

立法會
Legislative Council

LC Paper No. CB(2)68/15-16

Ref : CB2/H/5/15

House Committee of the Legislative Council

**Minutes of the 1st meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 16 October 2015**

Members present:

Hon Andrew LEUNG Kwan-yuen, GBS, JP (Chairman)
Hon MA Fung-kwok, SBS, JP (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, GBS, 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, JP
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, SBS
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, BBS
Hon Frankie YICK Chi-ming, JP
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon Gary FAN Kwok-wai
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
Dr Hon Kenneth CHAN Ka-lok
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
Hon Dennis KWOK
Hon Christopher CHEUNG Wah-fung, SBS, 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, SBS, JP
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu, JP
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kiwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen, BBS

Members absent:

Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Dr Hon LEUNG Ka-lau
Hon CHAN Yuen-han, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung

Clerk in attendance :

Miss Flora TAI

Clerk to the House Committee

Staff in attendance :

Mr Kenneth CHEN, SBS	Secretary General
Ms Connie FUNG	Legal Adviser
Miss Odelia LEUNG	Deputy Secretary General
Ms Anita SIT	Assistant Secretary General 1
Ms Dora WAI	Assistant Secretary General 3
Mr Matthew LOO	Assistant Secretary General 4
Mr Timothy TSO	Senior Assistant Legal Adviser 1
Mr Stephen LAM	Senior Assistant Legal Adviser 2
Mr Kelvin LEE	Senior Assistant Legal Adviser 3
Ms Amy YU	Principal Council Secretary 1
Ms Hallie CHAN	Head (Public Information)
Ms Alice LEUNG	Chief Council Secretary (2)6
Miss Winnie LO	Assistant Legal Adviser 7
Mr YICK Wing-kin	Assistant Legal Adviser 8
Miss Evelyn LEE	Assistant Legal Adviser 10
Miss Karen LAI	Senior Council Secretary (2)6
Ms Jasmine TAM	Senior Council Secretary (2)8
Mr Richard WONG	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 32nd meeting held on 9 October 2015

(LC Paper No. CB(2)12/15-16)

The minutes were confirmed.

II. Matters arising

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

Special House Committee meeting

2. The Chairman said that he had conveyed to the Chief Secretary for Administration ("CS") the wish of some Members for CS to attend another special House Committee ("HC") meeting to answer Members'

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questions on lead in drinking water incidents. CS had indicated that she would be happy to attend another special HC meeting and that her office would liaise with the Legislative Council ("LegCo") Secretariat on the meeting date.

2015-2016 Legislative Programme

3. The Chairman said that CS had advised that the Administration planned to introduce 12 bills into LegCo in the first half of the 2015-2016 session. He had indicated to CS that the Administration should allow sufficient time for Members to scrutinize the bills. He added that the Legislative Programme for the 2015-2016 session had been issued to Members via LC Paper No. CB(2)27/15-16 on 14 October 2015.

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)

**Companies (Winding Up and Miscellaneous Provisions)
(Amendment) Bill 2015**
(LC Paper No. LS1/15-16)

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

5. Mr WONG Ting-kwong considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Mr WONG Ting-kwong and Mr Christopher CHEUNG agreed to join the proposed Bills Committee.

(b) Legal Service Division report on subsidiary legislation gazetted on 9 October 2015 and tabled in Council on 14 October 2015
(LC Paper No. LS2/15-16)

6. At the invitation of the Chairman, LA briefed Members on the LSD report on the nine items of subsidiary legislation (i.e. L.N. 191 to L.N. 199) which were gazetted on 9 October 2015 and tabled in Council on 14 October 2015.

7. Mr Tommy CHEUNG considered it necessary to form a subcommittee to study the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) (Amendment) Regulation 2015

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(L.N. 191) and the Building (Administration) (Amendment) (No. 2) Regulation 2015 (L.N. 192) in detail. Members agreed. Mr Abraham SHEK, Mr Tommy CHEUNG, Ms Cyd HO, Dr Kenneth CHAN and Mr Tony TSE agreed to join the subcommittee.

8. Members did not raise any question on the remaining seven items of subsidiary legislation (i.e. L.N. 193 to L.N. 199).

9. Members noted that the deadline for amending the nine items of subsidiary legislation would be the Council meeting of 11 November 2015, or that of 2 December 2015 if extended by a resolution of the Council.

IV. Business for the Council meeting of 28 October 2015

(a) **Questions**

(LC Paper No. CB(3)35/15-16)

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**

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

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

12. Members noted that the Second Reading debate on the Peak Tramway (Amendment) Bill 2015 would be resumed at the meeting.

(d) **Government motion**

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

(e) **Members' motions**

14. The Chairman informed Members that as the Council had not been able to deal with the two Members' motions without legislative effect at its meeting of 14 October 2015, the two motions would be dealt with at the Council meeting of 28 October 2015. The Chairman further said that in accordance with the established practice that the Council would only deal with two Members' motions without legislative effect at each meeting, the two motions to be moved respectively by Dr Hon Helena

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WONG and Dr Hon CHIANG Lai-wan which were originally scheduled for the Council meeting of 28 October 2015 would be dealt with at the Council meeting of 4 November 2015. He reminded Members that the deadline for giving notice of amendments, if any, to Dr WONG's and Dr CHIANG's motions would be Tuesday, 20 October 2015.

Report of HC on Consideration of Subsidiary Legislation

15. The Chairman invited Members to note the list containing 29 items of subsidiary legislation tabled at the meeting (LC Paper No. CB(3)41/15-16), the period for amendment of which would expire at the Council meeting of 28 October 2015. The Chairman further said that the relevant draft report of HC had been issued to Members in the morning of the day of this meeting. He reminded Members to indicate their intention by 5:00 pm on Monday, 19 October 2015, should they wish to speak on any of the items of subsidiary legislation.

V. Reports of Bills Committees and subcommittees

Report of the Bills Committee on Clearing and Settlement Systems (Amendment) Bill 2015

(LC Paper No. CB(1)11/15-16)

16. In his capacity as the Chairman of the Bills Committee, the Chairman briefed Members on the deliberations of the Bills Committee as detailed in its report. Members noted that the Bills Committee raised no objection to the Committee stage amendments ("CSAs") proposed to be moved by the Administration to the Bill, and the Bills Committee would not propose to move any CSAs to the Bill. Members also noted that the Bills Committee raised no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 4 November 2015.

17. The Chairman reminded Members that the deadline for giving notice of CSAs, if any, proposed to be moved to the above Bill would be Monday, 26 October 2015.

VI. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)13/15-16)

18. The Chairman said that as at 15 October 2015, there were 13 Bills Committees, 14 subcommittees under HC and seven subcommittees on policy issues under Panels in action. Three subcommittees on policy issues were on the waiting list.

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VII. Election of members of The Legislative Council Commission
(*LC Paper No. AS6/15-16*)

VIII. Election of members of the Committee on Access to the Legislature's Documents and Records
(*LC Paper No. COA3/15-16*)

19. The Chairman said that Members had been invited via circulars dated 5 October 2015 issued by the Secretariat to make nominations of Members for election to The Legislative Council Commission ("the Commission") and the Committee on Access to the Legislature's Documents and Records ("CoA"). By the deadline for nominations (i.e. 12 October 2015), a total of 10 nominations were received each for elections to the Commission and CoA. As the number of nominations received equalled the maximum number of members that could be elected, no poll would need to be taken for elections of members to the Commission and CoA.

20. The Chairman informed Members that the 10 nominees for the Commission and CoA were identical. He declared the following 10 Members elected as members of the Commission and CoA -

Ms Emily LAU
Mr Abraham SHEK
Mr Vincent FANG
Mr WONG Ting-kwong
Ms Cyd HO
Mr CHAN Kin-por
Mr IP Kwok-him
Mr NG Leung-sing
Mr Charles MOK
Dr Kenneth CHAN

IX. Nomination and election of Members of the Legislative Council to serve on the Council of The Chinese University of Hong Kong and the Court of the University of Hong Kong
(*LC Paper No. CB(2)14/15-16*)

21. The Chairman invited Members to note that according to the nomination and election procedure for Members to serve on the Council of The Chinese University of Hong Kong ("CUHK Council") and the Court of the University of Hong Kong ("HKU Court"), if the number of nominations exceeded that required for appointment, a poll should be taken and Members should cast their votes by using the Electronic Voting

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System ("EVS"). A Member might vote for as many nominees as, but not more than, the number required for appointment. If a Member had voted for the number of nominees which exceeded the number required for appointment, all the vote(s) which the Member had cast would not be counted.

22. Mr LEUNG Kwok-hung expressed concern that Members' choices of nominees would be identifiable if they were to cast their votes by using EVS where the names of Members who voted would be recorded.

23. At the invitation of the Chairman, the Clerk explained that voting for the elections of Members to serve on the CUHK Council and the HKU Court was conducted by a show of hands in the past, whereby Members' choices of nominees would also be identifiable. The Clerk further said that the nomination and election procedure for Members to serve on the CUHK Council and the HKU Court as set out in LC Paper No. CB(2)2190/14-15 ("the said paper") was endorsed by HC at its last meeting on 9 October 2015. It was also HC's decision that the relevant nominations and elections should be conducted at this meeting in accordance with the agreed procedure. According to the nomination and election procedure endorsed by HC, Members should cast their votes by using EVS if a poll needed to be taken. Under such voting arrangement, Members' choices in respect of each nominee would be recorded in EVS.

24. Mr Albert CHAN requested that the voting be conducted by secret ballot. He opined that as the nomination and election procedure endorsed by HC at its last meeting had not precluded the raising of requests by Members for casting their votes by secret ballot, the Chairman should accede to any such request according to the relevant rules and procedures of LegCo.

25. At the invitation of the Chairman, LA advised that the Rules of Procedure did not provide for the procedure for the nomination and election of Members to serve on the CUHK Council and the HKU Court. The relevant procedure, as set out in the said paper, had been endorsed by HC at its last meeting. It was also endorsed by HC that the nomination and election of Members to serve on the CUHK Council and the HKU Court should be held at this HC meeting in accordance with the agreed procedure.

26. Mr Albert CHAN maintained his view that unless otherwise specified in the relevant nomination and election procedure, Members should not be deprived of the right to cast their votes by secret ballot and any such request should be respected and acceded to under the existing rules and procedures of LegCo.

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27. At the invitation of the Chairman, LA further said that should Members have concerns about the nomination and election procedure endorsed by HC at its last meeting, it was for HC to consider and decide whether to reconsider or rescind its earlier decision made on the nomination and election procedure.

28. Mr IP Kwok-him said that while he had no strong view on conducting the voting by secret ballot, he considered it unreasonable for Mr Albert CHAN to put forward such a request at this HC meeting. He stressed that as HC had already made a decision on the said nomination and election procedure at its last meeting, Members should not overturn such decision lightly.

29. Mr LEUNG Kwok-hung said that he shared the view that Members should not be deprived of the right to cast their votes by secret ballot. He opined that HC should consider the need to overturn the decision made at its last meeting on the said nomination and election procedure.

30. Mr Gary FAN said that when the nomination and election procedure was considered at the last HC meeting, he did not realize that the arrangement for Members to cast their votes by using EVS would have the effect that Members' choices of nominees would be recorded and identifiable. In his view, there were grounds for considering Mr Albert CHAN's request for the voting to be conducted by secret ballot.

31. At the invitation of the Chairman, the Secretary General ("SG") advised that according to rule 24(n) of the House Rules, the decisions of HC should not be reopened for discussion, unless with the permission of HC. The procedure for the nomination and election of Members to serve on the CUHK Council and the HKU Court as set out in the said paper had been endorsed by HC at its last meeting.

32. The Chairman pointed out that the present arrangement for Members to cast their votes by using EVS was also adopted by HC in 2012 when the nomination and election of Members to serve on the CUHK Council and the HKU Court was last conducted.

33. Mr Albert CHAN said that while respecting the decision made by HC on the nomination and election procedure, he remained of the view that Members should not be deprived of the right to cast their votes by secret ballot unless it had been specified in the relevant procedure that Members were not allowed to do so.

(a) **Three Members to serve on the CUHK Council**

34. The Chairman then proceeded to invite nominations for the election of three Members to serve on the CUHK Council.

35. A total of four valid nominations were made with the following Members being nominated –

Mr Tommy CHEUNG
Dr Elizabeth QUAT
Dr Helena WONG
Mr CHAN Chi-chuen

36. In response to Mr Albert CHAN, the Chairman confirmed that the number of votes obtained by each nominee would be announced in one go after the voting procedure in respect of all nominees had been completed.

37. On Mr CHAN Chi-chuen's enquiry, the Chairman advised that while Members' choices in respect of each nominee would not be made known at the meeting, there were records in EVS on how each Member had voted in respect of each nominee.

38. Mr Albert CHAN considered that as Members should be entitled to cast their votes by secret ballot and the arrangement for Members to obtain the voting records had not been specifically provided for in the relevant nomination and election procedure, it was questionable whether the voting records should be released.

39. At the invitation of the Chairman, the Clerk said that records of Members' choices in respect of each nominee could be generated from EVS. The voting records for the election of Members to serve on advisory/governing bodies including the CUHK Council had been provided to Members in 2012 upon Members' request.

40. SG also advised that it was the established practice to release records of voting conducted by using EVS. It would be for HC to consider whether there was any need to make a change to such practice.

(Post-meeting note: With the concurrence of the Chairman, the relevant EVS voting records were made available on the webpage of HC.)

41. As the number of valid nominations exceeded that required for appointment, the Chairman ordered a vote by using EVS. The Chairman reminded Members that they could only vote for as many as three nominees. The outcome of the vote was as follows -

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Mr Tommy CHEUNG	46 votes
Dr Elizabeth QUAT	43 votes
Dr Helena WONG	23 votes
Mr CHAN Chi-chuen	9 votes

42. The Chairman declared Mr Tommy CHEUNG, Dr Elizabeth QUAT and Dr Helena WONG elected to serve on the CUHK Council.

(b) Five Members to serve on the HKU Court

43. The Chairman then invited nominations for the election of five Members to serve on the HKU Court.

44. A total of six valid nominations were made with the following Members being nominated –

Mr LEUNG Kwok-hung
Mr Christopher CHUNG
Mr Abraham SHEK
Mr IP Kin-yuen
Mr Paul TSE
Mr James TO

45. Mr CHAN Chi-chuen proposed that the six nominees be invited to present their election platforms. At the suggestion of the Chairman, Members agreed that each nominee would be given one minute each to present his election platform if he so wished.

46. Mr LEUNG Kwok-hung said that if he was elected to serve on the HKU Court, he would explain to Members the views expressed by the Chancellor of HKU, members of the HKU Court and members of the HKU Council, which, in his view, were incomprehensible to other people.

47. Mr Christopher CHUNG said that he did not consider it necessary to present his election platform.

48. Mr Abraham SHEK said that he was grateful for Members' support for him to serve on the HKU Court and the HKU Council in the past few years. During his term of appointment, he had joined several committees and had put a great deal of time and effort in promoting the development of HKU. He hoped that Members would continue to support him to serve on the HKU Court.

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49. Mr IP Kin-yuen said that while the HKU Court, as the supreme advisory body of the University, normally met once a year, he would strive to defend the two important principles of academic freedom and university autonomy in HKU. He would also state his view that the HKU Court and the HKU Council should adhere to the established practices of HKU.

50. Mr Paul TSE said that he was a graduate of the Postgraduate Certificate in Laws of HKU. As a member of the HKU Court, he would make effort to oversee the development of HKU and voice out on matters relating to HKU. He appealed to Members to vote for him.

51. Mr James TO said that he thanked for Members' support for him to serve on the HKU Court in the past years. Apart from having a high attendance rate at the HKU Court meetings, he also served HKU in his capacity as a Court member on a number of occasions, including taking part in the respective reviews of the procedures for handling sexual harassment complaints and the academic standards of the Faculty of Architecture of HKU. He would continue to keep an eye on the development of HKU and the academic freedom in HKU.

52. As the number of valid nominations exceeded that required for appointment, the Chairman ordered a vote by using EVS. The Chairman reminded Members that they could only vote for as many as five nominees. The outcome of the vote was as follows -

Mr LEUNG Kwok-hung	11 votes
Mr Christopher CHUNG	36 votes
Mr Abraham SHEK	36 votes
Mr IP Kin-yuen	27 votes
Mr Paul TSE	36 votes
Mr James TO	29 votes

53. The Chairman declared Mr Christopher CHUNG, Mr Abraham SHEK, Mr Paul TSE, Mr James TO and Mr IP Kin-yuen elected to serve on the HKU Court.

X. Any other business

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