

立法會
Legislative Council

LC Paper No. CB(2)1616/16-17

Ref : CB2/H/5/16

House Committee of the Legislative Council

**Minutes of the 26th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 9 June 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-ye, GBS, JP
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 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 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 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
Hon Nathan LAW Kwun-chung
Dr Hon YIU Chung-yim
Dr Hon LAU Siu-lai

Members absent :

Hon Paul TSE Wai-chun, JP
Hon LEUNG Kwok-hung
Hon LEUNG Che-cheung, BBS, MH, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon SHIU Ka-fai
Hon SHIU Ka-chun
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
Ms Vanessa CHENG	Assistant Legal Adviser 5
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 25th meeting held on 2 June 2017

(LC Paper No. CB(2)1564/16-17)

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 reports on bills referred to the House Committee in accordance with Rule 54(4)**

(i) **Stamp Duty (Amendment) (No. 2) Bill 2017**
(LC Paper No. LS73/16-17)

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. Mr WONG Ting-kwong considered it necessary to study the Bill in detail, adding that members of the Bills Committee on Stamp Duty (Amendment) Bill 2017 ("the Bills Committee on SD(A) Bill") had suggested that the Bill should also be studied by the same Bills Committee.

5. The Chairman advised that according to paragraph 13 of the LSD report, members of the Bills Committee on SD(A) Bill in general did not object to the suggestion of having the same Bills Committee to study the Bill, as it was introduced to address the concerns of members of the Bills Committee on acquisition of multiple residential properties under one instrument.

6. Mr James TO said that he had no particular objection to the suggestion of having the same Bills Committee to study the Bill. However, he considered it necessary for the Bills Committee on SD(A) Bill to re-open its membership so that non Bills Committee Members who were interested in studying the Bill would be given an opportunity to do so. Mr TO further said that Members should be aware that if the Bills Committee was to re-open its membership, the Bills Committee might need to consider whether re-election of the Chairman of the Bills Committee was necessary although he, being a member of the Bills Committee, did not consider it necessary to do so. Mr WONG Ting-kwong concurred with Mr James TO.

7. The Chairman said that if Members agreed that the Bills Committee on SD(A) Bill should also study the Bill, its membership would be re-opened and the Clerk to the Bills Committee would issue a circular inviting Members to join the Bills Committee. Members agreed.

(*Post-meeting note* : The circular was issued to Members on 14 June 2017 vide LC Paper No. CB(1)1140/16-17.)

Action

(ii) **Medical Registration (Amendment) Bill 2017**
(*LC Paper No. LS74/16-17*)

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

9. Ms Alice MAK 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 LEUNG Yiu-chung, Mr Tommy CHEUNG, Ms Claudia MO, Mr CHAN Han-pan, Mr Kenneth LEUNG, Ms Alice MAK, Dr KWOK Ka-ki, Mr Dennis KWOK, Dr Elizabeth QUAT, Dr Pierre CHAN, Mr CHEUNG Kwok-kwan and Dr LAU Siu-lai.

(b) **Legal Service Division report on subsidiary legislation gazetted on 2 June 2017 and tabled in Council on 7 June 2017**
(*LC Paper No. LS72/16-17*)

10. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the Travel Agents (Fee Concessions) Regulation 2017 (L.N. 106) which was gazetted on 2 June 2017 and tabled in Council on 7 June 2017.

11. Members did not raise any question on the Regulation.

12. The Chairman reminded Members that the deadline for amending the Regulation would be the Council meeting of 5 July 2017.

IV. Further business for the Council meeting of 14 June 2017

(a) **Tabling of papers**

Report No. 20/16-17 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
(*LC Paper No. CB(2)1570/16-17*)

13. The Chairman said that the Report covered nine items of subsidiary legislation and the period for amending them would expire at the Council meeting of 14 June 2017. The Chairman further said that as Ir Dr LO Wai-kwok, Chairman of the Subcommittee on Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Ordinance 2016 (Commencement) Notice 2017 and

Action

Product Eco-Responsibility (Regulated Electrical Equipment) Regulation, and Mr CHAN Hak-kan had indicated their intention to speak on the Commencement Notice, 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 Commencement Notice at the meeting.

(b) **Bills - resumption of debate on Second Reading, Committee Stage and Third Reading**

(i) **Arbitration and Mediation Legislation (Third Party Funding) (Amendment) Bill 2016**

(ii) **Cross-boundary Movement of Physical Currency and Bearer Negotiable Instruments Bill**

14. The Chairman said that at the last HC meeting held on 2 June 2017 ("the last HC meeting"), Members did not raise objection to the resumption of the Second Reading debates on the above two Bills at the meeting.

(c) **Government motion**

Proposed resolution to be moved by the Secretary for Food and Health under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the Smoking (Public Health) (Notices) (Amendment) Order 2017

(LC Paper No. CB(3)659/16-17)

15. The Chairman said that the Chairman of the Subcommittee on the above Order made a verbal report at the last HC meeting, and the written report of the Subcommittee was issued to Members on 7 June 2017. The Subcommittee did not raise objection to the Administration's proposed amendments to the Order.

(d) **Members' motions**

(i) **Proposed resolution to be moved by Hon LEUNG Che-cheung under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the Waterworks (Amendment) Regulation 2017**

(LC Paper No. CB(3)649/16-17)

Action

- (ii) **Proposed resolution to be moved by Hon WONG Ting-kwong under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2017**
(*LC Paper No. CB(3)650/16-17*)

16. Members noted that the Chairmen of the two Subcommittees on the above items of subsidiary legislation would respectively move a proposed resolution at the meeting to extend the period for amending the subsidiary legislation to the Council meeting of 12 July 2017.

- (e) **Request for special leave of the Council to give evidence of Council proceedings**

Request made under section 7 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) and Rule 90 of the Rules of Procedure for special leave of the Council to give evidence of Council proceedings
(*LC Paper No. CB(3)638/16-17*)

17. The Chairman informed Members that the Department of Justice ("DoJ") had submitted a request for special leave of the Council for eight officers of the Council to give evidence in a court case. The Chairman further said that at the last HC meeting, Members noted a similar request made by DoJ for another court case and that the request would be dealt with at the Council meeting of 14 June 2017. Therefore, the two requests submitted by DoJ would be dealt with at the meeting.

V. Business for the Council meeting of 21 June 2017

- (a) **Questions**
(*LC Paper No. CB(3)643/16-17*)

18. 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**

19. The Chairman said that the Dutiable Commodities (Amendment) Bill 2017 would be introduced at the meeting, and HC would consider the Bill at its meeting on 23 June 2017.

Action

(c) **Government motion**

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

(d) **Members' motions**

(i) **Motion on "Facing up to the aspirations of the people participating in the 1 July march" to be moved by Hon Andrew WAN**

(LC Paper No. CB(3)647/16-17)

(ii) **Motion on "Safeguarding animal rights" to be moved by Hon KWONG Chun-yu**

(LC Paper No. CB(3)648/16-17)

21. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above two motions would be Wednesday, 14 June 2017.

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)654/16-17), which contained 20 items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 21 June 2017. She reminded Members to indicate their intention by 5:00 pm on Tuesday, 13 June 2017, should they wish to speak on any of these items of subsidiary legislation.

VI. Reports of Bills Committees and subcommittees

Report of the Bills Committee on Inland Revenue (Amendment) (No. 2) Bill 2017

(LC Paper No. CB(4)1171/16-17)

23. 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 Committee stage amendments ("CSAs") proposed by the Administration to extend the proposed tax regime for offshore aircraft leasing activities under the Bill to onshore aircraft leasing activities. Members also noted that the Bills Committee would not propose any CSAs to the Bill and supported the resumption of the Second Reading debate on the Bill at the Council meeting of 21 June 2017.

Action

24. 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, 12 June 2017.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)1565/16-17)

25. The Chairman said that as at 8 June 2017, there were eight Bills Committees, 15 subcommittees under HC and five subcommittees on policy issues under Panels in action. Eight subcommittees on policy issues were on the waiting list.

26. The Chairman further said that as only one Member had signified to join the Subcommittee on Import and Export (Strategic Commodities) Regulations (Amendment of Schedule 1) Order 2017 (Commencement) Notice, the Subcommittee had not been formed in accordance with the relevant rules of the House Rules, which provided that a subcommittee should consist of not less than three members.

VIII. Any other business

27. There being no other business, the meeting ended at 2:45 pm.

Council Business Division 2
Legislative Council Secretariat
14 June 2017