

立法會
Legislative Council

LC Paper No. CB(2)1520/16-17

Ref : CB2/H/5/16

House Committee of the Legislative Council

**Minutes of the 24th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 26 May 2017**

Members present :

Hon Starry LEE Wai-king, SBS, JP (Chairman)
Hon Dennis KWOK Wing-hang (Deputy Chairman)
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-yee, 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
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 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 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
Dr Hon CHENG Chung-tai
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho
Dr Hon YIU Chung-yim
Dr Hon LAU Siu-lai

Members absent :

Hon James TO Kun-sun
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon SHIU Ka-chun
Hon Kenneth LAU Ip-keung, MH, JP
Hon Nathan LAW Kwun-chung

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 Joyce CHAN	Assistant Legal Adviser 1
Mr Bonny LOO	Assistant Legal Adviser 4
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

Action

I. Confirmation of minutes of meeting

Minutes of 23th meeting held on 19 May 2017
(LC Paper No. CB(2)1476/16-17)

The minutes were confirmed.

II. Matters arising

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

Action

The incident concerning the Chief Executive being involved in amending the proposed major areas of study of the Select Committee to Inquire into Matters about the Agreement between Mr LEUNG Chun-ying and the Australian firm UGL Limited

2. The Chairman said that she and the Deputy Chairman had relayed to the Chief Secretary for Administration ("CS") Members' views on the above incident raised at the last meeting of the House Committee ("HC") on 19 May 2017. The Deputy Chairman had also requested CS to undertake that all government officials must uphold the principle of not interfering in the business of the Legislative Council ("LegCo"), and that when the Chief Executive ("CE") and other officials had views on the inquiry of the Select Committee to Inquire into Matters about the Agreement between Mr LEUNG Chun-ying and the Australian firm UGL Limited ("the Select Committee"), they must inform the Select Committee through formal channels.

3. The Chairman further said that CS had responded that he noted Members' views on the above incident, and as CE had given a specific and detailed response to the incident, he had nothing to add in this regard. CS had emphasized that the Hong Kong Special Administrative Region Government attached great importance to the relationship between the Executive Authorities and the Legislature. The Basic Law had conferred upon the Executive Authorities and the Legislature distinct powers and obligations, each exercising its own functions. The Executive Authorities had all along been very respectful of LegCo's powers and functions to monitor the work of the Government. The Chairman added that the CE's Question and Answer Session would be held on 1 June 2017 and Members could, if they so wished, put questions to CE on various issues at the session.

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)**

Bank of Communications (Hong Kong) Limited (Merger) Bill
(*LC Paper No. LS66/16-17*)

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

Action

5. Mr WU Chi-wai considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Mr WU Chi-wai and Mr CHAN Chun-ying agreed to join the proposed Bills Committee.

(b) Legal Service Division report on subsidiary legislation gazetted on 19 May 2017 and tabled in Council on 24 May 2017
(LC Paper No. LS69/16-17)

6. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on 22 items of subsidiary legislation (i.e. L.N. 81 to L.N. 102) which were gazetted on 19 May 2017 and tabled in Council on 24 May 2017.

7. Dr YIU Chung-yim considered it necessary to form a subcommittee to study the the Waterworks (Amendment) Regulation 2017 (L.N. 81) in detail. Members agreed. Dr YIU Chung-yim agreed to join the proposed subcommittee.

8. Mr Steven HO considered it necessary to form a subcommittee to study the three items of subsidiary legislation (L.N. 82 to L.N. 84) relating to control and regulation of marine traffic following the commissioning of the Hong Kong-Zhuhai-Macao Bridge in detail. Members agreed. Mr Steven HO and Mr Jeremy TAM agreed to join the proposed subcommittee.

9. Mr Jeremy TAM considered it necessary to form a subcommittee to study the 11 items of subsidiary legislation (L.N. 85 to L.N. 95) made under the Merchant Shipping (Safety) Ordinance (Cap. 369) or the Merchant Shipping (Seafarers) Ordinance (Cap. 478). Members agreed. Mr Jeremy TAM agreed to join the proposed subcommittee.

10. Dr KWOK Ka-ki considered it necessary to form a subcommittee to study the Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2017 (L.N. 102). Members agreed. Dr KWOK Ka-ki and Dr Elizabeth QUAT agreed to join the proposed subcommittee.

11. Members did not raise any question on the remaining six items of subsidiary legislation (i.e. L.N. 96 to L.N. 101).

Action

12. The Chairman reminded Members that the deadline for amending the above 22 items of subsidiary legislation would be the Council meeting of 21 June 2017, or that of 12 July 2017 if extended by a resolution of the Council.

IV. Business for the Council meeting of 7 June 2017

(a) **Questions**

(LC Paper No. CB(3)598/16-17)

13. 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**

14. The Chairman said that the Stamp Duty (Amendment) (No. 2) Bill 2017 would be introduced at the meeting, and HC would consider the Bill at its meeting on 9 June 2017.

(c) **Bill - resumption of debate on Second Reading, Committee Stage and Third Reading**

15. The Chairman said that at the last HC meeting held on 19 May 2017, Members did not raise objection to the resumption of the Second Reading debate on the Inland Revenue (Amendment) (No. 3) Bill 2017 at the meeting.

(d) **Government motion**

Proposed resolution to be moved by the Secretary for Home Affairs under section 9A of the Criminal Procedure Ordinance (Cap. 221)

(LC Paper No. CB(3)593/16-17)

(LC Paper No. LS70/16-17)

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

17. Dr Elizabeth QUAT considered it necessary to form a subcommittee to study the proposed resolution in detail. Members agreed. Dr Elizabeth QUAT agreed to join the proposed subcommittee.

Action

18. 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.

(e) **Members' motions**

19. The Chairman said that since the Council could not deal with the two Members' motions without legislative effect at its meeting of 24 May 2017, the Members' motions which had been scheduled for debate at previous Council meetings would be rescheduled to the following Council meetings.

Report of HC on Consideration of Subsidiary Legislation

20. The Chairman invited Members to note the list tabled at this meeting (LC Paper No. CB(3)606/16-17), which contained two items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 7 June 2017. She reminded Members to indicate their intention by 5:00 pm on Monday, 29 May 2017, should they wish to speak on any of these items of subsidiary legislation.

V. Reports of Bills Committees and subcommittees

Report of the Subcommittee on Proposed Resolution under Section 5(3)(b) of the Public Bus Services Ordinance (Cap. 230)

(LC Paper No. CB(4)1082/16-17)

21. Mr Charles MOK, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee supported the Administration giving fresh notice to move the proposed resolution at the Council meeting of 14 June 2017.

22. The Chairman reminded Members that the deadline for giving notice of amendments, if any, would be Wednesday, 7 June 2017.

VI. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)1477/16-17)

23. The Chairman said that as at 25 May 2017, there were nine Bills Committees, 14 subcommittees under HC and five subcommittees on policy issues under Panels in action. Eight subcommittees on policy issues were on the waiting list.

VII. Proposal of the Panel on Welfare Services to nominate three Members to participate in Multistakeholder Forum on "Investing in Healthy and Active Ageing for Sustainable Growth" and Asian Forum of Parliamentarians on Population and Development Standing Committee Meeting on Active Ageing

(LC Paper No. CB(2)1478/16-17)

24. At the invitation of the Chairman, Mr KWONG Chun-yu, Deputy Chairman of the Panel on Welfare Services, briefed Members on the Panel's proposal to nominate Dr Elizabeth QUAT, Dr Junius HO and Ms YUNG Hoi-yan to participate in the Multistakeholder Forum on "Investing in Healthy and Active Ageing for Sustainable Growth" ("the Forum") and attend the Asian Forum of Parliamentarians on Population and Development Standing Committee Meeting on Active Ageing ("the Meeting") as special observers. The Forum and the Meeting would be held from 15 to 16 August and 17 August 2017 respectively in Ho Chi Minh City, Vietnam.

25. Members endorsed the following recommendations of the Panel on Welfare Services:

- (a) to nominate Dr Elizabeth QUAT, Dr Junius HO and Ms YUNG Hoi-yan to participate in the Forum and the Meeting; and
- (b) to charge the expenses incurred for participating in the Forum and the Meeting to the Overseas Duty Visit accounts of the three Members respectively.

VIII. Filling of a vacancy in the membership of the Select Committee to Inquire into Matters about the Agreement between Mr LEUNG Chun-ying and the Australian firm UGL Limited

(LC Paper No. CB(2)1479/16-17)

26. At the invitation of the Chairman, Mr Paul TSE, Chairman of the Select Committee, informed Members that in the morning of 19 May 2017, Mr Holden CHOW informed the Select Committee in writing of his decision to resign from the Select Committee with immediate effect. Having regard to the Select Committee's progress of work and the inputs/contributions to be provided in future by a new member (if elected), members of the Select Committee agreed to keep the membership size of the Select Committee at 11 and to fill the vacancy in the membership, as well as in the office of the deputy chairman of the Select Committee, as a result of the resignation of Mr CHOW from the Select Committee. The proposed procedure to be adopted for the nomination and election of a Member for appointment to the Select Committee to fill the vacancy was set out in paragraph 4 of the paper provided for this HC meeting. Mr TSE further said that HC was invited to: (a) endorse the recommendation of the Select Committee to fill the vacancy in its membership and in the office of the deputy chairman; and (b) decide on the date for the election of a Member to fill the vacancy.

27. The Chairman invited Members' views on the above matter.

28. Ms Claudia MO said that to her understanding, it had been the practice that the membership size of a select committee was set at 13, with seven members from the pro-establishment camp and six members from the pro-democracy camp. She expressed dissatisfaction that because of the strong views of the pro-establishment camp, the size of the Select Committee was only set at 11, with the membership comprising seven members from the pro-establishment camp and four from the pro-democracy camp. Ms MO cautioned that although a vacancy in the membership of the Select Committee arose from the resignation of Mr Holden CHOW, the pro-establishment camp should not think that the vacancy should necessarily be filled by another Member belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong or the pro-establishment camp.

29. Dr CHIANG Lai-wan said that she had no intention of becoming a member of the Select Committee because she envisaged that the Select Committee would not amount to anything but empty talk and would be a waste of public money, given that the Select Committee was not authorized to exercise the powers under the Legislative Council (Powers

Action

and Privileges) Ordinance (Cap. 382). Dr CHIANG also expressed doubts about the suitability of Mr LAM Cheuk-ting and Mr Kenneth LEUNG as members of the Select Committee, pointing out that Mr LAM had lodged a complaint to the Independent Commission Against Corruption ("ICAC") against Mr LEUNG Chung-ying in October 2014, and that Mr Kenneth LEUNG was a defendant in a defamation suit brought by Mr LEUNG Chung-ying.

30. The Deputy Chairman expressed dissatisfaction at the remarks made by Dr CHIANG Lai-wan, which, in his view, amounted to personal attacks against certain members of the Select Committee. He also questioned the relevance of Dr CHIANG's remarks to the matter under discussion. Dr Helena WONG expressed a similar view, adding that she considered that the Chairman should have asked Dr CHIANG to stop commenting on irrelevant matters.

31. The Chairman said that she had allowed Ms Claudia MO earlier to express views that were not directly relevant to the matter under discussion and the same standard was applied in the case of Dr CHIANG Lai-wai.

32. Ms Claudia MO queried the basis of the Chairman's view that her opinions expressed earlier were irrelevant to the matter under discussion and commented that the Chairman was chairing the meeting in an unfair manner. Mr Andrew WAN requested the Chairman to clarify whether she had permitted a Member to speak in a way that was out of order because another Member had done the same earlier on, and if so, whether there were any rules that allowed the Chairman to come to that decision.

33. The Chairman advised that while the views expressed by Ms Claudia MO and Dr CHIANG Lai-wan were not directly relevant to the matter under discussion, she had allowed them to speak as their views were related to the Select Committee's work, and hence were in a broad sense relevant to the matter under discussion. In this respect, she had adopted a liberal approach to allow Members to express their views. However, as a point had been raised regarding the relevance of the views expressed by Members to the matter under discussion, she requested Members to focus on the subject in question and not to digress from the subject. The Chairman stressed that she conducted the meeting in a fair and impartial manner in accordance with the expectations of Members as well as the public, as she had done in the past. If Members had any views on the way she chaired meetings, they were welcome to discuss with her after the meeting.

Action

34. Mr Martin LIAO said that he wished to address a factual point in response to Ms Claudia MO's earlier remarks about the membership of previous select committees. He pointed out that the Select Committee to Inquire into the Background of and Reasons for the Delay of the Construction of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link, which was chaired by him, comprised eight members from the pro-establishment camp and five members from the pro-democracy camp. Mr Martin LIAO said that he believed it was also the case for the Select Committee to Inquire into Matters Relating to Mr Timothy TONG's Duty Visits, Entertainment, and Bestowing and Receipt of Gifts during his Tenure as Commissioner of the Independent Commission Against Corruption.

35. Mr LAM Cheuk-ting said that he wished to point out that he and Mr Kenneth LEUNG were appointed as members of the Select Committee after the relevant nomination and election at the HC meeting on 3 February 2017. At that time, it was widely known that he had lodged a complaint to ICAC against Mr LEUNG Chun-ying, and that Mr Kenneth LEUNG had already raised queries about the tax implications of the agreement between Mr LEUNG Chun-ying and the Australian firm UGL Limited. Mr LAM added that based on the above nomination and election results, he considered that some members from the pro-establishment camp also supported the appointment of him and Mr Kenneth LEUNG as members of the Select Committee.

36. At the invitation of the Chairman, Members endorsed the recommendation of the Select Committee on the filling of a vacancy in its membership and in the office of the deputy chairman. Members also agreed that the election of a Member to fill the vacancy be held at the next HC meeting on 2 June 2017.

IX. Any other business

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