

立法會
Legislative Council

LC Paper No. CB(2)679/14-15

Ref : CB2/H/5/14

House Committee of the Legislative Council

**Minutes of the 13th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 16 January 2015**

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 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
Hon CHEUNG Kwok-che
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 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 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 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
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kwok, BBS, MH, JP
Hon CHUNG Kwok-pan
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen, BBS

Members absent:

Dr Hon LAU Wong-fat, GBM, GBS, JP
Dr Hon LAM Tai-fai, SBS, JP
Dr Hon LEUNG Ka-lau
Hon Albert CHAN Wai-yip
Hon NG Leung-sing, SBS, JP
Hon MA Fung-kwok, SBS, JP
Hon Dennis KWOK

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 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 Erin TSANG	Chief Council Secretary (Complaints)
Ms Wendy KAN	Assistant Legal Adviser 6
Miss Winnie LO	Assistant Legal Adviser 7
Miss Josephine SO	Senior Council Secretary (2)6
Ms Jasmine TAM	Senior Council Secretary (2)8
Ms Yvonne YU	Senior Council Secretary (Complaints and Resources Management) 3
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 12th meeting held on 9 January 2015

(LC Paper No. CB(2)617/14-15)

The minutes were confirmed.

II. Matters arising

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

2. The Chairman said that CS had advised that the Administration would introduce the bills in the 2014-2015 Legislative Programme into the Legislative Council ("LegCo") as early as possible.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 9 January 2015 and tabled in Council on 14 January 2015

(LC Paper No. LS30/14-15)

3. At the invitation of the Chairman, Legal Adviser briefed Members on the Legal Service Division report on the Prevention and Control of Disease Ordinance (Amendment of Schedule 1) Notice 2015 (L.N. 2) which was gazetted on 9 January 2015 and tabled in Council on 14 January 2015.

4. Members did not raise any question on the Notice.

5. The Chairman reminded Members that the deadline for amending the Notice was the Council meeting of 11 February 2015.

IV. Further business for the Council meeting of 21 January 2015

(a) **Tabling of papers**

Report No. 10/14-15 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

(LC Paper No. CB(2)619/14-15 issued vide LC Paper No. CB(3)347/14-15 dated 13 January 2015)

6. The Chairman said that the Report covered one item of subsidiary legislation (i.e. the Electronic Transactions Ordinance (Amendment of Schedule 1) Order 2014), the period for amendment of which would expire at the Council meeting of 21 January 2015.

7. The Chairman further said that as three Members (including himself, Mr Charles MOK and Mr SIN Chung-kai) had indicated their intention to speak on the Order, he would move a motion in his capacity as Chairman of the House Committee ("HC") to take note of the Report in relation to the Order at the Council meeting.

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

(i) **Mandatory Provident Fund Schemes (Amendment) Bill 2014**

(ii) **Pharmacy and Poisons (Amendment) Bill 2014**

8. Members noted that the Second Reading debates on the above two Bills would be resumed at the Council meeting of 21 January 2015.

V. Business for the Council meeting of 28 January 2015

(a) Questions

(LC Paper No. CB(3)346/14-15)

9. 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

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

(c) Government motion

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

(d) Members' motions

(i) Motion to be moved by Hon Steven HO

(ii) Motion to be moved by Hon Cyd HO

12. The Chairman said that the subjects of the motions to be moved by Mr Steven HO and Ms Cyd HO were "Promoting the sustainable development of the agriculture and fisheries industry" and "Seeking the invalidation of the decision of the Standing Committee of the National People's Congress and reactivating the constitutional reform process" respectively.

13. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 21 January 2015.

VI. Report of Bills Committees and subcommittees

**Report of the Bills Committee on Land (Miscellaneous Provisions)
(Amendment) Bill 2014**

(LC Paper No. CB(1)431/14-15)

14. Mr Tony TSE, 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 legislative amendments proposed in the Bill and had no objection to the resumption of the Second Reading debate on the Bill. Members also noted that the

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Administration had indicated its intention to resume the Second Reading debate on the Bill at the Council meeting of 28 January 2015.

15. 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, 19 January 2015.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)618/14-15)

16. The Chairman said that as at 15 January 2015, there were nine Bills Committees, four subcommittees under HC and nine subcommittees on policy issues under Panels in action.

VIII. Proposal of Hon Emily LAU and Hon LEUNG Yiu-chung to appoint a subcommittee under the House Committee to study issues relating to Mainland-HKSAR families

(Joint letter dated 12 January 2015 from Hon Emily LAU and Hon LEUNG Yiu-chung (LC Paper No. CB(2)638/14-15(01)))

17. Ms Emily LAU said that Mr LEUNG Yiu-chung and she met with a deputation on 16 December 2014 to listen to the hardships faced by Mainland-HKSAR families. It was her understanding that there remained many unresolved cases, particularly in respect of arrangements for Mainland "overage children" to come to Hong Kong for family reunion. Given the effectiveness of the Subcommittee to Study Issues Relating to Mainland-HKSAR Families formed in the Fourth LegCo ("the former Subcommittee") in monitoring the Government's work on relevant issues, the deputation had expressed a wish that a subcommittee would likewise be appointed under HC in the Fifth LegCo to continue to follow up the related issues.

18. Mr LEUNG Yiu-chung said that the former Subcommittee had provided an effective forum of communication with the Administration and had helped resolve many cases. He expressed support for the appointment of the proposed subcommittee.

19. In response to Mr Paul TSE's enquiry on whether there was any outstanding work of the former Subcommittee requiring follow-up, Chief Council Secretary (Complaints) ("CCS(C)") said that the former Subcommittee had completed its work. Nevertheless, in view of the effectiveness of the former Subcommittee in comprehensively monitoring the Government's implementation of various measures to help Mainland-HKSAR families, the deputation hoped that a similar

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subcommittee could be formed in the Fifth LegCo to continue to monitor the Government's work on relevant issues, including exploring the feasibility of opening a channel for Mainland adult children of Hong Kong residents who were not eligible for "overage children" One Way Permit ("OWP") applications to come to Hong Kong for reunion with their families.

20. Mr YIU Si-wing said that it was his understanding that the Security Bureau would, on a case-by-case basis, provide assistance to Mainland-HKSAR families in the light of the individual circumstances of each case. He sought information on the number of relevant complaint cases received by the Public Complaints Office of the LegCo Secretariat, as such information could shed light on the magnitude of the problem and facilitate Members' consideration of whether a subcommittee should be formed.

21. At the invitation of the Chairman, CCS(C) said that there were at present 31 cases brought up by the deputation and more cases might be lodged. As the issues straddled various policy areas including immigration policy, the population policy in respect of Mainlanders whose family members were Hong Kong residents and welfare services for Mainland-HKSAR families, the deputation considered that the appointment of the proposed subcommittee under HC could tackle the issues more effectively.

22. Mr James TIEN considered that the proposal could be supported. Apart from immigration policy, the proposed subcommittee, if appointed, could also study issues relating to provision of public services for new arrivals from the Mainland. He sought information on the present position of subcommittees on policy issues.

23. The Chairman explained that as the maximum number of subcommittees on policy issues that might be in operation at any one time had presently been reached, any new subcommittee which had been formally appointed would be put on the waiting list. Apart from the proposed subcommittee under discussion, several proposals for the appointment of subcommittees under Panels had been put forward for the consideration of the Panels concerned. Vacant slots for activation of new subcommittees might be available around March or April 2015 at the earliest.

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24. Mr LEE Cheuk-yan said that he was the Chairman of the former Subcommittee. In his view, there were various issues which required to be followed up with the Administration. For instance, the timetable for processing OWP applications by Mainland "overage children"; the ineligibility of some Mainland adult children of Hong Kong residents for "overage children" OWP applications as they were above the age of 14 when their natural fathers or mothers obtained Hong Kong identity cards; and the viability of opening a channel for Mainland single parents with minor Hong Kong resident children to settle in Hong Kong under the OWP Scheme. He therefore supported the appointment of the proposed subcommittee under HC to continue to follow up these issues.

25. Mr Alan LEONG said that Members belonging to the Civic Party supported the proposal, given the effectiveness of the former Subcommittee in monitoring the Government's implementation of various measures to help Mainland-HKSAR families.

26. Mr YIU Si-wing suggested that more information be sought from the Administration on the number of relevant cases received by the Administration and the number of such cases which had been successfully resolved, so as to facilitate Members' consideration of the proposal.

27. Ms Emily LAU said that she gathered from the discussion that most Members supported in principle the proposal. She hoped that Members could agree at this HC meeting to support in principle the appointment of the proposed subcommittee, while the information suggested to be sought by Mr YIU Si-wing could be followed up by the subcommittee or the LegCo Secretariat as appropriate.

28. Mr LEUNG Yiu-chung said that the 31 complaint cases lodged with the Public Complaints Office were only the tip of the iceberg. In his view, the matter was a long-standing social problem which had to be tackled from various fronts. He appealed to Members to support the appointment of the proposed subcommittee.

29. Members agreed in principle to the appointment of the proposed subcommittee under HC to study issues relating to Mainland-HKSAR families. The Chairman informed Members that the LegCo Secretariat would, in accordance with Rule 20(k)(ii) of the House Rules, make a proposal on the terms of reference, work plan and time frame of the proposed subcommittee for the consideration of HC. After endorsement of the proposal by HC, the proposed subcommittee would be formally appointed and be placed on the waiting list to await activation.

IX. Request of Hon Claudia MO to seek the House Committee's recommendation for an adjournment debate under Rule 16(4) of the Rules of Procedure at the Council meeting of 21 January 2015 on the relationship between the incident of petrol bomb attack on a media organization and freedom of the press in Hong Kong
(Letter dated 13 January 2015 from Hon Claudia MO (LC Paper No. CB(2)638/14-15(02)))

30. Ms Claudia MO said that freedom of the press, which had all along been the core value of Hong Kong, was under serious threat. The case of attack on Mr Kevin LAU Chun-to, the former chief editor of Ming Pao Daily News, had yet to be solved by the Police. The recent petrol bomb attacks on the headquarters of Next Media and the home of its former chairman, Mr Jimmy LAI, in the early hours of the morning smacked strongly of intimidation. A number of attacks targeted at Next Media and Mr LAI had occurred over the past year. She believed that these attacks were politically motivated with the intention of silencing an outspoken media. She cautioned that the series of violent attacks targeted at the media had seriously threatened freedom of the press in Hong Kong and appealed to Members to support her proposal.

31. Mr Christopher CHUNG said that according to a report in Apple Daily on 24 July 2014, Ms Claudia MO was one of the three serving or former Members named to have received donations from Mr Jimmy LAI. While he did not oppose the holding of the proposed adjournment debate to provide an opportunity for Members to speak on the matter, there were queries on whether Ms MO, in putting forward the proposal, was using public powers to serve private purposes.

32. Ms Claudia MO raised a point of order. She referred Members to Rule 41(5) of the Rules of Procedure ("RoP") which provided that a Member should not impute improper motives to another Member.

33. Mr Christopher CHUNG said that he was only referring to a media report and wondered whether Ms Claudia MO might need to declare interests. In his view, it did not appear that the incident of petrol bomb attack had anything to do with freedom of the press. While a debate on the matter could be held in Council, he considered it more important for the Police to investigate the matter to find out the truth.

34. Mr CHAN Han-pan said that while he agreed that freedom of the press was the core value of Hong Kong, he could not condone media figures' buying off politicians to speak for their interests in Council. He did not oppose the holding of the proposed adjournment debate to help clear up the matter.

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35. Ms Claudia MO said that Mr IP Kwok-him, Chairman of the Committee on Members' Interests ("CMI"), had already informed her that the allegations made against her as referred to by Mr Christopher CHUNG were not substantiated. She expressed strong dissatisfaction with the remarks made by Members belonging to the pro-establishment camp.

36. Mr James TIEN indicated support for the proposal. He added that Members should express their views on the matter during the adjournment debate, and not during the present discussion at the HC meeting.

37. Mr IP Kwok-him said that as Chairman of CMI, he was merely executing the decisions of the Committee by explaining the matter clearly to Ms Claudia MO who should have understood. Given the principle of confidentiality, he could not disclose the details of CMI's deliberations.

38. Members agreed to Ms Claudia MO's proposal to hold an adjournment debate under RoP 16(4), in addition to two other Members' motions with no legislative effect, at the Council meeting of 21 January 2015, and that the President's leave be sought for dispensing with the requisite notice for moving the adjournment motion.

X. Any other business

39. There being no other business, the meeting ended at 2:56 pm.