

立法會
Legislative Council

LC Paper No. CB(2)1360/16-17

Ref : CB2/H/5/16

House Committee of the Legislative Council

**Minutes of the 21st meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 5 May 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
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 Steven HO Chun-yin, BBS
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 LEUNG Che-cheung, BBS, MH, JP
Hon Kenneth LEUNG
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-kiwok, SBS, MH, JP
Hon CHUNG Kwok-pan
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 HUI Chi-fung
Hon LUK Chung-hung
Hon LAU Kwok-fan, MH
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 Michael TIEN Puk-sun, BBS, JP
Hon Frankie YICK Chi-ming, JP
Hon CHAN Han-pan, JP
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon YUNG Hoi-yan
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 Alvin CHUI	Assistant Legal Adviser 3
Ms Vanessa CHENG	Assistant Legal Adviser 5
Miss Winnie LO	Assistant Legal Adviser 7
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 20th meeting held on 28 April 2017

(LC Paper No. CB(2)1300/16-17)

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 28 April 2017

(LC Paper No. LS59/16-17)

3. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the report prepared by the Legal Service Division ("LSD") on the Waste Disposal (Designated Waste Disposal Facility) Regulation (Amendment of Schedule 1) Notice 2017 (L.N. 74) which was gazetted on 28 April 2017 and would be tabled in Council on 10 May 2017.

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

5. The Chairman reminded Members that the deadline for amending the Notice would be the Council meeting of 7 June 2017.

IV. Further business for the Council meeting of 10 May 2017

Tabling of papers

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

(LC Paper No. CB(2)1302/16-17)

6. The Chairman said that the Report covered one item of subsidiary legislation, i.e. the Solicitors (Professional Indemnity)(Amendment) Rules 2016 (Commencement) Notice, and the period for amending it would expire at the Council meeting of 10 May 2017. No Member had indicated intention to speak on the Commencement Notice.

V. Business for the Council meeting of 17 May 2017

(a) Questions

(LC Paper No. CB(3)510/16-17)

Arrangement for questions to be asked at the Council meeting of 17 May 2017 and thereafter

7. The Chairman said that in accordance with rule 7(e) of the House Rules ("HR"), there would be no arrangement for Members to put oral questions to the Government at the Council meetings for debate on the Appropriation Bill. The Chairman informed Members that as it was

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uncertain as to when all the proceedings on the Appropriation Bill 2017 would be completed, applications for oral questions to be asked at the Council meeting of 17 May 2017 and thereafter would be dealt with in accordance with the arrangement adopted in past years.

8. The Chairman further said that when giving notice to ask oral questions at the Council meeting of 17 May 2017 or subsequent Council meetings, Members would be invited to indicate how they would like their questions to be dealt with in the event that there was no oral question session at those Council meetings. Members might choose to change their oral questions to written questions, or have their oral questions deferred to the Council meeting immediately following the one at which the proceedings on the Appropriation Bill 2017 were completed. Members noted the arrangement.

(b) **Bill - First Reading and moving of Second Reading**

9. The Chairman said that the Employment (Amendment) Bill 2017 would be introduced at the meeting and the House Committee ("HC") would consider the Bill at its meeting on 19 May 2017.

(c) **Government motions**

- (i) **Proposed resolution to be moved by the Secretary for Transport and Housing under section 5(3)(b) of the Public Bus Services Ordinance (Cap. 230) in relation to The Kowloon Motor Bus Company (1933) Limited**
(LC Paper No. CB(3)493/16-17)
(LC Paper No. LS60/16-17)

10. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the above proposed resolution.

11. Mr Charles MOK considered it necessary to form a subcommittee to study the proposed resolution in detail. Members agreed. Mr Charles MOK agreed to join the proposed subcommittee. 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.

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(ii) **Proposed resolution to be moved by the Secretary for Transport and Housing under section 12 of the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240)**

(LC Paper No. CB(3)494/16-17)

(LC Paper No. LS61/16-17)

12. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the above proposed resolution. LA said that the proposed resolution was related to the Road Traffic (Expressway) (Amendment) Regulation 2017 (L.N. 64), which was among the six items of subsidiary legislation relating to the traffic arrangements for the Hong Kong Link Road connecting with the Hong Kong-Zhuhai-Macao Bridge gazetted on 21 April 2017 and considered at the last HC meeting on 28 April 2017. As a subcommittee had been formed to study those six items of subsidiary legislation, Members might consider whether the Subcommittee should also study the proposed resolution if it was considered necessary to study the proposed resolution in detail.

13. Mr Jeremy TAM considered it necessary to study the proposed resolution in detail. The Chairman invited Members' views on whether the Subcommittee should be tasked to study also the proposed resolution. Members agreed.

14. The Chairman advised that Members who wished to join the Subcommittee might respond to the circular to be issued by the Clerk to the Subcommittee after the meeting. The Chairman added that the Administration would be requested to withdraw its notice for moving the proposed resolution so as to allow sufficient time for the Subcommittee to scrutinize the proposed resolution.

(d) **Member's Bill - First Reading and moving of Second Reading**

15. The Chairman said that Mr CHAN Chun-ying would present the Bank of Communications (Hong Kong) Limited (Merger) Bill to the Council at the meeting and HC would consider the Bill at its meeting on 19 May 2017.

(e) **Members' motions**

- (i) **Motion under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to be moved by Dr Hon CHENG Chung-tai**
(*LC Paper No. CB(3)518/16-17*)

16. The Chairman said that Dr CHENG Chung-tai would move the above motion at the meeting.

- (ii) **Motion on "Not forgetting the 4 June incident" to be moved by Dr Hon Helena WONG**
(*LC Paper No. CB(3)514/16-17*)

- (iii) **Motion on "Combating bid-rigging to defend the rights and interests of property owners" to be moved by Hon LAM Cheuk-ting**
(*LC Paper No. CB(3)515/16-17*)

17. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above two motions would be Wednesday, 10 May 2017.

VI. Reports of Bills Committees and subcommittees

Report of the Bills Committee on Inland Revenue (Amendment) Bill 2017

(*LC Paper No. CB(1)892/16-17*)

18. Mr Kenneth LEUNG, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Members noted that the Bills Committee supported the Bill in principle and both the Bills Committee and the Administration would not propose any Committee stage amendment ("CSA") to the Bill. Members also noted that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting of 17 May 2017.

19. The Chairman reminded Members that the deadline for giving notice of CSAs, if any, proposed to be moved to the above Bill would be Monday, 8 May 2017.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)1301/16-17)

20. The Chairman said that as at 4 May 2017, there were 11 Bills Committees, 11 subcommittees under HC and five subcommittees on policy issues under Panels in action. Seven subcommittees on policy issues were on the waiting list.

VIII. 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 10 May 2017 on the information disclosed by Mr GUO Wengui to the media
(LC Paper No. CB(2)1335/16-17(01))

21. The Chairman said that Ms Claudia MO wrote in her first letter to the HC Chairman on 4 May 2017 requesting discussion of her proposal at this HC meeting. To facilitate Members' consideration of Ms MO's proposal, the Chairman had requested Ms MO to explain the urgency of her proposal in writing. The explanations given by Ms MO were set out in her second letter dated 4 May 2017.

22. At the invitation of the Chairman, Ms Claudia MO said that Mr GUO Wengui, a Mainland tycoon who was currently residing overseas, had recently made allegations about the Beijing Government's interference in Hong Kong affairs and the Hong Kong Government's awareness of such interference. According to Mr GUO, many state security officials and public security officers from the Mainland had been carrying out law enforcement actions in Hong Kong and they had even set up "safe houses" in Causeway Bay for detaining the persons they had taken. Ms MO stressed that as there had been numerous media reports about these allegations which, if proved to be true, not only impacted upon the personal safety of every Hong Kong citizen but also seriously undermined the governance of the Hong Kong Government as well as public confidence in the implementation of "one country, two systems" in Hong Kong, there was urgency in raising the proposed question to elicit a response from the Hong Kong Government to address public concern.

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23. Mr LUK Chung-hung said that he was also concerned whether cross-boundary law enforcement had taken place and considered it unacceptable for Mainland enforcement officers to carry out enforcement actions in Hong Kong. However, he did not see any urgency or consider it justifiable to ask the proposed question as it was merely based on some groundless allegations made by Mr GUO Wengui, a fugitive wanted by the Interpol who was allegedly involved in various commercial crimes and corruption cases. He therefore did not support Ms Claudia MO's proposal.

24. Mr Alvin YEUNG said that the Civic Party supported Ms Claudia MO's proposal because the Civic Party was concerned about the credibility and reputation of "one country, two systems" in the international community. While it was not known whether Mr GUO Wengui had any evidence to support his allegations, the raising of the proposed question in Council would provide an opportunity for the Hong Kong Government to respond to the allegations openly and formally to restore the confidence of Hong Kong people and of the international community in "one country, two systems".

25. Mr LAU Kwok-fan said that he opposed Ms Claudia MO's proposal as there was no urgency in asking the proposed question. He pointed out that the Hong Kong Government had reaffirmed on various occasions that it had all along administered Hong Kong affairs in strict accordance with the Basic Law ("BL") and the "one country, two systems" principle. Mr LAU added that Mr GUO Wengui was a fugitive wanted by the Interpol who had neither credibility nor any concrete evidence to support his allegations.

26. Dr Helena WONG and Mr Andrew WAN said that the Democratic Party supported Ms Claudia MO's proposal. Dr WONG stressed that under the "one country, two systems" principle provided in BL, law enforcement officers from the Mainland were not allowed to take enforcement actions in Hong Kong. In light of the seriousness of the allegations made by Mr GUO Wengui, she considered that all Members who had sworn to uphold BL should support the asking of the proposed question. Mr WAN said that given that Mr GUO's allegations had aroused grave public concern and were concerned with whether the principle of "one country, two systems" had been undermined, he considered it necessary for the Legislative Council ("LegCo") to elicit a clear response from the Hong Kong Government.

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27. Mr LEUNG Kwok-hung said that it was unusual for the Hong Kong Government not to respond to the allegations made by Mr GUO Wengui. In his view, there would be no need to ask the proposed question if the Hong Kong Government could openly dismiss the allegations as unfounded.

28. Mr LEUNG Yiu-chung expressed support for Ms Claudia MO's proposal. He considered that irrespective of the truthfulness of the information disclosed by Mr GUO Wengui to the media, there was urgency for the Hong Kong Government to clarify whether law enforcement officers from the Mainland had been carrying out enforcement actions in Hong Kong, so as to allay public worries.

29. Mr CHAN Chi-chuen said that the controversies surrounding Mr GUO Wengui were irrelevant to the proposal under discussion, and the crux of the matter was that Mr GUO had disclosed detailed information on the alleged cross-boundary law enforcement by state security officials and public security officers from the Mainland. Mr CHAN therefore supported Ms Claudia MO's proposal, so that the Hong Kong Government, in particular, the Security Bureau and the Police could have the opportunity to respond to or refute the allegations made by Mr GUO.

30. Mr Jeffrey LAM said that Members of the Business and Professionals Alliance for Hong Kong objected to Ms Claudia MO's proposal. He further said that there were doubts about the credibility of Mr GUO Wengui, and that even the Western media had not reported extensively on the allegations made by Mr GUO. In his view, it was inappropriate for LegCo to follow up any allegations without concrete evidence.

31. Mr WONG Kwok-kin, Mr HO Kai-ming and Mr KWOK Wai-keung said that they did not see any need or urgency to ask the proposed question. Mr WONG commented that the proposed question was based merely on the information disclosed by a wanted person to the media. Mr HO also commented that Mr GUO Wengui's allegations had only been reported by individual media organizations and had not attracted extensive media coverage. Mr WONG stressed that while Members had the right to address questions to the Hong Kong Government, they should seek to do so by applying for question slots in accordance with the established procedure instead of jumping the queue. Mr KWOK added that he reckoned that Members of the pro-democracy camp would not be satisfied with any response to be given by the Hong Kong Government even if the proposed question was raised.

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32. Mr Nathan LAW said that the fact that the allegations made by Mr GUO Wengui were able to attract extensive attention had reflected the public's long-standing concern about the Beijing Government's interference in the internal affairs of Hong Kong. Mr LAW therefore considered it necessary to raise the proposed question, which would provide an opportunity for the Hong Kong Government to clear the doubts surrounding the issue of cross-boundary law enforcement.

33. Dr CHENG Chung-tai expressed support for Ms Claudia MO's proposal. Dr CHENG said that he was not very concerned whether the allegations made by Mr GUO Wengui were true or not. However, as these allegations were concerned with an important issue of the implementation of "one country, two systems" in Hong Kong, he considered it appropriate that the proposed question be asked in Council given the constitutional role and functions of LegCo under BL .

34. Ms Claudia MO said that it was unusual that the Hong Kong Government had refused to comment on the allegations made by Mr GUO Wengui. She reiterated that the asking of the proposed question would provide an opportunity for the Hong Kong Government to clarify whether the allegations were true and to respond to queries about whether cross-boundary law enforcement had taken place.

35. The Chairman then put to vote Ms Claudia MO's proposal to seek HC's agreement for asking an urgent oral question at the Council meeting of 10 May 2017 on the information disclosed by Mr GUO Wengui to the media. Ms Claudia MO requested a division.

The following Members voted in favour of the proposal:

Mr James TO, 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, Mr Kenneth LEUNG, Dr KWOK Ka-ki, Mr Dennis KWOK, Dr Helena WONG, Mr IP Kin-yuen, Mr Alvin YEUNG, Mr Andrew WAN, Mr CHU Hoi-dick, Mr LAM Cheuk-ting, Mr SHIU Ka-chun, 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.

(26 Members)

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The following Members voted against the proposal:

Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Jeffrey LAM, 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 YIU Si-wing, Mr LEUNG Che-cheung, Mr KWOK Wai-keung, 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, Dr Junius HO, Mr HO Kai-ming, Mr Holden CHOW, Mr SHIU Ka-fai, Mr Wilson OR, Mr CHAN Chun-ying, Mr CHEUNG Kwok-kwan, Mr LUK Chung-hung and Mr LAU Kwok-fan.

(29 Members)

36. The Chairman declared that 26 Members voted for and 29 Members voted against the proposal, and no Member abstained from voting. The Chairman declared that the proposal was not supported.

37. There being no other business, the meeting ended at 3:05 pm.