

立法會
Legislative Council

LC Paper No. CB(2)261/13-14

Ref : CB2/H/5/13

House Committee of the Legislative Council

**Minutes of the 5th meeting
held in Conference Room 1 of the Legislative Council Complex
at 4:35 pm on Friday, 8 November 2013**

Members present:

Hon Andrew LEUNG Kwan-yuen, GBS, JP (Chairman)
Hon Ronny TONG Ka-wah, SC (Deputy Chairman)
Hon Albert HO Chun-yan
Hon James TO Kun-sun
Hon CHAN Kam-lam, SBS, JP
Hon LEUNG Yiu-chung
Hon Emily LAU Wai-hing, JP
Hon TAM Yiu-chung, GBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Frederick FUNG Kin-kee, 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
Hon CHAN Hak-kan, JP
Hon CHAN Kin-por, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon CHEUNG Kwok-che
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 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 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
Hon CHAN Yuen-han, SBS, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
Hon Christopher CHEUNG Wah-fung, JP
Dr Hon Fernando CHEUNG Chiu-hung
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
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen

Members absent:

Hon LEE Cheuk-yan
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Abraham SHEK Lai-him, GBS, JP
Hon Vincent FANG Kang, SBS, JP
Dr Hon LAM Tai-fai, SBS, JP
Dr Hon LEUNG Ka-lau
Hon WONG Kwok-kin, BBS
Hon LEUNG Kwok-hung
Hon Albert CHAN Wai-yip
Hon Michael TIEN Puk-sun, BBS, JP
Dr Hon Kenneth CHAN Ka-lok
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Dennis KWOK
Hon SIN Chung-kai, SBS, JP
Ir Dr Hon LO Wai-kwok, BBS, MH, JP
Hon CHUNG Kwok-pan

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 Simon WONG	Head (Public Information)
Ms Amy YU	Chief Council Secretary (2)6
Miss Carrie WONG	Assistant Legal Adviser 4
Miss Evelyn LEE	Assistant Legal Adviser 10
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 4th meeting held on 1 November 2013

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

The minutes were confirmed.

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 1 November 2013 and tabled in Council on 6 November 2013

(LC Paper No. LS10/13-14)

3. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the Legal Service Division ("LSD") report on the two items of subsidiary legislation (i.e. L.N. 166 and L.N. 167) gazetted on 1 November 2013 and tabled in Council on 6 November 2013.

4. Regarding the Fugitive Offenders (Czech Republic) Order (L.N. 166), LA informed Members that it was subject to a mechanism of scrutiny under which the Legislative Council could only repeal but not amend it. He further informed Members that LSD was awaiting further information from the Administration and scrutiny of L.N. 166 was continuing.

5. Mr James TO considered it necessary to form a subcommittee to study L.N. 166 in detail. Members agreed. Mr James TO agreed to join the proposed subcommittee.

6. Members did not raise any questions on the other item of subsidiary legislation, i.e. the Official Administrator's Accounts (Interest) (Amendment) Rules 2013 (L.N. 167).

7. The Chairman reminded Members that the deadline for amending the two items of subsidiary legislation was 4 December 2013, or 8 January 2014 if extended by a resolution of the Council.

IV. Further business for the Council meeting of 13 November 2013

(a) **Tabling of papers**

Report No. 3/13-14 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

(LC Paper No. CB(2)223/13-14 issued vide LC Paper No. CB(3)146/13-14 dated 7 November 2013)

8. The Chairman said that the Report covered one item of subsidiary legislation, i.e. the Road Traffic (Public Service Vehicles) (Amendment) Regulation 2013 ("the Regulation"), the period for amendment of which would expire on 13 November 2013.

Action

9. The Chairman further said that as Mr CHAN Kam-lam, Chairman of the Subcommittee on the Regulation, and three other Members had indicated their intention to speak on the Regulation, 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 Regulation at the Council meeting.

(b) **Questions**

(LC Paper No. CB(3)138/13-14)

10. The Chairman informed Members that Mr Paul TSE had replaced his oral question.

(c) **Bills - First Reading and moving of Second Reading**

Rural Representative Election Legislation (Amendment) Bill 2013

11. The Chairman said that the Administration had given notice to present the above Bill to the Council on 13 November 2013. HC would consider the Bill at its meeting on 15 November 2013.

V. Business for the Council meeting of 20 November 2013

(a) **Questions**

(LC Paper No. CB(3)137/13-14)

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 motions**

Two proposed resolutions to be moved by the Secretary for Security under section 4 of the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) in relation to the following two orders:

- (i) **Mutual Legal Assistance in Criminal Matters (Spain) Order; and**

(ii) Mutual Legal Assistance in Criminal Matters (Czech Republic) Order

(Wording of the proposed resolutions issued vide LC Paper No. CB(3)139/13-14 dated 5 November 2013)
(LC Paper No. LS11/13-14)

14. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the two proposed resolutions. LA informed Members that LSD had requested the Administration to clarify certain matters and provide a comparison of the model agreement with the two agreements between the Government of the Hong Kong Special Administrative Region ("HKSAR") and the Government of Spain and between the Government of HKSAR and the Government of the Czech Republic respectively. A further LSD report would be made if necessary.

15. Mr James TO considered it necessary to form a subcommittee to study the two proposed resolutions in detail. The Chairman suggested that these two proposed resolutions be studied by the same subcommittee that had been formed for L.N. 166 under agenda item III above. Members agreed.

16. The Chairman further said that in line with established practice and the arrangement agreed with the Administration, the Administration would be requested to withdraw its notices for moving the two proposed resolutions so as to allow sufficient time for the subcommittee to scrutinize the proposed resolutions.

(d) Members' motions

(i) Motion on "Reducing taxes across the board" to be moved by Hon Paul TSE

(Wording of the motion issued vide LC Paper No. CB(3)142/13-14 dated 6 November 2013.)

(ii) Motion on "Setting up a commission on children" to be moved by Dr Hon Fernando CHEUNG

(Wording of the motion issued vide LC Paper No. CB(3)143/13-14 dated 6 November 2013.)

17. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above two motions was Wednesday, 13 November 2013.

Report of HC on Consideration of Subsidiary Legislation

18. The Chairman invited Members to note the list containing one item of subsidiary legislation tabled at the meeting (LC Paper No. CB(3)147/13-14), the period for amendment of which would expire on 20 November 2013. He reminded Members to indicate their intention by 5:00 pm on Tuesday, 12 November 2013 should they wish to speak on the subsidiary legislation.

VI. Report of Bills Committees and subcommittees

Report of the Bills Committee on Peak Tramway (Amendment) Bill 2013

(LC Paper No. CB(1)228/13-14)

19. Mr Jeffrey LAM, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Members noted that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting of 20 November 2013.

20. The Chairman reminded Members that the deadline for giving notice of Committee stage amendments, if any, to the Bill was Monday, 11 November 2013.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)221/13-14)

21. The Chairman said that as at 7 November 2013, there were nine Bills Committees, nine subcommittees under HC (i.e. six 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

22. There being no other business, the meeting ended at 4:44 pm.