

立法會
Legislative Council

LC Paper No. CB(2)1035/16-17

Ref : CB2/H/5/16

House Committee of the Legislative Council

**Minutes of the 17th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 17 March 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-yea, 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 Alice MAK Mei-ken, BBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung

Hon Christopher CHEUNG Wah-fung, SBS, JP
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 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
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 Kenneth LEUNG
Dr Hon Fernando CHEUNG Chiu-hung
Hon CHUNG Kwok-pan
Hon YUNG Hoi-yan
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 YICK Wing Kin	Acting 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
Miss Joyce CHAN	Assistant Legal Adviser 1
Miss Rachel DAI	Assistant Legal Adviser 2
Mr Bonny LOO	Assistant Legal Adviser 4
Ms Wendy KAN	Assistant Legal Adviser 6
Miss Winnie LO	Assistant Legal Adviser 7
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

Action

I. Confirmation of minutes of meeting

Minutes of 16th meeting held on 24 February 2017
(LC Paper No. CB(2)982/16-17)

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)**

Cross-boundary Movement of Physical Currency and Bearer Negotiable Instruments Bill

(LC Paper No. LS44/16-17)

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

4. Dr Helena WONG considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Dr Helena WONG agreed to join the proposed Bills Committee.

(b) **Legal Service Division report on subsidiary legislation gazetted on 24 February 2017 and tabled in Council on 1 March 2017**

(LC Paper No. LS40/16-17)

5. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on three items of subsidiary legislation (i.e. L.N. 27 to L.N. 29) which were gazetted on 24 February 2017 and tabled in Council on 1 March 2017.

6. Mr WU Chi-wai considered it necessary to form a subcommittee to study the Copyright Tribunal Rules (L.N. 29) in detail. Members agreed. Mr WU Chi-wai and Mr Dennis KWOK agreed to join the proposed subcommittee. As the deadline for amending the Rules would be the Council meeting of 29 March 2017 unless extended by a resolution of the Council, Members also agreed that the Chairman should, in her capacity as the Chairman of the House Committee ("HC"), move a motion at the Council meeting of 22 March 2017 to extend the scrutiny period of the Rules to the Council meeting of 26 April 2017.

7. Members did not raise any question on the other two items of subsidiary legislation (i.e. L.N. 27 and L.N. 28). The Chairman reminded Members that the deadline for amending these two items of subsidiary legislation would be the Council meeting of 29 March 2017.

Action

IV. Legal Service Division report on subsidiary legislation gazetted on 10 March 2017

(LC Paper No. LS42/16-17)

8. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on three items of subsidiary legislation (i.e. the Road Tunnels (Government) (Amendment) Regulation 2017 (L.N. 34), the Tsing Ma Control Area (Tolls, Fees and Charges) (Amendment) Regulation 2017 (L.N. 35), and the Tsing Sha Control Area (Tolls, Fees and Charges) (Amendment) Regulation 2017 (L.N. 36)) which were gazetted on 10 March 2017 and would be tabled in Council on 22 March 2017.

9. Mr Jeremy TAM considered it necessary to form a subcommittee to study the three Amendment Regulations in detail. Members agreed. Mr Charles MOK, Dr KWOK Ka-ki and Mr Jeremy TAM agreed to join the subcommittee.

10. Members noted that the deadline for amending the three Amendment Regulations would be the Council meeting of 12 April 2017, or that of 10 May 2017 if extended by a resolution of the Council.

V. Legal Service Division report on subsidiary legislation gazetted on 13 March 2017

(LC Paper No. LS45/16-17)

11. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the Antiquities and Monuments (Declaration of Proposed Monument) (Hung Lau) Notice (L.N. 37) which was gazetted on 13 March 2017 and would be tabled in Council on 22 March 2017.

12. Dr KWOK Ka-ki considered it necessary to form a subcommittee to study the Notice in detail. Members agreed. Dr KWOK Ka-ki and Mr KWONG Chun-yu agreed to join the proposed subcommittee.

13. Members noted that the deadline for amending the Notice would be the Council meeting of 12 April 2017, or that of 10 May 2017 if extended by a resolution of the Council.

VI. Business for the Council meeting of 22 March 2017

(a) Tabling of papers

Report No. 13/16-17 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
(*LC Paper No. CB(2)984/16-17*)

14. The Chairman said that the Report covered six items of subsidiary legislation and the period for amending them would expire at the Council meeting of 22 March 2017. No Member had indicated intention to speak on the subsidiary legislation.

(b) Questions

(*LC Paper No. CB(3)399/16-17*)

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

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

(i) Inland Revenue (Amendment) (No. 2) Bill 2017

(ii) Inland Revenue (Amendment) Bill 2017

(iii) Travel Industry Bill

16. The Chairman said that HC would consider the above three Bills at its meeting on 24 March 2017.

(d) Government motion

Proposed resolution to be moved by the Secretary for Financial Services and the Treasury under section 7(1) of the Public Finance Ordinance (Cap. 2)
(*LC Paper No. CB(3)365/16-17*)

17. Members noted that the Administration would move the above proposed resolution at the meeting.

(e) **Members' motions**

- (i) **Proposed resolution to be moved by Hon Frankie YICK under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the Air Pollution Control (Vehicle Design Standards) (Emission) (Amendment) Regulation 2017**
(LC Paper No. CB(3)395/16-17)

18. The Chairman said that Mr Frankie YICK, Chairman of the Subcommittee on the above Regulation, would move a proposed resolution at the meeting to extend the period for amending the Regulation to the Council meeting of 12 April 2017.

- (ii) **Motion on "Giving full play to the edges of local tourism resources" to be moved by Hon YIU Si-wing**
(LC Paper No. CB(3)390/16-17)
- (iii) **Motion on "Ensuring the fair conduct of the Chief Executive Election" to be moved by Dr Hon YIU Chung-yim**
(LC Paper No. CB(3)389/16-17)

19. The Chairman said that debates on the above two Members' motions without legislative effect would be held at the meeting.

VII. Business for the Council meeting of 29 March 2017

- (a) **Questions**
(LC Paper No. CB(3)400/16-17)

20. 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**

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

(c) **Government motions**

- (i) **Proposed resolution to be moved by the Chief Secretary for Administration under Article 73(7) of the Basic Law and section 7A of the Hong Kong Court of Final Appeal Ordinance (Cap. 484)**
(*LC Paper No. CB(3)397/16-17*)

22. Members noted that the Administration would move the above proposed resolution at the meeting.

- (ii) **Two proposed resolutions to be moved by the Chief Secretary for Administration under the following two Ordinances:**

- **Criminal Procedure Ordinance (Cap. 221); and**
- **Coroners Ordinance (Cap. 504)**

(*LC Paper No. CB(3)372/16-17*)

(*LC Paper No. LS43/16-17*)

23. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the above two proposed resolutions. Members did not raise any question and had no objection to the Administration moving the two proposed resolutions at the Council meeting of 29 March 2017.

- (iii) **Proposed resolution to be moved by the Secretary for Transport and Housing under section 23(3) of the Road Traffic Ordinance (Cap. 374)**

(*LC Paper No. CB(3)398/16-17*)

(*LC Paper No. LS41/16-17*)

24. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the above proposed resolution. Members noted that the purpose of the proposed resolution was to seek the approval of the Legislative Council ("LegCo") to extend the effective period of the current statutory limit on the number of registered public light buses ("PLBs") at 4 350 for five years until 20 June 2022.

Action

25. In response to Mr James TO's enquiry about the mechanism for the extension of the effective period of the statutory limit on the number of PLBs, LA advised that the total number of vehicles which might be registered as PLBs had been capped at 4 350 since 1976. The statutory limit was originally set out in the Public Light Buses (Limitation on Number) Notice (Cap. 374K) made by the Chief Executive in Council ("CE in Council") under section 23(1) of the Road Traffic Ordinance (Cap. 374). Pursuant to section 23(2) and (3) of Cap. 374, the limit so imposed by Cap. 374K should remain in force for such period not exceeding 12 months unless extended by a resolution of LegCo. The effective period of such statutory limit had been extended from time to time through resolutions passed by LegCo, and it was last extended in 2011 for a period of five years up to 20 June 2016. The effective period of the statutory limit as stipulated in Cap. 374K, however, had not been further extended as the resolution proposed to be moved by the Secretary for Transport and Housing in 2016 for its extension was not dealt with by LegCo before its expiry on 20 June 2016. A fresh notice (i.e. the Road Traffic (Public Light Buses: Limit on Number) Notice 2016 (L.N. 101 of 2016)) had since been made by CE in Council to repeal Cap. 374K and impose the same statutory limit for 12 months up to 20 June 2017. A subcommittee had been formed to study L.N. 101 of 2016.

26. Mr James TO said that the Administration should provide information on its latest review on the statutory limit on the number of PLBs, including any relevant assessment(s) conducted, to support its proposal to maintain the existing statutory limit. He enquired whether the Administration had provided any such information to LegCo. Mr LEUNG Kwok-hung considered it necessary for LegCo to review the appropriateness of the existing statutory limit on the number of PLBs which had been in force since 1976. Dr Helena WONG said that it was her understanding that the Administration's proposal to extend the effective period of the existing statutory limit on the number of PLBs for another five years had not been discussed by the Panel on Transport in the current LegCo term. She considered it necessary for the Administration to provide information on whether any review on the existing statutory limit had been conducted and if so, the review outcome, so as to facilitate Members' consideration of whether the limit should be maintained. Dr WONG suggested that a subcommittee be formed to study the proposed resolution in detail. Members raised no objection. Mr LEUNG Kwok-hung and Dr Helena WONG agreed to join the proposed subcommittee.

Action

27. Mr Frankie YICK said that he recalled that the Panel on Transport had been briefed on issues relating to the statutory limit on the number of PLBs and members of the Panel supported maintaining the existing limit at 4 350. He suggested that the relevant paper(s) provided by the Administration to the Panel be circulated to Members for reference.

28. The Chairman informed Members that in line with the established practice and the arrangement agreed with the Administration, the Administration would be requested to withdraw its notice for moving the proposed resolution so as to allow sufficient time for the proposed subcommittee to carry out its scrutiny work. The Chairman further directed that to facilitate Members' consideration of whether to join the proposed subcommittee, the relevant paper(s) previously provided by the Administration to the Panel on Transport should be circulated to Members for reference.

(Post-meeting note: Members were informed vide LC Paper No. CB(4)725/16-17 on 20 March 2017 that the Panel on Transport had been briefed on 6 November 2015 on the findings of the Administration's review on the statutory limit on the number of PLBs under the Public Transport Strategy Study. Details of the findings and recommendations are set out in LC Paper No. CB(4)119/15-16(06), which is available at <http://www.legco.gov.hk/yr15-16/english/panels/tp/papers/tp20151106cb4-119-6-e.pdf>.)

(d) Members' motions

(i) Motion on "Urgently improving public healthcare services in Kowloon East" to be moved by Hon Wilson OR

(LC Paper No. CB(3)411/16-17)

(ii) Motion on "Urging the next Chief Executive to reactivate constitutional reform" to be moved by Dr Hon KWOK Ka-ki

(LC Paper No. CB(3)410/16-17)

29. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above two motions would be Wednesday, 22 March 2017.

Report of HC on Consideration of Subsidiary Legislation

30. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)405/16-17), which contained six items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 29 March 2017. She reminded Members to indicate their intention by 5:00 pm on Tuesday, 21 March 2017, should they wish to speak on any of these items of subsidiary legislation.

VIII. Reports of Bills Committees and subcommittees

Report of the Subcommittee on Minimum Wage Ordinance (Amendment of Schedule 3) Notice 2017 and Employment Ordinance (Amendment of Ninth Schedule) Notice 2017

(LC Paper No. CB(2)985/16-17)

31. Mr Wilson OR, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee would not propose any amendment to the two Notices.

32. The Chairman reminded Members that as the period for amending the two Notices would expire at the Council meeting of 29 March 2017, the deadline for giving notice of amendments, if any, would be Wednesday, 22 March 2017.

IX. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)983/16-17)

33. The Chairman said that as at 16 March 2017, there were five Bills Committees, 10 subcommittees under HC and five subcommittees on policy issues under Panels in action. Six subcommittees on policy issues were on the waiting list.

X. Any other business

34. There being no other business, the meeting ended at 2:53 pm.