

立法會
Legislative Council

LC Paper No. CB(2)199/17-18

Ref : CB2/H/5/17

House Committee of the Legislative Council

**Minutes of the 3rd meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 27 October 2017**

Members present :

Hon Starry LEE Wai-king, SBS, JP (Chairman)
Hon Dennis KWOK Wing-hang (Deputy Chairman)
Hon James TO Kun-sun
Hon LEUNG Yiu-chung
Hon Abraham SHEK Lai-him, GBS, JP
Prof Hon Joseph LEE Kok-long, SBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, GBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon CHAN Kin-por, GBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon Steven HO Chun-yin, BBS
Hon Frankie YICK Chi-ming, SBS, JP
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, BBS, 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 Alvin YEUNG
Hon CHU Hoi-dick
Hon Jimmy NG Wing-ka, JP
Hon HO Kai-ming
Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan
Hon CHAN Chun-ying
Hon Tanya CHAN
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung
Hon LUK Chung-hung
Hon LAU Kwok-fan, MH
Hon Kenneth LAU Ip-keung, BBS, MH, JP
Dr Hon CHENG Chung-tai
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho

Members absent :

Hon Tommy CHEUNG Yu-yan, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Paul TSE Wai-chun, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon Andrew WAN Siu-kin
Dr Hon Junius HO Kwan-yiu, JP
Hon SHIU Ka-chun
Dr Hon Pierre CHAN

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 YICK Wing-kin	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 Roxanna LO	Accountant
Miss Rachel DAI	Assistant Legal Adviser 2
Mr Alvin CHUI	Assistant Legal Adviser 3
Mr Bonny LOO	Assistant Legal Adviser 4
Ms Vanessa CHENG	Assistant Legal Adviser 5
Mr Cliff IP	Assistant Legal Adviser 8
Ms Clara TAM	Assistant Legal Adviser 9
Mrs Goppi CHENG	Senior Deputy Accountant
Ms Wendy LO	Senior Council Secretary (2)2
Mr Richard WONG	Senior Council Secretary (2)6
Ms Jasmine TAM	Senior Council Secretary (2)8
Miss Michelle TANG	Council Secretary (2)2
Ms Priscilla LAU	Council Secretary (2)5
Miss Connie AU	Council Secretary (2)6
Mr Franki CHENG	Information Technology Officer 10
Mr Keith WONG	Information Technology Officer 16
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Miss Meisy KWOK	Legislative Assistant (2)6
Mr Arthur KAN	Legislative Assistant (2)7
Ms CHAU Kwan-bing	Legislative Assistant (2)8
Miss LEE Wai-yan	Clerical Assistant (2)6

Action

I. Confirmation of minutes of meeting

Minutes of 2nd meeting held on 20 October 2017

(LC Paper No. CB(2)127/17-18)

The minutes were confirmed.

II. Matters arising

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

2. The Chairman said that there was nothing special to report.
3. Mr James TO said that the motion moved by the Secretary for Transport and Housing under Rule 40(4) of the Rules of Procedure ("RoP") to adjourn the proceedings of the Committee of the whole Council on the Stamp Duty (Amendment) Bill 2017 was passed at the Council meeting of 18 October 2017, and the Administration had indicated that it was prepared to consider the amendments proposed by Members to extend the six-month period for applying partial refund of the ad valorem stamp duty paid for the acquisition of a new residential property after the disposal of the original residential property within that period. He was therefore concerned about when the Administration would give notice of its intention to resume the relevant proceedings on the Bill and whether such notice would be given immediately after the debate on the Motion of Thanks was finished. Mr TO also raised concern as to whether the Administration or Members would be permitted to propose Committee Stage amendments to the Bill after the Administration gave notice of its intention to resume the relevant proceedings on the Bill.
4. The Chairman said that she would relay Mr James TO's concerns to the Chief Secretary for Administration ("CS") at her next meeting with CS.

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)**

Banking (Amendment) Bill 2017 *(LC Paper No. LS9/17-18)*

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

Action

6. Mr Charles MOK, Mr CHAN Chi-chuen, Mr Kenneth LEUNG, Mr CHAN Chun-ying and Ms Tanya CHAN 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 Charles MOK, Mr CHAN Chi-chuen, Mr Kenneth LEUNG, Mr CHAN Chun-ying and Ms Tanya CHAN.

7. The Chairman informed Members that there would be a vacant slot after the Bills Committee on Statute Law (Miscellaneous Provisions) Bill 2017 had reported its work under agenda item VI(a). The Bills Committee on Banking (Amendment) Bill 2017 could commence work immediately.

(b) Legislative Service Division report on subsidiary legislation gazetted on 20 October 2017 and tabled in Council on 25 October 2017
(LC Paper No. LS8/17-18)

8. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on 10 items of subsidiary legislation (i.e. L.N. 171 to L.N. 180) which were gazetted on 20 October 2017 and tabled in Council on 25 October 2017.

9. Mr Steven HO considered it necessary to form a Subcommittee to study in detail the Shipping and Port Control (Amendment) (No. 2) Regulation 2017 (L.N. 171), the Merchant Shipping (Local Vessels) (General) (Amendment) (No. 2) Regulation 2017 (L.N. 178), the Merchant Shipping (Local Vessels) (General) (Amendment) (No. 3) Regulation 2017 (L.N. 179) and the Shipping and Port Control Regulations (Amendment of Schedules) Notice 2017 (L.N. 180). Members agreed. Mr Steven HO and Mr Andrew WAN (as advised by Mr James TO) agreed to join the proposed subcommittee.

10. Ms Tanya CHAN considered it necessary to form a subcommittee to study in detail the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) (Amendment) Regulation 2017 (L.N. 172), the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) (Amendment) Regulation 2017 (L.N. 173) and the Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) (Amendment) Regulation 2017 (L.N. 174). Dr Helena WONG (as advised by Mr WU Chi-wai) and Ms Tanya CHAN agreed to join the proposed subcommittee.

Action

11. Mr James TO considered it necessary to form a subcommittee to study in detail the Banking (Capital) (Amendment) Rules 2017 (L.N. 175), the Banking (Liquidity) (Amendment) Rules 2017 (L.N. 176) and the Banking (Specification of Multilateral Development Bank) (Amendment) Notice 2017 (L.N. 177). The following Members agreed to join the subcommittee: Mr James TO, Mr Kenneth LEUNG, Mr Christopher CHEUNG and Mr CHAN Chun-ying.

12. The Chairman reminded Members that the deadline for amending the above items of subsidiary legislation would be the Council meeting of 22 November 2017, or that of 13 December 2017 if extended by a resolution of the Council.

IV. Further business for the Council meeting of 1 November 2017

13. The Chairman said that the unfinished business on the Agenda of the Council meeting of 25 October 2017 would stand over until the Council meeting of 1 November 2017.

Members' motions

Proposed resolution under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the Trainee Solicitors (Amendment) Rules 2017 (Commencement) Notice to be moved by Dr Hon Priscilla LEUNG
(LC Paper No. CB(3)84/17-18)

14. The Chairman said that the purpose of the above proposed resolution was to extend the period for amending the Commencement Notice to the Council meeting of 29 November 2017.

V. Business for the Council meeting on 8, 9 and 10 November 2017

(a) **Questions**
(LC Paper No. CB(3)73/17-18)

15. The Chairman informed Members that no oral questions would be scheduled for this Council meeting, and the slots for 22 written questions had not yet been taken up. She reminded Members that the deadline for giving notice of questions would be next Monday, 30 October 2017, should they wish to raise written questions at the meeting.

(b) **Members' motions**

Motion of Thanks

(LC Paper No. CB(2)142/17-18(01))

16. The Chairman informed Members that she, as the House Committee ("HC") Chairman, would move the Motion of Thanks at the meeting, and the deadline for giving notice of amendments would be Wednesday, 1 November 2017. The Chairman further said that at the HC meeting on 13 January 2017, Members agreed to adopt for the debate on the 2017 Policy Address the arrangements which were largely the same as those for the debates on the Policy Addresses in the Fifth Legislative Council ("LegCo"). The debate would be held on three consecutive days in five sessions and each session would be dedicated to a group of policy areas. Each Member might speak once in each of the five debate sessions, subject to the total speaking time limit of 30 minutes.

17. Members agreed that the above arrangements be adopted for the debate on the Policy Address delivered by the Chief Executive at the Council meeting on 11 October 2017. Members also agreed to the proposed grouping of policy areas for the five debate sessions proposed by the Administration which was set out in the Annex to the Director of Administration's letter dated 24 October 2017.

Report of HC on Consideration of Subsidiary Legislation

18. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)83/17-18), which contained 13 items of subsidiary legislation. The period for amending those items would expire at the Council meeting of 8 November 2017. She reminded Members to indicate their intention by 5:00 pm on Tuesday, 31 October 2017, should they wish to speak on any of those items of subsidiary legislation.

VI. Reports of Bills Committees and subcommittees

(a) **Report of the Bills Committee on Statute Law (Miscellaneous Provisions) Bill 2017**
(LC Paper No. CB(4)93/17-18)

19. The Chairman said that Mr Dennis KWOK, Chairman of the Bills Committee, had informed her that the deliberations of the Bills Committee were provided in detail in its report and there was nothing special to add. The Chairman further said that the date of resumption of the Second Reading debate on the Bill was to be advised by the Administration.

(b) **Report of the Subcommittee on Amendments to Five Regulations under the Electoral Affairs Commission Ordinance**
(LC Paper No. CB(2)135/17-18)

20. Mr MA Fung-kwok, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the motion to extend the scrutiny period of the five Amendment Regulations could not be dealt with at the Council meeting of 18 October 2017 and the period for amending the five Amendment Regulations expired at that Council meeting. The Administration was therefore unable to move a motion on its proposed amendments, which were in general supported by members of the Subcommittee, to the five Amendment Regulations before the expiry of the scrutiny period. Members were advised that the Administration had undertaken to invite the Electoral Affairs Commission to consider introducing as early as possible those proposed amendments through the gazettal of another set of subsidiary legislation.

(c) **Report of the Subcommittee on Country Parks (Designation) (Consolidation) (Amendment) Order 2017**

21. Ms Tanya CHAN, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. Ms CHAN said that the purpose of the Order was to incorporate the country park enclaves at Fan Kei Tok, Sai Lau Kong and the site near Nam Shan into the respective country parks. The Subcommittee was in support of the proposed inclusion of these three country park enclaves, which were government lands, into country parks. The Subcommittee had discussed

Action

issues concerning the reasons for incorporating these three enclaves into country parks, the consultation work in assessing the enclaves to be incorporated into country parks and the impact of the proposal.

22. Ms CHAN advised that according to the Administration, more resources would be allocated for the conservation of the enclaves after they were incorporated into country parks and the Agriculture, Fisheries and Conservation Department ("AFCD") would take active management of the areas. In addition, AFCD would encourage the collaboration of non-governmental organizations ("NGOs") and the local community to implement conservation projects at country park enclaves under the Management Agreement Scheme and NGOs concerned could apply for funding support from the Environment and Conservation Fund.

23. Members noted that the Administration had already provided the supplementary information requested by members of the Subcommittee and the Subcommittee would submit its written report in due course.

(d) Report of the Subcommittee on Subsidiary Legislation Relating to the Commissioning of the Hong Kong-Zhuhai-Macao Bridge Hong Kong Port

24. Mr Holden CHOW, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. Mr CHOW said that the Subcommittee had completed the scrutiny of the four items of subsidiary legislation relating to the commissioning of the Hong Kong-Zhuhai-Macao Bridge Hong Kong Port ("HZMB HKP"). These four items of subsidiary legislation were related to the designation of the closed areas for HZMB HKP, the granting of general permission for cross-boundary passengers and drivers to enter or leave the relevant closed areas and the setting aside of the area within HZMB HKP as Immigration Department ("ImmD") detention quarters.

25. Mr CHOW further said that the Subcommittee held one meeting with the Administration. Major concerns expressed by members of the Subcommittee included the coverage of the proposed closed areas, issues relating to the use of ImmD detention quarters as well as the manpower deployment for the new boundary control point at HZMB HKP. Mr CHOW further advised that according to the Administration, all land boundary control points in Hong Kong were currently administered under a closed area approach to maintain their security and effective operation.

Action

26. Members noted that that the Subcommittee would not propose any amendments to the four items of subsidiary legislation and would submit its written report in due course.

27. The Chairman reminded Members that as the period for amending the above four items of subsidiary legislation would expire at the Council meeting of 8 November 2017, the deadline for giving notice of amendments, if any, would be Wednesday, 1 November 2017.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)128/17-18)

28. The Chairman said that as at 26 October 2017, there were 16 Bills Committees, 20 subcommittees under HC and four subcommittees on policy issues under Panels in action. Ten subcommittees on policy issues were on the waiting list.

VIII. Election of members of The Legislative Council Commission

(LC Paper No. AS10/17-18)

29. The Chairman said that according to LC Paper No. AS10/17-18, a total of 11 nominations were received for election to The Legislative Council Commission ("LCC") by the deadline for nominations (i.e. 23 October 2017). As there were 11 nominations, a poll by secret ballot would be conducted to elect 10 members of LCC. The Chairman reminded Members that they could not vote for more than 10 nominees and that the votes would be counted in accordance with the "first-past-the-post" system of election as stipulated in the resolution made by the Council under The Legislative Council Commission Ordinance (Cap. 443).

30. The Chairman then announced a vote by secret ballot. The outcome of the vote was as follows:

Mr Abraham SHEK	31 votes
Mr WONG Ting-kwong	30 votes
Mr CHAN Hak-kan	30 votes
Mr Paul TSE	30 votes
Mr MA Fung-kwok	30 votes
Mr Charles MOK	23 votes

Action

Ms Alice MAK	30 votes
Dr Fernando CHEUNG	19 votes
Dr Helena WONG	22 votes
Mr CHUNG Kwok-pan	30 votes
Ms Tanya CHAN	22 votes

31. The Chairman declared the following 10 Members elected as members of LCC:

Mr Abraham SHEK
Mr WONG Ting-kwong
Mr CHAN Hak-kan
Mr Paul TSE
Mr MA Fung-kwok
Mr Charles MOK
Ms Alice MAK
Dr Helena WONG
Mr CHUNG Kwok-pan
Ms Tanya CHAN

IX. Election of members of the Committee on Access to the Legislature's Documents and Records

(LC Paper No. COA3/17-18)

32. The Chairman said that Members were invited vide LC Paper No. COA 1/17-18 dated 16 October 2017 issued by the Secretariat to make nominations of Members for election to the Committee on Access to the Legislature's Documents and Records ("CoA"). By the deadline for nominations (i.e. 23 October 2017), a total of 10 nominations were received for the election to CoA. As the number of nominations received was equal to the maximum number of members to be elected, no poll would need to be taken for election of members to CoA.

33. The Chairman declared the following 10 Members elected as members of CoA:

Mr James TO
Mr Abraham SHEK
Mr WONG Ting-kwong
Mr CHAN Hak-kan
Mr Paul TSE

Mr MA Fung-kwok
Mr Charles MOK
Ms Alice MAK
Mr CHUNG Kwok-pan
Ms Tanya CHAN

X. Request of Dr Hon KWOK Ka-ki to seek the House Committee's recommendation for an adjournment debate under Rule 16(4) of the Rules of Procedure at the Council meeting of 1 November 2017 relating to the impact of the Central Authorities' "overall jurisdiction" over Hong Kong on "one country, two systems", "Hong Kong people administering Hong Kong" and "a high degree of autonomy"

(LC Paper No. CB(2)142/17-18(02))

34. At the invitation of the Chairman, Dr KWOK Ka-ki said that following the publication in 2014 of the White Paper on "The Practice of the 'One Country, Two Systems' Policy in the Hong Kong Special Administrative Region" ("the White Paper") by the State Council which expressly stated that "the Central Government exercised 'overall jurisdiction' over the Hong Kong Special Administrative Region ("HKSAR")", the notion of "overall jurisdiction" was mentioned once again by President XI Jinping at the 19th National Congress of the Communist Party of China ("the 19th National Congress") concluded on 24 October 2017. Furthermore, Mr CHEN Baosheng, Minister of Education of the People's Republic of China, had publicly indicated that the HKSAR Government had a responsibility to implement national education in Hong Kong. As all these messages conveyed by the Central Authorities had caused many Hong Kong people to worry that the principles of "one country, two systems" and "Hong Kong people administering Hong Kong" enshrined in the Basic Law ("BL") would no longer be adhered to and would slowly be replaced by "one country, one system", he considered it necessary for Members to take the earliest opportunity to debate such an important matter in Council.

35. Mr Alvin YEUNG said that the subject of the proposed adjournment debate was neutrally-worded and sought mainly to facilitate Members to discuss the impact, if any, of "XI Jinping's Thought on Socialism with Chinese Characteristics for a New Era" on Hong Kong. In his view, the holding of the proposed adjournment debate would provide an opportunity for Members of the pro-establishment camp to

Action

"educate" Members of the pro-democracy camp on the country's situation. He called on Members of the pro-establishment camp to support Dr KWOK Ka-ki's proposal.

36. Ms Claudia MO said that after the recent incident concerning Mr Benedict ROGERS being refused entry into Hong Kong and the latest move by the HKSAR Government to push through its "Three-step Process" proposal for implementing the co-location arrangement at the West Kowloon Station of the Guangzhou-Shenzhen-Hong Kong Express Railway, many Hong Kong people were particularly dismayed that President XI Jinping brought up again the idea of the Central Authorities' "overall jurisdiction" over Hong Kong. In her view, putting forward the proposal to implement "brainwashing" education in Hong Kong again was clearly an attempt to exert pressure on the education sector. Ms MO stressed that there were reasons for Hong Kong people to worry about Hong Kong becoming "Mainlandized" through the implementation of "one country, one system" in Hong Kong.

37. Mr CHAN Chi-chuen said that as President XI Jinping had pointed out in his work report that it was imperative for the Central Authorities' "overall jurisdiction" over Hong Kong and Hong Kong's "high degree of autonomy" to be melded in an "organic" way and it was expected that work was being undertaken by the relevant authorities to implement such a directive from President XI, he considered it necessary for Members to discuss how the Central Authorities' "overall jurisdiction" over Hong Kong and Hong Kong's "high degree of autonomy" could be melded in an "organic" way as suggested by President XI and to voice public worries over the matter in Council as soon as possible. He therefore supported the holding of the proposed adjournment debate.

38. Mr WONG Kwok-kin considered that the holding of the proposed adjournment debate would not serve any purpose other than wasting the meeting time of the Council. He pointed out that the Central Authorities' "overall jurisdiction" over Hong Kong was mentioned by President XI Jinping in his report on the work of the 18th Central Committee of the Communist Party of China in the past five years. In other words, the Central Authorities had already been exercising "overall jurisdiction" over Hong Kong and it was nothing new. In his view, those Members who supported the holding of such proposed adjournment debate should enhance their understanding of BL and the work report presented by President XI instead of wasting the Council meeting time by doing so.

Action

39. Mr Steven HO said that he opposed Dr KWOK Ka-ki's proposal. While he did not object to discussing the matter raised by Dr KWOK, there was no urgency to do so. Given that the holding of the proposed adjournment debate was in effect jumping the queue for debate slots, which was unfair to other Members, he considered that Dr KWOK should follow the established mechanism to apply for a debate slot if he wished to initiate a debate on the matter in Council. Mr HO added that he would, however, consider supporting Dr KWOK's proposal if the subject of the proposed adjournment debate was changed to "the impact of the advocacy of 'Hong Kong independence' on Hong Kong".

40. Mr LEUNG Yiu-chung said that under BL, national defence and foreign affairs were the responsibilities of the Central People's Government. He was of the view that the exercise of "overall jurisdiction" over the Hong Kong beyond the two specified areas was in violation of BL. Mr LEUNG also commented that the principle of "a high degree of autonomy" had been distorted over the past five years and if Members were to remain silent on the claim of "overall jurisdiction" over Hong Kong by the Central Authorities, it was tantamount to surrendering Hong Kong's autonomy to the Central Authorities submissively.

41. Dr Helena WONG said that at the 19th National Congress, President XI Jinping had mentioned in his report about the Central Authorities' "overall jurisdiction" over Hong Kong. She queried if "overall jurisdiction" was inconsistent with BL 22 which stipulated that "no department of the Central People's Government and no province, autonomous region, or municipality directly under the Central Government may interfere in the affairs which HKSAR administers on its own in accordance with [BL]". Pointing out that all Members had sworn to uphold BL, Dr WONG considered that there was urgency in seeking clarification on the possible inconsistency between BL and President XI's remark. She therefore supported Dr KWOK Ka-ki's proposal.

42. Mr CHU Hoi-dick said that he did not concur with Mr WONG Kwok-kin's earlier remark that the proposed adjournment debate was a waste of time for the Council. Mr CHU stressed that Members were the political representatives of Hong Kong people and the latter would expect their political representatives to explain their stance on President XI Jinping's recent remark which had significance on Hong Kong. Mr CHU also said that if HC made a conscious decision to support Dr KWOK Ka-ki's proposal, there would not be any issue of unfairness as claimed by Mr Steven HO and he hoped that Members would support Dr KWOK's proposal.

Action

43. Dr Elizabeth QUAT said that the exercise of jurisdiction by the Central Authorities over Hong Kong was nothing new as it was stated in BL as well as the White Paper. She considered that the subject did not warrant the holding of the proposed adjournment debate and Dr KWOK Ka-ki should follow the established mechanism to apply for a debate slot if he wished to initiate a debate on the matter in Council.

44. Expressing support for Dr KWOK Ka-ki's proposal, Mr WU Chi-wai said that the principles of "one country, two systems", "Hong Kong people administering Hong Kong" and "a high degree of autonomy" were stipulated in BL. According to BL18, national laws to be applied in Hong Kong should be confined to those relating to defence and foreign affairs as well as other matters outside the limits of the autonomy of Hong Kong as specified by BL. Mr WU pointed out that the public were concerned if "an organic integration" between the Central Authorities' "overall jurisdiction" over Hong Kong and the high degree of autonomy of Hong Kong would result in the application of national laws in Hong Kong.

45. Dr KWOK Ka-ki said that he was disappointed at the views expressed by Members of the pro-establishment camp on his proposal. He considered it irresponsible on the part of these Members not to take the opportunity of the proposed adjournment debate to enlighten other Members and the Hong Kong public about how the Central Authorities' "overall jurisdiction" over Hong Kong would not affect the implementation of "one country, two systems" in Hong Kong. He called on Members of the pro-establishment camp to support the holding of the proposed adjournment debate, which, in his view, would also provide an opportunity for them to show their unswerving loyalty to the Central Authorities.

46. The Chairman put to vote Dr KWOK Ka-ki's proposal to move a motion for adjournment of the Council, in addition to two Members' motions without legislative effect, under RoP 16(4) at the Council meeting of 1 November 2017 for the purpose of conducting a debate relating to the impact of the Central Authorities' "overall jurisdiction" over Hong Kong on "one country, two systems", "Hong Kong people administering Hong Kong" and "a high degree of autonomy". Dr KWOK Ka-ki requested a division.

Action

The following Members voted in favour of the proposal:

Mr James TO, Mr LEUNG Yiu-chung, Ms Claudia MO, Mr WU Chi-wai, Mr Charles MOK, Mr CHAN Chi-chuen, Mr Kenneth LEUNG, Dr KWOK Ka-ki, Mr Dennis KWOK, Dr Helena WONG, Mr IP Kin-yuen, Mr Alvin YEUNG, Mr CHU Hoi-dick, Mr LAM Cheuk-ting, Ms Tanya CHAN, Dr CHENG Chung-tai, Mr KWONG Chun-yu and Mr Jeremy TAM.

(18 Members)

The following Members voted against the proposal:

Mr WONG Ting-kwong, Mr CHAN Hak-kan, Mr CHAN Kin-por, Mr WONG Kwok-kin, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr CHAN Han-pan, Ms Alice MAK, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Dr Elizabeth QUAT, Mr Martin LIAO, Mr POON Siu-ping, Dr CHIANG Lai-wan, Mr CHUNG Kwok-pan, Mr Jimmy NG, Mr HO Kai-ming, Mr Holden CHOW, Mr SHIU Ka-fai, Mr Wilson OR, Ms YUNG Hoi-yan, Mr CHAN Chun-ying, Mr CHEUNG Kwok-kwan, Mr LUK Chung-hung, Mr LAU Kwok-fan and Mr Kenneth LAU.

(27 Members)

47. The Chairman declared that 18 Members voted for and 27 Members voted against the proposal, and no Member abstained from voting. The Chairman declared that the proposal was not supported.

XI. Request of 22 Members to discuss the impact of the new arrangement for scheduling Finance Committee meetings on the time for resumption of House Committee meetings

(LC Paper No. CB(2)142/17-18(03))

48. The Chairman said that as she had explained at the last HC meeting held on 20 October 2017, after the implementation of the new arrangement for scheduling Finance Committee ("FC") meetings, as directed by the FC Chairman ("the new arrangement"), starting from the FC meeting on 27 October 2017, rule 20(e) of the House Rules ("HR") would continue to be applicable. Accordingly, when an HC meeting and a FC meeting were scheduled to be held on the same Friday afternoon, the HC meeting would, if necessary, be suspended at such time when the FC meeting was scheduled to begin and resumed to deal with the unfinished business on the HC's agenda after the FC meeting. The Chairman

Action

further said that there were only two occasions where HC had to resume its meeting after the FC meeting to deal with the unfinished business on the agenda in the Fifth LegCo, and it only happened once in the Sixth LegCo (i.e. the last HC meeting). Given that the membership of HC was the same as that of FC, and Members should attend meetings of the two committees, she did not envisage that the new arrangement would have impact on Members in respect of reserving time to attend meetings of HC and FC.

49. At the invitation of the Chairman, Mr Charles MOK said, on behalf of the 22 Members who jointly signed the letter, that in their view, the new arrangement would have undesirable impact on the operation of HC as required under HR 20(e). Under the new arrangement, the FC Chairman might schedule one single meeting, which might last for several hours, for proceedings to be conducted on the same day for the same agenda. In this case, an HC meeting, if suspended, would have to be resumed at a much later time and there was uncertainty in respect of the time for resumption of HC meetings. Mr MOK further said that he received a draft of the note on the FC Chairman's direction from the FC Chairman on 9 October 2017 in which it was mentioned that HC would be invited to consider amending HR 20(e). However, he noticed that this issue was not included in the draft note on the FC Chairman's direction regarding the scheduling of FC meetings attached to the circular issued to FC Members on 12 October 2017 about the arrangement of an informal meeting to discuss the matter. Mr MOK further advised that the 22 Members requested the Chairman to: (a) clarify whether there had been any agreement between the HC Chairman and the FC Chairman on the new arrangement and matters relating to amending HR 20(e); (b) ask the FC Chairman to suspend the implementation of the new arrangement; (c) refer the matters relating to amending HR 20(e) and the note on the FC Chairman's direction regarding the scheduling of FC meetings to the Committee on Rules of Procedure ("CRoP") for consideration and discussion; and (d) hold a special HC meeting to discuss the matters relating to amending HR 20(e).

50. Both Mr Alvin YEUNG and Dr KWOK Ka-ki considered it necessary to hold a special HC meeting for Members to discuss the impact of the new arrangement on the time for resumption of HC meetings if any of its meeting was suspended. Mr YEUNG said that as there might be more occasions in this session than in the past that an HC meeting would need to be suspended and resumed after a FC meeting to deal with the unfinished business on the agenda, the new arrangement

Action

would have an undesirable impact on the smooth conduct of HC meetings. Dr KWOK criticized the FC Chairman for introducing the new arrangement and considered that it was incumbent upon the HC Chairman to prevent such arrangement from impacting the orderly and efficient conduct of HC meetings. As the HC Chairman did not consult Members on the impact of the new arrangement on the operation of HC meetings, Dr KWOK said that he wondered whether there were any underhand dealings between the HC Chairman and the FC Chairman.

51. Ms Tanya CHAN said that although there were not many occasions where HC had to resume its meetings to deal with the unfinished business on the agenda after FC meetings in the Fifth LegCo, it did not necessarily mean that it would be the same in the Sixth LegCo. Ms CHAN further said that since the Fourth LegCo, if multiple two-hour FC meetings were scheduled for the same Friday afternoon, an HC meeting would, if necessary, be suspended and resumed after the first two-hour FC meeting in accordance with HR 20(e). However, under the new arrangement, a FC meeting might last for several hours as directed by the FC Chairman and this would create uncertainty and difficulty for Members to schedule their time for meetings. Ms CHAN also pointed out that the number of members required to form a quorum of FC (i.e. the Chairman and eight other members) was much smaller than that of HC (i.e. 20 members including the Chairman). If an HC meeting suspended was resumed after a FC meeting ended in the evening, there might not be an adequate number of members to form a quorum of HC when the meeting resumed. She urged the Chairman to call a special HC meeting to consult Members' views on the impact of the new arrangement on the operation of HC meetings.

52. Mr Kenneth LEUNG considered that the new arrangement did not follow the guidelines for the conduct of meetings as set out in HR 24, and queried whether the FC Chairman was vested with the power to make new arrangement for scheduling FC meetings. Referring to HR 24(b) which stated that to enable Members to participate in all meetings of the committees (including standing committees, panels, bills committees, subcommittees and select committees etc.) which they had joined, efforts should be made as far as practicable to avoid scheduling two meetings within the same time slot, he sought clarification from LA on whether this rule should be applicable to FC which was a standing committee.

Action

53. At the invitation to the Chairman, LA advised that RoP 75 provided for the operation of HC and HC was given power under this rule to make HR. HR 24 was provided in HR under the part on "Committees" which included HC, Panels, Bill Committees and subcommittees under HC. However, FC was not a committee formed under HC and the operation of FC was provided for in RoP 71. As stipulated in RoP 71(6), FC should meet at the time and the place determined by the FC Chairman. LA further advised that while FC might make reference to HR 24 which provided guidelines for the conduct of meetings, FC would not be bound by the provisions in HR 24. LA also pointed out that the phrase "efforts should be made as far as practicable" used in HR 24(b) suggested that HR 24(b) served only as guidelines for committees to conduct their meetings.

54. Expressing support for the new arrangement, Mr CHEUNG Kwok-kwan said that as stated by the FC Chairman, the new arrangement was to address the anomalies arising from the "multiple two-hour meetings" arrangement. Should there be concern that the new arrangement might have impact on the time for resumption of HC meetings, he considered that FC meetings could be rescheduled to be held on Friday mornings if it was agreed by FC members.

55. Ms Claudia MO pointed out that the last HC meeting on 20 October 2017 was suspended and resumed in accordance with HR 20(e) for Members to vote on her proposal for asking an urgent oral question at the Council meeting of 25 October 2017. She considered it an example to illustrate that the new arrangement under which the FC Chairman might schedule one single meeting lasting for several hours would affect the operation of HR 20(e). Ms MO added that while she would not consider that there were underhand dealings between the HC Chairman and the FC Chairman, she was worried that this might be a case of cronyism.

56. Mr WU Chi-wai and Mr IP Kin-yuen expressed similar view that it was inappropriate for the FC Chairman to implement the new arrangement without regard to the impact on the operation of HR 20(e). In their view, it was undesirable for an HC meeting suspended under HR 20(e) to be resumed after a very lengthy FC meeting. Mr WU and Mr IP requested the Chairman to call a special meeting for Members to discuss the relevant matters. Mr WU added that he considered the new arrangement demeaning to HC.

Action

57. Mr CHAN Chi-chuen also considered the new arrangement demeaning to HC. He pointed out that the quorum requirement for HC and FC was different and if the HC meeting had to be resumed at, say, 8 pm or 9 pm, there would be difficulties in forming a quorum. In his view, the Chairman should have consulted Members after her communication with the FC Chairman on the new arrangement as such arrangement would have substantial impact on the operation of HC.

58. The Chairman responded that she noted that the FC Chairman had invited all FC members to attend an informal meeting held on 17 October 2017 to discuss with them the new arrangement. She, as a member of FC, attended the informal meeting, and noted that concern about whether the resumption of HC meetings would be affected was raised at the meeting. However, the 22 Members who had written to her jointly did not attend the above meeting for the discussion of relevant issues.

59. Mr CHAN Hak-kan said that when a committee meeting was scheduled to start immediately after another committee meeting, it was not uncommon for the two chairmen to agree that the earlier meeting could continue for not more than 10 minutes in order to conclude the business on the agenda. Echoing Mr CHAN's view, Mr WONG Ting-kwong said that while there were past occasions where HC meetings were suspended and resumed after FC meetings, the HC Chairman could consult members on how to deal with the unfinished business on the agenda of an HC meeting if such situation arose in future. Mr WONG hoped that Members could discuss the matter in a calm and peaceful manner and considered that the matter should not be blown out of proportion.

60. Mr LUK Chung-hung and Mr KWOK Wai-keung expressed a similar view that the implementation of the new arrangement would address the problem of backlog of outstanding FC agenda items, and should be supported. In their view, Members should be prepared to attend HC and FC meetings on Friday afternoons, and therefore, even if an HC meeting had to be resumed after a FC meeting in late afternoon, Members should not find it particularly difficult to attend both meetings.

61. Mr CHU Hoi-dick considered that following the implementation of the new arrangement, an HC meeting might be resumed after being suspended for a very long period of time, say, three hours, and therefore, the matter deserved special attention. He wondered whether the HC

Action

Chairman was vested with the power to issue a direction regarding the time for resumption of HC meetings, e.g. specifying that a suspended HC meeting should be resumed in one hour or two hours.

62. Regarding the views made by some Members of the pro-establishment camp about the arrangement for extension of a committee meeting for not more than 15 minutes beyond the appointed ending time of the meeting, Dr CHENG Chung-tai commented that it was not desirable for the meetings of HC and FC to adopt such arrangement. In his view, it was unreasonable to introduce any meeting arrangements that would affect the conduct of HC and FC meetings in accordance with the established rules.

63. Mr CHAN Kin-por, the FC Chairman, said that there was not any line of command between HC and FC. In order to maintain a good working relationship between HC and FC, he had sought the advice of the Secretariat before introducing the new arrangement. In his view, there should not be any problem for HC when it was necessary to resume its meeting after a FC meeting after the implementation of the new arrangement. Mr CHAN further said that given that HC members were also FC members and it was the responsibility of Members to attend meetings, he considered that the new arrangement would not have any material effect on members' attendance. He added that should Members have concerns about the time for resumption of HC meetings after FC meetings as provided under HR 20(e), he would suggest them to consider making amendment to this rule to the effect that an HC meeting would be resumed, if necessary, after the first session of a FC meeting.

64. In response to the various views and concerns expressed by Members, the Chairman said that in accordance with HR 20(e), HC normally met every Friday afternoon at 2:30 pm. To her understanding, FC meetings were scheduled to be held in the same Friday afternoons according to the past practice. As a member of FC, she was of the view that should there be a need, FC might consider exploring the feasibility of changing the meeting time of FC. Considering that there were only very few occasions in the past where HC meetings were suspended and resumed after FC meetings and Members should attend both HC and FC meetings, the Chairman was of the view that the new arrangement would not have any impact on Members in respect of reserving time to attend HC and FC meetings. She considered that at this stage, it was not necessary to amend HR 20(e). However, she would keep in view the number of HC meetings that had to be suspended and resumed after the

Action

implementation of the new arrangement of FC meetings and assess whether there was any impact on the time for resumption of HC meetings. The Chairman undertook that if necessary, she would consult Members on how to deal with the matter. She added that should any Members wish to amend HR, they might put forward their proposals.

65. The Chairman stressed that there was not any underhand dealings between her and the FC Chairman on the new arrangement, and she did nothing demeaning to HC. She invited the Clerk to explain the practice adopted by HC and FC in scheduling their meetings.

66. At the invitation of the Chairman, the Clerk said that HC was to make preparations for the Council meetings and generally speaking, the matters dealt with by HC were of procedural nature. Unlike other committee meetings, the end time of HC meetings would not be specified. Where an HC meeting and a FC meeting were to be held in the same Friday afternoon, an estimation of the duration of the HC meeting would be made by the Clerk to HC in consultation with the Chairman after the agenda had been finalized. The Clerk to HC would then notify the Clerk to FC of the estimated duration of the HC meeting so as to facilitate the FC Chairman to determine the starting time of the FC meeting. Such arrangements in scheduling HC and FC meetings were developed over the years.

67. On the request of the 22 Members who jointly signed the letter that the HC Chairman should ask the FC Chairman to suspend the implementation of the new arrangement and to refer the matter to CRoP, the Chairman advised that as there was not any line of command between HC and FC, she considered it inappropriate for her, in the capacity of the HC Chairman, to request the FC Chairman to do so. It was also up to FC to decide whether or not to refer the new arrangement to CRoP for consideration.

68. Mr CHU Hoi-dick said that the new arrangement was made with a view that a member ordered by the FC Chairman to withdraw from the committee because of grossly disorderly conduct could not participate the proceedings to be conducted on the same day for the same agenda. Mr CHU enquired whether it was necessary to amend RoP or HR in order to adopt the arrangement, as suggested by Mr CHAN Kin-por, that an HC meeting would be resumed after the first session of a FC meeting if it was divided into sessions.

Action

69. At the invitation of the Chairman, LA advised that adopting the arrangement as suggested by Mr CHAN Kin-por would require amending HR but not RoP.

70. On Mr CHU Hoi-dick's view about the FC Chairman's intention of introducing the new arrangement, Mr CHAN Kin-por explained that in the past, multiple two-hour meetings held on the same day for the same agenda were regarded as one single meeting for the purpose of handling motions to adjourn further proceedings of FC moved under paragraph 39 of the Finance Committee Procedure. However, a member ordered by the FC Chairman to withdraw from the committee because of grossly disorderly conduct could attend the subsequent FC meetings held on the same day for the same agenda. He stressed that the purpose of the new arrangement was to address the above issues and also to align the arrangement for scheduling meetings of FC with that of other committees.

71. Both Mr IP Kin-yuen and Mr KWONG Chun-yu expressed a similar view that Mr CHAN Kin-por's explanation clearly showed the motive of the FC Chairman for introducing the new arrangement as Mr CHU Hoi-dick had suggested. Holding the view that the new arrangement would have impact on the operation of HC, they urged the Chairman to ensure that the conduct of HC meetings would not be affected.

72. Mr Charles MOK reiterated his view that the implementation of the new arrangement would have an undesirable impact on the operation of HC. Given the importance of HC to conclude all business on the agenda in a timely manner, he considered it necessary to explore various options to ensure that the operation of HR 20(e) would not be affected, including suggestions made earlier by Mr CHEUNG Kwok-kwan and Mr CHAN Kin-por. He added that the relevant issues should be referred to CRoP for consideration and discussion.

73. The Chairman reiterated that she would keep in view whether the operation of HR 20(e) would be affected by the new arrangement. If the occasions where it was necessary for HC meetings to be suspended and resumed after FC meetings became frequent, or Members had put forward proposals to amend HR, she would consult Members on how to deal with the matter. The Chairman further said that ample time had already been allowed for Members to express their views and the matter should have been fully discussed.

Action

XII. Any other business

74. There being no other business, the meeting ended at 4:13 pm.

Council Business Division 2
Legislative Council Secretariat
2 November 2017