

立法會
Legislative Council

LC Paper No. CB(2)330/15-16

Ref : CB2/H/5/15

House Committee of the Legislative Council

**Minutes of the 6th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 20 November 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 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 Paul TSE Wai-chun, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon WONG Yuk-man
Hon Claudia MO

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 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
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
Hon Vincent FANG Kang, SBS, JP
Dr Hon LEUNG Ka-lau
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Albert CHAN Wai-yip
Hon Michael TIEN Puk-sun, BBS, JP
Hon KWOK Wai-keung
Hon Dennis KWOK
Dr Hon Fernando CHEUNG Chiu-hung

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 Anthony CHU	Chief Council Secretary (4)1
Miss Rachel DAI	Assistant Legal Adviser 2
Miss Carrie WONG	Assistant Legal Adviser 4
Miss Evelyn LEE	Assistant Legal Adviser 10
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
Miss Meisy KWOK	Legislative Assistant (2)6

Action

I. Confirmation of verbatim transcript/minutes of meetings

- (a) **Verbatim transcript of the special meeting held on 8 October 2015**
(LC Paper No. CB(2)287/15-16)
- (b) **Minutes of the 5th meeting held on 13 November 2015**
(LC Paper No. CB(2)288/15-16)

The two sets of verbatim transcript/minutes of meetings 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 report on subsidiary legislation gazetted on 13 November 2015 and tabled in Council on 18 November 2015 (*LC Paper No. LS10/15-16*)

3. At the invitation of the Chairman, Legal Adviser briefed Members on the two items of subsidiary legislation (i.e. Legislative Council Ordinance (Amendment of Schedule 5) Order 2015 (L.N. 225) and Maximum Amount of Election Expenses (Legislative Council Election) (Amendment) Regulation 2015 (L.N. 226)) which were gazetted on 13 November 2015 and tabled in Council on 18 November 2015.

4. Ms Emily LAU considered it necessary to form a subcommittee to study the two items of subsidiary legislation in detail. Members agreed. Ms Emily LAU, Mr IP Kwok-him and Mr James TIEN agreed to join the subcommittee.

5. The Chairman reminded Members that the deadline for amending the two items of subsidiary legislation would be the Council meeting of 16 December 2015, or that of 6 January 2016 if extended by a resolution of the Council.

IV. Further business for the Council meeting of 25 November 2015

(a) Tabling of papers

Report No. 5/15-16 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments (*LC Paper No. CB(2)290/15-16*)

6. The Chairman said that the Report covered 13 items of subsidiary legislation and the period for amending those items would expire at the Council meeting of 25 November 2015.

Action

7. The Chairman further said that as Mr TAM Yiu-chung, Chairman of the Subcommittee on Declaration of Geographical Constituencies (Legislative Council) Order 2015, and Mr SIN Chung-kai, member of the Subcommittee, had indicated their intention to speak on the Order, he would, in his capacity as the Chairman of the House Committee ("HC"), move a motion to take note of the Report in relation to the Order at the Council meeting.

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

8. The Chairman said that the resumption of the Second Reading debate on the Copyright (Amendment) Bill 2014 was originally scheduled for the Council meeting of 25 November 2015. Given that a Member had proposed to move over 900 Committee stage amendments ("CSAs") to the Bill and the Secretariat needed more time to process the proposed CSAs, subject to Members' views, the President would defer the relevant agenda item for two weeks such that it would be dealt with at the Council meeting of 9 December 2015. The Administration had been informed of the proposed arrangement.

9. Members noted and raised no objection to the proposed arrangement that the agenda item on the resumption of the Second Reading debate on the Copyright (Amendment) Bill 2014 be deferred to the Council meeting of 9 December 2015.

Meeting arrangement for the Council meeting of 25 November 2015

10. The Chairman informed Members that the meeting would start at 11:00 am and be suspended at around 8:00 pm on Wednesday, 25 November 2015. The meeting would resume at 9:00 am on Thursday, 26 November 2015 and be adjourned after conclusion of all the business on the Agenda.

V. Business for the Council meeting of 2 December 2015

(a) Questions
(*LC Paper No. CB(3)147/15-16*)

11. The Chairman said that 22 questions (six oral and 16 written) had been scheduled for the meeting.

(b) Bill - First Reading and moving of Second Reading

12. Members noted that the Financial Institutions (Resolution) Bill would be presented to the Council on 2 December 2015.

(c) **Government motion**

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

(d) **Members' motions**

(i) **Motion on "Combating acts of bid-rigging in repair works of private residential buildings" to be moved by Hon Christopher CHUNG**
(*LC Paper No. CB(3)155/15-16*)

(ii) **Motion to be moved by Dr Hon Elizabeth QUAT**

14. The Chairman said that the subject of the motion to be moved by Dr Elizabeth QUAT was "Strengthening the combat against the crime of wildlife smuggling".

15. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above two motions would be Wednesday, 25 November 2015.

Report of HC on Consideration of Subsidiary Legislation

16. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)161/15-16), which contained 19 items of subsidiary legislation. The period for amending those items would expire at the Council meeting of 2 December 2015. He reminded Members to indicate their intention by 5:00 pm on Tuesday, 24 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 Subcommittee on Commencement Notices related to Five Sets of Amendment Rules made under Sections 73 and 73A of the Legal Practitioners Ordinance and Gazetted on 17 July 2015**

(*LC Paper No. CB(4)234/15-16*)

17. Dr Priscilla LEUNG, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee supported the five Commencement Notices and would not propose any amendment to them.

- (b) **Report of the Subcommittee on Rules of the High Court (Amendment) (No. 3) Rules 2015 and Rules of the District Court (Amendment) Rules 2015**
(LC Paper No. CB(4)201/15-16)

18. On behalf of Mr Dennis KWOK, Chairman of the Subcommittee, Mr Abraham SHEK briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee supported the two Amendment Rules and would not propose any amendment to them.

- (c) **Report of the Subcommittee on Consular Relations (Additional Privileges and Immunities) (Cambodia) Order and Consular Relations (Additional Privileges and Immunities) (Philippines) Order**
(LC Paper No. CB(4)221/15-16)

19. Mr James TO, 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 two Orders and would not propose any amendment to them.

- (d) **Report of the Subcommittee on the Six Orders Made under Section 49(1A) of the Inland Revenue Ordinance and Gazetted on 2 October 2015**
(LC Paper No. CB(1)166/15-16)

20. Mr Kenneth LEUNG, 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 Orders, and the Subcommittee and the Administration would not propose any amendment to them.

- (e) **Report of the Subcommittee on 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(1)166/15-16)

21. Miss Alice MAK, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. Miss MAK said that the Subcommittee was generally in support of the two Amendment Regulations ("the Amendment Regulations"), which were made to update the standards for the provision of sanitary fitments in private buildings, particularly to increase the number of female sanitary fitments to be provided in public places.

Action

22. Miss Alice MAK further said that in respect of the provision of sanitary fitments, the Amendment Regulations provided that a ratio of 1:1.5 should be adopted for assessing the number of males to that of females in six categories of public places. Some members of the Subcommittee considered that the adoption of such a ratio could not solve the problem of insufficient female sanitary fitments in public places, and there was a suggestion that the Administration should amend that ratio to 1:2. As explained by the Administration, the ratio of 1:1.5 was only a ratio adopted for assessing the number of male and female persons that was present or likely to be present in the relevant public places, and the Amendment Regulations had taken into account the different needs of male and female in formulating the minimum standards for the provision of sanitary fitments. Under the Amendment Regulations, the number of watercloset fitments required to be provided for female in public places would be higher as compared to that under the extant Regulation and would also be higher than that for male given the same number of persons. As an illustration, for a cinema with seating capacity of 250, the ratio of male-to-female watercloset fitments would be 1:4 under the Amendment Regulations.

23. Miss Alice MAK also informed the meeting that members of the Subcommittee had raised concerns that the Amendment Regulations would only be applicable to private buildings and would not be applicable to MTR stations and buildings belonging to the Government. According to the Administration, the Architectural Services Department had progressively increased the provision of female sanitary fitments in accordance with the enhanced standards in the new projects as well as in major renovation of existing government buildings. As regards MTR stations, the MTR Corporation Limited would provide toilets in existing MTR stations where feasible, and in or near the new stations when designing and planning new railway lines.

24. Members noted that the Administration and the Subcommittee would not propose any amendment to the Amendment Regulations.

25. The Chairman reminded Members that as the period for amending the 17 items of subsidiary legislation studied by the above five Subcommittees would expire at the Council meeting of 2 December 2015, the deadline for giving notice of amendments, if any, to the subsidiary legislation would be Wednesday, 25 November 2015.

26. Expressing her wish to speak on the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) (Amendment) Regulation 2015 and the Building (Administration) (Amendment) (No. 2)

Action

Regulation 2015 in Council, Ms Emily LAU enquired about the arrangement and timing for Members to do so if no motion was to be moved to amend the Amendment Regulations.

27. At the invitation of the Chairman, the Clerk explained that the period for amending the two Amendment Regulations would expire at the Council meeting of 2 December 2015. Members who wished to speak on the Amendment Regulations in Council could so indicate when the Secretariat issued a circular inviting Members to indicate their intention to speak on the subsidiary legislation covered in the relevant report of HC on Consideration of Subsidiary Legislation and Other Instruments at a debate on the report at that Council meeting.

VII. Position on Bills Committees and subcommittees
(*LC Paper No. CB(2)289/15-16*)

28. The Chairman said that as at 19 November 2015, there were 11 Bills Committees, 12 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. Any other business

29. There being no other business, the meeting ended at 2:48 pm.

Council Business Division 2
Legislative Council Secretariat
25 November 2015