

立法會
Legislative Council

LC Paper No. CB(2)794/17-18

Ref : CB2/H/5/17

House Committee of the Legislative Council

**Minutes of the 12th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 26 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 Tommy CHEUNG Yu-yan, 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 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 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
Ir Dr Hon LO Wai-kiwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
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
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 Abraham SHEK Lai-him, GBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Jimmy NG Wing-ka, JP
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 Alice LEUNG	Chief Council Secretary (2)6
Miss Joyce CHAN	Assistant Legal Adviser 1
Miss Rachel DAI	Assistant Legal Adviser 2
Mr Alvin CHUI	Assistant Legal Adviser 3
Ms Wendy KAN	Assistant Legal Adviser 6
Miss Evelyn LEE	Assistant Legal Adviser 10
Mr Richard WONG	Senior Council Secretary (2)6
Miss Connie AU	Senior Council Secretary (2)8
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)7

Action

I. Confirmation of minutes of meeting

Minutes of 11th meeting held on 19 January 2018
(LC Paper No. CB(2)756/17-18)

The minutes were confirmed.

II. Matters arising

The Chief Executive's Question Time

2. The Chairman said that Members' views on the procedure and arrangements for the Chief Executive's Question Time ("the CE's Question Time") raised at the last House Committee ("HC") meeting on 19 January 2018 had been relayed to the President, and the President had met with Members representing various political parties and groupings on the day before this meeting. The President had indicated that as the CE's Question Time would last for only 30 minutes, in order to allow more Members to put questions to CE, the asking and answering of each question would be conducted in a "short question, short answer" format.

Action

The time for a Member to ask his/her question should not exceed one and a half minutes, and CE would make her response within the remainder of the three minutes. If, after CE had finished her reply, the time used for the asking and answering of the question did not exceed three minutes, the President would allow the Member to continue raising question(s) having regard to the circumstances. However, the total amount of time for the asking and answering of each Member's question should not exceed three minutes. The Chairman further said that the Secretariat would issue a circular to Members concerning the details of the relevant arrangements in due course.

3. At the invitation of the Chairman, Dr CHIANG Lai-wan said that the time allowed for a Member to ask his/her question in the CE's Question Time was much shorter than that in the CE's Question and Answer Sessions ("the CE's Q&A Sessions"). She therefore suggested that the accumulative number of questions each Member had asked in the CE's Question Time and the CE's Q&A Sessions should be counted separately. Expressing concurrence with Dr CHIANG, Mr CHEUNG Kwok-kwan said that in his view, it would be fairer to all Members if Dr CHIANG's suggestion was adopted. He also considered the procedure and arrangements for the CE's Question Time as advised by the Chairman acceptable.

4. Ir Dr LO Wai-kwok said that the CE's Question Time could provide more opportunities for Members to communicate directly with CE. While he agreed to the "short question, short answer" format of and the arrangements for the CE's Question Time, he supported the suggestion of Dr CHIANG Lai-wan.

5. The Deputy Chairman said that as the Secretariat had previously studied the matter, he would like to seek the advice of the Secretary General ("SG").

6. At the invitation of the Chairman, SG said that Members' views and suggestion would be relayed to the President for his consideration. The Secretariat would look into the operational and technical issues for the implementation of Dr CHIANG Lai-wan's suggestion.

7. The Chairman said that as no Member raised objection to Dr CHIANG Lai-wan's suggestion, the Secretariat was requested to follow up the matter accordingly.

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

The Council meeting of 31 January 2018

8. The Chairman said that at her last meeting with the Chief Secretary for Administration ("CS"), CS had advised that the Administration would move two proposed resolutions and resume the Second Reading debates on two Bills which sought to amend the Employment Ordinance (Cap. 57) at the Council meeting of 31 January 2018. CS hoped that Members could expeditiously complete the scrutiny of and pass the proposed resolutions and the Bills which were related to labour welfare and labour rights.

Provision of discussion papers by the Administration for Panel meetings in the 2017-2018 session

9. The Chairman said that the Secretariat had compiled statistics on the provision of discussion papers by the Administration for Panel meetings in the 2017-2018 session and the statistics had been provided to CS for Administration's Office. The statistics indicated that although some bureaux were able to provide their papers to the Panels by the agreed deadline, the attainment rates for some other bureaux to meet the agreed deadline were not satisfactory. The Chairman further said that she and the Deputy Chairman had raised concern about this matter. CS had undertaken to remind various bureaux and departments to provide their papers for relevant agenda items in a timely manner before Panel meetings so as to allow sufficient time for Members to study the papers.

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)

Financial Reporting Council (Amendment) Bill 2018
(LC Paper No. LS25/17-18)

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

Action

11. Mr WU Chi-wai considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. The Chairman and Mr WU Chi-wai agreed to join the proposed Bills Committee.

(b) **Legal Service Division report on subsidiary legislation gazetted on 19 January 2018 and tabled in Council on 24 January 2018**
(*LC Paper No. LS26/17-18*)

12. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on three items of subsidiary legislation (i.e. L.N. 3 to L.N. 5) which were gazetted on 19 January 2018 and tabled in Council on 24 January 2018.

13. Mr SHIU Ka-fai, Ms Tanya CHAN and Mr HUI Chi-fung considered it necessary to form a subcommittee to study the Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedules) Order 2018 (L.N. 4) in detail. Members agreed. Mr CHAN Hak-kan, Mr SHIU Ka-fai, Ms Tanya CHAN and Mr HUI Chi-fung agreed to join the subcommittee. As the deadline for amending the above Order was the Council meeting of 7 February 2018 unless extended by a resolution of the Council, Members also agreed that the Chairman should, in her capacity as the HC Chairman, move a motion at the Council meeting of 31 January 2018 to extend the scrutiny period of this item of subsidiary legislation to the Council meeting of 21 March 2018.

14. Members did not raise any questions on the other two items of subsidiary legislation (i.e. L.N. 3 and L.N. 5). The Chairman reminded Members that the deadline for amending the above two items of subsidiary legislation would be the Council meeting of 7 February 2018.

IV. Further business for the Council meeting of 31 January 2018

(a) **Questions**
(*LC Paper No. CB(3)298/17-18*)

15. The Chairman said that Mr CHAN Han-pan had replaced his oral question.

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

16. The Chairman said that HC would consider the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill at its meeting on 2 February 2018.

17. The Chairman informed Members that at a previous meeting with CS, she had indicated to CS that HC intended to call a special meeting to discuss the co-location arrangement of the Guangzhou-Shenzhen-Hong Kong Express Rail Link at the West Kowloon Station ("the co-location arrangement") and invite principal government officials responsible for the co-location arrangement to attend. CS responded that after a Bills Committee was formed to study the above Bill, the Secretary for Justice ("SJ"), the Secretary for Transport and Housing ("STH") and the Secretary for Security ("SS") would attend the first meeting of the Bills Committee to explain the details of the Bill to Members. The Chairman said that the formal reply from CS was received last night and a copy of CS's letter was faxed to Members in the morning of the day of the meeting.

18. Both the Deputy Chairman and Ms Tanya CHAN considered that a special HC meeting was a more appropriate forum to discuss the co-location arrangement. The Deputy Chairman said that the Bills Committee, if formed, was to scrutinize the provisions of the Bill and study the policy aspects of the Bill, but the co-location arrangement involved issues relating to policies under the purview of various policy bureaux which might be beyond the ambit of the Bills Committee. Ms CHAN said that unlike Bills Committees, all Members (excluding the President) were members of HC and verbatim transcript would be prepared for special HC meetings. Pointing out that the principal government officials responsible for the co-location arrangement had attended the special HC meeting held last year during the first stage of the "Three-step process" in implementing the co-location arrangement, she queried why the Administration declined Members' request for a similar arrangement at the last stage of the "Three-step process" (i.e. local legislation). Ms CHAN considered that SJ should explain intricate legal issues related to the co-location arrangement to Members when required during the scrutiny of the Bill.

Action

19. Mr CHAN Chi-chuen considered that there was a need to call a special HC meeting to discuss the co-location arrangement as all Members (excluding the President) were members of HC. He said that there were some issues of concern relating to the co-location arrangement which might be outside the ambit of the Bills Committee and these issues could be addressed at the proposed special HC meeting.

20. Dr Fernando CHEUNG commented that the Administration was seemingly afraid to face Members, the public and the media. Pointing out that the co-location arrangement was an important issue and many Members had raised a lot of concerns about the legal basis of the arrangement, Dr CHEUNG considered it appropriate for the Administration to address these concerns and answer questions from Members at the proposed special HC meeting.

21. Mr Charles MOK, Ms Claudia MO and Dr KWOK Ka-ki expressed a similar view that the calling of a special HC meeting to discuss the co-location arrangement was in fact beneficial to the Administration as many contentious issues in relation to the co-location arrangement could be addressed at the special HC meeting, and this would facilitate the scrutiny and early passage of the Bill. Mr MOK said that if the Administration would like to take forward the last stage of the "Three-step process" expeditiously, it should accede to Members' request for attending the proposed special HC meeting. He hoped that CS would re-consider Members' request. Ms MO doubted whether the principal government officials were really too busy with their work or simply not daring to attend the proposed special HC meeting. Dr KWOK said that the proposed special HC meeting should be held before a Bills Committee was formed to study the Bill.

22. Mr CHEUNG Kwok-kwan said that a Bills Committee would likely be formed to study the Bill shortly and SJ, STH and SS would have many opportunities to explain the details of the Bill to the Bills Committee. He considered that a two-hour special HC meeting would not be sufficient to address all the issues of concern including the legal basis of the co-location arrangement but the Bills Committee to be formed could discuss these issues of concern in detail. Mr CHEUNG added that all Members were entitled to join a Bills Committee and he reckoned that many Members would join the Bills Committee to study the Bill.

Action

23. Mr Paul TSE considered that there was no need for HC to call a special meeting to discuss the co-location arrangement. In his view, the Bills Committee to be formed to study the Bill was an appropriate forum for discussing the co-location arrangement because just as in the case of other Bills Committees, the Bills Committee could examine the provisions of the Bill and study the policy aspects of the Bill. Mr TSE further said that to his knowledge, there was not a precedent that HC had called a special meeting to discuss issues relating to a bill after its gazettal. He cautioned that a precedent should not be set as it would affect the efficiency of the scrutiny process of bills. Mr TSE added that Members had already deliberated on the subject when they considered 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" which was passed at the Council meeting of 15 November 2017.

24. The Chairman said that Members had expressed different views on the matter, and she would further discuss with the Deputy Chairman and communicate with CS again on the matter. The Chairman also requested the Secretariat to check whether there was any precedent that HC had called a special meeting to discuss a bill after its gazettal.

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

(i) Protection of Endangered Species of Animals and Plants (Amendment) Bill 2017

(ii) Employment (Amendment) (No. 2) Bill 2017

(iii) Employment (Amendment) Bill 2017

25. Members noted that the Second Reading debates on the above three Bills would be resumed at the meeting.

V. The Chief Executive's Question Time on 7 February 2018

26. The Chairman said that the CE's Question Time would be held from 11:00 am to 11:30 am. The regular Council meeting of 7 February 2018 would be held immediately after the CE's Question Time ended.

VI. Business for the Council meeting of 7 February 2018

(a) Questions

(LC Paper No. CB(3)299/17-18)

27. 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

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

(c) Government motion

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

(d) Members' motions

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

Report of HC on Consideration of Subsidiary Legislation

31. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)307/17-18), which contained five items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 7 February 2018. She reminded Members to indicate their intention by 5:00 pm on Tuesday, 30 January 2018, should they wish to speak on any of those items of subsidiary legislation.

VII. Reports of Bills Committees and subcommittees

(a) Report of the Bills Committee on Waterworks (Amendment) Bill 2017

32. Ir Dr LO Wai-kwok, Chairman of the Bills Committee, made a verbal report on the deliberations of the Bills Committee. He said that the Waterworks (Amendment) Bill 2017 sought to amend the Waterworks Ordinance (Cap. 102) ("WWO") and the Waterworks Regulations (Cap. 102A) so that persons registered as skilled or semi-skilled workers for the relevant designated trade divisions under the Construction

Action

Workers Registration Ordinance (Cap. 583) etc., could carry out the construction, installation, maintenance, alteration, repair or removal of a fire service or inside service (collectively referred to as "plumbing systems"). The Bill also sought to specify the obligations of responsible licensed plumbers, supervisors, etc. in relation to the construction etc. of plumbing systems.

33. Ir Dr LO informed Members that the Bills Committee had held six meetings to meet with the Administration and received views from deputations. Members of the Bills Committee in general supported the Bill. Ir Dr LO further said that it was proposed in the Bill that any prosecution under WWO might be brought within a period of six months after the date on which the contravention was discovered by, or came to the notice of, the Water Authority ("WA"). However, members of the Bills Committee considered this unfair to plumbing practitioners as some other people might have made modifications to the plumbing system after it had been installed. The Administration had taken on board the views of members of the Bills Committee and the trade and would propose an amendment to the effect that for a contravention of section 14(3) of WWO, no prosecution might be commenced, among others, if the contravention was discovered by, or came to the notice of, WA after six years after the date on which the offence was committed. The Administration would also propose an amendment to the effect that certain plumbing workers would be liable only if they knowingly contravened section 14(3) of WWO.

34. Ir Dr LO further advised that under the Bill, alterations or repairs to plumbing systems which were, in the opinion of WA, of a minor nature might be carried out by persons other than the prescribed persons. Some members of the Bills Committee were of the view that the definition of "works of a minor nature" should be clearly set out in WWO. The Administration had taken on board members' suggestion and would propose an amendment to the effect that alterations or repairs to a plumbing system which would adversely affect the efficiency of the water supply system and the quality of the water must not be considered as of a minor nature. Furthermore, the Administration would propose a number of amendments to various provisions of the Bill in response to the suggestions and observations of members of the Bills Committee and the Legal Adviser to the Bills Committee.

Action

35. Members noted that the Bills Committee raised no objection to the amendments proposed by the Administration as well as the resumption of the Second Reading debate on the Bill at the Council meeting of 7 February 2018. Members also noted that the Bills Committee would not propose any amendments to the Bill and that the Bills Committee would submit a written report in due course.

(b) Report of the Bills Committee on Dutiable Commodities (Amendment) Bill 2017

(LC Paper No. CB(2)759/17-18)

36. Mr YIU Si-wing, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. He said that the Administration would propose to move amendments to the Bill in response to the suggestions of members of the Bills Committee and the Bills Committee raised no objection to the proposed amendments. Mr YIU further said that the Bills Committee would not propose any amendments to the Bill.

37. Members noted that Dr KWOK Ka-ki might propose amendments to the Bill to add a health warning statement in the prescribed notice to be displayed or published under the Bill for the purpose of informing consumers of the harm of alcohol consumption by minors.

38. Mr YIU informed Members that subject to the moving of the proposed amendments by the Administration, the Bills Committee supported the resumption of the Second Reading debate on the Bill. Members noted that the Administration intended to resume the Second Reading debate on the Bill at the Council meeting of 7 February 2018.

(c) Report of the Bills Committee on Road Tunnels (Government) (Amendment) Bill 2017

(LC Paper No. CB(4)525/17-18)

39. Ir Dr LO Wai-kwok, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. He said that the Bills Committee would not propose any amendments to the Bill and raised no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 7 February 2018.

Action

40. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above three Bills would be Monday, 29 January 2018.

VIII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)757/17-18)

41. The Chairman said that as at 25 January 2018, there were 12 Bills Committees, six subcommittees under HC and two subcommittees on policy issues under Panels in action. Eleven subcommittees on policy issues were on the waiting list.

IX. Any other business

Letter dated 23 January 2018 from 22 Members

42. The Chairman said that she received a letter from 22 Members on 23 January 2018 requesting HC to call a special meeting to invite SJ to respond to Members' questions on issues relating to the incident concerning the unauthorized building works in her properties ("the incident concerned"). The Chairman further advised that at her last meeting with CS, she and the Deputy Chairman had relayed to CS the request from Members belonging to different political parties and groupings for SJ to attend a committee meeting of LegCo soonest possible to give an account of the incident concerned and answer Members' questions. The Chairman further said that Members should have noted that SJ would attend a two-hour special meeting of the Panel on Administration of Justice and Legal Services scheduled to be held on next Monday, 29 January 2018, from 4:45 pm to 6:45 pm and all Members were invited to attend the special meeting. Members could put questions to SJ and raise concerns on the work of the Department of Justice and other issues at the special meeting.

43. There being no other business, the meeting ended at 3:04 pm.