

立法會
Legislative Council

LC Paper No. CB(2)803/13-14

Ref : CB2/H/5/13

House Committee of the Legislative Council

**Minutes of the 14th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 24 January 2014**

Members present:

Hon Andrew LEUNG Kwan-yuen, GBS, JP (Chairman)
Hon Ronny TONG Ka-wah, SC (Deputy Chairman)
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon James TO Kun-sun
Hon CHAN Kam-lam, SBS, JP
Hon LEUNG Yiu-chung
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, GBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon WONG Kwok-hing, BBS, MH
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon Cyd HO Sau-lan
Hon Starry LEE Wai-king, JP
Dr Hon LAM Tai-fai, SBS, JP
Hon CHAN Hak-kan, JP
Hon CHAN Kin-por, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Dr Hon LEUNG Ka-lau
Hon CHEUNG Kwok-che
Hon WONG Kwok-kin, BBS
Hon IP Kwok-him, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Alan LEONG Kah-kit, SC

Hon LEUNG Kwok-hung
Hon Albert CHAN Wai-yip
Hon WONG Yuk-man
Hon Claudia MO
Hon James TIEN Pei-chun, GBS, JP
Hon NG Leung-sing, SBS, JP
Hon Steven HO Chun-yin
Hon Frankie YICK Chi-ming
Hon WU Chi-wai, MH
Hon YIU Si-wing
Hon Gary FAN Kwok-wai
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK
Hon CHAN Chi-chuen
Hon CHAN Han-pan
Dr Hon Kenneth CHAN Ka-lok
Hon CHAN Yuen-han, SBS, JP
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Kenneth LEUNG
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
Hon Dennis KWOK
Dr Hon Fernando CHEUNG Chiu-hung
Hon SIN Chung-kai, SBS, JP
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, JP
Hon Martin LIAO Cheung-kong, JP
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kiwok, BBS, MH, JP
Hon CHUNG Kwok-pan
Hon Tony TSE Wai-chuen

Members absent:

Hon Emily LAU Wai-hing, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Michael TIEN Puk-sun, BBS, JP
Hon Alice MAK Mei-kuen, JP
Hon Christopher CHEUNG Wah-fung, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

Clerk in attendance :

Miss Flora TAI

Clerk to the House Committee

Staff in attendance :

Mr Kenneth CHEN, SBS	Secretary General
Mr Jimmy MA, JP	Legal Adviser
Mrs Justina LAM	Deputy Secretary General
Mr Andy LAU	Assistant Secretary General 1
Miss Odelia LEUNG	Assistant Secretary General 3
Mrs Percy MA	Assistant Secretary General 4
Ms Connie FUNG	Senior Assistant Legal Adviser 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mr KAU Kin-wah	Senior Assistant Legal Adviser 3
Ms Dora WAI	Principal Council Secretary 1
Ms Emily PANG	Chief Public Information Officer
Ms Amy YU	Chief Council Secretary (2)6
Ms Anita SIT	Chief Council Secretary (4)1
Miss Evelyn LEE	Assistant Legal Adviser 10
Mr Jove CHAN	Senior Council Secretary (2)2
Miss Josephine SO	Senior Council Secretary (2)6
Miss Jasmine TAM	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 the minutes of the 13th meeting held on 17 January 2014

(LC Paper No. CB(2)734/13-14)

The minutes were confirmed.

II. Matters arising

Report by the Chairman on his 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)

Loans (Amendment) Bill 2014
(*LC Paper No. LS23/13-14*)

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

4. Mr Kenneth LEUNG considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. The following Members agreed to join the Bills Committee: Mr James TO (as advised by Mr SIN Chung-kai), Mr Charles MOK and Mr Kenneth LEUNG.

(b) Legal Service Division report on subsidiary legislation gazetted on 17 January 2014 and tabled in Council on 22 January 2014

(*LC Paper No. LS24/13-14*)

5. At the invitation of the Chairman, LA briefed Members on the LSD report on the nine items of subsidiary legislation (i.e. L.N. 2 to L.N. 10) which were gazetted on 17 January 2014 and tabled in Council on 22 January 2014.

6. Mr Steven HO considered it necessary to form a subcommittee to study the Air Pollution Control (Marine Light Diesel) Regulation (L.N. 2) in detail. Members agreed. The following Members agreed to join the subcommittee: Ms Cyd HO, Mr Steven HO, Mr CHAN Han-pan and Dr Kenneth CHAN.

7. As regards the Road Traffic (Construction and Maintenance of Vehicles) (Amendment) Regulation 2014 (L.N. 4), Mr WONG Kwok-hing considered it necessary to form a subcommittee to study it in detail. Members agreed. The following Members agreed to join the subcommittee: Mr WONG Kwok-hing, Mr WU Chi-wai and Mr TANG Ka-piu.

8. Members did not raise any questions on the other seven items of subsidiary legislation.

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9. The Chairman reminded Members that the deadline for amending these nine items of subsidiary legislation was the Council meeting of 19 February 2014, or that of 19 March 2014 if extended by a resolution of the Council.

IV. Advance information on business for the Council meeting of 12, 13 and 14 February 2014

Members' motion

Motion of Thanks

(Director of Administration's letter dated 21 January 2014 on "The Debate on the Motion of Thanks on the 2014 Policy Address - Proposed Grouping of Policy Areas" (LC Paper No. CB(2)743/13-14(01)))

10. The Chairman informed Members that he, as Chairman of the House Committee ("HC"), would move the Motion of Thanks, and the deadline for giving notice of amendments was Wednesday, 5 February 2014.

11. The Chairman said that for the debate on the 2013 Policy Address, Members agreed at the HC meeting on 11 January 2013 to adopt largely the same arrangements as those for the debates on the Policy Addresses in the Fourth Legislative Council ("LegCo"). Members agreed to adopt the same arrangements for the debate on the 2014 Policy Address.

12. The Chairman invited Members to note the following arrangements for the debate on the 2014 Policy Address -

- (a) the debate would be held on three consecutive days (i.e. 12, 13 and 14 February) in five sessions. Each session would be dedicated to a group of policy areas to be agreed between the Administration and HC;
- (b) the first day of the debate (12 February) would start at 11:00 am, and the second and third days (13 and 14 February) at 9:00 am. In the light of the experience of the debate on the Policy Address last year and after consulting the President, the ending time for the first and second days of the debate would be about 10:30 pm. As regards the third day, if the debate could not be finished by about 10:00 pm, the meeting would be extended until the debate had finished; and

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- (c) each Member might speak once in each of the five debate sessions, but subject to the total speaking time limit of 30 minutes.

13. The Chairman then invited Members to note the proposed grouping of policy areas for the five debate sessions as set out in the Annex to the Director of Administration ("D of Admin")'s letter dated 21 January 2014. Members agreed to the proposed grouping.

14. The Chairman further said that the list of responding officers and their speaking order as set out in the Annex to D of Admin's letter might be subject to fine-tuning. As with previous practice, should there be any change in the final arrangements, the Administration would advise the President before the government response at the relevant debate session.

15. In response to Dr LAM Tai-fai's enquiry about the ending time for the third day of the debate and the possibility that the debate had to continue overnight, the Chairman said that as both Members and public officers were subject to speaking time limits, and based on past experience, the Council meeting could likely finish before midnight on the third day.

V. Position on Bills Committees and subcommittees
(*LC Paper No. CB(2)735/13-14*)

16. The Chairman said that as at 23 January 2014, there were seven Bills Committees, five subcommittees under HC and seven subcommittees on policy issues under Panels in action. Four subcommittees on policy issues were on the waiting list.

VI. Proposed overseas duty visit to the United Kingdom, the Netherlands, Denmark and Sweden by the Panel on Environmental Affairs
(*LC Paper No. CB(1)770/13-14*)

17. Ms Cyd HO, Chairman of the Panel on Environmental Affairs, said that the Panel proposed to conduct an overseas duty visit from 2 to 8 March 2014 to the United Kingdom ("UK"), the Netherlands, Denmark and Sweden to study these countries' experience in the development and operation of thermal waste treatment facilities/technologies. Ms HO further said that as at 10 January 2014, a total of nine Members (including two non-Panel Members) had indicated interest in joining the visit. She referred Members to the Panel's paper for details of the visit.

18. Members agreed that permission be given for the Panel to conduct the duty visit.

VII. Paper of the Committee on Rules of Procedure

Moving of amendments to amendments to motions not intended to have legislative effect

(LC Paper No. CROP32/13-14)

19. Mr TAM Yiu-chung, Chairman of the Committee on Rules of Procedure ("CROP"), said that there was no provision in the Rules of Procedure governing the moving of amendments to amendments ("AAs") to motions not intended to have legislative effect that were initiated by Members for debate in Council ("MNLEs"), and the practice had been that Members were allowed to move such AAs at the discretion of the President. Pursuant to the suggestion of Mr Kenneth LEUNG, CROP had reviewed the current practice of allowing the moving of AAs to MNLEs. CROP members generally considered that as the purpose of holding debates on MNLEs was to provide opportunities for Members to express views on issues of public concern, and as Members could move amendments to such a motion to reflect their own views, it was not necessary for Members to move an AA to achieve the purpose. Furthermore, the moving of AAs often rendered the wording of a motion convoluted and members of the public would find it difficult to understand the relevant proceedings.

20. Mr TAM Yiu-chung further said that CROP had consulted all Members on the issue. Of the 64 Members who had provided their response, 54 Members considered that the moving of AAs to MNLEs should not be allowed; six Members considered that the moving of AAs to MNLEs should be allowed; and four Members had replied that they did not have any comments on the issue. In the light of the consultation outcome, CROP proposed that the moving of AAs to MNLEs should not be allowed in future and rule 17 of the House Rules ("HR17") should be amended correspondingly. Mr TAM added that as the scope of the current review was confined to AAs to MNLEs, CROP had affirmed that the proposal would not affect the existing procedures and practices in respect of motions with legislative effect.

21. The Chairman invited Members' views on CROP's proposal and the proposed amendments to HR17.

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22. Mr WONG Yuk-man said that he was a member of CRoP. He objected to the proposal as it would curtail Members' right to debate matters of public concern. In his view, the existing practice of allowing the moving of AAs to MNLEs provided room for compromise among Members on controversial issues. It was also his understanding that not many MNLEs had AAs. He considered that the existing practice should continue.

23. Mr WONG Kwok-hing said that he opposed CRoP's proposal which would deprive Members of their existing right to move AAs to MNLEs. Citing his own experience in moving AAs to a Member's motion, Mr WONG said that he trusted that Members would not move AAs lightly without grounds. Furthermore, members of the public should be able to judge whether or not an AA was reasonable and justifiable. In response to the Chairman, Mr WONG clarified that while he had indicated earlier during CRoP's consultation with Members that the moving of AAs to MNLEs should not be allowed, he had subsequently decided to change his stance after careful consideration.

24. Mr Kenneth LEUNG said that he made a suggestion to CRoP to review the current practice of allowing the moving of AAs to MNLEs, in the light of his observations on the work of the House of Commons of UK during his participation in the 62nd Westminster Seminar on Parliamentary Practice and Procedure held in UK in June 2013. In his view, the crux of the issue was whether the Administration attached importance to MNLEs, and not whether Members could move AAs to such motions. He considered that the proposal of not allowing AAs to MNLEs could facilitate more focused and forceful debates.

25. Mr James TIEN said that Members belonging to the Liberal Party supported CRoP's proposal. The moving of AAs often rendered the wording of a motion so convoluted that even Members found it difficult to understand the effect of the passage or otherwise of different amendments and AAs. He did not consider that Members' right to express views would be adversely affected as they could move amendments to the original motion to reflect their own views.

26. Mr Frederick FUNG said that he opposed CRoP's proposal as it would take away an existing avenue for Members to express views on issues of public concern. He pointed out that there were circumstances where it was necessary for Members to reflect their views by way of moving AAs. According to his observation, the moving of AAs to MNLEs was not common. He considered that the practice should be allowed to continue.

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27. Mr Albert CHAN also expressed objection to the proposal which, in his view, would curtail the right and freedom of Members to express views during debates on MNLEs. Members would not move AAs without good reasons and the practice had not caused any particular problem in the past. In his view, it would only bring shame on LegCo if Members voluntarily forewent their right.

28. Mr LEUNG Kwok-hung stressed that Members had the right to debate and such a right should not be curtailed.

29. Ir Dr LO Wai-kwok said that he did not see how CRoP's proposal would adversely affect Members' right to debate, given that Members could move amendments to a motion to reflect their own views. He added that the majority of Members had expressed support for the proposal during the consultation, and Members should respect the outcome of the consultation.

30. Dr Priscilla LEUNG said that she was a member of CRoP. She considered that the proposal would not curtail Members' right to debate, but would facilitate more focused debates on MNLEs. Members could vote against an amendment to a motion moved by another Member or move amendments to the original motion to reflect their own views. The moving of numerous AAs had also caused huge extra workload to the Secretariat. She supported CRoP's proposal.

31. Mr WONG Kwok-kin said that he was also a member of CRoP and supported the proposal. He shared the view that CRoP's proposal would not curtail Members' right to debate and could help relieve the workload of the Secretariat in processing numerous AAs.

32. Mr TAM Yiu-chung stressed that CRoP had carefully considered the matter and consulted Members before putting forward the proposal for HC's consideration.

33. The Chairman put to vote the proposal of CRoP regarding the moving of AAs to MNLEs and the proposed amendments to HR17. Mr Albert CHAN requested a division.

The following Members voted in favour of the proposal:

Mr Albert HO, Mr LEE Cheuk-yan, Mr James TO, Mr CHAN Kam-lam, Dr LAU Wong-fat, Mr TAM Yiu-chung, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Dr Joseph LEE, Mr Jeffrey LAM, Mr WONG Ting-kwong, Mr Ronny TONG, Ms Cyd HO, Ms

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Starry LEE, Dr LAM Tai-fai, Mr CHAN Kin-por, Dr Priscilla LEUNG, Mr CHEUNG Kwok-che, Mr WONG Kwok-kin, Mr Paul TSE, Mr Alan LEONG, Ms Claudia MO, Mr James TIEN, Mr NG Leung-sing, Mr Steven HO, Mr Frankie YICK, Mr WU Chi-wai, Mr YIU Si-wing, Mr Gary FAN, Mr MA Fung-kwok, Mr Charles MOK, Mr CHAN Han-pan, Dr Kenneth CHAN, Miss CHAN Yuen-han, Mr LEUNG Che-cheung, Mr Kenneth LEUNG, Dr KWOK Ka-ki, Mr KWOK Wai-keung, Mr Dennis KWOK, Dr Fernando CHEUNG, Mr SIN Chung-kai, Dr Helena WONG, Mr IP Kin-yuen, Dr Elizabeth QUAT, Mr Martin LIAO, Mr POON Siu-ping, Dr CHIANG Lai-wan and Ir Dr LO Wai-kwok.
(49 Members)

The following Members voted against the proposal:

Mr Frederick FUNG, Mr WONG Kwok-hing, Mr LEUNG Kwok-hung, Mr Albert CHAN, Mr WONG Yuk-man and Mr CHAN Chi-chuen.
(6 Members)

The following Member abstained from voting:
Mr LEUNG Yiu-chung.
(1 Member)

34. The Chairman declared that 49 Members voted for and six Members voted against the proposal and one Member abstained from voting. The Chairman declared that the proposal was supported.

VIII. Any other business

35. There being no other business, the meeting ended at 3:11 pm.