

立法會
Legislative Council

LC Paper No. CB(2)1460/14-15

Ref : CB2/H/5/14

House Committee of the Legislative Council

**Minutes of the 23rd meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 8 May 2015**

Members present:

Hon Andrew LEUNG Kwan-yuen, GBS, JP (Chairman)
Hon Ronny TONG Ka-wah, SC (Deputy Chairman)
Hon CHAN Kam-lam, SBS, JP
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
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 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-ye, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Alan LEONG Kah-kit, SC
Hon Albert CHAN Wai-yip
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
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Hon Martin LIAO Cheung-kong, SBS, JP
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu, 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:

Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon James TO Kun-sun
Hon LEUNG Yiu-chung
Hon Starry LEE Wai-king, JP
Dr Hon LAM Tai-fai, SBS, JP
Dr Hon LEUNG Ka-lau
Hon LEUNG Kwok-hung
Hon WONG Yuk-man
Hon SIN Chung-kai, SBS, JP
Dr Hon Elizabeth QUAT, JP
Dr Hon CHIANG Lai-wan, JP

Clerk in attendance :

Miss Flora TAI Clerk to the House Committee

Staff in attendance :

Mr Kenneth CHEN, SBS	Secretary General
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 Hallie CHAN	Head (Public Information)
Ms Amy YU	Chief Council Secretary (2)6
Miss Erin TSANG	Chief Council Secretary (Complaints)
Mr Kelvin LEE	Assistant Legal Adviser 1
Mr Timothy TSO	Assistant Legal Adviser 2
Ms Wendy KAN	Assistant Legal Adviser 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

Action

I. Confirmation of the minutes of the 22nd meeting held on 24 April 2015

(LC Paper No. CB(2)1384/14-15)

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) **Inland Revenue (Amendment) (No. 2) Bill 2015**
(*LC Paper No. LS61/14-15*)

3. At the invitation of the Chairman, Senior Assistant Legal Adviser 1 ("SALA1") briefed Members on the report prepared by the Legal Service Division ("LSD") on the Bill.

4. Mr Kenneth LEUNG considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Mr Andrew LEUNG, Mr Kenneth LEUNG and Mr TANG Ka-piu agreed to join the Bills Committee.

(ii) **Peak Tramway (Amendment) Bill 2015**
(*LC Paper No. LS64/14-15*)

5. At the invitation of the Chairman, SALA1 briefed Members on the LSD report on the Bill.

6. Mr WONG Kwok-hing 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 CHAN Kam-lam, Mr WONG Kwok-hing, Mr James TIEN and Dr Kenneth CHAN.

(b) **Legal Service Division report on subsidiary legislation gazetted on 24 April 2015 and tabled in Council on 29 April 2015**
(*LC Paper No. LS62/14-15*)

7. At the invitation of the Chairman, SALA1 briefed Members on the LSD report on the Legal Aid (Assessment of Resources and Contributions) (Amendment) Regulation 2015 (L.N. 78) which was gazetted on 24 April 2015 and tabled in Council on 29 April 2015.

8. Mr Dennis KWOK considered it necessary to form a subcommittee to study the Regulation in detail. Members agreed. Mr TAM Yiu-chung, Mr Dennis KWOK and Mr TANG Ka-piu agreed to join the subcommittee.

Action

9. The Chairman reminded Members that the deadline for amending the Regulation would be the Council meeting of 27 May 2015, or that of 17 June 2015 if extended by a resolution of the Council.

(c) **Legal Service Division report on subsidiary legislation gazetted on 30 April 2015**

(LC Paper No. LS63/14-15)

10. At the invitation of the Chairman, SALA1 briefed Members on the LSD report on the three items of subsidiary legislation (i.e. L.N. 81 to L.N. 83) which were gazetted on 30 April 2015. Of these, one item (i.e. L.N. 81) was tabled in Council on 6 May 2015 and the other two items (i.e. L.N. 82 and L.N. 83) were regulations made under the United Nations Sanctions Ordinance (Cap. 537) which were not required to be tabled in Council.

11. Members agreed that the United Nations Sanctions (Central African Republic) Regulation 2015 (L.N. 82) and the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2015 (L.N. 83) 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 they came within the Subcommittee's terms of reference.

12. Members did not raise any question on the Merchant Shipping (Limitation of Shipowners Liability) (Amendment) Ordinance 2005 (Commencement) Notice (L.N. 81). Members noted that the deadline for amending the Commencement Notice would be the Council meeting of 3 June 2015.

IV. Business for the Council meeting of 13 May 2015

(a) **Tabling of papers**

Report No. 19/14-15 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

(LC Paper No. CB(2)1386/14-15)

13. The Chairman said that the Report covered five items of subsidiary legislation, the period for amendment of which would expire at the Council meeting of 13 May 2015. No Member had indicated intention to speak on the subsidiary legislation.

(b) **Questions**

(LC Paper No. CB(3)654/14-15)

14. The Chairman said that as the debate on the Appropriation Bill 2015 had to stand over to the Council meeting of 13 May 2015, there would be no oral question session at the meeting.

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

15. Members noted that the Bankruptcy (Amendment) Bill 2015 would be presented to the Council on 13 May 2015.

(d) **Government motion**

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

(e) **Members' motions**

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

- **Merchant Shipping (Prevention of Pollution by Garbage) Regulation; and**
- **Merchant Shipping (Prevention of Pollution by Garbage) Regulation (Repeal) Regulation**

(LC Paper No. CB(3)638/14-15)

17. The Chairman said that Ms Cyd HO, Chairman of the Subcommittee on the above two Regulations, had given notice to move a proposed resolution at the Council meeting to extend the scrutiny period of the two Regulations to the Council meeting of 3 June 2015.

Members' motions without legislative effect which had yet to be dealt with by the Council

18. The Chairman said that since the Council meeting of 29 April 2015, the Council had not been able to deal with Members' motions without legislative effect due to the prolonged proceedings on the Appropriation Bill 2015. So far, six Members' motions without legislative effect which had been scheduled for debate in Council would have to be deferred until after the proceedings on the Appropriation Bill 2015 had been completed. The Chairman further informed Members that in accordance with the arrangement adopted in the last two years, no

Action

ballot would be conducted for determining the allocation of debate slot(s) until the proceedings on the Appropriation Bill 2015 were about to be completed. Members noted the arrangement.

19. In response to Ms Emily LAU's enquiry, the Chairman advised that the six Members' motions concerned, in the order in which they were allocated debate slots, were as follows -

- (a) motion on "Enacting legislation on standard working hours" to be moved by Ms CHAN Yuen-han;
- (b) motion on "Abolishing the Lump Sum Grant Subvention System and the competitive bidding system implemented in the social welfare sector" to be moved by Mr CHEUNG Kwok-che;
- (c) motion on "Stepping up regulation on the repair and maintenance works of private buildings" to be moved by Mr Tony TSE;
- (d) motion on "New challenges faced by Hong Kong as an international financial centre" to be moved by Mr NG Leung-sing;
- (e) motion on "Report on the Visit of the Delegation of the Legislative Council to Finland, Norway and Denmark" to be moved by Ms Emily LAU; and
- (f) motion on "Implementation and continuance of 'one country, two systems'" to be moved by Mr Dennis KWOK.

(Post-meeting note: Details of the six allocated slots for motion debates which had yet to be held were set out in Appendix I to LC Paper No. CB(3)662/14-15 which was issued to Members on 8 May 2015.)

V. Business for the Council meeting of 20 May 2015

- (a) **Questions**
(LC Paper No. CB(3)655/14-15)

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

Action

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

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

(c) **Government motions**

Two proposed resolutions under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the establishment of the Innovation and Technology Bureau to be moved by the Secretary for Commerce and Economic Development

(LC Paper No. CB(3)646/14-15)

22. Members noted that the Subcommittee formed to study the above two proposed resolutions would report its deliberations under agenda item VI below.

(d) **Members' motions**

23. Members noted under agenda item IV(e) above the arrangement for Members' motions without legislative effect before completion of the proceedings on the Appropriation Bill 2015.

Report of the House Committee on Consideration of Subsidiary Legislation

24. Members noted the list tabled at the meeting (LC Paper No. CB(3)659/14-15), which contained one item of subsidiary legislation the period for amendment of which would expire at the Council meeting of 20 May 2015. Members who wished to speak on that item of subsidiary legislation should indicate their intention by 5:00 pm on Tuesday, 12 May 2015.

VI. Report of Bills Committees and subcommittees

Report of the Subcommittee on the Two Proposed Resolutions Relating to the Establishment of the Innovation and Technology Bureau

(LC Paper No. CB(4)849/14-15)

25. Ir Dr LO Wai-kwok, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee raised no query on the two proposed resolutions.

Action

26. The Chairman reminded Members that as the Administration had given fresh notice to move the two proposed resolutions at the Council meeting of 20 May 2015, the deadline for giving notice of amendments, if any, to the two proposed resolutions would be Wednesday, 13 May 2015.

VII. Position on Bills Committees and subcommittees
(LC Paper No. CB(2)1385/14-15)

27. The Chairman said that as at 7 May 2015, there were 11 Bills Committees, seven subcommittees under the House Committee and nine subcommittees on policy issues under Panels in action. Three subcommittees on policy issues were on the waiting list.

VIII. Any other business

28. There being no other business, the meeting ended at 2:41 pm.

Council Business Division 2
Legislative Council Secretariat
13 May 2015