

立法會
Legislative Council

LC Paper No. CB(2)422/15-16

Ref : CB2/H/5/15

House Committee of the Legislative Council

**Minutes of the 8th meeting
held in Conference Room 1 of the Legislative Council Complex
at 4:05 pm on Friday, 4 December 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 Emily LAU Wai-hing, JP
Hon TAM Yiu-chung, GBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Vincent FANG Kang, SBS, JP
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon Cyd HO Sau-lan, JP
Hon Starry LEE Wai-king, JP
Hon CHAN Kin-por, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Dr Hon LEUNG Ka-lau
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 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
Hon CHAN Yuen-han, SBS, JP
Hon Kenneth LEUNG
Dr Hon KWOK Ka-ki
Hon Dennis KWOK
Hon SIN Chung-kai, SBS, JP
Hon IP Kin-yuen
Ir Dr Hon LO Wai-ki, SBS, MH, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

Members absent:

Hon LEUNG Yiu-chung
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Abraham SHEK Lai-him, GBS, JP
Hon Tommy CHEUNG Yu-yan, GBS, JP
Hon WONG Kwok-hing, BBS, MH
Hon WONG Ting-kwong, SBS, JP
Dr Hon LAM Tai-fai, SBS, JP
Hon CHAN Hak-kan, JP
Hon CHEUNG Kwok-che
Hon WONG Kwok-kin, SBS
Hon LEUNG Kwok-hung
Dr Hon Kenneth CHAN Ka-lok
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Alice MAK Mei-kuen, BBS, JP
Hon KWOK Wai-keung
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
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
Hon CHUNG Kwok-pan
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
Ms Amy YU	Principal Council Secretary 1
Ms Hallie CHAN	Head (Public Information)
Ms Alice LEUNG	Chief Council Secretary (2)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

Action

I. Confirmation of the minutes of the 7th meeting held on 27 November 2015

(LC Paper No. CB(2)369/15-16)

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 there was nothing special to report.

III. Business arising from previous Council meetings

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

Financial Institutions (Resolution) Bill *(LC Paper No. LS15/15-16)*

3. At the invitation of the Chairman, Legal Adviser briefed Members on the report prepared by the Legal Service Division on the Bill.

4. Ms Cyd HO considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Mr CHAN Kam-lam and Ms Cyd HO agreed to join the proposed Bills Committee.

IV. Further business for the Council meeting of 9 December 2015

Meeting arrangement for the Council meeting of 9 December 2015

5. The Chairman informed Members that the meeting would start at 11:00 am and be suspended at around 8:00 pm on Wednesday, 9 December 2015. The meeting would resume at 9:00 am on Thursday, 10 December 2015 and be suspended at around 8:00 pm that evening. The meeting would resume at 9:00 am on Friday, 11 December 2015 and be adjourned by 12:00 noon on that day as a fire drill would be held at 12:30 pm and the Friday afternoon would be reserved for meetings of the House Committee ("HC") and the Finance Committee.

6. Mr CHAN Chi-chuen said that the Second Reading debate on the Copyright (Amendment) Bill 2014 ("the Amendment Bill") would be resumed at the Council meeting of 9 December 2015. Apart from the Committee stage amendments ("CSAs") to be moved by the Chairman of the Bills Committee on the Copyright (Amendment) Bill 2014 ("the Bills Committee"), Mr WONG Yuk-man had also given notice to move over 900 CSAs to the Amendment Bill. As Members needed sufficient time to prepare for the debate, he hoped that the Chairman would suggest to the President that the resumption of the Second Reading debate on the Amendment Bill be deferred to the Council meeting of 16 December 2015, should the President's ruling on the proposed CSAs not be available and Members not be advised of the arrangements for the debate by Tuesday, 8 December 2015.

7. Mr Albert CHAN considered it too late if the President's ruling on the proposed CSAs would only be available by next Tuesday. He said that should the President's ruling not be available today, the agenda item on the resumption of the Second Reading debate on the Amendment Bill should be deferred to the Council meeting of 16 December 2015. Ms Cyd HO also said that Members would have great difficulties in preparing speeches for the debate if Members could only be informed of the President's ruling on the proposed CSAs in the next week. Concurring with Mr CHAN Chi-chuen's suggestion of deferring the resumption of the Second Reading debate on the Amendment Bill to the Council meeting of 16 December 2015, Mr Gary FAN hoped that Members could reach a consensus at the meeting.

8. Mr CHAN Kam-lam said that he, in his capacity as the Chairman of the Bills Committee, would move CSAs to the Amendment Bill on behalf of the Bills Committee. He agreed with the view that if the President's ruling on the proposed CSAs to the Amendment Bill would only be available by Tuesday, 8 December 2015, Members would have difficulties in preparing for the debate. He sought information from the Secretary General ("SG") on whether the President's ruling would be available today.

9. At the invitation of the Chairman, SG said that the relevant papers regarding the proposed CSAs to the Amendment Bill would be ready for issuance for Members' reference in the morning of Monday, 7 December 2015. Responding to Mr CHAN Chi-chuen, the Chairman said that he would relay Members' views on the resumption of the Second Reading debate on the Amendment Bill to the President.

Tabling of papers

Report No. 7/15-16 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments (LC Paper No. CB(2)371/15-16)

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

V. Business for the Council meeting of 16 December 2015

(a) Questions

(LC Paper No. CB(3)199/15-16)

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) Inland Revenue (Amendment) (No. 4) Bill 2015

(ii) Fire Services (Amendment) Bill 2015

12. Members noted that the above two Bills would be presented to the Council on 16 December 2015.

(c) Government motion

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

(d) Members' motions

(i) Motion on "Expeditiously formulating measures to combat the problem of 'bogus refugees'" to be moved by Hon IP Kwok-him

(LC Paper No. CB(3)209/15-16)

(ii) Motion on "Expeditiously studying the enactment of legislation on tree maintenance and management" to be moved by Hon WONG Kwok-hing

(LC Paper No. CB(3)210/15-16)

14. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above two motions would be Wednesday, 9 December 2015.

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)205/15-16), which contained five items of subsidiary legislation. The period for amending those items would expire at the Council meeting of 16 December 2015. He reminded Members to indicate their intention by 5:00 pm on Tuesday, 8 December 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 Bills Committee on Bankruptcy (Amendment) Bill 2015

(LC Paper No. CB(1)236/15-16)

16. Mr CHAN Kam-lam, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Members noted that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting of 16 December 2015, and raised no objection to the Administration's proposal of appointing 1 November 2016 as the commencement date of the enacted Bankruptcy (Amendment) Ordinance 2015. Members also noted that the Administration would propose to move CSAs to the Bill, and the Bills Committee would not propose any CSAs to the Bill.

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, 7 December 2015.

(b) Report of the Subcommittee on Census and Statistics (2016 Population Census) Order

18. Ms Cyd HO, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. Members noted that both the Subcommittee and the Administration would not propose any amendment to the Order, which was made to provide statutory backing for the conduct of the 2016 Population By-census ("the By-census"), including specifying the dates for taking the By-census and setting out the data topics covered.

19. Ms Cyd HO informed Members that the Subcommittee had held three meetings to discuss with the Administration, including one meeting to receive views from deputations. During the deliberations of the Subcommittee, some members considered that data topics on sexual minorities should be included in the By-census so as to facilitate the Government's formulation of policies and legislation in this regard. Some other members, however, concurred with the explanation provided by the Census and Statistics Department ("C&SD") that (a) the By-census had a mandatory requirement for respondents to provide truthful information, and topics relating to sexual minorities were sensitive and respondents might be unwilling to disclose such information; and (b) census officers engaged for the By-census were mostly temporary workers or students who might not have the necessary skills and maturity to handle such sensitive issues.

Action

20. Ms Cyd HO said that C&SD had advised the Subcommittee that respondents who had registered their same sex marriage in other jurisdictions might respond to the topic on "their relationship to the household head" by choosing the "others (please specify)" option and provide specifications (e.g. same sex partners) as appropriate. As regards the topic on "sex", respondents might provide, based on self-identification, the answer option that was deemed most suitable by themselves. If the respondents provided the answers that they believed to be true, they would not be regarded as having contravened section 16 of the Census and Statistics Ordinance (Cap. 316). The Subcommittee stressed the need for C&SD to provide necessary training to census officers to ensure that they would explain the details clearly to respondents in facilitating the latter in choosing the appropriate answers for the two data topics.

21. Ms Cyd HO further said that the Subcommittee had discussed data privacy issues and data protection measures in relation to the use of e-questionnaires and mobile tablets for data collection by the By-census. C&SD was urged to alert respondents about the risks of data breach and the need to protect their personal data. Upon request of the Subcommittee, C&SD agreed to provide an information paper to the relevant Panel(s) of LegCo soonest possible upon completion of the By-census regarding the disposal arrangement of approximately 6 500 mobile tablets purchased for the conduct of the By-census.

(c) **Report of the Subcommittee on Fifth Technical Memorandum for Allocation of Emission Allowances in Respect of Specified Licences**
(*LC Paper No. CB(1)238/15-16*)

22. 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 Technical Memorandum, and both the Subcommittee and the Administration would not propose any amendment to it.

23. The Chairman reminded Members that as the period for amending the Order and the Technical Memorandum studied by the above two Subcommittees would expire at the Council meeting of 16 December 2015, the deadline for giving notice of amendments, if any, to the Order and the Technical Memorandum would be Wednesday, 9 December 2015. Ms Cyd HO indicated that she intended to speak on the Census and Statistics (2016 Population Census) Order at the Council meeting of 16 December 2015.

Action

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)370/15-16)

24. The Chairman said that as at 3 December 2015, there were 13 Bills Committees, 10 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

25. There being no other business, the meeting ended at 4:23 pm.

Council Business Division 2
Legislative Council Secretariat
9 December 2015