

立法會
Legislative Council

LC Paper No. CB(2)1169/14-15

Ref : CB2/H/5/14

House Committee of the Legislative Council

**Minutes of the 19th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 20 March 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 CHAN Kam-lam, SBS, JP

Hon LEUNG Yiu-chung

Dr Hon LAU Wong-fat, GBM, GBS, JP

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

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 LEUNG Ka-lau

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 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
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-ki, BBS, MH, JP
Hon CHUNG Kwok-pan
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen, BBS

Members absent:

Hon James TO Kun-sun
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Michael TIEN Puk-sun, BBS, JP
Hon CHAN Han-pan, 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
Mr Timothy TSO	Assistant Legal Adviser 2
Ms Wendy KAN	Assistant Legal Adviser 6
Miss Evelyn LEE	Assistant Legal Adviser 10
Miss Mimi CHANG	Assistant Legal Adviser 11
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 18th meeting held on 13 March 2015
(*LC Paper No. CB(2)1071/14-15*)

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

(a) **Legal Service Division reports on bills referred to the House Committee in accordance with Rule 54(4)**

(i) **Human Reproductive Technology (Amendment) Bill 2015**

(LC Paper No. LS53/14-15)

3. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the report prepared by the Legal Service Division ("LSD") on the Bill.

4. Dr KWOK Ka-ki considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Dr LEUNG Ka-lau and Dr KWOK Ka-ki agreed to join the proposed Bills Committee.

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

(LC Paper No. LS52/14-15)

5. At the invitation of the Chairman, LA briefed Members on the LSD report on the Bill.

6. Mr Kenneth LEUNG considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. The following Members agreed to join the Bills Committee: Mr Andrew LEUNG, Mr CHAN Hak-kan, Mr WU Chi-wai, Mr Kenneth LEUNG and Mr KWOK Wai-keung.

(b) **Legal Service Division report on subsidiary legislation gazetted on 13 March 2015 and tabled in Council on 18 March 2015**

(LC Paper No. LS51/14-15)

7. At the invitation of the Chairman, LA briefed Members on the LSD report on the two items of subsidiary legislation (i.e. L.N. 51 and L.N. 52) which were gazetted on 13 March 2015 and tabled in Council on 18 March 2015. LA informed Members that LSD was still scrutinizing the legal and drafting aspects of the Air Pollution Control (Ocean Going Vessels) (Fuel at Berth) Regulation (L.N. 51) and would make a further report if necessary.

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8. Members did not raise any question on the two items of subsidiary legislation.

9. The Chairman reminded Members that the deadline for amending the two items of subsidiary legislation was the Council meeting of 15 April 2015.

IV. Further business for the Council meeting of 25 March 2015

Meeting arrangement for the Council meeting of 25 March 2015

10. The Chairman informed Members that it was anticipated that the Council meeting of 25 March 2015 would need to continue on 26 and 27 March. He further advised that the President had decided to adopt the following meeting arrangement:

- (a) as the Chief Executive's Question and Answer Session and meetings with District Council members had been scheduled for the morning of Thursday, 26 March, the Council meeting would resume at 2:30 pm that day and be suspended at around 8:00 pm; and
- (b) the meeting would resume on Friday, 27 March, at 9:00 am and be adjourned:
 - (i) after completing the proceedings on Mr Vincent FANG's motion on "Balancing the impacts of the tourism industry on the economy and people of Hong Kong" if the proceedings on Dr Priscilla LEUNG's motion on "Comprehensively reviewing the subject of Liberal Studies under the New Senior Secondary curriculum" had not commenced before the suspension of the meeting on Thursday, 26 March; and
 - (ii) after completing the proceedings on the motion on "Comprehensively reviewing the subject of Liberal Studies under the New Senior Secondary curriculum" if they had commenced before the suspension of the meeting on Thursday, 26 March.

11. In response to Ms Emily LAU's enquiry, Assistant Secretary General 3 said that it was anticipated that the Council could at least finish dealing with Mr Vincent FANG's motion before adjournment on

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Friday, 27 March, as the items with legislative effect which had been approved by the President to be placed on the agenda ahead of Mr FANG's motion were not expected to be controversial.

(a) **Tabling of papers**

Report No. 15/14-15 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
(*LC Paper No. CB(2)1074/14-15*)

12. The Chairman said that the Report covered nine items of subsidiary legislation, including the Dutiable Commodities (Liquor) (Amendment) Regulation 2015 (L.N. 20), the Dutiable Commodities (Liquor Licences) (Fees) (Amendment) Regulation 2015 (L.N. 21) and the Port Control (Public Cargo Working Area) Order 2015 (L.N. 28), the period for amendment of which would expire at the Council meeting of 25 March 2015.

13. The Chairman further said that the Chairmen of the two subcommittees formed to scrutinize the above three items of subsidiary legislation and one other Member had indicated their intention to speak on the subsidiary legislation at the Council meeting. As Mr SIN Chung-kai and Dr Helena WONG had respectively given notice to move proposed resolutions to amend the Dutiable Commodities (Liquor) (Amendment) Regulation 2015, if any of the proposed resolutions to be moved by these two Members was not ruled out of order by the President, Members would have the opportunity to speak on the two items of subsidiary legislation relating to liquor licences (i.e. L.N. 20 and L.N. 21), in which case 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 Port Control (Public Cargo Working Area) Order 2015 only. Otherwise, the take-note motion would cover all the three items of subsidiary legislation and the debate on the motion would be divided into two sessions. Members noted the arrangement.

(b) **Questions**

(*LC Paper No. CB(3)525/14-15*)

14. The Chairman said that Dr LAM Tai-fai had replaced his oral question.

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

15. The Chairman said that the Inland Revenue (Amendment) Bill 2015 would be presented to the Council on 25 March 2015.

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

16. Members noted that the Second Reading debate on the District Cooling Services Bill would be resumed at the meeting.

(e) **Members' motions**

(i) **Proposed resolution to be moved by Hon Andrew LEUNG under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the:**

- **Competition (Application of Provisions) Regulation;**
- **Competition (Disapplication of Provisions) Regulation;**
- **Competition (Turnover) Regulation; and**
- **Competition Ordinance (Commencement) Notice 2015**

(LC Paper No. CB(3)528/14-15)

17. Members noted that the Chairman, in his capacity as the Chairman of the subcommittee on the above four items of subsidiary legislation, would move a proposed resolution at the Council meeting to extend their scrutiny period to the Council meeting of 15 April 2015.

(ii) **Proposed resolution to be moved by Hon Andrew LEUNG under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the Rating (Exemption) Order 2015**

(LC Paper No. CB(3)538/14-15)

18. Members noted that the Chairman, in his capacity as the Chairman of the Subcommittee on Rating (Exemption) Order 2015, would move a proposed resolution at the Council meeting to extend the scrutiny period of the Order to the Council meeting of 6 May 2015.

V. Reports of Bills Committees and subcommittees

(a) Report of the Subcommittee on Four Subsidiary Legislation Related to Competition Ordinance Gazetted on 18 February 2015

19. The Chairman, in his capacity as the Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. Members noted that the Subcommittee held its first meeting on 16 March 2015 to scrutinize the four items of subsidiary legislation made under the Competition Ordinance (Cap. 619) (i.e. L.N. 36 to L.N. 39). During the course of deliberations, members had raised concerns about the scope or definition of various terms in section 2 of the Competition (Turnover) Regulation (L.N. 38) relating to the determination of the turnover of an undertaking, including "in Hong Kong", "ordinary activities", "amounts", "sales rebates" and "taxes directly related to the revenues". Members also noted that the Subcommittee would hold a further meeting to follow up the above issues with the Administration.

20. The Chairman further said that subject to the passage of the proposed resolution to be moved at the Council meeting of 25 March 2015 to extend the scrutiny period of the four items of subsidiary legislation to the Council meeting of 15 April 2015, the deadline for giving notice of amendments, if any, to the subsidiary legislation was Wednesday, 8 April 2015.

(b) Proposed extension of period of work of subcommittees on policy issues
(LC Paper No. CB(2)1072/14-15)

21. The Chairman invited Members to consider the proposals of two subcommittees on policy issues under the Panel on Food Safety and Environmental Hygiene, namely the Subcommittee on Issues Relating to Public Markets and the Subcommittee on Hawker Policy ("the two Subcommittees"), to extend the period of their work for about six months to 30 September and 14 October 2015 respectively.

22. The Chairman further said that in accordance with the broad principles for activation, operation and extension of period of work of subcommittees on policy issues agreed by HC at its meeting on 15 November 2013, since there were presently three subcommittees on policy issues on the waiting list awaiting activation, HC might consider giving permission for the two Subcommittees to extend the period of their work for three months in the first instance until late June and

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mid-July 2015 respectively before vacating their slots for activation of the subcommittees on the waiting list, after which the two Subcommittees could be placed on the waiting list for re-activation of work for the remainder of the extension period (i.e. about three months) they had sought. Alternatively, given that the two Subcommittees were expected to complete their work within six months, HC might, if considered appropriate, approve the proposed extension of about six months in one-go until around end of the current session, with their slots to be vacated in October 2015 for activation of the subcommittees on the waiting list.

23. In response to Mr IP Kwok-him's enquiry, the Chairman further explained that should HC decide that permission be given for the two Subcommittees to extend the period of their work for three months in the first instance until late June and mid-July this year, the first two subcommittees on the waiting list might not be able to commence work immediately then as the summer recess would be drawing near. A more practicable alternative was to allow the two Subcommittees to extend the period of their work for about six months in one-go to enable them to conclude their work and vacate their slots in end September/mid-October 2015, and let the subcommittees on the waiting list be activated at the beginning of the next session.

24. Members agreed that permission be given to the two Subcommittees to extend their work for about six months in one-go.

VI. Position on Bills Committees and subcommittees
(*LC Paper No. CB(2)1073/14-15*)

25. The Chairman said that as at 19 March 2015, there were eight Bills Committees, nine subcommittees under HC and nine subcommittees on policy issues under Panels in action. Three subcommittees on policy issues were on the waiting list.

VII. Any other business

26. There being no other business, the meeting ended at 2:47 pm.