

立法會
Legislative Council

LC Paper No. CB(2)1301/14-15

Ref : CB2/H/5/14

House Committee of the Legislative Council

**Minutes of the 21st meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 17 April 2015**

Members present:

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

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

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 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 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 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 LEUNG Che-cheung, BBS, MH, JP
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
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-ki, BBS, MH, JP
Hon CHUNG Kwok-pan
Hon Tony TSE Wai-chuen, BBS

Members absent:

Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Dr Hon LEUNG Ka-lau
Hon Frankie YICK Chi-ming
Hon CHAN Yuen-han, SBS, JP
Hon Kenneth LEUNG
Hon TANG Ka-piu, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

Clerk in attendance :

Miss Flora TAI Clerk to the House Committee

Staff in attendance :

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| 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 |
| Mr Timothy TSO | Acting 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 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 20th meeting held on 10 April 2015
(*LC Paper No. CB(2)1243/14-15*)

The minutes were confirmed.

II. Matters arising

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

CS's statement to the Legislative Council ("LegCo") on the Administration's proposals for constitutional reform

2. The Chairman said that he had conveyed to CS Members' view that CS should inform Members as early as possible at which Council meeting she would make a statement on the Administration's proposals for constitutional reform ("the statement"). CS had advised that as in

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the past, she would take the earliest possible opportunity to make the statement to LegCo once the proposals for constitutional reform had been finalized; hence the notice to be given for making the statement might be relatively short. CS had also advised that the statement would cover not only the outcome of the second round of the public consultation exercise on constitutional reform, but also concrete proposals for the method for selecting the Chief Executive in 2017 and the relevant draft motion to be presented to LegCo.

3. Mr IP Kwok-him said that in view of Members' great concern about the Administration's proposals for constitutional reform, should CS decide to make the statement at the Council meeting of 22 April 2015, he proposed that the House Committee ("HC") should discuss at its next meeting how the matter should be followed up. Members agreed.

4. Noting that CS would attend a special HC meeting on 24 April 2015 to discuss with Members the subject of population policy, Ms Emily LAU considered that CS should also respond to Members' questions concerning constitutional reform at that meeting given Members' concern about the matter.

5. The Chairman said that he had discussed with CS the meeting arrangement for the special HC meeting on 24 April 2015. CS had advised that as arrangement had long been made for the discussion of population policy at that special meeting and given that population policy and constitutional reform fell under different policy portfolios which were followed up by different public officers, it was more appropriate for the special meeting to focus on discussing issues relating to population policy. CS had also pointed out that there were various other forums where Members could follow up issues relating to constitutional reform. The Chairman further said that should Members agree at the next HC meeting to follow the past practice of setting up a subcommittee under HC to study the Administration's proposals for constitutional reform, the subcommittee could arrange to hold its first meeting as soon as possible to facilitate Members' early discussion on the matter.

Introduction of subsidiary legislation into LegCo

6. The Chairman informed Members that CS had advised that the Administration would, as far as practicable, avoid introducing subsidiary legislation into LegCo during this period when the Appropriation Bill 2015 was being scrutinized by the Council, so as to avoid the situation where amendments could not be made by Members to subsidiary legislation before the expiry of their scrutiny period due to the prolonged proceedings on the Bill.

III. Business arising from previous Council meetings

(a) **Legal Service Division report on subsidiary legislation gazetted on 10 April 2015 and tabled in Council on 15 April 2015**
(*LC Paper No. LS58/14-15*)

7. At the invitation of the Chairman, Legal Adviser briefed Members on the Legal Service Division report on the three items of subsidiary legislation (i.e. L.N. 74 to L.N. 76) which were gazetted on 10 April 2015 and tabled in Council on 15 April 2015.

8. Ms Cyd HO considered it necessary to form a subcommittee to study the Merchant Shipping (Prevention of Pollution by Garbage) Regulation (L.N. 74) and the Merchant Shipping (Prevention of Pollution by Garbage) Regulation (Repeal) Regulation (L.N. 75) in detail. Members agreed. Ms Cyd HO, Mr Steven HO and Mr WU Chi-wai agreed to join the subcommittee.

9. Members did not raise any question on the Solicitors (General) Costs (Amendment) Rules 2014 (Commencement) Notice (L.N. 76).

10. The Chairman reminded Members that the deadline for amending the three items of subsidiary legislation would be the Council meeting of 13 May 2015, or that of 3 June 2015 if extended by a resolution of the Council.

IV. Further business for the Council meeting of 22 April 2015

Meeting arrangement for the Council meeting of 22 April 2015

11. The Chairman informed Members that as it would take time to complete the proceedings on the Appropriation Bill 2015, it was anticipated that the Council meeting of 22 April 2015 would need to continue on 23 and 24 April 2015. The meeting would be adjourned at around 1:00 pm on Friday, 24 April, as a special meeting and a regular meeting of HC had been scheduled for that afternoon. Members would be informed of the meeting arrangement in due course.

12. Mr IP Kwok-him asked whether any meeting of the Finance Committee ("FC") would be held in the afternoon of 24 April 2015.

13. At the invitation of the Chairman, Mr Tommy CHEUNG, Chairman of FC, said that according to his understanding, if FC could not finish dealing with the business on the agendas of its two meetings

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scheduled for 17 April 2015, it was the Administration's wish to schedule an additional two-hour FC meeting in the afternoon of 24 April to deal with the unfinished business carried over from the meetings on 17 April.

14. In response to Mr IP Kwok-him's further enquiry, the Chairman advised that the Council meeting of 22 April 2015 would be adjourned at around 1:00 pm on Friday, 24 April, irrespective of whether any FC meeting would be held after the special and regular meetings of HC scheduled for that afternoon.

15. On Ms Emily LAU's enquiry about the meeting arrangements for the Council meeting of 29 April 2015 and subsequent Council meetings, the Secretary General advised that the Secretariat would soon seek Members' views on the relevant arrangements.

Report No. 17/14-15 of the House Committee on Consideration of
Subsidiary Legislation and Other Instruments

16. 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 22 April 2015.

17. The Chairman further said that he would not, in his capacity as Chairman of HC, move a motion to take note of the Report at the Council meeting, as no Member had made such a request.

Bills - First Reading and moving of Second Reading

18. Members noted that the Electoral Legislation (Miscellaneous Amendments) Bill 2015 would be presented to the Council on 22 April 2015.

V. Business for the Council meeting of 29 April 2015

(a) Questions
(LC Paper No. CB(3)590/14-15)

Arrangement for questions to be asked at the Council meeting of
29 April 2015 and thereafter

19. The Chairman said that in accordance with rule 7(e) of the House Rules, there would be no arrangement for Members to put oral questions to the Government at the Council meetings for debate on the Appropriation Bill. The Chairman informed Members that as it was

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uncertain as to when all the proceedings on the Appropriation Bill 2015 would be completed, applications for oral questions to be asked at the Council meeting of 29 April 2015 and thereafter would be dealt with in accordance with the arrangement adopted last year.

20. The Chairman further said that when giving notice to ask oral questions at the Council meeting of 29 April 2015 and subsequent Council meetings, Members would be invited to indicate how they would like their questions to be dealt with in the event that there was no oral question session at those Council meetings. Members might choose to change their oral questions to written questions, or have their oral questions deferred to the Council meeting immediately following the one at which the proceedings on the Appropriation Bill 2015 were completed. Members noted the arrangement.

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

21. The Chairman said that the Inland Revenue (Amendment) (No. 2) Bill 2015 would be presented to the Council on 29 April 2015.

(c) Government motion

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

(d) Members' motions

**(i) Motion on "Enacting legislation on standard working hours" to be moved by Hon CHAN Yuen-han
(LC Paper No. CB(3)594/14-15)**

(ii) Motion to be moved by Hon CHEUNG Kwok-che

23. The Chairman said that the subject of the motion to be moved by Mr CHEUNG Kwok-che was "Abolishing the Lump Sum Grant Subvention System and the competitive bidding system implemented in the social welfare sector".

24. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above two motions would be Wednesday, 22 April 2015.

VI. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)1244/14-15)

25. The Chairman said that as at 16 April 2015, there were 10 Bills Committees, eight subcommittees under HC and nine subcommittees on policy issues under Panels in action. Three subcommittees on policy issues were on the waiting list.

VII. Proposal of the Panel on Commerce and Industry to nominate one Member to attend the S Rajaratnam School of International Studies and the World Trade Organization Parliamentarian Workshop on International Trade 2015

(LC Paper No. CB(1)744/14-15)

26. Mr WONG Ting-kwong, Chairman of the Panel on Commerce and Industry ("the Panel"), briefed Members on the Panel's proposal to nominate one Member to attend the S Rajaratnam School of International Studies and the World Trade Organization Parliamentarian Workshop on International Trade 2015 scheduled to be held in Singapore from 25 to 27 May 2015 ("the Workshop"), details of which were set out in the paper.

27. Members endorsed the following recommendations of the Panel –

- (a) to nominate Mr SIN Chung-kai to attend the Workshop; and
- (b) to charge the expenses incurred for attending the Workshop to Mr SIN's Overseas Duty Visit account.

VIII. Any other business

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