

立法會
Legislative Council

LC Paper No. CB(2) 701/12-13

Ref : CB2/H/5/12

House Committee of the Legislative Council

**Minutes of the 17th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 22 February 2013**

Members present:

Hon Andrew LEUNG Kwan-yuen, GBS, JP (Chairman)

Hon Ronny TONG Ka-wah, SC (Deputy Chairman)

Hon LEE Cheuk-yan

Hon James TO Kun-sun

Hon CHAN Kam-lam, SBS, JP

Hon Emily LAU Wai-hing, JP

Hon TAM Yiu-chung, GBS, JP

Hon Tommy CHEUNG Yu-yan, SBS, JP

Hon WONG Kwok-hing, MH

Hon WONG Ting-kwong, SBS, JP

Hon Cyd HO Sau-lan

Dr Hon LAM Tai-fai, SBS, JP

Hon CHAN Hak-kan, JP

Hon CHAN Kin-por, BBS, JP

Hon CHEUNG Kwok-che

Hon WONG Kwok-kin, BBS

Hon IP Kwok-him, GBS, JP

Hon WONG Yuk-man

Hon Claudia MO

Hon James TIEN Pei-chun, GBS, JP

Hon NG Leung-sing, SBS, JP

Hon Steven HO Chun-yin

Hon WU Chi-wai, MH

Hon YIU Si-wing

Hon Gary FAN Kwok-wai

Hon MA Fung-kwok, SBS, JP

Hon Charles Peter MOK

Hon CHAN Chi-chuen

Hon CHAN Han-pan

Dr Hon Kenneth CHAN Ka-lok

Hon CHAN Yuen-han, SBS, JP
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, JP
Dr Hon KWOK Ka-ki
Hon Christopher CHEUNG Wah-fung, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Elizabeth QUAT, JP
Hon Martin LIAO Cheung-kong, JP
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-ki, BBS, MH, JP
Hon CHUNG Kwok-pan
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen

Members absent:

Hon Albert HO Chun-yan
Hon LEUNG Yiu-chung
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Vincent FANG Kang, SBS, JP
Dr Hon Joseph LEE Kok-long, SBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon Starry LEE Wai-king, JP
Dr Hon Priscilla LEUNG Mei-fun, JP
Dr Hon LEUNG Ka-lau
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon Albert CHAN Wai-yip
Hon Michael TIEN Puk-sun, BBS, JP
Hon Frankie YICK Chi-ming
Hon KWOK Wai-keung
Hon Dennis KWOK
Hon SIN Chung-kai, SBS, JP
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Hon TANG Ka-piu

Clerk in attendance :

Miss Flora TAI Clerk to the House Committee

Staff in attendance :

Mr Kenneth CHEN, SBS	Secretary General
Mr Jimmy MA, JP	Legal Adviser
Mrs Justina LAM	Deputy Secretary General
Mr Andy LAU	Assistant Secretary General 1
Miss Odelia LEUNG	Assistant Secretary General 3
Mrs Percy MA	Assistant Secretary General 4
Ms Connie FUNG	Senior Assistant Legal Adviser 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mr KAU Kin-wah	Senior Assistant Legal Adviser 3
Miss Erin TSANG	Acting Principal Council Secretary (Complaints)
Mr Simon WONG	Chief Public Information Officer
Ms Amy YU	Chief Council Secretary (2)6
Mr Kelvin LEE	Assistant Legal Adviser 1
Mr Bonny LOO	Assistant Legal Adviser 3
Miss Winnie LO	Assistant Legal Adviser 7
Miss Josephine SO	Senior Council Secretary (2)2
Mr Jove CHAN	Senior Council Secretary (2)6
Ms Judy TING	Council Secretary (2)6
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)7

Action

I. Confirmation of the minutes of the 16th meeting held on 8 February 2013
(*LC Paper No. CB(2) 655/12-13*)

The minutes were confirmed.

II. Matters arising

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

2. The Chairman informed Members that CS was happy to attend a special House Committee ("HC") meeting and had proposed that it be held on 22 March 2013, from 2:30 pm to 4:00 pm. Members agreed. The Chairman said that in addition to population policy, CS had advised that she was also prepared to answer Members' questions on poverty alleviation and other policy matters at the special meeting.

3. The Chairman further said that he had relayed to CS Members' concern about the lengthy main replies given by some public officers to oral questions at Council meetings. CS had advised that she would remind the Principal Officials to keep the length of their main replies to within seven minutes.

III. Business arising from previous Council meetings

(a) Legal Service Division reports on bills referred to the House Committee in accordance with Rule 54(4)

(i) Trust Law (Amendment) Bill 2013 *(LC Paper No. LS 26/12-13)*

4. At the invitation of the Chairman, Legal Adviser ("LA") explained that the Bill sought to amend the Trustee Ordinance (Cap. 29) and the Perpetuities and Accumulations Ordinance (Cap. 257) to modernize the trust law. The Panel on Financial Affairs was consulted on the legislative proposal on 3 December 2012 and Panel members had expressed various concerns. LA advised that in view of Members' concerns raised at the Panel meeting and the significant implications of the Bill on the trust law in Hong Kong, Members might consider setting up a Bills Committee to study the Bill.

5. Mr James TO considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Mr James TO and Mr Ronny TONG agreed to join the proposed Bills Committee.

(ii) District Councils (Amendment) Bill 2013 *(LC Paper No. LS 24/12-13)*

6. At the invitation of the Chairman, LA said that the purpose of the Bill was to abolish the system of appointing members to the District Councils ("DCs") by the Chief Executive with effect from 1 January 2016, i.e. the commencement date of the fifth term of office of DCs.

7. Mr IP Kwok-him considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. The following Members agreed to join the Bills Committee: Ms Emily LAU, Mr IP Kwok-him, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Miss Alice MAK and Dr Elizabeth QUAT.

Action

(b) Legal Service Division report on subsidiary legislation gazetted on 15 February 2013 and tabled in Council on 20 February 2013

(LC Paper No. LS 25/12-13)

8. At the invitation of the Chairman, LA said that one item of subsidiary legislation, i.e. the Dumping at Sea (Exemption) (Amendment) Order 2013 (L.N. 15/2013), was gazetted on 15 February 2013 and tabled in the Council on 20 February 2013.

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

10. The Chairman reminded Members that the deadline for amending the Order was 20 March 2013.

IV. Business for the Council meeting of 27 February 2013

(a) Tabling of papers

Report No. 11/12-13 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

(LC Paper No. CB(2) 657/12-13 issued vide LC Paper No. CB(3) 378/12-13 dated 21 February 2013)

11. The Chairman said that the Report covered four items of subsidiary legislation, including the Telecommunications (Telecommunications Apparatus) (Exemption from Licensing) (Amendment) Order 2012 (L.N. 190/2012), the period for amendment of which would expire on 27 February 2013. The Chairman further said that as the Chairman of the Subcommittee on the above Order had indicated intention to speak on the Order, he would, in his capacity as Chairman of HC, move a motion at that Council meeting to take note of the Report in relation to the Order after the Financial Secretary ("FS") had delivered his Budget speech.

(b) Questions

(LC Paper No. CB(3) 373/12-13)

12. The Chairman said that 20 written questions had been scheduled for the meeting.

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

(i) the Appropriation Bill 2013; and

(ii) the Estimates of Expenditure for the year ending 31 March 2014

13. The Chairman said that FS would present to the Council on 27 February 2013 the Appropriation Bill 2013 and the Estimates of Expenditure for the year ending 31 March 2014.

V. Position on Bills Committees and subcommittees
(LC Paper No. CB(2) 656/12-13)

14. The Chairman said that as at 21 February 2013, there were three Bills Committees, eight subcommittees under HC (i.e. five subcommittees on subsidiary legislation, one subcommittee on policy issues and two subcommittees on other Council business) and seven subcommittees on policy issues under Panels in action. Three subcommittees on policy issues under Panels were on the waiting list.

VI. Any other business

15. There being no other business, the meeting ended at 2:36 pm.