

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1168/12-13

Ref : CB2/H/5/12

**House Committee of the Legislative Council**

**Minutes of the 25th meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 10 May 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 LEUNG Yiu-chung

Dr Hon LAU Wong-fat, GBM, GBS, JP

Hon Emily LAU Wai-hing, JP

Hon TAM Yiu-chung, GBS, JP

Hon Abraham SHEK Lai-him, SBS, JP

Hon Tommy CHEUNG Yu-yan, SBS, JP

Hon Frederick FUNG Kin-kee, SBS, JP

Hon WONG Kwok-hing, MH

Dr Hon Joseph LEE Kok-long, SBS, JP

Hon Jeffrey LAM Kin-fung, GBS, JP

Hon WONG Ting-kwong, SBS, JP

Hon Cyd HO Sau-lan

Hon Starry LEE Wai-king, JP

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 Mrs Regina IP LAU Suk-yea, GBS, JP

Hon Paul TSE Wai-chun, JP

Hon Alan LEONG Kah-kit, SC

Hon LEUNG Kwok-hung

Hon Albert CHAN Wai-yip

Hon Claudia MO  
Hon NG Leung-sing, SBS, JP  
Hon Steven HO Chun-yin  
Hon Frankie YICK Chi-ming  
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 KWOK Wai-keung  
Hon Dennis KWOK  
Hon Christopher CHEUNG Wah-fung, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon SIN Chung-kai, SBS, JP  
Dr Hon Helena WONG Pik-wan  
Hon IP Kin-yuen  
Dr Hon Elizabeth QUAT, JP  
Hon Martin LIAO Cheung-kong, JP  
Hon POON Siu-ping, BBS, MH  
Hon TANG Ka-piu  
Dr Hon CHIANG Lai-wan, JP  
Ir Dr Hon LO Wai-kwok, 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 Vincent FANG Kang, SBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, JP  
Dr Hon LEUNG Ka-lau  
Hon WONG Yuk-man  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon James TIEN Pei-chun, GBS, JP

**Clerk in attendance :**

Miss Flora TAI Clerk to the House Committee

**Staff in attendance :**

Mr Kenneth CHEN, SBS	Secretary General
Ms Connie FUNG	Acting 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
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
Miss Betty MA	Chief Council Secretary (2)1
Ms Amy YU	Chief Council Secretary (2)6
Mr Timothy TSO	Assistant Legal Adviser 2
Mr Bonny LOO	Assistant Legal Adviser 3
Miss Kitty CHENG	Assistant Legal Adviser 5
Ms Wendy KAN	Assistant Legal Adviser 6
Mr YICK Wing-kin	Assistant Legal Adviser 8
Ms Clara TAM	Assistant Legal Adviser 9
Miss Evelyn LEE	Assistant Legal Adviser 10
Mr Stephen LAM	Assistant Legal Adviser 11
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

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**I. Confirmation of the minutes of the 24th meeting held on 3 May 2013**  
(*LC Paper No. CB(2)1095/12-13*)

The minutes were confirmed.

**II. Matters arising**

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

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2. The Chairman said that the Deputy Chairman had suggested to CS that the Administration should withhold the introduction of subsidiary legislation to the Legislative Council ("LegCo") for the time being, so as to avoid the situation where amendments could not be made to subsidiary legislation before the expiry of their scrutiny period, due to the prolonged scrutiny of the Appropriation Bill 2013. CS indicated that she would request the policy bureaux to review the urgency of the subsidiary legislation scheduled for introduction to LegCo shortly.

3. The Chairman further said that the Administration Wing had subsequently informed him that the Administration would, as far as practicable, avoid introducing subsidiary legislation to LegCo during this period, unless the bureaux concerned considered that there was an urgent need to do so or Members were in general supportive of the early introduction of the subsidiary legislation.

### 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) **Hong Kong Arts Development Council (Amendment) Bill 2013**  
*(LC Paper No. LS50/12-13)*

4. At the invitation of the Chairman, Acting Legal Adviser ("Atg LA") said that the object of the Bill was to amend section 3 of the Hong Kong Arts Development Council Ordinance (Cap. 472) in respect of the nomination of persons for appointment as members of the Hong Kong Arts Development Council ("HKADC"), so as to allow individual arts workers to take part in the nomination of representatives for the respective arts interests and remove the restriction of cross-arts interest nomination. The Bill, if enacted as an ordinance, would come into operation on the day of its publication in the Gazette. The Panel on Home Affairs had been consulted on the proposed legislative amendments on 18 January 2013 and members had expressed various concerns.

5. Atg LA further said that HKADC had adopted the arrangement under which both organizations and individual arts workers could take part in nomination and the practice of cross-arts interest nomination since 1997 and 1999 respectively, which were not consistent with the relevant provisions of the existing Ordinance. The Legal Service Division was seeking clarification from the Administration on the legal

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implications arising from the procedural irregularities in the nomination of HKADC's members and whether these irregularities would affect the validity of the past acts and decisions of HKADC. In light of the concerns raised at the Panel meeting, Members might consider setting up a Bills Committee to study the Bill in detail.

6. Ms Cyd HO 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 Cyd HO, Ms Claudia MO, Mr WU Chi-wai, Mr MA Fung-kwok, Dr Kenneth CHAN, Dr Helena WONG, Mr TANG Ka-piu and Mr Christopher CHUNG.

**(ii) Inland Revenue (Amendment) (No. 2) Bill 2013**  
*(LC Paper No. LS49/12-13)*

7. At the invitation of the Chairman, Atg LA explained that the Bill sought to amend the Inland Revenue Ordinance (Cap. 112) to give effect to the proposals concerning tax concessions in the Budget introduced by the Government for the 2013-2014 financial year, which included increase in child allowance, increase in the maximum amount of deduction for expenses of self-education and one-off tax reduction. Atg LA further said that the Panel on Financial Affairs had not been consulted on the Bill. The Bill, if enacted as an ordinance, would come into operation on the day of its publication in the Gazette.

8. Mr SIN Chung-kai considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Mr SIN agreed to join the proposed Bills Committee.

**(iii) Product Eco-responsibility (Amendment) Bill 2013**  
*(LC Paper No. LS47/12-13)*

9. At the invitation of the Chairman, Atg LA explained that the Bill proposed to extend the charges on plastic shopping bags ("PSBs") to all retail sales of goods. The Bill also proposed to introduce a fixed penalty system for the offence of failing to charge for PSBs provided at the time of the sale concerned or offering any rebate or discount to offset the charge concerned. The Panel on Environmental Affairs was consulted on 28 November 2011 and members had expressed various views. Atg LA further advised that since the Bill involved policy changes, Members might consider setting up a Bills Committee to study the Bill in detail.

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10. Dr Kenneth CHAN 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 Cyd HO, Mr CHAN Hak-kan, Mr WU Chi-wai, Dr Kenneth CHAN, Mr KWOK Wai-keung and Ir Dr LO Wai-kwok.

(iv) **Professional Accountants (Amendment) Bill 2013**  
(*LC Paper No. LS51/12-13*)

11. The Chairman informed Members that the House Committee ("HC") would decide on the need to form a Bills Committee on the above Bill after the Bill had received its First Reading and, with its Second Reading debate adjourned, was referred to HC in accordance with Rule 54(4) of the Rules of Procedure ("RoP").

(b) **Legal Service Division report on subsidiary legislation gazetted on 3 May 2013 and tabled in Council on 8 May 2013**  
(*LC Paper No. LS52/12-13*)

12. At the invitation of the Chairman, Atg LA briefed Members on the eight items of subsidiary legislation which were gazetted on 3 May 2013 and tabled in Council on 8 May 2013 (i.e. L.N. 62 to L.N. 69).

13. Members did not raise any questions on these eight items of subsidiary legislation.

14. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 5 June 2013.

**IV. Further business for the Council meeting of 15 May 2013**

(a) **Tabling of papers**

**Report No. 16/12-13 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments**  
(*LC Paper No. CB(2)1097/12-13 issued vide LC Paper No. CB(3)565/12-13 dated 9 May 2013*)

15. The Chairman said that the Report covered two items of subsidiary legislation, the period for amendment of which would expire on 15 May 2013. No Member had indicated an intention to speak on the subsidiary legislation.

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

**District Councils (Amendment) Bill 2013**

16. The Chairman said that the Bills Committee on the above Bill had reported to HC at the last meeting, and Members had not raised objection to the resumption of the Second Reading debate on the Bill.

**V. Business for the Council meeting of 22 May 2013**

(a) **Questions**

*(LC Paper No. CB(3)557/12-13)*

17. The Chairman informed Members that 22 questions (six oral and 16 written) had been scheduled for the meeting. In the event that the Appropriation Bill 2013 had to be dealt with at that Council meeting, there would be no oral question session at the meeting.

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

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

(c) **Government motions**

(i) **Proposed resolution under section 7(a) of the Legal Aid Ordinance (Cap. 91) to be moved by the Secretary for Home Affairs**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3)544/12-13 dated 6 May 2013)*

*(LC Paper No. LS53/12-13)*

19. At the invitation of the Chairman, Atg LA said that the proposed resolution sought to raise the financial eligibility limits of legal aid applicants for the Ordinary Legal Aid Scheme from \$260,000 to \$269,620 and for the Supplementary Legal Aid Scheme from \$1,300,000 to \$1,348,100. The proposed adjustment was to reflect the cumulative increase of 3.7% in Consumer Price Index (C) from July 2011 to July 2012. The Administration issued an information paper on the proposed adjustment to the Panel on Administration of Justice and Legal Services on 2 April 2013 and members did not raise any query on the proposal. The proposed resolution, if approved by LegCo, would come into operation on the day of its publication in the Gazette.

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20. Mr Dennis KWOK considered it necessary to form a subcommittee to study the proposed resolution in detail. Members agreed. Mr KWOK agreed to join the proposed subcommittee.

21. The Chairman said that in line with established practice and the arrangement agreed with the Administration, HC would request the Administration to withdraw its notice for moving the proposed resolution so as to allow sufficient time for the subcommittee to scrutinize the proposed resolution.

(ii) **Proposed resolution under section 29 of the Pharmacy and Poisons Ordinance (Cap. 138) to be moved by the Secretary for Food and Health**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3)533/12-13 dated 30 April 2013)*

*(LC Paper No. LS48/12-13)*

22. At the invitation of the Chairman, Atg LA explained that the proposed resolution sought LegCo's approval of the Pharmacy and Poisons (Amendment) (No. 3) Regulation 2013 and the Poisons List (Amendment) (No. 3) Regulation 2013 to add three substances to Division A of the First and Third Schedules to the Pharmacy and Poisons Regulations (Cap. 138 sub. leg. A) and to Division A of Part I of the Poisons List in the Schedule to the Poisons List Regulations (Cap. 138 sub. leg. B) (the latter two Regulations were collectively known as the principal Regulations). Atg LA further explained that following the addition of these substances to the principal Regulations, the sale, supply, labelling and storage of these substances would be subject to different levels of control under the Pharmacy and Poisons Ordinance (Cap. 138). The Amendment Regulations, if approved by LegCo, would come into operation on the day of their publication in the Gazette.

23. Members did not raise any objection to the Administration moving the proposed resolution at the Council meeting of 22 May 2013.

(d) **Members' motions**

(i) **Motion on "Actively promoting family-friendly policies"**  
*(Wording of the motion issued vide LC Paper No. CB(3)562/12-13 dated 8 May 2013)*

(ii) **Motion on "Enhancing the overall sustainable competitiveness of Hong Kong"**  
*(Wording of the motion issued vide LC Paper No. CB(3)563/12-13 dated 8 May 2013)*

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24. The Chairman said that the above two motions would be moved by Ms Starry LEE and Dr LAM Tai-fai respectively. The wording of the motions had been issued to Members.

25. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Tuesday, 14 May 2013.

Report of HC on Consideration of Subsidiary Legislation

26. The Chairman invited Members to note the list containing seven items of subsidiary legislation tabled at the meeting, the scrutiny period of which would expire on 22 May 2013. He further informed Members that the draft report of HC on these items of subsidiary legislation (LC Paper No. CB(2)1100/12-13(01)) had been issued to Members in the morning of this HC meeting. Members who wished to speak on the subsidiary legislation should indicate their intention by 12:00 midnight on Monday, 13 May 2013.

**VI. Report of Bills Committees and subcommittees**

**(a) Report of the Subcommittee on Proposed Resolution under the Road Traffic Ordinance and the Road Traffic (Driving-offence Points) Ordinance**

*(LC Paper No. CB(1)996/12-13)*

27. Mr Frankie YICK, Chairman of the Subcommittee, said that the main object of the proposed resolution was to make technical amendments to Schedule 11 to the Road Traffic Ordinance (Cap. 374) and the Schedule to the Road Traffic (Driving-offence Points) Ordinance (Cap. 375), so that the item numbers of certain driving offences in the Schedules would correspond with those of the relevant offences under the amended bylaws of four "Build-Operate-Transfer" tunnels.

28. Mr Frankie YICK reported that the Subcommittee had held one meeting and had completed its scrutiny work. The Subcommittee was generally supportive of the proposed resolution and did not propose any amendment to it. He referred Members to the Subcommittee's report for details of its deliberations.

29. The Chairman informed Members that the Administration would give fresh notice to move the proposed resolution at the Council meeting of 29 May 2013. He reminded Members that the deadline for giving notice of amendments, if any, was Wednesday, 22 May 2013.

**(b) Report of the Subcommittee on Banking (Capital) (Amendment) Rules 2013 and Banking (Disclosure) (Amendment) Rules 2013**

30. Mr NG Leung-sing, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. He said that the two sets of Amendment Rules sought to implement in Hong Kong the latest regulatory capital and disclosure standards promulgated by the Basel Committee on Banking Supervision ("BCBS") (known as "Basel III"). The Banking (Capital) (Amendment) Rules 2013 amended the Banking (Capital) Rules to incorporate the capital requirements of the latest technical guidance documents released by BCBS, while the Banking (Disclosure) (Amendment) Rules 2013 were to specify the requirements for disclosing capital adequacy ratio and relevant financial information by authorized institutions.

31. Mr NG Leung-sing reported that the Subcommittee had held one meeting with the Administration. The Administration had confirmed that the two sets of Amendment Rules were fully consistent with the new standards promulgated by BCBS. The Subcommittee had discussed the implementation of Basel III in Hong Kong and the impact of the Amendment Rules on the operation of banks. According to the Hong Kong Monetary Authority, the banks had not encountered any difficulty in implementing the new capital standards, and it was expected that the Amendment Rules would not have significant impact on the banking sector. The Subcommittee also noted that the banking sector supported the two sets of Amendment Rules.

32. Mr NG Leung-sing added that the Subcommittee supported the two sets of Amendment Rules and would not propose any amendment to them. The Subcommittee would provide its written report later.

**(c) Report of the Subcommittee on Residential Care Homes (Persons with Disabilities) Ordinance (Commencement) Notice 2013**

*(LC Paper No. CB(2)1111/12-13)*

33. Mr CHEUNG Kwok-che, Chairman of the Subcommittee, said that the Subcommittee had completed its scrutiny of the Commencement Notice. The Subcommittee had held two meetings with the Administration, including one meeting to receive views from 12 organizations and individuals.

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34. Mr CHEUNG Kwok-che reported that in the course of its scrutiny, the Subcommittee had discussed the implementation of the licensing scheme for residential care homes for persons with disabilities ("RCHDs"), renewal of certificates of exemption issued to RCHDs, compliance of the RCHD sector with the licensing requirements, impact of the licensing scheme on the private RCHDs and their residents, and complementary measures to assist the private RCHD sector. He referred Members to the Subcommittee's report for details of its deliberations. He added that the Subcommittee would not propose any amendment to the Commencement Notice.

35. The Chairman informed Members that the Chairmen of the Subcommittee on Banking (Capital) (Amendment) Rules 2013 and Banking (Disclosure) (Amendment) Rules 2013 and the Subcommittee on this Commencement Notice had respectively given notices to move proposed resolutions at the Council meeting of 8 May 2013 to extend the scrutiny period of these items of subsidiary legislation. If these proposed resolutions were passed by the Council at or before the Council meeting of 15 May 2013, the period for amending the subsidiary legislation would be extended to the Council meeting of 5 June 2013 and the deadline for giving notice of amendments, if any, would be Wednesday, 29 May 2013.

**VII. Position on Bills Committees and subcommittees**  
(*LC Paper No. CB(2)1096/12-13*)

36. The Chairman said that as at 9 May 2013, there were 11 Bills Committees, eight subcommittees under the HC (i.e. four subcommittees on subsidiary legislation, one subcommittee on policy issues and three 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.

**VIII. Any other business**

Follow-up on the referral of the petition presented at the Council meeting of 8 May 2013 to a select committee

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37. Ms Cyd HO said that the petition signed by Mr Dennis KWOK and her and presented by Mr Dennis KWOK at the Council meeting of 8 May 2013 was referred to a select committee pursuant to RoP 20(6). She noted that unlike the select committees appointed in the past, the select

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committee was not authorized to exercise the powers under section 9(1) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382). As it was the first time the mechanism under RoP 20(6) was invoked to set up a select committee, she sought information on the timetable and procedure involved.

38. The Chairman said that the petition was referred to a select committee at the Council meeting on 8 May 2013, after the deadline of 5:00 pm on 7 May 2013 for raising agenda items for this HC meeting. He had already instructed the Secretariat to prepare a paper on the preparatory work for the operation of the select committee for Members' consideration at the next HC meeting. He would also be happy to exchange views with Members on the matter before its discussion at the next HC meeting. The Chairman added that for the select committees appointed by the Council in the past, a subcommittee was normally set up under HC to undertake the necessary preparatory work for the establishment of the select committee, including the drawing up of the terms of reference of the select committee and proposals on its membership.

39. Ms Cyd HO hoped that the Secretariat could provide the information to Members as early as possible.

40. There being no other business, the meeting ended at 2:52 pm.