

立法會
Legislative Council

LC Paper No. CB(2)2346/13-14

Ref : CB2/H/5/13

House Committee of the Legislative Council

**Minutes of the 31st meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 4 July 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
Hon Emily LAU Wai-hing, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, GBS, 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, JP
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 IP Kwok-him, GBS, JP
Hon Alan LEONG Kah-kit, SC
Hon Albert CHAN Wai-yip
Hon WONG Yuk-man
Hon Claudia MO

Hon Michael TIEN Puk-sun, BBS, JP
Hon James TIEN Pei-chun, GBS, 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, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
Dr Hon Kenneth CHAN Ka-lok
Hon CHAN Yuen-han, SBS, JP
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
Hon Dennis KWOK
Hon Christopher CHEUNG Wah-fung, SBS, JP
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, SBS, JP
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu, JP
Ir Dr Hon LO Wai-kwok, BBS, MH, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen, BBS

Members absent:

Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon WONG Kwok-kin, SBS
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon LEUNG Kwok-hung
Hon NG Leung-sing, SBS, JP
Dr Hon CHIANG Lai-wan, JP
Hon CHUNG Kwok-pan

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
Ms Connie FUNG	Senior Assistant Legal Adviser 1
Mr Stephen LAM	Senior Assistant Legal Adviser 2
Mr KAU Kin-wah	Senior Assistant Legal Adviser 3
Ms Dora WAI	Principal Council Secretary 1
Ms Hallie CHAN	Head (Public Information)
Ms Amy YU	Chief Council Secretary (2)6
Miss Winnie LO	Assistant Legal Adviser 7
Ms Clara TAM	Assistant Legal Adviser 9
Miss Evelyn LEE	Assistant Legal Adviser 10
Miss Josephine SO	Senior Council Secretary (2)6
Miss Jasmine TAM	Senior Council Secretary (2)8
Miss Karen LAI	Council Secretary (2)6
Mr Ringo LEE	Senior Legislative Assistant (2)1
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 30th meeting held on 27 June 2014

(LC Paper No. CB(2)1934/13-14)

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)**

Mandatory Provident Fund Schemes (Amendment) Bill 2014
(*LC Paper No. LS70/13-14*)

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 SIN Chung-kai considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Dr KWOK Ka-ki and Mr SIN Chung-kai agreed to join the proposed Bills Committee.

(b) **Legal Service Division report on subsidiary legislation gazetted on 27 June 2014 and tabled in Council on 2 July 2014**
(*LC Paper No. LS71/13-14*)

5. At the invitation of the Chairman, LA briefed Members on the LSD report on the seven items of subsidiary legislation (i.e. L.N. 96 to L.N. 102) gazetted on 27 June 2014 and tabled in Council on 2 July 2014.

6. In response to Mr James TIEN's enquiry on the Road Traffic (Amendment) Ordinance 2012 (Commencement) Notice (L.N.102), LA explained that the effect of the Commencement Notice was that an applicant who applied for a public light bus ("PLB") driving licence on or after 1 June 2015 would be required to have attended and completed a pre-service course before he/she was issued with a PLB licence (excluding renewal). The legislative proposal had been studied by the former Bills Committee on Road Traffic (Amendment) (No. 2) Bill 2011, which did not have any comments about the commencement of the Bill. He added that the Panel on Transport had not been consulted on the Commencement Notice.

7. Mr Frankie YICK said that as the PLB trade had expressed worries that the requirement of pre-service course might further aggravate the existing difficulties in recruiting PLB drivers, he considered it necessary to form a subcommittee to study the Commencement Notice in detail. Members agreed. Mr Frankie YICK and Mr TANG Ka-piu agreed to join the proposed Subcommittee.

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8. Regarding the Rules of the High Court (Amendment) (No. 2) Rules 2014 (L.N. 99) and the Rules of the District Court (Amendment) Rules 2014 (L.N. 100), Mr Dennis KWOK considered it necessary to form a subcommittee to study these two items of subsidiary legislation in detail. Members agreed. Mr Albert HO, Ms Cyd HO and Mr Dennis KWOK agreed to join the Subcommittee.

9. Members did not raise any questions on the other four items of subsidiary legislation (i.e. L.N. 96 to L.N. 98 and L.N.101).

10. The Chairman reminded Members that the deadline for amending these seven items of subsidiary legislation was the second Council meeting in the next session, or the first Council meeting after 21 days from that second Council meeting if extended by a resolution of the Council.

IV. Further business for the Council meeting of 9 July 2014

Business originally scheduled for the Council meeting of 2 July 2014

11. The Chairman said that the unfinished business on the Agenda of the Council meeting of 2 July 2014 would stand over to the Council meeting of 9 July 2014.

(a) Tabling of papers

Report No. 22/13-14 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

(LC Paper No. CB(2)1936/13-14 issued vide LC Paper No. CB(3)783/13-14 dated 3 July 2014)

12. The Chairman said that the Report covered 18 items of subsidiary legislation, including the three Regulations made under the Telecommunications Ordinance (Cap. 106) (i.e. L.N. 58 to L.N. 60), the period for amendment of which would expire at the Council meeting of 9 July 2014.

13. The Chairman informed Members that Mr Charles MOK, Chairman of the Subcommittee on the above three Regulations, had indicated his intention to speak on the Regulations. The Chairman further said that as Mr MOK had given notice to move a proposed resolution at the Council meeting to amend one of the Regulations (i.e. the Telecommunications (Method for Determining Spectrum Utilization

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Fee) (Administratively Assigned Spectrum in the 1.9-2.2 GHz Band) Regulation (L.N. 58)), if the moving of the proposed resolution was approved by the President, Members would have the opportunity to speak on the three Regulations, in which case he would not move a motion in his capacity as Chairman of the House Committee ("HC") to take note of the Report in relation to the three Regulations at the Council meeting.

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

(i) Veterinary Surgeons Registration (Amendment) Bill 2014

(ii) Land (Miscellaneous Provisions) (Amendment) Bill 2014

14. The Chairman said that HC would consider the above two Bills at its next meeting to be held after the summer recess.

Kowloon Tong Church of the Chinese Christian and Missionary Alliance Incorporation (Amendment) Bill 2014

15. Mr James TO said that subsequent to HC's earlier decision that it was not necessary to form a Bills Committee to study in detail the Kowloon Tong Church of the Chinese Christian and Missionary Alliance Incorporation (Amendment) Bill 2014 introduced by Dr Priscilla LEUNG, he and many other Members had received a submission from church members expressing concerns about the Bill. Mr TO further said that while he had no objection in principle to the Bill, he suggested that Dr Priscilla LEUNG should consider withdrawing her notice for resumption of the Second Reading debate on the Bill at the Council meeting of 9 July 2014 so as to allow time for Members to follow up the concerns raised over the Bill. Dr Helena WONG shared Mr James TO's view on the need for Members to follow up the concerns.

16. Dr Priscilla LEUNG informed Members that she had been following up the matter with the Kowloon Tong Church of the Chinese Christian and Missionary Alliance ("the Church") and had withdrawn her notice for resumption of the Second Reading debate on the Bill at the Council meeting of 9 July 2014. She further informed Members that she had requested the Church to provide bilingual versions of the legal advice sought in respect of the Bill for Members' reference.

V. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)1935/13-14)

17. The Chairman said that as at 3 July 2014, there were 15 Bills Committees, five subcommittees under HC and nine subcommittees on policy issues under Panels in action. Three subcommittees on policy issues were on the waiting list.

VI. Proposed duty visit to Singapore by the Panel on Transport

(LC Paper No. CB(1)1726/13-14)

18. Mr CHAN Kam-lam, Chairman of the Panel on Transport, said that the Panel proposed to conduct a duty visit to Singapore tentatively from 23 to 26 September 2014 to study the country's experience in the development and provision of public transport facilities and traffic management measures. A total of seven Members had indicated interest in joining the visit. He referred Members to the Panel's paper for details of the proposed visit.

19. Members agreed that permission be given for the Panel on Transport to conduct the proposed duty visit.

VII. Appointment of a subcommittee to prepare for the operation of the select committee to which the petition presented at the Council meeting of 25 June 2014 has been referred

(LC Paper No. CB(1)1733/13-14)

20. The Chairman said that the paper prepared by the Secretariat sought to invite Members to consider the proposed appointment of a subcommittee to undertake the preparatory work for the operation of the select committee to which the petition presented at the Council meeting of 25 June 2014 had been referred.

21. Mr WU Chi-wai said that while the membership size of the select committee formed pursuant to Rule 20(6) of the Rules of Procedure ("RoP") in respect of the case of Mr Timothy TONG last year was 13, he hoped that consideration could be given to expanding the membership size of the select committee under discussion as well as increasing the proportion of Members belonging to the pan-democracy camp in its composition, given the grave concern expressed by these Members about the delay in the construction works of the Guangzhou-Shenzhen-Hong Kong Express Rail Link.

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22. The Chairman advised that should HC agree to appoint a subcommittee to prepare for the operation of the select committee, it would be for the subcommittee to draw up recommendations on the membership size and nomination procedure in respect of the select committee for the consideration of HC.

23. Members agreed to the proposed appointment of a preparatory subcommittee. The following Members agreed to join the subcommittee: Mr LEE Cheuk-yan, Mr CHAN Kam-lam, Ms Claudia MO, Mr WU Chi-wai, Mr Gary FAN, Mr Charles MOK, Mr CHAN Han-pan, Mr Martin LIAO, Mr TANG Ka-piu, Ir Dr LO Wai-kwok and Mr Tony TSE.

24. The Chairman said that the Secretariat would issue a circular to invite Members to join the preparatory subcommittee.

VIII. Any other business

25. Ms Claudia MO expressed dissatisfaction with the decision of the Chairman not to accede to her request to discuss at this HC meeting her proposal to move a motion for adjournment under RoP 16(4) at the Council meeting of 9 July 2014 for the purpose of debating the chairing of the meetings of the Finance Committee ("FC") by the Chairman of FC to consider the Administration's funding proposal relating to the North East New Territories New Development Areas. She further said that while the Chairman had turned down her request on the ground that there was no responsible public officer to provide a response at the proposed adjournment debate, he had acceded to Mr WONG Yuk-man's request to discuss at the last HC meeting his proposal to hold an adjournment debate under RoP 16(4) at the Council meeting of 2 July 2014 on the security arrangements adopted for the LegCo Complex in respect of large-scale public events. She queried whether the Chairman had adopted a double standard in considering her request and that of Mr WONG Yuk-man.

26. The Chairman said that his decision not to accede to Ms Claudia MO's request was made in accordance with the provisions under RoP 16(4) after having sought the advice of the Secretariat. On his instruction, the Secretariat had already provided a written reply to Ms Claudia MO on his decision.

(Post-meeting note: On the instruction of the Chairman, a written reply was issued to Ms Claudia MO on 3 July 2014. Ms MO was advised that according to RoP 16(4), a Member could move a motion for the adjournment of the Council for the purpose of

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raising any issue concerning public interest with a view to eliciting a reply from a designated public officer. As the issue proposed by Ms MO related to the arrangements and relevant procedures adopted by the Chairman of FC in chairing the FC meetings and the Administration had no responsibility for such matters, the Chairman had decided not to accede to her request for including her proposal in the agenda for the HC meeting on 4 July 2014.)

27. There being no other business, the meeting ended at 2:50 pm.

Council Business Division 2
Legislative Council Secretariat
29 September 2014