

立法會
Legislative Council

LC Paper No. CB(2)998/14-15

Ref : CB2/H/5/14

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, 27 February 2015**

Members present:

Hon Andrew LEUNG Kwan-yuen, GBS, JP (Chairman)
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 Abraham SHEK Lai-him, GBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon WONG Kwok-hing, BBS, MH
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon Cyd HO Sau-lan, JP
Hon Starry LEE Wai-king, JP
Dr Hon LAM Tai-fai, SBS, JP
Hon CHAN Hak-kan, JP
Hon CHAN Kin-por, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Dr Hon LEUNG Ka-lau
Hon CHEUNG Kwok-che
Hon WONG Kwok-kin, SBS
Hon IP Kwok-him, GBS, JP
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 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 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, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
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, SBS, 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, SBS, JP
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu, JP
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, BBS

Members absent:

Hon Ronny TONG Ka-wah, SC (Deputy Chairman)
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon TAM Yiu-chung, GBS, JP
Hon Albert CHAN Wai-yip
Hon Michael TIEN Puk-sun, BBS, JP

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
Ms Anita SIT	Assistant Secretary General 1
Miss Odelia LEUNG	Assistant Secretary General 3
Mr Matthew LOO	Assistant Secretary General 4
Mr Stephen LAM	Senior Assistant Legal Adviser 2
Mr KAU Kin-wah	Senior Assistant Legal Adviser 3
Ms Dora WAI	Principal Council Secretary 1
Ms Hallie CHAN	Head (Public Information)
Ms Amy YU	Chief Council Secretary (2)6
Mr Timothy TSO	Assistant Legal Adviser 2
Miss Carrie WONG	Assistant Legal Adviser 4
Ms Vanessa CHENG	Assistant Legal Adviser 5
Ms Wendy KAN	Assistant Legal Adviser 6
Miss Winnie LO	Assistant Legal Adviser 7
Mr YICK Wing-kin	Assistant Legal Adviser 8
Ms Clara TAM	Assistant Legal Adviser 9
Miss Mimi CHANG	Assistant Legal Adviser 11
Miss Josephine SO	Senior Council Secretary (2)6
Ms Jasmine TAM	Senior Council Secretary (2)8
Miss Karen LAI	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 6 February 2015**
(LC Paper No. CB(2)908/14-15)

The minutes were confirmed.

II. Matters arising

Report by the Chairman on his meeting with the Chief Secretary for Administration

2. The Chairman said that there was nothing special to report.

III. Business arising from previous Council meetings

(a) **Legal Service Division report on bill referred to the House Committee in accordance with Rule 54(4)**

Interception of Communications and Surveillance (Amendment) Bill 2015
(*LC Paper No. LS39/14-15*)

3. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the report prepared by the Legal Service Division ("LSD") on the Bill.

4. 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: Mr James TO (as advised by Mr SIN Chung-kai), Ms Cyd HO and Mr IP Kwok-him.

(b) **Legal Service Division report on subsidiary legislation gazetted on 6 February 2015 and tabled in Council on 11 February 2015**
(*LC Paper No. LS38/14-15 issued vide LC Paper No. CB(2)839/14-15 dated 12 February 2015*)

5. At the invitation of the Chairman, LA briefed Members on the LSD report on the two items of subsidiary legislation gazetted on 6 February 2015 and tabled in Council on 11 February 2015, namely the Allowances to Jurors (Amendment) Order 2015 (L.N. 29) and the Pharmacy and Poisons (Amendment) Ordinance 2015 (Commencement) Notice (L.N. 30). Members did not raise any question on these two items of subsidiary legislation.

6. Members noted that the deadline for amending these two items of subsidiary legislation had been extended to the Council meeting of 15 April 2015.

(c) **Legal Service Division report on subsidiary legislation gazetted on 13 February 2015 and tabled in Council on 25 February 2015**
(*LC Paper No. LS40/14-15*)

7. At the invitation of the Chairman, LA briefed Members on the LSD report on the Pharmacy and Poisons (Amendment) Regulation 2015 (L.N. 34) which was gazetted on 13 February 2015 and tabled in Council on 25 February 2015. Members did not raise any question on the Regulation.

Action

8. Members noted that the deadline for amending the Regulation was the Council meeting of 25 March 2015.

(d) Legal Service Division report on subsidiary legislation gazetted on 18 February 2015 and tabled in Council on 25 February 2015

(LC Paper No. LS41/14-15)

9. At the invitation of the Chairman, LA briefed Members on the LSD report on the six items of subsidiary legislation (i.e. L.N. 36 to L.N. 41) which were gazetted on 18 February 2015 and tabled in Council on 25 February 2015.

10. Mr SIN Chung-kai considered it necessary to form a subcommittee to study the four items of subsidiary legislation made under the Competition Ordinance (Cap. 619) (i.e. the Competition (Application of Provisions) Regulation (L.N. 36), the Competition (Disapplication of Provisions) Regulation (L.N. 37), the Competition (Turnover) Regulation (L.N. 38) and the Competition Ordinance (Commencement) Notice 2015 (L.N. 39)) in detail. Members agreed. The following Members agreed to join the subcommittee: Mr Andrew LEUNG, Ms Cyd HO, Dr Priscilla LEUNG, Mr Dennis KWOK and Mr SIN Chung-kai.

11. Members did not raise any question on the remaining two items of subsidiary legislation (i.e. L.N. 40 and L.N. 41).

12. Members noted that the deadline for amending the six items of subsidiary legislation covered in the LSD report was the Council meeting of 25 March 2015, or that of 15 April 2015 if extended by a resolution of the Council.

IV. Legal Service Division report on subsidiary legislation gazetted on 25 February 2015

(LC Paper No. LS46/14-15)

13. At the invitation of the Chairman, LA briefed Members on the LSD report on the Rating (Exemption) Order 2015 (L.N. 42) which was gazetted on 25 February 2015 and would be tabled in Council on 18 March 2015.

14. Mr SIN Chung-kai considered it necessary to form a subcommittee to study the Order in detail. Members agreed. The following Members agreed to join the subcommittee: Ms Cyd HO, Mr WU Chi-wai, Mr CHAN Chi-chuen and Mr SIN Chung-kai.

Action

15. The Chairman reminded Members that the deadline for amending the Order was the Council meeting of 15 April 2015, or that of 6 May 2015 if extended by a resolution of the Council.

V. Advance information on business for the Council meeting of 18 March 2015

(a) Bill - First Reading and moving of Second Reading

16. The Chairman said that the Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Bill 2015 would be presented to the Council on 18 March 2015.

(b) Government motions

(i) Proposed resolution under section 9B of the Criminal Procedure Ordinance (Cap. 221) to be moved by the Chief Secretary for Administration

*(Wording of the proposed resolution issued vide LC Paper No. CB(3)438/14-15 dated 5 February 2015)
(LC Paper No. LS42/14-15)*

(ii) Proposed resolution under section 54 of the Coroners Ordinance (Cap. 504) to be moved by the Chief Secretary for Administration

*(Wording of the proposed resolution issued vide LC Paper No. CB(3)439/14-15 dated 5 February 2015)
(LC Paper No. LS42/14-15)*

17. At the invitation of the Chairman, LA briefed Members on the LSD report on the above two proposed resolutions. Members did not raise any question and had no objection to the Administration moving the two proposed resolutions at the Council meeting of 18 March 2015.

(iii) Proposed resolution under section 7(1) of the Public Finance Ordinance (Cap. 2) to be moved by the Secretary for Financial Services and the Treasury

*(Wording of the proposed resolution issued vide LC Paper No. CB(3)482/14-15 dated 26 February 2015)
(LC Paper No. LS45/14-15)*

18. At the invitation of the Chairman, LA briefed Members on the LSD report on the proposed resolution. Members did not raise any question and had no objection to the Administration moving the proposed resolution at the Council meeting of 18 March 2015.

Action

(iv) Proposed resolution under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1) to be moved by the Secretary for Commerce and Economic Development

*(Wording of the proposed resolution issued vide LC Paper No. CB(3)483/14-15 dated 26 February 2015)
(LC Paper No. LS44/14-15)*

19. At the invitation of the Chairman, LA briefed Members on the LSD report on the proposed resolution. LA informed Members that LSD had made enquiries with the Administration on a technical issue and the Administration had just provided a further reply. LSD would make a further report if necessary.

20. Mr CHAN Chi-chuen considered it necessary to form a subcommittee to study the proposed resolution in detail. Members agreed. The following Members agreed to join the subcommittee: Mr CHAN Kam-lam, Ms Cyd HO, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr Charles MOK, Mr CHAN Chi-chuen, Mr SIN Chung-kai and Dr Elizabeth QUAT.

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

(v) Proposed resolution under section 29(1) 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)472/14-15 dated 23 February 2015)
(LC Paper No. LS43/14-15)*

22. At the invitation of the Chairman, LA briefed Members on the LSD report on the proposed resolution. Members did not raise any question and had no objection to the Administration moving the proposed resolution at the Council meeting of 18 March 2015.

VI. Reports of Bills Committees and subcommittees

(a) **Report of the Bills Committee on Securities and Futures and Companies Legislation (Uncertificated Securities Market Amendment) Bill 2014**

(LC Paper No. CB(1)573/14-15)

23. Mr Christopher CHEUNG, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Members noted that the Bills Committee supported the Committee stage amendments ("CSAs"), which were technical in nature, proposed to be moved by the Administration and the resumption of the Second Reading debate on the Bill. Members also noted that the Administration had indicated its intention to resume the Second Reading debate on the Bill at the Council meeting of 18 March 2015.

(b) **Report of the Bills Committee on Veterinary Surgeons Registration (Amendment) Bill 2014**

(LC Paper No. CB(3)474/14-15)

24. Mr Tommy CHEUNG, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Members noted that the Bills Committee supported the CSAs proposed to be moved by the Administration to address the concerns raised by members of the Bills Committee. Members also noted that the Bills Committee had no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 18 March 2015.

25. The Chairman reminded Members that the deadline for giving notice of CSAs, if any, proposed to be moved to the above two Bills was Monday, 9 March 2015.

(c) **Report of the Subcommittee on Minimum Wage Ordinance (Amendment of Schedule 3) Notice 2015 and Employment Ordinance (Amendment of Ninth Schedule) Notice 2015**

26. Dr CHIANG Lai-wan, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. Dr CHIANG said that the Subcommittee had completed its scrutiny of the two Notices relating to the revision of the Statutory Minimum Wage ("SMW") rate. During its deliberations, the Subcommittee had discussed the revised SMW rate, the frequency of review of the SMW rate, factors taken into account in determining the revised SMW rate, and the impact of SMW on employers and employees. Some members of the Subcommittee had also expressed concern about the impact of SMW on the employment opportunities of persons with a disability. Members noted that the Subcommittee did not propose any amendments to the two Notices.

(d) **Report of the Subcommittee on Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) Ordinance (Amendment of Schedule 2) Notice 2015**
(LC Paper No. CB(1)578/14-15)

27. Mr CHAN Kam-lam, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee had no objection to the Notice.

28. The Chairman reminded Members that as the period for amending the three Notices studied by the above two Subcommittees would expire at the Council meeting of 18 March 2015, the deadline for giving notice of amendments, if any, to the three Notices was Wednesday, 11 March 2015.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)909/14-15)

29. The Chairman said that as at 26 February 2015, there were 10 Bills Committees, eight subcommittees under the House Committee ("HC") and nine subcommittees on policy issues under Panels in action. Two subcommittees on policy issues were on the waiting list.

VIII. Proposal for the appointment of a subcommittee under the House Committee to study the proposed subsidiary legislation on the procedures to be adopted by the Competition Tribunal

(LC Paper No. CB(4)559/14-15)

30. Dr Priscilla LEUNG, Chairman of the Panel on Administration of Justice and Legal Services ("the AJLS Panel"), briefed Members on the proposal of the Panel for the appointment under HC of a subcommittee to study the proposed subsidiary legislation on the procedures to be adopted by the Competition Tribunal ("the Draft Rules"), details of which were set out in the paper. Members noted that given the volume of the Draft Rules, the AJLS Panel had agreed to the Judiciary Administration's request for the appointment of the proposed subcommittee to allow sufficient time for Members to scrutinize the Draft Rules before they were submitted to the Legislative Council under the negative vetting procedure.

31. Members agreed to the AJLS Panel's proposal. The following Members agreed to join the subcommittee: Mr Abraham SHEK, Dr Priscilla LEUNG, Mr LEUNG Kwok-hung, Mr SIN Chung-kai and Mr TANG Ka-piu.

Action

IX. Any other business

32. There being no other business, the meeting ended at 2:56 pm.

Council Business Division 2
Legislative Council Secretariat
11 March 2015