

立法會
Legislative Council

LC Paper No. CB(2)1668/14-15

Ref : CB2/H/5/14

House Committee of the Legislative Council

**Minutes of the 27th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 5 June 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
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
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-ye, 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 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
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 Dennis KWOK
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon SIN Chung-kai, SBS, JP
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
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Starry LEE Wai-king, JP
Dr Hon LEUNG Ka-lau
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
Hon CHAN Yuen-han, SBS, JP
Hon KWOK Wai-keung
Dr Hon Helena WONG Pik-wan
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
Ms Connie FUNG	Legal Adviser (Designate)
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	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 Kelvin LEE	Assistant Legal Adviser 1
Miss Carrie WONG	Assistant Legal Adviser 4
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

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I. Confirmation of verbatim transcript/minutes of meetings

- (a) **Verbatim transcript of the special meeting held on 24 April 2015**
(LC Paper No. CB(2)1609/14-15)
- (b) **Minutes of the 26th meeting held on 29 May 2015**
(LC Paper No. CB(2)1610/14-15)

The two sets of verbatim transcript/minutes of meetings were confirmed.

II. Matters arising

(a) **Report by the Chairman on his meeting with the Chief Secretary for Administration**

2. The Chairman said that there was nothing special to report.

(b) **Further report by the Legal Service Division on the Securities and Futures (Amendment) Ordinance 2014 (Commencement) Notice 2015, the Securities and Futures (OTC Derivative Transactions — Reporting and Record Keeping Obligations) Rules and the Securities and Futures (Stock Markets, Futures Markets and Clearing Houses) Notice**

(LC Paper No. LS70/14-15)

3. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the salient issues set out in the further report prepared by the Legal Service Division ("LSD") on the above three items of subsidiary legislation (L.N. 95 to L.N. 97) gazetted on 15 May 2015.

4. Mr Christopher CHEUNG considered it necessary to form a subcommittee to study the three items of subsidiary legislation in detail. Members agreed. Mr Christopher CHEUNG and Mr SIN Chung-kai agreed to join the proposed subcommittee. As the deadline for amending these three items of subsidiary legislation would be the Council meeting of 17 June 2015 unless extended by a resolution of the Council, Members also agreed that the Chairman should, in his capacity as Chairman of the House Committee ("HC"), move a proposed resolution at the Council meeting of 10 June 2015 to extend the scrutiny period of the subsidiary legislation to the Council meeting of 8 July 2015, so as to allow sufficient time for the subcommittee to scrutinize the subsidiary legislation.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 29 May 2015

(LC Paper No. LS69/14-15)

5. At the invitation of the Chairman, LA briefed Members on the LSD report on the five items of subsidiary legislation which were gazetted on 29 May 2015. Of these, four items (i.e. L.N. 100 to L.N. 103) were tabled in Council on 3 June 2015 and the remaining item (i.e. L.N. 104) was a regulation made under the United Nations

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Sanctions Ordinance (Cap. 537) which was not required to be tabled in Council.

6. Members agreed that the United Nations Sanctions (South Sudan) Regulation (L.N. 104) 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 it came within the Subcommittee's terms of reference.

7. Mr Dennis KWOK considered it necessary to form a subcommittee to study the Foreign Lawyers Practice (Amendment) Rules 2015 (L.N. 101), the Solicitors' Practice (Amendment) Rules 2015 (L.N. 102) and the Limited Liability Partnerships (Top-up Insurance) Rules (L.N. 103) in detail. Members agreed. Mr Dennis KWOK agreed to join the proposed subcommittee.

8. Members did not raise any question on the remaining item of subsidiary legislation (i.e. the Pharmacy and Poisons (Amendment) (No. 4) Regulation 2015 (L.N. 100)). The Chairman reminded Members that the deadline for amending the four items of subsidiary legislation which had been tabled in Council would be the Council meeting of 24 June 2015, or the first Council meeting of the next session if extended by a resolution of the Council.

IV. Further business for the Council meeting of 10 June 2015

Meeting arrangement for the Council meeting of 10 June 2015

9. The Chairman informed Members that if the President was of the opinion that the business on the Agenda of the meeting was unlikely to be finished by about 10:00 pm on Wednesday, 10 June 2015, he would suspend the Council meeting at around 8:00 pm. If necessary, the meeting would resume at 2:30 pm on Thursday, 11 June as meetings with District Council members had been scheduled for that morning.

Members' motions without legislative effect

10. The Chairman informed Members that the Council meeting of 10 June 2015 would deal with the following two Members' motions without legislative effect -

- (a) motion on "Stepping up regulation on the repair and maintenance works of private buildings" to be moved by Mr Tony TSE; and

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- (b) motion on "New challenges faced by Hong Kong as an international financial centre" to be moved by Mr NG Leung-sing.

(a) **Questions**

(LC Paper No. CB(3)721/14-15)

11. The Chairman said that Dr Kenneth CHAN had replaced his oral question.

(b) **Members' motions**

Proposed resolution under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the Road Traffic Ordinance (Amendment of Schedule 10) Order 2015 to be moved by Hon Frankie YICK

(LC Paper No. CB(3)729/14-15)

12. Members noted that Mr Frankie YICK, Chairman of the Subcommittee on the above Order, would move a proposed resolution at the Council meeting to extend the scrutiny period of the Order to the Council meeting of 8 July 2015.

V. Business for the Council meeting of 17 June 2015

Meeting arrangement for the Council meeting of 17 June 2015

13. The Chairman informed Members that the Council meeting of 17 June 2015 would resume at 9:00 am on Thursday, 18 June and be suspended at around 8:00 pm if the President was of the opinion that the business on the Agenda would unlikely be finished by around 10:00 pm. The meeting would then resume at 9:00 am on Friday, 19 June and continue until around 1:00 pm. If necessary, the meeting would resume 15 minutes after the HC meeting scheduled for that afternoon and be adjourned after the proceedings on all items of business with legislative effect for the Council meeting had been completed.

14. In response to Ms Emily LAU's enquiry, the Secretary General advised that the items of business without legislative effect originally scheduled to be dealt with after the Government motion concerning the amendment to the method for the selection of the Chief Executive ("CE") would be deferred to the Council meeting of 24 June 2015. Members had been consulted on, and the great majority of the Members agreed to, such an arrangement.

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15. Responding to Ms Cyd HO, the Chairman advised that if the President was of the opinion that the proceedings on the motion concerning the method for the selection of CE would unlikely be finished by about 10:00 pm on Thursday, 18 June, the President would suspend the meeting at around 8:00 pm and order that it be resumed the following day.

(a) **Questions**

(LC Paper No. CB(3)722/14-15)

16. 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**

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

(c) **Government motion**

Motion concerning the Amendment to the Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region to be moved by the Secretary for Constitutional and Mainland Affairs

(LC Paper Nos. CB(3)727/14-15 and CB(2)1624/14-15(01))

18. The Chairman said that the Secretary for Constitutional and Mainland Affairs ("SCMA") had given notice to move the above motion at the Council meeting of 17 June 2015. To facilitate Members' discussion on related issues, he invited Mr TAM Yiu-chung, Chairman of the Subcommittee on Proposals on the Method for Selecting the Chief Executive in 2017 ("the Subcommittee"), to advance his verbal report on the deliberations of the Subcommittee under this item.

19. Mr TAM Yiu-chung, Chairman of the Subcommittee, reported that the Subcommittee had held a total of eight meetings to study the Administration's proposals on the method for selecting CE in 2017 and the relevant draft motion. The Subcommittee had also received views from 236 organizations and individuals.

20. Mr TAM Yiu-chung informed the meeting that the main issues discussed by the Subcommittee included the Administration's proposals relating to the composition and formation method of the nominating committee ("NC"), the procedures for NC to nominate CE candidates, as well as voting arrangements and other related issues for the selection of CE by universal suffrage. The Subcommittee had also examined the

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provisions of the relevant draft motion. Some members of the Subcommittee considered the Administration's current proposals unacceptable and had indicated that they would vote against the proposals in Council. Some other members, however, expressed support for the proposals to move forward constitutional development in Hong Kong.

21. Mr TAM Yiu-chung added that the Subcommittee had no objection to SCMA moving the above motion at the Council meeting of 17 June 2015. Given the Administration's advice that the text of the motion was the same as that of the draft motion studied by the Subcommittee, members of the Subcommittee also had no objection to recommending to HC that it was not necessary to form a new subcommittee to study the above motion. Members agreed.

22. The Chairman said that pursuant to the Decision of the Standing Committee of the National People's Congress on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016 of 31 August 2014, the President had directed that amendments to the above motion, if any, should be moved by the Government only, and the passage of the motion should require a two-thirds majority of all the Members of the Legislative Council. The Chairman reminded Members that each Member would have a speaking time limit of 15 minutes.

23. Members raised no objection to SCMA moving the above motion at the Council meeting of 17 June 2015.

(d) Members' motions

(i) Motion on "Report on the Visit of the Delegation of the Legislative Council to Finland, Norway and Denmark" to be moved by Hon Emily LAU
(LC Paper No. CB(3)633/14-15)

(ii) Motion on "Implementation and continuance of 'one country, two systems'" to be moved by Hon Dennis KWOK
(LC Paper No. CB(3)639/14-15)

24. Members noted that the debates on the above two Members' motions would be deferred to the Council meeting of 24 June 2015.

Report of the House Committee on Consideration of Subsidiary Legislation

25. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)730/14-15), which contained 15 items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 17 June 2015. He reminded Members to indicate their intention by 5:00 pm on Tuesday, 9 June 2015, should they wish to speak on any of the items of subsidiary legislation.

VI. Reports of Bills Committees and subcommittees

(a) Report of the Bills Committee on Inland Revenue (Amendment) (No. 2) Bill 2015

(LC Paper No. CB(1)922/14-15)

26. The Chairman, in his capacity as 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 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 8 July 2015.

27. The Chairman reminded Members that the deadline for giving notice of Committee stage amendments, if any, proposed to be moved to the Bill would be Saturday, 27 June 2015.

(b) Report of the Subcommittee on Building (Administration) (Amendment) Regulation 2015 and Building (Minor Works) (Fees) (Amendment) Regulation 2015

28. Mr Tony TSE, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. Mr TSE said that the two Amendment Regulations revised a total of 46 fee items under the purview of the Buildings Department relating to the registration of authorized persons, structured engineers, building contractors and registered minor works contractors, etc. In the course of deliberations, members of the Subcommittee had expressed concern about the extent of the fee increase of some of the fee items which exceeded 40% and whether the increase would be ultimately borne by consumers. Having considered the Administration's explanation that the fee revision was in line with the "user pays" principle, and noting that the fee revision had no direct impact on people's livelihood and the relevant stakeholders had been consulted, the Subcommittee raised no objection to the fee revision.

(c) Report of the Subcommittee on Mandatory Provident Fund Schemes (Amendment) Ordinance 2015 (Commencement) Notice 2015

29. Mr CHUNG Kwok-pan, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. Mr CHUNG said that the Commencement Notice sought to appoint 1 August 2015 as the day on which certain provisions of the Mandatory Provident Fund Schemes (Amendment) Ordinance 2015 (1 of 2015) came into operation, which included provisions relating to the following aspects: (i) allowing early withdrawal of mandatory provident fund accrued benefits ("MPF benefits") on the ground of terminal illness; (ii) clarifying certain terms relating to early withdrawal of MPF benefits; (iii) simplifying the process for making withdrawal of MPF benefits on the ground of total incapacity; and (iv) reducing the compliance burden on approved trustees and employers by simplifying operational processes and communication. Mr CHUNG further informed Members that in response to the concern of members of the Subcommittee about the publicity arrangements, the Administration and the Mandatory Provident Fund Schemes Authority had undertaken to roll out various targeted publicity and education programmes to enhance public understanding of the legislative changes and new arrangements, including the distribution of leaflets to medical practitioners, social workers, insurance agents and MPF intermediaries to familiarize them with the new arrangements for early withdrawal of MPF benefits on the ground of terminal illness. Members noted that the Subcommittee had no objection to the Commencement Notice.

(d) Report of the Subcommittee on Statutes of the University of Hong Kong (Amendment) Statute 2015

30. On behalf of Mr Abraham SHEK, Chairman of the Subcommittee, Mr IP Kin-yuen made a verbal report on the deliberations of the Subcommittee. Mr IP said that the Amendment Statute sought to amend the Statutes of the University of Hong Kong in the Schedule to the University of Hong Kong Ordinance (Cap. 1053) to add certain masters degrees which might be conferred by the University of Hong Kong ("HKU"). The Subcommittee noted that the three new masters degree programmes were self-financed taught postgraduate programmes, and sought further information from HKU on those programmes relating to their admission (in particular the intake of non-local students), curriculum and professional recognition, if any. Members noted that the Subcommittee had no objection to the Amendment Statute.

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31. The Chairman reminded Members that as the period for amending the four items of subsidiary legislation studied by the above three Subcommittees would expire at the Council meeting of 17 June 2015, the deadline for giving notice of amendments, if any, to the subsidiary legislation would be Wednesday, 10 June 2015.

(e) **Report of the Subcommittee on Proposals on the Method for Selecting the Chief Executive in 2017**

32. Members noted that the Subcommittee had reported under agenda item V(c) above.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)1611/14-15)

33. The Chairman said that as at 4 June 2015, there were 14 Bills Committees, nine subcommittees under HC and nine subcommittees on policy issues under Panels in action. Four subcommittees on policy issues were on the waiting list.

VIII. Any other business

34. There being no other business, the meeting ended at 2:50 pm.

Council Business Division 2
Legislative Council Secretariat
10 June 2015