

**立法會**  
***Legislative Council***

LC Paper No. CB(2)1259/13-14

Ref : CB2/H/5/13

**House Committee of the Legislative Council**

**Minutes of the 20th meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 28 March 2014**

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

**Members absent:**

Hon Albert HO Chun-yan  
Hon LEE Cheuk-yan  
Hon Abraham SHEK Lai-him, GBS, JP  
Dr Hon LEUNG Ka-lau  
Hon James TIEN Pei-chun, GBS, JP  
Hon WU Chi-wai, MH  
Hon CHAN Yuen-han, SBS, JP  
Hon LEUNG Che-cheung, BBS, MH, JP  
Hon Kenneth LEUNG  
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 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 Timothy TSO	Assistant Legal Adviser 2
Mr Bonny LOO	Assistant Legal Adviser 3
Ms Wendy KAN	Assistant Legal Adviser 6
Ms Clara TAM	Assistant Legal Adviser 9
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 19th meeting held on 21 March 2014**

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

The minutes were confirmed.

**II. Matters arising**

**Report by the Chairman on his meeting with the Chief Secretary for Administration**

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2. The Chairman said that the proposal for a Legislative Council ("LegCo") delegation to conduct a duty visit to Shanghai would be discussed under agenda item VIII.

### **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)**

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##### **(i) Contracts (Rights of Third Parties) Bill** *(LC Paper No. LS40/13-14)*

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. The Deputy Chairman 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 TAM Yiu-chung, Mr Ronny TONG and Ms Starry LEE.

##### **(ii) Employment (Amendment) Bill 2014** *(LC Paper No. LS39/13-14)*

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

6. Dr CHIANG Lai-wan 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 Tommy CHEUNG, Mr Gary FAN, Dr Helena WONG and Dr CHIANG Lai-wan.

##### **(iii) Pharmacy and Poisons (Amendment) Bill 2014** *(LC Paper No. LS41/13-14)*

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

8. Prof Joseph LEE considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Ms Emily LAU and Prof Joseph LEE agreed to join the proposed Bills Committee.

#### **(b) Legal Service Division report on subsidiary legislation gazetted on 21 March 2014 and tabled in Council on 26 March 2014**

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*(LC Paper No. LS38/13-14)*

9. At the invitation of the Chairman, LA briefed Members on the LSD report on the one item of subsidiary legislation (i.e. the Dutiable Commodities (Amendment) Regulation 2014) (L.N. 31) gazetted on 21 March 2014 and tabled in Council on 26 March 2014.

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10. Members did not raise any question on the Regulation.
11. The Chairman reminded Members that the deadline for amending the Regulation was the Council meeting of 16 April 2014.

**IV. Business for the Council meeting of 9 and 10 April 2014**

**(a) Questions**

*(LC Paper No. CB(3)521/13-14)*

12. The Chairman said that 22 written questions had been scheduled for the meeting.

**(b) Bills - resumption of debate on Second Reading**

**Appropriation Bill 2014**

13. The Chairman informed Members that in accordance with Rule 36(5) of the Rules of Procedure, the speaking time limit for each Member at the debate was 15 minutes.

**Report of the House Committee ("HC") on Consideration of Subsidiary Legislation**

14. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)528/13-14), which contained three items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 9 April 2014. He reminded Members to indicate their intention by 12:00 midnight on Monday, 31 March 2014 should they wish to speak on any of the items of subsidiary legislation.

**V. Reports of Bills Committees and subcommittees**

**(a) Report of the Subcommittee on Toys and Children's Products Safety (Additional Safety Standards or Requirements) Regulation, Toys and Children's Products Safety Regulation (Repeal) Regulation and Toys and Children's Products Safety (Amendment) Ordinance 2013 (Commencement) Notice**

15. Mr Jeffrey LAM, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. Mr LAM said that the Toys and Children's Products Safety (Additional Safety Standards or Requirements) Regulation ("the Additional Safety Standards Regulation")

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set out the control on the concentration of six types of phthalates in certain toys and children's products. It also incorporated the matters dealt with in the existing Toys and Children's Products Safety Regulation (Cap. 424B), which would be repealed by the Toys and Children's Products Safety Regulation (Repeal) Regulation. Furthermore, the Toys and Children's Products Safety (Amendment) Ordinance 2013 (Commencement) Notice appointed 1 July 2014 as the day on which the Amendment Ordinance came into operation. The Additional Safety Standards Regulation also came into operation on 1 July 2014.

16. Mr Jeffrey LAM further said that the Subcommittee had received views from deputations at one of its meetings. Members of the Subcommittee were generally in support of the new control on the six types of phthalates to enhance protection of children's health. In the light of the concerns expressed by the deputations over the implementation details of the new phthalate control regime, the Subcommittee had requested the Administration to draw up clear and detailed guidelines for the trade's reference and report the progress of preparation of the draft guidelines to the relevant Panel. Mr LAM added that both the Subcommittee and the Administration would not propose any amendment to the three items of subsidiary legislation.

17. The Chairman reminded Members that as the deadline for amending the three items of subsidiary legislation studied by the above Subcommittee was the Council meeting of 9 April 2014, the deadline for giving notice of amendments, if any, was Tuesday, 1 April 2014.

**(b) Report of the Subcommittee on Resolution of the Board of Directors of the Po Leung Kuk**

18. Mr MA Fung-kwok, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. Mr MA said that the Resolution sought to amend the Schedule to the Po Leung Kuk Ordinance (Cap. 1040) to enable the Po Leung Kuk ("PLK") to expand its scope of services to cover the provision of medical and health services for the Hong Kong community. The Subcommittee generally supported the Resolution.

19. Mr MA Fung-kwok further said that to address members' concern whether the Resolution would allow PLK to provide medical and health services on a commercial basis in future, the Administration had agreed to move amendments to stipulate in the objects of PLK that PLK should provide all kinds of medical and health services free of charge or at low charges for the Hong Kong community and to add a general fee charging provision for the services provided by PLK in carrying out its objects.

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Furthermore, in the light of members' views, the Administration had also proposed to make certain technical amendments to the Resolution to specify the types of organizations and institutions that the Board of PLK might maintain, manage, operate, regulate or supervise.

**(c) Report of the Subcommittee on Rating (Exemption) Order 2014**

20. In his capacity as the Chairman of the Subcommittee, the Chairman made a verbal report on the deliberations of the Subcommittee. The Chairman said that the Order was made to give effect to the proposal in the 2014-15 Budget to waive rates for the first two quarters of 2014-2015, subject to a ceiling of \$1,500 per quarter for each rateable property.

21. The Chairman further said that the majority of the members of the Subcommittee did not object to the Administration's proposal to provide rates concession as a relief measure. Some members, however, stressed that the rates concession measure should serve primarily to help the grassroots. They urged the Administration to consider extending the concession period to four quarters and subject the amount of concession to a lower per quarter ceiling, so as to enable the grassroots who made lower rates payments to fully utilize the total concession amount of \$3,000. Furthermore, some members suggested that the Administration should consider excluding non-residential properties from the proposal, or limiting the number of rateable properties pertaining to the same ratepayer which could benefit from the rates concession.

22. The Chairman informed the meeting that according to the Administration, if a financial commitment of around \$6.1 billion for the rates concession set out in the Order was to be maintained and the concession period was extended to four quarters, the rates concession ceiling would have to be adjusted downwards to a level below \$600 per quarter and the total amount of rates concession enjoyed by private domestic properties and non-domestic properties would be reduced. The Administration therefore considered the rates concession in the Order to be more preferable. The Chairman added that both the Subcommittee and the Administration would not propose any amendment to the Order. Mr LEE Cheuk-yan and Ms Cyd HO had indicated their intention to propose amendments to the Order to assist the grassroots to benefit as much as possible from the rates concession.

23. The Chairman reminded Members that as the deadline for amending the two items of subsidiary legislations studied by the above two Subcommittees was the Council meeting of 16 April 2014, the deadline for giving notice of amendments, if any, was Wednesday, 9 April 2014.

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

*(LC Paper No. CB(2)1163/13-14)*

24. The Chairman said that as at 27 March 2014, there were five 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.

**VII. Procedure for the nomination and election of Members to the Committee on Access to the Legislature's Documents and Records**

*(LC Paper No. PI78/13-14)*

25. Members endorsed the procedure for the nomination and election of Members to the Committee on Access to the Legislature's Documents and Records ("CoA") as set out in paragraph 6 of the paper. Members also agreed that the election of Members to CoA be held at the HC meeting on 11 April 2014.

**VIII. Legislative Council delegation to conduct a duty visit to Shanghai**

*(LC Paper No. CB(2)1172/13-14)*

26. The Chairman invited Members' views on the proposal for a LegCo delegation to be led by the President to conduct a duty visit to Shanghai.

27. Mr TAM Yiu-chung said that the 42 Members including himself welcomed the programme and arrangements for the proposed visit, which were largely in line with their requests set out in an earlier letter they co-signed to the President.

28. Mr Gary FAN said that as only half a day would be set aside for the delegation to meet with the Central Government officials to discuss issues of mutual concern, including Hong Kong's social and economic development, relationship between the Mainland and Hong Kong and Hong Kong's political development, he was concerned that there would not be sufficient time for discussion on political development. Mr FAN also enquired whether media representatives accompanying the delegation could cover all the activities of the visit, including discussions at the half-day meeting, and whether arrangements would be made for the entire visit to be video-recorded or audio-recorded, so as to ensure openness and transparency.



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29. At the invitation of the Chairman, the Secretary General ("SG") said that in line with the usual practice for duty visits conducted under the name of the Council or its committees, the Public Information Division of the LegCo Secretariat would provide marshalling service to media organizations during the proposed visit to Shanghai. Detailed media arrangements for the visit had to be further worked out in consultation with the Shanghai Municipal People's Government and the receiving parties in Shanghai. SG added that the suggestion made by some Members that the proposed visit should be video-recorded or audio-recorded had been conveyed to the relevant authorities for consideration.

30. Mr Frederick FUNG said that it was not clear from the Chief Executive ("CE")'s reply whether arrangement could be made for the pan-democratic Members joining the visit to meet separately with the Central Government officials responsible for Hong Kong's political development, as requested by the 20 pan-democratic Members including himself. He hoped that the President and the Chairman could follow up the requests of the pan-democratic Members with the relevant authorities.

31. The Chairman said that during their meeting with the President that morning, he and the Deputy Chairman had relayed the views of the pan-democratic Members to the President. They would continue to follow up the matter with the relevant authorities.

32. Mr Albert CHAN said that it was clear that LegCo Members were being arranged to visit Shanghai by the Executive Authorities, which undermined the dignity of LegCo. He criticized that the proposed visit was loosely organized, and a detailed itinerary was not available. In his view, it would only bring shame on LegCo if Members agreed to conduct the proposed visit.

33. Mr LEUNG Kwok-hung hoped that clarification would be sought whether the entire visit would be video-recorded or audio-recorded and whether Members could hold press conferences during or at the end of the visit. He further said that he intended to join the visit to clearly express his stance to the Central Government officials direct.

34. Dr Helena WONG shared the view that there was a lack of details on the concrete arrangements for the proposed visit. While she was pleased to note that there would be a half-day meeting with the Central Government officials, she was concerned whether sufficient time would be allowed for interactive and in-depth discussions on Hong Kong's political development and whether the pan-democratic Members could

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meet separately with the Central Government officials. She also queried why arrangement was made for the delegation to dine with the Hong Kong business community in Shanghai and whether it was proposed by the CE's Office. As she was given to understand that Members would be requested to reply to the Secretariat whether they intended to join the visit by Monday, 31 March 2014, she hoped that the pan-democratic Members could know by then whether arrangement could be made for them to meet separately with the Central Government officials to discuss Hong Kong's political development.

35. At the invitation of the Chairman, SG said that Members were invited to reply by 31 March 2014 having regard to the deadline for confirming air tickets with the airline. This notwithstanding, the Secretariat would assist in making the necessary arrangements if the Members concerned did not confirm participation in the visit by the deadline. However, any expenditure over the standard expenditure had to be borne by those Members.

36. Ms Cyd HO said that whether the pan-democratic Members would join the visit or not would depend on whether they could meet separately with the Central Government officials and whether there would be sufficient time for open, interactive and in-depth discussions on the political reform proposals put forward by the democrats. She hoped that there would be an early reply from the Central Authorities to their requests. She also suggested that the various activities of the visit be conducted in separate groups, so that Members could make full use of the limited time available during the two-day visit to participate in those activities in which they were interested.

37. Ms Emily LAU said that Members belonging to the Democratic Party raised no objection in principle to the proposal for LegCo Members to conduct a duty visit to Shanghai. However, they would decide whether to take part in the visit only after they had received a reply to the requests made by the pan-democratic Members on the programme and arrangements for the visit.

38. The Chairman put to vote the proposal for a LegCo delegation to be led by the President to conduct a duty visit to Shanghai. Ms Emily LAU requested a division.

The following Members voted in favour of the proposal:

Mr CHAN Kam-lam, Dr LAU Wong-fat, Ms Emily LAU, Mr TAM Yiu-chung, Mr Tommy CHEUNG, Mr Frederick FUNG, Mr WONG Kwok-hing, Prof Joseph LEE, Mr Jeffrey LAM, Mr WONG Ting-kwong,

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Mr Ronny TONG, Ms Starry LEE, Dr LAM Tai-fai, Mr CHAN Hak-kan, Mr CHAN Kin-por, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mrs Regina IP, Mr Paul TSE, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kwok, Mr Charles MOK, Mr CHAN Han-pan, Miss Alice MAK, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Dr Helena WONG, Mr IP Kin-yuen, Mr Martin LIAO, Mr POON Siu-ping, Mr TANG Ka-piu, Dr CHIANG Lai-wan, Ir Dr LO Wai-kwok, Mr Christopher CHUNG and Mr Tony TSE.

(37 Members)

The following Members voted against the proposal:

Mr Albert CHAN, Mr Gary FAN and Mr CHAN Chi-chuen.

(3 Members)

39. The Chairman declared that 37 Members voted for the proposal and three Members voted against it, and no Member abstained from voting. The Chairman declared that the proposal was supported.

**IX. Any other business**

40. There being no other business, the meeting ended at 3:08 pm.