

立法會
Legislative Council

LC Paper No. CB(2)570/16-17

Ref : CB2/H/5/16

House Committee of the Legislative Council

**Minutes of the 11th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 6 January 2017**

Members present:

Hon Starry LEE Wai-king, SBS, JP (Chairman)
Hon Dennis KWOK Wing-hang (Deputy Chairman)
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 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
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 Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon Jimmy NG Wing-ka, JP
Hon HO Kai-ming
Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai
Hon SHIU Ka-chun
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 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 James TO Kun-sun
Hon CHAN Han-pan, JP
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Kenneth LEUNG
Dr Hon Helena WONG Pik-wan
Hon CHUNG Kwok-pan
Hon CHU Hoi-dick
Dr Hon Junius HO Kwan-yiu, JP
Hon Wilson OR Chong-shing, MH

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
Ms Clara TAM	Acting 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 Bonny LOO	Assistant Legal Adviser 4
Miss Winnie LO	Assistant Legal Adviser 7
Mr YICK Wing-kin	Assistant Legal Adviser 8
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 10th meeting held on 16 December 2016

(LC Paper No. CB(2)515/16-17)

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. Legal Service Division report on subsidiary legislation gazetted on 23 December 2016

(LC Paper No. LS21/16-17)

3. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the report prepared by the Legal Service Division ("LSD") on the Hazardous Chemicals Control Ordinance (Amendment of Schedule 1) Order 2016 (L.N. 194) gazetted on 23 December 2016.

4. Members did not raise any question on the Order.

5. The Chairman reminded Members that the deadline for amending the Order would be the Council meeting of 8 February 2017.

IV. Legal Service Division report on subsidiary legislation gazetted on 30 December 2016

(LC Paper No. LS22/16-17)

6. At the invitation of the Chairman, LA briefed Members on the LSD report on the two items of subsidiary legislation (i.e. the Banking (Disclosure) (Amendment) Rules 2016 (L.N. 195) and the Banking (Specification of Class of Exempted Charges) (Amendment) Notice 2016 (L.N. 196)) gazetted on 30 December 2016.

7. Dr KWOK Ka-ki considered it necessary to form a subcommittee to study the two items of subsidiary legislation in detail. Members agreed. Dr KWOK Ka-ki and Dr YIU Chung-yim agreed to join the proposed subcommittee.

8. Members noted that the deadline for amending the two items of subsidiary legislation would be the Council meeting of 8 February 2017, or that of 1 March 2017 if extended by a resolution of the Council.

V. Business for the Council meeting of 11 January 2017

Report No. 8/16-17 of the House Committee on Consideration of
Subsidiary Legislation and Other Instruments

9. 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 11 January 2017, had been issued to Members.

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The Chairman further said that as Ms Tanya CHAN, Chairman of the Subcommittee on Marine Parks (Designation) (Amendment) Order 2016, and Mr Steven HO had indicated their intention to speak on the Amendment Order, she would, in her capacity as the Chairman of the House Committee ("HC"), move a motion to take note of the Report in relation to the Amendment Order at the meeting.

(a) **Questions**

(LC Paper No. CB(3)249/16-17)

10. 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**

11. The Chairman said that the Arbitration and Mediation Legislation (Third Party Funding) (Amendment) Bill 2016 would be presented to the Council on 11 January 2017 and HC would consider the Bill at its meeting on 13 January 2017.

(c) **Government motion**

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

(d) **Members' motions**

(i) **Proposed resolution to be moved by Ir Dr Hon LO Wai-kwok under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the:**

- **Construction Workers Registration (Exemption) Regulation; and**
- **Construction Workers Registration Ordinance (Amendment of Schedules 1 and 1A) Notice 2016**
(LC Paper No. CB(3)250/16-17)

13. The Chairman said that Ir Dr LO Wai-kwok, Chairman of the Subcommittee on the above two items of subsidiary legislation, would move a proposed resolution at the meeting to extend the period for amending the two items of subsidiary legislation to the Council meeting of 8 February 2017.

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(ii) **Motion on "Striving to make sign language an official language of Hong Kong" to be moved by Hon LEUNG Yiu-chung**

(LC Paper No. CB(3)244/16-17)

(iii) **Motion on "Expectations for the next Chief Executive" to be moved by Hon KWOK Wai-keung**

(LC Paper No. CB(3)245/16-17)

14. Members noted that debates on the above two Members' motions without legislative effect would be held at the meeting.

VI. Business for the Council meeting of 18 January 2017

(a) **The Chief Executive's Policy Address**

15. The Chairman said that the Chief Executive ("CE") would deliver his Policy Address at the meeting.

16. In response to Mr LEUNG Kwok-hung, the Chairman said that Mr LEUNG might, if he so wished, put questions to CE on the progress in implementing the initiatives announced in his past Policy Addresses at CE's Question and Answer Session to be held on 19 January 2017.

(b) **Members' motions**

Proposed resolution to be moved by Hon Claudia MO under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2016 (Commencement) Notice

(LC Paper No. CB(3)252/16-17)

17. The Chairman said that Ms Claudia MO would move a proposed resolution which sought to repeal the above Commencement Notice at the meeting.

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

18. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)255/16-17), which contained three items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 18 January 2017. She reminded Members to indicate their intention by 5:00 pm on Tuesday, 10 January 2017, should they wish to speak on any of these items of subsidiary legislation.

VII. The Chief Executive's Question and Answer Session on 19 January 2017

19. The Chairman said that CE's Question and Answer Session on the Policy Address would be held on 19 January 2017, from 10:30 am to 12:00 noon.

VIII. Reports of Bills Committees and subcommittees

(a) Report of the Subcommittee on Solicitors (Professional Indemnity) (Amendment) Rules 2016 and Solicitors' Practice (Amendment) Rules 2016

(LC Paper No. CB(4)369/16-17)

20. Mr Holden CHOW, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee had no objection to the Rules and would not propose any amendment to them.

(b) Report of the Subcommittee on Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2016 (Commencement) Notice

(LC Paper No. CB(2)517/16-17)

21. Dr Elizabeth QUAT, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Dr QUAT said that while some members of the Subcommittee expressed support for early implementation of the enhanced regulatory regime to put dog breeding activities under licensing control, some other members held the view that as many issues on the new licensing regime remained unresolved, they opposed the commencement of the Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2016. Members noted that Ms Claudia MO would move a proposed resolution seeking to repeal the Commencement Notice at the Council meeting of 18 January 2017.

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22. The Chairman reminded Members that as the period for amending the three items of subsidiary legislation studied by the above two Subcommittees would expire at the Council meeting of 18 January 2017, the deadline for giving notice of amendments, if any, would be Wednesday, 11 January 2017.

IX. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)516/16-17)

23. The Chairman said that as at 5 January 2017, there were three Bills Committees, 13 subcommittees under HC and five subcommittees on policy issues under Panels in action. Five subcommittees on policy issues were on the waiting list.

X. Arrangements for meeting-cum-luncheons between Legislative Council Members and District Council members

(LC Paper No. CB(4)375/16-17)

24. Members agreed to the proposed arrangements set out in paragraphs 6 to 8 of the paper for holding meeting-cum-luncheons with members of District Councils ("DCs"), and annual luncheons with the Chairmen and Vice Chairmen of DCs in the Sixth Legislative Council ("LegCo").

XI. Arrangements for meeting-cum-luncheons between Legislative Council Members and Heung Yee Kuk Councillors

(LC Paper No. CB(4)376/16-17)

25. Members agreed to the proposed arrangements set out in paragraph 4 of the paper for holding regular meetings between LegCo Members and Heung Yee Kuk Councillors in the Sixth LegCo.

XII. Establishment of the Investigation Committee under Rule 49B(2A) of the Rules of Procedure in respect of the motion to censure Dr Hon CHENG Chung-tai

(LC Paper No. CB(3)251/16-17)

26. Members endorsed the following proposals relating to the establishment of the Investigation Committee under Rule 49B(2A) of the Rules of Procedure ("RoP") in respect of the motion to censure Dr CHENG Chung-tai which were set out in paragraph 11 of the paper:

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- (a) a subcommittee needed not be formed to undertake the preparatory work for the establishment of the Investigation Committee;
- (b) the proposed election procedure set out in Appendix II to the paper be adopted for the election of Members for appointment to the Investigation Committee. The voting arrangements under the proposed election procedure were in line with those adopted for the elections of Members for appointment to the Public Accounts Committee, the Committee on Members' Interests and the Committee on Rules of Procedure since the Fifth LegCo; and
- (c) the election of Members for appointment to the Investigation Committee be held at the HC meeting on 20 January 2017.

27. Members also noted that in accordance with paragraph 2 of the approved election procedure, the Secretariat would invite nominations by issuing a circular and a nomination form at least seven clear days before the election date.

XIII. Any other business

Proposal of Dr Hon YIU Chung-yim to seek the House Committee's agreement for asking an urgent oral question on the reported damage to Sha Lo Tung, Tai Po at the Council meeting of 11 January 2017
(*LC Paper No. CB(2)548/16-17(01)*)

28. The Chairman said that RoP 24(4) provided that a Member might seek the permission of the President to ask a question without notice on the ground that it was of an urgent character and related to a matter of public importance. According to rule 10 of the House Rules, to assist the President in considering requests for asking urgent questions without the required notice, the Member concerned should, where practicable, first seek the agreement of HC.

29. At the invitation of the Chairman, Dr YIU Chung-yim said that Sha Lo Tung, Tai Po had been identified by the Government as the area of the second highest ecological value in Hong Kong, comprising ecologically sensitive sites of special scientific interest. It was also one of the priority sites identified for enhanced conservation. However, the recent media reports revealed that there had been unauthorized soil dumping and ditch digging activities at Sha Lo Tung, which had resulted in serious damage

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to the area. As the Environmental Protection Department had failed to curb these illegal activities and the proposal submitted in 2012 by the owner of the private land concerned in Sha Lo Tung to conserve the area through non in-situ land exchange was still yet to be approved by the Government, he considered it necessary to ask an urgent oral question at the Council meeting of 11 January 2017 to elicit a response from the Administration to the relevant issues.

30. Expressing support for Dr YIU Chung-yim's proposal, Dr KWOK Ka-ki cautioned that the ecological value of Sha Lo Tung would be lost if prompt actions were not taken to conserve the area. He therefore considered it necessary to request the Administration to respond to the matter at the earliest possible Council meeting and to urge the relevant bureaux and departments to implement urgent remedial measures to rectify the situation.

31. Mr Jeremy TAM said that ecological and environmental damages were irreversible. Given that Sha Lo Tung had been designated as a site of special scientific interest and a priority site for enhanced conservation, there was an urgent need to request the Administration to respond to the question proposed by Dr YIU Chung-yim before any further damage was done to the area. He supported Dr YIU's proposal.

32. Mr Nathan LAW said that he supported Dr YIU Chung-yim's proposal for the reason that there was information suggesting that the reported damage to Sha Lo Tung might be caused by a developer who sought to develop the area for his own interest. He considered it necessary for LegCo to discuss, as early as practicable, measures to better conserve Sha Lo Tung and to prevent further damage to it arising from developments for private interest.

33. Mr CHAN Hak-kan said that the public had been concerned about the development and conservation of Sha Lo Tung. While he agreed that the issues raised by Dr YIU Chung-yim were of an urgent nature, he did not consider it appropriate to follow up the matter through asking an urgent oral question in Council as the time available for asking and answering an oral question was only around 20 minutes. He suggested that Dr YIU might consider proposing to discuss the matter at a meeting of the relevant Panel(s) such that it could be followed up more thoroughly with the participation of more Members.

34. Dr YIU Chung-yim said that the developer who owned more than 95% of the private land in Sha Lo Tung had publicly stated that he would sell his landholdings if his proposal for non in-situ land exchange for development was not approved by the Government in six months' time.

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He was worried that it would become impossible to implement proposals to conserve the area if the lands therein were under multiple ownership. Given the urgency of the matter and having regard to the consideration that it would take time to make arrangements for the matter to be discussed at a meeting of the relevant Panel(s), he considered it more appropriate to seek the Administration's response on, amongst others, ways to stop illegal destruction of the lands in Sha Lo Tung through asking the proposed question at the Council meeting of 11 January 2017.

35. The Chairman put to vote Dr YIU Chung-yim's proposal to seek HC's agreement for asking an urgent oral question on the reported damage to Sha Lo Tung, Tai Po at the Council meeting of 11 January 2017. Mr LEUNG Kwok-hung requested a division.

The following Members voted in favour of the proposal:

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, Dr KWOK Ka-ki, Mr Dennis KWOK, Dr Fernando CHEUNG, Mr IP Kin-yuen, Mr Alvin YEUNG, Mr Andrew WAN, Mr LAM Cheuk-ting, Mr SHIU Ka-chun, Dr Pierre CHAN, Ms Tanya CHAN, Mr HUI Chi-fung, Dr CHENG Chung-tai, Mr KWONG Chun-yu, Mr Jeremy TAM, Mr Nathan LAW, Dr YIU Chung-yim and Dr LAU Siu-lai.
(24 Members)

The following Members voted against the proposal:

Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Jeffrey LAM, Mr WONG Ting-kwong, Mr CHAN Hak-kan, Mr CHAN Kin-por, Dr Priscilla LEUNG, Mrs Regina IP, Mr Paul TSE, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kwok, Mr Christopher CHEUNG, Dr Elizabeth QUAT, Mr Martin LIAO, Mr POON Siu-ping, Dr CHIANG Lai-wan, Ir Dr LO Wai-kwok, Mr Jimmy NG, Mr Holden CHOW, Mr SHIU Ka-fai, Ms YUNG Hoi-yan, Mr CHAN Chun-ying, Mr CHEUNG Kwok-kwan, Mr LAU Kwok-fan and Mr Kenneth LAU.
(27 Members)

The following Members abstained from voting :

Mr WONG Kwok-kin, Ms Alice MAK, Mr KWOK Wai-keung, Mr HO Kai-ming and Mr LUK Chung-hung.
(5 Members)

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36. The Chairman declared that 24 Members voted for and 27 Members voted against the proposal, and five Members abstained from voting. The Chairman declared that the proposal was not supported.

37. There being no other business, the meeting ended at 3:02 pm.

Council Business Division 2
Legislative Council Secretariat
11 January 2017