

立法會
Legislative Council

LC Paper No. CB(2)1741/15-16

Ref : CB2/H/5/15

House Committee of the Legislative Council

**Minutes of the 28th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 10 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 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 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 LEUNG Kwok-hung
Hon Albert CHAN Wai-yip
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 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 KWOK Wai-keung
Hon Dennis KWOK
Hon Christopher CHEUNG Wah-fung, SBS, JP
Hon SIN Chung-kai, SBS, JP
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 Alvin YEUNG Ngok-kiu

Members absent:

Hon Albert HO Chun-yan
Hon James TO Kun-sun
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Vincent FANG Kang, SBS, JP
Dr Hon LEUNG Ka-lau
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Alan LEONG Kah-kit, SC
Hon Michael TIEN Puk-sun, BBS, JP
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
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
Mr YICK Wing-kin	Assistant Legal Adviser 8
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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**I. Confirmation of the minutes of the 27th meeting held on 3 June 2016
(LC Paper No. CB(2)1660/15-16)**

The minutes were confirmed.

II. Matters arising

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

Attendance of CS at the special House Committee ("HC") meeting
scheduled for 11 July 2016

2. The Chairman informed Members that CS had acceded to Members' request for extending the duration of the above special HC meeting to three hours, viz. from 2:30 pm to 5:30 pm on 11 July 2016, so

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as to allow sufficient time for Members to raise questions on the Report of the Commission of Inquiry into Excess Lead Found in Drinking Water.

III. Further business for the Council meeting of 15 June 2016

Meeting arrangement for the Council meeting of 15 June 2016

3. The Chairman said that the meeting would start at 11:00 am and be suspended at around 8:00 pm on Wednesday, 15 June 2016. The meeting would resume at 9:00 am and be suspended at around 8:00 pm on Thursday, 16 June 2016. The meeting would resume at 9:00 am and be adjourned at around 1:00 pm on Friday, 17 June 2016.

(a) **Questions**

(LC Paper No. CB(3)669/15-16)

4. The Chairman said that Dr LAM Tai-fai had replaced his oral question.

(b) **Members' motions**

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

- **Merchant Shipping (Seafarers) (Working and Living Conditions) Regulation;**
- **Merchant Shipping (Seafarers) (Allotments) (Amendment) Regulation 2016;**
- **Merchant Shipping (Seafarers) (Health and Safety: General Duties) (Amendment) Regulation 2016;**
- **Merchant Shipping (Seafarers) (Hours of Work) (Amendment) Regulation 2016;**
- **Merchant Shipping (Seafarers) (Crew Accommodation) (Amendment) Regulation 2016;**

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- **Merchant Shipping (Seafarers) (Medical Examination) (Amendment) Regulation 2016;**
- **Merchant Shipping (Seafarers) (Official Log Books) (Amendment) Regulation 2016;**
- **Merchant Shipping (Seafarers) (Repatriation) (Amendment) Regulation 2016;**
- **Merchant Shipping (Seafarers) (Safety Officials and Reporting of Accidents and Dangerous Occurrences) (Amendment) Regulation 2016;**
- **Merchant Shipping (Seafarers) (Medical Stores) (Amendment) Regulation 2016;**
- **Merchant Shipping (Seafarers) (Code of Safe Working Practices) (Amendment) Regulation 2016;**
- **Merchant Shipping (Seafarers) (Provisions and Water) Regulation (Repeal) Regulation;**
- **Merchant Shipping (Seafarers) (Ships' Doctors) Regulation (Repeal) Regulation; and**
- **Merchant Shipping (Seafarers) (Fees) (Amendment) Regulation 2016**
(LC Paper No. CB(3)682/15-16)

- (ii) **Proposed resolution to be moved by Dr Hon CHIANG Lai-wan under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the Public Health and Municipal Services (Fees and Charges) (Museums) (Amendment) Regulation 2016**
(LC Paper No. CB(3)683/15-16)

5. Members noted that the Chairmen of the two Subcommittees formed to scrutinize the above items of subsidiary legislation would respectively move a proposed resolution at the meeting to extend the scrutiny period of the subsidiary legislation to the Council meeting of 13 July 2016.

IV. Business for the Council meeting of 22 June 2016

(a) Questions

(LC Paper No. CB(3)670/15-16)

6. 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

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

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

8. The Chairman said that the Administration had indicated intention to resume the Second Reading debate on the Financial Institutions (Resolution) Bill at the meeting.

(c) Government motion

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

(d) Members' motions

10. 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

11. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)680/15-16), which contained nine items of subsidiary legislation and the period for amending those items would expire at the Council meeting of 22 June 2016. He reminded Members to indicate their intention by 5:00 pm on Tuesday, 14 June 2016, should they wish to speak on the subsidiary legislation.

V. Reports of Bills Committees and subcommittees

(a) Report of the Bills Committee on Financial Institutions (Resolution) Bill

(LC Paper No. CB(1)1012/15-16)

12. Mr CHAN Kam-lam, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Mr CHAN informed Members that the Bills Committee supported the major proposals of the Bill and raised no objection to the Committee stage amendments ("CSAs") proposed by the Administration. Members noted that the Bills Committee would not propose any CSAs to the Bill and had no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 22 June 2016.

13. 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, 13 June 2016.

(b) Report of the Subcommittee on Immigration (Unauthorized Entrants) (Amendment) Order 2016

14. Mr IP Kwok-him, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. Members noted that the purpose of the Amendment Order was to extend the scope of unauthorized entrants ("UEs") provided in Part VIIA of the Immigration Ordinance (Cap. 115) to include persons resident or formerly resident in Afghanistan, Bangladesh, India, Nepal, Nigeria, Pakistan, Somalia and Sri Lanka. Under the Amendment Order, the smuggling of illegal immigrants from these eight countries was subject to the offence provisions under Part VIIA of the Immigration Ordinance.

15. Mr IP informed Members that the Subcommittee had held one meeting with the Administration. During the deliberations of the Subcommittee, some members expressed concern about why the Amendment Order did not apply to all countries. The Administration advised that the legislative intent of the Amendment Order was directed at syndicates smuggling illegal immigrants from specified countries, and it had analysed the profile of non-ethnic Chinese illegal immigrants ("NECIIs") in recent years before proposing the list of countries to be covered under the Amendment Order.

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16. Mr IP further said that members were also concerned about the effectiveness of the Amendment Order in achieving the desired deterrent effect against smuggling syndicates. The Administration advised that anyone who assisted UEs to remain in Hong Kong committed an offence. For example, the crew, the owner and his agent of any ship carrying a UE on board into Hong Kong committed an offence. Some members considered that the Administration should step up its enforcement operations against NECIIs.

17. The Chairman reminded Members that as the period for amending the Amendment Order would expire at the Council meeting of 22 June 2016, the deadline for giving notice of amendments, if any, to the Amendment Order would be Wednesday, 15 June 2016.

VI. Position on Bills Committees and subcommittees
(*LC Paper No. CB(2)1661/15-16*)

18. The Chairman said that as at 8 June 2016, there were five Bills Committees, 12 subcommittees under HC and seven subcommittees on policy issues under Panels in action.

VII. Any other business

19. Mr SIN Chung-kai asked whether it was still necessary for the time slots originally reserved for holding regular meetings of Panels in July to be released for possible meetings of the Council to deal with the unfinished business before the Council's prorogation, given that there were only four Bills Committees which had yet to complete their scrutiny work.

20. At the invitation of the Chairman, the Secretary General said that Members had previously been informed that the Secretariat was, via the respective Clerks to the relevant Panels, seeking the views of the Panels on whether the time slots originally reserved for holding the regular Panel meetings in July could be released for the meetings of the Council and the Finance Committee ("FC"), if required, to deal with their unfinished agenda items before the Council's prorogation on 16 July 2016. Given that there were several government bills and some other items with legislative effect pending to be dealt with by the Council and a number of financial proposals awaiting approval by FC, the Secretariat would closely monitor the progress of the meetings of the Council and FC and would seek the instructions of the President and the Chairman of FC in

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due course on whether and when Members should be consulted on the need for scheduling additional meeting days for Council meetings or additional FC meetings.

21. There being no other business, the meeting ended at 2:39 pm.

Council Business Division 2
Legislative Council Secretariat
15 June 2016