

立法會
Legislative Council

LC Paper No. CB(2)1122/16-17

Ref : CB2/H/5/16

House Committee of the Legislative Council

**Minutes of the 18th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 24 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
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
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 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 Martin LIAO Cheung-kong, SBS, JP
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kiwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
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
Hon CHAN Chun-ying
Hon Tanya CHAN
Hon CHEUNG Kwok-kwan, JP
Hon LUK Chung-hung
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 :

Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Michael TIEN Puk-sun, BBS, JP
Hon Jimmy NG Wing-ka, JP
Dr Hon Pierre CHAN
Hon HUI Chi-fung
Hon LAU Kwok-fan, MH
Hon Kenneth LAU Ip-keung, MH, JP

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
Miss Rachel DAI	Assistant Legal Adviser 2
Mr Bonny LOO	Assistant Legal Adviser 4
Ms Vanessa CHENG	Assistant Legal Adviser 5
Ms Wendy KAN	Assistant Legal Adviser 6
Mr YICK Wing-kin	Assistant Legal Adviser 8
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 17th meeting held on 17 March 2017
(LC Paper No. CB(2)1035/16-17)

The minutes were confirmed.

II. Matters arising

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

Updated 2016-2017 Legislative Programme

2. The Chairman said that the Chief Secretary for Administration ("CS") had provided the updated Legislative Programme for the 2016-2017 session, which had been issued to Members for reference vide LC Paper No. CB(2)1034/16-17(01) on 21 March 2017. CS said that he had asked Directors of Bureaux to properly conduct consultations on various bills at an early stage before their introduction into the Legislative Council ("LegCo") so as to garner Members' support for the bills. CS also advised that there were a number of major bills which were related to combating money laundering and terrorism and he hoped that Members could complete the scrutiny of these bills expeditiously after their introduction into LegCo, so as to ensure that Hong Kong could fulfil its obligations under international agreements in a timely manner.

III. Business arising from previous Council meetings

(a) Legal Service Division reports on bills referred to the House Committee in accordance with Rule 54(4)

(i) Inland Revenue (Amendment) (No. 2) Bill 2017 *(LC Paper No. LS49/16-17)*

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 KWOK Ka-ki considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Dr KWOK Ka-ki agreed to join the proposed Bills Committee.

(ii) Inland Revenue (Amendment) Bill 2017 *(LC Paper No. LS47/16-17)*

5. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the Bill.

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6. Mr Kenneth LEUNG considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Mr WU Chi-Wai, Mr Kenneth LEUNG and Mr Christopher CHEUNG agreed to join the Bills Committee.

(iii) **Travel Industry Bill**
(LC Paper No. LS48/16-17)

7. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the Bill.

8. Mr WU Chi-wai considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. The following Members agreed to join the Bills Committee: Mr Paul TSE, Mr WU Chi-wai, Mr YIU Si-wing, Dr Junius HO, Mr Holden CHOW, Mr SHIU Ka-fai, Ms Tanya CHAN and Mr LUK Chung-hung.

(b) **Legal Service Division report on subsidiary legislation gazetted on 17 March 2017 and tabled in Council on 22 March 2017**
(LC Paper No. LS46/16-17)

9. 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. 38 to L.N. 40) which were gazetted on 17 March 2017 and tabled in Council on 22 March 2017.

10. Members did not raise any question on the above three items of subsidiary legislation.

11. The Chairman reminded Members that the deadline for amending the subsidiary legislation would be the Council meeting of 12 April 2017.

IV. Further business for the Council meeting of 29 March 2017

(a) **Tabling of papers**

Report No. 14/16-17 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
(LC Paper No. CB(2)1037/16-17)

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12. The Chairman said that the Report covered five items of subsidiary legislation and the period for amending these items would expire at the Council meeting of 29 March 2017. The Chairman further said that as Mr Wilson OR, Chairman of the Subcommittee on Minimum Wage Ordinance (Amendment of Schedule 3) Notice 2017 and Employment Ordinance (Amendment of Ninth Schedule) Notice 2017, and Dr LAU Siu-lai had indicated their intention to speak on these two items of subsidiary legislation, she would, in her capacity as Chairman of the House Committee ("HC"), move a motion to take note of the Report in relation to the two items of subsidiary legislation at the meeting.

(b) **Questions**
(LC Paper No. CB(3)424/16-17)

13. The Chairman said that Mr Paul TSE and Mr Holden CHOW had replaced their oral questions.

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

14. The Chairman said that the Inland Revenue (Amendment) (No. 3) Bill 2017 would be introduced into the Council on 29 March 2017 and HC would consider the Bill at its meeting on 7 April 2017.

V. **Reports of Bills Committees and subcommittees**

(a) **Report of the Bills Committee on Private Columbaria Bill**

15. Mr CHAN Hak-kan, Chairman of the Bills Committee, made a verbal report on the deliberations of the Bills Committee. Mr CHAN informed Members that a Bills Committee was formed in the Fifth LegCo ("the Former BC") to study the Private Columbaria Bill that the Administration introduced into LegCo in 2014 ("the Former Bill"). The Former BC supported the resumption of the Second Reading debate on the Former Bill. However, due to other legislative priorities, the resumption of the Second Reading debate did not take place and the Former Bill lapsed upon the prorogation of the Fifth LegCo. The Private Columbaria Bill ("the Bill") which was re-introduced into LegCo in 2016 was by and large the same as the Former Bill but had incorporated the Committee stage amendments ("CSAs") agreed by the Former BC.

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16. Mr CHAN Hak-kan said that in the course of scrutiny, members of the Bills Committee shared the Former BC's view that the Private Columbaria Licensing Board ("the Licensing Board") or enforcement authorities might encounter difficulties in enforcing certain provisions of the Bill. In response, the Administration reaffirmed its undertaking made to the Former BC that it would keep in view the implementation of the Bill after enactment ("the Ordinance") and propose amendments to it as and when necessary and would conduct a review of the Ordinance in any event around three years after implementation. The Secretary for Food and Health would incorporate the above undertaking into his speech for resumption of the Second Reading debate on the Bill ("SFH's speech").

17. Mr CHAN Hak-kan further said that members also shared the Former BC's concerns that certain requirements to be imposed by the Licensing Board and the Administration would not be provided for in subsidiary legislation and hence would not be subject to scrutiny or amendment by LegCo. While members were concerned about the serious consequences (i.e. criminal sanction) in the event of non-compliance, they were aware that criminal sanction was necessary in order to have sufficient deterrent effect. Members also considered that the court could play the role of "gatekeeper" in deciding the penalties to be imposed on the offenders concerned. Taking into account the above factors, members agreed to adopt the Former BC's approach in relation to the relevant provisions and accepted the Administration's proposals, and suggested that the Bills Committee's concerns should be covered in SFH's speech.

18. Mr CHAN Hak-kan further advised that the Administration would move a number of CSAs in response to the comments made by members, different stakeholder groups and the legal adviser to the Bills Committee. One of the proposed CSAs was to add "related person" as an additional category of prescribed claimant eligible to claim for the return of the ashes of a deceased person. "Related person" was defined as a person who was living with the deceased person in the same household immediately before the date of the death of the deceased person and had been living with the deceased person in the same household for at least two years before that date. On the priority of claims, the claim of the "related person" would be lower than that of an authorized representative, a personal representative or a relative, but higher than that of the purchaser of interment right.

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19. Members were informed that Mr CHAN Chi-chuen had indicated that he might consider proposing CSAs to amend the Administration's proposed definition of "related person" and the relevant priority of claims. Dr Fernando CHEUNG had also indicated his intention to move a CSA to allow a deceased person's same-sex partner in a marriage, civil partnership or civil union in any jurisdiction outside Hong Kong to claim for the return of the deceased person's ashes under the category of "relative". Members noted that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting to be held on 12 and 13 April 2017, and would submit its written report in due course.

20. The Chairman reminded Members that the deadline for giving notice of CSAs, if any, proposed to be moved to the above Bill would be Saturday, 1 April 2017.

(b) Report of the Subcommittee on Air Pollution Control (Vehicle Design Standards) (Emission) (Amendment) Regulation 2017

21. Mr Frankie YICK, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. Mr YICK said that the purpose of the Amendment Regulation was to tighten in phases the emission standards for newly registered vehicles from Euro V to Euro VI, and the emission standards for newly registered diesel private cars from California LEV II to LEV III, starting from 1 July 2017.

22. Mr Frankie YICK further said that the Subcommittee held two meetings and members supported in principle the tightening of the statutory emission standards of newly registered vehicles with a view to improving roadside air quality. However, some members were concerned that Euro VI compliant vehicles, heavy duty vehicles in particular, were not in ready supply and there were insufficient choices of vehicle brands in the market. While the prices of Euro VI compliant vehicles remained high, pre-mature implementation of the Euro VI emission standards would increase the compliance costs on the transport trades. In addition, the vehicle maintenance trade had yet to master the skills for repairing Euro VI compliant vehicles. In these members' view, the Administration should defer the commencement date of the new emission standards for newly registered heavy duty vehicles and diesel private cars.

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23. Mr YICK informed Members that subsequent to the discussion with the Subcommittee, the Administration had agreed to amend the Amendment Regulation to defer: (a) the commencement date of the Euro VI emission standards for newly registered goods vehicles with design weight of more than 3.5 tonnes and newly registered buses with design weight of more than 9 tonnes by nine months to 1 October 2018; and (b) the commencement date of the California LEV III emission standards for newly registered diesel private cars by three months to 1 October 2017.

24. Mr Frankie YICK further advised that besides the implementation schedule, the Subcommittee had also discussed the emission standards for diesel private cars, comparison of the Euro VI emission standards and California LEV II and III emission standards, technical training for the vehicle maintenance trade, emission standards for cross-boundary vehicles, and the ex-gratia payment scheme to phase out pre-Euro IV diesel commercial vehicles. Mr YICK added that the Subcommittee would not propose any amendments to the Amendment Regulation and would submit its written report in due course.

25. The Chairman reminded Members that as the deadline for amending the Amendment Regulation would be 12 April 2017, the deadline for giving notice of amendments, if any, would be Wednesday, 5 April 2017.

VI. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)1036/16-17)

26. Members noted that as at 23 March 2017, there were six Bills Committees (one of which would need to work beyond three months since its commencement), 13 subcommittees under HC and five subcommittees on policy issues under Panels in action. Six subcommittees on policy issues under Panels were on the waiting list.

VII. Proposal of the Panel on Commerce and Industry to nominate two Members to attend the S Rajaratnam School of International Studies and the World Trade Organization Parliamentarian Workshop 2017

(LC Paper No. CB(1)712/16-17)

27. Mr WU Chi-wai, Chairman of the Panel on Commerce and Industry ("the CI Panel"), briefed Members on the CI Panel's proposal to

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nominate Mr Alvin YEUNG and Dr YIU Chung-yim to attend the S Rajaratnam School of International Studies and the World Trade Organization Parliamentary Workshop 2017 ("the Workshop") to be held from 15 to 17 May 2017 in Singapore, details of which were set out in the paper.

28. Members endorsed the following recommendations of the CI Panel:

- (a) to nominate Mr Alvin YEUNG and Dr YIU Chung-yim to attend the Workshop; and
- (b) to charge the expenses incurred for attending the Workshop to the Overseas Duty Visit accounts of the two Members respectively.

VIII. Any other business

Proposals to seek the House Committee's agreement for asking urgent oral questions at the Council meeting of 29 March 2017 on issues relating to problematic frozen and chilled meat and poultry meat imported from Brazil

- (a) **Letter from Dr Hon Elizabeth QUAT**
(LC Paper No. CB(2)1067/16-17(01))
- (b) **Letter from Prof Hon Joseph LEE**
(LC Paper No. CB(2)1067/16-17(02))

29. The Chairman informed Members that three Members, namely Dr Elizabeth QUAT, Prof Joseph LEE and Mr IP Kin-yuen had submitted proposals respectively for asking urgent oral questions at the Council meeting of 29 March 2017 on issues relating to problematic frozen and chilled meat and poultry meat imported from Brazil ("the proposed questions"). She further said that Mr IP Kin-yuen's proposal was just received shortly before the meeting and had been tabled at the meeting. The Chairman then invited the three Members to speak on their proposals.

(Post-meeting note: The letter dated 24 March 2017 from Mr IP Kin-yuen was issued to Members vide LC Paper No. CB(2)1077/16-17(01) (Chinese version only).)

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30. Dr Elizabeth QUAT said that the Centre for Food Safety ("CFS") of the Food and Environmental Hygiene Department announced on 21 March 2017 that in view of the fact that the quality of the meat exported from Brazil was in question, CFS had temporarily suspended the import of frozen and chilled meat and poultry meat from Brazil ("Brazilian meat") with immediate effect. She however criticized the Administration's handling of the import ban and considered that the information released so far by the Administration was confusing. Dr QUAT further said that the food trade had pointed out that not all Brazilian meat was problematic and the Administration's decision to impose the import ban on all Brazilian meat with immediate effect would cause huge financial losses to the food importers and retailers. In her view, the Administration should recall the problematic Brazilian meat and remove them from shelves and those Brazilian meat which was fit for consumption could continue to be sold and consumed. In light of the above, she considered it necessary to ask an urgent oral question at the Council meeting of 29 March 2017.

31. Prof Joseph LEE said that apart from the food importers and retailers, the incident of problematic Brazilian meat ("the incident") also had great impact on the medium-sized and small-sized food premises. He criticized the Administration's handling of the incident and dissemination of information in a piece-meal manner, and its failure to address public's imminent concern about food safety of meat. Prof LEE further said that the incident was not only an issue concerning the food trade, but it was also an issue of public health and food safety. He considered that there was urgency for the Administration to respond to the proposed questions at the earliest opportunity.

32. Mr IP Kin-yuen said that he was particularly concerned about the health risks for primary and secondary students as many of them had lunch at schools on school days and their lunch boxes were provided by food suppliers which might have already bought Brazilian meat before the import ban. In his view, the Administration should address as early as possible the concerns of schools and parents about the food safety of Brazilian meat and should explain to the public whether it had conducted any sampling tests on Brazilian meat and whether it had any concrete measures to ensure food safety. Mr IP therefore considered it necessary to ask an urgent oral question at the Council meeting of 29 March 2017.

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33. Mr Kenneth LEUNG said that many fast food chains and food premises might be using frozen and chilled meat and canned meat imported from South American countries, including Brazil. He considered it incumbent upon the Administration to provide transparent and clear information to the food premises and the public so as to enable them to ascertain which imported frozen and chilled meat were safe to consume.

34. Dr Helena WONG said that she was concerned that while CFS had imposed a ban on the import of Brazilian meat, those Brazilian meat imported before the ban could still be sold in the market. She further said that although the Panel on Food Safety and Environmental Hygiene ("the FSEH Panel"), which was chaired by her, had already scheduled to hold a special meeting on 8 April 2017 to discuss issues relating to the import of Brazilian meat, she considered that the imminent concerns about the food safety of Brazilian meat should be addressed at the soonest. She therefore supported the proposals for asking the proposed questions at the Council meeting of 29 March 2017 and she would also submit a request for asking an urgent question on the same subject at the same Council meeting.

35. While concurring with Members' view that the Administration had failed to provide sufficient and transparent information on the incident, Mr WONG Kwok-kin considered that with the fast development of the incident, the Administration should be asked to advise Members on the incident the soonest, instead of waiting till the Council Meeting of 29 March 2017. Mr WONG further said that while he would not object to the proposals for asking the proposed questions at the Council meeting of 29 March 2017, he doubted whether it was meaningful to do so. He added that in his view, the FSEH Panel should hold a special meeting earlier to discuss the incident so that the Administration could respond to Members' queries about it.

36. Both Dr CHIANG Lai-wan and Mr LEUNG Che-cheung expressed support for the proposals for asking the proposed questions at the Council meeting of 29 March 2017. They were concerned that the Government's indiscriminate imposition of import ban on Brazilian meat would cause considerable losses to the food importers. Mr LEUNG added that he concurred with Mr WONG Kwok-kin's view that it would be more desirable if the special meeting of the FSEH Panel could be arranged to be held earlier.

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37. Mr Tommy CHEUNG considered that the crux of the matter was that the Brazilian authorities had not yet provided the requisite information to the Administration. In the absence of information on which batches of Brazilian meat were problematic, it would be difficult for the Administration to initiate a recall and/or to order a removal from shelves. Mr CHEUNG further said that in his view, the Administration would disclose more information once available and at the earliest opportunity, and take necessary follow-up actions as appropriate. Therefore, he did not see any need to ask the proposed questions at the Council meeting of 29 March 2017.

38. The Chairman said that Members of different political parties and groupings had fully expressed their views on the proposals from the three Members. According to Rule 24(4) of the Rules of Procedure, the President might permit an urgent question to be asked if it was of an urgent character and related to a matter of public importance. In view of time constraints and the diverse views expressed by Members, the proposals would not be put to vote. The Secretariat would relay Members' views to the President for his consideration. Members raised no question.

39. There being no other business, the meeting ended at 3:00 pm.