

立法會
Legislative Council

LC Paper No. CB(2)763/16-17

Ref : CB2/H/5/16

House Committee of the Legislative Council

**Minutes of the 14th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 3 February 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
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 Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon LEUNG Kwok-hung
Hon Claudia MO
Hon Steven HO Chun-yin, BBS
Hon Frankie YICK Chi-ming, JP
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
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
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 Alvin YEUNG
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 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 :

Prof Hon Joseph LEE Kok-long, SBS, JP
Hon Michael TIEN Puk-sun, BBS, JP
Hon MA Fung-kwok, SBS, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Hon Martin LIAO Cheung-kong, SBS, JP
Hon CHUNG Kwok-pan
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick

Clerk in attendance :

Miss Flora TAI Clerk to the House Committee

Staff in attendance :

Mr Kenneth CHEN, SBS	Secretary General
Mr Stephen LAM	Acting 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 Kelvin LEE	Senior Assistant Legal Adviser 3
Miss Erin TSANG	Acting Principal Council Secretary 1
Ms Hallie CHAN	Head (Public Information)
Ms Alice LEUNG	Chief Council Secretary (2)6
Miss Joyce CHAN	Assistant Legal Adviser 1
Miss Evelyn LEE	Assistant Legal Adviser 10
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 13th meeting held on 20 January 2017
(*LC Paper No. CB(2)724/16-17*)

The minutes were confirmed.

II. Matters arising

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

Progress of the work of the Legislative Council ("LegCo")

2. The Chairman said that the Chief Secretary for Administration ("CS") expressed concern about the progress of various work of LegCo. CS was worried that the situation concerned might have read-across

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implications on the implementation of the policy measures in the 2017 Policy Address by various policy bureaux, particularly those benefitting people's livelihood. CS hoped that having more communication with various political parties and groupings through the Chairman and Deputy Chairman of the House Committee ("HC") would expedite the progress of scrutiny.

3. The Deputy Chairman said that he had told CS clearly that CS should make proactive liaison with Members from various political parties and groupings as early as possible so that the Administration could have a better understanding of Members' views on its proposals at the earliest stage. The Chairman said that to her understanding, CS was actively making appointments to meet with various political parties and groupings.

III. Legal Service Division report on subsidiary legislation gazetted on 20 January 2017

(LC Paper No. LS27/16-17)

4. At the invitation of the Chairman, Acting Legal Adviser ("Acting LA") briefed Members on the report prepared by the Legal Service Division ("LSD") on four items of subsidiary legislation (i.e. L.N. 10 to L.N. 13) which were gazetted on 20 January 2017 and would be tabled in LegCo on 8 February 2017.

5. Dr KWOK Ka-ki considered it necessary to form a subcommittee to study the Minimum Wage Ordinance (Amendment of Schedule 3) Notice 2017 (L.N. 10) and the Employment Ordinance (Amendment of Ninth Schedule) Notice 2017 (L.N. 12) in detail. Members agreed. Mr LEUNG Yiu-chung and Dr KWOK Ka-ki agreed to join the proposed subcommittee.

6. Members did not raise any question on the other two items of subsidiary legislation (i.e. L.N. 11 and L.N. 13).

7. Members noted that the deadline for amending the above four items of subsidiary legislation would be the Council meeting of 1 March 2017, or that of 29 March 2017 if extended by a resolution of the Council.

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IV. Legal Service Division report on subsidiary legislation gazetted on 27 January 2017

(LC Paper No. LS28/16-17)

8. At the invitation of the Chairman, Acting LA briefed Members on the report prepared by LSD on the United Nations Sanctions (Somalia) (Amendment) Regulation 2017 ("the Regulation") (i.e. L.N. 15) which was gazetted on 27 January 2017. Members noted that the Regulation was made under the United Nations Sanctions Ordinance (Cap. 537) which was not required to be tabled in LegCo and was not subject to amendment by LegCo.

9. Members agreed that the Regulation 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 it came within the Subcommittee's terms of reference.

V. Business for the Council meeting of 8 February 2017

(a) Tabling of papers

Report No. 10/16-17 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

(LC Paper No. CB(2)726/16-17)

10. The Chairman said that the Report covered six items of subsidiary legislation and the period for amending those items would expire at the Council meeting of 8 February 2017.

11. The Chairman informed Members that as Ir Dr LO Wai-kwok, Chairman of the Subcommittee on Construction Workers Registration (Exemption) Regulation and Construction Workers Registration Ordinance (Amendment of Schedules 1 and 1A) Notice 2016, and Mr Abraham SHEK had indicated their intention to speak on the two items of subsidiary legislation, she would, in her capacity as the HC Chairman, move a motion to take note of the Report in relation to the two items of subsidiary legislation at the Council meeting of 8 February 2017.

(b) Questions

(LC Paper No. CB(3)298/16-17)

12. The Chairman said that 22 questions (six oral and 16 written) had been scheduled for the meeting.

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(c) **Bills - First Reading and moving of Second Reading**

(i) **Apology Bill**

(ii) **Stamp Duty (Amendment) Bill 2017**

13. The Chairman said that the above two Bills would be dealt with at the HC meeting on 10 February 2017.

(d) **Government motion**

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

(e) **Members' motions**

(i) **Proposed resolution to be moved by Hon CHAN Chun-ying under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the:**

- **Banking (Disclosure) (Amendment) Rules 2016; and**
- **Banking (Specification of Class of Exempted Charges) (Amendment) Notice 2016**

(LC Paper No. CB(3)288/16-17)

15. The Chairman said that Mr CHAN Chun-ying, 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 subsidiary legislation to the Council meeting of 1 March 2017.

(ii) **Proposed resolution to be moved by Hon Paul TSE under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China**

(LC Paper No. CB(3)289/16-17)

16. The Chairman said that Mr Paul TSE, Chairman of the Committee on Rules of Procedure, would move a proposed resolution at the meeting to amend the Rules of Procedure to formalize the interim arrangements relating to the ringing of the division bell at Council meetings.

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(iii) **Motion on "Urging the Government to step up the regulation of money lenders and financial intermediaries" to be moved by Hon Alice MAK**
(LC Paper No. CB(3)291/16-17)

(iv) **Motion on "Expediently conducting a comprehensive review of the Government's service outsourcing system" to be moved by Hon LUK Chung-hung**
(LC Paper No. CB(3)292/16-17)

17. 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 on 15, 16 and 17 February 2017

(a) **Questions**
(LC Paper No. CB(3)299/16-17)

18. The Chairman said that 22 written questions had been scheduled for the meeting.

(b) **Members' motion**

Motion of Thanks
(LC Paper No. CB(2)727/16-17(01))

19. The Chairman informed Members that she, as the HC Chairman, would move the Motion of Thanks at the meeting, and the deadline for giving notice of amendments would be Wednesday, 8 February 2017.

20. The Chairman said that Members noted the arrangements for the debate on the 2017 Policy Address at the HC meeting on 13 January 2017. The debate would be held on three consecutive days in five sessions. The details of the grouping of policy areas for the five debate sessions proposed by the Administration were set out in the Annex to the Director of Administration's letter dated 23 January 2017.

21. Members agreed to the proposed grouping of policy areas.

Report of HC on Consideration of Subsidiary Legislation

22. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)306/16-17), which contained seven items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 15 February 2017. She reminded Members to indicate their intention by 5:00 pm on Tuesday, 7 February 2017, should they wish to speak on any of those items of subsidiary legislation.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)725/16-17)

23. The Chairman said that as at 2 February 2017, there were four Bills Committees, 10 subcommittees under HC and five subcommittees on policy issues under Panels in action. Five subcommittees on policy issues were on the waiting list.

VIII. Nomination and election of Members for appointment to the Select Committee to Inquire into Matters about the Agreement between Mr LEUNG Chun-ying and the Australian firm UGL Limited

(Paragraphs 12 to 14 of the minutes of the 13th House Committee meeting on 20 January 2017)

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

24. The Chairman said that at the HC meeting on 20 January 2017, Members agreed to adopt the procedure set out in paragraph 12 of LC Paper No. CB(2)632/16-17 for the nomination and election of 11 Members for appointment by the President to the Select Committee to Inquire into Matters about the Agreement between Mr LEUNG Chun-ying and the Australian firm UGL Limited ("the Select Committee"). The Chairman then invited nominations from Members.

25. A total of 11 valid nominations were made. As the total number of valid nominations received was equal to the number required for appointment (i.e. 11), the Chairman declared the following 11 nominees elected for appointment to the Select Committee:

Dr Priscilla LEUNG
Mr Holden CHOW
Mr LAM Cheuk-ting
Ms YUNG Hoi-yan

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Mr Andrew WAN
Dr Junius HO
Mr WONG Kwok-kin
Mr Kenneth LEUNG
Mr MA Fung-kwok
Mr Paul TSE
Mr Alvin YEUNG

26. The Chairman suspended the meeting for 10 minutes to allow the elected Members to elect amongst themselves the Chairman and Deputy Chairman of the Select Committee.

(The meeting was suspended at 2:50 pm and resumed at 3:00 pm.)

27. The Chairman informed Members that Mr Paul TSE and Mr Holden CHOW were elected as the Chairman and Deputy Chairman of the Select Committee respectively. Members endorsed the results of the election of the Chairman and Deputy Chairman of the Select Committee.

28. The Chairman further said that the membership of the Select Committee would be submitted to the President for appointment.

IX. Any other business

Proposal of Hon Claudia MO to seek the House Committee's agreement for asking an urgent oral question at the Council meeting of 8 February 2017 on the incident concerning businessman Mr XIAO Jianhua reportedly being seized from Hong Kong and taken to the Mainland

(LC Paper No. CB(2)732/16-17(01))

29. At the invitation of the Chairman, Ms Claudia MO said that there was wide coverage of the incident concerning businessman Mr XIAO Jianhua reportedly being seized from Hong Kong and taken to the Mainland ("the Incident") in the international media. The proposed urgent oral question was not only concerned about the personal safety of Mr XIAO, but also about whether the principle of "one country, two systems" had been compromised and whether the status of Hong Kong as an international financial centre had been shaken. Ms MO further said that the Incident was even more alarming than the incident of the alleged disappearance of Mr LEE Po, a shareholder of Causeway Bay Books

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("the incident of Mr LEE Po"), given that Mr XIAO was well known in the international financial sector and had reportedly claimed that he was holding a Canadian passport and also a diplomatic passport. If the Incident did, as alleged, involve cross-boundary law enforcement by Mainland public security officers, Hong Kong's status as an international financial centre would be put in jeopardy. She therefore considered that there was urgency for the Administration to respond to various queries about the Incident.

30. Mr Jeremy TAM said that Members of the Civic Party supported Ms Claudia MO's proposal. In his view, given that the Incident which had aroused public concerns was widely reported by the international and local media, it was incumbent upon the Administration to respond to Members' questions about the Incident, including whether it was a recurrence of the incident of Mr LEE Po which allegedly involved cross-boundary law enforcement, and whether local triads were, as alleged, involved in taking Mr XIAO Jianhua to the Mainland.

31. Mr James TO considered that the Incident should be treated seriously. He said that the family member of Mr XIAO Jianhua had reported the case to the Police for assistance and although Mr XIAO's family member had subsequently requested the Police to withdraw the "Request for Police Assistance" report, the Police had continued to investigate the case. Furthermore, as Hong Kong was an international financial centre and Mr XIAO had substantial business interests in both Hong Kong and the Mainland, the Incident had attracted international attention. Mr TO therefore considered that there was urgency for asking the proposed urgent oral question so as to elicit replies from the Administration on what it had done in following up the Incident.

32. Mr WONG Kwok-kin said that he did not support Ms MO's proposal. He did not see any urgency in asking the proposed question as there were ongoing developments in the Incident and relevant information was not yet available. Mr WONG further said that while he did not object to a question to be raised on the Incident, he considered that Members should follow the allocation system for the asking of questions at Council meetings.

33. Dr CHIANG Lai-wan said that Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong objected to any cross-boundary law enforcement. She, however, noted that Mr XIAO Jianhua had made a statement saying that everything was fine and he had not been kidnapped. Mr XIAO's family member had

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already requested the Police to withdraw the "Request for Police Assistance" report and there was reportedly an official record of Mr XIAO's departure from Hong Kong. She therefore did not see the need for Ms Claudia MO to ask the proposed urgent question.

34. The Deputy Chairman expressed support for Ms Claudia MO's proposal. He said that given that the Incident had caused negative impact on the implementation of "one country, two systems" in Hong Kong and the status of Hong Kong as an international financial centre, the Administration had the responsibility to explain the Incident and elaborate on the follow-up actions that it had taken. The Administration should also clarify when it would be notified under the Arrangements on the Establishment of a Reciprocal Notification Mechanism between the Mainland Public Security Authorities and the Hong Kong Police ("the Notification Mechanism") if Mr XIAO Jianhua had indeed been arrested by the Mainland authorities and the course of actions that the Administration would take if such notification was received.

35. Mr LEUNG Kwok-hung considered it necessary to follow up the Incident by asking the proposed urgent oral question. In his view, the Administration should respond to Members' queries about the Incident, including why the Police continued to investigate the case even though the family member of Mr XIAO Jianhua had requested the Police to withdraw the "Request for Police Assistance" report, and whether the Police had been notified of the detention of Mr XIAO in the Mainland through the Notification Mechanism.

36. Mr LEUNG Yiu-chung said that he supported Ms Claudia MO's proposal. Given the extensive media coverage of and various conjectures about the Incident, there was urgency for the Administration to respond to Members' questions and concerns about the Incident. He considered that the Administration should make clarifications on the Incident at the earliest possible opportunity so as to clear the doubts surrounding the Incident and prevent further negative impacts caused by it.

37. Mr Paul TSE said that he did not support Ms Claudia MO's proposal as, in his view, Ms MO's proposed question was not of an urgent character. He further said that Ms MO's concerns about the upholding of the principle of "one country, two systems" and Hong Kong's status as an international financial centre could not be resolved simply by asking the proposed question. He also considered it unreasonable for some Members to remain unconvinced by the statement made by Mr XIAO Jianhua himself and keep pursuing the Incident based on hearsay.

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38. Ms Claudia MO reiterated her view that as the Incident had been extensively covered by the international media, the credibility of the Hong Kong Government and the status of Hong Kong as an international financial centre were at stake. She stressed that there was urgency for asking the proposed question at the Council meeting of 8 February 2017, and called on other Members to support her proposal.

39. The Chairman put to vote the proposal of Ms Claudia MO to seek HC's agreement for asking an urgent oral question at the Council meeting of 8 February 2017 on the incident concerning businessman Mr XIAO Jianhua reportedly being seized from Hong Kong and taken to the Mainland. Ms Claudia MO requested a division.

The following Members voted in favour of the proposal:

Mr James TO, Mr LEUNG Yiu-chung, Mr LEUNG Kwok-hung, Ms Claudia MO, Mr WU Chi-wai, Mr Charles MOK, Mr CHAN Chi-chuen, Mr Kenneth LEUNG, Mr Dennis KWOK, Dr Fernando CHEUNG, Dr Helena WONG, Mr IP Kin-yuen, Mr Alvin YEUNG, Mr LAM Cheuk-ting, Mr SHIU Ka-chun, Ms Tanya CHAN, Dr CHENG Chung-tai, Mr KWONG Chun-yu, Mr Jeremy TAM, Mr Nathan LAW, Dr YIU Chung-yim and Dr LAU Siu-lai.

(22 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, Mr WONG Kwok-kin, Mrs Regina IP, Mr Paul TSE, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Dr Elizabeth QUAT, Mr POON Siu-ping, Dr CHIANG Lai-wan, Ir Dr LO Wai-kwok, Mr Jimmy NG, Dr Junius HO, Mr HO Kai-ming, Mr Holden CHOW, Mr SHIU Ka-fai, Mr Wilson OR, Ms YUNG Hoi-yan, Mr CHAN Chun-ying, Mr CHEUNG Kwok-kwan, Mr LUK Chung-hung, Mr LAU Kwok-fan and Mr Kenneth LAU.

(33 Members)

40. The Chairman declared that 22 Members voted for and 33 Members voted against the proposal and no Member abstained from voting. The Chairman declared that the proposal was not supported.

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41. There being no other business, the meeting ended at 3:18 pm.

Council Business Division 2
Legislative Council Secretariat
9 February 2017