -- Paper on Inland Revenue (Amendment) Bill 2013 prepared by the Legislative Council Secretariat (Background brief))

The Bills Committee deliberated (Index of proceedings attached at the **Appendix**).

Action

2. The Chairman concluded that the Bills Committee had completed the scrutiny of the Bill.

Legislative time table

3. The Chairman informed members of the following legislative time table:

- (a) the Administration would propose that the Second Reading debate on the Bill be resumed on 10 July 2013;
- (b) the Bills Committee would report its deliberations to the House Committee on 21 June 2013; and
- (c) the deadline for giving notice of Committee Stage amendment(s) to the Bill was 29 June 2013.

II Any other business

4. There being no other business, the meeting ended at 9:46 am.

Council Business Division 1
Legislative Council Secretariat
10 October 2013

Bills Committee on Inland Revenue (Amendment) Bill 2013

Proceedings of the sixth meeting on Friday, 14 June 2013, at 9:00 am in Conference Room 2B of the Legislative Council Complex

Time marker	Speaker	Subject(s)	Action required
<u>Follow-up to meeting on 7 June 2013</u>			
000150 - 002020	Chairman Administration	The Administration's briefing on its response to issues raised by members at the meeting on 7 June 2013 (LC Paper No. CB(1)1285/12-13(02))	
002021 - 003419	Mr SIN Chung-kai Administration Chairman	Discussion on Mr SIN Chung-kai's suggestion of setting up an independent oversight body similar to the Operations Review Committee of the Independent Commission Against Corruption or the Process Review Panel of the Securities and Futures Commission under the Bill to ensure that the Inland Revenue Department ("IRD") would deal with individual requests for exchange of information ("EoI") in a fair and consistent manner, and that the actions taken and decisions made would strictly adhere to internal procedures and guidelines	
003420 - 004123	Assistant Legal Adviser 3 ("ALA3") Administration	Noting the Administration's confirmation that the Bill did not seek to amend the Inland Revenue Ordinance (Cap. 112) ("IRO") for the purpose of allowing tax information exchanged to be used for non-tax related purpose, ALA3's enquiry on the proposed use of tax information for such purposes under future CDTAs (paras. 19 - 23 of LC Paper No. CB(1)1285/12-13(02)) especially with regard to whether such use would be <i>ultra vires</i> section 49 of IRO The Administration's response	

Time marker	Speaker	Subject(s)	Action required
004124 - 004244	Chairman Administration	The Chairman's enquiry on the interpretation of "foreseeably relevant" in the Model Tax Convention and its Commentary of the Organization for Economic Cooperation and Development The Administration's response	
<u>Legislative timetable</u>			
004245 - 004345	Chairman	Dates for -- (a) resumption of Second Reading debate on the Bill; (b) the Bills Committee's report to the House Committee; and (c) the deadline for giving notice to move Committee Stage amendments	
004346 - 004543	Mr SIN Chung-kai Administration	Mr SIN Chung-kai's remarks that he did not agree to the Administration's proposal of reporting to IRD's Users' Committee on IRD's compliance in respect of EoI, as the proposal would not serve the purpose of independent monitoring of handling of EoI requests	
004544 - 004646	Chairman	Closing remarks	