

立法會
Legislative Council

LC Paper No. CB(2)191/16-17

Ref : CB2/H/5/16

House Committee of the Legislative Council

**Minutes of the 5th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 11 November 2016**

Members present:

Hon Starry LEE Wai-king, SBS, JP (Chairman)
Hon Dennis KWOK Wing-hang (Deputy Chairman)
Hon James TO Kun-sun
Hon Abraham SHEK Lai-him, GBS, JP
Hon Tommy CHEUNG Yu-yan, GBS, 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 Paul TSE Wai-chun, JP
Hon LEUNG Kwok-hung
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon Steven HO Chun-yin, BBS
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
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 Andrew WAN Siu-kin
Hon 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 LUK Chung-hung
Hon LAU Kwok-fan, MH
Hon Kenneth LAU Ip-keung, MH, JP
Dr Hon CHENG Chung-tai
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho
Hon Nathan LAW Kwun-chung
Dr Hon YIU Chung-yim
Dr Hon LAU Siu-lai

Members absent:

Hon LEUNG Yiu-chung
Prof Hon Joseph LEE Kok-long, SBS, JP
Hon Mrs Regina IP LAU Suk-yea, GBS, JP
Hon Frankie YICK Chi-ming, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
Hon HUI Chi-fung

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
Miss Rachel DAI	Assistant Legal Adviser 2
Ms Vanessa CHENG	Assistant Legal Adviser 5
Mr Richard WONG	Senior Council Secretary (2)6
Ms Jasmine TAM	Senior Council Secretary (2)8
Miss Connie AU	Council Secretary (2)6
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)7

Action

I. Confirmation of minutes of meeting

Minutes of 4th meeting held on 4 November 2016

(LC Paper No. CB(2)120/16-17)

The minutes were confirmed.

II. Matters arising

Report by the Chairman on her 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

(a) **Legal Service Division report on bill referred to the House Committee in accordance with Rule 54(4)**

Supplementary Appropriation (2015-2016) Bill
(LC Paper No. LS4/16-17)

3. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the report prepared by Legal Service Division ("LSD") on the Bill.

4. Members considered it not necessary to form a Bills Committee to study the Bill and did not raise objection to the resumption of the Second Reading debate on the Bill.

(b) **Legal Service Division report on subsidiary legislation gazetted on 4 November 2016 and tabled in Council on 9 November 2016**
(LC Paper No. LS8/16-17)

5. At the invitation of the Chairman, LA briefed Members on the LSD report on the three items of subsidiary legislation (i.e. L.N. 166 to L.N. 168) which were gazetted on 4 November 2016 and tabled in Council on 9 November 2016.

6. Mr Steven HO considered it necessary to form a subcommittee to study the Marine Parks (Designation) (Amendment) Order 2016 (L.N. 166) in detail. Mr Steven HO and Ms Tanya CHAN agreed to join the proposed subcommittee.

7. Members did not raise any question on the other two items of subsidiary legislation (i.e. L.N. 167 and L.N. 168).

8. The Chairman reminded Members that the deadline for amending the above three items of subsidiary legislation would be the Council meeting of 7 December 2016, or that of 11 January 2017 if extended by a resolution of the Council.

IV. Further business for the Council meeting of 16 November 2016

Members' motions without legislative effect to be dealt with at the Council meeting of 16 November 2016

9. The Chairman informed Members that the Council would, at its meeting of 16 November 2016, deal with the remaining proceedings on Mr WONG Kwok-kin's motion on "Abolishing the Mandatory Provident Fund offsetting mechanism", and debate the following two Members' motions without legislative effect:

- (a) motion on "Requiring the teaching of Chinese history as an independent subject at junior secondary level" to be moved by Mr CHEUNG Kwok-kwan; and
- (b) motion on "Urging the Government to amend the Fire Safety (Buildings) Ordinance" to be moved by Dr Priscilla LEUNG.

Report No. 3/16-17 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

10. The Chairman said that the above draft Report, which covered subsidiary legislation the period for amendment of which would expire at the Council meeting of 16 November 2016, had been issued to Members. No Member had indicated intention to speak on the subsidiary legislation.

V. Business for the Council meeting of 23 November 2016

- (a) **Questions**
(*LC Paper No. CB(3)103/16-17*)

11. 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**

12. Members noted that the Private Columbaria Bill would be presented to the Council on 23 November 2016.

- (c) **Government motion**

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

(d) **Members' motions**

14. The Chairman said that two Members' motions without legislative effect which were originally scheduled for previous Council meetings would be re-scheduled to the Council meeting of 23 November 2016.

Report of House Committee on Consideration of Subsidiary Legislation and Other Instruments

15. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)112/16-17), which contained five items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 23 November 2016. She reminded Members to indicate their intention by 5:00 pm on Tuesday, 15 November 2016, should they wish to speak on any of these items of subsidiary legislation.

VI. Position on Bills Committees and subcommittees
(*LC Paper No. CB(2)121/16-17*)

16. The Chairman said that as at 10 November 2016, there were eight subcommittees under the House Committee ("HC") and two subcommittees on policy issues under Panels in action, and four subcommittees on policy issues pending activation.

VII. Appointment of a subcommittee to prepare for the operation of the select committee to which the petition presented at the Council meeting of 2 November 2016 has been referred
(*LC Paper No. CB(2)125/16-17*)

17. The Chairman said that the paper prepared by the Secretariat sought to invite Members to consider the proposed appointment of a subcommittee ("the proposed preparatory subcommittee") to undertake the preparatory work for the operation of the select committee to which the petition presented at the Council meeting of 2 November 2016 had been referred ("the select committee in question"), including drawing up its terms of reference to reflect the substance of the petition, the membership size and the procedure for nominating its Chairman, Deputy Chairman and members for appointment by the President.

Action

18. Mr Martin LIAO said that he was the Chairman of the Select Committee to Inquire into the Background of and Reasons for the Delay of the Construction of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("Select Committee on the XRL project") which was composed of 13 members. Mr LIAO opined that the large membership size of the Select Committee on the XRL project had impacted on its smooth operation and its members did not have adequate opportunities to raise questions. Pointing out that the issues to be studied by the select committee in question were relatively less complex than those studied by the Select Committee on the XRL project, he suggested that the membership size of the proposed preparatory subcommittee be set at 11 and that of the select committee in question could be further discussed.

19. Mr Charles MOK said that as a member of the Select Committee on the XRL project, he considered the membership size of the Select Committee being 13 acceptable and that the Select Committee had carried out its work in general smoothly. He added that it should be for the proposed preparatory subcommittee to discuss and draw up the membership size of the select committee in question.

20. Mr Kenneth LEUNG said that he had no objection to capping the number of members of the proposed preparatory subcommittee at 11. Mr James TO said that while he had no views on the membership size of the proposed preparatory subcommittee, he hoped that the select committee in question would be composed of 14 members. Ms Alice MAK also agreed to Mr Martin LIAO's suggestion that the membership size of the proposed preparatory subcommittee should be set at 11.

21. In response to Dr Helena WONG's enquiry, the Chairman said that subject to Members' agreement that the proposed preparatory subcommittee be appointed with a membership size of 11, a vote might need to be taken to determine its membership if more than 11 Members indicated intention to join the proposed preparatory subcommittee.

22. Dr Helena WONG said that as the select committee in question was tasked to inquire into issues of public concern, it was important that the membership of the proposed preparatory subcommittee and of the select committee in question should be balanced and broadly representative of different political groupings in the Council. She expressed worry that the select committee in question would not be able to carry out its inquiry work effectively if a majority of the members of the proposed preparatory subcommittee and of the select committee in question were Members belonging to the pro-establishment camp who opposed the setting up of the select committee in question.

Action

23. Dr Priscilla LEUNG said that according to her experience in participating in the work of the Subcommittee to Study Issues Arising from Lehman Brothers-related Minibonds and Structured Financial Products and the Select Committee to Inquire into Matters Relating to Mr Timothy TONG's Duty Visits, Entertainment, and Bestowing and Receipt of Gifts during his Tenure as Commissioner of the Independent Commission Against Corruption, a subcommittee/select committee would hardly be able to carry out its work in an efficient manner if the membership size of the subcommittee/select committee was too large.

24. Mr CHEUNG Kwok-kwan and Mr Holden CHOW said that the proposed preparatory subcommittee only served to undertake the preparatory work for the operation of the select committee in question and it would be for the select committee itself to determine how it would carry out its work. They considered that to better ensure an efficient conduct of the work of the proposed preparatory subcommittee, its membership size should not be too large.

25. Mr Paul TSE pointed out that while more than 20 Members had indicated support for the request that the petition presented at the Council meeting of 2 November 2016 under Rule 20(6) of the Rules of Procedure ("RoP") be referred to a select committee, no Member had raised objection to such request.

26. Mr Kenneth LEUNG said that it was his understanding that a petition would be referred to a select committee if not less than 20 Members had indicated support for such referral and Members would not be invited to indicate whether they objected to such referral.

27. Dr Helena WONG stressed that apart from the membership size, Members should also consider and agree on the composition of the proposed preparatory subcommittee. She reiterated her view that there should not be an overwhelming predominance of Members from the pro-establishment camp in the membership of the proposed preparatory subcommittee.

28. In response to Dr Helena WONG's view, Mr Martin LIAO said that the Select Committee on the XRL project, which was also formed pursuant to RoP 20(6), comprised eight members from the pro-establishment camp and five members from the pro-democracy camp. While both the Chairman and Deputy Chairman of the Select Committee were Members belonging to the pro-establishment camp, he was not aware of any major concern raised about members from the pro-establishment camp having dominated the deliberations of the Select Committee or any strong criticism made that the Select Committee had not carried out its work in an impartial manner.

Action

29. The Chairman concluded that no Member had raised objection to the appointment of the proposed preparatory subcommittee or to Mr Martin LIAO's suggestion that the membership size of the proposed preparatory subcommittee be capped at 11. She suggested that she and the Deputy Chairman would consult Members of different political groupings on the overall composition of the proposed preparatory subcommittee with a view to working out an arrangement acceptable to all Members. Members raised no objection. The following Members indicated intention to join the preparatory subcommittee: Dr Priscilla LEUNG (as advised by Mr Abraham SHEK), Mr WONG Kwok-kin (as advised by Ms Alice MAK), Mr MA Fung-kyok, Mr Kenneth LEUNG, Mr Alvin YEUNG, Mr Andrew WAN, Mr Jimmy NG, Mr Holden CHOW and Ms YUNG Hoi-yan.

30. The Chairman said that the Secretariat would issue a circular to invite Members to join the preparatory subcommittee.

VIII. Proposal from Hon LEUNG Yiu-chung for setting up a subcommittee on issues relating to shopping centres, markets and car parks in public rental housing estates and Home Ownership Scheme estates under the House Committee

(LC Paper No. CB(2)135/16-17(01))

31. The Chairman said that Mr LEUNG Yiu-chung had notified the Secretariat in writing that he could not attend this meeting and he had asked Dr Fernando CHEUNG to present the proposal for him.

32. At the invitation of the Chairman, Dr Fernando CHEUNG said that since the divestment of retail and car-parking facilities of the Hong Kong Housing Authority ("HA") to Link Real Estate Investment Trust ("Link REIT") (formerly named as The Link Real Estate Investment Trust) some 10 years ago, livelihood of public housing residents had been adversely affected. He criticized Link REIT for adopting a commercial-oriented and profit-maximization approach without regard to the benefit of the residents in the districts, and was concerned about Link REIT's disposal of some of these divested facilities to other private operators. As the subject straddled the policy areas of several Panels, he considered it appropriate to set up a subcommittee under HC to follow up the relevant issues and appealed to Members to support Mr LEUNG Yiu-chung's proposal. Dr CHEUNG added that while he also supported the proposal put forward by Ms Alice MAK for setting up a subcommittee under the Panel on Housing ("Housing Panel") to study issues relating to the impact of the sale of retail, market and car-parking facilities by HA on livelihood

Action

and the corresponding measures, Ms MAK's proposal was scheduled for consideration at the Housing Panel meeting to be held on 15 November 2016. However, according to the one-off arrangement for activation of subcommittees on policy issues ("policy subcommittees") endorsed by HC at its meeting on 28 October 2016, the cut-off time for the lot-drawing for determining the order of activation of the policy subcommittees appointed by HC and Panels was noon of 14 November 2016.

33. Ms Alice MAK said that she issued a letter to the Housing Panel on 3 November 2016 regarding her proposal as mentioned above by Dr Fernando CHEUNG. She noted that Mr LEUNG Yiu-chung subsequently put forward a proposal for setting up a subcommittee under HC to study similar issues on 8 November 2016. While she considered that it might be more appropriate for the relevant issues to be followed up by the Housing Panel, she appreciated that under the one-off arrangement, if the number of policy subcommittees appointed by HC and Panels as at noon of 14 November 2016 exceeded the remaining vacant slots for activation of policy subcommittees, lots would be drawn to determine the order of activation among these policy subcommittees. As her proposal could only be considered by the Housing Panel at its meeting on 15 November 2016 at the earliest, which was after the cut-off time for the lot-drawing arrangement, she supported Mr LEUNG Yiu-chung's proposal in the hope that a subcommittee could be set up and activated as early as possible to study relevant issues.

34. Mr Andrew WAN, Mr Jeremy TAM, Mr SHIU Ka-chun and Dr Helena WONG expressed support for Mr LEUNG Yiu-chung's proposal. Mr Andrew WAN said that while the Panel on Food Safety and Environmental Hygiene had endorsed his proposal for setting up a subcommittee under the Panel to study issues relating to public markets, the issues to be studied by that subcommittee were different from those proposed to be studied by the subcommittee in question. Mr Jeremy TAM said that he also agreed that the work plan of the proposed subcommittee should include examining the option to buy back the shopping centres, markets and carpark divested to Link REIT and monitoring the management of the relevant facilities and of those disposed of by Link REIT to private operators. Expressing concern about the difficulties faced by the welfare facilities operated by social welfare organizations in Link REIT's shopping centres, Mr SHIU Ka-chun hoped that the proposed subcommittee could be set up as early as practicable to follow up the relevant issues. Dr LAU Siu-lai also supported Mr LEUNG Yiu-chung's proposal as the subject matter was related to people's livelihood.

Action

35. Mr LEUNG Che-cheung, Mr Wilson OR, and Mr Holden CHOW also expressed support for Mr LEUNG Yiu-chung's proposal. Mr LEUNG Che-cheung and Mr Wilson OR expressed similar concern that the rights and interests of the business operators and public housing residents could not be protected with Link REIT's disposal of the divested shopping centres and markets to other private operators. Mr Wilson OR considered it necessary to review the mode of operation of shopping centres and markets in public housing estates.

36. Dr Helena WONG said that seven Members from the Democratic Party had written to the Chairman of the Housing Panel on their proposal for setting up a subcommittee under the Panel to follow up the public housing development plan at Wang Chau, Yuen Long. Dr WONG expressed concern that as the next meeting of the Housing Panel was scheduled to be held on 15 November 2016 and unless the Panel Chairman agreed that the Panel members be invited to consider the proposal by circulation of paper, it was not possible to seek the Housing Panel's endorsement of the proposal before the cut-off time for the lot-drawing arrangement. She took the view that to provide equal opportunity for Panels to consider proposals for setting up policy subcommittees, HC should consider extending the cut-off time to 15 November 2016.

37. The Chairman said that the proposal on the one-off arrangement, including the cut-off time for drawing of lots to determine the order of activation where necessary, was endorsed by HC at its meeting on 28 October 2016. It would be unfair to Members who were not present at this meeting if any proposal for changing the cut-off time was considered at the meeting without notice. The Chairman further said that the cut-off time had been set with due regard to the need to provide equal opportunity for Panels to consider proposals for setting up policy subcommittees. It was her understanding that two Panels had, in the light of the cut-off time, scheduled a joint meeting to be held in the morning of 14 November 2016 to consider a proposal for setting up a policy subcommittee.

38. Members agreed to the setting up of the proposed subcommittee under HC. Members also endorsed the proposed terms of reference, work plan and time frame of the subcommittee as set out in Mr LEUNG Yiu-chung's letter dated 8 November 2016 (LC Paper No. CB(2)135/16-17(01)). The following Members agreed to join the subcommittee: Mr LEUNG Che-cheung, Ms Alice MAK, Dr Fernando CHEUNG, Mr Andrew WAN, Mr HO Kai-ming, Mr Holden CHOW, Mr Wilson OR, Mr LAU Kwok-fun, Mr Jeremy TAM, Dr YIU Chung-yim and Dr LAU Siu-lai.

Action

39. The Chairman reminded Members that pursuant to the one-off arrangement, as the number of policy subcommittees agreed to be appointed by HC and Panels on 28 October 2016 and thereafter had exceeded the remaining three vacant slots for activation of policy subcommittees, lots would be drawn to determine the order of activation among these policy subcommittees before the HC meeting to be held on 18 November 2016.

(Post-meeting note: Members were informed of the draw results and the order of activation of the policy subcommittees concerned vide LC Paper No. CB(2)197/16-17 on 16 November 2016.)

IX. Any other business

40. There being no other business, the meeting ended at 3:06 pm.

Council Business Division 2
Legislative Council Secretariat
17 November 2016