

立法會
Legislative Council

LC Paper No. CB(2)220/13-14

Ref : CB2/H/5/13

House Committee of the Legislative Council

**Minutes of the 4th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 1 November 2013**

Members present:

Hon Andrew LEUNG Kwan-yuen, GBS, JP (Chairman)
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon James TO Kun-sun
Hon CHAN Kam-lam, SBS, JP
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
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 Albert CHAN Wai-yip
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 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
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
Hon Christopher CHEUNG Wah-fung, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon SIN Chung-kai, SBS, JP
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, JP
Hon Martin LIAO Cheung-kong, JP
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, JP
Hon CHUNG Kwok-pan
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen

Members absent:

Hon Ronny TONG Ka-wah, SC (Deputy Chairman)
Hon LEUNG Yiu-chung
Hon LEUNG Kwok-hung
Hon Michael TIEN Puk-sun, BBS, JP
Hon WU Chi-wai, MH
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, JP
Hon Dennis KWOK
Dr Hon Helena WONG Pik-wan
Hon TANG Ka-piu
Ir Dr Hon LO Wai-kwok, 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 Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mr KAU Kin-wah	Senior Assistant Legal Adviser 3
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
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

Action

I. Confirmation of the minutes of the 3rd meeting held on 25 October 2013

(LC Paper No. CB(2)173/13-14)

The Chairman said that Mr Tony TSE had proposed that amendments be made to the above minutes to reflect the point of order he had raised under agenda item VIII. The proposed amendments would be circulated for Members' consideration after the meeting.

(Post-meeting note: The proposed amendments were circulated to Members vide LC Paper No. CB(2)231/13-14 on 6 November 2013.)

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

Legal Service Division report on subsidiary legislation gazetted on 25 October 2013

(LC Paper No. LS8/13-14)

3. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the Legal Service Division ("LSD") report on the six items of subsidiary legislation (i.e. L.N. 160 to L.N. 165) gazetted on 25 October 2013. Of these, five items were tabled in Council on 30 October 2013 and the remaining item was a Regulation made under the United Nations Sanctions Ordinance (Cap. 537) ("UNSO") which was not required to be tabled in Council.

4. Regarding the Air Pollution Control (Air Pollutant Emission) (Controlled Vehicles) Regulation (L.N. 160), LA informed Members that LSD had written to the Environmental Protection Department ("EPD") to enquire about the procedure for the granting of exemption from the application of the Regulation, and EPD's reply had just been received. If necessary, a further report would be made after considering EPD's reply. Ms Cyd HO and Mr Frankie YICK considered it necessary to form a subcommittee to study L.N. 160 in detail. Members agreed. The following Members agreed to join the subcommittee: Ms Cyd HO, Mr CHAN Hak-kan, Mr Frankie YICK and Dr Kenneth CHAN.

5. As regards the United Nations Sanctions (Somalia) (Amendment) (No. 2) Regulation 2013 (L.N. 165) made under UNSO which was not required to be tabled in Council, Members agreed that it be referred to the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions.

6. Members did not raise any questions on the other four items of subsidiary legislation (L.N. 161 to L.N. 164).

IV. Further business for the Council meeting of 6 November 2013

(a) Tabling of papers

Report No. 2/13-14 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

(LC Paper No. CB(2)175/13-14 issued vide LC Paper No. CB(3)113/13-14 dated 31 October 2013)

7. The Chairman said that the Report covered five items of subsidiary legislation, the period for amendment of which would expire on 6 November 2013.

8. The Chairman informed Members that the Administration would move a proposed resolution at the Council meeting of 6 November 2013 to amend the Arbitration (Appointment of Arbitrators and Mediators and Decision on Number of Arbitrators) Rules. Members would therefore have the opportunity to speak on the Rules.

9. The Chairman further said that as Mr Dennis KWOK, Chairman of the Subcommittee on Solicitors (General) Costs (Amendment) Rules 2013, had indicated his intention to speak on these Rules, he would move a motion in his capacity as Chairman of the House Committee ("HC") to take note of the Report in relation to the Rules at the Council meeting.

(b) Bills - resumption of debate on Second Reading, Committee Stage and Third Reading

Merchant Shipping (Seafarers) (Amendment) Bill 2013

10. 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.

(c) Government motion

Proposed resolution to be moved by the Secretary for Justice under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the Arbitration (Appointment of Arbitrators and Mediators and Decision on Number of Arbitrators) Rules

(Wording of the proposed resolution issued vide LC Paper No. CB(3)116/13-14 dated 31 October 2013)

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11. The Chairman said that the subcommittee on the proposed resolution had reported to HC at its meeting on 18 October 2013.

V. Business for the Council meeting of 13 November 2013

(a) Questions

(LC Paper No. CB(3)106/13-14)

12. 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

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

(c) Government motion

Proposed resolution to be moved by the Secretary for Constitutional and Mainland Affairs under section 8 of the District Councils Ordinance (Cap. 547)

(Wording of the proposed resolution issued vide LC Paper No. CB(3)89/13-14 dated 25 October 2013)

(LC Paper No. LS7/13-14)

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

15. Ms Cyd HO considered it necessary to form a subcommittee to study the proposed resolution in detail. Members agreed. The following Members agreed to join the subcommittee: Ms Emily LAU, Ms Cyd HO, Mr Alan LEONG, Dr Kenneth CHAN and Mr SIN Chung-kai.

16. 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.

(d) Members' motions

(i) Proposed resolution to be moved by Hon Cyd HO under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the Country Parks (Designation) (Consolidation) (Amendment) Order 2013

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(Wording of the proposed resolution issued vide LC Paper No. CB(3)109/13-14 dated 30 October 2013)

17. The Chairman said that Ms Cyd HO, Chairman of the subcommittee on the above Order, would move a proposed resolution at the Council meeting to extend the scrutiny period of the Order to 4 December 2013.

(ii) Motion to be moved by Hon CHAN Kam-lam

(iii) Motion to be moved by Hon KWOK Wai-keung

18. The Chairman said that the subjects of the motions to be moved by Mr CHAN Kam-lam and Mr KWOK Wai-keung were "Coping with the challenges and opportunities from the China (Shanghai) Pilot Free Trade Zone" and "Opposing the expansion of labour importation" respectively. The wording of the motions had been issued to Members.

19. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above two motions was Wednesday, 6 November 2013.

Report of HC on Consideration of Subsidiary Legislation

20. The Chairman invited Members to note the list containing one item of subsidiary legislation tabled at the meeting (LC Paper No. CB(3)114/13-14), the period for amendment of which would expire on 13 November 2013. He reminded Members to indicate their intention by 5:00 pm on Tuesday, 5 November 2013 should they wish to speak on the subsidiary legislation.

VI. Report of Bills Committees and subcommittees

Report of the Subcommittee on Road Traffic (Public Service Vehicles) (Amendment) Regulation 2013

21. Mr CHAN Kam-lam, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. Mr CHAN said that the Regulation sought to give effect to an increase of \$2 in flagfall and of \$0.1 in the incremental charge after flagfall for the hiring of urban, the New Territories ("NT") and Lantau taxis, and an increase of \$1 for NT taxis for (a) every article of baggage carried, (b) every animal or bird carried, and (c) every hiring arranged through telephone booking. Mr

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CHAN further said that the Subcommittee had held one meeting with the Administration and had completed its scrutiny work. The Subcommittee had no objection to the fare adjustment proposals.

22. The Chairman reminded Members that as the deadline for amending the Regulation was 13 November 2013, the deadline for giving notice of amendments, if any, was Wednesday, 6 November 2013.

VII. Position on Bills Committees and subcommittees
(*LC Paper No. CB(2)174/13-14*)

23. The Chairman said that as at 31 October 2013, there were nine Bills Committees, eight subcommittees under HC (i.e. five 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.

VIII. Any other business

24. There being no other business, the meeting ended at 2:43 pm.