

**立法會**  
***Legislative Council***

LC Paper No. CB(2)1660/15-16

Ref : CB2/H/5/15

**House Committee of the Legislative Council**

**Minutes of the 27th meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 3 June 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 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  
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 Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Hon Albert CHAN Wai-yip  
Hon Claudia MO

Hon James TIEN Pei-chun, GBS, JP  
Hon NG Leung-sing, SBS, JP  
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  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
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  
Hon TANG Ka-piu, JP  
Dr Hon CHIANG Lai-wan, JP  
Ir Dr Hon LO Wai-kiwok, SBS, MH, JP  
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  
Dr Hon LAU Wong-fat, GBM, GBS, JP  
Hon Starry LEE Wai-king, JP  
Dr Hon LEUNG Ka-lau  
Hon Paul TSE Wai-chun, JP  
Hon WONG Yuk-man  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon Steven HO Chun-yin, BBS  
Hon LEUNG Che-cheung, BBS, MH, JP  
Hon SIN Chung-kai, SBS, JP  
Hon CHUNG Kwok-pan

**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)
Miss Josephine SO	Chief Council Secretary (2)2
Ms Alice LEUNG	Chief Council Secretary (2)6
Ms Wendy KAN	Assistant Legal Adviser 6
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
Mr Arthur KAN	Legislative Assistant (2)7

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Action

**I. Confirmation of the minutes of the 26th meeting held on 27 May 2016  
(LC Paper No. CB(2)1613/15-16)**

The minutes were confirmed.

**II. Matters arising**

**Report by the Chairman on his meeting with the Chief Secretary for  
Administration ("CS")**

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Attendance of CS at a special House Committee ("HC") meeting

2. The Chairman said that CS had written to him on 31 May 2016 advising that she and relevant Government officials stood ready to attend a special HC meeting to brief Members on the Government's follow-up actions and other related issues in respect of the Report of the Commission of Inquiry into Excess Lead Found in Drinking Water. The Legislative Council ("LegCo") Secretariat had liaised with the Administration Wing on the meeting arrangement and had been advised that the earliest date on which CS would be available to attend the special meeting in person would be Monday, 11 July 2016, from 3:00 pm to 5:00 pm. Members raised no objection to the arrangement.

3. Ms Emily LAU considered that the duration of the special meeting should be longer to allow sufficient time for Members to ask questions and the Administration to respond. She requested the Chairman to relay her request to CS.

4. The Chairman said that Members' request for arranging the special meeting with a longer duration (say three hours) would be relayed to CS for consideration and the LegCo Secretariat would follow up with the Administration Wing on this matter.

**III. Business arising from previous Council meetings**

**Legal Service Division report on subsidiary legislation gazetted on 27 May 2016**

*(LC Paper No. LS56/15-16)*

5. At the invitation of the Chairman, Legal Adviser briefed Members on the report prepared by the Legal Service Division on the United Nations Sanctions (Central African Republic) Regulation 2016 (L.N. 90) and the United Nations Sanctions (Yemen) Regulation 2015 (Amendment) Regulation 2016 (L.N. 91) which were gazetted on 27 May 2016. These two items of subsidiary legislation were regulations made under the United Nations Sanctions Ordinance (Cap. 537) which were not required to be tabled in LegCo and were not subject to amendment by LegCo.

6. Members agreed that the above two Regulations be referred to the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions as they came within the Subcommittee's terms of reference.

#### **IV. Further business for the Council meeting of 8 June 2016**

##### Meeting arrangement for the Council meeting of 8 June 2016

7. Members noted that the meeting would start at 11:00 am and be adjourned at around 8:00 pm on Wednesday, 8 June 2016.

##### **(a) Tabling of papers**

**Report No. 20/15-16 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments**  
(*LC Paper No. CB(2)1615/15-16*)

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

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

9. Members noted that the Second Reading debate on the Inland Revenue (Amendment) Bill 2016 would be resumed at the meeting.

##### **(c) Members' motions**

**Proposed resolution to be moved by Hon Kenneth LEUNG under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the:**

- (i) Inland Revenue (Double Taxation Relief and Prevention of Fiscal Evasion with respect to Taxes on Income) (Romania) Order; and**
- (ii) Inland Revenue (Double Taxation Relief and Prevention of Fiscal Evasion with respect to Taxes on Income) (Russian Federation) Order**

(*LC Paper No. CB(3)658/15-16*)

10. The Chairman said that Mr Kenneth LEUNG, Chairman of the Subcommittee on the above two Orders, would move a proposed resolution at the meeting to extend the scrutiny period of the two Orders to the Council meeting of 6 July 2016.

(d) **Request for special leave of the Council to give evidence of Council Proceedings**

**Request made under section 7 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) and Rule 90 of the Rules of Procedure for special leave of the Council to give evidence of Council proceedings**  
(LC Paper No. CB(3)664/15-16)

11. The Chairman said that Mr WONG Yuk-man had submitted a request for special leave of the Council for seven Members and one officer of the Council to give evidence in a court case.

**V. Business for the Council meeting of 15 June 2016**

(a) **Questions**

(LC Paper No. CB(3)646/15-16)

12. 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**

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

(c) **Government motion**

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

(d) **Members' motions**

15. Members noted 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.

**VI. Reports of Bills Committees and subcommittees**

(a) **Report of the Subcommittee on Proposed Resolution under Section 37 of the West Kowloon Cultural District Authority Ordinance (Cap. 601)**

Action

16. Mr Christopher CHUNG, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. Members noted that the purpose of the proposed resolution was to seek LegCo's approval of the West Kowloon Cultural District (Public Open Spaces) Bylaw ("the proposed Bylaw") made by the West Kowloon Cultural District Authority ("WKCDA") under section 37(1) of the West Kowloon Cultural District Authority Ordinance (Cap. 601) ("WKCDAO").

17. Mr CHUNG informed Members that the Subcommittee had held four meetings with the Administration and WKCDA. During the deliberations of the Subcommittee, some members held a strong view that a provision similar to section 4(2) of WKCDAO should be included in the proposed Bylaw to spell out the guiding principle that the public open spaces ("POS") should be open and accessible wherever possible, and to require WKCDA to enforce the proposed Bylaw in ways which aimed to achieve the mission for POS to inspire, promote and encourage cultural pursuits for all. After taking into consideration members' views, WKCDA informed the Subcommittee that as it was not usual to incorporate vision and mission nor purpose statements as substantive provisions in subsidiary legislation, WKCDA proposed to incorporate the vision and mission statement as a preamble to the proposed Bylaw. In response to members' suggestion, WKCDA agreed that it would state in the preamble that the vision and mission of WKCDA for POS in the West Kowloon Cultural District were formulated in the light of section 4, and in particular section 4(2)(m), of WKCDAO.

18. Mr CHUNG further said that members were worried that members of the public might inadvertently contravene the relevant sections under the proposed Bylaw, and considered that members of the public should have a right to raise a defence of reasonable excuse. After consideration, WKCDA agreed to provide a defence of reasonable excuse for all offences under the proposed Bylaw (except section 15 on prohibition of dangerous goods and firearms, etc).

19. Members noted that the Subcommittee raised no objection to the amendments proposed by WKCDA to the proposed Bylaw, and the Administration would give fresh notice for moving the proposed resolution at the Council meeting of 22 June 2016 to seek LegCo's approval of the proposed Bylaw which had incorporated the proposed amendments. The Subcommittee would submit its written report later.

20. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above proposed resolution would be Wednesday, 15 June 2016.

**(b) Report of the Subcommittee on Waste Disposal (Designated Waste Disposal Facility) Regulation (Amendment of Schedule 1) Notice 2016 and Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Amendment of Schedule 4) Notice 2016**

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*(LC Paper No. CB(1)989/15-16)*

21. Dr Kenneth CHAN, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee was generally in support of the two Notices, and the Subcommittee and the Administration had not proposed any amendments. Dr CHAN added that the Administration had undertaken to continue liaising with the skip operator trade and local communities in Tseung Kwan O regarding the operational details of the proposed skip storage site.

**VII. Position on Bills Committees and subcommittees**

*(LC Paper No. CB(2)1614/15-16)*

22. The Chairman said that as at 2 June 2016, there were five Bills Committees, 14 subcommittees under 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 delegation of the Panel on Food Safety and Environmental Hygiene on the duty visit to San Francisco to study its regulatory framework governing food truck operations and to understand the regulatory system of the United States for imported food products**

*(LC Paper No. CB(2)1616/15-16)*

23. Mr Tommy CHEUNG, leader of the delegation, said that the Panel on Food Safety and Environmental Hygiene visited San Francisco from 9 to 13 March 2016 to study its regulatory framework governing food truck operations and to understand the regulatory system of the United States ("US") for imported food products. The delegation had also taken the opportunity to meet with representatives of the Infant Nutrition Council of America to understand how formulated nutrition products for infants and young children were regulated in US. He briefed Members on the main findings and observations of the delegation as detailed in its report.



Action

**IX. Report of the delegation of the Panel on Development on the duty visit to Singapore to study its experience in developing water resources and safeguarding the quality of drinking water**  
(*LC Paper No. CB(1)996/15-16*)

24. Mr Tony TSE, leader of the delegation, said that the Panel on Development visited Singapore from 20 to 23 March 2016 to study the country's experience in developing water resources and safeguarding the quality of drinking water. He briefed Members on the main findings and observations of the delegation as detailed in its report.

**X. Any other business**

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

Council Business Division 2  
Legislative Council Secretariat  
8 June 2016