

立法會
Legislative Council

LC Paper No. CB(2)1798/16-17

Ref : CB2/H/5/16

House Committee of the Legislative Council

**Minutes of the 29th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 30 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, GBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon CHAN Kin-por, GBS, JP
Hon WONG Kwok-kin, SBS, 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, SBS, 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, SBS, MH, JP
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan

Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, BBS, JP
Hon Martin LIAO Cheung-kong, SBS, JP
Hon POON Siu-ping, BBS, MH
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 SHIU Ka-chun
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan
Dr Hon Pierre CHAN
Hon CHAN Chun-ying
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung
Hon LUK Chung-hung
Hon LAU Kwok-fan, MH
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 Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Kenneth LEUNG
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon CHIANG Lai-wan, JP
Hon Tanya CHAN
Hon Kenneth LAU Ip-keung, BBS, MH, JP
Dr Hon CHENG Chung-tai

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
Miss Erin TSANG	Acting Principal Council Secretary 1
Ms Hallie CHAN	Head (Public Information)
Ms Alice LEUNG	Chief Council Secretary (2)6
Mr Alvin CHUI	Assistant Legal Adviser 3
Ms Wendy KAN	Assistant Legal Adviser 6
Mr YICK Wing-kin	Assistant Legal Adviser 8
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

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I. Confirmation of minutes of meeting

Minutes of 28th meeting held on 23 June 2017
(LC Paper No. CB(2)1742/16-17)

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

(LC Paper No. LS85/16-17)

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

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

(LC Paper No. LS84/16-17)

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

6. Dr Fernando CHEUNG and Dr Elizabeth QUAT considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Dr Fernando CHEUNG, Dr Elizabeth QUAT and Dr LAU Siu-lai agreed to join the Bills Committee.

(b) **Legal Service Division report on subsidiary legislation gazetted on 23 June 2017 and tabled in Council on 28 June 2017**

(LC Paper No. LS86/16-17)

7. 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. 129 to L.N. 134) which were gazetted on 23 June 2017 and tabled in Council on 28 June 2017.

8. Mr Holden CHOW considered it necessary to form a subcommittee to study in detail the five Amendment Regulations made under the Electoral Affairs Commission Ordinance (Cap. 541) to implement the recommendation of the Electoral Affairs Commission in its report on the 2016 Legislative Council General Election concerning proof of an

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elector's identity before the elector was issued a ballot paper (i.e. L.N. 129 to L.N. 133). Members agreed. Mr Holden CHOW agreed to join the proposed subcommittee.

9. Members did not raise any question on the Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) Order 2017 (L.N. 134).

10. Members noted that the deadline for amending the above six items of subsidiary legislation would be the second Council meeting in the next session, or the first Council meeting held not earlier than the 21st day after the second Council meeting in the next session if extended by a resolution of the Council.

IV. Further business for the Council meeting of 5 July 2017

(a) Tabling of papers

Report No. 23/16-17 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
(LC Paper No. CB(2)1744/16-17)

11. The Chairman said that the Report covered three items of subsidiary legislation and the period for amending them would expire at the Council meeting of 5 July 2017. The Chairman further said that as Mr CHAN Chun-ying, Chairman of the Subcommittee on Financial Institutions (Resolution) (Protected Arrangements) Regulation and Financial Institutions (Resolution) Ordinance (Commencement) Notice 2017, had indicated his 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) Members' motions

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

(i) Hong Kong Civil Aviation (Investigation of Accidents) (Amendment) Regulation 2017; and

**(ii) Air Navigation (Hong Kong) Order 1995 (Amendment)
Order 2017**

(LC Paper No. CB(3)763/16-17)

12. The Chairman said that Mr Jeremy TAM, Chairman of the Subcommittee on the above two items of subsidiary legislation, would move a proposed resolution at the meeting to extend the period for amending the subsidiary legislation to the first Council meeting in the next session.

V. Business for the Council meeting of 12 July 2017

(a) Questions

(LC Paper No. CB(3)754/16-17)

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 no notice had been received yet.

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

(i) Apology Bill

(ii) Stamp Duty (Amendment) Bill 2017

15. The Chairman said that at the last HC meeting held on 23 June 2017, Members did not raise objection to the resumption of the Second Reading debates on the above two Bills at the Council meeting of 12 July 2017.

(d) Government motions

**(i) Proposed resolution to be moved by the Secretary for the Environment under section 54 of the Energy Efficiency (Labelling of Products) Ordinance (Cap. 598)
*(LC Paper No. CB(3)758/16-17)***

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(ii) **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)713/16-17)

16. Members noted that the above two proposed resolutions would be dealt with at the meeting.

(iii) **Proposed resolution to be moved by the Secretary for Home Affairs under section 7(a) of the Legal Aid Ordinance (Cap. 91)**

(LC Paper No. CB(3)732/16-17)

(LC Paper No. LS87/16-17)

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

18. Mr LEUNG Kwok-hung considered it necessary to form a subcommittee to study the proposed resolution in detail. Members agreed. Mr LEUNG Kwok-hung agreed to join the proposed subcommittee.

19. 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**

20. The Chairman said that two Members' motions without legislative effect which had stood over from previous Council meetings would be dealt with at the meeting.

Report of HC on Consideration of Subsidiary Legislation

21. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)772/16-17), which contained six items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 12 July 2017. She reminded Members to indicate their intention by 5:00 pm on Tuesday, 4 July 2017, should they wish to speak on any of these items of subsidiary legislation.

VI. Reports of Bills Committees and subcommittees

Report of the Subcommittee on Waterworks (Amendment) Regulation 2017

22. Mr LEUNG Che-cheung, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. Mr LEUNG said that the Amendment Regulation was made to amend the Waterworks Regulations (Cap. 102A) ("WWR"), taking into account the recommendations made in the Report of the Commission of Inquiry into Excess Lead Found in Drinking Water. The purpose of the Amendment Regulation was to update the requirements relating to the material standards for pipes or fittings installed in fire services or inside services by specifying the latest applicable technical requirements and standards.

23. Mr LEUNG informed Members that the Subcommittee had held three meetings and received views from deputations at one of these meetings. The major issues discussed by the Subcommittee included the impact of the Amendment Regulation on the trade; the time required by the Administration to approve waterworks applications and measures to speed up the processing of such applications; how the Administration would monitor effectively the implementation of the standards prescribed in the legislation; and whether, through this amendment exercise, additional provisions should be added to regulate materials and fittings which would affect the quality and safety of drinking water but had not yet been covered by WWR nor the Amendment Regulation, such as those used for coatings in contact with water on the inside surface of taps, for constructing fresh water storage tanks in buildings, and for manufacturing heaters for water intended for human consumption and water pumps.

24. Mr LEUNG further said that the Subcommittee was generally supportive of the Amendment Regulation. Some members of the Subcommittee had pointed out that to comply with the statutory requirements, the cost of waterworks would inevitably be increased and the additional cost would eventually be borne by the public.

25. Mr LEUNG further advised that in response to the concerns raised by members of the Subcommittee about the quality and safety of drinking water, the Administration would propose three groups of amendments to the Amendment Regulation. The first and second groups of proposed amendments were to amend regulations 20(2) and 25(2) of WWR to specify, for the sake of greater consistency and clarity, that the Water Authority, in exercising its powers given under these two regulations,

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should consider the effect on the efficiency of the water supply system and the quality of the water. The third group of proposed amendments was to revise Schedule 2 to WWR and the proposed amendments included: (a) deleting cast iron, which was a comparatively brittle material for making water pipes, from the relevant requirements; (b) adding a note to paragraph 23 of Part 1 to specify that the standards of non-metallic materials used in pipes and fittings were also applicable to non-metallic materials used in certain fittings prescribed in Parts 2 and 3, e.g. taps, valves and fresh water storage tanks in buildings etc.; (c) for avoiding ambiguity, repealing paragraph 1 of Part 2 as the relevant requirements for the testing pressure and materials of draw-off taps and stop valves had already been specified in other relevant paragraphs in Part 2; and (d) amending Part 4 to clarify that the water heated by water heater referred to in this Part was not intended for human consumption.

26. Members were advised that the Subcommittee would propose two amendments to the Amendment Regulation. One of the amendments was to regulate water pumps which were made of materials that would adversely affect the efficiency of the water supply system and the quality of the water, and the other amendment was to regulate materials used in the manufacture of heaters as connected to inside services for water intended for human consumption. In the view of members of the Subcommittee, these two items must be regulated as they were both relevant to the quality and safety of drinking water. Members noted that the Administration considered that priority should be accorded to update the current provisions relating to the standards for pipes and fittings through this amendment exercise. As the Administration would need time to study the relevant standards and consult the trade before adding new items to be regulated under the legislation, the Administration considered it more appropriate to address the above two proposed items in the coming holistic review of the relevant legislation on waterworks. Members further noted that the Subcommittee would submit its written report in due course.

27. The Chairman reminded Members that as the period for amending the Amendment Regulation 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)1743/16-17)

28. The Chairman said that as at 29 June 2017, there were 11 Bills Committees, 12 subcommittees under HC and five subcommittees on policy issues under Panels in action. Eight subcommittees on policy issues were on the waiting list.

VIII. Report of the delegation of the Panel on Development on the duty visit to the Dongjiang River Basin

(LC Paper No. CB(1)1209/16-17)

29. At the invitation of the Chairman, Mr Tommy CHEUNG, Chairman of the Panel on Development, said that the delegation of the Panel conducted a duty visit to the Dongjiang River Basin on 14 and 15 April 2017 to understand the operation of the water supply system of Dongjiang water supplied to Hong Kong and the measures taken by the Guangdong Provincial authorities to safeguard the quality of Dongjiang water. He briefed Members on the major findings and observations of the delegation as detailed in its report.

IX. Any other business

30. There being no other business, the meeting ended at 2:51 pm.