

立法會
Legislative Council

LC Paper No. CB(2)297/14-15

Ref : CB2/H/5/14

House Committee of the Legislative Council

**Minutes of the 6th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 14 November 2014**

Members present:

Hon Andrew LEUNG Kwan-yuen, GBS, JP (Chairman)
Hon Ronny TONG Ka-wah, SC (Deputy Chairman)
Hon LEE Cheuk-yan
Hon CHAN Kam-lam, SBS, JP
Hon LEUNG Yiu-chung
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon TAM Yiu-chung, GBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Frederick FUNG Kin-kee, 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
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
Hon WONG Kwok-kin, SBS
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
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, 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
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
Dr Hon CHIANG Lai-wan, 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:

Hon Albert HO Chun-yan
Hon James TO Kun-sun
Hon Abraham SHEK Lai-him, GBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon Starry LEE Wai-king, JP
Dr Hon LEUNG Ka-lau
Hon CHEUNG Kwok-che
Hon Albert CHAN Wai-yip
Hon Michael TIEN Puk-sun, BBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
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
Mr Matthew LOO	Assistant Secretary General 4
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
Mr Timothy TSO	Assistant Legal Adviser 2
Miss Carrie WONG	Assistant Legal Adviser 4
Miss Winnie LO	Assistant Legal Adviser 7
Miss Josephine SO	Senior Council Secretary (2)6
Ms 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 5th meeting held on 7 November 2014

(LC Paper No. CB(2)248/14-15)

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. Further business for the Council meeting of 19 November 2014

(a) Tabling of papers

Report No. 3/14-15 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

(LC Paper No. CB(2)250/14-15 issued vide LC Paper No. CB(3)151/14-15 dated 13 November 2014)

3. The Chairman said that the Report covered one item of subsidiary legislation (i.e. L.N. 121), the period for amendment of which would expire at the Council meeting of 19 November 2014. No Member had indicated intention to speak on the subsidiary legislation.

(b) Questions

(LC Paper No. CB(3)140/14-15)

4. The Chairman informed Members that Mr Michael TIEN had replaced his oral question, and Mr Christopher CHEUNG had given up his oral question slot which had been allocated to Dr Elizabeth QUAT.

(c) Members' motions

(i) **Proposed resolution to be moved by Hon James TO under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the:**

- **Inland Revenue (Double Taxation Relief and Prevention of Fiscal Evasion with respect to Taxes on Income) (Republic of Korea) Order; and**
- **Inland Revenue (Double Taxation Relief and Prevention of Fiscal Evasion with respect to Taxes on Income) (Socialist Republic of Vietnam) (Amendment) Order 2014**

(Wording of the proposed resolution issued vide LC Paper No. CB(3)153/14-15 dated 13 November 2014)

5. The Chairman said that Mr James TO, Chairman of the Subcommittee on the above two Orders, had given notice to move a proposed resolution at the meeting to extend the scrutiny period of the two Orders to the Council meeting of 10 December 2014.

- (ii) **Motion under the Legislative Council (Powers and Privileges) Ordinance to be moved by Hon Cyd HO**
(Wording of the motion issued vide LC Paper No. CB(3)136/14-15 dated 10 November 2014)

6. Members noted that a debate on the above Member's motion would be held at the meeting.

IV. Business for the Council meeting of 26 November 2014

- (a) **Questions**
(LC Paper No. CB(3)141/14-15)

7. The Chairman said that 22 questions (six oral and 16 written) had been scheduled for the meeting.

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

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

- (c) **Government motion**

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

- (d) **Members' motions**

- (i) **Motion on "Report of the Joint Subcommittee on Long-term Care Policy" to be moved by Dr Hon Fernando CHEUNG**
(Wording of the motion issued vide LC Paper No. CB(3)66/14-15 dated 17 October 2014)

- (ii) **Motion to be moved by Hon Gary FAN**

10. The Chairman said that the subject of the motion to be moved by Mr Gary FAN was "Adhering to the need to 'put Hong Kong people first' in formulating policies". The wording of the motion had been issued to Members.

11. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motion to be moved by Mr Gary FAN was Wednesday, 19 November 2014.

Report of the House Committee ("HC") on Consideration of Subsidiary Legislation

12. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)152/14-15), which contained eight items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 26 November 2014. He reminded Members to indicate their intention by 5:00 pm on Tuesday, 18 November 2014 should they wish to speak on any of these items of subsidiary legislation.

V. Reports of Bills Committees and subcommittees

(a) Report of the Bills Committee on Contracts (Rights of Third Parties) Bill

(LC Paper No. CB(4)145/14-15)

13. Mr Kenneth LEUNG, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Members noted that the Bills Committee agreed to the Committee stage amendments ("CSAs") proposed to be moved by the Administration and supported the resumption of the Second Reading debate on the Bill at the Council meeting of 26 November 2014.

(b) Report of the Bills Committee on Statute Law (Miscellaneous Provisions) Bill 2014

(LC Paper No. CB(4)144/14-15)

14. Mr TAM Yiu-chung, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Members noted that the Bills Committee had no objection to the CSAs proposed to be moved by the Administration and the resumption of the Second Reading debate on the Bill at the Council meeting of 26 November 2014.

15. The Chairman reminded Members that the deadline for giving notice of CSAs, if any, proposed to be moved to the above two Bills was Monday, 17 November 2014.

(c) **Report of the Subcommittee on Food and Drugs (Composition and Labelling) (Amendment) (No. 2) Regulation 2014**
(LC Paper No. CB(2)256/14-15)

16. Miss Alice MAK, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that some members of the Subcommittee had indicated their intention to propose amendments to the length of grace period for different types of formula products and prepackaged food for infants and young children set out in the Amendment Regulation. However, as the motion to extend the scrutiny period of the Amendment Regulation could not be dealt with by the Council before the expiry of the 28 days' scrutiny period (i.e. the Council meeting of 22 October 2014), the period for amending the Amendment Regulation had expired at the said Council meeting. As such, it was technically not feasible for any Member to amend the Amendment Regulation.

(d) **Report of the Subcommittee on Overseas Lawyers (Qualification for Admission) (Amendment) Rules 2014 (Commencement) Notice**
(LC Paper No. CB(4)147/14-15)

17. Mr Dennis KWOK, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee did not object to the commencement of the Overseas Lawyers (Qualification for Admission) (Amendment) Rules 2014 on 2 January 2015.

18. The Chairman reminded Members that as the deadline for amending the above Notice was the Council meeting of 10 December 2014, the deadline for giving notice of amendments, if any, to the Notice was Wednesday, 3 December 2014.

VI. Position on Bills Committees and subcommittees
(LC Paper No. CB(2)249/14-15)

19. The Chairman said that as at 13 November 2014, there were 16 Bills Committees, seven subcommittees under HC and nine subcommittees on policy issues under Panels in action. One Bills Committee was on the waiting list.

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20. The Chairman further said that as two vacant slots had become available after two Bills Committees had reported under agenda items V(a) and (b) above, the Bills Committee on District Cooling Services Bill on the waiting list could be activated.

VII. Nomination and election of Members for appointment to the Select Committee to Inquire into the Background of and Reasons for the Delay of the Construction of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link

[Previous paper: LC Paper No. CB(1)181/14-15 issued vide LC Paper No. CB(2)232/14-15 dated 6 November 2014]

21. The Chairman said that at the last HC meeting, Members agreed to the procedure for the nomination and election of Members for appointment to the Select Committee, as set out in paragraphs 13 and 14 of as well as Appendix III to LC Paper No. CB(1)181/14-15.

22. The Chairman invited Members to make nominations for appointment to the Select Committee. A total of 14 valid nominations were made in the following order and the nominees were as follows -

Mr CHAN Han-pan
Mr Michael TIEN
Mr WU Chi-wai
Mr Charles MOK
Mr Frankie YICK
Mr TANG Ka-piu
Mr CHAN Kam-lam
Mr Gary FAN
Ms Claudia MO
Mr Martin LIAO
Ir Dr LO Wai-kwok
Mr LEE Cheuk-yan
Mr Tony TSE
Mr LEUNG Kwok-hung

23. As the number of valid nominations exceeded that required for appointment to the Select Committee, the Chairman said that a poll should be taken by using the Electronic Voting System.

24. The Chairman then ordered that a vote be taken on each of the 14 nominees. In respect of the vote taken on Mr LEUNG Kwok-hung, six Members (viz. Mr LEE Cheuk-yan, Ms Emily LAU, Mr Alan LEONG,

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Mr MA Fung-kwok, Mr Dennis KWOK and Mr SIN Chung-kai) requested that their votes be taken out. The number of valid votes for Mr LEUNG Kwok-hung was accordingly adjusted. The numbers of votes obtained by the nominees were as follows –

Mr CHAN Han-pan	49 votes
Mr Michael TIEN	48 votes
Mr WU Chi-wai	28 votes
Mr Charles MOK	26 votes
Mr Frankie YICK	48 votes
Mr TANG Ka-piu	46 votes
Mr CHAN Kam-lam	39 votes
Mr Gary FAN	19 votes
Ms Claudia MO	20 votes
Mr Martin LIAO	49 votes
Ir Dr LO Wai-kwok	47 votes
Mr LEE Cheuk-yan	18 votes
Mr Tony TSE	48 votes
Mr LEUNG Kwok-hung	11 votes

(Post-meeting note: After verification, the number of votes obtained by Mr LEUNG KWOK-hung after adjustment should be 11 instead of 6 as announced at the meeting.)

25. The Chairman declared that the following 13 Members who obtained the highest numbers of votes were elected for appointment to the Select Committee –

Mr CHAN Han-pan
Mr Michael TIEN
Mr WU Chi-wai
Mr Charles MOK
Mr Frankie YICK
Mr TANG Ka-piu
Mr CHAN Kam-lam
Mr Gary FAN
Ms Claudia MO
Mr Martin LIAO
Ir Dr LO Wai-kwok
Mr LEE Cheuk-yan
Mr Tony TSE

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26. The Chairman suspended the meeting for about 10 minutes to enable the 13 nominated Members to decide among themselves whom of them should be nominated for appointment as the Chairman and Deputy Chairman of the Select Committee.

(The meeting was suspended at 3:01 pm and resumed at 3:12 pm.)

27. The Chairman informed Members that Mr Martin LIAO and Mr Tony TSE were nominated for appointment as the Chairman and Deputy Chairman of the Select Committee respectively.

28. The Chairman further said that the chairmanship, deputy chairmanship and membership of the Select Committee would be submitted to the President for appointment.

VIII. Any other business

29. There being no other business, the meeting ended at 3:12 pm.