

立法會
Legislative Council

LC Paper No. CB(2)673/13-14

Ref : CB2/H/5/13

House Committee of the Legislative Council

**Minutes of the 12th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 10 January 2014**

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 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

Dr Hon LAM Tai-fai, SBS, JP

Hon CHAN Hak-kan, JP

Hon CHAN Kin-por, BBS, 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 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 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
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-ki, BBS, MH, JP
Hon CHUNG Kwok-pan
Hon Tony TSE Wai-chuen

Members absent:

Hon LEE Cheuk-yan
Dr Hon LAU Wong-fat, GBM, GBS, JP
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Michael TIEN Puk-sun, BBS, JP
Hon LEUNG Che-cheung, BBS, MH, JP
Dr Hon Fernando CHEUNG Chiu-hung
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
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
Ms Emily PANG	Chief Public Information Officer
Ms Amy YU	Chief Council Secretary (2)6
Mr Kelvin LEE	Assistant Legal Adviser 1
Mr Timothy TSO	Assistant Legal Adviser 2
Ms Wendy KAN	Assistant Legal Adviser 6
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 11th meeting held on 3 January 2014
(*LC Paper No. CB(2)622/13-14*)

The minutes were confirmed.

II. Matters arising

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

Special meeting of the House Committee ("HC")

2. The Chairman said that in response to Members' earlier request, CS had proposed to attend a special meeting of HC on Friday, 7 February 2014, from 2:30 pm to 4 pm, to discuss with Members the population policy public engagement exercise. Members agreed.

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Cost overruns of large-scale public works projects

3. Ir Dr LO Wai-kwok, Chairman of the Public Works Subcommittee ("PWSC"), said that at the meeting of PWSC held on 7 January 2014, members expressed grave concern about the huge cost overruns of some large-scale public works projects. They urged the Administration to conduct a review on the coordination and planning of large-scale public works projects as well as the cross-departmental coordination work involved, with a view to improving the management and monitoring of such projects. At the request of Ir Dr LO, the Chairman undertook to relay to CS the views and concerns of members of PWSC.

4. Ir Dr LO Wai-kwok further said that as the Member returned by the Engineering Functional Constituency, he was much concerned about the present situation where many major public works projects were implemented at the same time. Such bunching of projects had led to an upsurge in construction costs and manpower shortage in the construction industry. He considered it necessary for the Administration to address these problems.

III. Business arising from previous Council meetings

Legal Service Division report on bill referred to the House Committee in accordance with Rule 54(4)

Inland Revenue (Amendment) (No. 3) Bill 2013
(*LC Paper No. LS22/13-14*)

5. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the report prepared by the Legal Service Division on the Bill.

6. Mr James TO considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. The following Members agreed to join the Bills Committee: Mr James TO, Mr Kenneth LEUNG and Mr SIN Chung-kai.

IV. Further business for the Council meeting of 15 January 2014

Tabling of papers

Report No. 9/13-14 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

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(LC Paper No. CB(2)624/13-14 issued vide LC Paper No. CB(3)313/13-14 dated 8 January 2014)

7. The Chairman said that the Report covered four items of subsidiary legislation, the period for amendment of which would expire at the Council meeting of 15 January 2014.

8. The Chairman further said that as Miss CHAN Yuen-han, Chairman of the Subcommittee on Antiquities and Monuments (Declaration of Historical Buildings) Notice 2013, and Ms Cyd HO had indicated their intention to speak on the Notice, he would move a motion in his capacity as Chairman of HC to take note of the Report in relation to the Notice at that Council meeting after the Chief Executive ("CE") had delivered the 2014 Policy Address.

9. The Chairman reminded Members that the CE's Question and Answer Session on the Policy Address would be held on Thursday, 16 January 2014, from 10:30 am to 12:00 noon.

V. Business for the Council meeting of 22 January 2014

(a) **Questions**

(LC Paper No. CB(3)312/13-14)

10. 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**

Loans (Amendment) Bill 2014

11. The Chairman informed Members that the Administration had given notice to present the above Bill to the Council on 22 January 2014. HC would consider the Bill at its meeting on 24 January 2014.

(c) **Government motion**

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

(d) **Members' motions**

(i) **Motion to be moved by Hon WONG Kwok-hing**

(ii) **Motion to be moved by Hon Alan LEONG**

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13. The Chairman said that the subjects of the motions to be moved by Mr WONG Kwok-hing and Mr Alan LEONG were "Regulating mobile radio base stations to protect public health" and "Safeguarding editorial independence and autonomy" respectively. The wording of the motions had been issued to Members.

14. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above two motions was Wednesday, 15 January 2014.

Report of HC on Consideration of Subsidiary Legislation

15. The Chairman invited Members to note the list containing three items of subsidiary legislation tabled at the meeting (LC Paper No. CB(3)316/13-14), the period for amendment of which would expire at the Council meeting of 22 January 2014. He reminded Members to indicate their intention by 5:00 pm on Tuesday, 14 January 2014 should they wish to speak on the subsidiary legislation.

VI. Report of Bills Committees and subcommittees

(a) Report of the Bills Committee on Air Pollution Control (Amendment) (No. 2) Bill 2013

(LC Paper No. CB(1)687/13-14)

16. Mr Kenneth LEUNG, 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 22 January 2014.

17. The Chairman reminded Members that the deadline for giving notice of Committee stage amendments, if any, to the Bill was Monday, 13 January 2014.

(b) Report of the Subcommittee on Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 and Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013

18. Mr WU Chi-wai, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. Mr WU said that the Subcommittee supported the two Amendment Regulations, which sought to address the odour problem arising from the disposal of municipal solid

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waste ("MSW") at the South East New Territories ("SENT") Landfill and alleviate the nuisance caused by the operation of refuse collection vehicles ("RCVs"). However, the Subcommittee was concerned that the operating costs of the private waste collection trade would increase as a result of waste diversion from the SENT Landfill, which did not charge fees for disposal of MSW, to fee-charging refuse transfer stations ("RTSs"). To address the concern of the Subcommittee, the Administration had undertaken to work out the transitional arrangements for the implementation of waste diversion and to allow adequate time for the trade to make the necessary preparations.

19. Mr WU Chi-wai further said that in response to the views of the Subcommittee, the Administration had agreed to propose amendments to the Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 to the effect that if a person drove into a specified landfill or RTS a RCV that did not conform with the prescribed requirements on the instructions of his employer, the employer rather than the RCV driver would commit an offence. Furthermore, to better cater for unintended non-compliance (such as unexpected failure of the specified devices), the Administration had proposed that the RCV driver or his employer might raise a "due diligence" defence when charged for committing the offence.

(c) Report of the Subcommittee on District Councils Ordinance (Amendment of Schedules 1 and 3) Order 2013

20. Mr IP Kwok-him, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. Mr IP said that the Order sought to implement the adjustment to the boundaries of the Eastern and Wan Chai Districts to reflect the transfer of the area of the existing Tin Hau and Victoria Park District Council Constituency Areas ("DCCAs") from the Eastern District to the Wan Chai District. It also sought to effect the corresponding amendments to the number of elected seats of the Eastern District Council ("DC") from 37 to 35 and that of the Wan Chai DC from 11 to 13 which would be effective for the fifth-term DCs.

21. Mr IP Kwok-him further said that the Subcommittee noted that three public sector schools, including two secondary schools and one primary school, would become located in the Wan Chai District instead of the Eastern District when the Order took effect from 1 January 2016. To address the concerns expressed by the two secondary schools about the impact on their student admission, the Administration had advised the Subcommittee that the secondary schools concerned would be allowed to net some school places during the Central Allocation stage of the

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Secondary School Places Allocation ("SSPA") System for primary students studying in schools in the Eastern District until the 2020-2021 school year. As for students already studying in the primary school concerned, they would be provided with the option to choose from participating secondary schools in either the Eastern District or the Wan Chai District under the SSPA Central Allocation in the relevant school years.

22. Mr IP Kwok-him further informed the meeting that the Administration had confirmed that the implementation of the Order would not affect the provision of public services in the two Districts. The Administration had also undertaken that available statistics down to DCCA level in respect of the two DCCAs concerned would be provided upon request as far as practicable.

23. Mr IP Kwok-him added that the Subcommittee raised no objection to the Administration giving fresh notice to move a proposed resolution on the Order at the Council meeting of 22 January 2014.

24. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the three items of subsidiary legislation studied by the above two Subcommittees was Wednesday, 15 January 2014.

VII. Position on Bills Committees and subcommittees
(*LC Paper No. CB(2)623/13-14*)

25. The Chairman said that as at 9 January 2014, there were seven Bills Committees, seven subcommittees under HC (i.e. four 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

26. There being no other business, the meeting ended at 2:45 pm.