

**立法會**  
**Legislative Council**

LC Paper No. CB(1)282/20-21  
(These minutes have been seen  
by the Administration)

Ref : CB1/SS/4/20

**Subcommittee on Five Pieces of Subsidiary Legislation Relating to Fee  
Waiving or Concession Measures for the Retail and Catering Sectors**

**Minutes of the second meeting on  
Friday, 6 November 2020, at 8:30 am  
in Conference Room 2 of the Legislative Council Complex**

- Members present** : Hon Alvin YEUNG (Chairman)  
Hon James TO Kun-sun  
Hon Tommy CHEUNG Yu-yan, GBS, JP  
Prof Hon Joseph LEE Kok-long, SBS, JP  
Hon WONG Ting-kwong, GBS, JP  
Hon WU Chi-wai, MH  
Dr Hon KWOK Ka-ki  
Dr Hon Fernando CHEUNG Chiu-hung  
Dr Hon Helena WONG Pik-wan  
Hon IP Kin-yuen  
Hon Andrew WAN Siu-kin  
Hon LAM Cheuk-ting  
Hon SHIU Ka-fai, JP  
Hon HUI Chi-fung  
Hon KWONG Chun-yu  
Hon Jeremy TAM Man-ho
- Members absent** : Hon LEUNG Yiu-chung  
Hon Dennis KWOK Wing-hang

[According to the announcement made by the Hong Kong Special Administrative Region Government on 11 November 2020 pursuant to the Decision of the Standing Committee of the National People's Congress on Issues Relating to the Qualification of the Members of the Legislative Council ("LegCo") of the Hong Kong Special Administrative Region, Kenneth LEUNG, KWOK Ka-ki, Dennis KWOK Wing-hang and Alvin YEUNG were disqualified from being members of LegCo on 30 July 2020.]

**Public Officers  
attending** : Agenda Item I

Financial Services and the Treasury Bureau

Mr Louie NG  
Principal Assistant Secretary for Financial Services  
and the Treasury (Treasury)(MA)

Water Supplies Department

Mr WONG Chun-kwong  
Assistant Director / Finance

Drainage Services Department

Mr Walter LEUNG  
Assistant Director / Sewage Services

Food and Environmental Hygiene Department

Mr Gabriel TSANG  
Assistant Director (Operations)1

Department of Justice

Miss Annet LAI  
Government Counsel

Mr Allen LAI  
Senior Government Counsel

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

**Staff in attendance** : Mr Mark LAM  
Assistant Legal Adviser 7

Mr Joey LO  
Senior Council Secretary (1)8

Ms Michelle NIEN  
Legislative Assistant (1)5

Action

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**I. Meeting with the Administration**

(L.N. 177 of 2020 — Sewage Services (Trade Effluent Surcharge) (Amendment) Regulation 2020

L.N. 178 of 2020 — Waterworks (Amendment) Regulation 2020

L.N. 179 of 2020 — Sewage Services (Sewage Charge) (Amendment) Regulation 2020

L.N. 194 of 2020 — Dutiable Commodities (Liquor Licences) (Fees) (Amendment) Regulation 2020

L.N. 195 of 2020 — Dutiable Commodities (Liquor Licences) (Fees) (Amendment) (Fee Concessions) Regulation 2019 (Amendment) Regulation 2020

File Ref: TsyB MA 00/625-1/2/0 (C) — Legislative Council Brief Pt. 40

LC Paper No. LS125/19-20 — Legal Service Division Report

Action

- LC Paper No. CB(1)116/20-21(01) — Marked-up copy of the Sewage Services (Trade Effluent Surcharge) (Amendment) Regulation 2020 prepared by the Legal Service Division  
*(Restricted to members)*
- LC Paper No. CB(1)116/20-21(02) — Marked-up copy of the Waterworks (Amendment) Regulation 2020 prepared by the Legal Service Division  
*(Restricted to members)*
- LC Paper No. CB(1)116/20-21(03) — Marked-up copy of the Sewage Services (Sewage Charge) (Amendment) Regulation 2020 prepared by the Legal Service Division  
*(Restricted to members)*
- LC Paper No. CB(1)116/20-21(04) — Marked-up copy of the Dutiable Commodities (Liquor Licences) (Fees) (Amendment) Regulation 2020 prepared by the Legal Service Division  
*(Restricted to members)*
- LC Paper No. CB(1)116/20-21(05) — Marked-up copy of the Dutiable Commodities (Liquor Licences) (Fees) (Amendment) (Fee Concessions) Regulation 2019 (Amendment) Regulation 2020 prepared by the Legal Service Division  
*(Restricted to members))*

Action

Discussion

The Subcommittee deliberated (Index of proceedings attached at **Appendix**).

**II. Any other business**

2. The Chairman concluded that the Subcommittee had completed the scrutiny of the five pieces of subsidiary legislation and would not propose any amendment.

3. The Subcommittee noted that the Chairman would move a proposed resolution at the Council meeting of 11 November 2020 to extend the period of scrutiny of the five pieces of subsidiary legislation to the Council meeting of 2 December 2020. If the scrutiny period was extended, the deadline for giving notices of motions to amend the subsidiary legislation would be 25 November 2020. The Subcommittee also noted that the Chairman would report the deliberations of the Subcommittee to the House Committee on 20 November 2020.

*(Post-meeting note: Members were informed vide LC Paper No. CB(1)192/20-21 on 13 November 2020 that as the proposed resolution to extend the scrutiny period of the five pieces of subsidiary legislation was not moved at the Council meeting of 11 November 2020, the scrutiny period of the five pieces of subsidiary legislation had expired at the said Council meeting.)*

4. There being no other business, the meeting ended at 9:24 am.

Council Business Division 1  
Legislative Council Secretariat  
26 November 2020

**Proceedings of the second meeting of the  
Subcommittee on Five Pieces of Subsidiary Legislation Relating to Fee Waiving or  
Concession Measures for the Retail and Catering Sectors  
on Friday, 6 November 2020, at 8:30 am  
in Conference Room 2 of the Legislative Council Complex**

Time Marker	Speaker	Subject(s)	Action Required
<b>Agenda item I —Meeting with the Administration</b>			
000540 – 001024	Chairman Administration	Briefing by the Administration on the five pieces of subsidiary legislation (L.N. 177, 178, 179, 194 and 195 of 2020).	
001025 – 002310	Chairman Dr KWOK Ka-ki Mr Andrew WAN Administration	<p>Dr KWOK Ka-ki's and Mr Andrew WAN's views/enquiries as follows:</p> <p>(a) the waivers/concessions unfairly benefitted large enterprises more than small and medium enterprises ("SMEs"), which discharged less sewage and consumed less water than large enterprises, as the trade effluent surcharge and charge for fresh water supplied for non-domestic purposes were calculated based on the quantity of sewage discharged and fresh water consumption;</p> <p>(b) whether low-volume consumers whose trade effluent surcharge and charge for fresh water were below the monthly caps could be allowed to enjoy the waivers/concessions beyond the four-month waiver period originally ending on 31 March 2021 provided that the accumulative amount of waived surcharge/charge did not exceed the total amount of reduction originally permitted within the waiver period; and</p> <p>(c) in case another round of the waivers/concessions was required to support businesses, whether they could be sustained in the long term in view of the weakening financial position of the Government due to the increased deficit and reduced fiscal reserve.</p> <p>The Administration responded as follows:</p> <p>(a) the waivers/concessions targeted at all enterprises of the relevant sectors</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>regardless of the scale of business. Enterprises of different scales were faced with different levels of operating costs and were equally in need of support;</p> <p>(b) the Sewage Services (Trade Effluent Surcharge) (Amendment) Regulation 2020 aimed to extend the waiving of 100% of the trade effluent surcharge payable for one more year from 1 January 2021 to 31 December 2021;</p> <p>(c) the Sewage Services (Sewage Charges) (Amendment) Regulation 2020 aimed to extend the reduction of 75% of the sewage charge for fresh water supplied for non-domestic purposes for four more months, subject to a monthly cap of \$12,500 for each meter covered by a water bill from 1 December 2020 to 31 March 2021;</p> <p>(d) it was estimated that over 99% of 250 000 non-domestic consumers would benefit from the sewage charge concessions; and</p> <p>(e) the Administration would keep in view the pandemic and economic situation and review whether there was any need for further extending the period of waivers/concessions.</p>	
002311 – 002731	Chairman Mr Tommy CHEUNG Administration	<p>Mr Tommy CHEUNG's views as follows:</p> <p>(a) the catering sector accounted for about 80% of the bill of trade effluent surcharge and charge for fresh water supplied for non-domestic purposes, which together with electricity and gas tariffs made up about 10% of their business turnover, representing a great burden on enterprises of the catering sector, especially the SMEs; and</p> <p>(b) the Liberal Party supported the extension of the waivers/concessions which would be of great help to the relevant sectors.</p>	

Time Marker	Speaker	Subject(s)	Action Required
002732 – 003227	Chairman Mr HUI Chi-fung Administration	<p>Mr HUI Chi-fung enquired about the arrangement for the extension of the waiver/reduction of fees payable for liquor licences, and the arrangement for holders of liquor licences who had their licences revoked during the said period.</p> <p>The Administration responded as follows:</p> <p>(a) the Dutiable Commodities (Liquor Licences) (Fees) (Amendment) Regulation 2020 and the Dutiable Commodities (Liquor Licences) (Fees) (Amendment) (Fee Concessions) Regulation 2019 (Amendment) Regulation 2020 sought to extend the waiving or reduction of fees payable for one more year during the period from 1 October 2020 to 30 September 2021 in respect of liquor licences;</p> <p>(b) the fees payable for applications for renewal of/new applications for liquor licences covered by the said period would be subject to waiver/reduction;</p> <p>(c) for holders of a two-year liquor licence which had been granted before the commencement of the said period and would expire beyond the said period, they would be eligible for a refund of the waived/reduced licence fee payable for the said period; and</p> <p>(d) holders of liquor licences who had their licences revoked during the said period would not be eligible for waiver/reduction.</p>	
003228 – 003622	Chairman Mr SHIU Ka-fai Administration	<p>Mr SHIU Ka-fai commented that the name of the Subcommittee should reflect the coverage of the subsidiary legislation more accurately as the waivers/reductions under the five subsidiary legislation targeted not only retail and catering businesses but also SMEs in other sectors, such as laundry shops.</p>	
003633 – 004058	Chairman Mr Jeremy TAM Administration	<p>In view of the rising unemployment rate, the Chairman and Mr Jeremy TAM enquired about whether there would be any waivers/reductions</p>	



Time Marker	Speaker	Subject(s)	Action Required
		<p>for new applications for the relevant licences, so as to encourage people who were unemployed to start their own business.</p> <p>The Administration responded that apart from the waivers/reductions on licence fees of liquor licences which required legislative amendments, waivers/reductions on some other licence fees related to hawkers, restaurants, bakeries, siu mei/lo mei shops etc. implemented administratively. New applications for these licences during 1 October 2020 to 30 September 2021 would enjoy the waiver/reduction measures.</p> <p>The Chairman and Mr Jeremy TAM urged the Administration to publicize the above measures to the public as more people starting their own business could help alleviate the unemployment situation. The Administration undertook to relay members' views to the relevant bureaux/departments for consideration.</p>	
<b>Clause-by-clause examination of the subsidiary legislation</b>			
004059 – 005544	Chairman Administration	<p>L.N. 177 of 2020 - Sewage Services (Trade Effluent Surcharge) (Amendment) Regulation 2020</p> <p>L.N. 178 of 2020 - Waterworks (Amendment) Regulation 2020</p> <p>L.N. 179 of 2020 - Sewage Services (Sewage Charge) (Amendment) Regulation 2020</p> <p>L.N. 194 of 2020 - Dutiable Commodities (Liquor Licences) (Fees) (Amendment) Regulation 2020</p> <p>L.N. 195 of 2020 - Dutiable Commodities (Liquor Licences) (Fees) (Amendment) (Fee Concessions) Regulation 2019 (Amendment) Regulation 2020</p>	
005545 – 005834	Chairman Mr LAM Cheuk-ting	Legislative timetable and meeting arrangements	
<b>Agenda item II — Any other business</b>			

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
005720 – 005834	Chairman	Closing remarks	

Council Business Division 1  
Legislative Council Secretariat  
26 November 2020