

# 立法會

## *Legislative Council*

LC Paper No. CB(4)888/16-17  
(These minutes have been  
cleared with the Chairman)

Ref: CB4/SS/7/16

### **Subcommittee on Three Regulations to Effect Toll Payment through Electronic Payment Facility**

**Minutes of the first meeting held on  
Wednesday, 5 April 2017, at 10:30 am  
in Conference Room 2B of the Legislative Council Complex**

**Members present** : Hon CHAN Hak-kan, BBS, JP(Chairman)  
Hon Frankie YICK Chi-ming, JP  
Hon Charles Peter MOK, JP  
Hon Alice MAK Mei-kuen, BBS, JP  
Dr Hon Junius HO Kwan-yiu, JP  
Hon LAU Kwok-fan, MH

**Member absent** : Hon YIU Si-wing, BBS  
Hon CHAN Han-pan, JP  
Dr Hon KWOK Ka-ki  
Hon Andrew WAN Siu-kin  
Hon HO Kai-ming  
Hon Jeremy TAM Man-ho  
Dr Hon YIU Chung-yim

**Clerk in attendance** : Mr Anthony CHU  
Chief Council Secretary (4)1

**Staff in attendance** : Miss Winnie LO  
Assistant Legal Adviser 7

Ms Angela CHU  
Senior Council Secretary (4)1

Action

Miss Maggie CHUNG  
Council Secretary (4)1

Ms Prima LAI  
Legislative Assistant (4)1

Ms Cynthia TAM  
Legislative Assistant (4)9

Mr Terry HON  
Clerical Assistant (4)1

---

**I. Election of Chairman**

Mr CHAN Hak-kan, the member present who had the highest precedence, presided at the meeting and called for nominations for the chairmanship of the Subcommittee. Mr LAU Kwok-fan nominated Mr CHAN Hak-kan and the nomination was seconded by Mr Frankie YICK Chi-ming. Mr CHAN Hak-kan accepted the nomination. There being no other nomination, Mr CHAN Hak-kan was declared Chairman of the Subcommittee. Members agreed that election of a deputy chairman was not necessary.

**II. Any other business**

- |                               |   |
|-------------------------------|---|
| L.N. 34 of 2017               | -- Road Tunnels (Government)<br>(Amendment) Regulation 2017                           |
| L.N. 35 of 2017               | -- Tsing Ma Control Area (Tolls,<br>Fees and Charges) (Amendment)<br>Regulation 2017  |
| L.N. 36 of 2017               | -- Tsing Sha Control Area (Tolls,<br>Fees and Charges) (Amendment)<br>Regulation 2017 |
| File ref.: THB(T)CR 2/4651/83 | -- Legislative Council Brief  |
| LC Paper No. LS42/16-17       | -- Legal Service Division Report  |

Action

2. The Subcommittee deliberated (index of proceedings attached at **Annex**).

Extension of scrutiny period

3. To allow more time for the Subcommittee to study the three amendment regulations, namely Road Tunnels (Government) Regulation 2017, Tsing Ma Control Area (Tolls, Fees and Charges) (Amendment) Regulation 2017 and Tsing Sha Control Area (Tolls, Fees and Charges) (Amendment) Regulation 2017 (L.N.s 34 to 36 of 2017 respectively) ("the Amendment Regulations") to effect toll payment of government tolled tunnels and roads through electronic payment facilities, members agreed that the Chairman would move a motion at the Legislative Council meeting of 12 April 2017 to extend the scrutiny period to 10 May 2017. The Chairman reminded members that subject to the passing of the above motion, the deadline for giving notice of motion to amend the Amendment Regulations would be 2 May 2017, and he would report the Subcommittee's deliberations to the House Committee at its meeting on 28 April 2017.

*(Post-meeting note: the motion to extend the scrutiny period of the Amendment Regulations was not dealt with at the Council meeting of 12 April 2017 due to unfinished business on the Agenda of the Council meeting. The scrutiny period for the Amendment Regulations has therefore expired at that Council meeting.)*

Invitation of public views

4. Members agreed that there was no need to invite views from the public on the Amendment Regulations.

Date of next meeting

5. Members agreed that the next meeting would be held on 10 April 2017 (Monday) at 9:00 am to meet with the Administration.
6. There being no other business, the meeting ended at 10:36 am.

Council Business Division 4  
Legislative Council Secretariat  
21 April 2017

**Proceedings of the first meeting of the  
Subcommittee on Three Regulations to Effect Toll Payment through Electronic Payment Facility  
on Wednesday, 5 April 2017, at 10:30 am  
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<b>Agenda item I – Election of Chairman</b>			
000100 - 000159	Mr CHAN Hak-kan Mr LAU Kwok-fan Mr Frankie YICK Chi-ming	Election of Chairman	
<b>Agenda item II – Any other business</b>			
000200 - 000219	Chairman	Invitation of public views	
000220- 000234	Chairman	Date of next meeting	
000235 - 000635	Chairman Dr Junius HO Kwan-yiu Clerk Assistant Legal Adviser	<p>Extension of the scrutiny period</p> <p>In response to Dr HO's enquiry regarding the legal basis for extending the scrutiny period of subsidiary legislation subject to negative vetting, the Clerk and Assistant Legal Adviser advised that:</p> <p>(a) under section 34 of the Interpretation and General Clauses Ordinance (Cap. 1), all subsidiary legislation subject to negative vetting must be tabled at the next Legislative Council ("the Council") meeting after the publication in the Gazette of that subsidiary legislation;</p> <p>(b) the Council might amend subsidiary legislation by a resolution passed at a Council meeting held not later than 28 days after the meeting at which it was tabled ("the scrutiny period");</p> <p>(c) before the expiry of the scrutiny period, a motion could be moved to extend the scrutiny period to the first Council meeting held not earlier than the 21<sup>st</sup> day after the day of its expiry; and</p> <p>(d) in deciding whether the scrutiny period of a subsidiary legislation should be extended, the subcommittee formed to study the subsidiary legislation would take into account factors such as the meeting schedule and the time for reporting its deliberations to the House Committee.</p>	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
000636-000643	Chairman	Concluding remarks	

Council Business Division 4  
Legislative Council Secretariat  
21 April 2017