

**立法會**  
***Legislative Council***

LC Paper No. CB(2)1625/13-14

Ref : CB2/H/5/13

**House Committee of the Legislative Council**

**Minutes of the 25th meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 23 May 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 Abraham SHEK Lai-him, GBS, 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  
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 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 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  
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  
Hon Tommy CHEUNG Yu-yan, SBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Dr Hon LEUNG Ka-lau  
Hon Alan LEONG Kah-kit, SC  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon Frankie YICK Chi-ming  
Hon TANG Ka-piu

**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
Ms Anita SIT	Atg Assistant Secretary General 4
Ms Connie FUNG	Senior Assistant Legal Adviser 1
Mr Stephen LAM	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
Miss Winnie LO	Assistant Legal Adviser 7
Miss Josephine SO	Senior Council Secretary (2)6
Miss Jasmine TAM	Senior Council Secretary (2)8
Miss Karen LAI	Council Secretary (2)6
Mr Ringo LEE	Senior Legislative Assistant (2)1
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 24th meeting held on 16 May 2014**

*(LC Paper No. CB(2)1564/13-14)*

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 there was nothing special to report.

### III. Business arising from previous Council meetings

#### **Legal Service Division report on subsidiary legislation gazetted on 16 May 2014**

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*(LC Paper No. LS56/13-14)*

3. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the Legal Service Division ("LSD") report on the five items of subsidiary legislation (i.e. L.N. 58 to L.N. 62) gazetted on 16 May 2014. Of these, four items were tabled in Council on 21 May 2014 and the remaining item was a Regulation made under the United Nations Sanctions Ordinance (Cap. 537) ("UNSO") which was not required to be tabled in Council.

4. Members agreed that the United Nations Sanctions (Yemen) Regulation (L.N. 62) made under UNSO which was not subject to amendment by the Legislative Council ("LegCo") 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 it came within the Subcommittee's terms of reference.

5. As regards the three Regulations made under the Telecommunications Ordinance (Cap. 106) (L.N. 58 to L.N. 60), Mr SIN Chung-kai considered it necessary to form a subcommittee to study the Regulations in detail. Members agreed. The following Members agreed to join the proposed subcommittee: Mr Charles MOK and Mr SIN Chung-kai.

6. Members did not raise any questions on the Public Health and Municipal Services Ordinance (Civic Centres) (Amendment of Thirteenth Schedule) Order 2014 (L.N. 61).

7. The Chairman reminded Members that the deadline for amending L.N. 58 to L.N. 61 was the Council meeting of 18 June 2014, or the Council meeting of 9 July 2014 if extended by a resolution of the Council.

**IV. Further business for the Council meeting of 28 May 2014**

**Tabling of papers**

**Report No. 19/13-14 of the House Committee on Consideration of  
Subsidiary Legislation and Other Instruments**

*(LC Paper No. CB(2)1566/13-14 issued vide LC Paper No.  
CB(3)669/13-14 dated 21 May 2014)*

8. The Chairman said that the Report covered three items of subsidiary legislation, the period for amendment of which would expire at the Council meeting of 28 May 2014. No Member had indicated intention to speak on these three items of subsidiary legislation.

**V. Business for the Council meeting of 4 June 2014**

**(a) Questions**

*(LC Paper No. CB(3)661/13-14)*

9. 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**

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

**(c) Government motion**

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

**(d) Members' motions**

**(i) Motion on "Constitutional reform" to be moved by  
Hon Ronny TONG**

*(Wording of the motion issued vide LC Paper No.  
CB(3)665/13-14 dated 21 May 2014)*

**(ii) Motion on "Ensuring occupational safety" to be moved  
by Hon POON Siu-ping**

*(Wording of the motion issued vide LC Paper No.  
CB(3)673/13-14 dated 22 May 2014)*

12. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above two motions was Tuesday, 27 May 2014.

Arrangements for Members' motions without legislative effect for the Council meetings before the end of the current legislative session

13. The Chairman informed Members that so far, eight Members' motions without legislative effect had yet to be dealt with by the Council. Another four such motions had also been scheduled for the Council meetings of 28 May and 4 June 2014. There would then be a backlog of 12 Members' motions without legislative effect in total.

14. The Chairman further said that as announced by the President at the Council meeting of 21 May 2014, the proceedings on the Appropriation Bill 2014 were expected to be completed on the first day of the Council meeting of 4 June 2014. If the Council could resume dealing with Members' motions without legislative effect at the meeting of 4 June, the backlog of 12 such motions could be dealt with, according to the order in which they were allocated debate slots, at the six Council meetings to be held between 4 June and 9 July, with each Council meeting dealing with two such motions. Under such arrangements, no allocation of debate slots would be made for the Council meetings to be held between 11 June and 9 July.

15. The Chairman invited Members' views on the above arrangements.

16. Mr SIN Chung-kai said that Members belonging to the Democratic Party were of the view that an additional motion debate, i.e. a total of three motion debates, should be held at each of the Council meetings concerned before the end of the current legislative session, so as to clear the backlog of Members' motions which had stood over from previous Council meetings.

17. Mr IP Kwok-him pointed out that the work of many committees had already been affected by the filibuster on the Appropriation Bill 2014. Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB") were concerned that holding an additional motion debate would prolong the duration of the Council meetings concerned, thereby affecting other committees' conduct of business. Furthermore, he noted that holding two motion debates at each of the Council meetings concerned before the end of the current legislative session should be able to clear the backlog of Members' motions. Members belonging to DAB therefore considered it more appropriate to maintain the arrangement of holding two motion debates at each of these Council meetings.

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18. Mr LEUNG Kwok-hung considered that as there was no urgency for holding debates on motions without legislative effect, priority should be given to dealing with Bills and motions with legislative effect. He added that Council meetings could be convened during the summer recess for holding debates on motions without legislative effect, if considered necessary by some Members.

19. Ir Dr LO Wai-ki said that while he had submitted an application for a debate slot at the forthcoming Council meetings, he supported maintaining the arrangement of holding two motion debates at each of the Council meetings concerned, so as to allow time for other committees to clear the backlog of work resulting from the prolonged Council proceedings on the Appropriation Bill 2014. He further said that while he did not object to holding Council meeting(s) during the summer recess where necessary, many Members had already made other work commitments, such as participating in overseas duty visits conducted by committees, for the period.

20. Mr NG Leung-sing informed the meeting that according to the Financial Services and the Treasury Bureau, funding proposals for 40 capital works projects and 47 non-capital works projects had been planned to be submitted to LegCo for consideration at the remaining six meetings of the Finance Committee ("FC") in the current legislative session. He was concerned that holding an additional motion debate at the Council meetings concerned might result in these meetings being extended to Friday, which would affect the work of other committees including FC.

21. The Chairman put to vote the two proposals in respect of the number of motions debates to be held at each of the Council meetings scheduled between 4 June and 9 July 2014. The results were 35 Members supported holding two motion debates, 15 Members supported holding three motion debates and two Members abstained from voting. The Chairman declared that the majority of Members present supported holding two motion debates at each of these Council meetings.

**VI. Position on Bills Committees and subcommittees**  
(*LC Paper No. CB(2)1565/13-14*)

22. The Chairman said that as at 22 May 2014, there were 16 Bills Committees, four subcommittees under the House Committee ("HC") and nine subcommittees on policy issues under Panels in action. Two subcommittees on policy issues were on the waiting list.

**VII. Proposal of Hon Charles Peter MOK regarding the proposed resolution for setting up the Innovation and Technology Bureau**

*(Letter dated 20 May 2014 from Hon Charles Peter MOK (LC Paper No. CB(2)1583/13-14(01))*

*(Proposed resolution under section 54A of the Interpretation and General Clauses Ordinance (Cap.1) to be moved by the Secretary for Commerce and Economic Development at the Council meeting of 18 June 2014 (LC Paper No. CB(3)670/13-14 dated 22 May 2014))*  
*(LC Paper No. LS58/13-14)*

23. The Chairman said that Mr Charles MOK had written to him proposing that HC should consider at this meeting the need to form a subcommittee to study the proposed legislative amendments relating to the setting up of a new Innovation and Technology Bureau ("ITB"). He further informed the meeting that the Administration had given notice on 20 May 2014 to move a proposed resolution at the Council meeting of 18 June 2014 for the proposed establishment of ITB.

24. At the invitation of the Chairman, Mr Charles MOK said that the Administration planned to move the proposed resolution to effect a transfer of certain statutory functions under the Electronic Transactions Ordinance (Cap. 553) pursuant to the proposed establishment of a new ITB. Mr MOK further said that the Panel on Commerce and Industry and the Panel on Information Technology and Broadcasting had respectively discussed the Administration's proposal for the establishment of ITB and both Panels had passed motions to urge the Administration to take forward the proposal expeditiously. Given the long-standing demand of the innovation and technology sector for the establishment of ITB and the Administration's pledge that the new ITB would provide dedicated high level leadership in the formulation of policies for the promotion of innovation and development of technology, he appealed to Members to support the proposed establishment of ITB. He proposed that Members should consider forming a subcommittee at this meeting to study the relevant legislative amendments so that the scrutiny work could start early.

25. At the invitation of the Chairman, LA briefed Members on the LSD report on the proposed resolution. LA advised that LSD had written to the Administration to seek clarification in respect of certain technical issues in relation to the proposed resolution and was studying the latest Administration's reply which was received shortly before this meeting. LA further informed Members that the Administration had indicated that it was considering moving certain technical amendments to the proposed resolution.



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26. Ir Dr LO Wai-kwok said that he had issued a joint letter with Dr Elizabeth QUAT and some other LegCo Members to the Chief Executive ("CE") in October 2012 urging the Administration to set up a new ITB expeditiously. However, it was not until early this year that CE announced in the 2014 Policy Address the decision to re-initiate the setting up of ITB. In his view, the Administration should have submitted the proposal for the establishment of ITB to LegCo earlier. Given that the proposal had the strong support of the innovation and technology sector, he supported the early establishment of ITB and did not object to Mr Charles MOK's proposal.

27. Mr WONG Yuk-man expressed strong opposition to the establishment of ITB. He opined that there were serious overlapping of functions between the proposed ITB and the existing bureau/departments which were responsible for innovation and technology matters, and the establishment of ITB would be a waste of public resources given that some 30 civil service and non-civil service posts would have to be created. He stressed that he had no trust in the present Government headed by Mr LEUNG Chun-ying, and would filibuster to obstruct the passage of the funding proposal for the establishment of ITB when it was considered by FC.

28. Mr LEUNG Kwok-hung said that unless CE provided a full and candid account of the true reasons for rejecting Mr Ricky WONG's application for a domestic free television programme service ("free TV") licence, he would not consider giving support to the Administration's proposal for the establishment of ITB.

29. Dr Elizabeth QUAT said that the trade had devoted much effort over the years to promoting the development of innovation and technology in Hong Kong, which would not only enhance Hong Kong's competitiveness but also provide more opportunities for young people to move up the social ladder. She further said that as Members belonging to DAB had all along supported the expeditious establishment of ITB, they also supported the early formation of a subcommittee to study the relevant legislative amendments with a view to speeding up the process.

30. Mr WONG Kwok-hing said that he fully supported Mr Charles MOK's proposal. He considered that the proposed establishment of ITB was in the interest of not only the innovation and technology sector but also the community at large, as promoting the development of innovation and technology industries would help inject a new and much-needed impetus to the economic development of Hong Kong. He hoped that Members belonging to the pro-democracy camp would consider the proposal purely on its own merits, and would not object to the proposal merely on the basis of their own personal opinions on CE.

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31. Ms Claudia MO noted that CE had mentioned the proposal for the establishment of ITB as many as eight times during the CE Question and Answer Session held on 22 May 2014. She wondered why CE attached so much importance to expeditiously taking forward this proposal which was not even stated in his election platform. In her view, the present Government could not be trusted and the proposed establishment of ITB sought mainly to enhance network monitoring and control. She objected to the proposed establishment of ITB.

32. Mr Albert CHAN said that Members should carefully study the functions of the proposed ITB before deciding whether they would support the Administration's proposal. He queried why the Administration set up a dedicated bureau on innovation and technology but did not do the same for matters of much wider public concern such as poverty and problems faced by the elderly. In his view, the Administration's proposal to establish ITB catered only for the interests of the sector and provided an avenue for the transfer of political benefits among the parties concerned. He therefore strongly opposed the establishment of ITB.

33. Mr CHAN Chi-chuen said that the fact that some Members did not support the establishment of the proposed ITB did not necessarily mean that they did not support the promotion of innovation and the development of technology. Given that the Secretary for Commerce and Economic Development had failed to address the queries raised on the need for establishing a new bureau to take over the policy responsibilities for matters relating to innovation and technology which were currently overseen by the relevant bureau/departments, he could not support the Administration's proposal for the establishment of ITB.

34. Mr Jeffrey LAM said that the government of many countries, such as Korea and Israel, had invested heavily in promoting innovation and the development of technology and the relevant industries often accounted for a significant proportion of the gross domestic product of these countries. Given that both the information and technology sector as well as the commerce and industry sector were in support of the establishment of a dedicated bureau to steer the development of innovation and technology in Hong Kong, Members belonging to the Business and Professionals Alliance for Hong Kong were supportive of the establishment of ITB. They also supported Mr Charles MOK's proposal for the early setting up of a subcommittee to study the relevant legislative amendments.

35. Dr KWOK Ka-ki said that he did not trust the present Government and he was not convinced that the proposal merely sought to promote innovation and the development of technology for the benefit of the

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community. He was concerned that the Administration would seek to further enhance network monitoring following the establishment of ITB. He also wondered whether the Administration would set up yet another fund under the proposed ITB for the pro-establishment camp to seek resources, just as in the case of the Mega Events Fund. He did not support the proposed establishment of ITB, which, in his view, was a waste of public money.

36. Mr Frederick FUNG said that the Administration's handling of the vetting and approval of free TV licences had clearly demonstrated how it had stifled the development of innovation and creative industries. It had also been revealed in a number of incidents, including the withdrawal of advertisements from several newspapers which was allegedly requested by CE, that the Administration wished to exert control on the media. He did not support the proposed establishment of ITB, as he was concerned that it would be wielded by the Administration as a tool to control online media.

37. Mrs Regina IP said that Members belonging to the New People's Party were supportive of the establishment of ITB. She had been urging for its establishment since 2007 and supported early formation of a subcommittee to facilitate the scrutiny of the relevant legislative amendments.

38. Mr CHUNG Kwok-pan said that as there was insufficient information in the papers provided by the Administration on the proposal for the establishment of ITB, he considered it appropriate to form a subcommittee to study the relevant issues and obtain more information from the Administration. He expressed support for Mr Charles MOK's proposal.

39. In response to Mr Paul TSE's enquiry about the practical effect of Mr Charles MOK's proposal, the Chairman advised that should Members agree at this HC meeting that a subcommittee be formed to study the legislative amendments relating to the establishment of ITB, the scrutiny work could start about one week earlier.

40. Mr Charles MOK stressed that the innovation and technology sector did not put forward the proposal for the establishment of ITB for its own benefit, and the proposal was made having regard to the decreasing competitiveness of Hong Kong and the keen efforts made by the neighbouring countries to promote innovation and the development of technology. While he was also concerned about network monitoring, he did not consider that the proposed establishment of ITB had anything to do with it.

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41. The Chairman put to vote the proposal to form a subcommittee to study the proposed legislative amendments relating to the setting up of ITB. Ms Emily LAU requested a division.

The following Members voted in favour of the proposal:

Mr CHAN Kam-lam, Dr LAU Wong-fat, Mr TAM Yiu-chung, Mr Vincent FANG, Mr WONG Kwok-hing, Prof Joseph LEE, Mr Jeffrey LAM, Mr WONG Ting-kwong, Ms Starry LEE, Mr CHAN Hak-kan, Mr CHAN Kin-por, Mr IP Kwok-him, Mrs Regina IP, Mr NG Leung-sing, Mr Steven HO, Mr YIU Si-wing, Mr MA Fung-kwok, Mr Charles MOK, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Mr Kenneth LEUNG, Miss Alice MAK, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Dr Elizabeth QUAT, Mr Martin LIAO, Mr POON Siu-ping, Ir Dr LO Wai-kwok, Mr CHUNG Kwok-pan and Mr Tony TSE.

(30 Members)

The following Members voted against the proposal:

Mr Frederick FUNG, Mr Ronny TONG, Mr LEUNG Kwok-hung, Mr Albert CHAN, Mr WONG Yuk-man, Ms Claudia MO, Mr Gary FAN and Mr CHAN Chi-chuen.

(Eight Members)

The following Members abstained from voting:

Mr James TO, Ms Emily LAU, Ms Cyd HO, Dr LAM Tai-fai, Mr CHEUNG Kwok-che, Mr Paul TSE, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Mr SIN Chung-kai, Dr Helena WONG and Mr IP Kin-yuen.

(11 Members)

42. The Chairman declared that 30 Members voted for and eight Members voted against the proposal, and 11 Members abstained from voting. The Chairman declared that the proposal was supported.

### **VIII. Any other business**

43. There being no other business, the meeting ended at 3:15 pm.