

立法會
Legislative Council

LC Paper No. CB(2)936/15-16

Ref : CB2/H/5/15

House Committee of the Legislative Council

**Minutes of the 15th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 5 February 2016**

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 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
Dr Hon LEUNG Ka-lau
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 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
Hon CHAN Han-pan, JP
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 POON Siu-ping, BBS, MH
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
Hon WONG Ting-kwong, SBS, JP
Hon James TIEN Pei-chun, GBS, JP
Hon Frankie YICK Chi-ming, JP
Hon Martin LIAO Cheung-kong, SBS, JP
Hon TANG Ka-piu, 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
Miss Erin TSANG	Acting Principal Council Secretary 1
Ms Hallie CHAN	Head (Public Information)
Ms Alice LEUNG	Chief Council Secretary (2)6
Mr Alvin CHUI	Assistant Legal Adviser 3
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

Action

I. Confirmation of the minutes of the 14th meeting held on 29 January 2016

(LC Paper No. CB(2)797/15-16)

The minutes were confirmed.

II. Matters arising

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

2. The Chairman said that the Chief Secretary for Administration ("CS") had asked him to clarify to Members a few points regarding her meeting with the President of the Legislative Council ("LegCo") on

Action

Wednesday, 27 January 2016. First, as part of CS's work was to maintain and improve the relationship between the Executive Authorities and the Legislature, she had discussed the business on the Agenda of the Council with the President more than once in the past. As regards her meeting with the President on that day, the meeting was arranged through the Director of Administration and the LegCo Secretariat. She had specially rescheduled her diary to meet with the President in the LegCo Complex during his afternoon break to discuss the arrangement for the debate on the Copyright (Amendment) Bill 2014 ("the Bill"). CS stressed that she had not, as alleged by some Members, requested the President to meet with her while he was presiding over the Council meeting. Furthermore, during their meeting, she had not requested the President to convene additional meetings of the Council or extend the meeting time, nor had she requested the President to set a deadline for the completion of the proceedings on the Bill or end the filibuster on the Bill by a specified date.

3. Ms Emily LAU considered that should the Administration wish to improve the relationship between the Executive Authorities and the Legislature, the Chief Executive ("CE") should explicitly state so in his Policy Address. Ms LAU further said that while Members would not object to CS meeting with the LegCo President so long as any such meeting was not arranged to be held when the Council meeting was in progress, she suggested that CS should meet with Members belonging to different political parties/groupings to discuss how to improve the relationship between the Executive Authorities and the Legislature. In response to Ms LAU, the Chairman said that he would relay Ms LAU's suggestion to CS at their next meeting.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 29 January 2016

(LC Paper No. LS32/15-16)

4. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the report prepared by the Legal Service Division on the five items of subsidiary legislation (i.e. L.N. 20 to L.N. 24) which were gazetted on 29 January 2016. Of these, four items (i.e. L.N. 20 to L.N. 23) were tabled in Council on 3 February 2016 and the remaining item (i.e. L.N. 24) was a regulation made under the United Nations Sanctions Ordinance (Cap. 537) which was not required to be tabled in and not subject to amendment by LegCo.

Action

5. Members agreed that the United Nations Sanctions (Somalia) (Amendment) Regulation 2016 (L.N. 24) 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.

6. Members did not raise any question on the remaining four items of subsidiary legislation (i.e. L.N. 20 to L.N. 23). The Chairman reminded Members that the deadline for amending these four items of subsidiary legislation which had been tabled in Council would be the Council meeting of 2 March 2016.

IV. Business for the Council meeting on 17, 18 and 19 February 2016

Meeting arrangement for the Council meeting on 17, 18 and 19 February 2016

7. The Chairman informed Members that the meeting would start at 11:00 am and be suspended at around 10:00 pm on Wednesday, 17 February 2016. The meeting would resume at 9:00 am and be suspended at around 10:00 pm on Thursday, 18 February 2016. As for Friday, 19 February 2016, the meeting would resume at 9:00 am and be adjourned at around 10:00 pm.

8. Mr CHAN Chi-chuen enquired about the meeting arrangement if the debate on the Motion of Thanks in respect of the 2016 Policy Address could not be finished by 10:00 pm on Friday, 19 February 2016 or if the Council meeting commencing on 17 February 2016 was adjourned due to a lack of a quorum.

9. The Chairman advised that to facilitate LegCo to perform its constitutional function under Article 73(4) of the Basic Law, the LegCo President designated a Council meeting in each session for the holding of a debate on CE's Policy Address. If the debate could not be finished by a specified date and would have to stand over until the following Council meeting, the business of that meeting would have to be transacted in accordance with the order set out in Rule 18 of the Rules of Procedure ("RoP") as that meeting was not designated for the holding of the debate concerned. In this case, the relevant Motion of Thanks being a Members' motion would be dealt with after the proceedings on other items with legislative effect scheduled for that meeting had been completed.

Action

10. Dr Helena WONG said that after consultation with Members, the suspension time of Council meetings had been adjusted from 10:00 pm to 8:00 pm if the business on the Agenda of a Council meeting was unlikely to be finished by around 10:00 pm on the day of the meeting. She enquired why the President had made the decision without consulting Members that the Council meeting on 17, 18 and 19 February 2016 would be suspended at around 10:00 pm on each of the first two days of the meeting.

11. The Chairman advised that the President had designated the Council meeting on 17, 18 and 19 February 2016 for the holding of the debate on the Motion of Thanks in respect of the 2016 Policy Address. The arrangements for the debate were decided having regard to the need to accommodate a total speaking time of 30 minutes for each Member within the three-day meeting. Such arrangements were in line with those adopted for the debates on the Policy Addresses in the previous sessions of the Fifth LegCo. As for other regular Council meetings, where a variation from the established meeting arrangement was considered appropriate for a specific Council meeting, the President would consult Members before making his decision.

12. Mr IP Kwok-him said that the Committee on Rules of Procedure ("CRoP") had been consulted on the proposal to adjust each Member's total speaking time at the debate on the Motion of Thanks from 30 minutes to 25 minutes if the relevant Council meeting designated for the holding of the debate was to be suspended at around 8:00 pm on each of the first two days of the meeting in line with the normal Council meeting arrangements, and be adjourned by around 10:00 pm on the third day of the meeting. However, Members belonging to the pro-democracy camp opposed the proposal. He pointed out that the meeting arrangements for the Council meeting on 17, 18 and 19 February 2016 were decided in the light of these Members' views that the total speaking time of 30 minutes for each Member should be maintained and the need to accommodate all Members to speak within the three-day meeting.

13. In response to Dr Helena WONG's further enquiry, SG advised that subject to the President's direction, the Second and Third Budget meetings would be suspended at around 8:00 pm on each of the meeting day if the President was of the opinion that the business on the Agenda of the meeting was unlikely to be finished by 10:00 pm. The Chairman supplemented that given the current backlog of items of business with legislative effect, the President would decide in due course the meeting arrangements for future Council meetings as necessary and appropriate.

Action

14. Ms Emily LAU said that while the meeting arrangements for the Council meetings were decided by the President, she hoped that he would consult Members before making any such decision. She added that Members had agreed to the proposal to adjust the suspension time of Council meetings from 10:00 pm to 8:00 pm having regard to, among other considerations, the need to alleviate the work pressure on the Secretariat staff concerned. She hoped that the President would take this into account in determining the duration of Council meetings.

15. At the invitation of the Chairman, SG advised that as rightly pointed out by Mr IP Kwok-him, CROp, which comprised members from different political parties/groupings, had reviewed the procedures relating to the debate on the Motion of Thanks and members had been consulted on whether the total speaking time for each Member should be adjusted from 30 minutes to 25 minutes if the Council meeting designated for the holding of the debate was to be suspended at around 8:00 pm on each of the first two days of the meeting.

16. Dr KWOK Ka-ki considered that while it would be undesirable to shorten the total speaking time for each Member at the debate on the Motion of Thanks at the Council meeting on 17, 18 and 19 February 2016, Members could have been consulted on the proposal of suspending the Council meeting at around 8:00 pm on each of the first three days of the meeting and continuing the meeting on Saturday, 20 February 2016.

17. At the invitation of the Chairman, SG reiterated that the arrangements for the debate on the Motion of Thanks in respect of CE's Policy Address had been discussed by CROp, with membership from different political parties/groupings.

(a) **Questions**
(LC Paper No. CB(3)357/15-16)

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

(b) **Members' motion**

Motion of Thanks to be moved by Hon Andrew LEUNG
(LC Paper No. CB(3)349/15-16)

19. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above motion would be Saturday, 6 February 2016.

Report of House Committee on Consideration of Subsidiary Legislation

20. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)365/15-16), which contained six items of subsidiary legislation and the period for amending those items would expire at the Council meeting of 17 February 2016. The Chairman further said that the relevant draft report had been issued to Members on 4 February 2016. He reminded Members to indicate their intention by 12:00 midnight on 5 February 2016, should they wish to speak on any of those items of subsidiary legislation.

V. Business for the Council meeting of 24 February 2016

Meeting arrangement for the Council meeting of 24 February 2016

21. The Chairman said that the President had directed that on Wednesday, 24 February 2016, the Council meeting would start at 11:00 am and be suspended after the Financial Secretary ("FS") had delivered his Budget speech, following which the meeting would resume at 3:00 pm and be suspended at around 8:00 pm. On Thursday, 25 February 2016, the meeting would resume at 9:00 am and be suspended at 11:00 am, following which it would resume at 1:30 pm and be suspended at around 8:00 pm. On Friday, 26 February 2016, the meeting would resume at 9:00 am and be adjourned at around 1:00 pm as meetings of the House Committee ("HC") and the Finance Committee had been scheduled for that afternoon.

(a) Questions

22. The Chairman reminded members that the deadline for giving notice of questions to be asked at the meeting would be Monday, 15 February 2016.

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

23. Members noted that the Administration had advised the Clerk to LegCo that FS intended to present the Appropriation Bill 2016 and the Estimates of Expenditure for the year ending 31 March 2017 to the Council at the meeting.

VI. Advance information on business for the Council meeting of 2 March 2016

Bills - First Reading and moving of Second Reading

- (a) Employment (Amendment) Bill 2016
- (b) The Hong Kong Institute of Education (Amendment) Bill 2016

24. The Chairman said that the above two Bills would be presented to the Council at the meeting of 2 March 2016.

VII. Reports of Bills Committees and subcommittees

Report of the Subcommittee on Two Proposed Resolutions under Section 5(3)(b) of the Public Bus Services Ordinance (Cap. 230)
(LC Paper No. CB(4)555/15-16)

25. Mr CHAN Han-pan, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee supported the two proposed resolutions and would not propose any amendment to them.

VIII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)798/15-16)

26. The Chairman said that as at 4 February 2016, there were 16 Bills Committees, eight subcommittees under HC and seven subcommittees on policy issues under Panels in action. Two subcommittees on policy issues under Panels were on the waiting list.

IX. Priority allocation of a debate slot for a motion debate on the Report of the Subcommittee to Study the Implementation of Free Kindergarten Education

(LC Paper No. CB(4)565/15-16)

27. Ms Starry LEE, Chairman of the Subcommittee to Study the Implementation of Free Kindergarten Education ("the former Subcommittee"), said that in view of wide public concerns over the policy and future arrangements for taking forward free quality kindergarten education, the Panel on Education had endorsed the former

Action

Subcommittee's recommendation to seek HC's support for priority allocation of a debate slot under rule 14A(h) of the House Rules to her, as Chairman of the former Subcommittee, for moving a motion for debate on the Report of the former Subcommittee ("the Report") at the Council meeting of 27 April 2016. The debate would provide an opportunity for Members to express views on the subject and for the Administration to respond. Ms Starry LEE further explained that as the Members' motions without legislative effect originally scheduled for the Council meeting of 3 February 2016 were not dealt with at that meeting and the motion debates scheduled to be held at the following Council meetings would have to be postponed, the proposed date for moving the motion on the Report was accordingly changed to the Council meeting of 4 May 2016.

28. Members agreed to the priority allocation of a debate slot to Ms Starry LEE for moving a motion on the Report at the Council meeting of 4 May 2016. Members also agreed to the proposal of the Panel on Education that in addition to the debate on the Report, only one other debate on a motion without legislative effect should be held at the same Council meeting.

X. Any other business

29. Mr LEUNG Yiu-chung said that at the Council meeting of 3 February 2016, the President's deputy presiding at the meeting advised that the Council meeting was still in progress when Members were being summoned to the meeting. He sought clarification on whether a Council meeting was in progress or suspended during the period when a quorum was not yet present.

30. At the invitation of the Chairman, SG advised that the period for the ringing of the quorum bell was part of the Council proceedings. However, when the attention of the President was drawn to the fact that a quorum was not present during a Council meeting, he would put on hold the business being dealt with by the Council and direct the Members to be summoned. LA also advised that Rule 17(2) of RoP provided that if the attention of the President was drawn to the fact that a quorum was not present at a Council meeting, the President should direct the Members to be summoned. While the period of summoning Members to form the quorum was part of the Council proceedings, the Council should not deal with any business on the Agenda until it had been ascertained that a quorum was present at the meeting.

Action

31. Mr LEUNG Yiu-chung said that in his view, in the absence of a quorum at a Council meeting, the period during which Members were being summoned should not be considered as part of the Council proceedings.

32. The Chairman said that should Mr LEUNG Yiu-chung wish to seek further clarification of the matter, he could set out his queries in writing for LA to provide a detailed response.

33. There being no other business, the meeting ended at 2:53 pm.

Council Business Division 2
Legislative Council Secretariat
24 February 2016