

立法會
Legislative Council

LC Paper No. CB(2)288/15-16

Ref : CB2/H/5/15

House Committee of the Legislative Council

**Minutes of the 5th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 13 November 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 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 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 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 Gary FAN Kwok-wai
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
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 Dennis KWOK
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:

Hon Albert HO Chun-yan
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Abraham SHEK Lai-him, GBS, JP
Dr Hon LEUNG Ka-lau
Hon WONG Yuk-man
Hon YIU Si-wing, BBS
Hon CHAN Han-pan, JP
Hon KWOK Wai-keung
Hon Christopher CHEUNG Wah-fung, SBS, JP

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
Ms Amy YU	Principal Council Secretary 1
Ms Hallie CHAN	Head (Public Information)
Ms Alice LEUNG	Chief Council Secretary (2)6
Mr Daniel SIN	Chief Council Secretary (4)3
Miss Carrie WONG	Assistant Legal Adviser 4
Ms Wendy KAN	Assistant Legal Adviser 6
Miss Winnie LO	Assistant Legal Adviser 7
Mr YICK Wing-kin	Assistant Legal Adviser 8
Ms Clara TAM	Assistant Legal Adviser 9
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 4th meeting held on 6 November 2015
(LC Paper No. CB(2)240/15-16)

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") would attend a special House Committee ("HC") meeting to be

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held on 4 December 2015 to brief Members on the implementation of the population policy initiatives. CS would also attend another special HC meeting tentatively scheduled for early January 2016 to answer Members' questions on the upcoming public consultation on retirement protection. Members would be informed of the meeting date once it was confirmed.

III. Business arising from previous Council meetings

(a) Legal Service Division report on bill referred to the House Committee in accordance with Rule 54(4)

Patents (Amendment) Bill 2015
(LC Paper No. LS9/15-16)

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

4. 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 WONG Kwok-hing, Mr Andrew LEUNG, Mr Charles MOK, Mr Dennis KWOK and Mr Martin LIAO.

(b) Legal Service Division report on subsidiary legislation gazetted on 6 November 2015 and tabled in Council on 11 November 2015

(LC Paper No. LS8/15-16)

5. At the invitation of the Chairman, LA briefed Members on the LSD report on the two items of subsidiary legislation (i.e. L.N. 217 and L.N. 218) which were gazetted on 6 November 2015 and tabled in Council on 11 November 2015.

6. Members did not raise any question on the two items of subsidiary legislation.

7. Members noted that the deadline for amending the two items of subsidiary legislation would be the Council meeting of 9 December 2015, or that of 6 January 2016 if extended by a resolution of the Council.

IV. Further business for the Council meeting of 18 November 2015

Meeting arrangement for the Council meeting of 18 November 2015

8. The Chairman informed Members that the meeting would start at 11:00 am on Wednesday, 18 November 2015 and if the President was in the opinion that the business on the Agenda was unlikely to be finished by about 10:00 pm on that day, he would suspend the meeting at about 8:00 pm. If that was the case, the meeting would resume at 9:00 am on Thursday, 19 November 2015 and be adjourned after conclusion of all the business on the Agenda.

(a) Tabling of papers

Report No. 4/15-16 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
(*LC Paper No. CB(2)242/15-16*)

9. The Chairman said that the Report covered eight items of subsidiary legislation and the period for amending those items would expire at the Council meeting of 18 November 2015. No Member had indicated intention to speak on those items of subsidiary legislation.

(b) Members' motions

(i) Proposed resolution under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the Census and Statistics (2016 Population Census) Order to be moved by Hon Cyd HO
(*LC Paper No. CB(3)130/15-16*)

(ii) Proposed resolution under section 37B(4) of the Air Pollution Control Ordinance (Cap. 311) in relation to the Fifth Technical Memorandum for Allocation of Emission Allowances in Respect of Specified Licences to be moved by Hon Kenneth LEUNG
(*LC Paper No. CB(3)134/15-16*)

10. The Chairman said that the Chairmen of the two Subcommittees on the above subsidiary legislation and non-legislative instrument would respectively move a proposed resolution at the meeting to extend the scrutiny period of the subsidiary legislation and non-legislative instrument to the Council meeting of 16 December 2015.

V. Business for the Council meeting of 25 November 2015

(a) Questions

(LC Paper No. CB(3)125/15-16)

11. 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

(i) Mandatory Provident Fund Schemes (Amendment) Bill 2015

(ii) Deposit Protection Scheme (Amendment) Bill 2015

12. Members noted that the above two Bills would be presented to the Council on 25 November 2015.

(c) Government motion

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

(d) Members' motions

(i) Motion on "Expeditiously abolishing the Primary 3 Territory-wide System Assessment" to be moved by Hon Albert CHAN

(LC Paper No. CB(3)115/15-16)

(ii) Motion on "Developing the economy and improving people's livelihood" to be moved by Hon CHAN Hak-kan

(LC Paper No. CB(3)118/15-16)

14. The Chairman said that debates on the above two Members' motions would be held at the meeting.

Report of HC on Consideration of Subsidiary Legislation

15. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)133/15-16), which contained 13 items of subsidiary legislation. The period for amending those items would expire at the Council meeting of 25 November 2015. He reminded Members to indicate their intention by 5:00 pm on Tuesday, 17 November 2015, should they wish to speak on any of those items of subsidiary legislation.

VI. Reports of Bills Committees and subcommittees

(a) Report of the Bills Committee on Copyright (Amendment) Bill 2014

(LC Paper No. CB(4)199/15-16)

16. Mr CHAN Kam-lam, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Mr CHAN informed Members that the Administration would propose to move Committee stage amendments ("CSAs") to the Bill in response to some concerns raised by members of the Bills Committee. He would, on behalf of the Bills Committee, propose to move three sets of CSAs on contract override, user-generated content and fair use respectively. Mr WONG Yuk-man had indicated his intention to propose CSAs to the Bill. Members noted that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting of 25 November 2015.

17. The Chairman reminded Members that the deadline for giving notice of CSAs, if any, proposed to be moved to the Bill would be Monday, 16 November 2015.

(b) Report of the Subcommittee on Trainee Solicitors (Amendment) Rules 2015

(LC Paper No. CB(4)200/15-16)

18. Mr Dennis KWOK, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee had no objection to the Amendment Rules and would not propose any amendment to it.

19. The Chairman reminded Members that as the period for amending the Amendment Rules would expire at the Council meeting of 2 December 2015, the deadline for giving notice of amendments, if any, to the Amendment Rules would be Wednesday, 25 November 2015.

(c) Report of the Subcommittee on Declaration of Geographical Constituencies (Legislative Council) Order 2015

(LC Paper No. CB(2)243/15-16)

20. Mr TAM Yiu-chung, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee and the Administration would not propose any amendment to the Order.

21. The Chairman reminded Members that as the period for amending the Order would expire at the Council meeting of 25 November 2015, the deadline for giving notice of amendments, if any, to the Order would be Wednesday, 18 November 2015.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)241/15-16)

22. The Chairman said that as at 12 November 2015, there were 11 Bills Committees, 14 subcommittees under HC and seven subcommittees on policy issues under Panels in action. Five subcommittees on policy issues under Panels were on the waiting list.

VIII. Paper of the Committee on Rules of Procedure

Proposed amendments to the Handbook for Chairmen of Panels, Handbook for Chairmen of Bills Committees and Handbook for Chairmen of Subcommittees on Subsidiary Legislation/Other Instruments

(LC Paper No. CROP7/15-16)

23. Mr TAM Yiu-chung, Chairman of the Committee on Rules of Procedure ("CROP"), briefed Members on CROP's proposals to amend the Handbook for Chairmen of Panels, the Handbook for Chairmen of Bills Committees and the Handbook for Chairmen of Subcommittees on Subsidiary Legislation/Other Instruments (collectively known as "the Handbooks for Chairmen"), details of which were set out in the paper.

24. Mr TAM explained that while the existing rule 22(p) of the House Rules ("HR") provided that a motion might be proposed during a Panel meeting, it was not spelt out in HR whether amendments could be proposed to a motion when such motion was to be dealt with during the period of extension or the continuation of meeting beyond the appointed ending time of a committee meeting. To provide committees with flexibility to deal with motions, CROP considered that members of a committee should be allowed to propose amendments to such motions during the period of extension or continuation of the meeting and that the relevant arrangement should be set out in the Handbooks for Chairmen. Mr TAM said that CROP also proposed to state clearly in the Handbooks for Chairmen that it was for individual Members to judge whether they had a direct or indirect pecuniary interest in a matter under consideration by a committee, and it was their responsibility to disclose the nature of such interest (if any). Mr TAM further said that to ensure consistency in

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the practices among committees in handling requests from members of the public for making oral representations at committee meetings, CRoP proposed to provide specific guidelines in the Handbooks for Chairmen that a member of the public should not be allowed to make oral representation more than once either as a representative of an organization/group or in his/her personal capacity at committee meetings held for the purpose of receiving public views on a subject. However, chairmen of committees should have the discretion to handle special requests.

25. Members agreed to the proposed amendments to the Handbook for Chairmen of Panels as set out in Appendices I to III to the paper, and the corresponding amendments to be made to the Handbook for Chairmen of Bills Committees and the Handbook for Chairmen of Subcommittees on Subsidiary Legislation/Other Instruments.

IX. Any other business

26. There being no other business, the meeting ended at 2:45 pm.

Council Business Division 2
Legislative Council Secretariat
18 November 2015