

**立法會**  
***Legislative Council***

Paper No. CB(2)187/15-16

Ref : CB2/H/5/15

**House Committee of the Legislative Council**

**Minutes of the 3rd meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 30 October 2015**

**Members present:**

Hon Andrew LEUNG Kwan-yuen, GBS, JP (Chairman)  
Hon MA Fung-kwok, SBS, JP (Deputy Chairman)  
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  
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, 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 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

**Members absent:**

Hon Albert HO Chun-yan  
Dr Hon LAU Wong-fat, GBM, GBS, JP  
Dr Hon LAM Tai-fai, SBS, JP  
Dr Hon LEUNG Ka-lau  
Hon Martin LIAO Cheung-kong, SBS, JP  
Hon Tony TSE Wai-chuen, BBS

**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
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

---

Action

**I. Confirmation of the minutes of the 2nd meeting held on 23 October 2015**

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

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 the Chief Secretary for Administration ("CS") had indicated that she and the relevant public officers would be happy to attend a further special House Committee ("HC") meeting to answer Members' questions on the subjects of population policy and lead

Action

in drinking water incidents. CS had also advised that the Commission on Poverty chaired by her would launch a public consultation exercise on retirement protection in December 2015 and should HC consider it necessary, she would be happy to attend another special HC meeting on this subject. CS's Office would liaise with the Legislative Council Secretariat on the meeting dates.

### **III. Business arising from previous Council meetings**

#### **Legal Service Division report on subsidiary legislation and non-legislative instrument gazetted on 23 October 2015**

*(LC Paper No. LS4/15-16)*

3. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the Legal Service Division ("LSD") report on the 12 items of subsidiary legislation (i.e. L.N. 202 to L.N. 213) and one item of non-legislative instrument (i.e. The Fifth Technical Memorandum for Allocation of Emission Allowances in Respect of Specified Licences ("the Fifth Technical Memorandum") (S.S. No.5 to Gazette No.43/2015)) which were gazetted on 23 October 2015 and tabled in Council on 28 October 2015. Members noted that LSD was still scrutinizing the Banking (Capital) (Amendment) Rules 2015 (L.N. 212).

4. Regarding the Census and Statistics (2016 Population Census) Order (L.N. 208), LA informed Members that LSD was seeking clarification from the Administration in relation to certain aspects of the Order and would make a further report, if necessary. Ms Cyd HO considered it necessary to form a subcommittee to study the Order in detail. Members agreed. Ms Emily LAU and Ms Cyd HO agreed to join the proposed subcommittee.

5. Mr Dennis KWOK considered it necessary to form a subcommittee to study the Fifth Technical Memorandum in detail. Members agreed. Mr WU Chi-wai and Mr Dennis KWOK agreed to join the proposed subcommittee.

6. Members did not raise any question on the remaining 11 items of subsidiary legislation (i.e. L.N. 202 to L.N. 207 and L.N. 209 to L.N. 213).

7. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation and non-legislative instrument would be the Council meeting of 25 November 2015, or that of 16 December 2015 if extended by a resolution of the Council.

(*Post-meeting note* : LSD informed the Clerk on 4 November 2015 that it had completed the scrutiny of the Banking (Capital) (Amendment) Rules 2015 (L.N. 212) and no difficulties had been identified in the legal and drafting aspects of the Rules.)

#### **IV. Further business for the Council meeting of 4 November 2015**

##### Meeting arrangement for the Council meeting of 4 November 2015

8. The Chairman informed Members that the meeting would start at 11:00 am and be suspended at around 8:00 pm on Wednesday, 4 November 2015. The meeting would resume at 9:00 am on Thursday, 5 November 2015 and it was anticipated that the meeting would be adjourned in the late afternoon on that day after conclusion of all the business on the Agenda.

(a) **Questions**

(*LC Paper No. CB(3)79/15-16*)

9. The Chairman informed Members that Ms Cyd HO had replaced her oral question.

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

(i) **Inland Revenue (Amendment) (No. 3) Bill 2015**

(ii) **Securities and Futures (Amendment) Bill 2015**

10. The Chairman said that the Second Reading debates on the above two Bills would be resumed at the meeting.

(c) **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 Trainee Solicitors (Amendment) Rules 2015**  
(*LC Paper No. CB(3)94/15-16*)

Action

(ii) **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:**

- **Rules of the High Court (Amendment) (No. 3) Rules 2015; and**
- **Rules of the District Court (Amendment) Rules 2015**

*(LC Paper No. CB(3)74/15-16)*

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

- **Consular Relations (Additional Privileges and Immunities) (Cambodia) Order; and**
- **Consular Relations (Additional Privileges and Immunities) (Philippines) Order**

*(LC Paper No. CB(3)95/15-16)*

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

- **Inland Revenue (Exchange of Information relating to Taxes) (Kingdom of Denmark) Order;**
- **Inland Revenue (Exchange of Information relating to Taxes) (Faroes) Order;**
- **Inland Revenue (Exchange of Information relating to Taxes) (Greenland) Order;**
- **Inland Revenue (Exchange of Information relating to Taxes) (Iceland) Order;**
- **Inland Revenue (Exchange of Information relating to Taxes) (Kingdom of Norway) Order; and**
- **Inland Revenue (Exchange of Information relating to Taxes) (Kingdom of Sweden) Order**

*(LC Paper No. CB(3)96/15-16)*

Action

- (v) **Proposed resolution to be moved by Hon Alice MAK under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the:**

- **Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) (Amendment) Regulation 2015; and**
- **Building (Administration) (Amendment) (No. 2) Regulation 2015**

*(LC Paper No. CB(3)97/15-16)*

11. Members noted that the Chairmen of the five Subcommittees on the above items of subsidiary legislation would respectively move a proposed resolution at the meeting to extend the scrutiny period of the subsidiary legislation to the Council meeting of 2 December 2015.

**V. Business for the Council meeting of 11 November 2015**

(a) **Questions**

*(LC Paper No. CB(3)80/15-16)*

12. 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**

13. Members noted that the Patents (Amendment) Bill 2015 would be presented to the Council on 11 November 2015.

(c) **Government motion**

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

(d) **Members' motions**

- (i) **Motion on "Report of the Subcommittee on Hawker Policy" to be moved by Hon Steven HO**

*(LC Paper No. CB(3)76/15-16)*

- (ii) **Motion to be moved by Hon Claudia MO**

15. The Chairman said that the subject of the motion to be moved by Ms Claudia MO was "Safeguarding Hong Kong from 'Mainlandization'".

Action

16. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above two motions would be Wednesday, 4 November 2015.

Report of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

---

17. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)90/15-16), which contained 24 items of subsidiary legislation, the period for amendment of which would expire at the Council meeting of 11 November 2015. He reminded Members to indicate their intention by 5:00 pm on Tuesday, 3 November 2015 should they wish to speak on any of these items of subsidiary legislation.

**VI. Reports of Bills Committees and subcommittees**

**(a) Report of the Subcommittee on Specification of Arrangements (The Mainland of China) (Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income) (Fourth Protocol) Order**

---

*(LC Paper No. CB(1)70/15-16)*

18. Mr CHAN Kam-lam, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee supported the Order, and the Administration and the Subcommittee would not propose any amendment to the Order.

**(b) Report of the Subcommittee on Rules of the High Court (Amendment) Rules 2015 (Commencement) Notice and Five Items of Subsidiary Legislation Related to Competition Ordinance Gazetted on 17 July 2015**

---

*(LC Paper No. CB(4)124/15-16)*

19. The Chairman, in his capacity as Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee supported the six items of subsidiary legislation.

20. The Chairman reminded Members that as the period for amending the seven items of subsidiary legislation studied by the above two Subcommittees would expire at the Council meeting of 11 November 2015, the deadline for giving notice of amendments, if any, to the subsidiary legislation would be Wednesday, 4 November 2015.



Action

**VII. Position on Bills Committees and subcommittees**

*(LC Paper No. CB(2)133/15-16)*

21. The Chairman said that as at 29 October 2015, there were 11 Bills Committees, 16 subcommittees under HC and seven subcommittees on policy issues under Panels in action. Three subcommittees on policy issues were on the waiting list.

**VIII. Any other business**

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

Council Business Division 2  
Legislative Council Secretariat  
5 November 2015