

立法會
Legislative Council

LC Paper No. CB(2)1523/14-15

Ref : CB2/H/5/14

House Committee of the Legislative Council

Minutes of the 24th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 15 May 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 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
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
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-ye, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Alan LEONG Kah-kit, SC

Hon Albert CHAN Wai-yip
Hon LEUNG Kwok-hung
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 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
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-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 James TO Kun-sun
Hon Vincent FANG Kang, SBS, JP
Hon WONG Yuk-man
Hon CHAN Yuen-han, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon TANG Ka-piu, 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
Ms Debbie YAU	Chief Council Secretary (4)5
Ms Clara TAM	Assistant Legal Adviser 9
Miss Roxanna LO	Accountant
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 23rd meeting held on 8 May 2015
(LC Paper No. CB(2)1460/14-15)**

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 reports on bills referred to the House Committee in accordance with Rule 54(4)

Bankruptcy (Amendment) Bill 2015

(LC Paper No. LS65/14-15)

3. At the invitation of the Chairman, Legal Adviser briefed Members on the report prepared by the Legal Service Division on the Bill.

4. Mr Albert HO considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Mr Albert HO agreed to join the proposed Bills Committee.

IV. Further business for the Council meeting of 20 May 2015

(a) **Tabling of papers**

Report No. 20/14-15 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

(LC Paper No. CB(2)1462/14-15)

5. The Chairman said that the Report covered one item of subsidiary legislation, the period for amendment of which would expire at the Council meeting of 20 May 2015. No Member had indicated intention to speak on the subsidiary legislation.

(b) **Request for special leave of the Council to give evidence of Council proceedings**

Request made under section 7 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) and Rule 90 of the Rules of Procedure for special leave of the Council to give evidence of Council proceedings

(LC Paper No. CB(3)679/14-15)

6. The Chairman informed Members that Y.S. LAU & Partners had submitted a request for special leave of the Council under section 7 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) for three officers of the Legislative Council ("LegCo") to give evidence in a court case.

V. Business for the Council meeting of 27 May 2015

(a) **Questions**

(LC Paper No. CB(3)671/14-15)

7. 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**

8. Members noted that the Special Holiday (3 September 2015) Bill would be presented to the Council on 27 May 2015.

(c) **Government motion**

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

(d) **Members' motions**

10. The Chairman said that Members had been informed at the last House Committee ("HC") meeting that no 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.

Report of the House Committee on Consideration of Subsidiary Legislation

11. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)676/14-15), which contained one item of subsidiary legislation the period for amendment of which would expire at the Council meeting of 27 May 2015. He reminded Members to indicate their intention by 5:00 pm on Tuesday, 19 May 2015 should they wish to speak on that item of subsidiary legislation.

VI. The Chief Executive's Question and Answer Session on 28 May 2015

12. The Chairman informed Members that the Chief Executive's Question and Answer Session would be held from 9:15 am to 10:45 am.

VII. Reports of Bills Committees and subcommittees

(a) **Report of the Subcommittee on Members' Remuneration and Operating Expenses Reimbursement on the Review of Members' Remuneration and Operating Expenses Reimbursement**

(LC Paper No. CRM809/14-15)

13. Ms Emily LAU, Chairman of the Subcommittee, said that to ascertain whether any proposals to change the level of remuneration and operating expenses reimbursement ("OER") for Members of the Sixth LegCo should be put forward to the Administration, the Subcommittee had conducted a survey seeking views from all Members. Of the 70 Members, 41 had responded to the survey. In addition, the Councillors' Workers Association ("the Association") had made a submission to all Members expressing views on issues relating to Members' OER. At the request of Subcommittee members, the Secretariat had liaised with the Association, which advised that it was set up in 2001 and had expressed views to the Subcommittee on issues relating to Members' OER, the last two occasions being in 2010 and 2012. Ms LAU referred Members to Parts II and III of the Subcommittee's Report for details of the findings of the survey.

14. Ms Emily LAU further said that based on the findings of the survey, the Subcommittee recommended that the Administration should be invited to consider the 10 proposals, as referred to in paragraph 36 of the Report, that were agreed to by all the 41 Members who had responded to the survey. These 10 proposals included the proposed arrangement for long service payment or severance payment made by Members to their staff who left in the middle of a LegCo term and the nine outstanding proposals carried forward from the Fourth LegCo. Ms LAU added that subject to HC's agreement, the Report would be forwarded to the Administration for consideration by the Independent Commission on Remuneration for Members of the Executive Council and the Legislature, and Officials under the Political Appointment System of the Hong Kong Special Administrative Region ("the Independent Commission"); and the Subcommittee would follow up the 10 proposals with the Independent Commission. Members agreed.

(b) **Report of the Subcommittee on Legal Aid (Assessment of Resources and Contributions) (Amendment) Regulation 2015**

15. Mr Dennis KWOK, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. Mr KWOK said that the Amendment Regulation sought to revise the bandwidths of assessed

Action

financial resources of aided persons in relation to the contributions payable under the Ordinary Legal Aid Scheme, so that the bandwidths were more evenly distributed. The Subcommittee noted that under the proposal, the number of aided persons who did not need to pay any contribution would increase, as the threshold of assessed financial resources exceeding which contributions began to be payable would be raised from \$20,000.00 to \$33,702.50. For aided persons who needed to pay contributions, most of their contribution amounts would be lower than, or at most be the same as, what they had to pay under the existing scales of contribution rates. Mr KWOK added that the Subcommittee did not object to the Amendment Regulation which would come into operation on 17 June 2015.

16. The Chairman reminded Members that as the period for amending the Amendment Regulation would expire at the Council meeting of 27 May 2015, the deadline for giving notice of amendments, if any, to the Amendment Regulation would be Tuesday, 19 May 2015.

VIII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)1461/14-15)

17. The Chairman said that as at 14 May 2015, there were 13 Bills Committees, seven subcommittees under HC and nine subcommittees on policy issues under Panels in action. Three subcommittees on policy issues were on the waiting list.

IX. Proposal for the appointment of a subcommittee under the House Committee to follow up issues relating to the three-runway system at the Hong Kong International Airport

(LC Paper No. CB(4)991/14-15)

18. At the invitation of the Chairman, Mr Jeffrey LAM, Chairman of the joint meeting of the Panel on Economic Development ("ED Panel") and the Panel on Environmental Affairs ("EA Panel") on 27 April 2015, said that members of the Panels attending the joint meeting supported the early appointment of a subcommittee under HC to follow up issues relating to the three-runway system ("3RS") at the Hong Kong International Airport ("the Subcommittee"). He invited Members to endorse the appointment of the Subcommittee with the proposed terms of reference ("TOR"), work plan and time frame as set out in the paper and approve the placement of the Subcommittee at the top of the waiting list of subcommittees on policy issues.

Action

19. Mr Tony TSE said that while he supported the appointment of the Subcommittee, he considered that its TOR should also cover issues relating to the cost of 3RS, in view of wide public concern about the high project cost, which was estimated to be over \$140 billion.

20. Mr Dennis KWOK said that when his motion on the setting up of a subcommittee to follow up issues relating to 3RS was considered by the ED Panel, members expressed grave concern about the Administration's failure to provide sufficient information on the cost of and the financial arrangement for 3RS and considered it necessary to follow up these issues. In his view, the proposed TOR of the Subcommittee should be able to cover the cost aspect of 3RS as suggested by Mr Tony TSE.

21. Ms Emily LAU said that while she had no comment on the proposed TOR of the Subcommittee, she considered it necessary for the chairman of the Subcommittee, after completion of work of the Subcommittee, to move a motion for debate on the Subcommittee's report in Council, so as to provide an opportunity for Members to express their views and take a vote on whether or not they supported the implementation of the 3RS project.

22. Ms Cyd HO expressed support for the appointment of the Subcommittee. She hoped that the Chairman could convey to the Chief Secretary for Administration that the Administration and the Airport Authority Hong Kong ("AAHK") should make every endeavour to assist the Subcommittee in its work, particularly in respect of provision of information to the Subcommittee.

23. In response to Ms Cyd HO's enquiry, the Chairman advised that as two subcommittees on policy issues currently in operation, namely the Subcommittee on Issues Relating to Public Markets and the Subcommittee on Hawker Policy, were expected to complete their work and vacate their slots in end September/mid-October 2015, the Subcommittee should be able to commence work in October 2015 at the earliest should HC agree that it be placed at the top of the waiting list of subcommittees on policy issues.

24. Mr Dennis KWOK hoped that additional manpower resources could be made available to service the Subcommittee so that it could commence work as soon as practicable.

Action

25. Mr LEUNG Kwok-hung expressed doubt as to whether the Subcommittee, if appointed, could put pressure on the Administration and AAHK to address the queries raised over the 3RS project. In his view, a more effective way to do so was to obstruct the endorsement by the Establishment Subcommittee ("ESC") of the Administration's proposal to re-create three supernumerary directorate posts in the Airport Expansion Project Coordination Office ("AEPCO") under the Transport and Housing Bureau ("THB") in relation to the 3RS project. He added that given the significant cost of the 3RS project, it was incumbent upon LegCo to monitor the relevant developments.

26. Mr Jeffrey LAM said that when the appointment of the proposed subcommittee was discussed at the meeting of the ED Panel on 23 March 2015 and at the joint meeting of the ED Panel and EA Panel on 27 April 2015, members generally agreed that the proposed subcommittee should focus its work on monitoring issues relating to the implementation of the 3RS project, including the project cost, delivery timetable, environmental issues, etc. However, there was no agreement that the issues to be examined by the proposed subcommittee should include whether or not the 3RS project should be implemented.

27. Mr Kenneth LEUNG said that as the Chairman of ESC, he would like to clarify that according to the Administration, the proposal to re-create three supernumerary directorate posts in AEPCO under THB sought to provide the necessary directorate support for monitoring the implementation of the 3RS project. In other words, even if this staffing proposal was not endorsed by ESC, AAHK could proceed with the implementation of the 3RS project. As regards the proposed TOR of the Subcommittee, he was of the view that consideration could be given to expanding the scope of the Subcommittee's work. He added that he supported the early activation of the Subcommittee and considered that it would be a bit late if the Subcommittee could only commence its work in October 2015.

28. Mr Albert CHAN said that he recalled that a LegCo committee had been formed in the 1990s to study issues relating to the financing of the Airport Core Programme ("ACP") and the Administration had been requested to provide very detailed information on ACP to facilitate the committee's study. He suggested that the TOR and the relevant reports of the committee be provided to Members for reference.

Action

29. Mr LEE Cheuk-yan was of the view that the examination of the feasibility of 3RS, as stated in the proposed TOR of the Subcommittee, should include the issue of whether or not the 3RS project should be implemented having regard to such considerations as the cost-effectiveness of the project and the constraints of the "air-wall" between the Hong Kong and Mainland airspace. He shared Ms Emily LAU's view that Members should be provided with an opportunity to take a vote on whether or not they supported the implementation of the project. He considered that the Subcommittee should, at its first meeting, request the Administration to undertake to put on hold the implementation of the 3RS project until after the Subcommittee had completed its work.

30. Dr KWOK Ka-ki said that it was clearly stated in the proposed TOR that the feasibility of 3RS was one of the issues to be studied by the Subcommittee. He stressed that the Administration should pay due respect to LegCo and should refrain from pushing through the implementation of the 3RS project before the Subcommittee had completed its study on the feasibility of the project. Pointing out that significant public interests were involved and the Administration would likely press ahead with the implementation of the project in the coming few months, he sought the advice of the Secretary General ("SG") on whether manpower resources of the LegCo Secretariat could be redeployed to service the Subcommittee so that it could commence work as early as practicable within the current legislative session.

31. The Chairman said that if the subcommittees on policy issues currently in operation could expedite their work, slots could be vacated for the early activation of the subcommittees on the waiting list.

32. Mr IP Kwok-him said that given the wide public concern about the development of 3RS, Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong supported the appointment of the Subcommittee to monitor issues relating to the implementation of the 3RS project. On the issue of early activation of the Subcommittee, the Secretariat could explore, having regard to its existing manpower resources and workload, whether services could be provided to the Subcommittee through redeployment of staff. Consideration should also be given to how the subcommittees on policy issues currently in operation could speed up their work so that a slot could be vacated as soon as practicable to accommodate the activation of the Subcommittee.

Action

33. At the invitation of the Chairman, SG advised that the number of subcommittees on policy issues currently in operation had reached the quota of 10. Given the constraints in manpower resources, the Secretariat was only able to service up to 10 such subcommittees at the same time. SG added that in response to the request of Members, the maximum number of subcommittees on policy issues that could be in operation at any one time had already been increased from eight to 10 since April 2014.

34. Mr CHAN Hak-kan, Chairman of the EA Panel, said that at the joint meeting of the ED Panel and EA Panel on 27 April 2015, quite a number of members had expressed support for the development of 3RS while also indicating that it was necessary to monitor issues relating to the implementation of the 3RS project such as financial arrangement and environmental impacts. He stressed that under the current proposal for the appointment of the Subcommittee which was drawn up based on the views expressed by members of the two Panels at the joint meeting, the Subcommittee was tasked to follow up issues relating to the implementation of the 3RS project as set out in the proposed TOR, and not to study whether 3RS should be developed.

35. At the invitation of the Chairman, Assistant Secretary General 4 clarified that according to the discussion by the ED Panel and EA Panel at their joint meeting on 27 April 2015, the issues proposed to be studied and followed up by the Subcommittee included the feasibility of the proposed scope and design details of and the proposed financial arrangement for 3RS, and did not include the issue of whether the 3RS should be developed.

36. Mr YIU Si-wing considered that the Subcommittee should study and follow up technical issues in relation to the implementation of the 3RS project as set out in paragraph 6 of the paper, such as financial arrangement and the "air-wall" constraint, and not whether the project should be implemented.

37. Mr Albert CHAN said that Members who opposed the 3RS project were entitled to their view, and he considered that the issues to be studied by the Subcommittee should not be restricted to those relating to the implementation of the 3RS project.

38. Mr Jeffrey LAM reiterated that the current proposal for the appointment of the Subcommittee was drawn up based on the views expressed at the ED Panel meeting on 23 March 2015 and the joint meeting of the ED Panel and EA Panel on 27 April 2015. He appealed to Members to support the proposal.

Action

39. Members endorsed the appointment of the Subcommittee with the proposed terms of reference, work plan and time frame as set out in paragraphs 5 to 8 of the paper. Members also agreed that the Subcommittee should be placed at the top of the waiting list of subcommittees on policy issues. The following Members agreed to join the Subcommittee: Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr CHAN Hak-kan, Mr Michael TIEN, Mr Frankie YICK, Mr WU Chi-wai, Mr YIU Si-wing, Mr CHAN Han-pan, Dr Kenneth CHAN, Mr Dennis KWOK, Mr Christopher CHEUNG and Ir Dr LO Wai-kwok.

X. Any other business

40. There being no other business, the meeting ended at 3:12 pm.

Council Business Division 2
Legislative Council Secretariat
21 May 2015