

立法會
Legislative Council

LC Paper No. CB(2)581/15-16

Ref : CB2/H/5/15

House Committee of the Legislative Council

**Minutes of the 10th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 18 December 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 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, JP
Hon Starry LEE Wai-king, 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 Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon NG Leung-sing, SBS, JP
Hon Steven HO Chun-yin, BBS
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon Gary FAN Kwok-wai
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
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, BBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
Hon Dennis KWOK
Hon Christopher CHEUNG Wah-fung, SBS, 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, SBS, JP
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu, JP
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kwok, 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
Dr Hon LAM Tai-fai, SBS, JP
Dr Hon LEUNG Ka-lau
Hon WONG Yuk-man
Hon James TIEN Pei-chun, GBS, JP
Hon Frankie YICK Chi-ming, JP
Hon CHAN Han-pan, JP

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 Joyce CHAN	Assistant Legal Adviser 1
Mr Alvin CHUI	Assistant Legal Adviser 3
Miss Carrie WONG	Assistant Legal Adviser 4
Ms Vanessa CHENG	Assistant Legal Adviser 5
Miss Evelyn LEE	Assistant Legal Adviser 10
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

Action

I. Confirmation of the minutes of the 9th meeting held on 11 December 2015

(LC Paper No. CB(2)468/15-16)

The minutes were confirmed.

II. Matters arising

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

2. The Chairman informed Members that the Chief Secretary for Administration would attend a special House Committee ("HC") meeting

Action

scheduled for 8 January 2016 to answer Members' questions on the upcoming public consultation on retirement protection.

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)

(LC Paper No. CB(2)491/15-16(01))

(i) Eastern Harbour Crossing Legislation (Amendment) Bill 2015

(LC Paper No. LS18/15-16)

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. Mr WU Chi-wai considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Mr WU Chi-wai agreed to join the proposed Bills Committee.

(ii) Inland Revenue (Amendment) (No. 4) Bill 2015

(LC Paper No. LS19/15-16)

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

6. Mr Christopher CHEUNG 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 CHAN Kam-lam, Mr Andrew LEUNG, Mr NG Leung-sing, Mr Kenneth LEUNG, Mr Christopher CHEUNG and Mr SIN Chung-kai.

(iii) Electoral Legislation (Miscellaneous Amendments) (No. 2) Bill 2015

(LC Paper No. LS22/15-16)

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

8. Ms Emily LAU 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, Ms Cyd HO, Mr IP Kwok-him, Mr Christopher CHEUNG and Mr SIN Chung-kai.

(iv) Fire Services (Amendment) Bill 2015
(LC Paper No. LS21/15-16)

9. At the invitation of the Chairman, LA briefed Members on the LSD report on the Bill.

10. Mr WU Chi-wai 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 James TO, Mr IP Kwok-him, Mr WU Chi-wai and Dr Kenneth CHAN.

11. The Chairman said that as only three vacant Bills Committee slots were currently available, the Bills Committee on Fire Services (Amendment) Bill 2015 would be placed on the waiting list but a vacant slot would soon arise to accommodate its activation.

(b) Legal Service Division report on subsidiary legislation gazetted on 11 December 2015

(LC Paper No. LS17/15-16)

12. At the invitation of the Chairman, LA briefed Members on the LSD report on the seven items of subsidiary legislation (i.e. L.N. 234 to L.N. 240) gazetted on 11 December 2015. Of these, five items of subsidiary legislation (i.e. L.N. 234 to L.N. 238) were tabled in Council on 16 December 2015 and the remaining two items (i.e. L.N. 239 and L.N. 240) were regulations made under the United Nations Sanctions Ordinance (Cap. 537) ("UNSO") which were not required to be tabled in the Legislative Council ("LegCo") and were not subject to amendment by LegCo.

13. Members agreed that the United Nations Sanctions (Liberia) (No. 2) Regulation 2015 (L.N. 239) and the United Nations Sanctions (Liberia) Regulation 2015 (Repeal) Regulation (L.N. 240) made under UNSO 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.

14. Mr Albert CHAN considered it necessary to form a subcommittee to study the Smoking (Public Health) Ordinance (Amendment of Schedule 2) Order 2015 (L.N. 237) in detail. Members agreed. Mr Albert CHAN and Dr KWOK Ka-ki agreed to join the proposed subcommittee.

Action

15. Members did not raise any question on the remaining four items of subsidiary legislation.

16. The Chairman reminded Members that the deadline for amending the five items of subsidiary legislation which had been tabled in Council on 16 December 2015 would be the Council meeting of 13 January 2016, or that of 3 February 2016 if extended by a resolution of the Council.

IV. Business for the Council meeting of 6 January 2016

Meeting arrangement for the Council meeting of 6 January 2016

17. The Chairman informed Members that the meeting would start at 11:00 am and be suspended at around 8:00 pm on Wednesday, 6 January 2016. The meeting would resume at 9:00 am and be suspended at around 8:00 pm on Thursday, 7 January 2016. The meeting would resume at 9:00 am and be adjourned at around 1:00 pm on Friday, 8 January 2016, as meetings of HC and the Finance Committee had been scheduled for that afternoon.

(a) Questions

18. The Chairman said that in accordance with the relevant rules of the Rules of Procedure ("RoP"), a total of 22 questions (i.e. six oral questions and 16 written questions) were scheduled for the meeting and the six oral questions included three oral questions scheduled for the Council meeting of 16 December 2015 which had yet to be asked. Members noted the arrangement.

19. In response to Ms Emily LAU, the Chairman advised that no more than six questions that required an oral reply were allowed to be asked at each Council meeting as provided under the relevant rules of RoP, and if any oral questions that had been scheduled for a Council meeting could not be asked at that meeting, those oral questions would stand over to the following Council meeting.

20. Mr CHAN Chi-chuen enquired whether only the Chairman of HC could move a motion in Council to suspend the relevant rules of RoP to enable more than six oral questions to be asked at a Council meeting. At the invitation of the Chairman, the Secretary General ("SG") advised that it had been the established practice for the Chairman of HC to move such a motion in Council upon the agreement of HC.

Action

21. Mr Albert CHAN expressed dissatisfaction that although HC had agreed to the arrangement for the Chairman of HC to move a motion at the Council meeting of 16 December 2015 to suspend the relevant rules of RoP to enable more than six oral questions to be asked at that meeting, the motion was negatived in Council. He considered that individual Members could also move such a motion if they so wished and after giving notice.

22. Ms Emily LAU expressed concern that if Members did not have a consensual view on the arrangement, it might be difficult to arrange for the attendance of public officers to reply to the oral questions to be asked at a Council meeting as it would only be known at that meeting whether or not more than six oral questions could be asked.

23. Mr James TO said that it was his understanding that a motion to suspend the relevant rules of RoP to enable more than six oral questions to be asked at a Council meeting could also be moved by individual Members. As Members were required to give notice should they intend to move such a motion, the Administration could assess the likelihood of the motion being carried and make preparation accordingly.

24. In response to Mr Gary FAN, the Chairman advised that Members who wished to move a motion in Council to suspend the relevant rules of RoP to enable more than six oral questions to be asked at that meeting were not required to give such an indication to HC.

25. Mr IP Kwok-him said that he supported the scheduling of only six oral questions for the Council meeting of 6 January 2016 as it was in line with the existing arrangement of dealing with Members' motions without legislative effect whereby any such motions which could not be dealt with as originally scheduled at a Council meeting would stand over to the following Council meeting. He stressed that it was an abnormal situation where oral questions that had been scheduled for a Council meeting could not be asked at that meeting and the current backlog of oral questions mainly arose from the filibustering by some Members.

26. Mr LEUNG Kwok-hung said that had a quorum been present at the Council meeting, quorum calls could not have been made.

(b) Bill - First Reading and moving of Second Reading

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

(c) **Government motion**

Proposed resolution under section 23(3) of the Road Traffic Ordinance (Cap. 374) to be moved by the Secretary for Transport and Housing

(LC Paper No. LS20/15-16)

28. At the invitation of the Chairman, LA briefed Members on the LSD report on the above proposed resolution.

29. Members did not raise any objection to the Administration moving the proposed resolution at the Council meeting of 6 January 2016.

(d) **Members' motions**

30. Members noted that four Members' motions without legislative effect which had been scheduled for debate in Council would stand over to the following Council meetings, with each Council meeting dealing with two such motions.

Report of HC on Consideration of Subsidiary Legislation

31. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)257/15-16), which contained four items of subsidiary legislation. The period for amending those items would expire at the Council meeting of 6 January 2016. He reminded Members to indicate their intention by 12:00 midnight on Monday, 28 December 2015, should they wish to speak on any of those items of subsidiary legislation.

V. Reports of Bills Committees and subcommittees

(a) **Report of the Subcommittee on Legislative Council Ordinance (Amendment of Schedule 5) Order 2015 and Maximum Amount of Election Expenses (Legislative Council Election) (Amendment) Regulation 2015**

(LC Paper No. CB(2)475/15-16)

32. Mr Paul TSE, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee and the Administration would not propose any amendment to the two items of subsidiary legislation.

Action

33. The Chairman reminded Members that as the period for amending the two items of subsidiary legislation studied by the above Subcommittee would expire at the Council meeting of 6 January 2016, the deadline for giving notice of amendments, if any, to these two items of subsidiary legislation would be Tuesday, 29 December 2015.

**(b) Report of the Subcommittee on Securities and Futures
(Contracts Limits and Reportable Positions) (Amendment)
Rules 2015**

(LC Paper No. CB(1)309/15-16)

34. Mr CHAN Kam-lam, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee and the Administration would not propose any amendment to the Amendment Rules.

VI. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)469/15-16)

35. The Chairman said that as at 17 December 2015, there were 13 Bills Committees, eight subcommittees under HC and seven subcommittees on policy issues under Panels in action. Five subcommittees on policy issues were on the waiting list.

VII. Any other business

36. Noting some Members' concern about the incident of the tilting of a canopy of the LegCo Complex ("the Complex") which happened on the morning of this HC meeting, the Chairman invited SG to brief Members on the incident.

37. SG informed Members that a glazed canopy above the passageway between the side door of Members' Entrance 2 and the Children's Gallery of the Complex was found tilted at around 10:00 am on the morning of this HC meeting. After examining the condition of the canopy and the relevant structures of the Complex, representatives of the Architectural Services Department ("ASD") had confirmed that the tilting of the canopy would not affect the structural safety of the Complex. ASD was investigating the causes of the tilting and further information would be provided to Members.

Action

38. Mr Albert CHAN said that according to his understanding, the canopy had not just tilted but almost collapsed. Had there not been the working platform for the ongoing construction works to extend the CITIC Tower Footbridge to the Complex, the canopy might have collapsed altogether. Given that the tilted canopy might pose danger to the pedestrians and the users of the Complex, he hoped that SG would explain in more detail the current condition of the canopy.

39. Ir Dr LO Wai-kwok said that he noted that representatives of ASD had taken swift action to examine the condition of the tilted canopy. He considered that some time should be allowed for ASD to investigate the causes of the tilting.

40. SG reiterated that ASD was carrying out a detailed investigation into the matter and relevant information including the causes of the tilting of the canopy would be available after ASD had completed its investigation.

41. The Chairman reminded members that the next regular HC meeting would be held on 8 January 2016.

42. There being no other business, the meeting ended at 2:54 pm.