

**立法會**  
**Legislative Council**

LC Paper No. CB(2)777/14-15

Ref : CB2/H/5/14

**House Committee of the Legislative Council**

**Minutes of the 15th meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 30 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 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 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  
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

**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 Timothy TSO	Acting 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 Arthur LEUNG	Chief Council Secretary (3)3
Ms Clara TAM	Assistant Legal Adviser 9
Miss Evelyn LEE	Assistant Legal Adviser 10
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 14th meeting held on 23 January 2015**

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

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 23 January 2015 and tabled in Council on 28 January 2015**

*(LC Paper No. LS34/14-15)*

3. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the Legal Service Division ("LSD") report on the eight items of subsidiary legislation (i.e. L.N. 12 to L.N. 19) which were gazetted on 23 January 2015 and tabled in Council on 28 January 2015.
4. Mr James TO considered it necessary to form a subcommittee to study in detail the Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) Ordinance (Amendment of Schedule 2) Notice 2015 (L.N. 16). Members agreed. Mr James TO and Mr SIN Chung-kai agreed to join the proposed subcommittee.
5. Dr Fernando CHEUNG considered it necessary to form a subcommittee to study in detail the Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2015 (L.N. 17) ("the Notice").
6. Mr Jeffrey LAM said that in 2014, the Administration had consulted, among others, some major trade associations on the legislative proposal to update certain safety standards for toys and children's products. It was his understanding that no objection had been raised to the proposal. Mr LAM considered it not necessary to form a subcommittee to study the Notice, as the proposed amendments were technical in nature and uncontroversial.
7. Dr Fernando CHEUNG said that the trade associations aside, it was important to also take into account the views of other stakeholders such as product users. Referring to paragraph 25 of the LSD report, LA advised that the stakeholders consulted by the Administration included organizations advocating children welfare.
8. Members agreed that a subcommittee be formed to study the Notice in detail. Dr Fernando CHEUNG and Mr SIN Chung-kai agreed to join the proposed subcommittee.
9. Members did not raise any question on the remaining six items of subsidiary legislation.

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10. The Chairman reminded Members that the deadline for amending the eight items of subsidiary legislation contained in the LSD report was the Council meeting of 25 February 2015, or that of 18 March 2015 if extended by a resolution of the Council.

*(Post-meeting note : Members were advised vide the LSD report (LC Paper No. LS34/14-15) that LSD was still scrutinizing the Air Pollution Control (Non-road Mobile Machinery) (Emission) Regulation (L.N. 12). LSD subsequently informed the Clerk on 3 February 2015 that it had completed the scrutiny of the Regulation and no difficulties had been identified in the legal and drafting aspects of the Regulation.)*

**IV. Further business for the Council meeting of 4 February 2015**

**(a) Tabling of papers**

**Report No. 11/14-15 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments**

*(LC Paper No. CB(2)727/14-15 issued vide LC Paper No. CB(3)407/14-15 dated 28 January 2015)*

11. The Chairman said that the Report covered seven items of subsidiary legislation, the period for amendment of which would expire at the Council meeting of 4 February 2015.

12. The Chairman further said that as Ms Cyd HO, Chairman of the Subcommittee on the Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 (Commencement) Notice 2014 and the Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013 (Commencement) Notice, and Mr TANG Ka-piu had indicated their intention to speak on the two Commencement Notices, 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 two Commencement Notices at the Council meeting.

**(b) Questions**

*(LC Paper No. CB(3)402/14-15)*

13. The Chairman informed Members that Mr Paul TSE had replaced his oral question.

**V. Business for the Council meeting on 11, 12 and 13 February 2015**

**(a) Questions**

*(LC Paper No. CB(3)403/14-15)*

14. The Chairman said that 22 written questions had been scheduled for the meeting.

**(b) Members' motion**

**Motion of Thanks**

*(Director of Administration's letter dated 27 January 2015 on "The Debate on the Motion of Thanks on the 2015 Policy Address - Proposed Grouping of Policy Areas" (LC Paper No. CB(2)733/14-15(01)))*

15. The Chairman informed Members that he, as Chairman of HC, would move the Motion of Thanks, and the deadline for giving notice of amendments was Wednesday, 4 February 2015.

16. Members agreed to adopt for the debate on the 2015 Policy Address the same arrangements as those for the debates on the Policy Addresses in the past two years, which included the following -

- (a) the debate would be held on three consecutive days in five sessions. Each session would be dedicated to a group of policy areas; and
- (b) the first day of the debate would start at 11:00 am, and the second and third days at 9:00 am. The ending time for the first and second days of the debate would be about 10:30 pm. As regards the third day, if the debate could not be finished by about 10:00 pm, the meeting would be extended until the debate had finished.

17. Members also agreed to the proposed grouping of policy areas for the five debate sessions as set out in the Annex to the Director of Administration's letter dated 27 January 2015.

**Report of HC on Consideration of Subsidiary Legislation**

18. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)412/14-15), which contained six items of subsidiary legislation the period for amendment of which would expire at

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the Council meeting of 11 February 2015. He reminded Members to indicate their intention by 5:00 pm on Tuesday, 3 February 2015, should they wish to speak on any of the items of subsidiary legislation.

**VI. Position on Bills Committees and subcommittees**

*(LC Paper No. CB(2)726/14-15)*

19. The Chairman said that as at 29 January 2015, there were eight Bills Committees, four subcommittees under HC and nine subcommittees on policy issues under Panels in action. One subcommittee on policy issues was on the waiting list.

**VII. Amendments to Rule 83A of the Rules of Procedure proposed by the Committee on Members' Interests**

*(LC Paper No. CMI/31/14-15)*

20. Mr IP Kwok-him, Chairman of the Committee on Members' Interests ("CMI"), briefed Members on the amendments to Rule 83A of the Rules of Procedure ("RoP") proposed by CMI, details of which were set out in the paper.

21. Members agreed to the proposed amendments to RoP 83A, which sought -

- (a) to exclude a pecuniary interest which is in common with the rest or a sector of the population of Hong Kong from the requirement of RoP 83A on disclosure of pecuniary interests by Members in Council or any committee or subcommittee; and
- (b) to provide that members of a committee/subcommittee on legislative proposals were required to disclose pecuniary interests when they first spoke on a matter in the committee/subcommittee and repeated disclosures of the same interests at subsequent meetings were not necessary.

22. Members noted that Mr IP Kwok-him would move a motion, in his capacity as Chairman of CMI, at the Council meeting of 18 March 2015 to amend RoP 83A.

### **VIII. Suspension time of Council meetings**

*(LC Paper No. CB(3)408/14-15)*

23. The Chairman invited Members to give views for the President's consideration on the proposal as set out in the paper to adjust the suspension time of Council meetings to 8:00 pm if the business on the agenda was unlikely to be finished by around 10:00 pm on the day of the meeting.

24. Mr SIN Chung-kai said that Members belonging to the Democratic Party opposed the proposal, as it would shorten the time available for debate at a Council meeting and reduce the opportunities for Members to initiate motion debates in Council. In his view, the present arrangement of suspending Council meetings at about 10:00 pm, which had been in place for many years, had worked well, and what needed to be considered was how to ensure the smooth conduct of Council meetings which tended to stretch over two or three days in recent years.

25. Mr Albert CHAN said that with the increased number of Members in the Fifth Legislative Council ("LegCo"), as well as the increase in the number of political parties/groupings to which Members were affiliated and the number of Members who did not belong to any political party/grouping, it was natural that there was an increase in the number of Members speaking at Council meetings; hence the longer duration of Council meetings. While appreciating the burden of holding long Council meetings on the work of the staff of the LegCo Secretariat ("the Secretariat"), he considered that it was more a question of staff deployment to support the servicing of Council meetings. He suggested that arrangements should be made for the Secretariat staff concerned to work shift duties and each shift should last no more than eight hours, so that staff would not have to consistently work long hours.

26. Mr IP Kwok-him said that Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong agreed to the proposal, having regard to the immense pressure and workload brought about by the continuation of Council meetings on Thursdays and Fridays on the Secretariat staff concerned. In his view, there was room for improving the efficiency in the conduct of Council meetings.

27. Mr Frederick FUNG said that he did not support the proposal, as the present Council meeting arrangement had worked well over the years. He was concerned that the proposal to advance the suspension time of Council meetings might give the public an impression that Members were not willing to work late. He suggested that arrangements should be made for those staff who had worked late the previous day to report to work at a later time the following day, so as to minimize the negative impact of long Council meeting time on the staff concerned.



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28. Mr TANG Ka-piu was of the view that the workload of the Secretariat staff concerned should be the prime factor for consideration. He further said that he could not subscribe to the view that adjusting the suspension time of Council meetings would reduce the time available for debate in Council. Referring to paragraph 9 of the paper, he pointed out that incessant quorum calls and filibustering of certain proceedings in the Fifth LegCo had largely accounted for the longer duration of Council meetings. He considered that the provisions of RoP relating to the counting of quorum of Council meetings should be reviewed with a view to improving the effectiveness of the operation of the Council.

29. Miss Alice MAK said that in considering the proposal, regard should be given to the workload of the Secretariat staff concerned and their excessively long working hours. While she did not have strong view on continuing with the existing practice, she supported the proposal to adjust the suspension time of Council meetings to 8:00 pm from the occupational health point of view.

30. Mr WU Chi-wai queried whether the proposal to advance the suspension time of Council meetings by two hours could significantly reduce the work pressure of Secretariat staff. In his view, the crux of the problem was whether the Secretariat had adequate manpower resources to support the increase in workload brought about by the increase in the number of Members in the current LegCo term. Given that the present Council meeting arrangement had worked well over the past years, he did not support the proposed adjustment.

31. Mr Jeffrey LAM said that he agreed with the analysis in paragraph 16 of the paper that the proposal should create no adverse impact on other Council business. He stressed that Members should be concerned about the negative impact of holding long meetings on the health of the Secretariat staff concerned. He added that Members belonging to the Business and Professionals Alliance for Hong Kong supported the proposal.

32. Mr LEE Cheuk-yan said that in the United Kingdom, it was a statutory requirement that an employee should be given a rest period of not less than 11 consecutive hours in each 24-hour period. He suggested that consideration could be given to suspending Council meetings at around 10:00 pm and resuming the meetings at 11:00 am, rather than 9:00 am, the following day, so that the Secretariat staff concerned would not have to work prolonged working hours and sufficient time would be allowed for them to undertake the follow-up and preparation works.

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33. Mr LEUNG Kwok-hung considered that increasing the manpower resources of the Secretariat was a better way to tackle the problem of heavy workload of Secretariat staff.

34. Referring to paragraph 15 of the paper, Mr CHAN Kin-por said that the proposal had the merit of facilitating a healthy work-life balance for Secretariat staff, service providers, public officers, LegCo beat reporters and Members' staff. It was his understanding that for some of the in-house servicing work for Council meetings, it was difficult for the staff concerned to work shift duties. He further said that the situation had changed when compared to the past, given the significant increase in the making of quorum calls and the filibustering of certain proceedings in recent years. In his view, there was a genuine need to review the rules relating to the counting of quorum of Council meetings.

35. As Mr LEUNG Kwok-hung spoke from his seat without being invited to do so by the Chairman, and started shouting despite being asked by the Chairman to stop, the Chairman considered Mr LEUNG's conduct to be grossly disorderly and ordered him to withdraw from the meeting.

*(Mr LEUNG Kwok-hung left the meeting venue at this juncture.)*

36. Mr CHAN Chi-chuen said that the Secretariat should try its best to complement the work of LegCo and that the crux of the problem was whether the Secretariat had adequate manpower support to do so. In his view, while consideration could be given to advancing the suspension time of Council meetings as a short-term measure to tackle the problem of heavy workload of the Secretariat staff concerned, the long-term solution lay in the conduct of a review by the Secretariat on the adequacy and deployment of its manpower resources.

37. Mr Alan LEONG said that Members belonging to the Civic Party supported the proposal, having regard to its merits as set out in paragraph 15(i) and (ii) of the paper.

38. At the invitation of the Chairman, the Secretary General ("SG") elaborated on the considerations behind the proposal. He explained that the work pressure of Secretariat staff was not the only factor taken into account in putting forward the proposal. He also stressed that the Secretariat would continue, as always, to make its best endeavour to complement the work of the Council. SG further said that with more and more Council meetings lasting more than one day in the Fifth LegCo, i.e. 23% in the 2008-2009 session compared to 57% in the 2013-2014 session, both Wednesdays and Thursdays were now practically reserved for holding Council meetings. The proposed arrangement aimed to

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better and more evenly allocate Council meeting time between Wednesdays and Thursdays. He added that such an arrangement would be beneficial not only to the in-house staff providing support services for Council meetings, but also to other parties concerned including service providers, public officers attending the meetings, reporters covering LegCo business as well as Members' staff.

39. SG pointed out that for a regular Council meeting, at least three hours before the start of the meeting were required for setting up the Chamber and attending to other meeting-related matters. After the suspension of a Council meeting which was to resume on the following day, the staff concerned had to stay behind for another hour or two to deal with technical and logistical matters. While some frontline staff servicing Council meetings already worked shift duties, certain servicing work could not be shared out by staff working shifts. SG added that should the proposal be implemented, the President would, in line with the existing practice, consult Members before making his decision, if a variation of the arrangement was considered necessary for a specific Council meeting.

40. The Chairman put to vote the proposal to adjust the suspension time of Council meetings to 8:00 pm if the business on the agenda was unlikely to be finished by around 10:00 pm on the day of the meeting. Mr CHAN Chi-chuen requested a division.

The following Members voted in favour of the proposal:

Mr LEE Cheuk-yan, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Mr TAM Yiu-chung, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Mr WONG Kwok-hing, Prof Joseph LEE, Mr Jeffrey LAM, Mr WONG Ting-kwong, Mr Ronny TONG, Ms Cyd HO, Ms Starry LEE, Mr CHAN Hak-kan, Mr CHAN Kin-por, Dr Priscilla LEUNG, Mr CHEUNG Kwok-che, Mr WONG Kwok-kin, Mr IP Kwok-him, Mrs Regina IP, Mr Paul TSE, Mr Alan LEONG, Ms Claudia MO, Mr Michael TIEN, Mr James TIEN, Mr NG Leung-sing, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kwok, Dr Kenneth CHAN, Miss CHAN Yuen-han, Mr LEUNG Che-cheung, Miss Alice MAK, Dr KWOK Ka-ki, Mr KWOK Wai-keung, Mr Dennis KWOK, Mr Christopher CHEUNG, Dr Fernando CHEUNG, Dr Elizabeth QUAT, Mr Martin LIAO, Mr POON Siu-ping, Mr TANG Ka-piu, Dr CHIANG Lai-wan, Ir Dr LO Wai-kwok, Mr CHUNG Kwok-pan, Mr Christopher CHUNG and Mr Tony TSE.

(49 Members)

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The following Members voted against the proposal:

Mr Albert HO, Mr James TO, Ms Emily LAU, Mr Frederick FUNG, Mr Albert CHAN, Mr WU Chi-wai, Mr Gary FAN, Mr Charles MOK, Mr CHAN Chi-chuen, Mr Kenneth LEUNG, Mr SIN Chung-kai, Dr Helena WONG and Mr IP Kin-yuen.

(13 Members)

41. The Chairman declared that 49 Members voted for and 13 Members voted against the proposal, and no Member abstained from voting. The Chairman declared that the proposal was supported.

42. The Chairman further said that the views of the Administration would be sought on the proposal. Subject to the President's determination, the proposal might be implemented from March 2015 onwards.

**IX. Any other business**

43. There being no other business, the meeting ended at 3:14 pm.