

立法會
Legislative Council

LC Paper No. CB(2)662/17-18

Ref : CB2/H/5/17

House Committee of the Legislative Council

**Minutes of the 9th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 5 January 2018**

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
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Mrs Regina IP LAU Suk-yee, 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 LEUNG Che-cheung, SBS, MH, JP
Hon Kenneth LEUNG
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP
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
Hon CHUNG Kwok-pan
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Dr Hon Junius HO Kwan-yiu, JP
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 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
Hon Paul TSE Wai-chun, JP
Hon Alice MAK Mei-kuen, BBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Alvin YEUNG
Hon Jimmy NG Wing-ka, JP
Hon HO Kai-ming
Hon CHAN Chun-ying

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 Alice LEUNG	Chief Council Secretary (2)6
Ms Wendy KAN	Assistant Legal Adviser 6
Mr Richard WONG	Senior Council Secretary (2)6
Miss Connie AU	Acting Senior Council Secretary (2)8
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 8th meeting held on 8 December 2017

(LC Paper No. CB(2)599/17-18)

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. Ms Tanya CHAN expressed concern that the Secretary for Transport and Housing ("STH") did not attend the public hearing of the Public Accounts Committee ("PAC") held on 4 January 2018 in respect of Chapter 2 "Procurement and maintenance of government vessels" of the Director of Audit's Report No. 69. She said that although the Administration had explained that STH could not attend the public hearings due to other official engagement, and STH had subsequently apologized to Members for that, she considered it more appropriate for the Administration to make the arrangements as far as possible for the relevant Directors of Bureaux, Permanent Secretaries or Directors of Departments to attend PAC's public hearings in the future.

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4. At the request of Ms Tanya CHAN, the Chairman said that she would relay Ms CHAN's view to the Chief Secretary for Administration ("CS") at her next meeting with CS.

III. Business for the Council meeting of 10 January 2018

(a) Questions

(LC Paper No. CB(3)235/17-18)

5. 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

(i) Inland Revenue (Amendment) (No. 6) Bill 2017

(ii) Inland Revenue (Amendment) (No. 7) Bill 2017

6. The Chairman said that the House Committee ("HC") would consider the above two Bills at its meeting on 12 January 2018.

(c) Bill - resumption of debate on Second Reading, Consideration by Committee of the Whole Council and Third Reading

7. The Chairman said that the Second Reading debate on the Supplementary Appropriation (2016-2017) Bill would be resumed at the meeting.

(d) Bill - Consideration by Committee of the Whole Council and Third Reading

8. The Chairman said that in accordance with Rule 40(7) of the Rules of Procedure ("RoP"), the Administration had given notice of its intention to resume the proceedings of the Committee of the whole Council on the Stamp Duty (Amendment) Bill 2017 at the meeting.

(e) Government motion

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

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(f) **Members' motions**

10. The Chairman said that the following 25 Members' motions which had stood over from previous Council meetings would be dealt with at the meeting:

- (a) six motions under RoP 49B(1A);
- (b) seventeen motions under Articles 73(5) and 73(10) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China ("BL"); and
- (c) two Members' motions without legislative effect.

IV. The Chief Executive's Question and Answer Session on 11 January 2018

11. The Chairman said that the Chief Executive's Question and Answer Session would be held on 11 January 2018, from 10:30 am to 12:00 noon.

V. Business for the Council meeting of 17 January 2018

(a) **Questions**
(*LC Paper No. CB(3)236/17-18*)

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

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

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

(c) **Government motion**

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

(d) **Members' motions**

15. 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.

VI. Reports of Bills Committees and subcommittees

Report of the Subcommittee on District Councils Ordinance (Amendment of Schedule 3) Order 2017

(LC Paper No. CB(2)603/17-18)

16. Mr Jeffrey LAM, 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 Order and it also supported the Administration giving fresh notice to move the proposed resolution at the Council meeting of 17 January 2018.

17. The Chairman reminded Members that the deadline for giving notice of amendments to the proposed resolution, if any, would be Wednesday, 10 January 2018.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)600/17-18)

18. The Chairman said that as at 4 January 2018, there were 16 Bills Committees, eight subcommittees under HC and two subcommittees on policy issues under Panels in action. Eleven subcommittees on policy issues were on the waiting list.

VIII. Any other business

19. The Chairman informed Members that she received a letter jointly signed by 22 Members ("the joint letter") in the afternoon of the day before this meeting requesting HC to call a special meeting for the Administration to brief Members on the Co-operation Arrangement between the Mainland and the Hong Kong Special Administrative Region on the Establishment of the Port at the West Kowloon Station of the Guangzhou-Shenzhen-Hong Kong Express Rail Link for Implementing Co-location Arrangement and for Members to discuss with the Administration issues related to the co-location arrangement. The Chairman further said during the discussion of "Customs, Immigration and Quarantine Arrangements of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link" at the special HC meeting on 3 August 2017 ("the said special meeting"), Members noted that the relevant Panels including the Panel on Transport, the Panel on

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Security and the Panel on Administration of Justice and Legal Services ("the three relevant Panels") would follow up on the matter of the co-location arrangement thereafter. Having said that, she would be happy to listen to Members' views on how to follow up the 22 Members' request.

20. The Deputy Chairman said that the co-location arrangement was a serious matter which was of great public concern, and it might involve many issues falling outside the purview of the three relevant Panels. Therefore, he considered it necessary to call a special HC meeting for Members to receive a briefing by the government officials concerned including the Secretary for Justice ("SJ"), the Secretary for Security and STH on the latest developments of the co-location arrangement.

21. Both Ms Tanya CHAN and Mr Jeremy TAM expressed support for calling a special HC meeting so that all Members other than the President could join the discussion of the co-location arrangement, adding that not all Members were members of the three relevant Panels. Ms CHAN pointed out that many issues relating to the co-location arrangement had not been addressed adequately at the said special meeting and further clarification from the Administration was required. In her view, a special HC meeting would be an appropriate forum for Members to raise questions and views. She noted that a motion was proposed at the said special meeting and considered that if necessary, members could propose motions at the suggested special meeting. Mr TAM said that in view of the recent developments including the decision of not invoking BL 20 to provide legal basis for the implementation of the co-location arrangement and the appointment of Ms Teresa CHENG as the new SJ, it was warranted to call a special HC meeting to discuss the matter. He added that should a special HC meeting be held, CS could also attend.

22. On Ms Tanya CHAN's remarks about proposing motions, the Chairman said that while it had not been the practice to move a motion at an HC meeting, if a motion was proposed by a Member, in accordance with the past practices, she would consult members' views and invite HC to first decide whether it should deal with the motion proposed by the Member.

23. Dr Fernando CHEUNG said that Members of the pro-democracy camp had all along queried the legal basis for the implementation of the co-location arrangement. In view of the seriousness of the matter, he considered it necessary to call a special HC meeting as it would provide a forum in which Members and the Administration could have a more

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detailed discussion about the matter. He added that the holding of a special HC meeting and a joint meeting of the three relevant Panels were not mutually exclusive.

24. Mr CHU Hoi-dick said that the Government motion on "Taking forward the follow-up tasks of the co-location arrangement at the West Kowloon Station of the Guangzhou-Shenzhen-Hong Kong Express Rail Link" passed by the Council on 15 November 2017 was based on the "Three-step Process" proposal in implementing the co-location arrangement announced by the Administration on 25 July 2017, which stated that the Standing Committee of the National People's Congress ("NPCSC") would authorize the Hong Kong Special Administrative Region to implement matters in relation to the co-location arrangement in accordance with BL 20. However, BL 20 was not mentioned in the decision made by NPCSC on 27 December 2017. He therefore considered it necessary to call a special HC meeting so that Members could seek explanation from the Administration.

25. The Chairman said that as the joint letter was only received in the afternoon of the day before this meeting, and was not put on the agenda for the meeting, Members were welcomed to give their views, if any, on the joint letter to her and/or the Deputy Chairman after the meeting. The Chairman further said that she would consider the 22 Members' request with due care and would discuss with the Deputy Chairman how to follow up the matter.

26. There being no other business, the meeting ended at 2:49 pm.