

立法會  
*Legislative Council*

LC Paper No. CB(2)1730/17-18

Ref : CB2/H/5/17

**House Committee of the Legislative Council**

**Minutes of the 28th meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 29 June 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  
Hon Jeffrey LAM Kin-fung, GBS, JP  
Hon WONG Ting-kwong, GBS, JP  
Hon CHAN Kin-por, GBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon WONG Kwok-kin, SBS, JP  
Hon Claudia MO  
Hon Michael TIEN Puk-sun, BBS, JP  
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  
Hon IP Kin-yuen  
Dr Hon Elizabeth QUAT, BBS, JP

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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 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 CHEUNG Kwok-kwan, JP  
Hon HUI Chi-fung  
Hon LUK Chung-hung  
Hon LAU Kwok-fan, MH  
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 Abraham SHEK Lai-him, GBS, JP  
Prof Hon Joseph LEE Kok-long, SBS, JP  
Hon CHAN Hak-kan, BBS, JP  
Hon Mrs Regina IP LAU Suk-yea, GBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon Steven HO Chun-yin, BBS  
Dr Hon Helena WONG Pik-wan  
Hon Jimmy NG Wing-ka, JP  
Dr Hon Junius HO Kwan-yiu, JP  
Hon HO Kai-ming  
Hon YUNG Hoi-yan  
Hon Tanya CHAN  
Hon Kenneth LAU Ip-keung, BBS, MH, JP

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**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 Joyce CHAN	Assistant Legal Adviser 1
Mr Bonny LOO	Assistant Legal Adviser 4
Ms Vanessa CHENG	Assistant Legal Adviser 5
Ms Wendy KAN	Assistant Legal Adviser 6
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 27th meeting held on 22 June 2018**  
(LC Paper No. CB(2)1689/17-18)

The minutes were confirmed.

## II. Matters arising

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

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2. The Chairman said that there was nothing special to report.
3. Mr Jeremy TAM said that the funding proposal for the construction of music fountains at Kwun Tong Promenade under the Signature Project Scheme ("SPS") was negated by the Public Works Subcommittee ("PWSC") at its meeting on 11 June 2018. He queried why the Administration submitted a revised funding proposal for the project to PWSC for consideration at its meeting on 4 July 2018 without prior consultation with the Kwun Tong District Council ("DC"). He requested the Chairman to relay his concern to the Chief Secretary for Administration ("CS") at their next meeting.
4. Mr CHEUNG Kwok-kwan said that while the funding proposal as referred to by Mr Jeremy TAM and the funding proposal for the construction of Moreton Terrace Activities Centre under SPS were negated by PWSC at its meeting on 11 June 2018, he noted that the Administration had revised the two funding proposals in the light of the views raised by members at that meeting. To his understanding, there were strong calls from members of the Kwun Tong DC and the Wan Chai DC for early submission of the revised funding proposals to PWSC for consideration. He therefore considered that PWSC should examine the revised funding proposals as early as possible.
5. The Chairman said that she would relay the above views to CS at their next meeting.

## 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)**

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#### **Ferry Services (Amendment) Bill 2018** (LC Paper No. LS75/17-18)

6. 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.

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7. Mr WU Chi-wai considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Mr WU Chi-wai, Mr CHAN Han-pan, Mr Andrew WAN and Mr CHU Hoi-dick agreed to join the Bills Committee.

**(b) Legal Service Division report on subsidiary legislation gazetted on 22 June 2018**

*(LC Paper No. LS76/17-18)*

8. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the four items of subsidiary legislation (i.e. L.N. 119 to L.N. 122) which were gazetted on 22 June 2018. Of these, three items (i.e. L.N. 119 to L.N. 121) were tabled in Council on 27 June 2018 and the remaining item (i.e. L.N. 122) was a regulation made under the United Nations Sanctions Ordinance (Cap. 537) which was not required to be tabled before the Legislative Council ("LegCo") and was not subject to amendment by LegCo.

9. Members agreed that the United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2018 (L.N. 122) 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 it came within the Subcommittee's terms of reference.

10. Members did not raise any questions on the other three items of subsidiary legislation (i.e. L.N. 119 to L.N. 121).

11. The Chairman reminded Members that the deadline for amending L.N. 119 to L.N. 121 would be the second Council meeting in the next session.

**IV. Further business for the Council meeting of 4 July 2018**

**(a) Tabling of papers**

**Report No. 17/17-18 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments**

*(LC Paper No. CB(2)1691/17-18)*

12. The Chairman said that the Report covered four items of subsidiary legislation and the period for amending them would expire at the Council meeting of 4 July 2018. No Member had indicated intention to speak on any of those items of subsidiary legislation.

(b) **Members' motions**

**Proposed resolution to be moved by Dr Hon Helena WONG under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018 (LC Paper No. CB(3)770/17-18)**

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 first Council meeting in the next session.

**V. Business for the Council meeting of 11 July 2018**

(a) **Questions**

*(LC Paper No. CB(3)747/17-18)*

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 Electoral Legislation (Miscellaneous Amendments) Bill 2018 would be introduced into the Council on 11 July 2018 and the House Committee ("HC") would consider the Bill at its last meeting of the current session to be held after the summer recess in October 2018.

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

16. The Chairman said that at the last HC meeting held on 22 June 2018, Members did not raise objection to the resumption of the Second Reading debate on the Human Organ Transplant (Amendment) Bill 2018 at the meeting.

**(d) Government motion**

**Proposed resolution to be moved by the Secretary for Justice under section 4(5) of the Fatal Accidents Ordinance (Cap. 22)**  
*(LC Paper No. CB(3)771/17-18)*

17. Members noted that the Secretary for Justice would move the above proposed resolution at the meeting.

**(e) Members' motions**

**(i) Motion to be moved by Hon LAM Cheuk-ting under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382)**  
*(LC Paper No. CB(3)775/17-18)*

18. Members noted that the above motion would be dealt with at the meeting.

**(ii) Motion on "Restructuring the governance of MTR Corporation Limited" to be moved by Hon Michael TIEN**  
*(LC Paper No. CB(3)768/17-18)*

19. The Chairman invited Members to note that since the Council could only deal with one Members' motion without legislative effect at its meeting of 27 June 2018, various Members' motions without legislative effect which had been scheduled for debate in Council would be rescheduled to the Council meeting of 4 July 2018 and thereafter.

20. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above motion to be moved by Mr Michael TIEN and the motion on "Vote of no confidence in the President of the Legislative Council" to be moved by Prof Joseph LEE, which was originally scheduled to be dealt with at the Council meeting of 11 July 2018, would be Wednesday, 4 July 2018.

21. Mr Alvin YEUNG said that the President adjourned the last Council meeting in the afternoon on Thursday, 28 June 2018, after the proceedings on the first Members' motion without legislative effect on the Agenda had been completed and when there were still a few hours left before 8:00 pm, which was the usual time for adjournment of the Council. He enquired about the reason why the President decided to adjourn the Council meeting instead of proceeding to deal with the second Members'

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motion without legislative effect on the Agenda, and whether the President had consulted the HC Chairman before making the decision. Mr Gary FAN raised a similar enquiry, adding that such a decision by the President was highly inappropriate as it might result in some Members' motions without legislative effect which had been scheduled for debate by the Council being unable to be dealt with before the end of the current session.

22. Mr Charles MOK and Dr KWOK Ka-ki criticized the President for deciding arbitrarily to adjourn the last Council meeting earlier than usual, adding that such a decision had wasted three whole hours of the Council meeting time. Mr MOK said that while the President indicated that he had consulted Ir Dr LO Wai-kwok, the mover of the second Members' motion concerned before deciding to adjourn the last Council meeting, he was concerned whether the President would in future adjourn a Council meeting upon the request made by a mover of a motion scheduled for that Council meeting that his/her motion be postponed to the following Council meeting. Mr MOK also questioned which rule(s) of the Rules of Procedure ("RoP") or the House Rules ("HR") pursuant to which the President had made the decision. Referring to the point made by the President to the media that he had consulted relevant Members including Mr Charles MOK and the Deputy Chairman on the proposed arrangement for adjourning the last Council meeting, Mr MOK and the Deputy Chairman clarified that they had only been informed of, and not consulted on, the President's decision on the relevant arrangement by the Secretariat.

23. Ir Dr LO Wai-kwok said that he was the mover of the motion on "Expediting the promotion of smart city development", which was the second Members' motion without legislative effect scheduled for the Council meeting of 27 June 2018. He pointed out that the Secretariat called him at around 4:30 pm on Thursday, 28 June 2018, advising him that the proceedings on the first Members' motion without legislative effect were expected to be completed at around 5:00 pm and seeking his views on whether he would prefer his motion to be dealt with at that Council meeting or the next Council meeting. Given that there were six proposed amendments to his motion, he anticipated that it would take at least five hours for the proceedings on his motion to be completed. In the light of this, he had conveyed to the Secretariat his view that to avoid splitting the debate on his motion into two parts, it was preferable for the debate on his motion to be held at the next Council meeting.

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24. The Chairman pointed out that according to HR 13(a), not more than two motion debates initiated by Members should be held at each regular Council meeting. However, the holding of more than two such motion debates might be allowed by the President under special circumstances upon the recommendation of HC. Regarding Members' motions without legislative effect which had been scheduled for debate by the Council but could not be dealt with at a Council meeting as originally scheduled, it had been the practice for such motions to be rescheduled to the following Council meetings, with each Council meeting dealing with two such motions. If the debate on a Members' motion without legislative effect could not be concluded and needed to be stood over to the next Council meeting, that Members' motion would be counted as one of the two Members' motions and only one new Members' motion could be scheduled for that Council meeting.

25. Referring to the Deputy Chairman's earlier remarks, Mr LAM Cheuk-ting sought more information about the communication between the Secretariat and the Deputy Chairman on the President's decision in relation to the proposed arrangement for adjourning the last Council meeting.

26. At the invitation of the Chairman, Assistant Secretary General 3 explained that when the Council had reached or about to reach its proceedings on Members' motions without legislative effect at a meeting, it had been the practice to review the progress of the meeting at around 4:00 pm to 5:00 pm on the day of the meeting. If it was anticipated that the proceedings on a Members' motion would likely take hours to complete and could not be concluded by around 8:00 pm on that day, the Secretariat would seek the views of the mover of that motion on whether the motion should be dealt with at the following day of the meeting or the next Council meeting, and would inform the Members representing the pro-democracy camp and the pro-establishment camp respectively of the mover's preference and the proposed meeting arrangement. She stressed that when she contacted the Members concerned in the afternoon on Thursday, 28 June 2018, the proceedings on the first Members' motion were still in progress. Should these Members raise any views on the proposed meeting arrangement, the Secretariat would relay such views to the President, who was to decide when to suspend or adjourn a Council meeting under RoP 14(5).

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27. The Deputy Chairman said that the Secretariat had duly communicated to him the meeting arrangement for the last Council meeting. He only wanted to point out that should the President really wish to seek his views on a matter, the President should have made it clear to him.

28. The Chairman advised that according to the information she had obtained from the Secretariat, there were two other occasions in the current session where the President had suspended or adjourned the Council meeting earlier than usual after consulting the movers of the Members' motions scheduled for that Council meeting on the relevant arrangement. The first occasion was at the Council meeting on Thursday, 17 May 2018, as it was anticipated that the debate on the censure motion moved by Mr Paul TSE could only be concluded after 5:00 pm, the President sought the views of the movers of the two Members' motions without legislative effect which were scheduled to be dealt with after the censure motion. Given that both movers agreed that the debates on their motions should be held at the following Council meeting of 23 May 2018 so that the debates could be completed within the same meeting, the President adjourned the Council meeting at 5:33 pm after the proceedings on the censure motion had been completed. The second occasion was at the Council meeting on Wednesday, 20 June 2018, as it was anticipated that the proceedings on Mr LEUNG Che-cheung's motion on "Cross-boundary elderly care" would be completed at around 7:00 pm, the President suspended the Council meeting at 6:47 pm after consulting and obtaining the agreement of Mr MA Fung-kwok, the mover of the following Members' motion, that his motion be dealt with on the next day when the Council meeting was resumed.

29. The Chairman further informed Members that she had discussed with the President before this HC meeting the arrangement for adjourning the Council meeting of 27 June 2018. The President indicated that he had determined the relevant meeting arrangement in accordance with the past practice and he had no intention to delay the debate on the motion of no confidence in him which was originally scheduled for the Council meeting of 11 July 2018. As a matter of fact, he would prefer early disposal of that motion himself.

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30. Ms Claudia MO said that while Mr Andrew LEUNG, being the President, had the discretion in determining the meeting arrangement for a Council meeting, the effect of his decision to adjourn the last Council meeting earlier than usual was that the debate on the motion of no confidence in him, which was originally scheduled to be held at the Council meeting of 11 July 2018, would likely have to be postponed to a Council meeting in the next session. In her view, Mr Andrew LEUNG should have avoided making a decision that might be perceived as not impartial, given in particular that he and Ir Dr LO Wai-kwok belonged to the same political party. Mr CHU Hoi-dick expressed similar views, adding that should Mr Andrew LEUNG really have no intention to delay the debate on the motion of no confidence in him, he should make every endeavour to enable the holding of the debate at the Council meeting of 11 July 2018, which was the last Council meeting of the current session, by measures such as extending the meeting hours.

31. Ir Dr LO Wai-kwok said that the remarks made by Ms Claudia MO were unfair to him and the President. He stressed that he, the President and the Secretariat had acted strictly in accordance with RoP and the past practice.

32. Mr CHAN Chi-chuen said that he had received media enquiries about whether he would consider withdrawing his motion on "Study the formulation of policies for homosexual couples to enter into a union", so as to enable the holding of the debate on Prof Joseph LEE's motion on "Vote of no confidence in the President of the Legislative Council" before the end of the current session. He considered such a proposal unreasonable given that the problem was created by the President who could have allowed the Council meeting to continue beyond 8:00 pm on Thursday, 28 June 2018 to finish dealing with Ir Dr LO Wai-kwok's motion. Mr CHAN further asked about the average time taken by the Council to deal with a Members' motion without legislative effect in the past few years. The Chairman advised him to enquire with the Secretariat after the meeting.

33. Mr CHAN Han-pan said that should Members of the pro-democracy camp really attach great importance to debates on Members' motions without legislative effect, the debate on Mr Jimmy NG's motion on "Establishing a comprehensive 're-industrialization' policy regime", which was originally scheduled to be held at the Council meeting of 5 July 2017, would not have had to be postponed to the Council meeting of 21 March 2018.

Report of HC on Consideration of Subsidiary Legislation

34. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)769/17-18), which contained 17 items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 11 July 2018. She reminded Members to indicate their intention by 5:00 pm on Tuesday, 3 July 2018, should they wish to speak on any of those items of subsidiary legislation.

**VI. The Chief Executive's Question and Answer Session on 12 July 2018**

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

**VII. Reports of Bills Committees and subcommittees**

**(a) Report of the Subcommittee on Public Bus Franchisees' Schedule of Routes Orders**  

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*(LC Paper No. CB(4)1304/17-18)*

36. Mr Frankie YICK, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Mr YICK said that the Subcommittee raised no objection to the six Schedule of Routes Orders studied by the Subcommittee and the Subcommittee would not propose any amendments to these Orders.

**(b) Report of the Subcommittee on Three Pieces of Subsidiary Legislation Related to the Open-ended Fund Company Regime and Gazetted on 18 May 2018**  

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*(LC Paper No. CB(1)1185/17-18)*

37. Mr CHEUNG Kwok-kwan, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Mr CHEUNG said that the Subcommittee had no objection to the three items of subsidiary legislation, and both the Subcommittee and the Administration would not propose any amendments to them.

**(c) Report of the Subcommittee on Securities and Futures (Professional Investor) (Amendment) Rules 2018**

38. Mr Holden CHOW, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. He said that the purpose of the Amendment Rules was to update the Securities and Futures (Professional Investor) Rules (Cap. 571D) ("the PI Rules") to incorporate around 40 modifications granted by the Securities and Futures Commission ("SFC") over the years on request by individual intermediaries and to make such modifications applicable to all intermediaries to ensure consistency in the application of the PI Rules and provide a level playing field for all intermediaries. The proposed amendments aimed to expand the types of individuals and corporations that were to be regarded as professional investors ("PIs") and the records which might be considered in ascertaining whether an individual or corporation was a PI. The Amendment Rules would come into operation on 13 July 2018.

39. Mr CHOW further said that the Subcommittee had held three meetings with the Administration and discussed the following issues: (a) the criteria adopted in determining whether an individual or a corporation qualified as a PI; (b) the circumstances under which holding companies and their subsidiaries would qualify as PIs; (c) the choice of investment products for PIs and non-PIs; and (d) the protection measures for PIs and non-PIs.

40. Mr CHOW further advised that some members of the Subcommittee were concerned that in view of the escalating property prices in recent years, the existing monetary thresholds for individual PIs (a portfolio not less than \$8 million) and corporate PIs (a portfolio of not less than \$8 million or total assets of not less than \$40 million) as set under the PI Rules were too low. With such low monetary thresholds, many investors without sufficient investment experience and knowledge about complicated investment products would be regarded as PIs thereby increasing their investment risk. These members were of the view that the Administration and SFC should review the relevant monetary thresholds and adjust the level upward.

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41. Members were advised that some members of the Subcommittee held the view that in determining whether an individual qualified to be a PI, the individual's investment experience and knowledge about different investment products should also be taken into consideration so that investors with in-depth investment knowledge and rich investment experience but could not meet the monetary thresholds of \$8 million would also be qualified as PIs. Some members of the Subcommittee also suggested that SFC should strengthen its work in approving investment products and rating such products according to their risk levels in order to enhance the protection for investors. SFC had pointed out that intermediaries could ascertain whether a client qualified as a PI through the know-your-client procedures. When an intermediary was serving a PI, the suitability requirement was still applicable and it should take into account all relevant information about a client in assessing the suitability of the products recommended to the client.

42. Members were also advised that with regard to the review of the monetary thresholds under the PI Rules, the Administration and SFC had pointed out that any alterations to the existing regime would have considerable impact on the investors and the operation of the industry, and reiterated that the Amendment Rules aimed to standardize the modifications granted by SFC to individual intermediaries over the years for the purpose of ensuring the consistency in the application of the PI Rules. However, the Administration and SFC would actively consider the suggestions from members of the Subcommittee in relation to the level of the monetary thresholds and review the protection measures offered to PIs and non-PIs.

43. Mr CHOW informed Members that as the Administration and SFC did not give any undertaking to conduct a review of the monetary thresholds and provide the relevant timetable, Mr James TO had indicated that he would give notice to move a motion to repeal the Amendment Rules.

44. Members noted that both the Subcommittee and the Administration would not propose any amendments to the Amendment Rules, and the Subcommittee would submit a written report in due course.

45. Mr James TO said that he would give notice to move a motion to repeal the Amendment Rules with a view to pressing the Administration to take forward a review of the monetary thresholds under the PI Rules.

**(d) Report of the Subcommittee on Subsidiary Legislation Relating to Spectrum Utilization Fees**

*(LC Paper No. CB(4)1305/17-18)*

46. Mr Charles MOK, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Mr MOK said that the Subcommittee had no objection to the four items of subsidiary legislation relating to spectrum utilization fees and would not propose any amendments to them.

47. The Chairman reminded Members that as the period for amending the 14 items of subsidiary legislation studied by the above four subcommittees would expire at the Council meeting of 11 July 2018, the deadline for giving notice of amendments, if any, would be Wednesday, 4 July 2018.

**VIII. Position on Bills Committees and subcommittees**

*(LC Paper No. CB(2)1690/17-18)*

48. The Chairman said that as at 28 June 2018, there were nine Bills Committees, 14 subcommittees under HC and four subcommittees on policy issues under Panels in action. Nine subcommittees on policy issues were on the waiting list.

**IX. Request of Hon KWONG Chun-yu to seek the House Committee's recommendation for the holding of an adjournment debate pursuant to Rule 16(4) of the Rules of Procedure at the Council meeting of 4 July 2018 on issues relating to subsidence of viaduct piers of Yuen Long section of MTR West Rail Line**

*(LC Paper No. CB(2)1701/17-18(01))*

49. At the invitation of the Chairman, Mr KWONG Chun-yu said that the incident of the subsidence of viaduct piers of the Yuen Long section of the MTR West Rail Line ("the incident concerned") involved public safety and public interest. He commented that while the incident concerned occurred in 2013, the MTR Corporation Limited ("MTRCL") had not disclosed it to the public or to the relevant DC until it was reported recently by the media. Besides, the Buildings Department ("BD") had confirmed that the level of subsidence reached 16 mm to 18 mm. Even though the Yuen Long DC had recently discussed the incident concerned, the public had remained concerned about the safety

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of the MTR West Rail Line. Therefore, Mr KWONG considered it necessary to hold an adjournment debate pursuant to RoP 16(4) at the Council meeting of 4 July 2018, with a view to eliciting a reply from the Administration on relevant issues, including why MTRCL or the Administration had not disclosed the incident concerned on their own initiative, and the details of the notification arrangement, if any, for similar incidents.

50. The Chairman said that as the deadline for giving notice of moving a motion under RoP 16(4) at the Council meeting of 4 July 2018 was 23 June 2018, if Members supported Mr KWONG Chun-yu's proposal, HC would recommend seeking the President's permission to dispense with the requisite notice. The Chairman then invited views from Members.

51. Mr LEUNG Che-cheung and Dr CHIANG Lai-wan considered the holding of the proposed adjournment debate warranted. Mr LEUNG said that Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong were shocked by the incident concerned, and he was dissatisfied that MTRCL, after discovering the incident concerned in 2013, had not proactively informed the relevant DC or the Subcommittee on Matters Relating to Railways. In his view, it was necessary for LegCo to follow up the incident concerned. Dr CHIANG said that it was necessary to seek clarifications on relevant issues, such as the seriousness of the subsidence of the viaduct piers concerned, and the details of the notification arrangement, if any, for similar incidents.

52. Pointing out that the incident concerned involved public safety and was a matter of public importance, Mr Alvin YEUNG, Mr Andrew WAN and Mr HUI Chi-fung considered it appropriate for the proposed adjournment debate to be held so that Members could raise their concerns and the Administration could make a reply. They also expressed dissatisfaction with the manner in which MTRCL disclosed information about the problems of its construction projects, and queried whether MTRCL had deliberately concealed the incident concerned. Mr HUI added that apart from the holding of the proposed adjournment debate, a review of the notification arrangement of MTRCL for similar incidents was warranted.

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53. Mr AU Nok-hin, Mr CHU Hoi-dick, Ms Claudia MO and Dr CHENG Chung-tai expressed support for Mr KWONG Chun-yu's proposal. Noting that the incident concerned had already occurred in 2013, Mr AU said that MTRCL should explain the notification arrangement for similar incidents and BD should also give details of the safety standard adopted in respect of the subsidence of viaduct piers. Mr CHU added that MTRCL should clarify if any other viaduct piers along the West Rail Line might have similar subsidence problem. Ms MO considered it incumbent upon LegCo to discuss the incident concerned as public safety was at stake. Dr CHENG was of the view that the proposed adjournment debate was the first step for LegCo to follow up the incident concerned, and MTRCL and the Administration should be requested to elucidate the cause(s) of the incident concerned, their handling of the subsidence problem once it was identified as well as the remedial measures to address the problem.

54. The Chairman concluded that as no Member had raised objection to Mr KWONG Chun-yu's proposal, HC would recommend that a motion for adjournment of the Council be moved by Mr KWONG, in addition to two Members' motions without legislative effect, pursuant to RoP 16(4) at the Council meeting of 4 July 2018 for the purpose of conducting a debate on issues relating to the incident concerned, and would also seek the President's permission to dispense with the requisite notice for moving the motion at the said Council meeting.

**X. Any other business**

55. Mr Kenneth LEUNG said that he and another five Members belonging to the Professionals Guild, including Prof Joseph LEE, Mr Charles MOK, Mr Dennis KWOK, Mr IP Kin-yuen and Mr SHIU Ka-chun, had issued a joint letter to the Chairman on 26 June 2018 requesting HC to discuss at this meeting issues relating to the holding of remunerated directorships of listed companies by the LegCo President and their proposed motion on the subject, but their request was not acceded to by the Chairman. He further said that while the Chairman had instructed the Clerk to issue a written reply to them on her behalf, he did not subscribe to the reasons given for not acceding to their request. Mr LEUNG stressed that as his intention was to urge Mr Andrew LEUNG to resign all remunerated directorships of listed companies on his own initiative, and not to lodge a complaint against Mr Andrew LEUNG with the Committee on Members' Interests or to seek to amend the relevant rules of RoP, he remained of the view that HC was the most appropriate forum for discussing the said issues and the relevant proposed motion.

Action

56. Mr Charles MOK said that as the Council needed to deal with and make decisions on many important bills and motions, he was concerned that possible conflict of interests on the part of Mr Andrew LEUNG might arise from his presiding over Council meetings given that Mr Andrew LEUNG was still holding remunerated directorships of several listed companies which were engaged in a wide range of businesses after he had assumed the office of the LegCo President. In his view, it was appropriate and in the public interest for HC to discuss the relevant issues and consider passing a motion to urge Mr Andrew LEUNG to resign all remunerated directorships of listed companies. Mr MOK added that the request for the discussion of the matter by HC and the question of whether RoP should be amended to prohibit the holding of remunerated directorships of listed companies by the LegCo President were two separate issues.

57. Mr Gary FAN, Dr KWOK Ka-ki and Mr WU Chi-wai were supportive of the request made by the six Members concerned. They took the view that as concern had been raised about possible conflict of interests on the part of Mr Andrew LEUNG in his presiding over Council meetings and the image and dignity of LegCo would be undermined if the impartiality of the President was called into question, it was necessary and appropriate for HC to discuss the relevant issues and consider passing a motion to urge Mr Andrew LEUNG to resign all remunerated directorships of listed companies so as to address the queries and doubts as early as possible. Mr FAN stressed that making necessary amendments to RoP was a medium-to-long-term measure to tackle the issue of conflict of interests on the part of the LegCo President which should be considered separately. Dr KWOK commented that Mr Andrew LEUNG should resign all remunerated directorships of listed companies on his own initiative to avoid any possible conflict of interests even if there was no such requirement under RoP.

58. Mr YIU Si-wing considered it unreasonable for the six Members concerned to put forward their request merely because there was a perception that conflict of interests on the part of the President might arise from his presiding over Council meetings. In his view, any allegation of violation of RoP against the President or any other Member should be substantiated by facts and handled in accordance with the established mechanism of the Council. If there was concern about whether arrangements were in place under RoP to deal with issues relating to conflict of interests on the part of the President or a committee chairman, it should be for the Committee on Rules of Procedure ("CRoP") to consider whether amendments should be made to RoP.

Action

59. The Chairman responded that as explained in the written reply to six Members concerned, HC normally would not discuss issues that clearly fell within the terms of reference of other committees. While all Members, including the President, were currently required to register their interests with the Clerk to LegCo and disclose their personal pecuniary interest before moving any motion or amendment relating to a matter or speaking on any such matter in accordance with the requirements set out in RoP 83 and 83A, RoP did not provide for the arrangements for dealing with matters relating to conflict of interests or roles on the part of the President or a committee chairman. Should the six Members concerned consider it necessary for LegCo to conduct a review on the matter, they might follow it up with CRoP.

60. The Chairman further explained that in considering whether to accede to the request of the six Members concerned, she had to give due regard to whether her decision would set a precedent for dealing with other similar requests for HC to discuss issues involving possible conflict of interests or roles on the part of a committee chairman or a Member in future. Having carefully considered Members' views, she remained unconvinced that HC was the only available forum for discussing the relevant issues. In her view, should Mr Kenneth LEUNG wish to call upon the President to resign all remunerated directorships of listed companies, he might do so by writing to the President himself or issuing a letter to the President jointly with other Members. Mr Kenneth LEUNG might also raise the matter of whether arrangements should be provided under RoP for dealing with matters relating to conflict of interests or roles on the part of the President or a committee chairman with CRoP for its consideration.

61. There being no other business, the meeting ended at 3:44 pm.