

**立法會**  
**Legislative Council**

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From : Clerk to the Legislative Council  
To : All Members of the Legislative Council

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**Council meeting of 5 July 2017**

**Amendments to motion on  
“Reforming outdated legislation and promoting the development of  
innovation and technology”**

Further to LC Paper No. CB(3) 681/16-17 issued on 15 June 2017, seven Members (Hon YUNG Hoi-yan, Ir Dr Hon LO Wai-kwok, Hon Claudia MO, Dr Hon Elizabeth QUAT, Hon YIU Si-wing, Hon Alvin YEUNG and Hon Kenneth LEUNG) have respectively given notice of their intention to move separate amendments to Hon Charles Peter MOK’s motion on “Reforming outdated legislation and promoting the development of innovation and technology”. Members have been informed vide LC Paper No. CB(3) 731/16-17 issued on 22 June 2017 that the above motion, originally scheduled for the Council meeting of 28 June 2017, will be rescheduled to the Council meeting of 5 July 2017. As directed by the President, the respective amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

2. The President will order a joint debate on the above motion and the seven amendments. To assist Members in debating the motion and the amendments, I set out below the procedure to be followed during the debate:

- (a) the President calls upon Hon Charles Peter MOK to speak and move his motion;
- (b) the President proposes the question on Hon Charles Peter MOK’s motion;
- (c) the President calls upon the seven Members who wish to move amendments to speak in the following order, but no amendment is to be moved at this stage:
  - (i) Hon YUNG Hoi-yan;

- (ii) Ir Dr Hon LO Wai-kwok;
  - (iii) Hon Claudia MO;
  - (iv) Dr Hon Elizabeth QUAT;
  - (v) Hon YIU Si-wing;
  - (vi) Hon Alvin YEUNG; and
  - (vii) Hon Kenneth LEUNG;
- (d) the President calls upon the public officer(s) to speak;
  - (e) the President invites other Members to speak;
  - (f) the President gives leave to Hon Charles Peter MOK to speak for the second time on the amendments;
  - (g) the President calls upon the public officer(s) to speak again;
  - (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the seven Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Hon YUNG Hoi-yan to move her amendment to the motion, and forthwith proposes and puts to vote the question on Hon YUNG Hoi-yan's amendment;
  - (i) after Hon YUNG Hoi-yan's amendment has been voted upon, the President deals with the other six amendments; and
  - (j) after all amendments have been dealt with, the President calls upon Hon Charles Peter MOK to reply. Thereafter, the President puts to vote the question on Hon Charles Peter MOK's motion, or his motion as amended, as the case may be.

3. For Members' reference, the terms of the original motion and of the motion, if amended, are set out in the **Appendix**.

(Dora WAI)  
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on  
“Reforming outdated legislation and promoting the development of  
innovation and technology”  
to be held at the Council meeting of 5 July 2017**

**1. Hon Charles Peter MOK’s original motion**

That this Council urges the Government to coordinate various policy bureaux in reviewing outdated legislation and, in the light of technological development, public expectations and the actual circumstances, formulating policies afresh; to achieve the abovementioned objectives, the Government should, through extensive consultation conducted in a timely manner, update obsolete legislation, introduce policies conducive to innovation and formulate innovative regulatory frameworks that maintain a balance among the concerns of stakeholders, thereby enabling Hong Kong to keep pace with the times; this Council also urges the Government to demonstrate to the public an attitude of being willing to listen to views and promoting innovation, and enact legislation suitable for the era of digital economy, in order to develop a smart city and facilitate the development and wider application of innovation and technology, thereby providing more choices for the people and upgrading the competitiveness of Hong Kong, with a view to seizing the opportunities of catching up with the pace of the international community.

**2. Motion as amended by Hon YUNG Hoi-yan**

That, *as many countries and regions in the world have allocated an enormous amount of resources to the proactive development of innovation and technology*, this Council urges the Government to coordinate various policy bureaux in reviewing outdated legislation and, in the light of technological development, public expectations and the actual circumstances, formulating policies afresh *to support the development of related industries*; to achieve the abovementioned objectives, the Government should, through extensive consultation conducted in a timely manner, update obsolete legislation, introduce policies conducive to innovation and formulate innovative regulatory frameworks that maintain a balance among the concerns of stakeholders, thereby enabling Hong Kong to keep pace with the times; *given that innovation and technology can promote the development of the game industry, the Government should expeditiously formulate a policy on the development of this industry, determine the policy bureau to be in charge of industry*

*coordination and provide a clear blueprint for the long-term development of the local game industry*; this Council also urges the Government to demonstrate to the public an attitude of being willing to listen to views and promoting innovation, and enact legislation suitable for the era of digital economy, in order to develop a smart city and facilitate the development and wider application of innovation and technology, thereby providing more choices for the people and upgrading the competitiveness of Hong Kong, with a view to seizing the opportunities of catching up with the pace of the international community.

Note: Hon YUNG Hoi-yan's amendment is marked in *bold and italic type*.

### **3. Motion as amended by Ir Dr Hon LO Wai-kwok**

That *the Advisory Committee on Innovation and Technology was established in April 2015 to advise the Government on strategic and developmental enhancements of innovation and technology in Hong Kong; the Advisory Committee on Innovation and Technology proposed a series of recommendations and key performance indicators in the Report of the Advisory Committee on Innovation and Technology ('the Report') published in March this year; in this connection*, this Council urges the Government to, *based on the recommendations of the Report and the aspirations of the technology industry*, coordinate various policy bureaux in reviewing outdated legislation *and relevant mechanisms and codes*, and, in the light of technological development, public expectations and the actual circumstances, formulating policies afresh; to achieve the abovementioned objectives, the Government should, through extensive consultation conducted in a timely manner, update obsolete legislation, introduce *innovative* policies conducive to ~~innovation~~ *industry development, business environment and livelihood infrastructure*, and formulate innovative regulatory frameworks that maintain a balance among the concerns of stakeholders, thereby enabling Hong Kong to keep pace with the times *and avert the current lag in the development of innovation and technology*; this Council also urges the Government to demonstrate to the public an attitude of being willing to listen to views and promoting innovation, and enact legislation suitable for the era of digital economy, in order to develop a smart city and facilitate the development and wider application of innovation and technology, thereby providing more choices for the people and upgrading the competitiveness of Hong Kong, with a view to seizing the opportunities of catching up with the pace of the international community; *specific proposals include*:

- (1) *in regard to implementing various key performance indicators proposed in the Report, formulating specific policies and measures and conducting timely reviews of them;*

- (2) *requiring the tax policy unit to expeditiously make specific proposals for tax deductions for innovation and technology activities, including the provision of triple tax deductions for expenditures on research and development and design, so as to promote the development of innovation and technology;*
- (3) *while maintaining market stability, removing various regulations and restrictions for financial innovation and providing relevant legal advice and technical support for financial services enterprises, so as to assist the industry in the development and effective use of financial technology products and services;*
- (4) *including in the government procurement and tender mechanisms the requirement of promotion of technological development and increasing the weighting of this requirement in the overall score, so as to encourage enterprises to promote the development of innovation and technology;*
- (5) *using innovation and technology to make planning for transport, healthcare, environmental protection, elderly services, etc., in order to expeditiously put forward a specific blueprint for the development of a smart city;*
- (6) *reviewing outdated legislation and restrictions on the vetting and approval of amendments to land use as an endeavour to increase the supply of sites for data centres, testing and certification as well as other innovation and technology sectors, so as to promote the development of the innovation and technology industry; and*
- (7) *amending the scope of information provided by the Government as defined in the Code on Access to Information and using technology to make a detailed categorization of government information while stipulating requirements for the format and time of dissemination of information, so that various industries can make use of the relevant information to develop high-technology products.*

Note: Ir Dr Hon LO Wai-kwok's amendment is marked in *bold and italic type* or with deletion line.

#### **4. Motion as amended by Hon Claudia MO**

That, *in view of increasingly close connection between the daily life of the people and the application of technology*, this Council urges the Government to coordinate various policy bureaux in reviewing outdated legislation and, in the light of technological development, public expectations and the actual circumstances, formulating policies afresh; to achieve the abovementioned objectives, the Government should, through extensive consultation conducted in a timely manner, update obsolete legislation, introduce policies conducive to innovation and formulate innovative regulatory frameworks that maintain a balance among the concerns of stakeholders, thereby enabling Hong Kong to keep pace with the times; this Council also urges the Government to demonstrate to the public an attitude of being willing to listen to views and promoting innovation, and enact legislation suitable for the era of digital economy, in order to develop a smart city and facilitate the development and wider application of innovation and technology, thereby providing more choices for the people and upgrading the competitiveness of Hong Kong, with a view to seizing the opportunities of catching up with the pace of the international community; *this Council urges the Government to expeditiously review the following outdated legislation, which includes:*

- (1) *amending the Broadcasting Ordinance and the Telecommunications Ordinance to proactively support the development of new media, and require that the important personnel in free television broadcasting companies in Hong Kong must ordinarily reside in Hong Kong, so as to ensure that red capitalists will neither become string pullers behind the scene of free television broadcasters nor carry out ‘Mainlandization’ disguised as ‘internationalization’; and*
- (2) *amending section 161 of the Crimes Ordinance to prescribe a clearer definition of the provision on ‘access to computer with criminal or dishonest intent’, so as to prevent people from exploiting the loophole of this provision to suppress dissidents or even hinder the development of new technology.*

Note: Hon Claudia MO’s amendment is marked in *bold and italic type*.

#### **5. Motion as amended by Dr Hon Elizabeth QUAT**

That, *given rapid technological development*, this Council urges the Government to coordinate various policy bureaux in reviewing outdated legislation and, ~~in the light of technological development, public expectations and the actual circumstances,~~ formulating policies afresh *at an appropriate time*

*based on the current situation and trends of technological development, so as to meet public expectations and social needs*; to achieve the abovementioned objectives, the Government should, through extensive consultation conducted in a timely manner *and while tailoring to the actual social environment, having regard to the operation of existing industries and maintaining a balance among the interests of various stakeholders*, update obsolete legislation, introduce policies conducive to innovation and formulate innovative regulatory frameworks that maintain a balance among the concerns of stakeholders, thereby enabling Hong Kong to keep pace with the times; this Council also urges the Government to demonstrate to the public an attitude of being willing to listen to views and promoting innovation, ~~and~~ enact legislation suitable for the era of digital economy, ~~in order to develop~~ *and further study opening up spatial data conducive to people's livelihood and facilitating economic development, in order to promote* a smart city and facilitate the development and wider application of innovation and technology, thereby providing ~~more~~ ~~choices~~ *a life of better quality* for the people and upgrading the competitiveness of Hong Kong, with a view to seizing the opportunities of catching up with the pace of the international community; *in tandem with the enactment of legislation suited to the era of digital economy, the Government should also make adequate preparations for countering threats of cyber crime by, among others, conducting a review of the relevant legislation and policies and study the introduction of electronic identity for individuals and electronic business registration that carry legal effect, so as to protect the legitimate rights and interests of the public and enterprises.*

Note: Dr Hon Elizabeth QUAT's amendment is marked in *bold and italic type* or with deletion line.

## **6. Motion as amended by Hon YIU Si-wing**

That, *given the rapid development of innovation and technology worldwide*, this Council urges the Government to coordinate various policy bureaux in reviewing outdated legislation and, in the light of technological development, public expectations and the actual circumstances, formulating policies afresh; to achieve the abovementioned objectives, the Government should, through extensive consultation conducted in a timely manner *and on the premise of maintaining a balance between the interests of stakeholders and the protection of consumer rights and interests*, update obsolete legislation, ~~and~~ introduce policies conducive to innovation ~~and formulate innovative regulatory frameworks that maintain a balance among the concerns of stakeholders~~, thereby enabling Hong Kong to keep pace with the times; this Council also urges the Government to demonstrate to the public an attitude of being willing to listen to views and promoting innovation, and enact legislation suitable for the era of digital economy, in order to develop a smart city and facilitate the

development and wider application of innovation and technology, thereby providing more choices for the people and upgrading the competitiveness of Hong Kong, with a view to seizing the opportunities of catching up with the pace of the international community.

Note: Hon YIU Si-wing's amendment is marked in *bold and italic type* or with deletion line.

## **7. Motion as amended by Hon Alvin YEUNG**

That this Council urges the Government to coordinate various policy bureaux in reviewing outdated legislation *and policies* and, in the light of technological development, public expectations and the actual circumstances, formulating policies afresh; to achieve the abovementioned objectives, the Government should, through extensive consultation conducted in a timely manner, update obsolete legislation, introduce policies conducive to innovation and formulate innovative regulatory frameworks that maintain a balance among the concerns of stakeholders, thereby enabling Hong Kong to keep pace with the times; this Council also urges the Government to demonstrate to the public an attitude of being willing to listen to views and promoting innovation, and enact legislation suitable for the era of digital economy, in order to develop a smart city and facilitate the development and wider application of innovation and technology, thereby providing more choices for the people *when they purchase goods and services* and upgrading the competitiveness of Hong Kong, with a view to seizing the opportunities of catching up with the pace of the international community; *sharing economy has been an emerging economic model in recent years, so in order to drive Hong Kong to keep pace with the times, the Government should establish a committee to conduct studies on amendments to outdated legislation and policies, with a view to allowing the development of sharing economy in Hong Kong; for purposes of formulating relevant legislation and policies on the promotion of sharing economy, the Government should:*

- (1) *identify the potentials of sharing economy and, from the angles of social welfare, public transport, market space, etc., explore how the community can benefit from the model of sharing economy;*
- (2) *assess the effect of sharing economy on the economy of Hong Kong;*
- (3) *study the removal of various regulations and restrictions for sharing economy enterprises and provide assistance to them, including but not limited to the provision of financing for enterprises, and provide a platform for enterprises to learn from each other and share with each other their respective modes of operation;*



- (4) *conduct studies on improving the quality of the existing service industries and their ways of service delivery; and*
- (5) *while studying the formulation of relevant legislation and policies on the promotion of sharing economy, examine and amend relevant legislation on consumer protection, so that consumers can be afforded greater protection in carrying out a large volume of online transactions under the model of sharing economy.*

Note: Hon Alvin YEUNG's amendment is marked in ***bold and italic type***.

## **8. Motion as amended by Hon Kenneth LEUNG**

That this Council urges the Government to coordinate various policy bureaux in reviewing outdated legislation and, in the light of technological development, public expectations, *overseas experience* and the actual circumstances, formulating policies afresh; to achieve the abovementioned objectives, the Government should, ~~through extensive consultation conducted in a timely manner~~ *extensively consult the public and the industries, formulate competitive policies conducive to innovation*, update obsolete legislation, ~~introduce policies conducive to innovation and formulate innovative~~ *restructure* regulatory frameworks that ~~maintain a balance among the concerns of stakeholders~~ *and set up a 'sandbox' system to allow enterprises to apply innovation and technology in a more flexible manner*, thereby enabling Hong Kong to keep pace with the times; this Council also urges the Government to demonstrate to the public an attitude of being willing to listen to views and promoting innovation, and enact legislation suitable for the era of digital economy, in order to develop a smart city and facilitate the development and wider application of innovation and technology (*including financial technology*), thereby providing more choices for the people and upgrading the competitiveness of Hong Kong, with a view to seizing the opportunities of catching up with the pace of the international community.

Note: Hon Kenneth LEUNG's amendment is marked in ***bold and italic type*** or with deletion line.