

**立法會**  
***Legislative Council***

LC Paper No. CB(2)117/13-14

Ref : CB2/H/5/13

**House Committee of the Legislative Council**

**Minutes of the 2nd meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 18 October 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  
Hon TAM Yiu-chung, GBS, 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  
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, BBS  
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 Albert CHAN Wai-yip  
Hon WONG Yuk-man  
Hon Claudia MO  
Hon Michael TIEN Puk-sun, BBS, JP  
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  
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 Tony TSE Wai-chuen

**Members absent:**

Hon Albert HO Chun-yan  
Dr Hon LAU Wong-fat, GBM, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon CHUNG Kwok-pan  
Hon Christopher CHUNG Shu-kun, BBS, MH, 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
Mr Andy LAU	Assistant Secretary General 1
Miss Odelia LEUNG	Assistant Secretary General 3
Mrs Percy MA	Assistant Secretary General 4
Ms Connie FUNG	Senior Assistant Legal Adviser 1
Mr KAU Kin-wah	Senior Assistant Legal Adviser 3
Ms Dora WAI	Principal Council Secretary 1
Mr Simon WONG	Head (Public Information)
Ms Amy YU	Chief Council Secretary (2)6
Mr Kelvin LEE	Assistant Legal Adviser 1
Mr Bonny LOO	Assistant Legal Adviser 3
Miss Winnie LO	Assistant Legal Adviser 7
Mr Stephen LAM	Assistant Legal Adviser 11
Mr Jove CHAN	Senior Council Secretary (2)2
Miss Josephine SO	Senior Council Secretary (2)6
Miss Jasmine TAM	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 1st meeting held on 11 October 2013**

*(LC Paper No. CB(2)64/13-14)*

The minutes were confirmed.

**II. Matters arising**

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

2. The Chairman said that in response to Members' suggestion, CS had indicated her willingness to extend the duration of the proposed special meeting of the House Committee ("HC"), which would be held to discuss the consultation paper on population policy, to two hours.

### **III. Business arising from previous Council meetings**

#### **Legal Service Division report on subsidiary legislation gazetted on 11 October 2013 and tabled in Council on 16 October 2013**

*(LC Paper No. LS4/13-14)*

3. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the Legal Service Division Report on the three items of subsidiary legislation (i.e. L.N. 151 to L.N. 153) gazetted on 11 October 2013 and tabled in Council on 16 October 2013.

4. Mr WONG Kwok-hing considered it necessary to form a subcommittee to study the Road Traffic (Public Service Vehicles) (Amendment) Regulation 2013 (L.N. 151) in detail. Members agreed. Mr WONG Kwok-hing, Mr WU Chi-wai and Mr TANG Ka-piu agreed to join the subcommittee.

5. Regarding the Country Parks (Designation) (Consolidation) (Amendment) Order 2013 (L.N. 152), which covered new approved maps in respect of three country parks, namely Kam Shan Country Park, Sai Kung East Country Park ("SKECP") and Tai Lam Country Park, Ms Cyd HO considered it necessary to form a subcommittee to study it in detail. Ms HO enquired about the judicial review proceedings which had been initiated and whether the commencement date of L.N. 152 would be affected by the judicial review.

6. At the invitation of the Chairman, LA said that according to the letter from the solicitors' firm received by the Secretariat, judicial review proceedings had been initiated against the decision of the Chief Executive ("CE") in Council to approve the draft map of SKECP. Based on the information available so far, L.N. 152 would come into operation on 30 December 2013.

7. Dr Kenneth CHAN said that although judicial review proceedings had been initiated in relation to L.N. 152, the Legislative Council ("LegCo") had the constitutional responsibility to scrutinize subsidiary legislation. He supported forming a subcommittee to study L.N. 152 in detail.

8. The Deputy Chairman said that it was his understanding that the judicial review had not sought any injunctive relief, and he saw no reason why Members could not commence scrutiny of L.N. 152 which was subject to negative vetting by LegCo. He added that the relevant stakeholders could give their views when L.N. 152 was being scrutinized by the proposed subcommittee.

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9. Members agreed to form a subcommittee to study L.N. 152. The following Members agreed to join the subcommittee: Ms Cyd HO, Mr James TIEN, Mr WU Chi-wai and Dr Kenneth CHAN.

10. Mr Dennis KWOK considered it necessary to form a subcommittee to study the Arbitration (Amendment) Ordinance 2013 (Commencement) Notice (L.N. 153) in detail. Members agreed. Mr Dennis KWOK agreed to join the proposed subcommittee.

**IV. Business for the Council meeting of 30 October 2013**

(a) **Questions**

*(LC Paper No. CB(3)50/13-14)*

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

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

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

(c) **Government motions**

**Four proposed resolutions to be moved by the Secretary for Financial Services and the Treasury under the Bankruptcy Ordinance (Cap. 6) and the Companies Ordinance (Cap. 32)**  
*(Wording of the proposed resolutions issued vide LC Paper No. CB(3)61/13-14 dated 17 October 2013)*

13. The Chairman said that the subcommittee on the above four proposed resolutions would report on its deliberations under agenda item V(a) below.

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

**Professional Accountants (Amendment) Bill 2013**

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

(e) **Members' motions**

(i) **Motion to be moved by Hon CHAN Chi-chuen**

(ii) **Motion to be moved by Hon Gary FAN**

15. The Chairman said that the subjects of the motions to be moved by Mr CHAN Chi-chuen and Mr Gary FAN were "Transgender marriage" and "Adhering to the need to 'put Hong Kong people first' in formulating policies" respectively. The wording of the motions had been issued to Members.

16. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 23 October 2013.

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

(a) **Report of the Subcommittee on Proposed Resolutions under the Bankruptcy Ordinance and the Companies Ordinance**  
(*LC Paper No. CB(1)71/13-14*)

17. Mr WONG Ting-kwong, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Mr WONG highlighted that the Subcommittee supported the four proposed resolutions and would not propose any amendment to them.

18. The Chairman informed Members that as the Administration had given fresh notice to move the four proposed resolutions at the Council meeting of 30 October 2013, the deadline for giving notice of amendments, if any, was Wednesday, 23 October 2013.

(b) **Report of the Subcommittee on Solicitors (General) Costs (Amendment) Rules 2013**  
(*LC Paper No. CB(4)29/13-14*)

19. Mr Dennis KWOK, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Rules, which were made by the Council of The Law Society of Hong Kong instead of by the Costs Committee as required under the Legal Practitioners Ordinance (Cap. 159), had not been validly made. Members also noted that the Administration had proposed three options to deal with the problem and the majority of the members of

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the Subcommittee supported the option of publishing a new set of rules to be made by the Costs Committee with a Corrigendum in the Gazette to explain the error.

(c) **Report of the Subcommittee on Arbitration (Appointment of Arbitrators and Mediators and Decision on Number of Arbitrators) Rules**  
(LC Paper No. CB(4)35/13-14)

20. Mr Dennis KWOK, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Mr KWOK informed Members that the Subcommittee supported the Rules and had no objection to the Administration giving notice for moving a motion to amend rule 13(2) to better reflect its policy intent and to improve the drafting of some other rules.

21. The Chairman reminded Members that as the deadline for amending the above two items of subsidiary legislation was 6 November 2013, the deadline for giving notice of amendments, if any, was Wednesday, 30 October 2013.

**VI. Position on Bills Committees and subcommittees**  
(LC Paper No. CB(2)65/13-14)

22. The Chairman said that as at 17 October 2013, there were nine Bills Committees (one of which would need to work beyond three months since its commencement), 10 subcommittees under HC (i.e. seven subcommittees on subsidiary legislation, one subcommittee on policy issues and two subcommittees on other Council business) and seven subcommittees on policy issues under Panels in action. Four subcommittees on policy issues were on the waiting list.

**VII. Election of members of The Legislative Council Commission**  
(LC Paper No. AS13/13-14)

23. The Chairman said that The Legislative Council Commission ("the Commission") comprised the President, the Chairman and Deputy Chairman of HC as well as not more than 10 other members elected. The Chairman further said that a total of 10 nominations for election to the Commission were received by the deadline for nomination. As the number of nominations received equalled the maximum number of members that might be elected, no poll needed to be taken for election of members to the Commission.

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24. In accordance with the resolution made by the Council under The Legislative Council Commission Ordinance (Cap. 443), the Chairman declared the following 10 Members elected as members of the Commission -

Ms Emily LAU  
Mr Abraham SHEK  
Mr Vincent FANG  
Mr WONG Ting-kwong  
Ms Cyd HO  
Mr CHAN Kin-por  
Mr IP Kwok-him  
Mr NG Leung-sing  
Mr Charles MOK  
Dr Kenneth CHAN

**VIII. Proposals to follow up the Philippine hostage incident**

**(a) Proposal of Dr Hon Kenneth CHAN to hold an adjournment debate under Rule 16(4) of the Rules of Procedure at the Council meeting of 23 October 2013**

*(Letter dated 11 October 2013 from Dr Hon Kenneth CHAN (LC Paper No. CB(2)68/13-14(01)))*

25. At the invitation of the Chairman, Dr Kenneth CHAN said that the Philippine hostage incident ("the Incident") had happened more than three years ago and the matter had remained unresolved. The repeated refusals of the Philippine authorities to meet with the victims and the bereaved families of the Incident and the attitude displayed by the Philippine President during the past two weeks had infuriated Hong Kong people. Dr CHAN considered it an opportune time for LegCo to reiterate clearly the four requests made by the victims and the bereaved families i.e. the Philippine Government to offer a formal apology, make compensation, hold the responsible officials accountable and adopt measures to enhance the safety of tourists. Dr CHAN stressed that although CE had indicated that the Hong Kong Special Administrative Region ("HKSAR") Government had strategies to deal with the matter, there should be concrete measures to pressure the Philippine Government to take action to resolve the matter. He appealed to Members to support his proposal to hold an adjournment debate under Rule 16(4) of the Rules of Procedure at the Council meeting of 23 October 2013.

26. Members supported Dr Kenneth CHAN's proposal to hold an adjournment debate and his request to seek the President's leave to dispense with the requisite notice.



**(b) Proposals of Hon IP Kwok-him and Hon Michael TIEN respectively for the President of the Legislative Council to write to the Congress of the Philippines**

*(Letters dated 15 October 2013 from Hon IP Kwok-him and Hon Michael TIEN respectively (LC Paper Nos. CB(2)68/13-14(02) and (03)))*

27. At the invitation of the Chairman, Mr IP Kwok-him said that the Philippine President's handling of the Incident had made Hong Kong people bristle with anger. He appealed to Members to support his proposal that the President of LegCo should write to the Congress (i.e. the Senate and the House of Representatives) of the Philippines to convey Members' concerns about the Philippine Government's handling of the Incident and urge the Congress of the Philippines to call on the Philippine Government to respond positively to the requests of the victims and the bereaved families.

28. At the invitation of the Chairman, Mr Michael TIEN said that the refusal of the Philippine Government to offer a formal apology or make compensation had deeply frustrated the victims and their families over the past three years and injured the feelings of the Hong Kong people. Citing from the statement made earlier by Premier LI Keqiang, Mr TIEN considered that the Philippine Government should be urged to pay high attention to and seriously attend to the consequences of the Incident, with a view to resolving the matter in a reasonable and appropriate manner as soon as possible. Such requests should be made on the basis of the relevant report of the Incident Investigation and Review Committee set up by the Philippine Government ("the IIRC Report"), which found that Philippine officials handling the incident were at fault. Mr TIEN added that the "visa-free entry" arrangement for Philippine passport holders travelling to Hong Kong should be abolished and Hong Kong people should take the initiative to boycott Philippine goods, so as to put more pressure on the Philippine Government to meet the requests of the victims and their bereaved families.

29. The Deputy Chairman expressed support for the proposals. As the proposed letters to the Congress of the Philippines were sent by the President on behalf of all Members, the Deputy Chairman suggested that Members should discuss how the letters should be worded.

30. Mr Albert CHAN said that the wording of the letters should be left to the President. He trusted that the President would exercise his political wisdom to decide what should be included in the letters. Mr CHAN said that the letters could be jointly signed by all Members to add force to it.

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31. In response to Mr Paul TSE's enquiry, Secretary General said that the United States ("US") Administration and the US Congress had yet to reply to the President's letters issued in July 2013 regarding Mr Edward SNOWDEN's case.

32. Mr Paul TSE further said that while he supported in principle the proposals of Mr IP Kwok-him and Mr Michael TIEN, he considered that concrete demands should be included in the letters to the Congress of the Philippines, and follow up actions should be taken if no reply was received, so as to ensure that the letters would not be ignored as in the case of Mr Edward SNOWDEN. Views expressed by Members during the proposed adjournment debate to be held on 23 October 2013 could also be reflected in the letters as appropriate. Mr TSE added that as the President would write on behalf of all the Members, he considered it unnecessary for Members to jointly sign the letters.

33. Dr Kenneth CHAN considered it appropriate for the President to write on behalf of all the Members to the Congress of the Philippines. Dr CHAN further said that apart from including views expressed by Members during the proposed adjournment debate, the letters might also refer to Resolution No. 12 adopted by the House of Representatives of the Congress of the Philippines on 25 August 2010 which stated that "a thorough investigation shall be conducted by the House of Representatives regarding the incident and remedial measures be passed in order to avoid such similar incidents in the future".

34. Dr Priscilla LEUNG said that it would be more effective for the HKSAR Government to request the Central Authorities to urge the Philippine Government to take action to resolve the matter. She suggested reaching out to relevant organizations such as Philippine Chambers of Commerce and Filipino organizations in Hong Kong to seek their assistance to put pressure on their Government.

35. Ms Cyd HO said that the Parliamentary Liaison Subcommittee should suspend all parliamentary liaison activities with the Congress of the Philippines for the time being and she would raise the issue with the Subcommittee Chairman.

36. Mr LEUNG Kwok-hung said that LegCo had the responsibility to monitor the Executive Authorities, and CE's refusal to provide information on the Government's strategies to handle the Incident was unacceptable. In his view, it should be stated in the letters to the Congress of the Philippines that Members would not rule out the possibility of supporting the imposition of sanctions against the Philippines.

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37. Ir Dr LO Wai-kwok said that Members belonging to the Business and Professionals Alliance for Hong Kong supported the proposals for the President to write to the Congress of the Philippines. Referring to Mr IP Kwok-him's letter, Dr LO said that the President's letters should convey Members' concerns about the Incident, and urge the Congress of the Philippines to call on the Philippine Government to expeditiously convene discussions with the HKSAR Government and respond positively to the four requests of the victims and the bereaved families. As regards the wording of the letters, he considered that it should be left to the President to decide.

38. Miss Alice MAK said that she strongly supported the proposals for the President to write to the Congress of the Philippines to express Members' grave concerns and dissatisfaction with the Philippine Government.

39. Mr James TIEN said that Members belonging to the Liberal Party also supported the proposals. Mr TIEN pointed out that it would be difficult to include in the letters the various views expressed by Members on measures which should be taken against the Philippine Government, and suggested that the President could consider reflecting in the letters the consensual views of Members belonging to different political parties and groupings expressed during the proposed adjournment debate to be held on 23 October 2013.

40. Mr SIN Chung-kai said that while he agreed that the President could consider including the mainstream views expressed by Members during the adjournment debate, the letters should also reflect the sentiments of Hong Kong people over the Incident as well as the calls from Members belonging to some political parties for imposing sanctions against the Philippines, so as to exert greater pressure on the Philippine Government.

41. Mr James TO shared the view that the letters to the Congress of the Philippines should mention that there were calls in Hong Kong for imposing various forms of sanctions against the Philippines. He believed that this would add greater weight on the request for the Congress of the Philippines to demand the Philippine Government to work out a proper solution.

42. Dr LAM Tai-fai said that he supported the proposals for the President to write to the Congress of the Philippines but it was important for LegCo to work in concert with the HKSAR Government over the matter. He considered that the letters should only express Members' concerns and dissatisfaction and should not include any concrete

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measures lest they might contradict the strategies of the HKSAR Government in handling the matter.

43. Mr IP Kwok-him said that his main purpose for raising the proposal was to urge the Congress of the Philippines to call on the Philippine Government to take action expeditiously to resolve the matter. He did not consider it appropriate to denounce the Philippine Government or mention possible sanctions against the Philippines in the letters.

44. Mr Michael TIEN reiterated that the letters should refer to the findings of the IIRC Report, and urge the Congress of the Philippines to call on the Philippine Government to respond to the four requests of the victims and the bereaved families and resolve the matter in a reasonable and appropriate manner as soon as possible.

45. The Chairman concluded that Members agreed to request the President to write on behalf of all the Members to the Congress of the Philippines.

**IX. Any other business**

46. There being no other business, the meeting ended at 3:13 pm.