

**立法會**  
**Legislative Council**

LC Paper No. CB(4)913/15-16  
(These minutes have been seen  
by the Administration)

Ref: CB4/BC/3/14

**Bills Committee on Kai Tak Cruise Terminal Bill**

**Minutes of the eighth meeting held on  
Wednesday, 23 March 2016, at 2:30 pm  
in Conference Room 2B of the Legislative Council Complex**

**Members present** : Hon CHAN Kam-lam, SBS, JP (Chairman)  
Hon James TO Kun-sun  
Hon Andrew LEUNG Kwan-yuen, GBS, JP  
Hon WONG Ting-kwong, SBS, JP  
Hon Frankie YICK Chi-ming, JP  
Hon YIU Si-wing, BBS  
Hon CHUNG Kwok-pan

**Members absent** : Hon Cyd HO Sau-lan, JP  
Hon WONG Kwok-kin, SBS  
Hon Paul TSE Wai-chun, JP  
Hon Alan LEONG Kah-kit, SC  
Hon SIN Chung-kai, SBS, JP  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon Tony TSE Wai-chuen, BBS

**Public Officers attending** : **Agenda item I**  
  
Commerce and Economic Development Bureau  
  
Miss Rosanna LAW, JP  
Deputy Commissioner for Tourism  
  
Mr George TSOI  
Assistant Commissioner for Tourism 4

Miss Carrie LEE  
Senior Administrative Officer (Tourism)4

Department of Justice

Mr Henry CHAN  
Senior Government Counsel

Miss Queenie WU  
Government Counsel

**Clerk in attendance** : Ms Shirley CHAN  
Chief Council Secretary (4)5

**Staff in attendance** : Ms Clara TAM  
Assistant Legal Adviser 9

Ms Lauren LI  
Council Secretary (4)5

Ms Zoe TONG  
Legislative Assistant (4)5

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Action

**I. Confirmation of minutes of meetings**

(LC Paper No. CB(4)683/15-16 — Minutes of meeting held on  
2 February 2016

LC Paper No. CB(4)721/15-16 — Minutes of meeting held on  
23 February 2016)

The minutes of the meetings held on 2 February 2016 and 23 February 2016 were confirmed.

**II. Meeting with the Administration**

Matters arising from previous meetings

(LC Paper No. CB(4)658/15-16(01) — List of follow-up actions arising  
from the discussion at the  
meeting on 23 February 2016

Action

- LC Paper No. CB(4)745/15-16(01) — Administration's response to issues raised at the meeting on 23 February 2016
- LC Paper No. CB(4)745/15-16(02) — List of follow-up actions arising from the discussion at the meeting on 1 March 2016
- LC Paper No. CB(4)745/15-16(03) — Administration's response to issues raised at the meeting on 1 March 2016)

Draft Committee stage amendments

- (LC Paper No. CB(4)745/15-16(04) — Draft Committee stage amendments proposed by the Administration)

Other relevant papers

- (LC Paper No. CB(3)828/14-15 — The Bill
- LC Paper No. CB(4)41/15-16(01) — Marked-up copy of related amendments to existing three items of subsidiary legislation prepared by the Legal Service Division (Restricted to members only))

Discussion

2. The Bills Committee deliberated (Index of proceedings attached at **Annex**).

Follow-up action to be taken by the Administration

3. The Administration was requested to consider whether it was appropriate to move an amendment to delete the word "paper" from clause 20(1)(a) of the Kai Tak Cruise Terminal Bill ("the Bill") in view of the policy intention of making littering a prohibited act.

Action

(*Post-meeting note:* The English and Chinese versions of the Administration's written response together with the revised set of draft Committee stage amendments ("CSAs") to be moved by the Administration were issued to members vide LC Paper No. CB(4)813/15-16(02) on 5 April and 8 April 2016 respectively.)

4. The Chairman concluded that the Bills Committee had completed the scrutiny of the Bill and had no objection to the draft CSAs proposed by the Administration. The Bills Committee would not move any CSAs in its name.

Legislative timetable

5. Members noted that the Administration would resume the Second Reading debate on the Bill at the Council meeting of 27 April 2016 and the Chairman would report the deliberations of the Bills Committee to the House Committee on 15 April 2016. The deadline for giving notice of moving CSAs was 18 April 2016.

**III. Any other business**

6. There being no other business, the meeting ended at 3:21 pm.

Council Business Division 4  
Legislative Council Secretariat  
26 April 2016

**Proceedings of the eighth meeting of  
the Bills Committee on Kai Tak Cruise Terminal Bill  
on Wednesday, 23 March 2016, at 2:30 pm  
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<b>Agenda item I – Confirmation of minutes of meetings</b>			
000230 – 000257	Chairman	Confirmation of minutes of meetings	
<b>Agenda item II – Meeting with the Administration</b>			
000258 – 000911	Chairman Administration Mr James TO	Briefing by the Administration on its written response [LC Paper No. CB(4)745/15-16(01)] to issues arising from the meeting held on 23 February 2016	
000912 – 002946	Chairman Administration Mr James TO	<p>Briefing by the Administration on its written response [LC Paper No. CB(4)745/15-16(03)] to issues arising from the meeting held on 1 March 2016</p> <p>As regards paragraphs 3 to 5 of LC Paper No. CB(4)745/15-16(03), Mr James TO suggested deleting the word "paper" from clause 20(1)(a) of the Kai Tak Cruise Terminal Bill ("the Bill") if the deletion would not compromise the policy intention of prohibiting littering within the Terminal Area under the clause. The Administration undertook to consider Mr TO's suggestion.</p> <p>Mr James TO's concern about and the Administration's response on imposing criminal sanctions on persons who had caused obstructions to an authorized officer in the performance of a function under clause 22(1)(a) of the Bill</p>	The Administration to follow up as per paragraph 3 of the minutes
002947 – 004406	Chairman Administration Assistant Legal Adviser 9 ("ALA9")	<p>The Administration briefed members on its proposed Committee stage amendments ("CSAs") to the Bill in response to members' views and suggestions raised at previous meetings by referring to Annex II to LC Paper No. CB(4)745/15-16(04).</p> <p><u>CSAs to clause 2 of the Bill and to add clause 22A to the Bill</u></p> <p>The newly added clause 22A conferred on the Commissioner for Tourism ("the Commissioner") the power to approve vessels as cruise ships. Noting that clause 6(4), which set out the functions that the Commissioner could not delegate, was not amended accordingly, ALA9 clarified whether the power of the Commissioner under clause 22A could be delegated to an authorized officer.</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>In response, the Administration advised that –</p> <p>(a) it had no intention to delegate the power under clause 22A to the terminal operator; and</p> <p>(b) the Commissioner might, in writing, delegate the function under clause 22A to a public officer.</p> <p><u>CSAs to clauses 7, 8, 19, 16, 17, 18(2), 20, 21, 22 of the Bill and Schedule 2 to the Bill</u></p> <p>Members raised no query on the above CSAs.</p>	
004407 – 004624	Chairman ALA9 Administration	<p><u>Clause 20 – Other prohibited acts</u></p> <p>Referring to her letter to the Administration dated 20 November 2015 [LC Paper No. CB(4)244/15-16(03)], ALA9 requested the Administration to re-consider amending the Chinese heading "其他受禁行為" of clause 20 to "其他受禁止行為" to make it more comprehensible to readers.</p> <p>In reply, the Administration referred to its written reply to ALA9 [LC Paper No. CB(4)301/14-15(02)] and advised that it did not see any material difference between "其他受禁止行為" and "其他受禁行為". The heading of the clause had no legislative effect.</p>	
004625 – 005059	Chairman Mr James TO ALA9 Administration	<p>Upon the enquiry of Mr James TO, ALA9 advised that the court would take into consideration the context of clause 20(1)(a) of the Bill when interpreting the word "paper" from the clause. Mr TO indicated that if the Administration would not move a CSA to delete the word "paper" from clause 20(1)(a) of the Bill, he might consider moving a CSA to this effect.</p>	The Administration to follow up as per paragraph 3 of the minutes
005100 – 005212	Chairman Administration	Legislative timetable	
<b>Agenda item III –Any other business</b>			
005213 – 005316	Chairman	Closing remarks	