

**立法會**  
***Legislative Council***

LC Paper No. CB(2)1162/13-14

Ref : CB2/H/5/13

**House Committee of the Legislative Council**

**Minutes of the 19th meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 21 March 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 LEE Cheuk-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  
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 CHUNG Kwok-pan  
Hon Christopher CHUNG Shu-kun, BBS, MH, JP  
Hon Tony TSE Wai-chuen

**Member absent:**

Dr Hon LAU Wong-fat, GBM, GBS, 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
Ms Dora WAI	Principal Council Secretary 1
Ms Emily PANG	Chief Public Information Officer
Ms Amy YU	Chief Council Secretary (2)6
Mr Bonny LOO	Assistant Legal Adviser 3
Miss Carrie WONG	Assistant Legal Adviser 4
Miss Evelyn LEE	Assistant Legal Adviser 10
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

---

Action

**I. Confirmation of the minutes of the 18th meeting held on 14 March 2014**

*(LC Paper No. CB(2)1091/13-14)*

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 CS had advised that the Administration noted Members' wish to visit the Mainland, and that the President and Members of different political affiliations had been in communication

Action

with the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region ("Liaison Office") to consider how best to arrange for such a visit. The Chief Executive ("CE") had also expressed support and recently conveyed Members' wish to the Central Authorities. The Central Authorities had responded positively and agreed that arrangements be made for all Legislative Council ("LegCo") Members to visit Shanghai. The Chairman added that the proposed visit would be discussed under agenda item VI.

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

**(a) Legal Service Division reports on bills referred to the House Committee in accordance with Rule 54(4)**

---

**(i) Shipping Legislation (Control of Smoke Emission) (Amendment) Bill 2014**  
*(LC Paper No. LS33/13-14)*

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

4. Ms Cyd HO considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Ms Cyd HO agreed to join the proposed Bills Committee.

**(ii) Marriage (Amendment) Bill 2014**  
*(LC Paper No. LS34/13-14)*

5. At the invitation of the Chairman, LA briefed Members on the report prepared by the LSD on the Bill.

6. Ms Cyd HO expressed concern whether the legislative amendments proposed in the Bill would effectively implement the Court of Final Appeal's Order made in the case of *W v Registrar of Marriages* (FACV 4 of 2012). She 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: Ms Emily LAU, Mr Ronny TONG, Ms Cyd HO, Ms Starry LEE, Dr Priscilla LEUNG, Mr IP Kwok-him, Mr CHAN Chi-chuen and Dr Helena WONG.

(iii) **Dutiable Commodities (Amendment) Bill 2014**  
(*LC Paper No. LS35/13-14*)

7. At the invitation of the Chairman, LA briefed Members on the report prepared by the LSD on the Bill.

8. Mr Albert HO 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 Albert HO, Mr Tommy CHEUNG, Mr Vincent FANG, Prof Joseph LEE and Mr Charles MOK.

(b) **Legal Service Division report on subsidiary legislation gazetted on 14 March 2014**  

---

*(LC Paper No. LS36/13-14)*

9. At the invitation of the Chairman, LA briefed Members on the two items of subsidiary legislation, i.e. the United Nations Sanctions (Liberia) Regulation 2014 (L.N. 29) and the United Nations Sanctions (Liberia) Regulation 2013 (Repeal) Regulation (L.N. 30), which were made under the United Nations Sanctions Ordinance (Cap. 537) and were not required to be tabled in the Council.

10. Members agreed that the two Regulations be referred to the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions as they came within the Subcommittee's terms of reference.

**IV. Further business for the Council meeting of 26 March 2014**

(a) **Tabling of papers**

**Report No. 14/13-14 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments**  
(*LC Paper No. CB(2)1093/13-14 issued vide LC Paper No. CB(3)502/13-14 dated 20 March 2014*)

11. The Chairman said that the Report covered two items of subsidiary legislation, the period for amendment of which would expire at the Council meeting of 26 March 2014. No Member had indicated intention to speak on these two items of subsidiary legislation.

(b) **Questions**

*(LC Paper No. CB(3)493/13-14)*

12. The Chairman said that Mr MA Fung-kwok had replaced his oral question.

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

(i) **Rural Representative Election Legislation (Amendment) Bill 2013**

(ii) **Securities and Futures (Amendment) Bill 2013**

(iii) **Loans (Amendment) Bill 2014**

13. The Chairman said that the Bills Committees on the above three Bills had reported respectively to the House Committee ("HC") at the last meeting. Members did not raise objection to the resumption of the Second Reading debates on these three Bills.

(d) **Members' motions**

**Proposed resolution to be moved by Hon MA Fung-kwok under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the Resolution of the Board of Directors of the Po Leung Kuk**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3)504/13-14 dated 20 March 2014)*

14. The Chairman said that Mr MA Fung-kwok, Chairman of the Subcommittee on the above Resolution, would move a proposed resolution at the Council meeting to extend the scrutiny period of the Resolution to the Council meeting of 16 April 2014.

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

*(LC Paper No. CB(2)1092/13-14)*

15. The Chairman said that as at 20 March 2014, there were two Bills Committees, six subcommittees under HC and seven subcommittees on policy issues under Panels in action. Three subcommittees on policy issues were on the waiting list.

**VI. Proposed visit of Legislative Council Members to Shanghai**  
(*LC Paper No. CB(2)1123/13-14*)

16. The Chairman said that the purpose of the discussion was to seek Members' views on the programme and arrangements for the proposed visit to Shanghai by a LegCo delegation to be led by the President. He further said that two groups of Members had written separately to the President to put forward their views.

17. At the invitation of the Chairman, Mr TAM Yiu-chung said that 42 Members including himself had co-signed a letter to the President to put forward their views on the programme and arrangements for the visit. They suggested that apart from discussions on Hong Kong's political reform, the programme should also include briefings on the nation's latest developments and visits to enhance Members' understanding of Shanghai's latest facilities and developments, including the Shanghai Free Trade Zone, the Shanghai Hongqiao Airport convention and exhibition centre and its surrounding areas, Shanghai's latest waste incineration and gasification facilities, the development of Shanghai's cultural and creative industries and its cultural facilities. Regarding the arrangements for discussions on Hong Kong's political reform, they were of the view that the delegation could meet with the Central Government officials in one group or in separate groups.

18. At the invitation of the Chairman, Mr Frederick FUNG who represented another 20 Members said that they were of the view that the visit programme should first deal with the issue of Hong Kong's political reform, given the great public concern about it. They also requested that the pan-democratic Members joining the visit should meet separately with the Central Government officials in charge of Hong Kong's political reform, and there should be sufficient time for open, interactive and in-depth discussions on the political reform proposals put forward by the democrats. If there was still time available after the discussions on Hong Kong's political reform, arrangements could be made for the delegation to conduct some site visits.

19. Mr LEUNG Yiu-chung said that Members like him who did not have a Home Return Permit should be issued with one, instead of making special arrangement for them to join the visit to Shanghai. He would consider participating in the visit only if he could obtain a Home Return Permit. Mr LEUNG further said that it was inappropriate for the Central Government officials to impose restrictions on the discussions on Hong Kong's political reform, which would undermine the high degree of autonomy enjoyed by Hong Kong under the Basic Law. He added that no precondition should be set for the discussions with the Central Government officials on Hong Kong's political reform during the visit.

20. Ms Claudia MO said that she was given to understand that the proposed visit was arranged resulting from the wish expressed by some pan-democratic Members to visit the Mainland, and that the discussion on Hong Kong's political reform was merely an add-on to the programme. She found such arrangements unacceptable and would not join the visit. She stressed that under the "one country, two systems" principle, Hong Kong people should have a high degree of autonomy in deciding on Hong Kong's political reform. In her view, if the Central Authorities sincerely wished to discuss political reform with the pan-democratic Members, such discussions should be held formally in Hong Kong or in Beijing.

21. The Deputy Chairman considered that there was no conflict between the views expressed by the two groups of Members on the visit programme. He suggested that the views raised in both letters be relayed to the CE's Office and the Liaison Office through the President. Members could further discuss the detailed arrangements for the visit after a programme had been drawn up.

22. Ms Emily LAU shared the views expressed by the Deputy Chairman and Mr LEUNG Yiu-chung. She reiterated the views of the 20 pan-democratic Members that the visit programme should first deal with the issue of Hong Kong's political reform, and that the pan-democratic Members joining the visit should meet separately with the Central Government officials in charge of Hong Kong's political reform and there should be sufficient time for discussion. She noted the suggestion of the other 42 Members that due to the limited time available during the two-day visit, the proposed site visits to various facilities in Shanghai could be conducted in separate groups. She hoped that arrangements could be made to allow more time for the discussions on Hong Kong's political reform while at the same time accommodating the requests of other Members as far as possible, so long as they were acceptable to the President too.

23. In response to Ms Emily LAU's enquiry, the Chairman said that after the HC meeting, the President would relay Members' views to the CE's Office and the Liaison Office. He believed that detailed visit arrangements would be drawn up shortly in the light of Members' views.

24. Mr WONG Yuk-man said that he would not join the visit. He strongly criticized the proposed arrangement for Members to discuss Hong Kong's political reform with the Central Government officials in Shanghai which, in his view, violated the principles of "one country, two systems" and "Hong Kong people ruling Hong Kong". He stressed that such discussion should take place in Hong Kong and not Shanghai.



Action

25. Mr Albert CHAN expressed dissatisfaction that LegCo Members were being arranged to visit Shanghai by the Executive Authorities and had been used by CE as a political tool for enhancing his popularity. He considered that such arrangement undermined the dignity of LegCo and it was also absurd for Members to make a decision to conduct the visit when the detailed programme had yet to be drawn up. He strongly opposed the proposed visit.

26. The Chairman clarified that the present discussion was to seek Members' view on the programme and arrangements for the proposed visit. Members would be invited to endorse the proposed visit at next week's HC meeting when a programme with more detailed arrangements was drawn up.

27. Dr LAM Tai-fai said that the Central Authorities, in extending an invitation to all LegCo Members to visit Shanghai and accommodating as far as possible the requests of pan-democratic Members on the visit programme, had demonstrated its sincerity and determination to implement universal suffrage in Hong Kong. He appealed to those Members who had indicated that they would not join the visit to reconsider their decision, and to treasure the opportunity of the visit to enhance communication with the Central Authorities.

28. Mr LEUNG Kwok-hung stressed that the discussions on Hong Kong's political reform during the proposed visit should be video-recorded and audio-recorded, so as to ensure openness and transparency. He added that Members should use the opportunity of their meeting with the Central Government officials to express, on behalf of Hong Kong people, the view that it was unreasonable to put in place any mechanism for screening of candidates for the CE election.

29. Mr Gary FAN said that as Members were representatives of the public, it was important that all the activities of the visit, including the discussions on Hong Kong's political reform should be conducted in an open and transparent manner, for instance making video or audio recordings as suggested by Mr LEUNG Kwok-hung, so that the public could know about the content of such activities and discussions.

30. Mr WONG Kwok-hing considered that the letters from the two groups of Members had already reflected the mainstream views of the majority of Members on the arrangements for the proposed visit. He called on Members belonging to different political parties and groupings to put aside their differences and make good use of the opportunity of the visit to express their views and forge consensus on Hong Kong's political reform.

Action

31. The Chairman concluded that Members' views on the programme and arrangements for the visit would be conveyed to the CE's Office and the Liaison Office through the President.

**VII. Any other business**

32. There being no other business, the meeting ended at 3:03 pm.

Council Business Division 2  
Legislative Council Secretariat  
26 March 2014