

立法會
Legislative Council

LC Paper No. CB(2)432/14-15

Ref : CB2/H/5/14

House Committee of the Legislative Council

**Minutes of the 9th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 5 December 2014**

Members present:

Hon Andrew LEUNG Kwan-yuen, GBS, JP (Chairman)
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, JP
Hon Starry LEE Wai-king, 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 WONG Kwok-kin, SBS
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Paul TSE Wai-chun, 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 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
Dr Hon Kenneth CHAN Ka-lok
Hon CHAN Yuen-han, SBS, JP
Hon LEUNG Che-cheung, BBS, MH, JP
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 Ronny TONG Ka-wah, SC (Deputy Chairman)
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon James TO Kun-sun
Hon Emily LAU Wai-hing, JP
Dr Hon LAM Tai-fai, SBS, JP
Hon CHEUNG Kwok-che
Hon LEUNG Kwok-hung
Hon NG Leung-sing, SBS, JP
Hon Frankie YICK Chi-ming
Hon CHAN Han-pan, JP
Hon Kenneth LEUNG
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
Ms Anita SIT	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 KAU Kin-wah	Senior Assistant Legal Adviser 3
Ms Dora WAI	Principal Council Secretary 1
Ms Hallie CHAN	Head (Public Information)
Miss Betty MA	Chief Council Secretary (2)1
Ms Amy YU	Chief Council Secretary (2)6
Mr Kelvin LEE	Assistant Legal Adviser 1
Mr YICK Wing-kin	Assistant Legal Adviser 8
Ms Clara TAM	Assistant Legal Adviser 9
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

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I. Confirmation of the minutes of the 8th meeting held on 28 November 2014

(LC Paper No. CB(2)375/14-15)

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. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 28 November 2014

(LC Paper No. LS18/14-15)

3. At the invitation of the Chairman, Legal Adviser briefed Members on the Legal Service Division report on three items of subsidiary legislation which were gazetted on 28 November 2014. Of these, two items of subsidiary legislation (i.e. L.N. 141 and L.N. 142) were tabled in Council on 3 December 2014 and the remaining item (i.e. L.N. 143) was a Regulation made under the United Nations Sanctions Ordinance (Cap. 537) ("UNSO") which was not required to be tabled in the Legislative Council ("LegCo") and was not subject to amendment by LegCo.

4. Members agreed that the United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2014 (L.N. 143) made under UNSO 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.

5. Mr Charles MOK considered it necessary to form a subcommittee to study the Electronic Transactions Ordinance (Amendment of Schedule 1) Order 2014 (L.N. 141) in detail. Members agreed. The following Members agreed to join the subcommittee: Mr Andrew LEUNG, Mr Charles MOK, Mr SIN Chung-kai and Dr Elizabeth QUAT. As the deadline for amending the Order was the Council meeting of 17 December 2014 unless extended by a resolution of the Council, Members also agreed that the Chairman should move a proposed resolution, in his capacity as Chairman of the House Committee ("HC"), at the Council meeting of 10 December 2014 to extend the scrutiny period of the Order to the Council meeting of 21 January 2015, so as to allow sufficient time for the subcommittee to scrutinize the Order.

6. Members did not raise any question on the Employees Retraining Ordinance (Amendment of Schedule 2) Notice 2014 (L.N. 142).

IV. Further business for the Council meeting of 10 December 2014

(a) Tabling of papers

Report No. 6/14-15 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
(*LC Paper No. CB(2)377/14-15 issued vide LC Paper No. CB(3)237/14-15 dated 3 December 2014*)

7. The Chairman said that the Report covered one item of subsidiary legislation and one other instrument, namely the Overseas Lawyers (Qualification for Admission) (Amendment) Rules 2014 (Commencement) Notice (L.N. 122) and the Fourth Technical Memorandum for Allocation of Emission Allowances in Respect of Specified Licences (S.S. No. 5 to Gazette No. 42/2014) ("Fourth TM"), the period for amendment of which would expire at the Council meeting of 10 December 2014. As the Chairmen of the two subcommittees concerned had respectively indicated their intention to speak on the Notice and the Fourth TM, he would move a motion in his capacity as Chairman of HC to take note of the Report in relation to the above two items at the Council meeting. Members agreed that the debate on the motion be divided into two sessions, one covering the Notice and the other the Fourth TM. The Chairman reminded Members that the speaking time limit for each Member was 15 minutes for each session.

(b) Questions

(*LC Paper No. CB(3)224/14-15*)

8. The Chairman informed Members that Dr Helena WONG and Mr IP Kin-yuen had replaced their oral questions.

Members' motions without legislative effect to be dealt with at the Council meeting of 10 December 2014

9. The Chairman informed Members that as the debate on Mr Gary FAN's motion on "Adhering to the need to 'put Hong Kong people first' in formulating policies" could not be finished at the Council meeting of 3 December 2014, the debate would continue at the Council meeting of 10 December 2014. The Council would also deal with Dr Fernando CHEUNG's motion on "Report of the Subcommittee on Integrated Education" at that meeting.

V. Business for the Council meeting of 17 December 2014

(a) Questions

(LC Paper No. CB(3)225/14-15)

10. 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

11. Members noted that the Stamp Duty (Amendment) Bill 2014 would be introduced into the Council on 17 December 2014 and HC would consider the Bill at its meeting on 19 December 2014.

(c) Government motion

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

(d) Members' motions

13. Members noted that debates on the motions to be moved by Mr Jeffrey LAM and Mr Frankie YICK respectively on "Increasing upward mobility opportunities for young people" and "Expediently launching the Fourth Comprehensive Transport Study" would be held at the Council meeting of 17 December 2014.

Report of HC on Consideration of Subsidiary Legislation

14. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)239/14-15), which contained three items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 17 December 2014. He reminded Members to indicate their intention by 5:00 pm on Tuesday, 9 December 2014, should they wish to speak on any of the items of subsidiary legislation.

VI. Reports of Bills Committees and subcommittees

(a) Report of the Bills Committee on Employment (Amendment) Bill 2014

(LC Paper No. CB(2)344/14-15)

15. On behalf of Mr Kenneth LEUNG, Chairman of the Bills Committee, Ms Cyd HO briefed Members on the deliberations of the Bills

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Committee as detailed in its report. Ms HO informed Members that the Bills Committee had agreed that its Chairman should on behalf of the Bills Committee move Committee stage amendments ("CSAs") to the Bill which sought, among others, to delete the two-day advance notice requirement for taking paternity leave ("PL"). As the Administration had just advised the Bills Committee of its decision to move a CSA for the purpose of substituting the two-day advance notice requirement with the requirement to notify the employer of the intended date of PL before proceeding on leave, the Bills Committee had agreed that its Chairman would not give notice to move the CSA in respect of the two-day notice requirement. Members noted that the Bills Committee supported the resumption of the Second Reading debate on the Bill and that the resumption date proposed by the Administration was the Council meeting of 17 December 2014.

(b) Report of the Bills Committee on Construction Workers Registration (Amendment) Bill 2014

(LC Paper No. CB(1)317/14-15)

16. Ir Dr LO Wai-kwok, 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, which were technical in nature, proposed to be moved by the Administration and supported the resumption of the Second Reading debate on the Bill at the Council meeting of 17 December 2014.

(c) Report of the Bills Committee on Administration of Justice (Miscellaneous Provisions) Bill 2014

(LC Paper No. CB(4)211/14-15)

17. Mr Dennis KWOK, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Members noted that in response to the Bills Committee's concerns, the Administration would propose relevant CSAs to the Bill. Members also noted that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting of 17 December 2014.

18. The Chairman reminded Members that the deadline for giving notice of CSAs, if any, proposed to be moved to the above three Bills was Monday, 8 December 2014.

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VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)376/14-15)

19. The Chairman said that as at 4 December 2014, there were 14 Bills Committees, four subcommittees under HC and nine subcommittees on policy issues under Panels in action.

VIII. Any other business

20. There being no other business, the meeting ended at 2:42 pm.

Council Business Division 2
Legislative Council Secretariat
10 December 2014