

立法會
Legislative Council

LC Paper No. CB(2)132/15-16

Ref : CB2/H/5/15

House Committee of the Legislative Council

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

Members present:

Hon Andrew LEUNG Kwan-yuen, GBS, JP (Chairman)
Hon MA Fung-kwok, SBS, JP (Deputy Chairman)
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
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, GBS, 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 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 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, BBS
Hon Frankie YICK Chi-ming, JP
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon Gary FAN Kwok-wai
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, BBS, 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-kwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen, BBS

Members absent:

Dr Hon LAU Wong-fat, GBM, GBS, JP
Dr Hon LEUNG Ka-lau
Hon CHEUNG Kwok-che

Clerk in attendance :

Miss Flora TAI

Clerk to the House Committee

Staff in attendance :

Mr Kenneth CHEN, SBS	Secretary General
Ms Connie FUNG	Legal Adviser
Miss Odelia LEUNG	Deputy Secretary General
Ms Anita SIT	Assistant Secretary General 1
Ms Dora WAI	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 Kelvin LEE	Senior Assistant Legal Adviser 3
Miss Erin TSANG	Acting Principal Council Secretary 1
Ms Hallie CHAN	Head (Public Information)
Ms Alice LEUNG	Chief Council Secretary (2)6
Miss Carrie WONG	Assistant Legal Adviser 4
Ms Vanessa CHENG	Assistant Legal Adviser 5
Ms Wendy KAN	Assistant Legal Adviser 6
Miss Winnie LO	Assistant Legal Adviser 7
Miss Karen LAI	Senior Council Secretary (2)6
Ms Jasmine TAM	Senior Council Secretary (2)8
Mr Richard WONG	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 1st meeting held on 16 October 2015
(*LC Paper No. CB(2)68/15-16*)

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 he had told the Chief Secretary for Administration ("CS") that he and Mr CHAN Kin-por, the Chairman of

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the Finance Committee, attended a meeting of the pan-democratic Members on last Friday, 16 October 2015 ("the said meeting"). He had indicated at the said meeting that he would inform the pan-democratic Members of the special issues that had been discussed during his meeting with CS and would continue, as always, to relay views and concerns raised by Members at the House Committee ("HC") meetings to CS.

3. Ms Cyd HO said that while the Chairman was willing to undertake the role of a communication bridge between the pan-democratic Members and the Administration, she must reiterate that the arrangement of having a pan-democratic Member as the Deputy Chairman of HC to have direct communication with the Administration could not be replaced by other arrangements.

III. Legal Service Division report on subsidiary legislation gazetted on 16 October 2015

(LC Paper No. LS3/15-16)

4. At the invitation of the Chairman, Legal Adviser briefed Members on the Legal Service Division report on the two items of subsidiary legislation (i.e. L.N. 200 to L.N. 201) which were gazetted on 16 October 2015 and would be tabled in Council on 28 October 2015.

5. The Chairman said that normally no subcommittee would be formed to study in detail the order made for declaring geographical constituencies for the purpose of electing Members of the Legislative Council. Members would clearly have an interest in the matter.

6. While noting the Chairman's advice, Ms Emily LAU considered it necessary to form a subcommittee to study the Declaration of Geographical Constituencies (Legislative Council) Order 2015 (i.e. L.N. 200) in detail. Members agreed. Ms Emily LAU, Ms Cyd HO, Mr IP Kwok-him, Mr Alan LEONG and Mr SIN Chung-kai agreed to join the subcommittee.

7. Members did not raise any question on the remaining item of subsidiary legislation (i.e. L.N. 201).

8. Members noted that the deadline for amending these two items of subsidiary legislation would be the Council meeting of 25 November 2015, or that of 16 December 2015 if extended by a resolution of the Council.

IV. Further business for the Council meeting of 28 October 2015

Meeting arrangement for the Council meeting of 28 October 2015

9. The Chairman informed Members that the meeting would be suspended at about 8:00 pm on Wednesday, 28 October 2015. If necessary, the meeting would resume at 9:00 am on Thursday, 29 October 2015 and be adjourned after conclusion of all the business on the Agenda.

Report No. 2/15-16 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

(LC Paper No. CB(3)66/15-16)

10. The Chairman said that the Report covered 21 items of subsidiary legislation, the period for amendment of which would expire at the Council meeting of 28 October 2015. No Member had indicated intention to speak on these items of subsidiary legislation.

(a) Questions

(LC Paper No. CB(3)52/15-16)

11. The Chairman informed Members that Mr TANG Ka-piu had replaced his oral question.

(b) Members' motions

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

- **Live Television Link (Witnesses outside Hong Kong) Rules; and**
- **Rules of the High Court (Amendment) (No. 2) Rules 2015**

(LC Paper No. CB(3)62/15-16)

(ii) **Proposed resolution to be moved by Dr Hon CHIANG Lai-wan under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the:**

- **Hong Kong Court of Final Appeal Suitors' Funds Rules;**

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- **High Court Suitors' Funds (Amendment) Rules 2015;**
- **District Court Suitors' Funds (Amendment) Rules 2015;**
- **Lands Tribunal (Suitors' Funds) Rules;**
- **Labour Tribunal (Suitors' Funds) (Amendment) Rules 2015; and**
- **Small Claims Tribunal (Suitors' Funds) (Amendment) Rules 2015**

(LC Paper No. CB(3)59/15-16)

12. The Chairman said that the Chairmen of the two subcommittees studying the above items of subsidiary legislation would move a proposed resolution respectively at the Council meeting to extend the scrutiny period of the above items of subsidiary legislation to the Council meeting of 18 November 2015.

V. Business for the Council meeting of 4 November 2015

(a) Questions

(LC Paper No. CB(3)53/15-16)

13. 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

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

(c) Bills - resumption of debate on Second Reading, Committee Stage and Third Reading

(i) Supplementary Appropriation (2014-2015) Bill

(ii) Clearing and Settlement Systems (Amendment) Bill 2015

15. Members noted that the Second Reading debates on the above two Bills would be resumed at the Council meeting of 4 November 2015.

(d) Government motion

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

(e) **Members' motions**

- (i) **Motion on "Extending the application of sections 3 and 8 of the Prevention of Bribery Ordinance to the Chief Executive" to be moved by Dr Hon Helena WONG**
(LC Paper No. CB(3)42/15-16)
- (ii) **Motion on "Strengthening vocational education" to be moved by Dr Hon CHIANG Lai-wan**
(LC Paper No. CB(3)43/15-16)

17. Members noted that debates on the above two Members' motions would be held at the meeting.

VI. Reports of Bills Committees and subcommittees

- (a) **Report of the Bills Committee on Inland Revenue (Amendment) (No. 3) Bill 2015**

(LC Paper No. CB(1)32/15-16)

18. Mr Kenneth LEUNG, 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 Bill in principle, and both the Administration and the Bills Committee would not propose to move any Committee stage amendments ("CSAs") to the Bill. Members also noted that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting of 4 November 2015.

- (b) **Report of the Bills Committee on Securities and Futures (Amendment) Bill 2015**

(LC Paper No. CB(1)34/15-16)

19. Mr CHAN Kam-lam, 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 and the Administration would not propose to move any CSAs to the Bill. Members also noted that the Bills Committee supported the Administration's proposal to resume the Second Reading debate on the Bill at the Council meeting of 4 November 2015.

20. The Chairman reminded Members that the deadline for giving notice of CSAs, if any, proposed to be moved to the above two Bills would be Monday, 26 October 2015.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)69/15-16)

21. The Chairman said that as at 22 October 2015, there were 13 Bills Committees, 15 subcommittees under HC and seven subcommittees on policy issues under Panels in action. Three subcommittees on policy issues were on the waiting list.

VIII. Priority allocation of a debate slot for a motion debate on the Report of the Subcommittee on Hawker Policy

(LC Paper No. CB(4)38/15-16)

22. Mr Tommy CHEUNG, Chairman of the Panel on Food Safety and Environmental Hygiene ("the FSEH Panel"), said that in view of wide public concern over hawker policy and its implementation, the FSEH Panel had endorsed the recommendation of the Subcommittee on Hawker Policy ("the former Subcommittee") to seek HC's support for priority allocation of a debate slot under rule 14A(h) of the House Rules to Mr Steven HO, as Chairman of the former Subcommittee, for moving a motion for debate on the Report of the former Subcommittee ("the Subcommittee Report") at the Council meeting of 11 November 2015. The debate would provide an opportunity for Members to express views on the subject and for the Administration to respond.

23. Members agreed to the priority allocation of a debate slot to Mr Steven HO for moving a motion on the Subcommittee Report at the Council meeting of 11 November 2015. Members also agreed to the FSEH Panel's proposal that in addition to the debate on the Subcommittee Report, only one other debate on a motion without legislative effect should be held at the Council meeting.

IX. Any other business

24. There being no other business, the meeting ended at 2:43 pm.