

**立法會**  
***Legislative Council***

LC Paper No. CB(2)367/13-14

Ref : CB2/H/5/13

**House Committee of the Legislative Council**

**Minutes of the 7th meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 22 November 2013**

**Members present:**

Hon Andrew LEUNG Kwan-yuen, GBS, JP (Chairman)

Hon Ronny TONG Ka-wah, SC (Deputy Chairman)

Hon James TO Kun-sun

Hon CHAN Kam-lam, SBS, JP

Hon LEUNG Yiu-chung

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

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 LEUNG Ka-lau

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 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 CHUNG Kwok-pan  
Hon Christopher CHUNG Shu-kun, BBS, MH, JP  
Hon Tony TSE Wai-chuen

**Members absent:**

Hon Albert HO Chun-yan  
Hon LEE Cheuk-yan  
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN  
Dr Hon LAM Tai-fai, SBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon WONG Kwok-kin, BBS

**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
Ms Miranda HON	Acting 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
Ms Dora WAI	Principal Council Secretary 1
Mr Simon WONG	Head (Public Information)
Ms Sharon CHUNG	Chief Council Secretary (1)6
Ms Amy YU	Chief Council Secretary (2)6
Mr Timothy TSO	Assistant Legal Adviser 2
Ms Wendy KAN	Assistant Legal Adviser 6
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 6th meeting held on 15 November 2013**

*(LC Paper No. CB(2)309/13-14)*

The minutes were confirmed.

**II. Matters arising**

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

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2. The Chairman said that he had conveyed to CS some Members' request for her to attend a Council meeting to make a statement on the consultation document on constitutional development as soon as it was

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released, and to answer questions put by Members. CS had advised that at the present stage, the Administration was inclined to first brief the Panel on Constitutional Affairs on the consultation document to allow more time for the Administration to exchange views with Members on the matter. However, she was willing to discuss Members' suggestion with the Task Force on Constitutional Development led by her. CS had also advised that the Administration would keep an open mind in the consultation exercise.

3. The Chairman further said that he had attended, in his capacity as Chairman of the House Committee ("HC"), the luncheon hosted by CS for Mr LI Fei, the Deputy Secretary-General of the Standing Committee of the National People's Congress ("NPCSC") cum Chairman of the Hong Kong Special Administrative Region Basic Law Committee ("BLC") under NPCSC, and Mr ZHANG Rongshun, the Vice-Chairperson of the Legislative Affairs Commission of NPCSC cum Vice-Chairperson of BLC, just before this HC meeting. He had made available for Members' reference the transcripts of the speeches delivered by Mr LI at the luncheon and at the seminar with senior Government officials and Executive Council members held earlier in the morning, which were tabled at the meeting.

4. Ms Emily LAU considered it inappropriate for the Administration to have invited only seven Legislative Council ("LegCo") Members to the luncheon. She asked the Chairman whether the Administration had consulted him on the arrangement.

5. The Chairman said that he received the Administration's invitation to attend the luncheon only around 11:00 am on Wednesday, 20 November 2013. After receiving the invitation, he had suggested to the Administration to also invite the Chairman and the Deputy Chairman of the Finance Committee. He had also suggested that the Administration should arrange for Mr LI Fei and Mr ZHANG Rongshun to meet with all LegCo Members during their visit to Hong Kong. The Chairman further informed Members that during the luncheon, Mr LI had indicated that this was his first official visit to Hong Kong, and the President had extended an invitation to Mr LI to come to LegCo the next time he visited Hong Kong.

6. Ms Emily LAU expressed dissatisfaction with the Administration for not accepting the Chairman's suggestion of making arrangements for Mr LI Fei and Mr ZHANG Rongshun to meet with all LegCo Members. She stressed that the Administration must consult LegCo, and not only some Members, on important matters in the future. At the request of Ms LAU, the Chairman agreed to relay her views to CS at their next meeting.

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7. Mr LEUNG Kwok-hung considered that it was absurd and unacceptable for CS not inviting all LegCo Members on the ground of insufficient venue capacity. He said that the Administration should have arranged to hold the luncheon in a larger venue if the Government House could not accommodate more guests.

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

**Legal Service Division report on subsidiary legislation gazetted on 15 November 2013 and tabled in Council on 20 November 2013**

*(LC Paper No. LS15/13-14)*

8. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the Legal Service Division ("LSD") report on the three items of subsidiary legislation (i.e. L.N. 182 to L.N. 184) gazetted on 15 November 2013 and tabled in Council on 20 November 2013.

9. The Chairman considered it necessary to form a subcommittee to study the Air Navigation (Hong Kong) Order 1995 (Amendment of Schedule 16) Order 2013 (L.N. 182) and the Dangerous Goods (Consignment by Air) (Safety) Regulations (Amendment of Schedule) Order 2013 (L.N. 183) in detail. Members agreed. Mr CHAN Kam-lam, Mr Abraham SHEK and Mr Andrew LEUNG agreed to join the subcommittee.

10. As regards the Statutes of the University of Hong Kong (Amendment) Statute 2013 (L.N. 184), Mr Gary FAN considered it necessary to form a subcommittee to study it in detail. Members agreed. Mr Gary FAN agreed to join the proposed subcommittee.

11. The Chairman reminded Members that the deadline for amending the three items of subsidiary legislation was the Council meeting of 18 December 2013, or that of 8 January 2014 if extended by a resolution of the Council.

**IV. Further business for the Council meeting of 27 November 2013**

**(a) Tabling of papers**

**Report No. 5/13-14 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments**

*(LC Paper No. CB(2)311/13-14 issued vide LC Paper No. CB(3)192/13-14 dated 21 November 2013)*

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12. The Chairman said that the Report covered eight items of subsidiary legislation, the period for amendment of which would expire on 27 November 2013.

13. Regarding the Post Office (Amendment) Regulation 2013 (L.N. 147) and the three Orders made under section 49(1A) of the Inland Revenue Ordinance (Cap. 112) relating to the avoidance of double taxation and the prevention of fiscal evasion (L.N. 148 to L.N. 150), the Chairman informed Members that the respective Chairmen of the two Subcommittees on these four items of subsidiary legislation had indicated their intention to speak on the subsidiary legislation. He would therefore move a motion in his capacity as Chairman of HC to take note of the Report in relation to these four items of subsidiary legislation at the Council meeting.

14. The Chairman added that in accordance with Rule 49E(7) of the Rules of Procedure, if the motion related to more than one item of subsidiary legislation, the debate on that motion might be divided into sessions each of which related to one or more items of subsidiary legislation. The Chairman proposed that the debate on the four items of subsidiary legislation be divided into two sessions, the first session covering L.N.147 and the second session L.N. 148 to L.N. 150. Members agreed. The Chairman reminded Members that the speaking time limit for each Member was 15 minutes for each session.

(b) Questions

*(LC Paper No. CB(3)187/13-14)*

15. The Chairman informed Members that Mr Albert HO, Dr LEUNG Ka-lau and Dr KWOK Ka-ki had replaced their oral questions.

**V. Business for the Council meeting of 4 December 2013**

(a) Questions

*(LC Paper No. CB(3)186/13-14)*

16. 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

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

(c) **Government motion**

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

(d) **Members' motions**

(i) **Motion under the Legislative Council (Powers and Privileges) Ordinance to be moved by Hon Claudia MO**  
*(Wording of the motion issued vide LC Paper No. CB(3)191/13-14 dated 20 November 2013.)*

19. The Chairman said that Ms Claudia MO would move a motion to seek the Council's authorization to appoint a select committee to inquire into issues relating to the vetting and approval by the Hong Kong Special Administrative Region Government of domestic free television programme service ("free TV") licence applications.

(ii) **Motion to be moved by Hon Frederick FUNG**

(iii) **Motion to be moved by Hon WU Chi-wai**

20. The Chairman said that the subjects of the motions to be moved by Mr Frederick FUNG and Mr WU Chi-wai were "Establishing a low-income subsidy system" and "The policy on 'enclaves' " respectively. The wording of the motions had been issued to Members.

21. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above three motions was Wednesday, 27 November 2013.

**Report of HC on Consideration of Subsidiary Legislation**

22. The Chairman invited Members to note the list containing three items of subsidiary legislation tabled at the meeting (LC Paper No. CB(3)193/13-14), the period for amendment of which would expire on 4 December 2013. He reminded Members to indicate their intention by 5:00 pm on Tuesday, 26 November 2013 should they wish to speak on the subsidiary legislation.

## **VI. Report of Bills Committees and subcommittees**

### **(a) Report of the Subcommittee on Country Parks (Designation) (Consolidation) (Amendment) Order 2013**

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*(LC Paper No. CB(1)372/13-14)*

23. Ms Cyd HO, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Ms HO highlighted that members had divergent views over the Administration's proposal to incorporate the country park enclave at Tai Long Sai Wan ("the Sai Wan Enclave") into the Sai Kung East Country Park ("SKECP"), and the key points of controversy mainly concerned the right to development on private land and the need for conservation of nature.

24. Ms Cyd HO further said that the Subcommittee had examined, among other issues, whether LegCo had the power to amend or repeal the Amendment Order. Members of the Subcommittee had made reference to a similar order made under section 14 of the Country Parks Ordinance (Cap. 208) ("CPO") in 2010. The Subcommittee noted that the Chairman of the former Subcommittee on Country Parks (Designation) (Consolidation) (Amendment) Order 2010 had proposed an amendment to repeal the Amendment Order 2010, and the amendment was passed by LegCo at its meeting of 13 October 2010. The Subcommittee also noted that while the Administration maintained its view that LegCo had no power to amend, including repeal, the Amendment Order, the legal adviser to the Subcommittee had advised that the opinion given to the former Subcommittee on the Amendment Order 2010 was still valid, i.e. LegCo had the power to amend, including repeal, an order made under section 14 of CPO. The Subcommittee had agreed that a proposed resolution be moved by Dr LAU Wong-fat on behalf of the Subcommittee at the Council meeting of 4 December 2013 to repeal section 3(2) of the Amendment Order, to the effect that the Sai Wan Enclave would not be incorporated into the boundaries of SKECP.

25. Ms Emily LAU said that it was reported in the media that several thousands of people would stage demonstrations outside the LegCo Complex during the Council meeting of 4 December 2013. She called on Members who intended to assist members of the public staging the demonstrations to liaise with the Secretariat in advance, so that early preparations and appropriate arrangements could be made by the Secretariat to facilitate the conduct of the demonstrations in a peaceful, rational, and non-violent manner.



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26. Dr LAU Wong-fat appealed to Members to support his proposed resolution to repeal section 3(2) of the Amendment Order.

27. Mr Abraham SHEK said that he trusted that the Secretariat could handle several thousands of demonstrators.

28. Mr CHAN Kam-lam recalled that when the motion to invoke the powers under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) in relation to the vetting and approval of free TV licence applications was discussed at the Council meeting of 6 November 2013, some Members were barred from leaving the LegCo Complex and a Member was even scolded with foul language by the demonstrators. He shared the view that members of the public should express their views in a peaceful, rational and non-violent manner.

29. Ir Dr LO Wai-kwok said that he was a member of the Subcommittee. He noted that there was a misunderstanding among some members of the public that the proposed resolution which sought to repeal section 3(2) of the Amendment Order would have the effect of excising Tai Long Sai Wan from the boundaries of SKECP. He considered it necessary to clarify that a large part of Tai Long Sai Wan had been incorporated into SKECP for many years, and the issue in dispute was whether the Sai Wan Enclave, where there were private agricultural land and village houses, should be incorporated into SKECP as proposed by the Administration under the Amendment Order.

**(b) Report of the Subcommittee on Arbitration (Amendment)  
Ordinance 2013 (Commencement) Notice**  
*(LC Paper No. CB(4)155/13-14)*

30. Mr Dennis KWOK, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee had no objection to the Commencement Notice.

31. The Chairman reminded Members that as the deadline for amending the subsidiary legislation studied by the above two Subcommittees was the Council meeting of 4 December 2013, the deadline for giving notice of amendments, if any, was Wednesday, 27 November 2013.

**VII. Position on Bills Committees and subcommittees**

*(LC Paper No. CB(2)310/13-14)*

32. The Chairman said that as at 21 November 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**

33. There being no other business, the meeting ended at 2:53 pm.

Council Business Division 2  
Legislative Council Secretariat  
27 November 2013