

立法會
Legislative Council

LC Paper No. CB(2)1627/17-18

Ref : CB2/H/5/17

House Committee of the Legislative Council

**Minutes of the 26th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 15 June 2018**

Members present :

Hon Starry LEE Wai-king, SBS, JP (Chairman)
Hon Dennis KWOK Wing-hang (Deputy Chairman)
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
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 CHAN Chi-chuen
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 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-fai
Hon SHIU Ka-chun
Hon Wilson OR Chong-shing, MH
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
Hon Gary FAN Kwok-wai
Hon AU Nok-hin
Hon Vincent CHENG Wing-shun, MH
Hon Tony TSE Wai-chuen, BBS

Members absent :

Hon James TO Kun-sun
Hon Abraham SHEK Lai-him, GBS, JP
Prof Hon Joseph LEE Kok-long, SBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Han-pan, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon YUNG Hoi-yan

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 Rachel DAI	Assistant Legal Adviser 2
Ms Vanessa CHENG	Assistant Legal Adviser 5
Ms Clara TAM	Assistant Legal Adviser 9
Miss Evelyn LEE	Assistant Legal Adviser 10
Mr Richard WONG	Senior Council Secretary (2)6
Ms Jasmine TAM	Senior Council Secretary (2)8
Miss Connie AU	Council Secretary (2)6
Mr Clement HAU	Council Secretary (2)7
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 25th meeting held on 8 June 2018
(LC Paper No. CB(2)1587/17-18)

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.

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)

Inland Revenue (Amendment) (No. 5) Bill 2018
(LC Paper No. LS70/17-18)

3. 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.

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

(b) Legal Service Division report on subsidiary legislation gazetted on 8 June 2018

(LC Paper No. LS69/17-18)

5. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the six items of subsidiary legislation (i.e. L.N. 113 to L.N. 118) which were gazetted on 8 June 2018. Of these, four items (i.e. L.N. 113 to L.N. 116) were tabled in Council on 13 June 2018 and the other two items (i.e. L.N. 117 and L.N. 118) were regulations made under the United Nations Sanctions Ordinance (Cap. 537) which were not required to be tabled before the Legislative Council ("LegCo") and were not subject to amendment by LegCo.

6. Members agreed that the United Nations Sanctions (Central African Republic) Regulation 2018 (L.N. 117) and the United Nations Sanctions (Yemen) Regulation 2015 (Amendment) Regulation 2018 (L.N. 118) be referred to the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions as they came within the Subcommittee's terms of reference.

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7. Mr Steven HO and Mr SHIU Ka-fai considered it necessary to form a subcommittee to study the Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018 (L.N. 113) in detail. Members agreed. The following Members agreed to join the subcommittee: Mr Steven HO, Dr KWOK Ka-ki, Dr Helena WONG and Mr SHIU Ka-fai.

8. Dr Helena WONG considered it necessary to form a subcommittee to study in detail the Protection of Endangered Species of Animals and Plants Ordinance (Amendment of Schedules 1 and 3) Order 2018 (L.N. 114) and the Protection of Endangered Species of Animals and Plants Ordinance (Exemption for Appendices II and III Species) (Amendment) Order 2018 (L.N. 115). Members agreed. Dr Helena WONG agreed to join the proposed subcommittee.

(Post-meeting note: Soon after the meeting, Dr Helena WONG notified the Secretariat in writing that she wished to withdraw her proposal for forming a subcommittee to study L.N. 114 and L.N. 115.)

9. The Deputy Chairman considered it necessary to form a subcommittee to study the Employment (Amendment) (No. 2) Ordinance 2018 (Commencement) Notice (L.N. 116) in detail. Members agreed. Mr WU Chi-wai, Mr Dennis KWOK and Mr Jeremy TAM agreed to join the subcommittee.

(Post-meeting note: A circular attaching the Corrigendum to the LSD Report on Subsidiary Legislation Gazetted on 8 June 2018 (LC Paper No. LS69/17-18(01)), which related to the part of the Report on L.N. 116, was circulated to members soon after the meeting vide LC Paper No. LS73/17-18. Members were invited to indicate whether they considered it necessary to form a subcommittee to study L.N. 116 in detail vide LC Paper No. CB(2)1623/17-18. A subcommittee was requested to be formed.)

10. The Chairman reminded Members that the deadline for amending the four items of subsidiary legislation which had been tabled in Council on 13 June 2018 (i.e. L.N. 113 to L.N. 116) would be the Council meeting of 11 July 2018, or the first meeting of the next session if extended by a resolution of the Council.

IV. Further business for the Council meeting of 20 June 2018

(a) Tabling of papers

Report No. 16/17-18 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
(*LC Paper No. CB(2)1589/17-18*)

11. The Chairman said that the Report covered 11 items of subsidiary legislation and the period for amending them would expire at the Council meeting of 20 June 2018. No Member had indicated intention to speak on any of those items of subsidiary legislation.

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

12. The Chairman said that the Employment (Amendment) Bill 2018 would be introduced into the Council on 20 June 2018 and the House Committee ("HC") would consider the Bill at its meeting on 22 June 2018.

(c) Members' motions

Proposed resolution to be moved by Hon Frankie YICK under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the following items of subsidiary legislation:

- (i) Schedule of Routes (Citybus Limited) Order 2018;**
- (ii) Schedule of Routes (Citybus Limited) (North Lantau and Hong Kong International Airport) Order 2018;**
- (iii) Schedule of Routes (Kowloon Motor Bus Company (1933) Limited) Order 2018;**
- (iv) Schedule of Routes (Long Win Bus Company Limited) Order 2018;**
- (v) Schedule of Routes (New Lantau Bus Company (1973) Limited) Order 2018; and**
- (vi) Schedule of Routes (New World First Bus Services Limited) Order 2018**

(*LC Paper No. CB(3)708/17-18*)

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13. The Chairman said that the purpose of the above proposed resolution was to extend the period for amending the subsidiary legislation concerned to the Council meeting of 11 July 2018.

V. Business for the Council meeting of 27 June 2018

(a) Questions

(LC Paper No. CB(3)693/17-18)

14. 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

15. The Chairman said that the Ferry Services (Amendment) Bill 2018 would be introduced into the Council on 27 June 2018 and HC would consider the Bill at its meeting on 29 June 2018.

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

(i) Road Traffic (Amendment) Bill 2018

(ii) United Nations Sanctions (Amendment) Bill 2018

16. The Chairman said that at the last HC meeting held on 8 June 2018, Members did not raise objection to the resumption of the Second Reading debates on the above two Bills.

(d) Government motions

(i) Two proposed resolutions to be moved by the Chief Secretary for Administration under the following two Ordinances:

- District Court Ordinance (Cap. 336); and

- Small Claims Tribunal Ordinance (Cap. 338)

(LC Paper No. CB(3)706/17-18)

17. Members noted that the Chief Secretary for Administration would move the above two proposed resolutions at the meeting.

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(ii) **Proposed resolution to be moved by the Secretary for Financial Services and the Treasury under section 3(1) of the Loans Ordinance (Cap. 61)**

(LC Paper No. CB(3)690/17-18)

(LC Paper No. LS71/17-18)

18. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the above proposed resolution.

19. Mr HUI Chi-fung and Mr AU Nok-hin considered it necessary to form a subcommittee to study the proposed resolution in detail. Members agreed. Mr CHU Hoi-dick, Mr HUI Chi-fung and Mr AU Nok-hin agreed to join the subcommittee.

20. The Chairman informed Members that in line with the established practice and the arrangement agreed with the Administration, the Administration would be requested to withdraw its notice for moving the proposed resolution so as to allow sufficient time for the subcommittee to carry out its scrutiny work.

(e) **Members' motions**

Motion to be moved by Dr Hon CHENG Chung-tai under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382)

(LC Paper No. CB(3)707/17-18)

21. Members noted that the above motion would be dealt with at the meeting. Members also noted that since the Council could not deal with Members' motions on the Agenda at its meeting of 13 June 2018, various Members' motions would be rescheduled to the Council meeting of 20 June 2018 and thereafter.

VI. Reports of Bills Committees and subcommittees

(a) **Report of the Bills Committee on Inland Revenue (Amendment) (No. 6) Bill 2017**

(LC Paper No. CB(1)1116/17-18)

22. Mr Kenneth LEUNG, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its

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report. Mr LEUNG informed Members that the Bills Committee had no objection to the Bill in principle. Mr LEUNG said that the Administration would propose a number of amendments to the Bill, and the Bills Committee had examined and agreed to such proposed amendments. He further said that the Bills Committee would not propose any amendments to the Bill, and supported the resumption of the Second Reading debate on the Bill at the Council meeting of 4 July 2018.

23. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above Bill would be Saturday, 23 June 2018.

(b) Report of the Subcommittee on Proposed Resolutions under Construction Industry Council Ordinance and Pneumoconiosis and Mesothelioma (Compensation) Ordinance
(LC Paper No. CB(1)1115/17-18)

24. Mr HO Kai-ming, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Mr HO said that the Subcommittee raised no objection to the two proposed resolutions and would not propose any amendments to them.

25. Members noted that the Administration had already given fresh notices to move the above two proposed resolutions at the Council meeting of 27 June 2018 such that the amendment of levy threshold under the Construction Workers Registration Ordinance (Cap. 583) ("CWRO") would be introduced into LegCo for negative vetting after the passage of these two proposed resolutions and the effective dates of the new levy thresholds under the Construction Industry Council Ordinance (Cap. 587), the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360) and CWRO could be aligned to avoid confusion to contractors paying the levies. Members raised no objection to the arrangement.

26. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above two proposed resolutions would be Wednesday, 20 June 2018.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)1588/17-18)

27. The Chairman said that as at 14 June 2018, there were eight Bills Committees, 15 subcommittees under HC and four subcommittees on policy issues under Panels in action. Nine subcommittees on policy issues were on the waiting list.

VIII. Any other business

28. There being no other business, the meeting ended at 2:47 pm.

Council Business Division 2
Legislative Council Secretariat
21 June 2018