

立法會
Legislative Council

LC Paper No. CB(1)598/20-21
(These minutes have been
cleared with the Chairman)

Ref : CB1/BC/3/20

Bills Committee on Stamp Duty (Amendment) Bill 2020

**Minutes of the first meeting on
Wednesday, 6 January 2021, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon Jeffrey LAM Kin-fung, GBS, JP (Chairman)
Hon Abraham SHEK Lai-him, GBS, JP
Hon WONG Ting-kwong, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Hon SHIU Ka-fai, JP
Hon Tony TSE Wai-chuen, BBS

Clerk in attendance : Mr Derek LO
Chief Council Secretary (1)5

Staff in attendance : Ms Wendy KAN
Assistant Legal Adviser 6

Mr Joey LO
Senior Council Secretary (1)8

Ms Michelle NIEN
Legislative Assistant (1)5

Action

I. Election of Chairman

Mr Abraham SHEK, the member who had the highest precedence in the Council among members of the Bills Committee on Stamp Duty (Amendment) Bill 2020 ("the Bills Committee") present at the meeting, presided over the election of Chairman of the Bills Committee. He invited nominations for the chairmanship.

2. Mr WONG Ting-kwong nominated Mr Jeffrey LAM and the nomination was seconded by Mr SHIU Ka-fai. Mr Jeffrey LAM accepted the nomination. There being no other nomination, Mr Jeffrey LAM was declared Chairman of the Bills Committee. Mr LAM took the chair.

3. Members agreed that it was not necessary to elect a Deputy Chairman.

II. Any other business

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

Invitation of views

5. The Bills Committee agreed that in view of the coronavirus disease 2019 pandemic, there was no need to invite members of the public to attend a meeting of the Bills Committee to give views on the Bill.

Legislative timetable and date of next meeting

6. The Chairman advised that on the day of delivery of the 2020 Policy Address (i.e. 25 November 2020), the Chief Executive, after consultation with the Executive Council, made the Public Revenue Protection (Stamp Duty) Order 2020 (L.N. 231 of 2020) ("the Order") under section 2 of the Public Revenue Protection Ordinance (Cap. 120) ("PRPO") to give immediate effect to the proposed decrease of stamp duty under the Bill. The Order came into force at the beginning of 26 November 2020. The Schedule to the Order contained a proposed bill to amend the Stamp Duty Ordinance (Cap. 117), which was identical to the Bill. The Order was a temporary measure. It would expire and cease to be in force in accordance with section 5(2) of PRPO, with the longest validity period being four months from 26 November 2020 (the date on which the Order came into force).

Action

7. The Bill, if passed, would be deemed to have come into operation on 26 November 2020, i.e. the same date when the Order came into operation. Pursuant to section 7 of PRPO, where the Order ceased to be in force and was not replaced, with or without modification, by the Bill, the stamp duty which was payable immediately before the coming into force of the Order would become payable in full again. The Administration had therefore mentioned in the relevant Legislative Council ("LegCo") Brief that it aimed to have the Bill passed by LegCo before the Order ceased to have effect from 26 March 2021.

8. Given the above, the Chairman said that he would arrange a meeting of the Bills Committee with the Administration and notify members as soon as possible.

(Post-meeting note: Members were informed vide LC Paper No. CB(1)420/20-21 issued on 6 January 2021 that the next meeting was scheduled to be held on 18 January 2021 at 10:45 am.)

9. There being no other business, the meeting ended at 10:55 am.

Council Business Division 1
Legislative Council Secretariat
22 February 2021

**Proceedings of the first meeting of the
Bills Committee on Stamp Duty (Amendment) Bill 2020
on Wednesday, 6 January 2021, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Time Marker	Speaker	Subject(s)	Action Required
Agenda item I — Election of Chairman (and Deputy Chairman)			
000357 – 000510	Mr Abraham SHEK Mr Jeffrey LAM Mr WONG Ting-kwong Mr SHIU Ka-fai	Election of Chairman	
Agenda item II — Any other business			
000511 – 000615	Chairman Mr WONG Ting-kwong	Invitation of views	
000616 – 001131	Chairman	Legislative timetable	
001132 – 001400	Chairman Mr Abraham SHEK	<u>Date of next meeting</u> Mr Abraham SHEK expressed views on the timeframe of the Bills Committee in completing its scrutiny of the Bill.	