

立法會  
*Legislative Council*

LC Paper No. CB(2)1303/17-18

Ref : CB2/H/5/17

**House Committee of the Legislative Council**

**Minutes of the 19th meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 27 April 2018**

**Members present :**

Hon Starry LEE Wai-king, SBS, JP (Chairman)  
Hon LEUNG Yiu-chung  
Hon Tommy CHEUNG Yu-yan, GBS, 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  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon WONG Kwok-kin, SBS, JP  
Hon Mrs Regina IP LAU Suk-yee, GBS, JP  
Hon Paul TSE Wai-chun, JP  
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 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, BBS, 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 Alvin YEUNG  
Hon Jimmy NG Wing-ka, JP  
Dr Hon Junius HO Kwan-yiu, JP  
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 Tanya CHAN  
Hon CHEUNG Kwok-kwan, JP  
Hon LAU Kwok-fan, MH  
Hon Kenneth LAU Ip-keung, BBS, MH, JP  
Dr Hon CHENG Chung-tai  
Hon KWONG Chun-yu  
Hon Jeremy TAM Man-ho  
Hon Gary FAN Kwok-wai  
Hon AU Nok-hin  
Hon Vincent CHENG Wing-shun, MH  
Hon Tony TSE Wai-chuen, BBS

**Members absent :**

Hon Dennis KWOK Wing-hang (Deputy Chairman)  
Hon James TO Kun-sun  
Hon Abraham SHEK Lai-him, GBS, JP  
Prof Hon Joseph LEE Kok-long, SBS, JP  
Hon Claudia MO  
Hon Kenneth LEUNG  
Hon KWOK Wai-keung, JP  
Hon CHUNG Kwok-pan  
Hon Andrew WAN Siu-kin  
Hon CHU Hoi-dick  
Hon HO Kai-ming  
Hon HUI Chi-fung  
Hon LUK Chung-hung

**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
Mr Matthew LOO	Assistant Secretary General 4
Mr Timothy TSO	Senior Assistant Legal Adviser 1
Mr YICK Wing-kin	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
Mr Cliff IP	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
Miss Connie AU	Senior Council Secretary (2)8
Mr Clement HAU	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 18th meeting held on 13 April 2018**  
(LC Paper No. CB(2)1270/17-18)

The minutes were confirmed.

**II. Matters arising**

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

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Progress of examining funding proposals for public works items

2. The Chairman said that the Chief Secretary for Administration ("CS") had noted Members' views on the examination work of the Public Works Subcommittee ("PWSC") raised at the last meeting of the House Committee ("HC") on 13 April 2018, and CS was pleased to see that there was improvement in the progress of examining funding proposals for works items by PWSC. As regards the concern raised at the last HC meeting about the works items relating to the proposed redevelopment or building of five hospitals, the Chairman advised that those items had been endorsed by PWSC at its meeting on 25 April 2018.

Scrutiny work of the Bills Committee on Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill

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3. The Chairman further said that CS had noted Members' views on the letter dated 12 April 2018 from the Secretary for Transport and Housing to the Chairman of the Bills Committee on Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill. CS indicated that there was urgency for completing the scrutiny of the Bill as the relevant works of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link had already completed pending only the completion of legislative process for the Bill. He hoped that the relevant legislative work could be completed at the earliest possible time.

**III. Business arising from previous Council meetings**

**Legal Service Division report on bill referred to the House Committee in accordance with Rule 54(4)**

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**Companies (Amendment) Bill 2018**  
(LC Paper No. LS53/17-18)

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

5. Mr Christopher CHEUNG 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: the Chairman, Mr Christopher CHEUNG, Dr Junius HO and Mr CHAN Chun-ying.

**IV. Legal Service Division report on subsidiary legislation gazetted on 20 April 2018**

*(LC Paper No. LS52/17-18)*

6. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the United Nations Sanctions (Somalia) (Amendment) Regulation 2018 (L.N. 66) ("the Regulation") which was gazetted on 20 April 2018. Members noted that the Regulation was made under the United Nations Sanctions Ordinance (Cap. 537) which was not required to be tabled in the Legislative Council ("LegCo") and was not subject to amendment by LegCo.

7. Members agreed that the Regulation be referred to the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions as it came within the Subcommittee's terms of reference.

**V. Business for the Council meeting of 2 May 2018**

**(a) Questions**

*(LC Paper No. CB(3)528/17-18)*

8. The Chairman said that 22 written questions had been scheduled for the meeting.

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

9. The Chairman said that HC would consider the Inland Revenue (Amendment) (No. 3) Bill 2018 at its meeting on 4 May 2018.

**(c) Bill - resumption of debate on Second Reading, Consideration by Committee of the Whole Council and Third Reading**

**Appropriation Bill 2018**

**(Response by the Administration)**

10. The Chairman said that the Administration would respond to Members' comments on the Appropriation Bill 2018 at the meeting. Subject to the Bill receiving its Second Reading, the Council would deal with its remaining proceedings.

## **VI. The Chief Executive's Question and Answer Session on 3 May 2018**

11. The Chairman said that the Chief Executive's Question and Answer Session would be held on 3 May 2018, from 10:30 am to 12:00 noon.

## **VII. Business for the Council meeting of 9 May 2018**

### **(a) Questions**

*(LC Paper No. CB(3)529/17-18)*

Arrangements for questions to be asked at the Council meeting of 9 May 2018 and thereafter

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12. The Chairman said that in accordance with rule 7(e) of the House Rules, there would be no arrangements for Members to put oral questions to the Government at the Council meetings for debate on the Appropriation Bill. The Chairman informed Members that as it was uncertain as to when all the proceedings on the Appropriation Bill 2018 would be completed, applications for oral questions to be asked at the Council meeting of 9 May 2018 and thereafter would be dealt with in accordance with the arrangements adopted in the past, and the Secretariat would liaise with Members asking oral questions on the relevant arrangements. Members noted the arrangements.

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

13. The Chairman said that HC would consider the Human Organ Transplant (Amendment) Bill 2018 at its meeting on 11 May 2018.

### **(c) Government motion**

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

### **(d) Member's Bill - resumption of debate on Second Reading, Consideration by Committee of the Whole Council and Third Reading**

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15. The Chairman said that at the last HC meeting on 13 April 2018, Members did not raise objection to the resumption of the Second Reading debate on the Sailors Home and Missions to Seamen Incorporation (Amendment) Bill 2018 at the meeting.

(e) **Members' motions**

- (i) **Motion on "Report of the Joint Subcommittee on Long-term Care Policy" to be moved by Dr Hon Fernando CHEUNG**  
(LC Paper No. CB(3)425/17-18)
- (ii) **Motion on "Not forgetting the 4 June incident" to be moved by Hon Tanya CHAN**  
(LC Paper No. CB(3)531/17-18)

16. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above two motions would be Wednesday, 2 May 2018.

- (iii) **Motion for the adjournment of the Council under Rule 16(4) of the Rules of Procedure to be moved by Hon CHAN Hak-kan**  
(LC Paper No. CB(3)532/17-18)

17. The Chairman said that the above motion would also be dealt with at the meeting.

**Report of HC on Consideration of Subsidiary Legislation**

18. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)538/17-18), which contained seven items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 9 May 2018. She reminded Members to indicate their intention by 5:00 pm on Monday, 30 April 2018, should they wish to speak on any of these items of subsidiary legislation.

**VIII. Reports of Bills Committees and subcommittees**

- (a) **Report of the Subcommittee on Rating (Exemption) Order 2018**  
(LC Paper No. CB(1)861/17-18)

19. 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 did not object to exempt rates to help ease the financial burden of the public and that both the

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Subcommittee and the Administration would not propose any amendments to the Order. Members noted that Mr James TO and Mr WU Chi-wai had indicated their intention to the Subcommittee that they might propose amendments to the Order to set a limit on the number of rateable properties held by a company that would be eligible for rates concession and to exclude those completed but unsold residential properties held by developers from the rates concession measure.

**(b) Report of the Subcommittee on International Organizations (Privileges and Immunities) (New Development Bank) Order**

20. Dr Junius HO, on behalf of the Chairman of the Subcommittee, Mr Kenneth LEUNG, who was not at the meeting, made a verbal report on the deliberations of the Subcommittee. Dr HO said that the objective of the Order was to declare that certain provisions of the Articles of Agreement of the New Development Bank ("NDB") had the force of law in Hong Kong. These articles were related to the status of NDB, the privileges and immunities of NDB and its personnel (including immunity from judicial proceedings if certain conditions were satisfied), as well as immunities of NDB's property and assets from seizure and exemption of NDB from taxation.

21. Dr HO further said that NDB was a multilateral development bank founded with the purpose to mobilize resources for funding infrastructure and sustainable development projects in emerging market economies and developing countries, thereby complementing the existing efforts of multilateral and regional financial institutions for global growth and development.

22. Members were informed that the Subcommittee had held one meeting with the Administration to scrutinize the Order. In the course of deliberations, the Subcommittee had examined issues including the procedures for setting up representative offices in Hong Kong by international organizations on which privileges and immunities were conferred; whether any mechanism was in place whereby Hong Kong could confer privileges and immunities on an international organization with which Hong Kong had concluded an agreement without seeking the approval of the Central People's Government of the People's Republic of China; the procedures for handling the waiver of any immunity, privilege or exemption that had been conferred on NDB; and the interpretation of various expressions such as "official communications", "officers" and "employees" in the Schedule to the Order.



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23. Members noted that the Subcommittee generally supported the Order and would not propose any amendments to it. The Subcommittee would submit a written report in due course.

**(c) Report of the Subcommittee on Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2018**

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24. Mr Jeremy TAM, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. He informed Members that the Subcommittee had completed the scrutiny of the Notice. Mr TAM advised that the Notice, which would come into operation on 1 August 2018, was made by the Secretary for Commerce and Economic Development under section 37 of the Toys and Children's Products Safety Ordinance (Cap. 424) to update certain safety standards for toys and three classes of children's products, namely, babies' dummies, children's high chairs and multi-purpose high chairs for domestic use and children's paints. He further said that under sections 3 and 5 of Cap. 424, no person should manufacture, import or supply any toy or children's product unless the toy or product complied with all the applicable requirements in at least one relevant safety standard specified in Schedule 1 or Schedule 2 to Cap. 424 respectively.

25. Mr TAM further advised that the Subcommittee had held one meeting with the Administration on 24 April 2018. Members of the Subcommittee were mainly concerned about the public education and publicity work to be carried out by the Administration on the updated safety standards as well as the inspection and enforcement work of online shopping platforms by the Customs and Excise Department so as to ensure that the relevant products would comply with the latest specified safety standards. There was a suggestion that the Administration could distribute publicity leaflets to parents through the Maternal and Child Health Centres. Members of the Subcommittee also requested the Administration to strengthen its random checks on toys and children's products sold through online shopping platforms. The Administration had agreed to consider these suggestions.

26. Members noted that the Subcommittee supported the Notice, and that it would submit a written report in due course.

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27. The Chairman reminded Members that as the period for amending the above three items of subsidiary legislation would expire at the Council meeting of 9 May 2018, the deadline for giving notice of amendments, if any, would be Wednesday, 2 May 2018.

**IX. Position on Bills Committees and subcommittees**  
(*LC Paper No. CB(2)1271/17-18*)

28. The Chairman said that as at 26 April 2018, there were eight Bills Committees, 12 subcommittees under HC and four subcommittees on policy issues under Panels in action. Eight subcommittees on policy issues were on the waiting list.

**X. Any other business**

29. There being no other business, the meeting ended at 2:48 pm.

Council Business Division 2  
Legislative Council Secretariat  
2 May 2018