

立法會  
*Legislative Council*

LC Paper No. CB(2)79/16-17

Ref : CB2/H/5/16

**House Committee of the Legislative Council**

**Minutes of the 3rd meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 28 October 2016**

**Members present :**

Hon Starry LEE Wai-king, SBS, JP (Chairman)  
Hon Dennis KWOK Wing-hang (Deputy Chairman)  
Hon James TO Kun-sun  
Hon LEUNG Yiu-chung  
Hon Abraham SHEK Lai-him, GBS, JP  
Hon Tommy CHEUNG Yu-yan, GBS, JP  
Prof Hon Joseph LEE Kok-long, SBS, JP  
Hon Jeffrey LAM Kin-fung, GBS, JP  
Hon WONG Ting-kwong, SBS, JP  
Hon CHAN Hak-kan, BBS, JP  
Hon CHAN Kin-por, BBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon WONG Kwok-kin, SBS, JP  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon Claudia MO  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon Steven HO Chun-yin, BBS  
Hon Frankie YICK Chi-ming, JP  
Hon WU Chi-wai, MH  
Hon YIU Si-wing, BBS  
Hon MA Fung-kwok, SBS, JP  
Hon Charles Peter MOK, JP  
Hon CHAN Chi-chuen  
Hon CHAN Han-pan, 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 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  
Dr Hon CHIANG Lai-wan, JP  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon CHUNG Kwok-pan  
Hon Alvin YEUNG  
Hon Eddie CHU Hoi-dick  
Hon Jimmy NG Wing-ka, JP  
Dr Hon Junius HO Kwan-yiu, JP  
Hon HO Kai-ming  
Hon LAM Cheuk-ting  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-fai  
Hon SHIU Ka-chun  
Hon Wilson OR Chong-shing, MH  
Hon YUNG Hoi-yan  
Dr Hon Pierre CHAN  
Hon CHAN Chun-ying  
Hon Tanya CHAN  
Hon CHEUNG Kwok-kwan, JP  
Hon HUI Chi-fung  
Hon LUK Chung-hung  
Hon LAU Kwok-fan, MH  
Hon Kenneth LAU Ip-keung, MH, JP  
Dr Hon CHENG Chung-tai  
Hon Jeremy TAM Man-ho  
Hon Nathan LAW Kwun-chung  
Dr Hon YIU Chung-yim

**Members absent :**

Hon LEUNG Kwok-hung  
Hon Andrew WAN Siu-kin  
Hon KWONG Chun-yu  
Hon Sixtus LEUNG Chung-hang  
Hon YAU Wai-ching  
Hon LAU Siu-lai

**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 Arthur LEUNG	Chief Council Secretary (3)3
Mr Anthony CHU	Chief Council Secretary (4)1
Mr Daniel SIN	Chief Council Secretary (4)3
Mr Lemuel WOO	Chief Council Secretary (Administration)
Miss Roxanna LO	Accountant
Miss Winnie LO	Assistant Legal Adviser 7
Ms Clara TAM	Assistant Legal Adviser 9
Miss Evelyn LEE	Assistant Legal Adviser 10
Mrs Goppi CHENG	Senior Deputy Accountant
Mr Richard WONG	Senior Council Secretary (2)6
Ms Jasmine TAM	Senior Council Secretary (2)8
Mr Simon CHEUNG	Deputy Accountant 4
Ms Mina CHAN	Council Secretary (2)1
Miss Connie AU	Council Secretary (2)6
Mr Franki CHENG	Information Technology Officer 10
Mr Keith WONG	Information Technology Officer 16
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)7

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**I. Confirmation of minutes of meetings**

- (a) **Minutes of the 1st meeting held on 12 October 2016**  
(LC Paper No. CB(2)21/16-17)

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(b) **Minutes of the 2nd meeting held on 14 October 2016**  
(LC Paper No. CB(2)41/16-17)

The two sets of minutes of meetings were confirmed.

**II. Matters arising**

(a) **Report by the Chairman on her meeting with the Chief Secretary for Administration**

2016-2017 Legislative Programme

2. The Chairman said that the Legislative Programme for the 2016-2017 session provided by the Administration had been issued to Members on 18 October 2016 vide LC Paper No. CB(2)20/16-17. At her meeting with the Chief Secretary for Administration ("CS"), CS had advised that the Administration planned to introduce 19 bills into the Legislative Council ("LegCo") in the 2016-2017 session, and most of these bills were related to people's livelihood and environmental protection, and involved various policy areas. In respect of the three Bills of which the legislative procedure had not been completed in the last LegCo term (namely, the Medical Registration (Amendment) Bill 2016, Private Columbaria Bill and Fire Services (Amendment) Bill 2015), CS had pointed out that as the Food and Health Bureau would set up a tripartite platform for discussing the content of the Medical Registration (Amendment) Bill ("the Amendment Bill") which would be introduced in the 2016-2017 session, it was difficult at this juncture to ascertain whether the Amendment Bill would be the same as the Medical Registration (Amendment) Bill 2016 that was scrutinized in the last LegCo term. As regards the other two Bills in the Legislative Programme (namely, the Private Columbaria Bill and the Fire Services (Amendment) Bill), their contents would be more or less the same as that of the two Bills which had been scrutinized in the last LegCo term. CS had further advised that those Bureaux concerned would, after completing the preparatory work, consult the relevant Panels as soon as possible and proceed with the legislative procedure afterwards.

3. The Chairman further said that as regards the Employment (Amendment) Bill 2016, CS had advised that as the proposals put forward by Members during the deliberations of the Bills Committee in the last LegCo term could not be submitted in a timely manner for the Labour Advisory Board to consider in detail, the Second Reading debate on the

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Bill could not be resumed before the prorogation of the Fifth LegCo. The Employment (Amendment) Bill had already been included in the 2016-2017 Legislative Programme, and the Labour and Welfare Bureau proposed to consult the relevant Panel before introducing the Bill into LegCo.

Items not dealt with by the Finance Committee or its Subcommittees in the last LegCo term

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4. The Chairman informed Members that a list which set out the nine items not dealt with by the Finance Committee ("FC") or its Subcommittees in the last LegCo term was tabled at the meeting. CS had advised that Members could consider whether the Administration needed to submit the proposals for these nine items to the relevant Panels for discussion again before their submission to FC or its Subcommittees. The Chairman further said that as the current LegCo had many new Members and there were different views on these nine items in the last LegCo term, she suggested that the Administration be requested to re-submit the proposals for these nine items to the relevant Panels for discussion. Members agreed.

**(b) Further report by the Legal Service Division on L.N. 133 to L.N. 143 gazetted on 7 October 2016**

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*(Paragraphs 26 to 35 of LC Paper No. LS2/16-17)*

*(LC Paper No. LS5/16-17)*

5. At the invitation of the Chairman, Legal Adviser ("LA") said that Members were advised at the House Committee ("HC") meeting on 14 October 2016 that the Legal Service Division ("LSD") was scrutinizing L.N. 133 to L.N. 143 gazetted on 7 October 2016 and would report further if necessary. LSD had sought clarifications from the Administration on certain issues in relation to these items of subsidiary legislation and the Administration's replies were set out in the further report. LSD had no further comments on the legal and drafting aspects of L.N. 133 to L.N. 143.

6. Members did not raise any question on L.N. 133 to L.N. 143.

7. The Chairman reminded Members that the deadline for amending the 11 items of subsidiary legislation would be the Council meeting of 9 November 2016.

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(c) **L.N. 153 and L.N. 154 gazetted on 7 October 2016**

*(Paragraphs 41 to 46 of LC Paper No. LS2/16-17)*

*(LC Paper No. CB(2)35/16-17(01))*

8. The Chairman said that at Members' request, the Secretariat had written to the Administration to seek information on the consultations conducted, if any, with the relevant stakeholders on L.N. 153 and L.N. 154. She referred Members to the Administration's reply (LC Paper No. CB(2)35/16-17(01)).

9. Members did not raise any question on L.N. 153 and L.N. 154.

10. The Chairman reminded Members that the deadline for amending the two items of subsidiary legislation would be the Council meeting of 9 November 2016.

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

(a) **Legal Service Division report on subsidiary legislation gazetted on 14 October 2016**

*(LC Paper Nos. CB(2)25/16-17(01))*

*(LC Paper No. LS3/16-17)*

11. At the invitation of the Chairman, LA briefed Members on the LSD report on the four items of subsidiary legislation (i.e. L.N. 155 to L.N. 158) gazetted on 14 October 2016. Of these, two items (i.e. L.N. 155 and L.N. 156) were tabled in LegCo on 19 October 2016 and the other two items (i.e. L.N. 157 and L.N. 158) were regulations made under the United Nations Sanctions Ordinance (Cap. 537) ("UNSO") which were not required to be tabled before LegCo and were not subject to amendment by LegCo.

12. Members agreed that the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2016 (L.N. 157) and the United Nations Sanctions (South Sudan) Regulation 2016 (L.N. 158) 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.

13. Mr Holden CHOW considered it necessary to form a subcommittee to study the Mandatory Provident Fund Schemes (Amendment) Ordinance 2016 (Commencement) Notice (L.N. 156) in detail.

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Members agreed. The following Members agreed to join the subcommittee: Mr WONG Ting-kwong, Mr WONG Kwok-kin, Mr WU Chi-wai, Mr Jimmy NG, Dr Junius HO, Mr Holden CHOW and Mr LUK Chung-hung.

14. Members did not raise any question on the Human Reproductive Technology (Amendment) Ordinance 2016 (Commencement) Notice (L.N. 155).

15. The Chairman reminded Members that the deadline for amending the two Commencement Notices would be the Council meeting of 16 November 2016, or that of 7 December 2016 if extended by a resolution of the Council.

**(b) Legal Service Division report on subsidiary legislation and non-legislative instrument gazetted on 21 October 2016**  
(LC Paper No. LS6/16-17)

16. At the invitation of the Chairman, LA briefed Members on the LSD report on the four items of subsidiary legislation (i.e. L.N. 159 to L.N. 162) and one item of non-legislative instrument (i.e. Sixth Technical Memorandum for Allocation of Emission Allowances in Respect of Specified Licences ("the Technical Memorandum") (S.S. No. 5 to Gazette No. 42/2016)) which were gazetted on 21 October 2016 and tabled in Council on 26 October 2016.

17. Members did not raise any question on L.N. 159 to L.N. 162 and the Technical Memorandum.

18. The Chairman reminded Members that the deadline for amending the four items of subsidiary legislation and the Technical Memorandum would be the Council meeting of 23 November 2016.

**IV. Further business for the Council meeting of 2 November 2016**

Meeting arrangement for the Council meeting of 2 November 2016

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

**V. Business for the Council meeting of 9 November 2016**

**(a) Questions**

20. The Chairman said that 22 questions (six oral and 16 written) would be dealt with at the meeting.

**(b) Bill - First Reading and moving of Second Reading**

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

**(c) Government motion**

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

**(d) Members' motions**

23. The Chairman said that the two Members' motions without legislative effect originally scheduled for the Council meeting of 2 November 2016, namely Dr Priscilla LEUNG's motion on "Urging the Government to amend the Fire Safety (Buildings) Ordinance" and Ms YUNG Hoi-yan's motion on "Vigorously promoting healthy market competition to counteract the market dominance of Link REIT", would be re-scheduled to the Council meeting of 9 November 2016.

**Report of HC on Consideration of Subsidiary Legislation**

24. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)76/16-17), which contained 36 items of subsidiary legislation. The period for amending those items would expire at the Council meeting of 9 November 2016. She reminded Members to indicate their intention by 5:00 pm on Tuesday, 1 November 2016, should they wish to speak on any of those items of subsidiary legislation.

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

*(LC Paper No. CB(2)42/16-17)*

25. The Chairman said that as at 27 October 2016, there were four subcommittees under HC and one subcommittee on policy issues under Panel in action.

**VII. Nomination and election of Members for appointment to the Public Accounts Committee, Committee on Members' Interests and Committee on Rules of Procedure**

*(LC Paper Nos. CB(4)3/16-17 and CB(2)3/16-17)*

26. The Chairman said that at the HC meeting on 14 October 2016, Members had agreed to the procedure for the nomination and election of Members for appointment by the President to the Public Accounts Committee ("PAC"), the Committee on Members' Interests ("CMI") and the Committee on Rules of Procedure ("CRoP"), as set out in paragraphs 4 and 5 of as well as Appendix IV to LC Paper No. CB(4)3/16-17, and also the voting arrangements for conducting the elections of Members for appointment to PAC, CMI and CRoP and to the advisory/governing bodies as set out in paragraphs 3 and 4 of LC Paper No. CB(2)3/16-17. The Chairman reminded Members that according to the agreed election procedure and voting arrangements, if the number of nominations exceeded that required for appointment, a poll should be taken and Members would use the Electronic Voting System ("EVS") to cast their votes. The Chairman then invited nominations from Members.

**(a) Election of seven Members to PAC**

27. The following seven Members were nominated. As there was no other nomination, the Chairman declared them elected for appointment to PAC:

Mr SHIU Ka-fai  
Mr Kenneth LEUNG  
Mr Abraham SHEK  
Mr Steven HO  
Ms Tanya CHAN  
Mr LAM Cheuk-ting  
Mr Paul TSE

**(b) Election of seven Members to CMI**

28. The following seven Members were nominated. As there was no other nomination, the Chairman declared them elected for appointment to CMI:

Mr YIU Si-wing  
Ms Claudia MO

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Dr Priscilla LEUNG  
Mr Martin LIAO  
Mr LAM Cheuk-ting  
Dr Elizabeth QUAT  
Prof Joseph LEE

(c) **Election of 12 Members to CRoP**

29. A total of 13 valid nominations were made in the following order and the nominees were as follows:

Mr KWOK Wai-keung  
Mr CHAN Hak-kan  
Mr CHEUNG Kwok-kwan  
Mr James TO  
Dr Priscilla LEUNG  
Mr Alvin YEUNG  
Mr Michael TIEN  
Mr Dennis KWOK  
Mr Paul TSE  
Mr Tommy CHEUNG  
Mr Kenneth LEUNG  
Mr CHAN Chi-chuen  
Dr Junius HO

30. As the number of valid nominations exceeded that required for appointment to CRoP, the Chairman ordered that a poll be taken by using EVS. The outcome of the vote was as follows:

Mr KWOK Wai-keung	36 votes
Mr CHAN Hak-kan	37 votes
Mr CHEUNG Kwok-kwan	36 votes
Mr James TO	55 votes
Dr Priscilla LEUNG	37 votes
Mr Alvin YEUNG	55 votes
Mr Michael TIEN	37 votes
Mr Dennis KWOK	55 votes
Mr Paul TSE	37 votes
Mr Tommy CHEUNG	36 votes
Mr Kenneth LEUNG	55 votes
Mr CHAN Chi-chuen	20 votes
Dr Junius HO	36 votes

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31. The Chairman declared that the following 12 Members were elected for appointment to CRoP:

Mr KWOK Wai-keung  
Mr CHAN Hak-kan  
Mr CHEUNG Kwok-kwan  
Mr James TO  
Dr Priscilla LEUNG  
Mr Alvin YEUNG  
Mr Michael TIEN  
Mr Dennis KWOK  
Mr Paul TSE  
Mr Tommy CHEUNG  
Mr Kenneth LEUNG  
Dr Junius HO

32. The Chairman suspended the meeting for 15 minutes to allow the Members of the three committees to elect among themselves their Chairmen and Deputy Chairmen.

*(The meeting was suspended at 3:06 pm and resumed at 3:21 pm.)*

33. The Chairman informed Members that:

- (a) Mr Abraham SHEK and Mr Kenneth LEUNG were elected Chairman and Deputy Chairman of PAC respectively;
- (b) Mr YIU Si-wing and Ms Claudia MO were elected Chairman and Deputy Chairman of CMI respectively; and
- (c) Mr Paul TSE and Mr Kenneth LEUNG were elected Chairman and Deputy Chairman of CRoP respectively.

34. The Chairman said that the membership of the three committees would be submitted to the President for appointment.

**VIII. Nomination and election of Members of the Legislative Council to advisory/governing bodies**

*(LC Paper Nos. CB(2)2/16-17 and CB(2)3/16-17)*

35. The Chairman said that at the HC meeting on 14 October 2016, Members had agreed to the procedure for the nomination and election of Members of LegCo to advisory/governing bodies, as set out in paragraph 11 of LC Paper No. CB(2)2/16-17. The Chairman reminded Members that these elections would be conducted according to the agreed voting arrangements as mentioned in agenda item VII above. The Chairman then invited nominations from Members.

**(a) Two Members to serve on the Disaster Relief Fund Advisory Committee**

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36. A total of two valid nominations were made and the nominees were Dr Helena WONG and Mr Kenneth LAU. As there was no other nomination, the Chairman declared Dr Helena WONG and Mr Kenneth LAU elected to serve on the Disaster Relief Fund Advisory Committee.

**(b) One Member to serve on the Po Leung Kuk Advisory Board**

37. Mr WONG Ting-kwong was nominated. As there was no other nomination, the Chairman declared Mr WONG Ting-kwong elected to serve on the Po Leung Kuk Advisory Board.

**(c) One Member to serve on the Tung Wah Group of Hospitals Advisory Board**

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38. Mr CHAN Hak-kan and Mr CHAN Chi-chuen were nominated. As the number of valid nominations exceeded that required for appointment, the Chairman ordered that a poll be taken by using EVS. The outcome of the vote was as follows:

Mr CHAN Hak-kan	34 votes
Mr CHAN Chi-chuen	20 votes

39. The Chairman declared Mr CHAN Hak-kan elected to serve on the Tung Wah Group of Hospitals Advisory Board.

**(d) Three Members to serve on the Council of The Chinese University of Hong Kong**

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40. A total of seven valid nominations were made with the following Members being nominated:

Mr HO Kai-ming  
Dr YIU Chung-yim  
Mr Tommy CHEUNG  
Mr LAU Kwok-fan  
Mr CHAN Chi-chuen  
Mr Eddie CHU  
Dr Helena WONG

41. As the number of valid nominations exceeded that required for appointment, the Chairman ordered that a poll be taken by using EVS. The outcome of the vote was as follows -

Mr HO Kai-ming	35 votes
Dr YIU Chung-yim	20 votes
Mr Tommy CHEUNG	35 votes
Mr LAU Kwok-fan	36 votes
Mr CHAN Chi-chuen	13 votes
Mr Eddie CHU	11 votes
Dr Helena WONG	8 votes

42. The Chairman declared Mr HO Kai-ming, Mr Tommy CHEUNG and Mr LAU Kwok-fan elected to serve on the Council of The Chinese University of Hong Kong.

**(e) Five Members to serve on the Court of the University of Hong Kong**

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43. The Chairman said that according to a resolution passed by the Council of the University of Hong Kong ("HKU Council") in June 2011, the five Members elected to serve on the HKU Court would make a nomination from among themselves for consideration by the HKU Council for appointment as its members on a personal basis. After the five Members concerned had come up with the nomination, the Secretariat would forward the name of the nominee to the HKU Council for consideration. The Chairman then invited nominations from Members.

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44. Mr IP Kin-yuen, Mr Abraham SHEK, Mr CHEUNG Kwok-kwan, Ms Claudia MO and Mrs Regina IP were nominated. As there was no other nomination, the Chairman declared them elected to serve on the HKU Court.

**IX. Election of members of The Legislative Council Commission**  
(*LC Paper Nos. AS20/16-17 and AS27/16-17*)

45. The Chairman said that according to LC Paper No. AS27/16-17, a total of 12 nominations were received for election to The Legislative Council Commission ("LCC") by the deadline for nominations (i.e. 24 October 2016). However, Mr CHAN Kin-por had written to the Secretariat on the day before the HC meeting withdrawing his nomination for election to LCC. As there were now 11 nominations, a poll by secret ballot would be conducted to elect 10 members of LCC. The Chairman reminded Members that they could not vote for more than 10 nominees and that the votes would be counted in accordance with the "first-past-the-post" system of election as stipulated in the resolution made by the Council under The Legislative Council Commission Ordinance (Cap. 443).

46. The Chairman then announced a vote by secret ballot. The outcome of the vote was as follows:

Mr Abraham SHEK	36 votes
Mr WONG Ting-kwong	36 votes
Mr CHAN Hak-kan	36 votes
Mr Paul TSE	36 votes
Mr MA Fung-kwok	34 votes
Mr Charles MOK	54 votes
Mr CHAN Chi-chuen	22 votes
Miss Alice MAK	35 votes
Dr Helena WONG	52 votes
Mr CHUNG Kwok-pan	35 votes
Ms Tanya CHAN	51 votes

47. The Chairman declared the following 10 Members elected as members of LCC:

Mr Abraham SHEK  
Mr WONG Ting-kwong  
Mr CHAN Hak-kan

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Mr Paul TSE  
Mr MA Fung-kwok  
Mr Charles MOK  
Miss Alice MAK  
Dr Helena WONG  
Mr CHUNG Kwok-pan  
Ms Tanya CHAN

**X. Election of members of the Committee on Access to the Legislature's Documents and Records**

*(LC Paper Nos. COA1/16-17 and COA4/16-17)*

48. The Chairman said that according to LC Paper No. COA4/16-17, a total of eight nominations were received for election to the Committee on Access to the Legislature's Documents and Records ("CoA") by the deadline for nominations (i.e. 24 October 2016). However, Mr CHAN Kin-por had written to the Secretariat on the day before the HC meeting withdrawing his nomination for election to CoA. As the number of nominations was now seven which was less than the maximum number of Members to be elected (i.e. 10), further nominations could be proposed at the meeting in accordance with the nomination and election procedure endorsed by HC at its meeting on 28 March 2014.

49. Dr Helena WONG indicated that she would also like to withdraw her nomination which was made before the deadline for nominations for election to CoA.

50. The Chairman then invited further nominations from Members. A total of seven further nominations were made with the following Members being nominated: Miss Alice MAK, Mr MA Fung-kwok, Mr CHUNG Kwok-pan, Mr Eddie CHU, Mr Nathan LAW, Mr Paul TSE and Mr James TO. The Chairman said that as there were now a total of 13 valid nominations, a poll by secret ballot would be conducted to elect 10 members of CoA. The Chairman reminded Members that they could not vote for more than 10 nominees and that the 10 nominees with the highest number of votes would be declared elected.

*(The meeting was suspended at 4:12 pm for printing the ballot papers and resumed at 4:22 pm.)*

51. The Chairman then announced a vote by secret ballot. The outcome of the vote was as follows:

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Mr Abraham SHEK	33 votes
Mr WONG Ting-kwong	33 votes
Mr CHAN Hak-kan	33 votes
Mr Charles MOK	51 votes
Mr CHAN Chi-chuen	20 votes
Ms Tanya CHAN	50 votes
Miss Alice MAK	33 votes
Mr MA Fung-kwok	33 votes
Mr CHUNG Kwok-pan	33 votes
Mr Eddie CHU	19 votes
Mr Nathan LAW	19 votes
Mr Paul TSE	33 votes
Mr James TO	52 votes

52. The Chairman declared the following 10 Members elected as members of CoA:

Mr Abraham SHEK  
Mr WONG Ting-kwong  
Mr CHAN Hak-kan  
Mr Charles MOK  
Ms Tanya CHAN  
Miss Alice MAK  
Mr MA Fung-kwok  
Mr CHUNG Kwok-pan  
Mr Paul TSE  
Mr James TO

**XI. Proposed arrangement for the activation of subcommittees on policy issues**

*(LC Paper No. CB(2)47/16-17)*

53. The Chairman said that as of 26 October 2016, three policy subcommittees had been appointed in the Sixth LegCo, namely Subcommittee on Children's Rights and Subcommittee on Rights of Ethnic Minorities under HC as well as Subcommittee on Refuse Collection and Resource Recovery under the Panel on Environmental Affairs. Apart from these three subcommittees, there were already another 10 subcommittees proposed/intended to be appointed under HC or Panels as listed in the Appendix to the paper. The Chairman further said that while most of the 18 Panels had held their first meetings on 18 October 2016 to elect their respective Chairmen and Deputy Chairmen,

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several Panels had only held their meetings to elect their respective Chairmen and Deputy Chairmen in the morning of the day of the HC meeting. To provide equal opportunity for all Panels to consider the appointment of subcommittees to study policy issues ("policy subcommittees"), the Chairman invited Members to consider the proposed arrangement for the activation of policy subcommittees formed under HC or Panels as detailed in paragraph 10 of the paper ("the proposed arrangement"). The proposed arrangement would be a one-off arrangement for the first session of the Sixth LegCo (i.e. the 2016-2017 session).

54. The Deputy Chairman said that he, on behalf of Members belonging to the pro-democracy camp, proposed that priority be given to the activation of the following four subcommittees proposed/intended to be appointed under HC or Panel(s) as listed in the Appendix to the paper: (a) the Subcommittee to follow up issues relating to the Three-runway System at the Hong Kong International Airport; (b) the Subcommittee on retirement protection; (c) the Subcommittee on matters relating to railways; and (d) the Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project.

55. Mr CHAN Han-pan considered that the proposal of giving priority to the abovementioned four subcommittees proposed/intended to be appointed under HC or Panel(s) suggested by the Deputy Chairman was worth consideration. Mr Tommy CHEUNG said that Members of the Liberal Party supported the proposal of giving priority for activation to these four proposed policy subcommittees.

56. The Chairman advised that as three policy subcommittees were already in action, if the above four proposed policy subcommittees were given priority for activation, then there would only be three vacant slots left. Other than the above four proposed subcommittees, policy subcommittees appointed by HC at this meeting and thereafter, and those policy subcommittees appointed by Panels after this HC meeting would not be activated until 14 November 2016 in accordance with the proposed arrangement. If the number of proposed policy subcommittees agreed to be appointed by HC and Panels as at noon of 14 November 2016 did not exceed the remaining vacant slots of policy subcommittees (i.e. three), these proposed subcommittees could be activated immediately. However, if the number of the proposed policy subcommittees exceeded the remaining vacant slots, lots would be drawn before the HC meeting to be held on 18 November 2016 to determine the order of activation among these proposed subcommittees. Members would be informed of the

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results at the HC meeting to be held on 18 November 2016. Members agreed. Members also noted that for policy subcommittee(s) appointed after noon of 14 November 2016, their order of activation would be set in accordance with their date of appointment on a first-come, first-served basis. If a waiting list had been drawn up following the lot drawing, these policy subcommittees would be placed on the waiting list, with their order of activation after those subcommittees already in the waiting list.

**XII. Proposal from Hon Jeremy TAM for setting up a subcommittee to follow up issues relating to the Three-runway System at the Hong Kong International Airport under the House Committee**  
(*LC Paper No. CB(2)25/16-17(02)*)

57. At the invitation of the Chairman, Mr Jeremy TAM said that a subcommittee was appointed under HC in the Fifth LegCo to follow up issues relating to the Three-runway System at the Hong Kong International Airport. Given the construction of the Three-runway System was underway and the need to follow up recommendations made by the former subcommittee, he considered it appropriate for the proposed subcommittee to be set up under HC.

58. Members endorsed the appointment of the proposed subcommittee with the terms of reference, work plan and time frame as set out in the paper. The following Members agreed to join the subcommittee: Mr Abraham SHEK, Mr WONG Ting-kwong, Mr Eddie CHU, Ms Tanya CHAN, Mr Jeremy TAM and Dr YIU Chung-yim.

**XIII. Proposal from Hon KWOK Wai-keung and Hon LUK Chung-hung for setting up a subcommittee on retirement protection under the House Committee**  
(*LC Paper No. CB(2)43/16-17(01)*)

59. At the invitation of the Chairman, Mr KWOK Wai-keung said that the public engagement exercise on retirement protection had been completed, and apart from addressing the retirement protection option to be adopted, the consultation document also reviewed the offsetting arrangement on the Mandatory Provident Fund ("MPF") accrued benefits. The public was very eager to know what would be the concrete proposals in the report to be made public by the Administration. He considered it appropriate for the proposed subcommittee to be set up under HC to follow up relevant issues.

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60. The Chairman said that under Rule 22(t) of the House Rules ("HR"), two or more Panels may appoint joint subcommittees to study any matter of common interest to the relevant Panels. She enquired whether Mr KWOK Wai-keung and Mr LUK Chung-hung would consider proposing to set up such a subcommittee under the Panel on Welfare Services or Panel on Manpower, or as a joint subcommittee under the relevant Panels. In reply, Mr KWOK Wai-keung said that as the work of the proposed subcommittee would straddle several policy areas including the retirement protection system and the MPF system, he therefore considered it more appropriate for the proposed subcommittee to be set up under HC.

61. Members endorsed the appointment of the proposed subcommittee with the terms of reference, work plan and time frame as set out in the paper. The following Members agreed to join the subcommittee: Mr Abraham SHEK, Mr KWOK Wai-keung and Mr LUK Chung-hung.

**XIV. Proposal from Dr Hon KWOK Ka-ki for setting up a subcommittee on issues relating to bazaars under the House Committee**  
(*LC Paper No. CB(2)43/16-17(02)*)

62. At the invitation of the Chairman, Ms Tanya CHAN, on behalf of Dr KWOK Ka-ki who was not at the meeting, briefed Members on the proposal for setting up a subcommittee on issues relating to bazaars under HC as set out in the paper. She said that as issues relating to bazaars straddled several policy areas including food safety and environmental hygiene, land administration, home affairs and tourism, Dr KWOK considered it appropriate for the proposed subcommittee to be set up under HC.

63. The Chairman informed Members that the Panel on Food Safety and Environmental Hygiene would consider the proposal from Mr Andrew WAN for setting up a subcommittee under the Panel to study issues relating to public markets and bazaars at its meeting on 8 November 2016. She enquired Ms Tanya CHAN whether Dr KWOK Ka-ki would consider proposing to set up a joint subcommittee under the relevant Panel(s) to study issues relating to bazaars. Ms Tanya CHAN replied that for the reasons mentioned above in paragraph 62, Dr KWOK considered it more appropriate for the proposed subcommittee to be set up under HC.

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64. Members endorsed the appointment of the proposed subcommittee with the terms of reference, work plan and time frame as set out in the paper. The following Members agreed to join the subcommittee: Mr Eddie CHU, Ms Tanya CHAN and Dr YIU Chung-yim. Members noted that in accordance with the arrangement for activation of policy subcommittees as agreed in paragraph 56 above, this subcommittee would not be activated until 14 November 2016. If the number of proposed policy subcommittees agreed to be appointed by HC and Panels as at noon of 14 November 2016 exceeded the remaining vacant slots of the quota for policy subcommittees, lots would be drawn to determine the order of activation among these proposed subcommittees.

**XV. Proposal from Dr Hon Elizabeth QUAT for setting up a subcommittee to follow up issues relating to the unified screening mechanism for non-refoulement claims under the House Committee (LC Paper No. CB(2)43/16-17(03))**

65. At the invitation of the Chairman, Dr Elizabeth QUAT said that there were over 10 000 claims for non-refoulement pending screening under the unified screening mechanism ("USM"). She further said that the public had expressed concern about the possible abuse of USM by the claimants. As the subject matter straddled the policy areas of several Panels, she considered it appropriate for the proposed subcommittee to be set up under HC.

66. Mr Eddie CHU and Dr Fernando CHEUNG agreed that a review should be conducted on USM with a view to refining the screening mechanism. They expressed similar view that refugee problem was a global issue and it should not be considered from the perspective of Hong Kong alone. Protection of human rights also needed to be considered in addressing the problem. They did not consider it appropriate to set up a closed reception centre for non-refoulement claimants. Mr CHU said that the refugee problem in Hong Kong was far less serious in comparison to Canada or countries in Europe. He hoped that the issue of establishment of a reception centre could be taken out from the proposed scope of study of the subcommittee.

67. Mr HO Kai-ming, Mr Holden CHOW and Mr LEUNG Che-cheung supported the setting up of the proposed subcommittee. They said that many people had expressed concern about the problem of bogus refugees and its impact on the law and order in Hong Kong. The feasibility of setting up a reception centre for non-refoulement claimants

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should be discussed by the proposed subcommittee. Mr LEUNG said that although he did not support the introduction of closed detention of non-refoulement claimants, he could not submit to the view that such an arrangement was in contravention of human rights. He opined that the views expressed by Mr Eddie CHU and those made by the "father of bogus refugees" were incorrect.

68. Mr Eddie CHU said that Mr LEUNG Chi-cheung should not use offensive and insulting language about other Members of the Council which was in contravention of the relevant rule of the Rules of Procedure ("RoP"). Mr LEUNG clarified that the nickname of "father of bogus refugees" he mentioned did not refer to any Members.

69. Mr Alvin YEUNG and Ms Claudia MO said that they had no objection to the setting up of the proposed subcommittee. They pointed out that many non-refoulement claimants had entered Hong Kong illegally via the Mainland and the Hong Kong Government had introduced measures to intercept them at source. Ms MO said that the some 10 000 non-refoulement claims pending screening were accumulated over the past 10 years or so. Mr YEUNG held the view that Members of the pro-establishment camp should not play up the issue of bogus refugees in order to gain political mileage.

70. Mr WONG Ting-kwong, Mr WONG Kwok-kin and Mr KWOK Wai-keung supported the setting up of the proposed subcommittee. Mr WONG Kwok-kin and Mr KWOK commented that the problem of bogus refugees did exist in Hong Kong as evident from the very low percentage of substantiated non-refoulement claims. They were concerned that many non-refoulement claimants had taken up illegal employment in Hong Kong and they had adversely affected the employment opportunities of local grass-roots people. Mr WONG Kwok-kin further said that some people were sheltering bogus refugees in order to gain political mileage for themselves.

71. Dr Elizabeth QUAT said that the problem of bogus refugees was affecting the livelihood of local people including local ethnic minorities. Hong Kong could be in a better position to help genuine refugees only when the problem of bogus refugees was solved. The proposed subcommittee would provide a platform for Members to discuss how the problem could be resolved. She appealed to Members to support her proposal.

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72. Members endorsed the appointment of the proposed subcommittee with the terms of reference, work plan and time frame as set out in the paper. The following Members agreed to join the subcommittee: Mr Steven HO, Dr Fernando CHEUNG, Dr Elizabeth QUAT, Mr Alvin YEUNG, Mr Eddie CHU, Mr Holden CHOW, and Mr Wilson OR.

**XVI. Any other business**

Ms Tanya CHAN's request for HC to discuss her proposal to seek HC's agreement for her to move a motion of no confidence in the LegCo President at the Council meeting of 2 November 2016

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73. The Chairman said that Ms Tanya CHAN wrote to her in the afternoon of 27 October 2016, after the deadline for raising agenda items for this meeting, requesting HC to discuss at this meeting her proposal to seek HC's agreement for her to move a motion of no confidence in the LegCo President at the Council meeting of 2 November 2016. In considering whether to include Ms CHAN's proposal in the agenda of this meeting, she had made reference to the established practice of having regard to whether there was urgency for the proposal to be discussed at this meeting. Unless Ms CHAN could put forward sufficient justifications that warranted the discussion of her proposal at this meeting and subject to Members' views, she considered that Ms CHAN's proposal might be discussed at the next HC meeting.

74. At the invitation of the Chairman, Ms Tanya CHAN said that the President informed Members on 18 October 2016 of his ruling, which was made after taking into account external legal advice and all other relevant considerations, that he was prepared to allow five Members whose oaths/affirmations taken at the Council meeting of 12 October 2016 were invalid to take the LegCo Oath afresh at the Council meeting of 19 October 2016. However, the President reversed his ruling and decided, without seeking further legal advice, on 25 October 2016 to defer the administration of the LegCo Oath for two of the five Members concerned (i.e. Mr Sixtus LEUNG and Miss YAU Wai-ching). Furthermore, the President disallowed these two Members to take the LegCo Oath at the Council meeting of 26 October 2016, which was clearly in breach of the principle set out in RoP 18(2) that the administration of oath or affirmation should not require notice or previous leave of the President. Given that the President had apparently failed to handle the Council business in a fair manner and had lost all credibility,

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there was urgency for her to seek HC's agreement, under HR 13(a) and 14(i), for allocation of a debate slot for her to move, at the Council meeting of 2 November 2016, a motion of no confidence in the President.

75. Mr Charles MOK criticized that the President's latest decision to defer the administration of the LegCo Oath for the two Members concerned was made without regard to procedural propriety. As the manner in which the President handled the controversy over the oath-taking clearly showed that he was incapable of handling Council business in an efficient manner, he considered it necessary to move a motion of no confidence in the President at the Council meeting of 2 November 2016.

76. Mr Holden CHOW said that he did not see any urgency for HC to discuss Ms Tanya CHAN's proposal, which was merely put forward out of her dissatisfaction with the President's decision to defer the administration of the LegCo Oath for the two Members concerned.

77. Dr YIU Chung-yim considered that there was urgency for HC to discuss Ms Tanya CHAN's proposal as the varied decisions of the President had resulted in the Council being unable to transact its business in the last two meetings. He added that there were also queries as to whether the President had failed to discharge his constitutional duty to administer the LegCo Oath to be taken by Members under RoP 18(1).

78. Mr CHEUNG Kwok-kwan said that it was not possible for the Chairman to accede to each and every request of Members for an item raised after the deadline for raising agenda items to be discussed under "Any Other Business" at a HC meeting. As Ms CHAN had not provided any convincing argument to substantiate her claim that there was urgency for her proposal to be discussed by HC, he considered it inappropriate for HC to deal with Ms CHAN's proposal at this meeting.

79. Ms Claudia MO considered that there was urgency to discuss Ms Tanya CHAN's proposal. She criticized that the way in which Mr Andrew LEUNG handled the issue of oath-taking by Members had resulted in the Council meeting of 26 October 2016 descending into chaos and the public had lost confidence and trust in him to hold the office of the LegCo President. It was necessary for Mr LEUNG to step down from the presidency of LegCo immediately in order to uphold the dignity and credibility of LegCo.

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80. Mr Eddie CHU said that the legality of the presidency of Mr Andrew LEUNG was in question given the various queries raised over his nationality and the manner in which the election of the LegCo President was conducted. Furthermore, Mr LEUNG had lost all credibility by reversing his ruling in relation to the oath-taking by the two Members concerned. Given the above considerations, Mr CHU considered it necessary for Members to debate and pass a motion of no confidence in the President as early as possible, so as to contain the damage caused by Mr LEUNG to Hong Kong.

81. Mr HUI Chi-fung informed Members that apart from supporting the proposal to move a motion of no confidence in the LegCo President in Council, Members belonging to the pro-democracy camp had written to Mr Andrew LEUNG requesting him to step down from the presidency of LegCo. Mr HUI opined that there was urgency for HC to discuss Ms Tanya CHAN's proposal at this meeting as the discussion would facilitate Mr LEUNG's consideration of whether he should step down before the forthcoming Council meeting of 2 November 2016. It would have an impact on whether the two Members concerned could take the LegCo Oath at that meeting.

82. Mr Alvin YEUNG considered that there was great urgency for HC to discuss Ms Tanya CHAN's proposal at this meeting as an incapable President who had lost the respect of Members could not ensure the efficient operation of LegCo. Mr YEUNG and Mr TAM Man-ho criticized that despite the Court's refusal to grant the Administration's application for an interim injunction restraining the LegCo President from administering the LegCo Oath for the two Members concerned, Members belonging to the pro-establishment camp disregarded the Court's decision and caused the adjournment of the Council meeting of 19 October 2016 in a bid to pressurize the President into reversing his previous ruling.

83. Mr Kenneth LEUNG said that the President had failed to explain in his ruling issued on 25 October 2016 why he had come up with a decision entirely different from the one he made on 18 October 2016. Given that the capability of the President to make logical and sensible rulings would directly affect the operation of LegCo, there was urgency for HC to discuss Ms Tanya CHAN's proposal at this meeting.

84. Mr Steven HO said that the latest decision of the President to defer the administration of the LegCo Oath for the two Members concerned was made having regard to the developments following his previous

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decision and the Court hearing on 18 October 2016. He concurred with the Chairman's view that if Ms Tanya CHAN so wished, her proposal could be discussed at the next HC meeting.

85. Mr Nathan LAW said that while it was necessary for the LegCo President to be able to safeguard the dignity of LegCo and uphold the principle of the separation of powers among the Executive Authorities, the Legislature and the Judiciary, the manner in which Mr Andrew LEUNG handled the Council business since he was elected had clearly shown that he was unqualified to do so.

86. Mr Paul TSE said that the issue in question was why Ms Tanya CHAN had not put forward her request for HC to discuss her proposal at this meeting before the deadline for raising agenda items under HR 20(f). To facilitate Members' consideration of whether her request should be acceded to, Ms CHAN should provide justifications for her failure to raise her request in accordance with the relevant requirements under HR.

87. Ms Tanya CHAN said that as the chaos at the Council meeting of 26 October 2016 broke out after the deadline for raising agenda items for this meeting, she had made a request to the Chairman in accordance with HR 20(f) for her proposal to be discussed under "Any Other Business" at the meeting.

88. The Chairman reiterated that in deciding whether to accede to Ms Tanya CHAN's request, she had to consider whether Ms CHAN could provide justifications that there was urgency for her proposal to be discussed at this meeting and whether sufficient notice had been given to all HC Members that they would be invited to consider and make a decision on her proposal. The Chairman further said that having taken into account the arguments put forward by Ms CHAN and Members' views, she decided that Ms CHAN's proposal should not be discussed at this meeting but she was prepared to include the proposal in the agenda of the next HC meeting if Ms CHAN so requested.

89. There being no other business, the meeting ended at 5:56 pm.