

立法會
Legislative Council

LC Paper No. CB(2)1862/15-16

Ref : CB2/H/5/15

House Committee of the Legislative Council

**Minutes of the 30th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 24 June 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 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

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 LEUNG Kwok-hung

Hon Albert CHAN Wai-yip

Hon WONG Yuk-man

Hon Claudia MO
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 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
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
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
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
Hon Alvin YEUNG Ngok-kiu

Members absent:

Hon LEE Cheuk-yan
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN
Hon Alan LEONG Kah-kit, SC
Hon Michael TIEN Puk-sun, BBS, JP
Hon Charles Peter MOK, JP
Hon Alice MAK Mei-kuen, BBS, JP
Hon Dennis KWOK
Dr Hon Fernando CHEUNG Chiu-hung
Hon TANG Ka-piu, JP

Clerk in attendance :

Ms Alice LEUNG

Acting Clerk to the House Committee

Staff in attendance :

Miss Odelia LEUNG	Acting Secretary General
Ms Connie FUNG	Legal Adviser
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)
Mr Anthony CHU	Chief Council Secretary (4)1
Miss Joyce CHAN	Assistant Legal Adviser 1
Mr Alvin CHUI	Assistant Legal Adviser 3
Ms Vanessa CHENG	Assistant Legal Adviser 5
Ms Wendy KAN	Assistant Legal Adviser 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 29th meeting held on 17 June 2016

(LC Paper No. CB(2)1799/15-16)

The minutes were confirmed.

II. Matters arising

Report by the Chairman on his meeting with the Chief Secretary for Administration ("CS")

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2. The Chairman said that he had conveyed to the Acting CS the request of some Members for CS and relevant government officials (including the Secretary for Security ("S for S") and the Commissioner of Police) to attend a special House Committee ("HC") meeting as soon as possible to answer Members' questions on whether there was a case of cross-border law enforcement related to the incident concerning Causeway Bay Books manager Mr LAM Wing-kee ("the incident concerned") and on other related issues. The Acting CS advised that the Administration acknowledged the concerns of Members and the public about the incident concerned and the Chief Executive had already given a detailed response on it. Given the limited time left before the prorogation of the Fifth Legislative Council ("LegCo") on 16 July 2016 and that CS would attend a special HC meeting scheduled for 11 July 2016 to discuss the lead in drinking water incidents, the request for CS to attend another special HC meeting before the prorogation of the current term of LegCo would need to be further discussed. Members noted.

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)**

Bank of Communications (Hong Kong) Limited (Merger) Bill
(*LC Paper No. LS24/15-16*)

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 James TO considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Mr Albert HO, Mr James TO and Mr SIN Chung-kai agreed to join the Bills Committee.

(b) **Legal Service Division report on subsidiary legislation gazetted on 21 June 2016 and tabled in Council on 22 June 2016**
(*LC Paper No. LS59/15-16*)

5. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the Road Traffic (Public Light Buses: Limit on Number) Notice 2016 (i.e. L.N. 101) which was gazetted on 21 June 2016 and tabled in Council on 22 June 2016. Members did not raise any question on the Notice.

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6. The Chairman reminded Members that the deadline for amending the subsidiary legislation would be the second meeting of LegCo in the next session.

IV. Further business for the Council meeting of 29 June 2016

Meeting arrangement for the Council meeting of 29 June 2016

7. Members noted that the meeting would start at 11:00 am and be suspended at around 8:00 pm on Wednesday, 29 June 2016. The meeting would resume at 9:00 am and be adjourned at around 8:00 pm on Thursday, 30 June 2016.

(a) Questions

(LC Paper No. CB(3)708/15-16)

8. The Chairman informed Members that Dr Helena WONG had given up her oral question slot which had been allocated to Mrs Regina IP.

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

(i) Fire Services (Amendment) Bill 2015

(ii) Medical Registration (Amendment) Bill 2016

9. Members noted that the Second Reading debates on the above two Bills would be resumed at the meeting.

V. Business for the Council meeting of 6 July 2016

(a) Questions

(LC Paper No. CB(3)709/15-16)

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

(b) Government motion

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

(c) **Members' motions**

Proposed resolution under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China to be moved by Hon IP Kwok-him
(LC Paper No. CB(3)717/15-16)

12. The Chairman said that the above proposed resolution would be dealt with at the meeting.

13. Members noted that Members' motions which had been scheduled for debate at previous Council meetings would stand over until the following Council meetings, with each Council meeting dealing with two such motions without legislative effect.

14. In response to Ms Cyd HO's enquiry about the resumption of Second Reading debate on the Private Columbaria Bill, the Acting Clerk, at the invitation of the Chairman, said that at the last HC meeting on 17 June 2016, the Chairman of the Bills Committee on Private Columbaria Bill ("the Bills Committee") made a verbal report on the deliberations of the Bills Committee. Members were informed that the Bills Committee supported the Administration's proposal that the Second Reading debate on the Bill be resumed at the Council meeting of 6 July 2016.

VI. Reports of Bills Committees and subcommittees

(a) **Report of the Subcommittee on the Two Orders Made under Section 49(1A) of the Inland Revenue Ordinance and Gazetted on 13 May 2016**

(LC Paper No. CB(1)1057/15-16)

15. Mr James TO, on behalf of the Chairman of the Subcommittee, Mr Kenneth LEUNG, who was not at the meeting, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee supported the two Orders.

(b) **Report of the Subcommittee on Road Traffic (Parking) (Approved Cards) (Amendment) Notice 2016**

(LC Paper No. CB(4)1150/15-16)

16. The Chairman, on behalf of the Chairman of the Subcommittee, Mr CHAN Kam-lam, who was not at the meeting, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee had no objection to the Notice.

(c) **Report of the Subcommittee on Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2016 and Specification of Public Offices (Amendment) Notice 2016**
(LC Paper No. CB(2)1804/15-16)

17. Mr Tommy CHEUNG, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Mr CHEUNG said that many members of the Subcommittee were supportive of implementing the enhanced regulatory regime to put dog breeding activities under licensing control. Members noted that Ms Claudia MO had indicated her intention to repeal the two items of subsidiary legislation, or to amend the Amendment Regulation to the effect that the Director of Agriculture, Fisheries and Conservation must not grant a licence unless the gross floor area of the premises concerned was not less than 2 000 square feet.

18. The Chairman reminded Members that as the period for amending the above two items of subsidiary legislation would expire at the Council meeting of 13 July 2016, the deadline for giving notice of amendments, if any, would be Wednesday, 6 July 2016.

(d) **Report of the Subcommittee on Subsidiary Legislation to Give Effect to the 2006 Maritime Labour Convention**
(LC Paper No. CB(4)1151/15-16)

19. Mr James TO, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee supported the 14 Regulations made to implement the 2006 Maritime Labour Convention, and had not proposed any amendment.

(e) **Report of the Subcommittee on Public Health and Municipal Services (Fees and Charges) (Museums) (Amendment) Regulation 2016**
(LC Paper No. CB(2)1806/15-16)

20. Dr CHIANG Lai-wan, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee did not object to the Amendment Regulation, and the Subcommittee and the Administration would not propose any amendment. Dr CHIANG said that the Administration had undertaken to conduct a review one year after the Amendment Regulation had come into operation. In light of the outcome of the review, the Administration would further explore the feasibility of allowing all visitors free admission to permanent exhibitions of the Hong Kong Science Museum and the Hong Kong Space Museum.

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21. The Chairman reminded Members that as the period for amending the above Amendment Regulation would expire at the Council meeting of 13 July 2016, the deadline for giving notice of amendments, if any, would be Wednesday, 6 July 2016.

(f) **Report of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions**
(LC Paper No. CB(1)1058/15-16)

22. Ms Cyd HO, Chairman of the Subcommittee, briefed Members on the work of the Subcommittee as detailed in its report. Members noted that the Subcommittee had recommended setting up a dedicated subcommittee under HC in the Sixth LegCo to deal with regulations made under the United Nations Sanctions Ordinance (Cap. 537).

VII. Position on Bills Committees and subcommittees
(LC Paper No. CB(2)1800/15-16)

23. The Chairman said that all Bills Committees had completed their work and reported their deliberations to HC. As at 23 June 2016, there were eight subcommittees under HC and six subcommittees on policy issues under Panels in action.

VIII. Amendments to the Registration Form on Members' Interests proposed by the Committee on Members' Interests
(LC Paper No. CMI/48/15-16)

24. Mr IP Kwok-him, Chairman of the Committee on Members' Interests ("CMI"), briefed Members on the amendments to the Registration Form on Members' Interests ("the Form") proposed by CMI, details of which were set out in the paper. The purpose of the proposed amendments was to explicitly state that shareholding interests in both local and overseas companies or bodies were registrable. Mr IP said that CMI had consulted Members on the proposed amendments to the Form, and the consultation outcome showed that a clear majority of Members supported the proposed amendments.

25. Members agreed to the proposed amendments to the Form as set out in Appendix 3 to the paper. Members also noted that the amended Form would be submitted to the President for approval under Rule 83 of the Rules of Procedure ("RoP").

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IX. Proposals to seek the House Committee's agreement for asking urgent oral questions at the Council meeting of 29 June 2016 on issues relating to the fire incident at a mini-storage in Ngau Tau Kok

(a) **Letter from Dr Hon Elizabeth QUAT**
(LC Paper No. CB(2)1822/15-16(01))

(b) **Letter from Hon Cyd HO**
(LC Paper No. CB(2)1822/15-16(02))

(c) **Letter from Dr Hon Priscilla LEUNG**
(LC Paper No. CB(2)1825/15-16(01))

(d) **Letter from Hon Alice MAK**
(LC Paper No. CB(2)1825/15-16(02))

26. The Chairman informed Members that six Members, namely, Dr Elizabeth QUAT, Ms Cyd HO, Dr Priscilla LEUNG, Miss Alice MAK, Mr WONG Yuk-man and Mr CHEUNG Kwok-che had submitted proposals respectively for asking urgent oral questions at the Council meeting of 29 June 2016 on issues relating to the fire incident at a mini-storage in Ngau Tau Kok ("the fire incident"). The Chairman further said that the proposals of Mr WONG Yuk-man and Mr CHEUNG Kwok-che were received on the day of this HC meeting. He invited the six Members to speak on their proposals.

(Post-meeting note: The letters dated 24 June 2016 respectively from Mr WONG Yuk-man and Mr CHEUNG Kwok-che, together with a revised letter of the same date from Dr Elizabeth QUAT, were tabled at the meeting and issued to Members vide LC Paper No. CB(2)1835/15-16.)

27. Dr Elizabeth QUAT, on behalf of the Democratic Alliance for the Betterment and Progress of Hong Kong, offered condolences to the families of the two fire officers who, in the course of performing duties, lost their lives in the fire incident. Dr QUAT said that the fire incident had aroused wide public concern about the potential fire risk in mini-storages. She also pointed out that residents in the vicinity of the fire incident were vulnerable to the risk of inhalation of smoke from the fire and the industrial building concerned had a potential risk of collapse. In her view, there was urgency to ask an oral question at the Council meeting of 29 June 2016 to seek information from the Administration on whether and how the affected residents in the vicinity of the fire incident could be evacuated, and what emergency measures the Government would roll out to provide necessary assistance to the affected residents.

28. Ms Cyd HO said that there was wide public concern about the fire safety of mini-storages in old industrial buildings. She would like to request the Administration to respond to her urgent oral question on issues relating to the fire incident, including whether relevant government departments would conduct inspections of mini-storages in various districts to ascertain whether there were any non-compliance cases with the relevant existing legislation, and whether and what immediate measures would be taken by the Administration to remove the inflammable items that might be stored in mini-storages. Ms HO further said that she was particularly concerned about whether the Government had the statutory power to require those mini-storages which were found non-compliant with the existing legislation to cease operation immediately.

29. Dr Priscilla LEUNG said that the No. 4 alarm fire at the industrial building in Ngau Tau Kok had caused public concern that old composite and residential buildings which had not enhanced their fire services installations and equipment ("FSI") might pose an immediate fire risk. Dr LEUNG further said that she had all along been concerned about the fire safety of old composite and residential buildings and the practical difficulties encountered by the flat owners of these buildings in carrying out the necessary FSI upgrading works. She considered that there was urgency in asking the proposed question on issues including, among others, whether the Government would provide technical and financial assistance to these owners to carry out the FSI upgrading works so as to meet the present day fire safety standards.

30. Mr WONG Kwok-kin expressed condolences for the passing of two fire officers in the fire incident. Mr WONG, on behalf of Miss Alice MAK, who was not at the meeting, explained that the fire incident had exposed the loopholes in the regulation of mini-storages in Hong Kong. There was urgency in raising the proposed question which was related to various issues of public concern, including whether there was any regulation on the fire safety and structural safety of mini-storages, and whether the types of goods that the customers of mini-storages could store at such facilities were at present subject to any regulation. The Administration should also provide information on its follow-up actions that would be taken to prevent the recurrence of similar fire incident.

31. Mr WONG Yuk-man said that the public was gravely concerned about the fire incident and deeply saddened by the passing of two fire officers in the fire incident. Mr WONG considered that in response to criticisms against the Administration's work in regulating mini-storages and its firefighting plan and strategy, it was incumbent upon the officials

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concerned, i.e. S for S and the Director of Fire Services, to respond to the public's concerns about, among others, whether they would be held responsible and resign.

32. Mr CHEUNG Kwok-che said that there was a general view in the community that the Administration should take emergency measures to relocate residents of elderly homes in the vicinity of the fire incident and suspend classes of kindergartens and schools nearby. He was also concerned about the health risk posed by the heavy smoke to residents in the neighbourhood as well as the potential risk of collapse of the industrial building concerned. Mr CHEUNG considered that the Administration should disclose, among others, its contingency plan and remedial measures to address the public's concerns.

33. Ir Dr LO Wai-kwok said that he had submitted an application for asking an oral question at the Council meeting of 13 July 2016 regarding measures to improve the fire safety of old industrial buildings including those used for mini-storages. Ir Dr LO enquired that if the President would give permission for the six Members to ask their urgent oral questions at the Council meeting of 29 June 2016 on issues relating to the fire incident at a mini-storage in Ngau Tau Kok, how his application would be dealt with and whether his oral question would be permitted to be asked as one of the urgent oral questions at the Council meeting of 29 June 2016.

34. The Chairman said that the subject under discussion was to seek HC's support for asking urgent questions by the six Members at the Council meeting of 29 June 2016 in accordance with rule 10 of the House Rules. These six Members should seek the President's permission for asking urgent questions without the required notice at the Council meeting of 29 June 2016, irrespective of whether the proposals were supported by HC or not. According to his understanding, the President might permit a question to be asked without notice if he was satisfied that the question was of an urgent nature and there would be irreversible consequences if the question was not asked at that Council meeting. However, in his view, the proposed questions from the six Members might not meet the criteria for asking urgent oral questions.

35. The Chairman sought Members' views as to whether the six proposals from Dr Elizabeth QUAT, Ms Cyd HO, Dr Priscilla LEUNG, Miss Alice MAK, Mr WONG Yuk-man and Mr CHEUNG Kwok-che respectively for asking urgent oral questions under RoP 24(4) at the Council meeting of 29 June 2016 on issues relating to the fire incident at a mini-storage in Ngau Tau Kok should be supported. Members agreed to the proposals.

X. Any other business

Condolences for the passing of two fire officers in the fire incident

36. The Chairman said that many Members had conveyed to him their wish to seek HC's support for requesting the President to write on behalf of all Members to S for S to extend Members' condolences for the passing of two fire officers in the fire incident, and to relay to the Fire Services Department Members' deepest sympathy to the bereaved families and their appreciation of the fire officers for their efforts in battling the blaze. The Chairman sought Members' views on the above proposal for requesting the President to write on behalf of all Members to S for S. Members agreed to the proposal.

(Post-meeting note: A copy of the letter from the President to S for S dated 24 June 2016 was issued to Members vide LC Paper No. CB(2)1833/15-16.)

Rescheduling of the Fifth LegCo Fun Day for Members and Reporters

37. The Chairman said that some Members belonging to different political parties and groupings had suggested to him on the day before and on the morning of the day of this HC meeting that the LegCo Fun Day, which had been scheduled for the evening of 24 June 2016, should be postponed as they considered it not suitable to hold such event as scheduled in view of the fire incident. Members of the Organizing Committee of the LegCo Fun Day proposed that the LegCo Fun Day be rescheduled for Tuesday, 5 July 2016. Members agreed to the proposal.

38. There being no other business, the meeting ended at 2:55 pm.