

立法會  
*Legislative Council*

LC Paper No. CB(2)1435/17-18

Ref : CB2/H/5/17

**House Committee of the Legislative Council**

**Minutes of the 22nd meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 18 May 2018**

**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  
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 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 LEUNG Che-cheung, SBS, MH, JP  
Hon Kenneth LEUNG  
Hon Alice MAK Mei-kuen, BBS, JP  
Dr Hon KWOK Ka-ki  
Hon KWOK Wai-keung, JP  
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 CHUNG Kwok-pan  
Hon Alvin YEUNG  
Hon Andrew WAN Siu-kin  
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 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 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 Vincent CHENG Wing-shun, MH  
Hon Tony TSE Wai-chuen, BBS

**Members absent :**

Hon CHAN Han-pan, JP  
Hon CHU Hoi-dick  
Hon SHIU Ka-chun  
Hon Tanya CHAN  
Hon AU Nok-hin

**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 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
Mr Alvin CHUI	Assistant Legal Adviser 3
Ms Vanessa CHENG	Assistant Legal Adviser 5
Mr Richard WONG	Senior Council Secretary (2)6
Ms Jasmine TAM	Senior Council Secretary (2)8
Miss Connie AU	Council Secretary (2)6
Mr Clement HAU	Council Secretary (2)7
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 21st meeting held on 11 May 2018**

*(LC Paper No. CB(2)1396/17-18)*

The minutes were confirmed.

**II. Matters arising**

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

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Views expressed by Dr KWOK Ka-ki at the last House Committee ("HC") meeting in respect of the Administration's deployment of civil servants at the Legislative Council ("LegCo") Complex to "observe" the movements of Members

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2. The Chairman said that the Chief Secretary for Administration ("CS") had reiterated that the purpose of the Administration's deployment of public officers to perform marshalling duties in the LegCo Complex was to ensure that when important government bills or motions were considered at meetings of the Council or its committees, there would be a sufficient number of Members present and participating in the votes to be taken at those meetings. Public officers performing marshalling duties would not cause any disturbance to Members, and would erase the information they had collected regarding the presence of Members in the LegCo Complex immediately after the marshalling exercise. CS had also stressed that it was necessary and in the public interest to deploy public officers to perform the said marshalling duties. He would remind bureaux and departments to impress upon their officers the importance of acting discreetly when discharging the marshalling duties, and to avoid deploying too many officers to perform such duties. He hoped that the Executive Authorities and LegCo would show mutual understanding and tolerance towards the performance of marshalling duties by public officers.

3. The Chairman informed Members that she and the Deputy Chairman had indicated to CS their hope that the Administration would exercise restraint and deploy as few civil servants as possible to perform marshalling duties in the LegCo Complex.

4. Dr KWOK Ka-ki said that it was an insult to Members that CS considered it necessary to deploy civil servants to remind Members to attend and participate in the votes to be taken at meetings. Dr KWOK further said that as the Administration's deployment of civil servants to perform marshalling duties in the LegCo Complex had not only adversely affected the relationship between the Executive Authorities and the Legislature but also tarnished the public image of LegCo, he hoped that the Chairman would invite CS to attend an HC meeting to discuss relevant issues with Members.

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5. The Chairman responded that Dr KWOK Ka-ki had raised the same request at the last HC meeting. She had already relayed Dr KWOK's request to CS and CS had advised that he did not consider it necessary for the matter to be discussed at an HC meeting.
6. Ms Claudia MO said that CS should clarify the specific duties performed by the civil servants stationing in the LegCo Complex, adding that she could not subscribe to CS's view that it was in the public interest to deploy civil servants to perform such duties. In her view, it was only in the Administration's interest to do so.
7. Mr Gary FAN considered that the Administration should explain further whether the civil servants deployed to station in the LegCo Complex were tasked to "monitor" or "observe" the movements of Members. The Administration should also provide information on the bureaux and departments from which civil servants had been deployed to perform such duties and the payroll cost involved in making such deployment.
8. Mr WONG Kwok-kin and Mr CHEUNG Kwok-kwan took the view that as some Members had sought to cause the adjournment of meetings through making frequent quorum calls, it was necessary for the Administration to deploy civil servants to perform marshalling duties in the LegCo Complex so as to ensure the smooth conduct of meetings. Mr WONG Kwok-kin requested the Chairman to convey to CS his gratitude to the civil servants concerned for their hard work.
9. The Chairman said that she would relay to CS at their next meeting the various views expressed by Members at this meeting.

Visit to Sichuan by Members

10. The Chairman said that CS had mentioned that the visit to Sichuan led by the Chief Executive ("CE") last week had proved to be fruitful. CS had also indicated that Mr PENG Qinghua, Secretary of the Communist Party of China Sichuan Provincial Committee, welcomed all Members to visit Sichuan at an opportune time.
11. Referring to the remarks made by CE on the recent incident of Hong Kong reporters being treated rudely in Beijing, Ms Claudia MO expressed dissatisfaction that CE had not only failed to condemn the incident but even seemed to suggest that the reporters concerned might have violated the Mainland law.

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

#### **Legal Service Division report on subsidiary legislation gazetted on 11 May 2018 and tabled in Council on 16 May 2018**

*(LC Paper No. LS58/17-18)*

12. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the report prepared by the Legal Service Division ("LSD") on the three items of subsidiary legislation (i.e. L.N. 80 to L.N. 82) which were gazetted on 11 May 2018 and tabled in Council on 16 May 2018.

13. Dr KWOK Ka-ki considered it necessary to form a subcommittee to study the Smoking (Public Health) Ordinance (Amendment of Schedule 2) Order 2018 (L.N. 81) in detail. Members agreed. Dr KWOK Ka-ki agreed to join the proposed subcommittee.

14. The Deputy Chairman considered it necessary to form a subcommittee to study the Practising Certificate (Solicitors) (Amendment) Rules 2018 (L.N. 82) in detail. Members agreed. Mr Dennis KWOK agreed to join the proposed subcommittee.

15. Members did not raise any questions on the Pharmacy and Poisons (Amendment) (No. 3) Regulation 2018 (L.N. 80).

16. The Chairman reminded Members that the deadline for amending the above three items of subsidiary legislation would be the Council meeting of 13 June 2018, or that of 4 July 2018 if extended by a resolution of the Council.

### **IV. Further business for the Council meeting of 23 May 2018**

#### **Questions**

*(LC Paper No. CB(3)592/17-18)*

17. The Chairman said that Ms YUNG Hoi-yan had replaced her oral question.

**V. Business for the Council meeting of 30 May 2018**

**(a) Questions**

*(LC Paper No. CB(3)593/17-18)*

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 no notice had been received yet.

**(c) Government motions**

**(i) Proposed resolution to be moved by the Chief Secretary for Administration under Article 73(7) of the Basic Law and section 7A of the Hong Kong Court of Final Appeal Ordinance (Cap. 484)**

*(LC Paper No. CB(3)599/17-18)*

20. Members noted that the Administration would move the above proposed resolution at the meeting.

**(ii) The Secretary for Development and the Secretary for Labour and Welfare will respectively move:**

- **the proposed resolution under the Construction Industry Council Ordinance (Cap. 587); and**
- **the proposed resolution under the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360)**

*(LC Paper No. CB(3)600/17-18)*

*(LC Paper No. LS60/17-18)*

21. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the above two proposed resolutions.

22. Dr KWOK Ka-ki considered it necessary to form a subcommittee to study the two proposed resolutions in detail. Members agreed. Dr KWOK Ka-ki and Dr Fernando CHEUNG agreed to join the proposed subcommittee.

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23. 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 notices for moving the two proposed resolutions so as to allow sufficient time for the proposed subcommittee to carry out its scrutiny work.

**(d) Members' motions**

24. The Chairman said that Members' motions which had stood over from previous Council meetings would be dealt with at the meeting.

Report of HC on Consideration of Subsidiary Legislation

25. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)604/17-18), which contained four items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 30 May 2018. She reminded Members to indicate their intention by 5:00 pm on Monday, 21 May 2018, should they wish to speak on any of these items of subsidiary legislation.

**VI. Advance information on business for the Council meeting of 6 June 2018**

**Bill - First Reading and moving of Second Reading**

26. The Chairman said that the United Nations Sanctions (Amendment) Bill 2018 would be introduced into the Council on 6 June 2018 and HC would consider the Bill at its meeting on 8 June 2018.

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

**Report of the Subcommittee on Smoking (Public Health) (Designation of No Smoking Areas) (Amendment) Notice 2018**

27. Dr KWOK Ka-ki, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. He said that the purpose of the Smoking (Public Health) (Designation of No Smoking Areas) (Amendment) Notice 2018 was to amend the Schedule to the Smoking (Public Health) (Designation of No Smoking Areas) Notice (Cap. 371D) to add five new public transport facilities ("PTFs") to be



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designated as no smoking areas ("NSAs"), update the details of eight existing PTFs which were already designated as NSAs and remove two PTFs from the Schedule to Cap. 371D.

28. Dr KWOK informed Members that the Subcommittee had held one meeting with the Administration on 15 May 2018. Some members of the Subcommittee had urged the Administration to strengthen publicity, education and enforcement efforts at the new PTFs to be designated as NSAs. These members had also requested the Administration to provide the plans of NSAs of the two PTFs that would be removed from the list of PTFs in the Schedule to Cap. 371D due to their closure as well as the plans showing the new location of the relocated bus stops. The Administration was also requested to advise the future use of the sites where the two PTFs were originally located. Dr KWOK also advised that some members of the Subcommittee had suggested that the Transport Department or the bus companies concerned should display signs at NSAs to inform members of the public about the location of the nearest place where smoking was not prohibited and its approximate distance from the NSA concerned.

29. Dr KWOK further said that the Administration had advised that it would arrange to display at those new PTFs no smoking signs, markings on the ground to indicate the demarcations of NSAs, relevant publicity materials as well as plans showing the boundaries of NSAs. In addition, smoke free ambassadors would be deployed to conduct promotions on site as necessary. Members noted that on the day of this HC meeting, the Administration had provided written response on the information requested by members of the Subcommittee.

30. Members further noted that the Subcommittee would not propose any amendments to the Notice, and that it would submit a written report in due course.

31. The Chairman reminded Members that as the deadline for amending the Notice would be the Council meeting of 30 May 2018, the deadline for giving notice of amendments, if any, would be Wednesday, 23 May 2018.

### **VIII. Position on Bills Committees and subcommittees**

*(LC Paper No. CB(2)1397/17-18)*

32. The Chairman said that as at 17 May 2018, there were 10 Bills Committees, 13 subcommittees under HC and four subcommittees on policy issues under Panels in action. Eight subcommittees on policy issues were on the waiting list.

### **IX. Report of the Subcommittee on Issues Relating to Bazaars and priority allocation of a debate slot for a motion debate on the Report of the Subcommittee on Issues Relating to Bazaars**

*(LC Paper No. CB(1)969/17-18)*

33. At the invitation of the Chairman, Dr KWOK Ka-ki, Chairman of the Subcommittee on Issues Relating to Bazaars ("the former Subcommittee"), said that the former Subcommittee had completed its work and Members were invited to note the Report of the former Subcommittee ("the Report"). Dr KWOK further said that in view of wide public concern on matters relating to bazaars, the former Subcommittee proposed to seek HC's approval for priority allocation of a debate slot under rule 14A(h) of the House Rules to him, in his capacity as the Chairman of the former Subcommittee, for moving a motion for debate on the Report at the Council meeting of 13 June 2018. The debate would provide an opportunity for Members to express views on the subject and for the Administration to respond.

34. Mr LEUNG Yiu-chung expressed support for the former Subcommittee's request for priority allocation of a debate slot. Pointing out that some bazaar activities had been successfully held in the past and such activities had proved to be able to promote the development of district economy, Mr LEUNG took the view that the Administration should facilitate the establishment of bazaars in various districts in future. He hoped that the holding of a debate on the Report in Council would help urge the Administration to allocate more resources and formulate appropriate policies to support the development of bazaars.

35. Members agreed to the priority allocation of a debate slot to Dr KWOK Ka-ki for moving a motion on the Report at the Council meeting of 13 June 2018. Members also agreed to the former Subcommittee's proposal that in addition to the debate on the Report, only one other debate on a Member's motion not intended to have legislative effect should be held at the same Council meeting.

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**X. Any other business**

36. There being no other business, the meeting ended at 2:53 pm.

Council Business Division 2  
Legislative Council Secretariat  
24 May 2018