

立法會
Legislative Council

LC Paper No. CB(2)239/16-17

Ref : CB2/H/5/16

House Committee of the Legislative Council

**Minutes of the 6th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 18 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 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-yee, GBS, 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 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 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
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
Dr Hon CHENG Chung-tai
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho
Dr Hon YIU Chung-yim
Dr Hon LAU Siu-lai

Members absent :

Hon Martin LIAO Cheung-kong, SBS, JP
Hon YUNG Hoi-yan
Hon HUI Chi-fung
Hon Kenneth LAU Ip-keung, MH, JP
Hon Nathan LAW Kwun-chung

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 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

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I. Confirmation of minutes of meeting

Minutes of 5th meeting held on 11 November 2016
(LC Paper No. CB(2)191/16-17)

The minutes were confirmed.

II. Matters arising

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

2. The Chairman said that there was nothing special to report.

(b) Membership of the Subcommittee to Prepare for the Operation of the Select Committee on the Petition Presented at the Council Meeting of 2 November 2016

(Paragraph 29 of the minutes of the 5th House Committee meeting on 11 November 2016)

3. The Chairman said that at the last meeting of the House Committee ("HC") on 11 November 2016, no Member had raised objection to the suggestion that the number of members of the Subcommittee to Prepare for the Operation of the Select Committee on the Petition Presented at the Council Meeting of 2 November 2016 ("the preparatory subcommittee") be capped at 11. However, 13 Members had indicated their intention to join the preparatory subcommittee by the deadline for signification of membership and the list of these Members was tabled at the meeting. Given that more than 11 Members had indicated their intention to join the preparatory subcommittee, the Chairman invited Members to give views on how to deal with the matter, including whether a vote should be taken to determine the membership of the preparatory subcommittee.

4. The Deputy Chairman considered that the 13 Members who had indicated their intention to join the preparatory subcommittee were genuinely concerned about the issues raised in the petition presented at the Council meeting of 2 November 2016 and would likely join the select committee to which the petition had been referred ("the select committee in question"). In his view, a membership size of 13 would not be too large to have any significant impact on the operation of the preparatory subcommittee. He hoped that all these 13 Members could join the preparatory subcommittee and that a vote would not be needed to determine the membership of the preparatory subcommittee.

5. Mr Holden CHOW said that he considered it appropriate for the membership size of the preparatory subcommittee to be capped at 11, and for Members to cast votes to determine the membership of the preparatory subcommittee.

6. Ir Dr LO Wai-kwok said that he had joined the two Select Committees formed pursuant to Rule 20(6) of the Rules of Procedure in the Fifth Legislative Council ("LegCo"). According to his experience, Members who had joined the preparatory subcommittees to prepare for the operation of the Select Committees were interested to join the Select Committees. He concurred with the view of Mr Martin LIAO, who was

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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"), expressed at the last HC meeting that the membership size of the preparatory subcommittee should be capped at 11 so as to ensure the smooth operation of the preparatory subcommittee.

7. Mr Alvin YEUNG, Mr Jeremy TAM and Mr LAM Cheuk-ting considered that it should be up to the preparatory subcommittee to discuss and draw up the membership size of the select committee in question. Given that 13 Members had indicated their intention to join the preparatory subcommittee, there should be flexibility to increase the membership size of the preparatory subcommittee to 13. Mr TAM and Mr LAM also doubted whether there would be any impact on the operation of the preparatory subcommittee if it was composed of 13 Members.

8. Dr Helena WONG also shared the view that the membership size should be allowed to increase to 13 so as to accommodate all Members who had indicated their intention to join the preparatory subcommittee. She considered that irrespective of the membership size of the preparatory subcommittee, it was imperative that its membership should be balanced and broadly representative of different political groupings in the Council. If the membership size was set at 11, the preparatory subcommittee should have no fewer than five Members belonging to the pro-democracy camp.

9. Mr WONG Ting-kwong, Mr Steven HO, Mr MA Fung-kwok, Mr CHEUNG Kwok-kwan and Mr LAU Kwok-fan were of the view that as Members had raised no objection that the membership size of the preparatory subcommittee be capped at 11 at the last HC meeting, HC should stick to its decision. Both Mr WONG and Mr LAU did not subscribe to the view that the membership size of the preparatory subcommittee should be changed simply because the number of Members who had indicated intention to join the preparatory subcommittee exceeded the number agreed. Mr HO and Mr CHEUNG supported that a vote be taken at this meeting to determine the membership of the preparatory subcommittee.

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10. Mr Charles MOK considered that Members did not make a conscious decision on setting the membership size of the preparatory subcommittee at 11 at the last HC meeting. He doubted whether there was any concrete example to support some Members' view that a preparatory committee with a membership size of 13 could not work in a smooth and efficient manner. He was concerned that if the membership size of the preparatory subcommittee was set at 11, it would set a precedent for the membership size of a preparatory subcommittee and a select committee formed in future. Mr WU Chi-wai echoed Mr MOK's view adding that the Select Committee on the XRL project was also composed of 13 members. Both Mr MOK and Mr WU considered that the membership size of the preparatory subcommittee should be set at 13, and stressed that it should be up to the preparatory subcommittee to discuss and draw up the membership size of the select committee in question.

11. Mr LEUNG Kwok-hung opined that setting the membership size of the preparatory subcommittee at 11 was simply an attempt to prevent him from joining the preparatory subcommittee.

12. Mr Paul TSE said that the membership size of any committee of which the work involved inquiries and hearings for gathering evidence/information should not be too large as it would affect the efficient operation of the committee. Based on his experience as a member of the Public Accounts Committee which had a membership size of seven, he considered that a small membership size could ensure an effective discharge of duties by a committee tasked with conducting inquiries. If a preparatory subcommittee or a select committee was composed of more than 11 members, there would be great difficulty in carrying out the work in an efficient and smooth manner.

13. Ms Tanya CHAN said that as recorded in the minutes of the last HC meeting, the Chairman 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. Given that no such arrangement had been worked out, consideration should be given to allowing all the 13 Members who had indicated intention to join the preparatory subcommittee to do so.

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14. Referring to paragraph 29 of the minutes of the last HC meeting, the Chairman recapitulated that at the last meeting, no Member had raised objection to the appointment of the proposed preparatory subcommittee or to the suggestion that the membership size of the proposed preparatory subcommittee be capped at 11. She said that after the last meeting, she and the Deputy Chairman had liaised with Members of different political groupings on the overall composition of the preparatory subcommittee but failed to reach an arrangement which was acceptable to all Members. The Chairman also informed Members that Mr Jimmy NG who had indicated his intention to join the preparatory subcommittee had written to the Secretariat on the day of this HC meeting withdrawing his signification for membership. As such, the number of Members who had indicated intention to join the preparatory subcommittee became 13, with the number of Members belonging to the pro-establishment camp remained at seven.

15. Mr CHAN Kin-por said that it was based on the premise that the membership size of the preparatory subcommittee was capped at 11 when the pro-establishment camp considered how many Members belonging to the pro-establishment camp should join the preparatory subcommittee. If the membership size of the preparatory subcommittee was to be changed to 13, the number of Members belonging to the pro-establishment camp joining the preparatory subcommittee had to be increased. Concurring with the view of Mr CHAN, Mr WONG Kwok-kin said that if the membership size of the preparatory subcommittee was to be increased from 11 to 13, the deadline for Members to indicate their intention to join the preparatory subcommittee should be extended. Mr WONG considered that the membership size should be capped at 11 as agreed at the last HC meeting and a vote should be taken to determine the membership of the preparatory subcommittee at this meeting.

16. The Chairman put to vote the question that the membership size of the Subcommittee to Prepare for the Operation of the Select Committee on the Petition Presented at the Council Meeting of 2 November 2016 be set at 11. The Deputy Chairman requested a division.

The following Members voted in favour of the question:

Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Jeffrey LAM, Mr WONG Ting-kwong, Mr CHAN Hak-kan, Mr CHAN Kin-por, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mrs Regina IP, Mr Paul TSE, Mr

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Michael TIEN, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kiwok, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Dr Elizabeth QUAT, Mr POON Siu-ping, Ir Dr LO Wai-kiwok, Mr CHUNG Kwok-pan, Mr Jimmy NG, Dr Junius HO, Mr HO Kai-ming, Mr Holden CHOW, Mr SHIU Ka-fai, Mr Wilson OR, Mr CHAN Chun-ying, Mr CHEUNG Kwok-kwan, Mr LUK Chung-hung and Mr LAU Kwok-fan
(34 Members)

The following Members voted against the question:

Mr James TO, Mr LEUNG Yiu-chung, Prof Joseph LEE, Mr LEUNG Kwok-hung, Ms Claudia MO, Mr WU Chi-wai, Mr Charles MOK, Mr CHAN Chi-chuen, Mr Kenneth LEUNG, Dr KWOK Ka-ki, Mr Dennis KWOK, Dr Fernando CHEUNG, Dr Helena WONG, Mr IP Kin-yuen, Mr Alvin YEUNG, Mr Andrew WAN, Mr CHU Hoi-dick, Mr LAM Cheuk-ting, Mr SHIU Ka-chun, Dr Pierre CHAN, Ms Tanya CHAN, Mr KWONG Chun-yu, Mr Jeremy TAM, Dr YIU Chung-yim and Dr LAU Siu-lai.
(25 Members)

17. The Chairman declared that 34 Members voted for and 25 Members voted against the question, and no Member abstained from voting. The Chairman declared that the question was supported.

Election of Members for appointment to the preparatory subcommittee

18. At the suggestion of the Chairman, Members agreed that a vote should be taken to determine the membership of the preparatory subcommittee and Members should cast their votes by using the Electronic Voting System. Members also agreed that the procedures for the election of Members for appointment to the preparatory subcommittee would be the same as those for the elections of Members for appointment to the advisory/governing bodies, and the voting records would be uploaded onto the LegCo website after this meeting. The outcome of the vote was as follows:

Dr Priscilla LEUNG	35 votes
Mr WONG Kwok-kin	36 votes
Mr Paul TSE	36 votes
Mr LEUNG Kwok-hung	25 votes
Ms Claudia MO	25 votes

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Mr MA Fung-kwok	36 votes
Mr Kenneth LEUNG	58 votes
Mr Alvin YEUNG	58 votes
Mr Andrew WAN	57 votes
Dr Junius HO	35 votes
Mr LAM Cheuk-ting	57 votes
Mr Holden CHOW	36 votes
Ms YUNG Hoi-yan	36 votes

19. The Chairman declared that the following 11 Members were members of the preparatory subcommittee:

Dr Priscilla LEUNG
Mr WONG Kwok-kin
Mr Paul TSE
Mr MA Fung-kwok
Mr Kenneth LEUNG
Mr Alvin YEUNG
Mr Andrew WAN
Dr Junius HO
Mr LAM Cheuk-ting
Mr Holden CHOW
Ms YUNG Hoi-yan

III. Further business for the Council meeting of 23 November 2016

(a) Tabling of papers

Report No. 4/16-17 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
(LC Paper No. CB(2)193/16-17)

20. The Chairman said that the Report covered four items of subsidiary legislation (i.e. L.N. 159 to L.N. 162) and one item of other instrument made under an Ordinance (i.e. S.S. No. 5 to Gazette No. 42/2016), and the period for amending them would expire at the Council meeting of 23 November 2016. No Member had indicated intention to speak on these items of subsidiary legislation/other instrument.

(b) **Members' motions**

Proposed resolution under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the Inland Revenue Ordinance (Amendment of Schedule 17E) Notice 2016 to be moved by Hon Kenneth LEUNG
(LC Paper No. CB(3)134/16-17)

21. The Chairman informed Members that Mr Kenneth LEUNG, the Chairman of the Subcommittee on the Inland Revenue Ordinance (Amendment of Schedule 17E) Notice 2016, would move a proposed resolution at the meeting to extend the period for amending the Notice to the Council meeting of 11 January 2017.

IV. Business for the Council meeting of 30 November 2016

(a) **Questions**

(LC Paper No. CB(3)122/16-17)

22. 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**

23. The Chairman said that the Fire Services (Amendment) Bill 2016 would be presented to the Council on 30 November 2016.

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

24. The Chairman said that the Second Reading debate on the Supplementary Appropriation (2015-2016) Bill would be resumed at the meeting.

(d) **Government motion**

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

(e) **Members' motions**

26. The Chairman said that the following two Members' motions without legislative effect would be dealt with at the meeting: (a) Mr Christopher CHEUNG's motion on "Formulating a comprehensive listing policy", which was originally scheduled to be dealt with at the previous Council meetings; and (b) Mr Holden CHOW's motion on "Combating 'bogus refugees'". The wording of Mr CHOW's motion was issued to Members on 17 November 2016 vide LC Paper No. CB(3)136/16-17.

27. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to Mr Holden CHOW's motion would be Wednesday, 23 November 2016.

Report of HC on Consideration of Subsidiary Legislation

28. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)135/16-17), which contained two items of subsidiary legislation (i.e. L.N. 163 and L.N. 164) the period for amendment of which would expire at the Council meeting of 30 November 2016. She reminded Members to indicate their intention by 5:00 pm on Tuesday, 22 November 2016, should they wish to speak on any of these items of subsidiary legislation.

V. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)192/16-17)

29. The Chairman said that as at 17 November 2016, there were 11 subcommittees under HC and five subcommittees on policy issues under Panels in action. Five subcommittees on policy issues were on the waiting list.

VI. Any other business

30. There being no other business, the meeting ended at 3:07 pm.