

立法會
Legislative Council

LC Paper No. CB(2)1071/14-15

Ref : CB2/H/5/14

House Committee of the Legislative Council

**Minutes of the 18th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 13 March 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 LEUNG Yiu-chung
Hon Emily LAU Wai-hing, 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 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 CHEUNG Kwok-che
Hon WONG Kwok-kin, SBS
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 Claudia MO
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 Kenneth LEUNG
Hon Alice MAK Mei-kuen, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
Hon SIN Chung-kai, SBS, JP
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, 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 CHUNG Kwok-pan
Hon Tony TSE Wai-chuen, BBS

Members absent:

Hon Albert HO Chun-yan
Hon CHAN Kam-lam, SBS, JP
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Dr Hon LAM Tai-fai, SBS, JP
Hon IP Kwok-him, GBS, JP
Hon WONG Yuk-man
Hon Michael TIEN Puk-sun, BBS, JP
Hon NG Leung-sing, SBS, JP
Hon MA Fung-kiwok, SBS, JP
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Dennis KWOK
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon Martin LIAO Cheung-kong, SBS, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

Clerk in attendance :

Miss Flora TAI Clerk to the House Committee

Staff in attendance :

Mrs Justina LAM	Acting Secretary General
Mr Jimmy MA, JP	Legal Adviser
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 Debbie YAU	Chief Council Secretary (4)5
Ms Vanessa CHENG	Assistant Legal Adviser 5
Miss Winnie LO	Assistant Legal Adviser 7
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 17th meeting held on 27 February 2015

(LC Paper No. CB(2)998/14-15)

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 the updated 2014-2015 Legislative Programme had been issued to Members on 4 March 2015. The updated Programme contained 14 bills, two of which were bills newly-included. Two bills in the updated Programme would be introduced into the Council on 18 March 2015.

(b) Pharmacy and Poisons (Amendment) Ordinance 2015 (Commencement) Notice

3. The Chairman said that the House Committee ("HC") did not form a subcommittee to study the above Commencement Notice at the last meeting. Mr Albert CHAN subsequently informed the Clerk of his wish to form a subcommittee to study the Commencement Notice.

4. Mr Albert CHAN said that having regard to the views of the trade, he considered it necessary to form a subcommittee to study the Commencement Notice in detail. Members agreed. Mr Albert CHAN agreed to join the proposed subcommittee.

III. Legal Service Division report on subsidiary legislation gazetted on 6 March 2015

(LC Paper No. LS47/14-15)

5. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the Legal Service Division ("LSD") report on the two items of subsidiary legislation which were gazetted on 6 March 2015 and would be tabled in Council on 18 March 2015, namely the District Councils Ordinance (Amendment of Schedule 7) Order 2015 (L.N. 49) and the Maximum Amount of Election Expenses (District Council Election) (Amendment) Regulation 2015 (L.N. 50). LA informed Members that LSD had sought clarification with the Administration on certain drafting aspects of the two items of subsidiary legislation and the Administration had provided its reply on the day before this HC meeting. LSD would make a further report if necessary.

6. Ms Emily LAU considered it necessary to form a subcommittee to study the two items of subsidiary legislation in detail. Members agreed. Ms Emily LAU agreed to join the proposed subcommittee.

7. The Chairman reminded Members that the deadline for amending the two items of subsidiary legislation was the Council meeting of 15 April 2015, or that of 6 May 2015 if extended by a resolution of the Council.

IV. Business for the Council meeting of 18 March 2015

(a) Tabling of papers

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

(LC Paper No. CB(2)1000/14-15 issued vide LC Paper No. CB(3)503/14-15 dated 11 March 2015)

8. The Chairman said that the Report covered three items of subsidiary legislation, the period for amendment of which would expire at the Council meeting of 18 March 2015.

9. The Chairman further said that as Dr CHIANG Lai-wan, Chairman of the Subcommittee on Minimum Wage Ordinance (Amendment of Schedule 3) Notice 2015 and Employment Ordinance (Amendment of Ninth Schedule) Notice 2015, and three other Members had indicated their intention to speak on these two Notices, he would move a motion in his capacity as Chairman of HC to take note of the Report in relation to the two Notices at the Council meeting.

(b) Questions

(LC Paper No. CB(3)499/14-15)

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

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

(i) Human Reproductive Technology (Amendment) Bill 2015

(ii) Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Bill 2015

11. The Chairman said that the above two Bills would be presented to the Council on 18 March 2015.

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

(i) Securities and Futures and Companies Legislation (Uncertificated Securities Market Amendment) Bill 2014

(ii) Veterinary Surgeons Registration (Amendment) Bill 2014

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

(e) **Government motions**

(i) **Proposed resolution under section 9B of the Criminal Procedure Ordinance (Cap. 221) to be moved by the Chief Secretary for Administration**

(Wording of the proposed resolution issued vide LC Paper No. CB(3)438/14-15 dated 5 February 2015)

(ii) **Proposed resolution under section 54 of the Coroners Ordinance (Cap. 504) to be moved by the Chief Secretary for Administration**

(Wording of the proposed resolution issued vide LC Paper No. CB(3)439/14-15 dated 5 February 2015)

13. Members noted that the Administration would move the above two proposed resolutions at the meeting.

(iii) **Proposed resolution under section 9 of the Criminal Procedure Ordinance (Cap. 221) to be moved by the Chief Secretary for Administration**

(Wording of the proposed resolution issued vide LC Paper No. CB(3)481/14-15 dated 26 February 2015)

(LC Paper No. LS48/14-15)

14. At the invitation of the Chairman, LA briefed Members on the LSD report on the above proposed resolution. Members did not raise any question and had no objection to the Administration moving the proposed resolution at the Council meeting of 18 March 2015.

(iv) **Proposed resolution under section 7(1) of the Public Finance Ordinance (Cap. 2) to be moved by the Secretary for Financial Services and the Treasury**

(Wording of the proposed resolution issued vide LC Paper No. CB(3)482/14-15 dated 26 February 2015)

(v) **Proposed resolution under section 29(1) of the Pharmacy and Poisons Ordinance (Cap. 138) to be moved by the Secretary for Food and Health**

(Wording of the proposed resolution issued vide LC Paper No. CB(3)472/14-15 dated 23 February 2015)

15. Members noted that the Administration would move the above two proposed resolutions at the meeting.

(f) **Members' motions**

- (i) **Proposed resolution under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China to be moved by Hon IP Kwok-him**

(Wording of the proposed resolution issued vide LC Paper No. CB(3)444/14-15 dated 9 February 2015)

- (ii) **Motion on "Expanding the ratio of the middle-class population" to be moved by Hon Andrew LEUNG**

(Wording of the motion issued vide LC Paper No. CB(3)388/14-15 dated 23 January 2015)

- (iii) **Motion on "Formulating a long-term and comprehensive industrial policy" to be moved by Ir Dr Hon LO Wai-ki**

(Wording of the motion issued vide LC Paper No. CB(3)491/14-15 dated 5 March 2015)

16. Members noted that debates on the above three Members' motions would be held at the meeting.

Meeting arrangement for the Council meeting of 18 March 2015

17. In response to the enquiry of Ms Emily LAU, Assistant Secretary General 3 said that it was anticipated that the Council meeting of 18 March 2015 would last for more than one day. On the recommendation of HC, the President had determined that from March 2015 onwards, Council meetings would be suspended at 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. The suspension time of the Council meeting of 18 March 2015 would follow the aforementioned arrangement. Subject to the President's consent, Members would be informed of the meeting arrangement.

V. **Business for the Council meeting of 25 March 2015**

(a) **Questions**

(LC Paper No. CB(3)500/14-15)

18. 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**

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

(c) **Government motion**

Proposed resolution under section 2(3) of the Buildings Ordinance (Cap. 123) to be moved by the Secretary for Development

(Wording of the proposed resolution issued vide LC Paper No. CB(3)495/14-15 dated 9 March 2015)

(LC Paper No. LS49/14-15)

20. At the invitation of the Chairman, LA briefed Members on the LSD report on the above proposed resolution. Ms Cyd HO considered it necessary to form a subcommittee to study the proposed resolution in detail. Members agreed. Ms Cyd HO agreed to join the proposed subcommittee.

21. The Chairman said that in line with the established practice and the arrangement agreed with the Administration, the Administration would be requested to withdraw its notice for moving the proposed resolution to allow sufficient time for the subcommittee to scrutinize the proposed resolution.

(d) **Members' motions**

(i) **Motion on "Balancing the impacts of the tourism industry on the economy and people of Hong Kong" to be moved by Hon Vincent FANG**

(Wording of the motion issued vide LC Paper No. CB(3)509/14-15 dated 12 March 2015)

(ii) **Motion on "Comprehensively reviewing the subject of Liberal Studies under the New Senior Secondary curriculum" to be moved by Dr Hon Priscilla LEUNG**

(Wording of the motion issued vide LC Paper No. CB(3)505/14-15 dated 12 March 2015)

22. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above two motions was Wednesday, 18 March 2015.

Report of HC on Consideration of Subsidiary Legislation

23. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)506/14-15), which contained 13 items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 25 March 2015. He reminded Members to indicate their intention by 5:00 pm on Tuesday, 17 March 2015, should they wish to speak on any of the items of subsidiary legislation.

VI. The Chief Executive's Question and Answer Session on 26 March 2015

24. The Chairman informed Members that the Chief Executive ("CE")'s Question and Answer Session would be held from 9:15 am to 10:45 am. CE had indicated that he had no preference for Members to focus their questions on any particular area.

VII. Reports of Bills Committees and subcommittees

(a) Report of the Bills Committee on District Cooling Services Bill
(LC Paper No. CB(1)631/14-15)

25. 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 welcomed the Committee stage amendments ("CSAs") proposed to be moved by the Administration to address the concerns raised by members of the Bills Committee, and that the Bills Committee supported the resumption of the Second Reading debate on the Bill. Members also noted that the Administration had indicated its intention to resume the Second Reading debate on the Bill at the Council meeting of 25 March 2015.

26. The Chairman reminded Members that the deadline for giving notice of CSAs, if any, proposed to be moved to the above Bill was Monday, 16 March 2015.

(b) Report of the Subcommittee on Dutiable Commodities (Liquor) (Amendment) Regulation 2015 and Dutiable Commodities (Liquor Licences) (Fees) (Amendment) Regulation 2015
(LC Paper No. CB(2)1002/14-15)

27. Mr Tommy CHEUNG, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its

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report. Members noted that Mr SIN Chung-kai and Dr Helena WONG had expressed concern about the Administration's proposal to extend the maximum validity period of a liquor licence from one year to two years and had indicated their intention to move several amendments to the Dutiable Commodities (Liquor) (Amendment) Regulation 2015, including amendments to the effect that the Liquor Licensing Board must apply the criteria for "good track record" in processing licence renewal cases.

28. Mr SIN Chung-kai said that the amendments proposed by him and Dr Helena WONG aimed to strike a proper balance between the interests of liquor licence applicants and residents in the vicinity of the premises concerned. Dr Helena WONG, however, expressed concern whether their proposed amendments could be dealt with in time before the expiry of the scrutiny period of the subsidiary legislation at the Council meeting of 25 March 2015.

(c) Report of the Subcommittee on Registration of Copyright Licensing Bodies (Amendment) Regulation 2015, Trade Marks (Amendment) Rules 2015 and Registered Designs (Amendment) Rules 2015

(LC Paper No. CB(1)623/14-15)

29. Mr Charles MOK, 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 three items of subsidiary legislation.

(d) Report of the Subcommittee on Port Control (Public Cargo Working Area) Order 2015

(LC Paper No. CB(4)619/14-15)

30. On behalf of Mr IP Kwok-him, Chairman of the Subcommittee, Mr YIU Si-wing briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee supported the Order.

31. The Chairman reminded Members that as the period for amending the six items of subsidiary legislation studied by the above three Subcommittees would expire at the Council meeting of 25 March 2015, the deadline for giving notice of amendments, if any, to the subsidiary legislation was Wednesday, 18 March 2015.

VIII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)999/14-15)

32. The Chairman said that as at 12 March 2015, there were nine Bills Committees, 10 subcommittees under HC and nine subcommittees on policy issues under Panels in action. Three subcommittees on policy issues were on the waiting list.

IX. Any other business

33. There being no other business, the meeting ended at 2:51 pm.

Council Business Division 2
Legislative Council Secretariat
18 March 2015