

立法會
Legislative Council

LC Paper No. CB(2)1613/15-16

Ref : CB2/H/5/15

House Committee of the Legislative Council

**Minutes of the 26th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 27 May 2016**

Members present:

Hon Andrew LEUNG Kwan-yuen, GBS, JP (Chairman)
Hon MA Fung-kwok, SBS, JP (Deputy Chairman)
Hon James TO Kun-sun
Hon CHAN Kam-lam, SBS, JP
Hon LEUNG Yiu-chung
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
Dr Hon LAM Tai-fai, SBS, JP
Hon CHAN Hak-kan, JP
Hon CHAN Kin-por, BBS, JP
Hon WONG Kwok-kin, SBS
Hon IP Kwok-him, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Alan LEONG Kah-kit, SC
Hon Albert CHAN Wai-yip
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, 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 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
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-kiwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen, BBS
Hon Alvin YEUNG Ngok-kiu

Members absent:

Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Dr Hon LEUNG Ka-lau
Hon CHEUNG Kwok-che
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon LEUNG Kwok-hung
Hon WONG Yuk-man
Hon James TIEN Pei-chun, GBS, JP
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Hon SIN Chung-kai, SBS, JP
Hon TANG Ka-piu, 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
Ms Wendy KAN	Assistant Legal Adviser 6
Miss Winnie LO	Assistant Legal Adviser 7
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 25th meeting held on 20 May 2016
(LC Paper No. CB(2)1571/15-16)**

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 20 May 2016 and tabled in Council on 25 May 2016

(LC Paper No. LS55/15-16)

3. At the invitation of the Chairman, Legal Adviser briefed Members on the report prepared by the Legal Service Division on the 26 items of subsidiary legislation (i.e. L.N. 64 to L.N. 89) which were gazetted on 20 May 2016 and tabled in Council on 25 May 2016.

4. Mr Tommy CHEUNG considered it necessary to form a subcommittee to study the Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2016 (L.N. 64) and the Specification of Public Offices (Amendment) Notice 2016 (L.N. 68) in detail. Members agreed. The following Members agreed to join the subcommittee: Mr Tommy CHEUNG, Ms Cyd HO, Mr CHAN Hak-kan, Ms Claudia MO, Mr Gary FAN and Dr CHIANG Lai-wan.

5. Mr James TO considered it necessary to form a subcommittee to study the 14 regulations made under the Merchant Shipping (Seafarers) Ordinance (Cap. 478) (i.e. L.N. 69 to L.N. 82) in detail. Members agreed. Mr James TO agreed to join the proposed subcommittee.

6. Dr CHIANG Lai-wan considered it necessary to form a subcommittee to study the Public Health and Municipal Services (Fees and Charges) (Museums) (Amendment) Regulation 2016 (L.N. 84) in detail. Members agreed. Mr YIU Si-wing, Mr IP Kin-yuen and Dr CHIANG Lai-wan agreed to join the subcommittee.

7. Dr Fernando CHEUNG considered it necessary to form a subcommittee to study the Immigration (Unauthorized Entrants) (Amendment) Order 2016 (L.N. 66) in detail. Members agreed. The following Members agreed to join the subcommittee: Ms Cyd HO, Mr IP Kwok-him, Mr Dennis KWOK and Dr Fernando CHEUNG.

8. Members did not raise any question on the remaining eight items of subsidiary legislation (i.e. L.N. 65, L.N. 67, L.N. 83, and L.N. 85 to L.N. 89).

9. The Chairman reminded Members that the deadline for amending the 26 items of subsidiary legislation would be the Council meeting of 22 June 2016, or that of 13 July 2016 if extended by a resolution of the Council.

IV. Further business for the Council meeting of 1 June 2016

Meeting arrangement for the Council meeting of 1 June 2016

10. The Chairman informed Members that the meeting would start at 11:00 am and be suspended at around 8:00 pm on Wednesday, 1 June 2016. The meeting would resume at 9:00 am and be suspended at around 8:00 pm on Thursday, 2 June 2016. The meeting would resume at 9:00 am and be adjourned at around 1:00 pm on Friday, 3 June 2016.

(a) Tabling of papers

Report No. 19/15-16 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
(*LC Paper No. CB(2)1573/15-16*)

11. Members noted that the Report covered one item of subsidiary legislation (i.e. the Pharmacy and Poisons (Amendment) (No. 2) Regulation 2016) and the period for amending the subsidiary legislation would expire at the Council meeting of 1 June 2016. The Chairman informed Members that no Member had indicated intention to speak on the subsidiary legislation.

(b) Questions (*LC Paper No. CB(3)619/15-16*)

12. The Chairman said that Mr CHAN Kam-lam had replaced his oral question.

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

13. The Chairman said that the Second Reading debate on the Patents (Amendment) Bill 2015 would be resumed at the meeting.

(d) Members' motions

Proposed resolution under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Amendment of Schedules) Notice 2016 to be moved by Hon Tony TSE
(*LC Paper No. CB(3)634/15-16*)

Action

14. Members noted that Mr Tony TSE, Chairman of the Subcommittee on the above Notice, would move a proposed resolution at the meeting to extend the scrutiny period of the Notice to the Council meeting of 29 June 2016.

V. Business for the Council meeting of 8 June 2016

(a) Questions

(LC Paper No. CB(3)620/15-16)

15. 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

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

(c) Government motion

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

(d) Members' motions

18. The Chairman said that the 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

19. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)632/15-16), which contained eight items of subsidiary legislation and the period for amending those items would expire at the Council meeting of 8 June 2016. He reminded Members to indicate their intention by 5:00 pm on Tuesday, 31 May 2016, should they wish to speak on the subsidiary legislation.

VI. Reports of Bills Committees and subcommittees

Report of the Bills Committee on Inland Revenue (Amendment) Bill 2016

(LC Paper No. CB(1)963/15-16)

20. The Chairman, in his capacity as Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. The Chairman informed Members that the Bills Committee and the Administration would not propose any Committee stage amendments ("CSAs") to the Bill, and the Bills Committee had no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 8 June 2016. Members noted that Mr James TO had indicated his intention to propose CSAs to the proposed offence provision relating to the making of a self-certification that was misleading, false or incorrect in a material particular, and Mr Kenneth LEUNG had also indicated that he might propose CSAs in relation to the proposed offences of service providers.

21. 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, 30 May 2016.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)1572/15-16)

22. The Chairman said that as at 26 May 2016, there were six Bills Committees, 10 subcommittees under the House Committee and eight subcommittees on policy issues under Panels in action. One subcommittee on policy issues under a Panel was on the waiting list.

VIII. Any other business

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