

立法會
Legislative Council

LC Paper No. CB(2)724/16-17

Ref : CB2/H/5/16

House Committee of the Legislative Council

**Minutes of the 13th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 20 January 2017**

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
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 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 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 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 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 Jeremy TAM Man-ho
Hon Nathan LAW Kwun-chung
Dr Hon YIU Chung-yim
Dr Hon LAU Siu-lai

Members absent:

Hon Tommy CHEUNG Yu-yan, GBS, JP
Hon Mrs Regina IP LAU Suk-yea, GBS, JP
Hon LEUNG Kwok-hung
Hon KWOK Wai-keung
Hon CHU Hoi-dick
Hon SHIU Ka-chun
Hon HUI Chi-fung
Hon KWONG Chun-yu

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 Thomas WONG	Chief Council Secretary (3)1
Mr Daniel SIN	Chief Council Secretary (4)3
Miss Joyce CHAN	Assistant Legal Adviser 1
Ms Vanessa CHENG	Assistant Legal Adviser 5
Ms Wendy KAN	Assistant Legal Adviser 6
Miss Winnie LO	Assistant Legal Adviser 7
Ms Clara TAM	Assistant Legal Adviser 9
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 12th meeting held on 13 January 2017

(LC Paper No. CB(2)629/16-17)

The minutes were confirmed.

II. Matters arising

Report by the Chairman on her meeting with the Chief Secretary for Administration

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Motion on "Expectations for the next Chief Executive" moved by Mr KWOK Wai-keung

2. The Chairman said that at the Council meeting of 11 January 2017, Members from different political parties and groupings had expressed dissatisfaction with the Administration for not fielding any government officials to attend the debate on the above motion. As the Chairman of the House Committee ("HC"), she had conveyed to Mr Matthew CHEUNG, the newly-appointed Chief Secretary for Administration ("CS"), some Members' views in this regard. The Deputy Chairman had also presented to CS a letter jointly signed by 27 non-establishment Members expressing their dissatisfaction over the matter.

Communication with the Legislative Council

3. The Chairman further informed Members that CS had indicated that he would endeavour to communicate with the Legislative Council ("LegCo") in the remaining tenure of the current-term Government with a view to improving the relationship between the Executive Authorities and the Legislature. CS also said that he looked forward to communicating with LegCo through his regular meetings with the Chairman and Deputy Chairman of HC.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 13 January 2017 and tabled in Council on 18 January 2017
(LC Paper No. LS24/16-17)

4. At the invitation of the Chairman, Legal Adviser briefed Members on the report prepared by the Legal Service Division on the seven items of subsidiary legislation (i.e. L.N. 1 to L.N. 7) gazetted on 13 January 2017 and tabled in Council on 18 January 2017.

5. Ms Tanya CHAN considered it necessary to form a subcommittee to study in detail the six items of subsidiary legislation made under the Public Bus Services Ordinance (Cap. 230) to update the schedules of bus routes operated by the five franchised bus companies (i.e. L.N. 1 to L.N. 6). Members agreed. Ms Tanya CHAN agreed to join the proposed subcommittee.

6. Members did not raise any question on the Construction Workers Registration Ordinance (Commencement) Notice 2017 (L.N. 7).

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7. Members noted that the deadline for amending the above seven items of subsidiary legislation would be the Council meeting of 15 February 2017, or that of 22 March 2017 if extended by a resolution of the Council.

IV. Reports of Bills Committees and subcommittees

(a) **Report of the Subcommittee on Port Control (Cargo Working Areas) (Amendment) Regulation 2016**
(LC Paper No. CB(4)436/16-17)

8. Mr WONG Ting-kwong, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee supported the Amendment Regulation and would not propose any amendment to it.

(b) **Report of the Subcommittee on Construction Workers Registration (Exemption) Regulation and Construction Workers Registration Ordinance (Amendment of Schedules 1 and 1A) Notice 2016**
(LC Paper No. CB(1)428/16-17)

9. Ir Dr LO Wai-kwok, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee did not object to the two items of subsidiary legislation and would not propose any amendment to them.

(c) **Report of the Subcommittee on Merchant Shipping (Local Vessels) (General) (Amendment) Regulation 2016 and Merchant Shipping (Local Vessels) (Safety and Survey) (Amendment) Regulation 2016**
(LC Paper No. CB(4)446/16-17)

10. Mr Frankie YICK, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee supported the two Amendment Regulations and would not propose any amendment to them.

11. The Chairman reminded Members that as the period for amending the five items of subsidiary legislation studied by the above three Subcommittees would expire at the Council meeting of 8 February 2017, the deadline for giving notice of amendments, if any, would be Wednesday, 1 February 2017.

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

(LC Paper No. CB(2)632/16-17)

12. Mr Paul TSE, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report.

13. Mr Alvin YEUNG pointed out that four members of the Subcommittee, including himself, were of the view that the membership size of the Select Committee on the Petition Presented at the Council Meeting of 2 November 2016 ("the Select Committee") should be set at 13 to allow more Members to participate in its work. However, their proposal was not supported by the majority of the Subcommittee members when it was put to vote.

14. Members noted the Subcommittee's recommendations on the name and terms of reference of the Select Committee set out in paragraphs 8 and 9 of the report, and endorsed the Subcommittee's recommendations on the membership size of the Select Committee and the procedure for nomination and election of members for appointment to the Select Committee set out in paragraphs 11 and 12 of the report. Members also agreed that the nomination and election be held at the next HC meeting on 3 February 2017.

V. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)630/16-17)

15. The Chairman said that as at 19 January 2017, there were four Bills Committees, 12 subcommittees under HC and five subcommittees on policy issues under Panels in action. Five subcommittees on policy issues were on the waiting list.

VI. Paper of the Committee on Rules of Procedure

Formalizing the interim arrangements relating to the ringing of the division bell at Council meetings and voting bell at committee meetings

(LC Paper No. CROP23/16-17)

16. Mr Paul TSE, Chairman of the Committee on Rules of Procedure ("CRoP"), briefed Members on CRoP's proposal to amend the Rules of Procedure ("RoP") and the House Rules to formalize the interim

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arrangements relating to the ringing of the division bell at Council meetings and voting bell at committee meetings, details of which were set out in paragraph 6 of and Appendices I and II to the paper. Members agreed to the proposal.

17. Members noted that the Chairman of CRoP would move a motion at a Council meeting to amend the relevant rules of RoP and that the wording of the motion was set out in Appendix III to the paper.

VII. Election of Members for appointment to the Investigation Committee established 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)284/16-17)

18. The Chairman said that under RoP 73A(1), an investigation committee established under RoP 49B(2A) should consist of a chairman, a deputy chairman and five members who should be Members appointed by the President in accordance with an election procedure determined by HC. The mover of the censure motion, the three Members jointly signing the motion, and the Member who was the subject of the motion should not be appointed to the investigation committee. At the HC meeting on 6 January 2017, Members agreed to adopt the procedure set out in Appendix II to LC Paper No. CB(3)251/16-17 for the election of Members for appointment by the President to the Investigation Committee established under RoP 49B(2A) in respect of the motion to censure Dr Hon CHENG Chung-tai ("the Investigation Committee").

19. The Chairman further said that according to LC Paper No. CB(3)284/16-17, a total of five valid nominations were received by the nomination deadline (i.e. 12:00 midnight on Monday, 16 January 2017) for the election of Members for appointment to the Investigation Committee. The five nominees were Dr Junius HO, Mr SHIU Ka-fai, Mr CHAN Chun-ying, Mr CHEUNG Kwok-kwan and Mr LUK Chung-hung. As the number of nominations received was less than seven, further nominations might be proposed at the meeting in accordance with the agreed election procedure. The Chairman then invited further nominations from Members. Two further valid nominations were made and the nominees were Dr Priscilla LEUNG and Dr Elizabeth QUAT.

20. As the total number of valid nominations received was equal to seven, the Chairman declared the following seven nominees elected for appointment to the Investigation Committee:

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Dr Junius HO
Mr SHIU Ka-fai
Mr CHAN Chun-ying
Mr CHEUNG Kwok-kwan
Mr LUK Chung-hung
Dr Priscilla LEUNG
Dr Elizabeth QUAT

21. The Chairman suspended the meeting to allow the elected Members to elect amongst themselves the Members to be nominated for appointment as the Chairman and Deputy Chairman of the Investigation Committee.

(The meeting was suspended at 2:54 pm and resumed at 2:59 pm.)

22. The Chairman informed Members that Dr Priscilla LEUNG and Dr Junius HO were nominated for appointment as the Chairman and Deputy Chairman of the Investigation Committee respectively. Members endorsed the results of the election of the Chairman and Deputy Chairman of the Investigation Committee.

23. The Chairman said that the membership of the Investigation Committee would be submitted to the President for appointment.

VIII. Senior judicial appointments

(Director of Administration's letter dated 17 January 2017)

24. The Chairman said that the Chief Executive had announced on 18 January 2017 his acceptance of the recommendations of the Judicial Officers Recommendation Commission to appoint the Honourable Chief Justice Robert FRENCH AC and the Right Honourable Lord REED to the Court of Final Appeal as non-permanent judges from other common law jurisdictions. The Chairman further said that in accordance with the procedure for endorsement of appointment of judges by LegCo which was endorsed by HC on 16 May 2003, it was for HC to decide whether it was necessary to form a subcommittee to consider the recommended appointments.

25. The Deputy Chairman considered it necessary to form a subcommittee to consider the recommended appointments. Members agreed. The following Members agreed to join the subcommittee: Dr Priscilla LEUNG, Mr Dennis KWOK, Dr Junius HO and Mr Holden CHOW.

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26. Members noted that the Administration would move a motion to seek LegCo's endorsement of the recommended appointments after the subcommittee had reported its deliberations to HC.

IX. Any other business

27. There being no other business, the meeting ended at 3:01 pm.

Council Business Division 2
Legislative Council Secretariat
1 February 2017