

**立法會**  
***Legislative Council***

LC Paper No. CB(2)1089/15-16

Ref : CB2/H/5/15

**House Committee of the Legislative Council**

**Minutes of the 17th meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 11 March 2016**

**Members present:**

Hon Andrew LEUNG Kwan-yuen, GBS, JP (Chairman)  
Hon MA Fung-kwok, SBS, JP (Deputy Chairman)  
Hon LEE Cheuk-yan  
Hon James TO Kun-sun  
Hon CHAN Kam-lam, SBS, JP  
Hon LEUNG Yiu-chung  
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  
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  
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 James TIEN Pei-chun, GBS, JP  
Hon Frankie YICK Chi-ming, JP  
Hon YIU Si-wing, BBS  
Hon Gary FAN Kwok-wai  
Hon CHAN Chi-chuen  
Hon CHAN Han-pan, JP  
Dr Hon Kenneth CHAN Ka-lok  
Hon CHAN Yuen-han, SBS, JP  
Hon Kenneth LEUNG  
Hon KWOK Wai-keung  
Hon Dennis KWOK  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon IP Kin-yuen  
Hon Martin LIAO Cheung-kong, SBS, JP  
Dr Hon CHIANG Lai-wan, JP  
Ir Dr Hon LO Wai-kiwok, SBS, MH, JP  
Hon Christopher CHUNG Shu-kun, BBS, MH, JP  
Hon Tony TSE Wai-chuen, BBS  
Hon Alvin YEUNG Ngok-kiu

**Members absent:**

Hon Albert HO Chun-yan  
Dr Hon LAU Wong-fat, GBM, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Tommy CHEUNG Yu-yan, GBS, JP  
Hon WONG Kwok-hing, BBS, MH  
Hon NG Leung-sing, SBS, JP  
Hon Steven HO Chun-yin, BBS  
Hon WU Chi-wai, MH  
Hon Charles Peter MOK, JP  
Hon LEUNG Che-cheung, BBS, MH, JP  
Hon Alice MAK Mei-kuen, BBS, JP  
Dr Hon KWOK Ka-ki  
Hon SIN Chung-kai, SBS, JP  
Dr Hon Helena WONG Pik-wan  
Dr Hon Elizabeth QUAT, JP  
Hon POON Siu-ping, BBS, MH  
Hon TANG Ka-piu, JP  
Hon CHUNG Kwok-pan

**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 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 Rachel DAI	Assistant Legal Adviser 2
Mr Alvin CHUI	Assistant Legal Adviser 3
Miss Carrie WONG	Assistant Legal Adviser 4
Ms Wendy KAN	Assistant Legal Adviser 6
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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Action

**I. Confirmation of the minutes of the 16th meeting held on 26 February 2016**

*(LC Paper No. CB(2)1042/15-16)*

The minutes were confirmed.

**II. Matters arising**

**(a) 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.

Action

**(b) International Organizations (Privileges and Immunities) (ASEAN+3 Macroeconomic Research Office) Order gazetted on 19 February 2016**

*(paragraph 8 of the minutes of the 16<sup>th</sup> meeting held on 26 February 2016; LC Paper No. CB(2)1048/15-16(01))*

*(Previous paper: paragraphs 5 to 10 of LC Paper No. LS36/15-16 issued vide LC Paper No. CB(2)972/15-16 dated 25 February 2016)*

3. The Chairman informed Members that at the last House Committee ("HC") meeting, Members agreed to form a subcommittee to study the International Organizations (Privileges and Immunities) (ASEAN+3 Macroeconomic Research Office) Order ("the Order"). However, only two Members, including Ms Cyd HO, had signified to join the proposed subcommittee by the deadline for signification of membership, and the subcommittee was therefore not formed. Ms Cyd HO had subsequently sent in a letter on 8 March 2016 saying that another Member had expressed interest to join the proposed subcommittee and requested that the permission of HC be given to extend the deadline for joining the proposed subcommittee to allow other interested Members to join it. The Chairman sought Members' view on Ms Cyd HO's request.

4. Mr IP Kwok-him said that while Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong had no view on forming a subcommittee to study the Order in detail, they had reservation about the request by Ms HO to extend the deadline for joining the proposed subcommittee. He pointed out that according to previous practice, a subcommittee to study an item of subsidiary legislation would only be formed if not less than three Members had indicated interest in joining it at a HC meeting. This requirement had already been relaxed in recent years. When HC considered an item of subsidiary legislation, a proposed subcommittee would be formed to study the subsidiary legislation even when there were less than three Members indicating interest in joining it at the relevant HC meeting and Members would be invited to indicate interest to join it by way of a circular after the meeting. Mr IP was concerned that if HC acceded to Ms Cyd HO's request, it would set a precedent for considering similar requests in future.

5. In response to Mr IP Kwok-him's enquiry, the Chairman advised that there was already a precedent in 2012. The Clerk supplemented that at the HC meeting on 2 November 2012, Members agreed to extend the deadline for signification of membership of the Subcommittee on Five Amendment Rules made under sections 73 and 73A of the Legal

Action

Practitioners Ordinance (Cap. 159) so as to allow Members to re-consider joining it. The Secretariat then issued another circular to invite Members to join the Subcommittee. Mr IP said that as there was a precedent, he would not oppose the request.

6. Members agreed to extend the deadline for signification of membership of the proposed subcommittee to study the Order. As the deadline for amending the Order would be the Council meeting of 16 March 2016 unless extended by a resolution, Members also agreed that the Chairman should, in his capacity as HC Chairman, move a proposed resolution at the Council meeting of 16 March 2016 to extend the scrutiny period of the Order to the Council meeting of 13 April 2016.

### **III. Business arising from previous Council meetings**

#### **(a) Legal Service Division report on bill referred to the House Committee in accordance with Rule 54(4)**

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##### **(i) Employment (Amendment) Bill 2016** *(LC Paper No. LS42/15-16)*

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

8. Mr LEUNG Yiu-chung considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Mr LEUNG Yiu-chung and Ms Cyd HO agreed to join the proposed Bills Committee.

##### **(ii) The Hong Kong Institute of Education (Amendment) Bill 2016** *(LC Paper Nos. CB(2)1051/15-16(01) and (02))* *(LC Paper No. LS43/15-16)*

9. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the Bill. Members noted that Dr Kenneth CHAN had sent a letter to the Chairman informing that he had written to the President of The Hong Kong Institute of Education ("HKIEd") requesting HKIEd to provide detailed plans and related information regarding its governance to facilitate Members' consideration on whether a Bills Committee should be formed at the meeting. The letter from Dr CHAN and the reply from the President of HKIEd were circulated to Members before the meeting. Members did not raise any question on the Bill.

**(iii) Medical Registration (Amendment) Bill 2016**  
*(LC Paper No. LS44/15-16)*

10. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the Bill.

11. Mr Vincent FANG 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 Vincent FANG, Ms Cyd HO, Dr LEUNG Ka-lau, Mr Alan LEONG, Dr Kenneth CHAN, Mr Kenneth LEUNG and Mr Dennis KWOK.

**(b) Legal Service Division report on subsidiary legislation gazetted on 26 February 2016 and tabled in Council on 2 March 2016**  
*(LC Paper No. LS41/15-16)*

12. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on two items of subsidiary legislation (i.e. L.N. 38 and L.N. 39) which were gazetted on 26 February 2016 and tabled in Council on 2 March 2016.

13. Mr Christopher CHEUNG considered it necessary to form a subcommittee to study the Securities and Futures (Short Position Reporting) (Amendment) Rules 2016 (L.N. 39) ("the Amendment Rules") in detail. Members agreed. Mr Christopher CHEUNG agreed to join the proposed subcommittee.

14. Members agreed that the Chairman should, in his capacity as HC Chairman, move a proposed resolution at the Council meeting of 16 March 2016 to extend the scrutiny period of the Amendment Rules to the Council meeting of 20 April 2016.

15. Members did not raise any question on the Fugitive Offenders (Netherlands) (Amendment) Order 2016 (L.N. 38).

16. The Chairman reminded Members that the deadline for amending the two items of subsidiary legislation would be the Council meeting of 16 March 2016, or that of 20 April 2016 if extended by a resolution of the Council.

#### IV. Business for the Council meeting of 16 March 2016

##### Meeting arrangement for the Council meeting of 16 March 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, 16 March 2016. The meeting would resume at 9:00 am and be suspended at around 8:00 pm on Thursday, 17 March 2016. The meeting would resume at 9:00 am and be adjourned at around 1:00 pm on Friday, 18 March 2016, as meetings of the HC and the Finance Committee had been scheduled for that afternoon.

##### Report No. 15/15-16 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

18. The Chairman informed Members that the draft report of HC on those items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 16 March 2016 had been issued to Members. No Member had indicated intention to speak on these items of subsidiary legislation.

##### (a) Questions (*LC Paper No. CB(3)447/15-16*)

19. The Chairman said that 22 questions (six oral and 16 written) had been scheduled for the meeting.

##### (b) Government motion under Rule 91 of the Rules of Procedure ("RoP")

**Motion to be moved by the Secretary for Financial Services  
and the Treasury under RoP 91**  
(*LC Paper No. CB(3)440/15-16*)

20. The Chairman said that the Government motion would be dealt with at the meeting.

##### (c) Government motion

**Proposed resolution to be moved by the Secretary for  
Financial Services and the Treasury under section 7(1) of the  
Public Finance Ordinance (Cap. 2)**  
(*LC Paper No. CB(3)415/15-16*)

Action

21. The Chairman said that if the motion under RoP 91 to be moved by the Secretary for Financial Services and the Treasury was passed, the Council would deal with the Vote on Account Resolution for 2016-2017 before transacting Government bills and other Government motions on the Agenda of the Council meeting.

**(d) Bills - First Reading and moving of Second Reading**

**(i) Judiciary (Five-day Week) (Miscellaneous Amendments) Bill 2016**

**(ii) Inland Revenue (Amendment) (No. 2) Bill 2016**

22. The Chairman said that the above two Bills would be dealt with at the HC meeting on 18 March 2016.

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

*(LC Paper No. CB(3)448/15-16)*

23. The Chairman said that the Legislative Council ("LegCo") Secretariat had issued a circular advising Members that the President had acceded to the proposal of the Administration for changing the order of consideration of Government bills at Council meetings as follows –

- (a) the Copyright (Amendment) Bill 2014 ("Copyright Bill") be placed as the last bill amongst all Government bills on the Agenda for the Council meeting of 16 March 2016 and all subsequent Council meetings in the remainder of the current term; and
- (b) irrespective of the progress of the Government bills at the Council meeting of 16 March 2016, the Appropriation Bill 2016 be placed as the first bill amongst all Government bills on the Agenda for the Council meetings of 13 and 20 April 2016 as well as any subsequent meetings at which the said Bill was put on the Agenda.

24. The Chairman further said that as a result of the re-ordering of the Government bills on the Agenda, the order of transacting Government bills would be as follows -

- (a) Second Reading (Debate to resume), Committee Stage and Third Reading of the following seven Bills –



Action

- (i) Bankruptcy (Amendment) Bill 2015;
  - (ii) Deposit Protection Scheme (Amendment) Bill 2015;
  - (iii) Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Bill 2015;
  - (iv) Fixed Penalty (Public Cleanliness Offences) (Amendment) Bill 2015;
  - (v) Property Management Services Bill;
  - (vi) Mandatory Provident Fund Schemes (Amendment) Bill 2015; and
  - (vii) Interception of Communications and Surveillance (Amendment) Bill 2015; and
- (b) Committee Stage and Third Reading of the Copyright Bill.

25. Mr CHAN Chi-chuen said that if the proceedings on the Vote on Account Resolution for 2016-2017 could be completed at the Council meeting of 16 March 2016, the Council would proceed to resume the Second Reading debate, Committee Stage and Third Reading of the Bills on the Agenda. Given that the President had acceded to the Administration's proposal that the Copyright Bill be placed as the last Bill amongst all Government bills on the Agenda of the Council meeting of 16 March 2016 and all subsequent Council meetings in the remainder of the current term, he sought clarification on whether another motion under RoP 91 to suspend the operation of RoP 18(1) had to be moved so that other Government motions and Members' motions could be considered before the Copyright Bill. The Chairman replied in the affirmative.

26. Mr CHAN Chi-chuen further said that as the debate on the motion to adjourn the further proceedings of the Committee of the whole Council on the Copyright Bill had not been completed, he considered that the motion would unlikely be passed. He was concerned that proceedings on other bills ahead of the Copyright Bill might be procrastinated so as to prevent the resumption of the debate on the Copyright Bill and wondered whether there were any effective ways to enable the business of the Council to be conducted in a smooth manner.

27. The Chairman said that Members could communicate among themselves on ways to facilitate the conduct of business of the Council in an effective manner.

(f) **Government motions**

**Two proposed resolutions to be moved by the Secretary for Security under section 4 of the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) in relation to the following two orders:**

- (i) **Mutual Legal Assistance in Criminal Matters (Sweden) Order; and**
- (ii) **Mutual Legal Assistance in Criminal Matters (Argentina) Order**

*(LC Paper No. CB(3)425/15-16)*

*(LC Paper No. LS40/15-16)*

28. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the above two proposed resolutions.

29. Mr James TO considered it necessary to form a subcommittee to study the proposed resolutions in detail. Members agreed. Mr James TO agreed to join the proposed subcommittee.

30. The Chairman informed Members that in line with the established practice and the arrangement agreed with the Administration, the Administration would be requested to withdraw its notice for moving the proposed resolutions so as to allow sufficient time for the subcommittee to scrutinize the proposed resolutions.

(g) **Members' motions**

31. The Chairman said that Mr WONG Ting-kwong would move at the Council meeting of 16 March 2016 a proposed resolution to extend the scrutiny period of the Rating (Exemption) Order 2016 to the Council meeting of 20 April 2016. The Chairman further said that Members' motions which had been scheduled for debate at previous Council meetings would stand over to the following Council meetings, including the motion under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to be moved by Mr WONG Yuk-man and the two motions without legislative effect to be moved by Mr Tommy CHEUNG and Mr YIU Si-wing respectively.

**V. Position on Bills Committees and subcommittees**  
(*LC Paper No. CB(2)1043/15-16*)

32. The Chairman said that as at 10 March 2016, there were 14 Bills Committees, nine 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.

**VI. Any other business**

33. Noting from media reports that yellow ropes and stanchions were used to block off the seats of Members in the Chamber, Mr WONG Yuk-man enquired why this was so.

34. At the invitation of the Chairman, the Secretary General said that as explained to the media in the morning of the day of this HC meeting, the Chamber would be open for visit by the public when no meetings were being held in the Chamber. As Members would sometimes leave behind their personal belongings and there were electronic devices in the area of Members' seats, it had all along been the normal practice for the seats to be blocked off by yellow ropes and stanchions to prevent visitors from gaining access to the seats during guided tours. The ropes and stanchions would normally be removed before meetings commenced. He added that the yellow ropes and stanchions had already been removed from the Chamber this morning, so that the Chamber could serve as a back-up venue for Finance Committee meetings to be held in Conference Room 1 later that afternoon.

35. There being no other business, the meeting ended at 2:50 pm.