

立法會
Legislative Council

LC Paper No. CB(2)309/17-18

Ref : CB2/H/5/17

House Committee of the Legislative Council

**Minutes of the 4th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 3 November 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 Tommy CHEUNG Yu-yan, GBS, 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
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Claudia MO
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 LEUNG Che-cheung, SBS, MH, JP
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 POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Hon Jimmy NG Wing-ka, JP
Dr Hon Junius HO Kwan-yiu, JP
Hon HO Kai-ming
Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai
Hon SHIU Ka-chun
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan
Dr Hon Pierre CHAN
Hon CHAN Chun-ying
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung
Hon LUK Chung-hung
Hon LAU Kwok-fan, MH
Dr Hon CHENG Chung-tai
Hon Jeremy TAM Man-ho

Members absent :

Hon Abraham SHEK Lai-him, GBS, JP
Prof Hon Joseph LEE Kok-long, SBS, JP
Hon Michael TIEN Puk-sun, BBS, JP
Hon Kenneth LEUNG
Dr Hon Fernando CHEUNG Chiu-hung
Hon Martin LIAO Cheung-kong, SBS, JP
Hon CHUNG Kwok-pan
Hon Tanya CHAN
Hon Kenneth LAU Ip-keung, BBS, MH, JP
Hon KWONG Chun-yu

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
Mr Alvin CHUI	Assistant Legal Adviser 3
Mr Richard WONG	Senior Council Secretary (2)6
Ms Jasmine TAM	Senior Council Secretary (2)8
Miss Connie AU	Council Secretary (2)6
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)7

Action

I. Confirmation of minutes of meeting

Minutes of 3rd meeting held on 27 October 2017

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

The minutes were confirmed.

II. Matters arising

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

Stamp Duty (Amendment) Bill 2017

2. The Chairman said that she had relayed to the Chief Secretary for Administration ("CS") the concerns raised by Mr James TO at the last House Committee ("HC") meeting regarding the Stamp Duty (Amendment) Bill 2017 ("the Bill"). CS had advised that the Administration planned to give notice of its intention to resume the proceedings on the Bill at a later time after the debate on the motion on the co-location arrangement for the Guangzhou-Shenzhen-Hong Kong Express Rail Link had been completed.

Action

3. Mr James TO sought advice as to whether the Administration or Members could propose Committee stage amendments ("CSAs") to the Bill after the Administration gave notice of its intention to resume the relevant proceedings on the Bill. At the invitation of the Chairman, the Clerk said that the proceedings on the Committee stage of the Bill had already commenced at the Council meeting of 18 October 2017. As the Bill was not withdrawn by the Administration and the motion to adjourn the proceedings of the Committee of the whole Council on the Bill was passed during its Committee stage, both Members and the Administration could not move new CSAs to the Bill. The Chairman advised that such arrangement was in line with the established practice of the Legislative Council for processing bills and proposed CSAs.

III. Further business for the Council meeting on 8, 9 and 10 November 2017

(a) Tabling of papers

Report No. 3/17-18 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
(*LC Paper No. CB(2)203/17-18*)

4. The Chairman said that the Report covered 13 items of subsidiary legislation and the period for amending them would expire at the Council meeting of 8 November 2017.

5. The Chairman informed Members that as seven Members had respectively indicated their intention to speak on the above 13 items of subsidiary legislation, she would, in her capacity as the Chairman of HC, give notice to move a motion to take note of the Report in relation to these items of subsidiary legislation at the meeting.

(b) Members' motion

Motion of Thanks to be moved by Hon Starry LEE
(*LC Paper No. CB(3)93/17-18*)

6. The Chairman said that she would, in her capacity as the Chairman of HC, move the above motion at the meeting.

IV. Business for the Council meeting of 15 November 2017

(a) **Questions**

(LC Paper No. CB(3)97/17-18)

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

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

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

(c) **Government motion**

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

(d) **Members' motions**

(i) **Proposed resolution to be moved by Hon Tommy CHEUNG under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the Waterworks (Amendment) (No. 2) Regulation 2017**
(LC Paper No. CB(3)111/17-18)

(ii) **Proposed resolution to be moved by Hon MA Fung-kwok under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the Antiquities and Monuments (Declaration of Monuments and Historical Buildings) (Consolidation) (Amendment) Notice 2017**
(LC Paper No. CB(3)110/17-18)

(iii) **Proposed resolution to be moved by Ir Dr Hon LO Wai-kwok under section 37B(4) of the Air Pollution Control Ordinance (Cap. 311) in relation to the Seventh Technical Memorandum for Allocation of Emission Allowances in Respect of Specified Licences**
(LC Paper No. CB(3)112/17-18)

10. The Chairman said that the purpose of the above proposed resolutions was to extend the period for amending the subsidiary legislation and non-legislative instrument concerned to the Council meeting of 6 December 2017.

Action

11. The Chairman further said that two Members' motions without legislative effect which had stood over from previous Council meetings would also be dealt with at the meeting.

Report of HC on Consideration of Subsidiary Legislation

12. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)106/17-18), which contained four items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 15 November 2017. She reminded Members to indicate their intention by 12:00 midnight on Tuesday, 7 November 2017, should they wish to speak on any of these items of subsidiary legislation.

V. Reports of Bills Committees and subcommittees

Report of the Subcommittee on Pharmacy and Poisons (Amendment) (No. 5) Regulation 2017

13. Mr CHAN Han-pan, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. Mr CHAN said that the Pharmacy and Poisons (Amendment) (No. 5) Regulation 2017 aimed to impose control on pharmaceutical products consisting of Netupitant and its salts so that they could be sold in the market upon fulfilment of the relevant statutory requirements.

14. Members noted that the Subcommittee held one meeting with the Administration on 31 October 2017. Members of the Subcommittee had expressed concerns about the enforcement measures on pharmaceutical products subject to similar control ("controlled pharmaceutical products"), including the handling of persons in possession of controlled pharmaceutical products for their personal use prescribed by non-locally registered medical practitioners, the regulation of internet sale of controlled pharmaceutical products as well as the registration requirements of pharmaceutical products. Members were advised that according to the Administration, the current legislation contained regulating provisions on the sale of pharmaceutical products, and details of the registration requirements were listed on the website of the Drug Office of the Department of Health.

Action

15. Members also noted that the Subcommittee would not propose any amendment to the subsidiary legislation and would submit its written report in due course.

16. The Chairman reminded Members that as the period for amending the above subsidiary legislation would expire at the Council meeting of 15 November 2017, the deadline for giving notice of amendments, if any, would be Wednesday, 8 November 2017.

VI. Position on Bills Committees and subcommittees
(*LC Paper No. CB(2)200/17-18*)

17. The Chairman said that as at 2 November 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.

VII. Any other business

18. There being no other business, the meeting ended at 2:37 pm.