

立法會
Legislative Council

LC Paper No. CB(2)725/14-15

Ref : CB2/H/5/14

House Committee of the Legislative Council

**Minutes of the 14th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 23 January 2015**

Members present:

Hon Andrew LEUNG Kwan-yuen, GBS, JP (Chairman)

Hon Ronny TONG Ka-wah, SC (Deputy Chairman)

Hon LEE Cheuk-yan

Hon James TO Kun-sun

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 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

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 Albert CHAN Wai-yip

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 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
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-kiwok, BBS, MH, JP
Hon Tony TSE Wai-chuen, BBS

Members absent:

Hon Albert HO Chun-yan
Hon Emily LAU Wai-hing, JP
Hon WONG Kwok-hing, BBS, MH
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN
Dr Hon LEUNG Ka-lau
Hon CHEUNG Kwok-che
Hon Michael TIEN Puk-sun, BBS, JP
Hon LEUNG Che-cheung, BBS, MH, JP
Dr Hon Helena WONG Pik-wan
Hon CHUNG Kwok-pan
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

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
Ms YUE Tin-po	Chief Council Secretary (4)3
Miss Erin TSANG	Chief Council Secretary (Complaints)
Mr Bonny LOO	Assistant Legal Adviser 3
Miss Carrie WONG	Assistant Legal Adviser 4
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 13th meeting held on 16 January 2015

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

The minutes were confirmed.

II. Matters arising

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

2. The Chairman said that he had invited the Chief Secretary for Administration ("CS") to attend a special meeting of the House

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Committee ("HC") to discuss with Members the report on "Population Policy – Strategies and Initiatives" ("the Report") which was released by the Administration on 15 January 2015. CS had indicated that while she was willing to attend the proposed special HC meeting, the Report only sought to sum up the initiatives proposed so far and she would continue to listen to Members' views on the population policy.

3. Members agreed that the proposed special HC meeting be held on Friday, 24 April 2015, at 2:30 pm.

(b) Further report by the Legal Service Division on the Banking (Disclosure) (Amendment) Rules 2014

(LC Paper No. LS31/14-15)

4. At the invitation of the Chairman, Legal Adviser ("LA") said that Members were advised at the HC meeting on 9 January 2015 that the Legal Service Division ("LSD") would make a further report on the Banking (Disclosure) (Amendment) Rules 2014 (L.N. 160) if necessary after having received and considered the Administration's reply on certain legal and drafting issues in relation to the Rules. LA briefed Members on the salient issues and the Administration's response, details of which were set out in the further report.

5. Members did not raise any question on the Rules.

6. The Chairman reminded Members that the deadline for amending the Rules was the Council meeting of 4 February 2015.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 16 January 2015

(LC Paper No. LS32/14-15)

7. At the invitation of the Chairman, LA briefed Members on the LSD report on the six items of subsidiary legislation (i.e. L.N. 5 to L.N. 10) which were gazetted on 16 January 2015. Of these, five items (i.e. L.N. 5 to L.N. 9) were tabled in Council on 21 January 2015 and the remaining item (i.e. L.N. 10) 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 not subject to amendment by LegCo.

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8. Members agreed that the United Nations Sanctions (Somalia) (Amendment) Regulation 2015 (L.N. 10) 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.

9. Mr LEE Cheuk-yan considered it necessary to form a subcommittee to study the Minimum Wage Ordinance (Amendment of Schedule 3) Notice 2015 (L.N. 6) and the Employment Ordinance (Amendment of Ninth Schedule) Notice 2015 (L.N. 7) in detail. Members agreed. Mr LEE Cheuk-yan, Mr LEUNG Yiu-chung, Mr Frederick FUNG, Ms Cyd HO, Mr TANG Ka-piu and Dr CHIANG Lai-wan agreed to join the subcommittee.

10. Members did not raise any question on the remaining three items of subsidiary legislation (i.e. L.N. 5, L.N. 8 and L.N. 9).

11. The Chairman reminded Members that the deadline for amending the five items of subsidiary legislation which had been tabled in Council (i.e. L.N. 5 to L.N. 9) was the Council meeting of 11 February 2015, or that of 18 March 2015 if extended by a resolution of the Council.

IV. Further business for the Council meeting of 28 January 2015

(a) Questions
(LC Paper No. CB(3)373/14-15)

12. The Chairman said that Mr CHAN Han-pan had replaced his oral question.

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

13. Members noted that the Second Reading debate on the Land (Miscellaneous Provisions) (Amendment) Bill 2014 would be resumed at the meeting.

Members' motions with no legislative effect to be dealt with at the Council meeting of 28 January 2015

14. The Chairman informed Members that the Council would, at its meeting of 28 January 2015, deal with the remaining proceedings on Mr CHAN Kin-por's motion on "Combating insurance frauds", and debate the following motions with no legislative effect –

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- (a) motion on "Concerning about the problem of slow progress in vetting and approving funding applications for infrastructure projects" to be moved by Mr Abraham SHEK;
- (b) motion on "Promoting the sustainable development of the agriculture and fisheries industry" to be moved by Mr Steven HO; and
- (c) adjournment motion on "The relationship between the incident of petrol bomb attack on a media organization and freedom of the press in Hong Kong" to be moved by Ms Claudia MO under Rule 16(4) of the Rules of Procedure.

V. Business for the Council meeting of 4 February 2015

(a) **Questions**

(LC Paper No. CB(3)374/14-15)

15. 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**

(i) **Arbitration (Amendment) Bill 2015**

(ii) **Clearing and Settlement Systems (Amendment) Bill 2015**

16. The Chairman informed Members that HC would consider the above two Bills at its meeting on 6 February 2015.

(c) **Bill - resumption of debate on Second Reading, Committee Stage and Third Reading**

17. Members noted that the Second Reading debate on the Stamp Duty (Amendment) Bill 2014 would be resumed at the meeting.

(d) **Government motions**

Three proposed resolutions to be moved by the Secretary for Labour and Welfare under the following three Ordinances:

(i) **Employees' Compensation Ordinance (Cap. 282);**

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(ii) **Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360); and**

(iii) **Occupational Deafness (Compensation) Ordinance (Cap. 469)**

*(Wording of the proposed resolutions issued vide LC Paper No. CB(3)379/14-15 dated 21 January 2015)
(LC Paper No. LS33/14-15)*

18. At the invitation of the Chairman, LA briefed Members on the LSD report on the above three proposed resolutions.

19. Members did not raise any question and had no objection to the Administration moving the three proposed resolutions at the Council meeting of 4 February 2015.

(e) **Members' motions**

(i) **Motion on "Seeking the invalidation of the decision of the Standing Committee of the National People's Congress and reactivating the constitutional reform process" to be moved by Hon Cyd HO**

(Wording of the motion issued vide LC Paper No. CB(3)354/14-15 dated 15 January 2015)

(ii) **Motion to be moved by Hon Charles Peter MOK**

20. The Chairman said that the subject of the motion to be moved by Mr Charles MOK was "Comprehensively reviewing the provision on 'access to computer with criminal or dishonest intent' under the Crimes Ordinance". The Chairman reminded Members that the deadline for giving notice of amendment, if any, to the motion to be moved by Mr MOK was Wednesday, 28 January 2015.

Report of HC on Consideration of Subsidiary Legislation

21. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)383/14-15), which contained seven items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 4 February 2015. He reminded Members to indicate their intention by 5:00 pm on Tuesday, 27 January 2015, should they wish to speak on any of the items of subsidiary legislation.

VI. Report of Bills Committees and subcommittees

Report of the Subcommittee on Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 (Commencement) Notice 2014 and Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013 (Commencement) Notice

(LC Paper No. CB(1)456/14-15)

22. Ms Cyd HO, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee raised no objection to the two Commencement Notices.

23. The Chairman reminded Members that as the period for amending the two Commencement Notices would expire at the Council meeting of 4 February 2015, the deadline for giving notice of amendments, if any, to the Commencement Notices was Wednesday, 28 January 2015.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)680/14-15)

24. The Chairman said that as at 22 January 2015, there were eight Bills Committees (one of which would need to work beyond three months since its commencement), four subcommittees under HC and nine subcommittees on policy issues under Panels in action.

VIII. Proposal for the appointment of a subcommittee under the House Committee to study issues relating to Mainland-HKSAR families

(LC Paper No. CB(2)681/14-15)

25. The Chairman said that at the last HC meeting on 16 January 2015, Members agreed in principle to the appointment of a subcommittee under HC to study issues relating to Mainland-HKSAR families ("the Subcommittee"). He invited Members to endorse the proposed terms of reference, work plan and time frame of the Subcommittee as set out in paragraphs 4 to 6 of the paper.

26. Members endorsed the proposed terms of reference, work plan and time frame of the Subcommittee. The following Members agreed to join the Subcommittee: Mr LEUNG Yiu-chung, Ms Emily LAU (as advised by Mr SIN Chung-kai), Mr IP Kwok-him and Dr Kenneth CHAN. Members noted that the Subcommittee was the first on the waiting list pending activation.

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IX. Proposal of the Parliamentary Liaison Subcommittee to conduct a parliamentary visit to Germany in response to an invitation from the German Government

(LC Paper No. CB(4)383/14-15)

27. Ms Cyd HO, Deputy Chairman of the Parliamentary Liaison Subcommittee, briefed Members on the proposal of the Parliamentary Liaison Subcommittee to conduct a parliamentary visit to Germany in response to an invitation from the German Government, details of which were set out in the paper.

28. Members endorsed the following recommendations of the Parliamentary Liaison Subcommittee -

- (a) to accept the invitation of the German Government to send a delegation comprising up to nine Members to visit Germany from 1 to 6 March 2015; and
- (b) to adopt the mechanism for selecting Members to join the delegation as set out in paragraphs 8 and 9 of the paper.

X. Any other business

29. There being no other business, the meeting ended at 2:46 pm.