

立法會
Legislative Council

LC Paper No. CB(2)338/14-15

Ref : CB2/H/5/14

House Committee of the Legislative Council

**Minutes of the 7th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 21 November 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 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 Tommy CHEUNG Yu-yan, SBS, JP

Hon Frederick FUNG Kin-kee, SBS, JP

Hon WONG Kwok-hing, BBS, MH

Hon Jeffrey LAM Kin-fung, GBS, JP

Hon WONG Ting-kwong, SBS, JP

Hon Cyd HO Sau-lan, 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 Alan LEONG Kah-kit, SC

Hon LEUNG Kwok-hung

Hon Albert CHAN Wai-yip

Hon Claudia MO

Hon Michael TIEN Puk-sun, BBS, JP

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 CHAN Chi-chuen
Hon CHAN Han-pan, 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 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-ki, BBS, MH, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen, BBS

Members absent:

Hon LEE Cheuk-yan
Hon James TO Kun-sun
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Vincent FANG Kang, SBS, JP
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN
Hon Starry LEE Wai-king, JP
Dr Hon LAM Tai-fai, SBS, JP
Dr Hon LEUNG Ka-lau
Hon CHEUNG Kwok-che
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon WONG Yuk-man
Hon Charles Peter MOK, JP
Dr Hon Kenneth CHAN Ka-lok
Hon CHAN Yuen-han, SBS, JP
Hon Dennis KWOK
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
Ms Wendy KAN	Assistant Legal Adviser 6
Ms Clara TAM	Assistant Legal Adviser 9
Miss Mimi CHANG	Assistant Legal Adviser 11
Miss Josephine SO	Senior Council Secretary (2)6
Ms Jasmine TAM	Senior Council Secretary (2)8
Miss Karen LAI	Council Secretary (2)6
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)7

Action

I. Confirmation of the minutes of the 6th meeting held on 14 November 2014

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

Referring to paragraph 24 of the minutes which set out the voting results of the 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 conducted at the last meeting of the House Committee ("HC"), Mr CHAN Chi-chuen and Mr Gary FAN sought clarification why the number of votes obtained by Mr LEUNG Kwok-hung was 11 instead of six as announced at the meeting.

Action

2. At the invitation of the Chairman, the Clerk explained that the number of votes originally obtained by Mr LEUNG Kwok-hung was 12. As six Members had requested that their votes be taken out, it was announced at the meeting that the number of votes obtained by Mr LEUNG was accordingly adjusted to six. However, upon verification after the meeting, it was noted that only one of the six Members concerned had voted for Mr LEUNG. The number of valid votes obtained by Mr LEUNG after adjustment should therefore be 11 instead of six as announced at the meeting. The verified voting records in respect of the vote taken on each of the nominees had been issued to Members after the meeting on the same day.

3. Members raised no further question on the minutes. The minutes were confirmed.

II. Matters arising

(a) **Report by the Chairman on his meeting with the Chief Secretary for Administration ("CS")**

(Letter dated 17 November 2014 from Dr Hon KWOK Ka-ki regarding his request to convene a special House Committee meeting to discuss and follow up the drafting of the "Public Sentiments Report" (LC Paper No. CB(2)310/14-15(01)))

(Letter dated 18 November 2014 from Dr Hon KWOK Ka-ki regarding the attendance of the Chief Executive at Question and Answer Sessions (LC Paper No. CB(2)310/14-15(02)))

4. The Chairman said that there was nothing special to report on his last meeting with CS.

5. The Chairman then invited Members to note the two letters dated 17 November and 18 November 2014 from Dr KWOK Ka-ki requesting respectively to invite CS and relevant Government officials to attend a special HC meeting to discuss the drafting of the "Public Sentiments Report", and to follow up the rescheduled date for the Chief Executive's Question and Answer Session which was originally scheduled for 16 October 2014. The Chairman said that he would convey Dr KWOK's requests to CS at their next meeting. He further informed Members that the Panel on Constitutional Affairs would discuss issues relating to the submission of the "Public Sentiments Report" by the Task Force on Constitutional Development at its next meeting scheduled for 15 December 2014.

(b) **Further report by the Legal Service Division on Banking (Capital) (Amendment) Rules 2014 and Banking (Liquidity) Rules gazetted on 24 October 2014**

(LC Paper No. LS15/14-15)

[Previous papers:

paragraphs 11 to 28 of LC Paper No. LS7/14-15 issued vide LC Paper No. CB(2)195/14-15 dated 30 October 2014; and

paragraphs 3 to 5 of the minutes of the 4th meeting held on 31 October 2014 (LC Paper No. CB(2)215/14-15 issued vide LC Paper No. CB(2)232/14-15 dated 6 November 2014)]

6. At the invitation of the Chairman, Legal Adviser ("LA") said that Members were advised at the HC meeting on 31 October 2014 that the Legal Service Division ("LSD") would make a further report on the Banking (Capital) (Amendment) Rules 2014 (L.N. 128) and the Banking (Liquidity) Rules (L.N. 129) if necessary after having completed scrutiny of the legal and drafting aspects of the Rules. LSD had sought clarification from the Administration on certain drafting issues in relation to the two sets of Rules. In response to the queries raised by LSD, the Administration had advised that it intended to make amendments to the Chinese text of the two sets of Rules next year when they were further reviewed and revised by the Monetary Authority to incorporate any other latest Basel III requirements.

7. Members did not raise any question on the two sets of Rules.

8. The Chairman informed Members that the deadline for amending these two sets of Rules was the Council meeting of 26 November 2014.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 14 November 2014 and tabled in Council on 20 November 2014

(LC Paper No. LS14/14-15)

9. At the invitation of the Chairman, LA briefed Members on the LSD Report on the two items of subsidiary legislation (i.e. the Dangerous Dogs Regulation (Exemption) (Amendment) Notice 2014 (L.N. 137) and the Rabies (TNR Programme) (Exemption) Notice (L.N. 138)) which were gazetted on 14 November 2014 and tabled in Council on 20 November 2014.

Action

10. The Deputy Chairman considered it necessary to form a subcommittee to study the two Notices in detail. Members agreed. The following Members agreed to join the subcommittee: Ms Cyd HO, Mr CHAN Hak-kan, Ms Claudia MO and Dr Helena WONG (as advised by Ms Emily LAU).

11. The Chairman reminded Members that the deadline for amending the two Notices was the Council meeting of 17 December 2014, or that of 14 January 2015 if extended by a resolution of the Council.

IV. Further business for the Council meeting of 26 November 2014

Report No. 4/14-15 of HC on Consideration of Subsidiary Legislation and Other Instruments

12. The Chairman said that the above draft Report, which covered eight items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 26 November 2014, had been issued to Members. No Member had indicated intention to speak on the subsidiary legislation.

(a) **Questions**
(*LC Paper No. CB(3)170/14-15*)

13. The Chairman informed Members that Mr SIN Chung-kai and Mr TAM Yiu-chung had replaced their oral questions.

(b) **Bills - resumption of debate on Second Reading, Committee Stage and Third Reading**

(i) **Contracts (Rights of Third Parties) Bill**

(ii) **Statute Law (Miscellaneous Provisions) Bill 2014**

14. Members noted that the Second Reading debates on the above two Bills would be resumed at the meeting.

15. In response to Ms Emily LAU's enquiry on the meeting arrangement for the Council meeting of 26 November 2014, Assistant Secretary General 3 said that as the Council had not finished dealing with the first Member's motion with no legislative effect at its meeting of 20 November 2014, in accordance with the past practice and after consulting the President, both of the two Members' motions with no legislative effect originally scheduled for the Council meeting of

Action

20 November 2014 would stand over to the Council meeting of 26 November 2014, while the two Members' motions originally scheduled to be dealt with at the Council meeting of 26 November 2014 would be postponed to the Council meeting of 3 December 2014. Members also noted that based on the preliminary Agenda for the Council meeting of 26 November 2014, the two Members' motions with no legislative effect which had stood over from the last Council meeting would be dealt with after the proceedings on the above two Government bills had been completed.

V. Business for the Council meeting of 3 December 2014

(a) Questions

(LC Paper No. CB(3)171/14-15)

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

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

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

(c) Government motion

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

(d) Members' motions

19. Members noted that the motion debates originally scheduled to be held at the Council meeting of 26 November 2014 and the following Council meetings would be postponed accordingly.

Report of HC on Consideration of Subsidiary Legislation

20. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)180/14-15), which contained one item of subsidiary legislation the period for amendment of which would expire at the Council meeting of 3 December 2014. He reminded Members to indicate their intention by 5:00 pm on Tuesday, 25 November 2014, should they wish to speak on that item of subsidiary legislation.

VI. Report of Bills Committees and subcommittees

Report of the Bills Committee on Sex Discrimination (Amendment) Bill 2014

(LC Paper No. CB(2)303/14-15)

21. Dr CHIANG Lai-wan, 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 supported the resumption of the Second Reading debate on the Bill at the Council meeting of 3 December 2014.

22. The Chairman reminded Members that the deadline for giving notice of Committee stage amendments, if any, proposed to be moved to the Bill was Monday 24 November 2014.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)298/14-15)

23. The Chairman said that as at 20 November 2014, there were 15 Bills Committees, five subcommittees under HC and nine subcommittees on policy issues under Panels in action.

VIII. Any other business

24. There being no other business, the meeting ended at 2:43 pm.