

立法會
Legislative Council

LC Paper No. CB(2)1571/15-16

Ref : CB2/H/5/15

House Committee of the Legislative Council

**Minutes of the 25th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 20 May 2016**

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 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
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 YIU Si-wing, BBS
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 KWOK Wai-keung
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
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 Alvin YEUNG Ngok-kiu

Members absent:

Hon Albert HO Chun-yan
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Abraham SHEK Lai-him, GBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Dr Hon LEUNG Ka-lau
Hon WONG Yuk-man
Hon CHAN Han-pan, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Hon TANG Ka-piu, 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
Mr Stephen LAM	Acting 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 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 Joyce CHAN	Assistant Legal Adviser 1
Miss Carrie WONG	Assistant Legal Adviser 4
Ms Wendy KAN	Assistant Legal Adviser 6
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 24th meeting held on 13 May 2016
(LC Paper No. CB(2)1523/15-16)**

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 subsidiary legislation gazetted on 13 May 2016 and tabled in Council on 18 May 2016

(LC Paper No. LS53/15-16)

3. At the invitation of the Chairman, Acting Legal Adviser ("Acting LA") briefed Members on the report prepared by the Legal Service Division ("LSD") on the three items of subsidiary legislation (i.e. L.N. 61 to L.N. 63) which were gazetted on 13 May 2016 and tabled in Council on 18 May 2016.

4. Mr Kenneth LEUNG considered it necessary to form a Subcommittee to study the Inland Revenue (Double Taxation Relief and Prevention of Fiscal Evasion with respect to Taxes on Income) (Romania) Order (L.N. 61) and the Inland Revenue (Double Taxation Relief and Prevention of Fiscal Evasion with respect to Taxes on Income) (Russian Federation) Order (L.N. 62) in detail. Members agreed. Mr Kenneth LEUNG agreed to join the proposed Subcommittee.

5. Mr Tommy CHEUNG considered it necessary to form a Subcommittee to study the Road Traffic (Parking) (Approved Cards) (Amendment) Notice 2016 (L.N. 63) in detail. Members agreed. Mr James TO and Mr Frankie YICK (as advised by Mr Tommy CHEUNG) agreed to join the proposed Subcommittee.

6. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation would be the Council meeting of 15 June 2016, or that of 6 July 2016 if extended by a resolution of the Council.

IV. Further business for the Council meeting of 25 May 2016

Meeting arrangement for the Council meeting of 25 May 2016

7. The Chairman said that the meeting would start at 11:00 am and be suspended at around 8:00 pm on Wednesday, 25 May 2016. The meeting would resume at 9:00 am and be suspended at around 8:00 pm on Thursday, 26 May 2016. The meeting would resume at 9:00 am and be adjourned at around 1:00 pm on Friday, 27 May 2016.

Tabling of papers

**Report No. 18/15-16 of the House Committee on Consideration of
Subsidiary Legislation and Other Instruments**

(LC Paper No. CB(2)1525/15-16)

8. The Chairman said that the Report covered two items of subsidiary legislation and the period for amending these items would expire at the Council meeting of 25 May 2016. No Member had indicated intention to speak on these items of subsidiary legislation.

V. Business for the Council meeting of 1 June 2016

(a) Questions

(LC Paper No. CB(3)596/15-16)

9. 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

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

(c) Government motion

**Proposed resolution under section 9A of the Criminal
Procedure Ordinance (Cap. 221) to be moved by the Secretary
for Home Affairs**

(LC Paper No. CB(3)591/15-16)

(LC Paper No. LS54/15-16)

11. At the invitation of the Chairman, Acting LA briefed Members on the LSD report on the above proposed resolution.

12. Members did not raise any question on the above proposed resolution and had no objection to the Administration moving the proposed resolution at the Council meeting of 1 June 2016.

(d) Members' motions

13. The Chairman said that Members' motions which had been scheduled for debate at previous Council meetings would stand over until the following Council meetings, with each Council meeting dealing with two such motions without legislative effect.

Report of House Committee on Consideration of Subsidiary Legislation

14. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)604/15-16), which contained one item of subsidiary legislation. The period for amending the subsidiary legislation would expire at the Council meeting of 1 June 2016. He reminded Members to indicate their intention by 5:00 pm on Tuesday, 24 May 2016, should they wish to speak on the subsidiary legislation.

VI. Reports of Bills Committees and subcommittees

Report of the Bills Committee on Patents (Amendment) Bill 2015

(LC Paper No. CB(1)932/15-16)

15. Mr Martin LIAO, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Mr LIAO informed Members that the Administration would propose Committee stage amendments ("CSAs") to the Bill, and the Bills Committee raised no objection to these CSAs and would not propose any CSAs to the Bill. Mr LIAO further said that Mr WONG Yuk-man had requested the Bills Committee to consider whether his proposed CSAs to improve the drafting and clarity of the provisions of the Bill should be moved by the Chairman of the Bills Committee on behalf of the Bills Committee. After deliberations, the Bills Committee decided not to accede to Mr WONG's request.

16. Members noted that the Bills Committee had no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 1 June 2016.

17. The Chairman reminded Members that the deadline for giving notice of CSAs, if any, proposed to be moved to the above Bill would be Monday, 23 May 2016.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)1524/15-16)

18. The Chairman said that as at 19 May 2016, there were seven Bills Committees, eight subcommittees under the House Committee ("HC") and eight subcommittees on policy issues under Panels in action. One subcommittee on policy issues under a Panel was on the waiting list.

VIII. Report of the Subcommittee on Poverty and priority allocation of a debate slot for a motion debate on the Report of the Subcommittee on Poverty

(LC Paper No. CB(2)1528/15-16)

19. At the invitation of the Chairman, Dr Fernando CHEUNG, Chairman of the former Subcommittee on Poverty ("the former Subcommittee"), said that the former Subcommittee had completed its work, and invited Members to note the Report of the former Subcommittee ("the Report"). Dr CHEUNG further said that in view of wide public concern on poverty alleviation, the former Subcommittee proposed to seek HC's approval for priority allocation of a debate slot under rule 14A(h) of the House Rules to him, in his capacity as the Chairman of the former Subcommittee, for moving a motion for debate on the Report at the Council meeting of 6 July 2016. The debate would provide an opportunity for Members to express views on the subject and the Administration to respond. The former Subcommittee further proposed that in addition to the debate on the Report, only one other debate on a motion without legislative effect should be held at the same Council meeting.

20. Ms Emily LAU expressed support for the former Subcommittee's request for priority allocation of a debate slot. Noting that there was a backlog of Members' motions which had stood over from previous Council meetings, she enquired about the possibility that the motion for debate on the Report could be dealt with before the prorogation of the Council on 16 July 2016 if the former Subcommittee's request was acceded to.

21. The Chairman said that the question of whether the motion for debate on the Report could be dealt with before the prorogation of the Council rested with Members. If some Members continued to filibuster and request quorum calls at the coming Council meetings, the chance that this motion debate could be held before the Council's prorogation would be slim.

22. While the Chairman was replying to Ms Emily LAU's question, Mr Albert CHAN stood up and spoke aloud in his seat. Mr CHAN expressed strong dissatisfaction with the remark of the Chairman about filibustering at the Council meetings. As Mr CHAN had continued shouting despite being asked by the Chairman to stop, the Chairman considered Mr CHAN's conduct to be grossly disorderly and ordered him to withdraw from the meeting. Pursuant to the Chairman's order, Mr Albert CHAN was escorted out of the meeting venue by security staff.

Action

23. In response to Ms Emily LAU's further enquiry about the possibility of holding debates on Members' motions before the Council's prorogation, the Chairman said that a total of 14 Members' motions, which had been scheduled for debate at previous Council meetings, would stand over until the following Council meetings. If the former Subcommittee's request was acceded to, the motion on the Report would be dealt with after the debates on those 14 Members' motions had been held.

24. At the invitation of the Chairman, the Secretary General advised that there was a large number of Bills pending the resumption of the Second Reading debate and also a huge backlog of Members' motions with or without legislative effect which had stood over from previous Council meetings. There was a very low possibility that Members' motions without legislative effect could be dealt with at Council meetings before the prorogation of the Council in July 2016.

25. Mr James TIEN said that while he supported the former Subcommittee's request, he was not optimistic that the motion debate on the Report could be held at the Council meeting as scheduled having regard to the anticipated businesses to be transacted at the coming Council meetings.

26. Mr CHAN Kam-lam said that as the proposal for priority allocation of a debate slot was put forward by the former Subcommittee and was in line with the past practice, he had no objection to it. He, however, was concerned that given the huge backlog of Council businesses and frequent quorum calls made at recent Council meetings, debates on Members' motions without legislative effect already scheduled could not be held before the prorogation of the Council. He called on Members to render their co-operation in completing the work of the Council before its prorogation in July 2016 and make their best efforts to attend the coming Council meetings.

27. Mr Tommy CHEUNG said that the debate on his motion on "Actively studying the establishment of a middle class commission", originally scheduled for the Council meeting of 9 December 2015, had yet to be held. He said that while he had no strong view on the former Subcommittee's request, he was worried that it would affect his opportunity for moving his motion for debate before the Council's prorogation.

Action

28. The Chairman advised that while the motion to be moved by Mr Tommy CHEUNG was the first among those Members' motions without legislative effect, there were at present four Members' motions with legislative effect which had been scheduled to be dealt with ahead of Mr CHEUNG's motion at the coming Council meetings, including two motions to take note of reports of HC on consideration of subsidiary legislation or other instruments.

29. Ms Emily LAU said that in order to deal with the unfinished Council businesses before the prorogation of the Council in July 2016, consideration should be given to extending the meeting time of Council meetings, such as continuing the meetings overnight which had been done previously.

30. Mr WONG Kwok-kin said that he would not object to Ms Emily LAU's suggestion about continuing Council meetings overnight if Members belonging to the pro-democracy camp would attend and stay through the meetings.

31. Mr NG Leung-sing said that the Bank of Communications (Hong Kong) Limited (Merger) Bill presented by him to the Council had been awaiting First Reading since the Council meeting of 6 January 2016. However, he considered it impracticable to continue the Council meetings overnight, taking into consideration the high possibility of the adjournment of the Council meeting due to a lack of a quorum.

32. Ir Dr LO Wai-kwok said that while he did not object to allocating a priority debate slot to the former Subcommittee, he was worried about whether the Council could deal with all the unfinished businesses before its prorogation in July 2016. He was particularly concerned about when the Promotion of Recycling and Proper Disposal (Product Container) (Amendment) Bill 2015 could resume its Second Reading debate as he was the Chairman of the Bills Committee concerned, and the scrutiny progress of the Fire Services (Amendment) Bill 2015 which aimed to introduce the Registered Fire Engineer Scheme.

33. Ms Emily LAU considered that the Council should make best efforts to ensure that those Bills pending resumption of Second Reading debate and those motions with legislative effect could be dealt with before the prorogation of the Council. She hoped that the Chairman would discuss with the President on this matter and consult Members on the need for the Council to meet on more days or extending the meeting time of the Council meetings.

Action

34. The Chairman said that the meeting arrangements for the Council meetings would be subject to the President's decision. Should the President consider it necessary to extend the meeting time of the Council meetings, all Members would be duly consulted. He further said that Members had been informed at the HC meeting on 6 May 2016 that the Secretariat was, via the respective Clerks to the relevant Panels, seeking the views of the Panel on whether the time slots originally reserved for holding the regular Panel meetings in July could be released for holding the meetings of the Council and the Finance Committee ("FC") to deal with their unfinished items before the Council's prorogation. He added that while the Secretariat would strive to find more time slots for holding Council meetings, if required, it was difficult to tell how long it would take for the Council to complete the legislative proceedings on each individual Bill.

35. Mr IP Kwok-him said that he supported the view of Ms Emily LAU that Members should make their best endeavours to complete the proceedings on all the Bills and motions with legislative effect before the Council's prorogation. However, it was unreasonable to expect Members belonging to the pro-establishment camp to be present at the Council meetings while Members belonging to the pro-democracy camp would not attend the meetings. He hoped that all Members would make concerted efforts to ensure that the Council proceedings could be conducted smoothly.

36. Mr LEUNG Kwok-hung said that it was incumbent upon him to speak and ask questions at the meetings of the Council and FC on those Bills (e.g. the Copyright (Amendment) Bill 2014) and those funding proposals (e.g. funding proposals for the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link project and the Hong Kong-Zhuhai-Macao Bridge Hong Kong Boundary Crossing Facilities - Reclamation and Superstructures project) which were of public concern and not supported by the public. Should Members belonging to the pro-establishment camp support these Bills and funding proposals, they should attend the relevant meetings. He added that he would have no problem in attending the Council meetings even if they were held overnight.

37. The Chairman sought Members' view on whether they were supportive of the former Subcommittee's proposal. Members agreed to the priority allocation of a debate slot to Dr Fernando CHEUNG, the Chairman of the former Subcommittee, for moving a motion on the Report at the Council meeting of 6 July 2016. Members also agreed to the former Subcommittee's proposal that in addition to the debate on the Report, only one other debate on a motion without legislative effect should be held at the same Council meeting.

Action

IX. Any other business

38. There being no other business, the meeting ended at 2:54 pm.

Council Business Division 2
Legislative Council Secretariat
25 May 2016