

立法會
Legislative Council

LC Paper No. CB(2)1686/16-17

Ref : CB2/H/5/16

House Committee of the Legislative Council

**Minutes of the 27th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 16 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
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 Paul TSE Wai-chun, 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 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-kwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon Alvin YEUNG
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
Hon CHAN Chun-ying
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung
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 LEUNG Kwok-hung
Hon Andrew WAN Siu-kin
Hon YUNG Hoi-yan
Dr Hon Pierre CHAN
Hon Tanya CHAN

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
Miss Rachel DAI	Assistant Legal Adviser 2
Mr Alvin CHUI	Assistant Legal Adviser 3
Mr Bonny LOO	Assistant Legal Adviser 4
Ms Vanessa CHENG	Assistant Legal Adviser 5
Mr YICK Wing-kin	Assistant Legal Adviser 8
Ms Clara TAM	Assistant Legal Adviser 9
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 26th meeting held on 9 June 2017
(LC Paper No. CB(2)1616/16-17)

The minutes were confirmed.

Action

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) Statute Law (Miscellaneous Provisions) Bill 2017
(LC Paper No. LS79/16-17)

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. The Deputy Chairman considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Mr WU Chi-wai, Mr Dennis KWOK and Mr Holden CHOW agreed to join the Bills Committee.

(ii) Chinese Medicine (Amendment) Bill 2017
(LC Paper No. LS75/16-17)

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

6. Dr Helena WONG 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: Mrs Regina IP, Mr CHAN Han-pan, Dr Helena WONG and Mr SHIU Ka-fai.

(iii) Protection of Endangered Species of Animals and Plants (Amendment) Bill 2017
(LC Paper No. LS80/16-17)

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

Action

8. Mrs Regina IP, Ms Claudia MO, Dr Elizabeth QUAT and Mr SHIU Ka-fai 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: Mrs Regina IP, Ms Claudia MO, Dr Elizabeth QUAT, Dr Junius HO and Mr SHIU Ka-fai.

(b) **Legal Service Division report on subsidiary legislation gazetted on 9 June 2017 and tabled in Council on 14 June 2017**
(*LC Paper No. LS78/16-17*)

9. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on six items of subsidiary legislation (i.e. L.N. 114 to L.N. 119) which were gazetted on 9 June 2017 and tabled in Council on 14 June 2017.

10. Mr Jeremy TAM considered it necessary to form a subcommittee to study in detail the Hong Kong Civil Aviation (Investigation of Accidents) (Amendment) Regulation 2017 (L.N. 115) and the Air Navigation (Hong Kong) Order 1995 (Amendment) Order 2017 (L.N. 116). Members agreed. Mr Kenneth LEUNG and Mr Jeremy TAM agreed to join the proposed subcommittee.

11. Members did not raise any question on the remaining four items of subsidiary legislation (i.e. L.N. 114 and L.N.117 to L.N.119).

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

IV. Further business for the Council meeting of 21 June 2017

(a) **Tabling of papers**

Report No. 21/16-17 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
(*LC Paper No. CB(2)1618/16-17*)

13. The Chairman said that the Report covered 17 items of subsidiary legislation and the period for amending them would expire at the Council meeting of 21 June 2017. No Member had indicated intention to speak on any of these items of subsidiary legislation.

Action

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

14. The Chairman said that the Private Healthcare Facilities Bill would be introduced at the meeting and the House Committee ("HC") would consider the Bill at its meeting on 23 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 9 June 2017, Members did not raise objection to the resumption of the Second Reading debate on the Inland Revenue (Amendment) (No. 2) Bill 2017 at the Council meeting of 21 June 2017.

(d) **Members' motions**

Proposed resolution to be moved by Hon Steven HO under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the following items of subsidiary legislation:

- (i) **Shipping and Port Control (Amendment) Regulation 2017;**
- (ii) **Shipping and Port Control Regulations (Amendment of Fifth Schedule) Notice 2017; and**
- (iii) **Merchant Shipping (Local Vessels) (General) (Amendment) Regulation 2017**

(LC Paper No. CB(3)693/16-17)

16. The Chairman said that Mr Steven HO, Chairman of the Subcommittee on the above three items of subsidiary legislation, would move a proposed resolution at the meeting to extend the period for amending the subsidiary legislation to the Council meeting of 12 July 2017.

17. Mr CHU Hoi-dick said that he learnt that the President had decided to adjourn the Council meeting of 21 June 2017 at around 1:00 pm on Thursday, 22 June 2017 to enable the holding of additional meetings of the Finance Committee ("FC") in that afternoon. He asked whether Members would be allowed to discuss at this HC meeting such a decision made by the President.

Action

18. The Chairman advised that the President had already determined the meeting arrangement for the Council meeting of 21 June 2017 and a circular had been issued to inform Members of such arrangement. It was her understanding that the President had given regard to the Agenda for the said Council meeting in determining the meeting arrangement. As the subject of the arrangement for Council meeting time had not been scheduled for discussion at this HC meeting and it was for the President to determine the meeting arrangement for Council meetings, it might be more appropriate for Members to convey their views on the meeting arrangement for the said Council meeting, if any, to the President after this HC meeting.

19. The Deputy Chairman said that many Members were of the view that the President should consult Members before making his decision on the meeting arrangement for a Council meeting. Given that holding Council meetings was the most important function of the Legislative Council ("LegCo"), it was understandable that some Members might have concerns about shortening the duration of a Council meeting for the purpose of facilitating the holding of other committee meetings. He considered that the views and concerns expressed by Members at this HC meeting should be relayed to the President.

20. The Chairman said that the President had the power under the Rules of Procedure to determine the date and time of Council meetings. The Secretary General ("SG") could relay Members' views expressed to the President after this meeting. Members might also, if they so wished, convey to the President their views regarding Council meeting arrangements through other appropriate channels.

21. Mr KWONG Chun-yu said that his motion on "Safeguarding animal rights" was the second motion of the two Members' motions without legislative effect which had been scheduled for debate at the Council meeting of 21 June 2017. He was concerned that if the meeting was to be adjourned at around 1:00 pm on Thursday, 22 June 2017, it was highly likely that his motion could not be dealt with at that meeting. He considered that the Chairman should, on behalf of Members, relay to the President Members' concerns about his decision without prior consultation with Members to "draw a line" on the date and time upon which the Council meeting of 21 June 2017 was to be adjourned.

Action

22. Dr Helena WONG enquired whether there was any precedent case in which the President had, without providing any reasonable explanations, appointed the date and time upon which a Council meeting was to be adjourned. She was concerned that as it was only an estimate made by the President that the business on the Agenda for the Council meeting of 21 June 2017 could be concluded by 1:00 pm on Thursday, 22 June 2017, it would be an abuse of the President's power to curtail the meeting by the specified time if the President's estimate turned out to be wrong.

23. Dr Fernando CHEUNG, Ms Claudia MO and Mr Nathan LAW held the view that as one of the key functions of HC was to prepare Members for Council meetings, it was appropriate for Members to discuss at this HC meeting the meeting arrangement for the next Council meeting. In Dr CHEUNG's view, the President should have consulted Members before making a decision to shorten the duration of the next Council meeting. Mr LAW also commented that it would be meaningless for HC to consider the business to be dealt with at a Council meeting if Members could not discuss the meeting arrangement for that meeting.

24. Mr CHAN Chi-chuen said that while the President had the power to determine the meeting arrangement for a Council meeting, such power should be exercised only on the precondition that the majority of Members did not object to the arrangement proposed by the President. In his view, if any Member had views or concerns about the proposed meeting arrangement, the Member should have the right to request discussion of the matter and it was appropriate for the discussion to be held at a HC meeting.

25. Dr KWOK Ka-ki commented that the Chairman had not duly discharged her duty as the Chairman of HC. He stressed that the Chairman of HC had the responsibility to relay Members' views to the President and to allow time for Members to discuss issues of mutual concern at HC meetings. He also hoped that SG could provide information on whether arrangements had ever been made to shorten the duration of a Council meeting to make way for another committee meeting.

Action

26. Mr Alvin YEUNG hoped that the Chairman and the Deputy Chairman would convey to the President his view that given the importance of Council meetings, it would be a blatant disrespect to LegCo and its Members if the duration of a Council meeting could be shortened arbitrarily and without any precedent. He was extremely worried that the President's decision to shorten the duration of the Council meeting of 21 June 2017 to make way for FC meetings would set a bad precedent, and that the duration of future Council meetings could be adjusted for various reasons.

27. Mr WU Chi-wai considered that hierarchically speaking, it was inappropriate to shorten the duration of the Council meeting of 21 June 2017 to make way for FC meetings. In his view, it was more proper for FC to assess the time required by the Council to conclude its business on the Agenda and hold its meetings after the adjournment of the Council if necessary.

28. Mr IP Kin-yuen considered that Members' views should be sought before the President decided to shorten the duration of a Council meeting. He stressed that the established procedures and systems of LegCo were of paramount importance and any proposal for making changes to such procedures and systems must be well-justified.

29. Mr WONG Kwok-kin expressed dissatisfaction that the Chairman allowed some Members to speak on the President's decision on the meeting arrangement for the Council meeting of 21 June 2017, which had not been included as an item for discussion in the agenda for this meeting. He added that should these Members really wish to discuss the matter at this meeting, they should have formally proposed to do so before the meeting.

30. Mr CHEUNG Kwok-kwan said that he trusted that the President would determine the meeting arrangement for a Council meeting having regard to the Agenda for that meeting and the experience gained in the holding of previous Council meetings. If it was the President's judgment that the business on the Agenda for a Council meeting could be concluded by a specified date and time, there should be no adverse impact on LegCo or the community if the timeslot(s) so released, if any, by the Council could be used to hold other committee meetings.

Action

31. The Chairman said that while the subject of the arrangement for Council meeting time had not been scheduled for discussion at this HC meeting, she had exercised discretion to allow Members to express their views on the meeting arrangement for the Council meeting of 21 June 2017 as it was relevant to the business for that Council meeting which was on the agenda for this HC meeting. The Chairman further said that while Members had different views on the said meeting arrangement, the President's decisions should be final and Members should not debate such decisions at any meeting. As the Chairman of HC, she and SG would relay to the President after the meeting Members' views expressed. Members might also communicate their views to the President after the meeting through different ways and channels.

32. Dr KWOK Ka-ki reiterated his earlier request for SG to provide, for Members' reference, information on whether arrangements had ever been made to shorten the duration of a Council meeting to make way for another committee meeting. The Deputy Chairman also sought SG's advice on whether the President would adjourn the next Council meeting at 1:00 pm on Thursday, 22 June 2017 or allow the meeting to continue if the business on the Agenda for the meeting could not be concluded by then.

33. At the invitation of the Chairman, SG said that it was his understanding that in determining the meeting arrangement for the Council meeting of 21 June 2017, the President had taken into account the Agenda for that meeting and the anticipation that the business on the Agenda could be concluded by 1:00 pm on Thursday, 22 June 2017. If necessary, he could discuss further with Members the said meeting arrangement on other occasions.

V. Business for the Council meeting of 28 June 2017

(a) Questions

(LC Paper No. CB(3)669/16-17)

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

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

(i) United Nations (Anti-Terrorism Measures) (Amendment) Bill 2017

Action

(ii) **Employment (Amendment) (No. 2) Bill 2017**

35. The Chairman said that HC would consider the above two Bills at its meeting on 30 June 2017.

(c) **Government motion**

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)683/16-17)

36. Members noted that the Secretary for Transport and Housing would move the above proposed resolution at the meeting.

(d) **Members' motions**

(i) **Motion on "Reforming outdated legislation and promoting the development of innovation and technology" to be moved by Hon Charles Peter MOK**
(LC Paper No. CB(3)681/16-17)

(ii) **Motion on "Establishing a universal retirement protection system" to be moved by Hon LEUNG Kwok-hung**
(LC Paper No. CB(3)682/16-17)

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

Report of HC on Consideration of Subsidiary Legislation

38. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)680/16-17), which contained three items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 28 June 2017. She reminded Members to indicate their intention by 5:00 pm on Tuesday, 20 June 2017, should they wish to speak on any of these items of subsidiary legislation.

VI. Reports of Bills Committees and subcommittees

(a) Report of the Bills Committee on Road Traffic (Amendment) Bill 2017

(LC Paper No. CB(4)1222/16-17)

39. Mr Frankie YICK, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Members noted that both the Bills Committee and the Administration would not propose any Committee stage amendments ("CSAs") to the Bill. Members also noted that the Bills Committee had no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 28 June 2017.

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

(b) Report of the Bills Committee on Bank of Communications (Hong Kong) Limited (Merger) Bill

(LC Paper No. CB(1)1142/16-17)

41. Mr WU Chi-wai, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Mr WU informed Members that the Bills Committee had no objection to the CSAs proposed by Mr CHAN Chun-ying, the Member in charge of the Bill. Mr WU further advised 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 5 July 2017.

42. The Chairman reminded Members that the deadline for giving notice of CSAs, if any, proposed to be moved to the Bill would be Saturday, 24 June 2017.

(c) **Report of the Subcommittee on Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Ordinance 2016 (Commencement) Notice 2017 and Product Eco-Responsibility (Regulated Electrical Equipment) Regulation**

(LC Paper No. CB(1)1141/16-17)

43. Ir Dr LO Wai-kwok, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee in relation to the Product Eco-Responsibility (Regulated Electrical Equipment) Regulation as detailed in its report. Ir Dr LO informed Members that the Subcommittee had no objection to the Administration's proposed amendments to the Regulation and would not propose any amendment to it. The Subcommittee had noted that Mr HUI Chi-fung might consider proposing amendments to the Regulation. Ir Dr LO further advised that the Subcommittee had no objection to the Administration giving fresh notice to move the proposed resolution on the Regulation, as revised, at the Council meeting of 5 July 2017.

44. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above proposed resolution would be Tuesday, 27 June 2017.

(d) **Report of the Subcommittee on Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2017**

(LC Paper No. CB(4)1220/16-17)

45. Mr WONG Ting-kwong, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Mr WONG said that the Subcommittee supported the Notice and would not propose any amendments to it.

46. The Chairman reminded Members that as the period for amending the Notice would expire at the Council meeting of 12 July 2017, the deadline for giving notice of amendments, if any, would be Wednesday, 5 July 2017.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)1617/16-17)

47. The Chairman said that as at 15 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.

VIII. Proposed overseas duty visit to Israel by the Panel on Commerce and Industry

(LC Paper No. CB(1)1131/16-17)

48. Mr WU Chi-wai, Chairman of the Panel on Commerce and Industry, said that the Panel proposed to conduct a duty visit to Israel tentatively from 22 to 28 July 2017 to study the country's experience in promoting the development of innovation and technology industry and re-industrialization. The Panel had agreed that the visit be open to non-Panel Members for participation and a total of 11 Members (including three non-Panel Members) had indicated interest in taking part in the visit. Mr WU further said that in response to the Panel's invitation, the Innovation and Technology Bureau had nominated two officers from the Innovation Technology Commission to join the visit to advise the delegation on issues relating to the development of innovation and technology industry. The expenses incurred by the two officials for the visit would be borne by the Administration. He referred Members to the Panel's paper for details of the proposed visit.

49. Members agreed that permission be given for the Panel on Commerce and Industry to conduct the proposed duty visit.

IX. Any other business

50. There being no other business, the meeting ended at 3:09 pm.