

立法會
Legislative Council

LC Paper No. CB(2)289/18-19

Ref : CB2/H/5/18

House Committee of the Legislative Council

**Minutes of the 5th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 16 November 2018**

Members present :

Hon Starry LEE Wai-king, SBS, JP (Chairman)
Hon Dennis KWOK Wing-hang (Deputy Chairman)
Hon James TO Kun-sun
Hon LEUNG Yiu-chung
Hon Abraham SHEK Lai-him, GBS, JP
Hon Tommy CHEUNG Yu-yan, GBS, JP
Prof Hon Joseph LEE Kok-long, SBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, GBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon CHAN Kin-por, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon Steven HO Chun-yin, BBS
Hon Frankie YICK Chi-ming, SBS, JP
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, BBS, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, JP

Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, BBS, JP
Hon Martin LIAO Cheung-kong, SBS, JP
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, SBS, JP
Ir Dr Hon LO Wai-kiwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon Alvin YEUNG
Hon CHU Hoi-dick
Hon Jimmy NG Wing-ka, JP
Dr Hon Junius HO Kwan-yiu, JP
Hon HO Kai-ming
Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai
Hon SHIU Ka-chun
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan
Dr Hon Pierre CHAN
Hon CHAN Chun-ying, JP
Hon Tanya CHAN
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung
Hon LUK Chung-hung, JP
Hon LAU Kwok-fan, MH
Dr Hon CHENG Chung-tai
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho
Hon Gary FAN Kwok-wai
Hon AU Nok-hin
Hon Vincent CHENG Wing-shun, MH
Hon Tony TSE Wai-chuen, BBS

Members absent :

Hon Andrew WAN Siu-kin
Hon Kenneth LAU Ip-keung, BBS, MH, JP

Clerk in attendance :

Miss Flora TAI Clerk to the House Committee

Staff in attendance :

Mr Kenneth CHEN, SBS	Secretary General
Ms Connie FUNG	Legal Adviser
Miss Odelia LEUNG	Deputy Secretary General
Ms Anita SIT	Assistant Secretary General 1
Ms Dora WAI	Assistant Secretary General 3
Mr Matthew LOO	Assistant Secretary General 4
Mr Timothy TSO	Senior Assistant Legal Adviser 1
Mr YICK Wing-kin	Senior Assistant Legal Adviser 2
Mr Kelvin LEE	Senior Assistant Legal Adviser 3
Ms Amy YU	Principal Council Secretary 1
Ms Hallie CHAN	Head (Public Information)
Ms Alice LEUNG	Chief Council Secretary (2)6
Miss Rachel DAI	Assistant Legal Adviser 2
Ms Wendy KAN	Assistant Legal Adviser 6
Mr Cliff IP	Assistant Legal Adviser 8
Ms Clara TAM	Assistant Legal Adviser 9
Miss Evelyn LEE	Assistant Legal Adviser 10
Miss Linda CHAN	Assistant Legal Adviser 11
Miss Connie AU	Senior Council Secretary (2)6
Mr Richard WONG	Senior Council Secretary (2)8
Miss Michelle TANG	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 minutes of meeting

Minutes of 4th meeting held on 2 November 2018
(LC Paper No. CB(2)236/18-19)

The minutes were confirmed.

II. Matters arising

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

The Administration's replies to questions and enquiries raised by Members

2. The Chairman said that she had relayed to CS the concerns expressed by Members at the last House Committee ("HC") meeting on 2 November 2018 ("the last HC meeting") that the Administration had not replied satisfactorily to their questions and enquiries raised at Council meetings or committee meetings. She had requested CS to follow up the individual cases raised by Members, including the case raised by Mr CHAN Chi-chuen in writing after the last HC meeting.

3. Members noted that CS had advised that he would first understand in detail the cases raised by Members and would request the bureaux/departments concerned to make their best efforts to provide the information and data requested by the Members concerned. CS had also advised that he would request the relevant government officials to enhance their communication with the Members concerned, and in cases where the requested information could not be provided, the relevant government officials should not only explain the reasons to Members but should also endeavour to consult with the Members concerned on the possible solutions. The Chairman said that CS had indicated that he would provide further information on the follow up work undertaken by the Administration at their next meeting scheduled to be held on next Monday.

Joint letter from 24 Members requesting CS to explain the matter concerning Mr Victor MALLET being refused entry to Hong Kong

4. The Chairman said that 24 Members had written to her on 9 November 2018 ("the joint letter") requesting her to relay to CS their request for an explanation from CS on the latest development on the matter concerning Mr Victor MALLET being refused entry to Hong Kong ("the matter concerned") at her next meeting with CS. The joint letter was tabled at the meeting for Members' reference. The Chairman further said that she and the Deputy Chairman would relay the request of 24 Members to CS when they met with CS on next Monday, and a copy of the joint letter would also be passed to CS.

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(*Post-meeting note:* The joint letter tabled at the meeting was circulated to Members vide LC Paper No. CB(2)280/18-19(01) on 16 November 2018.)

5. Mr CHAN Hak-kan said that he hoped that the Chairman would also convey the views of Members of the pro-establishment camp on the matter concerned to CS at her next meeting with CS. Mr CHAN said that the majority of Members of the pro-establishment camp supported the decision of the Immigration Department ("ImmD") to refuse the entry of Mr Victor MALLET to Hong Kong, and that the decision was made in accordance with the laws of Hong Kong and in compliance with the usual practice, both locally and internationally. Concurring with Mr CHAN, Mr CHEUNG Kwok-kwan commented that the views raised in the joint letter were the views of 24 Members only and the joint letter did not represent the views of the majority of Members in the Legislative Council ("LegCo"). Echoing the view of Mr CHAN and Mr CHEUNG, Mr WONG Ting-kwong said that he hoped that the Chairman would reflect truthfully to CS all the views expressed by Members of the pro-establishment camp on the matter concerned at this meeting.

6. Mr Charles MOK opined that even the views raised in the joint letter only represented the minority views in LegCo, those views should be respected and reflected to CS for consideration. Mr MOK and Mr WU Chi-wai said that they hoped that the Chairman and the Deputy Chairman would relay to CS at their next meeting the request of Members of the pro-democracy camp that CS should attend a special meeting of HC to explain to Members the matter concerned. Mr WU added that Members of the pro-establishment camp who had spoken so far did not indicate objection to the request for inviting CS to attend a special meeting of HC.

7. Dr Elizabeth QUAT said that she supported ImmD's decision and did not consider it necessary for HC to invite CS to attend a special meeting of HC to explain the matter concerned. Dr QUAT further said that she condemned strongly the derogatory remarks about the Hong Kong Government made by 24 Members in the joint letter and considered that the remarks were meant to smear the Hong Kong Government. Both Dr QUAT and Mrs Regina IP considered that the matter concerned had nothing to do with freedom of the press. Mrs IP said that while the Administration had not made any comments on the matter concerned, it was very likely that it was related to the talk, in which Mr Victor

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MALLET was the moderator, given recently by the pro-independence activist at the Foreign Correspondents' Club, Hong Kong ("FCC"). Mrs IP also pointed out that it was very inappropriate for Members to discuss openly the case of Mr MALLET as an appeal had already been filed with ImmD regarding ImmD's refusal to renew the work visa of Mr MALLET, and judicial review might be lodged to challenge ImmD's decision in future. Echoing the view of Mrs IP, Mr Steven HO and Dr Junius HO expressed a similar view that there was no need for CS to attend a special meeting of HC to explain the matter concerned. Mr HO said that he was in support of all efforts made by the Hong Kong Government to guard against attempts that might be prejudicial to state security. Dr HO said that in his view, the *sub judice* rule would equally apply to cases of appeals against ImmD's decisions as the persons aggrieved by ImmD's decisions might eventually apply for judicial review.

8. Mr Alvin YEUNG commented that as the support of Members of the pro-establishment camp for the Hong Kong Government's decision to expel Mr Victor MALLET, a foreign journalist, was a show of their love for the country and Hong Kong, their stance should be made known to the public and the international media. Mr LAM Cheuk-ting was concerned if the case of Mr MALLET would have any impact on the President or other members of the Board of Governors of FCC in their future applications for working visas or entry visas to Hong Kong. Mr LAM hoped that the Chairman would relay his concern to CS. Regarding the remarks of Dr Junius HO about the *sub judice* rule, Mr Kenneth LEUNG said that while Members should uphold the *sub judice* rule to avoid making references to matters awaiting adjudication in a court of law, there were at present no pending judicial review cases regarding ImmD's decisions in relation to Mr MALLET.

9. The Chairman said that LegCo had imposed upon itself certain restrictions in relation to contents of speeches in Rule 41(2) of the Rules of Procedure, which provided that reference should not be made to a case pending in a court of law in such a way as, in the opinion of the President or Chairman, might prejudice that case.

10. Ms Claudia MO and Dr KWOK Ka-ki shared a similar view that it was incumbent upon CS, as the most senior government official, to attend a special meeting of HC to explain clearly the matter concerned to Members. Holding the view that the matter concerned had greatly impacted on Hong Kong, Dr KWOK considered that CS should elucidate whether the Hong Kong Government had indeed become a puppet of the

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Beijing Government. Dr KWOK also stressed that it was imperative for the Administration to uphold the principles of "one country, two systems", "Hong Kong people administering Hong Kong" and "a high degree of autonomy" which were enshrined in the Basic Law. Ms MO hoped that the Chairman and especially the Deputy Chairman would fully reflect the views and comments expressed by Members of the pro-democracy camp on the matter concerned to CS at their next meeting.

11. The Deputy Chairman assured Members that he and the Chairman had and would continue to reflect truthfully to CS the views expressed by Members, irrespective of whether they belonged to the pro-democracy camp or the pro-establishment camp, at HC meetings when he and the Chairman met with CS. He reiterated that he would definitely relay Members' views on the matter concerned to CS at their next meeting.

12. The Chairman said that she would, as in the past, relay clearly and truthfully to CS at their next meeting the various views and concerns expressed by Members at this meeting as well as those expressed in the joint letter.

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) Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 *(LC Paper No. LS13/18-19)*

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

14. Mr CHAN Hak-kan 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 CHAN Hak-kan, Dr Fernando CHEUNG, Mr CHU Hoi-dick, Mr HUI Chi-fung and Mr Tony TSE.

(ii) Inland Revenue (Amendment) (No. 7) Bill 2018
(LC Paper No. LS14/18-19)

15. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the above Bill.

16. Mr Christopher CHEUNG considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Mr James TO, Mr Kenneth LEUNG and Mr Christopher CHEUNG agreed to join the Bills Committee.

(iii) Professional Accountants (Amendment) Bill 2018
(LC Paper No. LS12/18-19)

17. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the above Bill.

18. Mr James TO considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Mr James TO, Mr Kenneth LEUNG and Mr CHAN Chun-ying agreed to join the Bills Committee.

(b) Legal Service Division report on subsidiary legislation gazetted on 2 November 2018 and tabled in Council on 7 November 2018
(LC Paper No. LS15/18-19)

19. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the Tax Reserve Certificates (Rate of Interest) (Consolidation) (Amendment) (No. 2) Notice 2018 (L.N. 211) which was gazetted on 2 November 2018 and tabled in Council on 7 November 2018.

20. Members did not raise any questions on the Notice.

21. The Chairman reminded Members that the deadline for amending the Notice would be the Council meeting of 5 December 2018, or that of 9 January 2019 if extended by a resolution of the Council.

(c) Legal Service Division report on subsidiary legislation gazetted on 9 November 2018
(LC Paper No. LS16/18-19)

22. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on three items of subsidiary legislation (i.e. L.N.

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214 to L.N. 216) which were gazetted on 9 November 2018. LA said that LSD was still scrutinizing the legal and drafting aspects of the Merchant Shipping (Safety) (INF Cargo) Regulation (L.N. 214) and would report further if necessary.

23. Members did not raise any questions on L.N. 214 and L.N. 215.

24. The Chairman reminded Members that the deadline for amending the above two items of subsidiary legislation would be the Council meeting of 12 December 2018, or that of 9 January 2019 if extended by a resolution of the Council.

25. Regarding the United Nations Sanctions (South Sudan) Regulation 2018 (L.N. 216) made under the United Nations Sanctions Ordinance (Cap. 537) which was not required to be tabled in LegCo and was not subject to amendment by LegCo, Members agreed that the Regulation be referred to the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions as it came within the Subcommittee's terms of reference.

IV. Business for the Council meeting of 21 November 2018

Report No. 4/18-19 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

26. The Chairman said that the above draft Report, which covered subsidiary legislation the period for amendment of which would expire at the Council meeting of 21 November 2018, had been issued to Members. No Member had indicated intention to speak on any of those items of subsidiary legislation.

(a) **Questions**
(*LC Paper No. CB(3)134/18-19*)

27. The Chairman said that 22 questions (six oral and 16 written) had been scheduled for the meeting.

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

28. 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 Chief Secretary for Administration**

(LC Paper No. CB(3)109/18-19)

(LC Paper No. LS17/18-19)

29. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the above proposed resolution.

30. Members did not raise any questions on the proposed resolution and had no objection to the Administration moving the proposed resolution at the Council meeting of 21 November 2018.

(ii) **Proposed resolution under section 7(b) of the Legal Aid Ordinance (Cap. 91) to be moved by the Chief Secretary for Administration**

(LC Paper No. CB(3)109/18-19)

(LC Paper No. LS18/18-19)

31. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the above proposed resolution.

32. Members did not raise any questions on the proposed resolution and had no objection to the Administration moving the proposed resolution at the Council meeting of 21 November 2018.

(d) **Members' motions**

(i) **Proposed resolution under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) to be moved by Hon CHAN Chun-ying in relation to the Financial Institutions (Resolution) (Loss-absorbing Capacity Requirements—Banking Sector) Rules**

(LC Paper No. CB(3)142/18-19)

(ii) **Proposed resolution under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) to be moved by Hon Christopher CHEUNG in relation to the Securities and Futures (Financial Resources) (Amendment) Rules 2018**

(LC Paper No. CB(3)141/18-19)

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(iii) Proposed resolution under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) to be moved by Hon Frankie YICK in relation to the following items of subsidiary legislation:

- **Closed Area (Hong Kong-Zhuhai-Macao Bridge Hong Kong Port and Hong Kong Link Road) Order (Commencement) Notice;**
- **Cross-boundary Movement of Physical Currency and Bearer Negotiable Instruments Ordinance (Amendment of Schedule 1) (No. 3) Notice 2018;**
- **Hong Kong-Zhuhai-Macao Bridge Hong Kong Port and Hong Kong Link Road Closed Area (Permission to Enter) Notice (Commencement) Notice;**
- **Immigration (Places of Detention) (Amendment) Order 2017 (Commencement) Notice; and**
- **Immigration Service (Designated Places) (Amendment) Order 2017 (Commencement) Notice**

(LC Paper No. CB(3)150/18-19)

33. The Chairman said that the purpose of the above three proposed resolutions were to extend the period for amending the subsidiary legislation concerned to the Council meeting of 12 December 2018.

(iv) Proposed resolution under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) to be moved by Hon Abraham SHEK in relation to the Land (Miscellaneous Provisions) (Amendment) Regulation 2018

(LC Paper No. CB(3)151/18-19)

34. The Chairman said that the purpose of the above proposed resolution was to extend the period for amending the Amendment Regulation to the Council meeting of 9 January 2019.

35. The Chairman further said that Members' motions which had stood over from previous Council meetings would be dealt with at the meeting.

V. Business for the Council meeting of 28 November 2018

(a) Questions

(LC Paper No. CB(3)135/18-19)

36. The Chairman said that 22 questions (six oral and 16 written) had been scheduled for the meeting.

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

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

(c) Bill - resumption of debate on Second Reading, Consideration by Committee of the Whole Council and Third Reading

38. The Chairman said that the Second Reading debate on the Supplementary Appropriation (2017-2018) Bill would be resumed at the meeting.

(d) Government motion

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

(e) Members' motions

40. The Chairman said that the two Members' motions originally scheduled to be dealt with at the Council meeting of 28 November 2018, i.e. the motion on "Conducting consultation and discussions on the legislative procedure for enacting laws to implement Article 23 of the Basic Law" to be moved by Mr CHUNG Kwok-pan and the motion on "Requesting the Government to set up crisis support centres for sexual violence victims and abused children in public hospitals" to be moved by Dr Pierre CHAN would be rescheduled to the following Council meetings. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above two motions would be Wednesday, 21 November 2018.

Report of HC on Consideration of Subsidiary Legislation

41. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)152/18-19), which contained eight items of subsidiary legislation the period for amendment of which would expire at

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the Council meeting of 28 November 2018. She reminded Members to indicate their intention by 5:00 pm on Tuesday, 20 November 2018, should they wish to speak on any of those items of subsidiary legislation.

VI. Reports of Bills Committees and subcommittees

(a) **Report of the Bills Committee on Travel Industry Bill**
(*LC Paper No. CB(4)200/18-19*)

42. Mr YIU Si-wing, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Mr YIU said that the Bills Committee welcomed the proposed amendments by the Administration which were made in response to the concerns of the Bills Committee members. He further said that while the Bills Committee would not propose any amendments to the Bill, the Bills Committee noted that individual Bills Committee members might consider proposing amendments to the Bill.

43. Members noted that subject to the moving of amendments by the Administration, the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting of 28 November 2018.

(b) **Report of the Bills Committee on Companies (Amendment) Bill 2018**
(*LC Paper No. CB(1)170/18-19*)

44. Mr Christopher CHEUNG, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Mr CHEUNG said that the Administration would propose amendments to introduce technical or textual amendments to the Bill, so as to enhance the clarity of the provisions and achieve the consistency between the Chinese and English texts of the Bill. The Bills Committee had no objection to the proposed amendments. Mr CHEUNG further said that the Bills Committee would not propose any amendments to the Bill and raised no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 28 November 2018.

45. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above two Bills would be Monday, 19 November 2018.

(c) Report of the Subcommittee on Two Orders Made under Section 49(1A) of the Inland Revenue Ordinance and Gazetted on 14 September 2018

46. Mr Kenneth LEUNG, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. He said that the two Orders were made by the Chief Executive in Council to give effect to the Comprehensive Avoidance of Double Taxation Agreements ("CDTAs") signed by the Hong Kong Special Administrative Region respectively with the Republic of India and the Republic of Finland to minimize double taxation.

47. Mr LEUNG informed Members that the Subcommittee had held three meetings with the Administration to scrutinize the two Orders. In the course of deliberations, the Subcommittee had examined issues including the exchange of information arrangements, the claiming of treaty benefits under the two Agreements as well as some drafting issues. The Subcommittee noted that the two Agreements were the first two CDTAs signed by Hong Kong which would allow the use of tax information exchanged for limited non-tax related purposes. The Subcommittee had sought details of the relevant exchange of tax information arrangements and safeguards to taxpayers.

48. Mr LEUNG advised that according to the Administration's explanation, the exchange of tax information must first be conducted for tax purposes in accordance with the relevant CDTA. If the receiving party subsequently intended to use the exchanged information for non-tax related purposes, it was permissible only where such use was allowed under the laws of both Contracting Parties and the competent authority of the supplying party (i.e. the Commissioner of Inland Revenue in the case of Hong Kong) authorized such use. Upon receipt of such a request for using the exchanged information for non-tax related purposes, the Inland Revenue Department ("IRD") would consult the relevant law enforcement agencies and the Department of Justice ("DoJ") as to whether it was appropriate to accede to the request. In the case of Hong Kong, tax information might only be used for limited non-tax related purposes, such as the recovery of proceeds from drug trafficking, organized and serious crimes and terrorist acts under the relevant ordinances.

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49. Mr LEUNG also advised that Mr James TO had opined that if India or Finland intended to use the exchanged information under the relevant CDTA for non-tax related purposes, it must resort to the means specifically provided under the relevant ordinances which were enacted for those specific purposes, such as through the mutual legal assistance ("MLA") arrangements with the relevant jurisdictions as implemented by the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525). Otherwise, the statutory protection for the subject persons concerned would be undermined.

50. Mr LEUNG further said that the Administration had indicated that the exchange of information arrangements under CDTAs and MLA arrangements were two separate regimes independent of each other. On the relevant safeguards for handling a request of using exchanged information for non-tax related purposes, DoJ had affirmed that IRD would reject such request if the relevant law enforcement agencies or DoJ objected to the disclosure. The requesting party could not use the exchanged information for a non-tax related purpose even if such use was permitted under its laws if such use was not permitted under the laws of Hong Kong. In addition, IRD would pay due regard to the relevant requirements under the Personal Data (Privacy) Ordinance (Cap. 486).

51. Members noted that while Mr James TO took note of the Administration's explanations, he had remained seriously concerned over the arrangements under the two Orders in relation to the use of tax information exchanged for non-tax related purposes. Mr TO had indicated that he would give notice to move a motion at the Council meeting of 28 November 2018 to repeal the two Orders. Members further noted that the Subcommittee would submit a written report in due course.

(d) Report of the Subcommittee on Tax Reserve Certificates (Rate of Interest) (Consolidation) (Amendment) Notice 2018
(LC Paper No. CB(1)169/18-19)

52. Mr Kenneth LEUNG, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Mr LEUNG said that the Subcommittee had no objection to the Amendment Notice and that both the Administration and the Subcommittee would not propose any amendments to it.

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53. The Chairman reminded Members that the period for amending the three items of subsidiary legislation studied by the above two Subcommittees would expire at the Council meeting of 28 November 2018, and the deadline for giving notice of amendments, if any, would be Wednesday, 21 November 2018.

(e) **Report of the Subcommittee on Registration of Persons (Application for New Identity Cards) Order 2018 and Registration of Persons (Application for New Identity Cards) Order (Repeal) Order**

(LC Paper No. CB(2)239/18-19)

54. Mr CHAN Hak-kan, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee raised no objection to the two items of subsidiary legislation and would not propose any amendments to them.

VII. Position on Bills Committees and subcommittees
(LC Paper No. CB(2)237/18-19)

55. The Chairman said that as at 15 November 2018, there were eight Bills Committees, 15 subcommittees under HC and four subcommittees on policy issues under Panels in action. Nine subcommittees on policy issues were on the waiting list.

56. The Chairman invited Members to note that only one Member had signified to join the proposed Subcommittee on Pharmacy and Poisons (Amendment) (No. 6) Regulation 2018 by the deadline for signification of membership. According to the relevant House Rules, a subcommittee should consist of not less than three members and accordingly, the above proposed subcommittee could not be formed.

VIII. Any other business

57. There being no other business, the meeting ended at 3:17 pm.