

立法會
Legislative Council

LC Paper No. CB(2)412/17-18

Ref : CB2/H/5/17

House Committee of the Legislative Council

**Minutes of the 6th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 24 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 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-yee, GBS, JP
Hon Paul TSE Wai-chun, 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 LEUNG Che-cheung, SBS, MH, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki
Hon Christopher CHEUNG Wah-fung, SBS, JP

Dr Hon Fernando CHEUNG Chiu-hung
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 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-chun
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan
Dr Hon Pierre CHAN
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 KWOK Wai-keung, JP
Hon SHIU Ka-fai

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
Ms Vanessa CHENG	Assistant Legal Adviser 5
Mr Cliff IP	Assistant Legal Adviser 8
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

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I. Confirmation of minutes of meeting

Minutes of 5th meeting held on 17 November 2017

(LC Paper No. CB(2)361/17-18)

The Chairman said that the above minutes did not include Members' deliberations under agenda item VII "Report of the Committee on Rules of Procedure on amendments to the Rules of Procedure proposed by Members" and the verbatim transcript of the relevant deliberations would be circulated to Members for consideration and confirmation later. Members noted and raised no further question.

2. The minutes were confirmed.

II. Matters arising

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

3. The Chairman said that she had relayed to the Chief Secretary for Administration ("CS") the views and concerns raised by various Members at the last House Committee ("HC") meeting. CS had responded that as there was serious dispute among Members about whether or not the Rules of Procedures ("RoP") should be amended, the Legislative Council ("LegCo") had taken more time than originally required to complete the scrutiny procedures on some bills and subsidiary legislation. Furthermore, individual Members of the non-establishment camp had publicly indicated that they would filibuster to obstruct the passage of the amendments to RoP proposed by the pro-establishment camp. Under the circumstances, the Administration had to carefully assess the situation and would introduce bills into LegCo at suitable time.

4. At the invitation of the Chairman, the Deputy Chairman said that he had conveyed to CS the concerns expressed and requests made by Mr James TO, Dr KWOK Ka-ki, Ms Tanya CHAN, Mr Kenneth LEUNG, Mr WU Chi-wai and Mr Jeremy TAM at the last HC meeting. On behalf of 22 Members of the pan-democratic camp, he had also pointed out to CS that it was the Administration's responsibility to introduce immediately bills and subsidiary legislation relating to people's livelihood into LegCo.

5. Mr Charles MOK considered it unreasonable for CS to argue that the Administration had not introduced bills into LegCo recently because it had to carefully assess the situation in order to identify the suitable timing for doing so. In his view, if the Administration decided not to introduce bills into LegCo at the present stage, it would not only prevent the passage of such bills by LegCo but also be seen as an attempt by the Administration to facilitate the passage of the amendments to RoP proposed by Members of the pro-establishment camp. He requested the Chairman to relay again Members' concern in this regard to CS at their next meeting.

6. Expressing similar views with Mr Charles MOK, Dr KWOK Ka-ki said that he considered it not appropriate for the Chairman, being a Member of the pro-establishment camp, to relay Members' concerns to CS, given that it was Members of the pro-establishment camp who had

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proposed various amendments to RoP which sought to undermine the power of LegCo to monitor the Government's work. In his view, it might be more appropriate for another Member who would be able to maintain a neutral stance on the matter to discuss with CS on behalf of Members.

7. Mr WU Chi-wai and Mr KWONG Chun-yu criticized the Administration for collaborating with Members of the pro-establishment camp by withholding the introduction of bills and subsidiary legislation into LegCo, which was clearly intended to facilitate the passage of the amendments to RoP proposed by these Members. Mr WU commented that such act of the Administration would not only adversely affect the relationship between the Executive Authorities and the Legislature but also call into question the neutrality of the Administration in dealing with matters relating to the proposed amendments to RoP. Mr WU stressed that the Administration should have introduced bills and subsidiary legislation relating to people's livelihood into LegCo in the usual manner.

8. Ms Claudia MO said that the Executive Authorities and the Legislature should be independent of each other. The issue of whether and how RoP should be amended was the internal affairs of LegCo and it had nothing to do with the Administration. She considered it deplorable for the Administration to claim that it had to carefully assess the situation to identify the suitable timing for introduction of bills into LegCo, which in her view merely showed that the Administration was working in collusion with Members of the pro-establishment camp to push through the amendments to RoP proposed by these Members.

9. Mr James TO said that the Chief Executive ("CE") had commented earlier that much time had been spent by LegCo on debating the proposed resolution moved by the Secretary for the Environment under the Energy Efficiency (Labelling of Products) Ordinance (Cap. 598). According to his recollection, not only Members of the pro-democracy camp but also many Members of the pro-establishment camp had actively spoken on the proposed resolution. He opined that Members were only exercising their right to speak and doing so should not be regarded as an attempt to filibuster the proceedings of the Council.

10. Mr CHAN Chi-chuen pointed out that the Administration had indicated earlier that it would not assist in pushing through amendments to RoP while some Members of the pro-democracy camp had been disqualified from office. Furthermore, during the debate on the motion

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moved by the Secretary for Transport and Housing under RoP 40(4) to adjourn the proceedings of the Committee of the whole Council on the Stamp Duty (Amendment) Bill 2017 ("the Amendment Bill") at the Council meeting of 18 October 2017, the Administration had undertaken to give notice to resume the relevant proceedings on the Amendment Bill after the debate on the motion on the co-location arrangement for the Guangzhou-Shenzhen-Hong Kong Express Rail Link had been completed. However, the Administration had not introduced any bills into LegCo recently, nor had it given notice to resume the relevant proceedings on the Amendment Bill.

11. Mr HUI Chi-fung considered that the phrase "carefully assess the situation" as mentioned by CS actually meant that with six Members of the pro-democracy camp having been disqualified from office, the Administration had to assess whether Members of the pro-establishment camp would be able to take this golden opportunity to undermine the capability of Members of the pro-democracy camp to monitor the Government's work through making various amendments to RoP. He strongly criticized the Administration for taking into account such political considerations in determining the timing for the introduction of bills and subsidiary legislation relating to people's livelihood into LegCo. Dr Fernando CHEUNG expressed similar views, adding that the views of Members of the pro-democracy camp who represented the majority of the voters in geographical constituencies would be further suppressed if the Administration collaborated with Members of the pro-establishment camp in pushing through the amendments to RoP proposed by these Members.

12. Mr LEUNG Yiu-chung wondered whether CS wished to improve the relationship between the Executive Authorities and the Legislature, and if he wished, whether and how he would demonstrate his sincerity to do so. He hoped that the Chairman would request CS to provide a response in this regard at their next meeting. Mr LEUNG further said that the Administration should not hold a biased view on the work of LegCo as this would make it difficult for the Administration to establish a positive relationship with LegCo and deal with matters relating to LegCo in an objective manner.

13. Mr IP Kin-yuen considered that by claiming that the Administration had to carefully assess the situation, CS had actually admitted that the Administration had not been handling the introduction of bills into LegCo in the usual manner. Given the current disagreement

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among Members over the proposed amendments to RoP, the Administration should strive to maintain a neutral stance and perform its duties in the usual manner in order to avoid getting involved in the political dispute among Members.

14. Mr Alvin YEUNG said that while CE had devoted a large portion of her Policy Address to expound on her plan to improve people's livelihood, the current-term Government had not introduced any related bills into LegCo so far. Mr YEUNG pointed out that the Administration should not withhold the introduction of such bills into LegCo in a bid to facilitate the making of amendments to RoP proposed by Members of the pro-establishment camp. He hoped that the Chairman would relay Members' concern in this regard to CS at their next meeting.

15. The Chairman said that during her last meeting with CS, she had conveyed to CS the views and concerns expressed by Members at the last HC meeting and provided him with a note prepared by the Secretariat which set out clearly such views and concerns. The said meeting with CS was also attended by the Deputy Chairman and the Secretary General. In response to Dr KWOK Ka-ki's query about whether the Chairman could be impartial in relaying Members' views and concerns to CS, the Chairman pointed out that the same query could be raised even if another Member was asked to discuss the relevant issues with CS, given that each Member had his or her own stance on the proposed amendments to RoP. Referring to some Members' view that the business of the Council should be dealt with in the usual manner, the Chairman said that she considered that the Council had not been operating in the usual manner recently, as evidenced by the fact that it took as much as seven hours for the Council to finish a debate at its last meeting on a proposed resolution which no Member had requested to form a subcommittee for its scrutiny. While the Administration and individual Members might have various views as to whether the current situation in LegCo was normal or not, CS had indicated that the Administration had concerns about introducing bills into LegCo at the present stage. She would, as in the past, instruct the Secretariat to set out in writing the key views and concerns expressed by Members at this meeting and request CS to consider such views and concerns at their next meeting.

III. Further business for the Council meeting of 29 November 2017

(a) Tabling of papers

Report No. 5/17-18 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
(*LC Paper No. CB(2)363/17-18*)

16. The Chairman said that the Report covered one item of subsidiary legislation (i.e. Trainee Solicitors (Amendment) Rules 2017 (Commencement) Notice) and the period for amending it would expire at the Council meeting of 29 November 2017. The Chairman further said that as Dr Priscilla LEUNG, Chairman of the Subcommittee concerned, and Mr Dennis KWOK had respectively indicated their intention to speak on the Commencement Notice, she would, in her capacity as the Chairman of HC, move a motion to take note of the Report in relation to the Commencement Notice at the meeting.

(b) Questions

(*LC Paper No. CB(3)153/17-18*)

17. The Chairman said that Ms Tanya CHAN had replaced her oral question.

IV. Business for the Council meeting of 6 December 2017

(a) Questions

(*LC Paper No. CB(3)154/17-18*)

18. 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

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

(c) Government motion

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

(d) Members' motions

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

22. Mr Charles MOK said that he had heard that the amendments to RoP proposed by Members would very likely be dealt with at the Council meeting of 6 December 2017. As some of the amendments proposed by Mr Martin LIAO on behalf of 38 Members had not been examined by the Committee on Rules of Procedure ("CRoP"), he hoped that the Chairman could provide information on how such proposed amendments would be dealt with.

23. The Deputy Chairman said that he and 21 other Members had issued a joint letter to the President ("the letter from 22 Members") expressing concern that many of the amendments proposed by Mr Martin LIAO on behalf of 38 Members had not been deliberated by CRoP. In his view, such proposed amendments were not corresponding or consequential amendments. He hoped that HC would request CRoP to follow up the matter as appropriate and that the Secretariat could provide a response in this regard.

24. Mr Martin LIAO said that he had, on behalf of 38 Members, written to the President to set out their response and explanations to the issues raised in the letter from 22 Members. He would provide Members with a copy of his letter to the President for reference.

25. The Chairman advised that she had communicated with the President in the morning of the day of this HC meeting on the Agenda for the Council meeting of 6 December 2017. The President had given permission for the items listed under agenda item IV of this meeting to be included in the Agenda for that Council meeting, while some other items proposed by individual Members were still being considered by the President. She had no further information to provide in this regard.

26. Ms Claudia MO commented that Mr Martin LIAO's response was unacceptable. As the Deputy Chairman had pointed out that many of the amendments proposed by Mr LIAO were not consequential amendments and query had been raised about the procedural propriety of the moving of such amendments, she considered it necessary for Members to clarify at this meeting how such proposed amendments would be dealt with.

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27. The Chairman pointed out that in deciding whether a motion proposed by a Member should be placed on the Agenda for the Council, the President would take into account, among other factors, whether it was in order and whether relevant procedures as required under RoP, if any, had been completed. The Chairman further said that HC was not an appropriate platform for Members to discuss the decision to be made by the President. While she and the Secretary General would relay to the President Members' views expressed at this meeting, individual Members might also convey their views to the Secretariat or the President after the meeting.

28. In response to Mr CHU Hoi-dick's enquiry about whether it was possible that the Council meeting of 6 December 2017 would continue until 8 December 2017, the Chairman said that she had not yet received any information in this regard.

V. Reports of Bills Committees and subcommittees

(a) **Report of the Subcommittee on Air Pollution Control (Volatile Organic Compounds) (Amendment) Regulation 2017**
(LC Paper No. CB(1)240/17-18)

29. Mr YIU Si-wing, Chairman of the Subcommittee, briefed members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee generally supported the Amendment Regulation.

(b) **Report of the Subcommittee on Telecommunications (Designation of Frequency Bands subject to Payment of Spectrum Utilization Fee) (Amendment) Order 2017 and Telecommunications (Level of Spectrum Utilization Fee) (Fixed and Other Links) Regulation**
(LC Paper No. CB(4)252/17-18)

30. Dr Elizabeth QUAT, Chairman of the Subcommittee, briefed members on the deliberations of the Subcommittee as detailed in its report. Dr QUAT said that the Subcommittee raised no objection to the Amendment Order and the Regulation.

(c) **Report of the Subcommittee on Antiquities and Monuments (Declaration of Monuments and Historical Buildings) (Consolidation) (Amendment) Notice 2017**

(LC Paper No. CB(1)236/17-18)

31. Mr MA Fung-kwok, Chairman of the Subcommittee, briefed members on the deliberations of the Subcommittee as detailed in its report. Mr MA said that the Subcommittee generally supported the Notice.

(d) **Report of the Subcommittee on Seventh Technical Memorandum for Allocation of Emission Allowances in Respect of Specified Licences**

(LC Paper No. CB(1)241/17-18)

32. Ir Dr LO Wai-kwok, Chairman of the Subcommittee, briefed members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee raised no objection to the Technical Memorandum.

(e) **Report of the Subcommittee on Two Proposed Resolutions under the Fixed Penalty (Traffic Contraventions) Ordinance and the Fixed Penalty (Criminal Proceedings) Ordinance**

(LC Paper No. CB(4)254/17-18)

33. Mr Frankie YICK, Chairman of the Subcommittee, briefed members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee only supported the proposed increase in the fixed penalty charges for the traffic offences in the proposed resolution under the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) (except the loading/unloading of goods in a restricted zone) with the rate of increase to be revised from 50% to 25%. The Subcommittee did not support the proposed increase in the fixed penalty charges for parking-related offences in the proposed resolution under the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237). Mr YICK said that the Administration had indicated that it would amend the proposed resolution in relation to Cap. 240 pursuant to the Subcommittee's views and would give a fresh notice for moving the amended proposed resolution under Cap. 240 at a Council meeting. Members further noted that the Subcommittee raised no objection to the amendments proposed by the Administration.

VI. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)362/17-18)

34. The Chairman said that as at 23 November 2017, there were 16 Bills Committees, 17 subcommittees under HC and four subcommittees on policy issues ("policy subcommittees") under Panels in action. Ten policy subcommittees were on the waiting list.

35. Noting that two policy subcommittees appointed in the last session had already completed their work, Mr CHU Hoi-dick enquired about the arrangements for activation of policy subcommittees on the waiting list.

36. The Chairman said that pursuant to HC's agreement to adopt the arrangements for extension of period of work of policy subcommittees in the Sixth LegCo at its meeting on 7 July 2017, two slots would be available for activation of policy subcommittees on the waiting list, and the Secretariat would review its available manpower against the demand from various committees. She added that the Secretariat was about to complete the review, and a more concrete timetable for the activation of policy subcommittees on the waiting list would be provided for consideration at the next HC meeting on 1 December 2017.

VII. Any other business

37. There being no other business, the meeting ended at 3:06 pm.