

立法會
Legislative Council

LC Paper No. CB(2)19/18-19

Ref : CB2/H/5/17

House Committee of the Legislative Council

**Minutes of the 30th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 5 October 2018**

Members present :

Hon Starry LEE Wai-king, SBS, JP (Chairman)
Hon James TO Kun-sun
Hon LEUNG Yiu-chung
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-yea, GBS, 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 CHAN Han-pan, BBS, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, JP
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
Dr Hon CHIANG Lai-wan, SBS, JP
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, JP
Hon Tanya CHAN
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung
Hon LUK Chung-hung, 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 Abraham SHEK Lai-him, GBS, JP
Hon Paul TSE Wai-chun, JP
Dr Hon KWOK Ka-ki
Hon Christopher CHEUNG Wah-fung, SBS, JP

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 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
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
Miss Linda CHAN	Assistant Legal Adviser 11
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. Matters arising

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

The Chairman said that her previous meeting with the Chief Secretary for Administration had been held on 9 July 2018, and there was nothing special to report.

II. Business arising from previous Council meetings

Legal Service Division reports on bills referred to the House Committee in accordance with Rule 54(4)

(a) Hotel and Guesthouse Accommodation (Amendment) Bill 2018 *(LC Paper No. LS96/17-18)*

2. 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.

3. Mr YIU Si-wing 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: Mr James TO, Mr YIU Si-wing, Mr Charles MOK, Mr KWOK Wai-keung and Mr Tony TSE.

(b) Electoral Legislation (Miscellaneous Amendments) Bill 2018 *(LC Paper No. LS95/17-18)*

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

5. Mr Charles MOK 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: Mr WU Chi-wai, Mr Charles MOK, Ms Alice MAK, Dr Helena WONG and Mr Holden CHOW.

III. Legal Service Division report on subsidiary legislation gazetted between 6 July and 21 September 2018

(LC Paper No. LS94/17-18)

6. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD, which annexed nine reports of LSD on subsidiary legislation gazetted between 6 July and 21 September 2018. Those reports covered two groups of subsidiary legislation as follows:

- (a) six items gazetted on 6 July 2018 (i.e. L.N. 135 to L.N. 140) which had been tabled in Council on 11 July 2018; and

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- (b) 14 items gazetted between 13 July and 21 September 2018, of which 10 items (i.e. L.N. 142, L.N. 147 to L.N. 152, and L.N. 154 to L.N. 156) would be tabled in Council on 10 October 2018 and the remaining four items (i.e. L.N. 145, L.N. 146, L.N. 153 and L.N. 157) were not required to be tabled in the Legislative Council ("LegCo") and were not subject to amendment by LegCo.

7. Mr Charles MOK considered it necessary to form a subcommittee to study the five Amendment Regulations made by the Electoral Affairs Commission under section 7 of the Electoral Affairs Commission Ordinance (Cap. 541) (L.N. 148 to L.N. 152) in detail. Members agreed. Mr Charles MOK agreed to join the proposed subcommittee.

8. Ms Tanya CHAN considered it necessary to form a subcommittee to study the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Ordinance (Commencement) Notice (L.N. 154) in detail. Members agreed. The following Members agreed to join the subcommittee: Mrs Regina IP, Mr CHAN Han-pan, Mr CHU Hoi-dick and Ms Tanya CHAN.

9. Mr Kenneth LEUNG considered it necessary to form a subcommittee to study in detail the Inland Revenue (Double Taxation Relief and Prevention of Fiscal Evasion with respect to Taxes on Income) (Republic of India) Order (L.N. 155) and the Inland Revenue (Double Taxation Relief with respect to Taxes on Income and Prevention of Tax Evasion and Avoidance) (Republic of Finland) Order (L.N. 156). Members agreed. Mr James TO and Mr Kenneth LEUNG agreed to join the proposed subcommittee.

10. Mr WU Chi-wai considered it necessary to form a subcommittee to study the Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Amendment of Schedule 1) Notice 2018 (L.N. 145) and the Western Harbour Crossing Ordinance (Amendment of Schedule 1) Notice 2018 (L.N. 146) in detail. Members agreed. Mr WU Chi-wai agreed to join the proposed subcommittee.

11. Regarding the United Nations Sanctions (ISIL and Al-Qaida) Regulation (L.N. 157) made under the United Nations Sanctions Ordinance (Cap. 537) which was not required to be tabled in LegCo and was not subject to amendment by LegCo, Members agreed that the

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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.

12. Members did not raise any questions on the other nine items of subsidiary legislation (i.e. L.N. 135 to L.N. 140, L.N. 142, L.N. 147 and L.N. 153).

13. The Chairman reminded Members that the deadline for amending the six items of subsidiary legislation which had been tabled in Council on 11 July 2018 would be the Council meeting of 24 October 2018; and the deadline for amending the 10 items of subsidiary legislation which would be tabled in Council on 10 October 2018 would be the Council meeting of 7 November 2018 (or that of 28 November 2018 if extended by a resolution of the Council).

IV. Business for the Council meeting of 10 October 2018

Report No. 1/18-19 of the House Committee ("HC") on Consideration of Subsidiary Legislation and Other Instruments

14. The Chairman said that the above draft Report, which covered two items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 10 October 2018, had been issued to Members. The Chairman further said that as Dr Helena WONG had given notice to move a proposed resolution at the Council meeting of 10 October 2018 to amend one of the items of subsidiary legislation covered in the draft Report (i.e. the Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018 (L.N. 113) ("the Amendment Regulation")), Members might speak on the Amendment Regulation at the meeting. The Subcommittee formed to study the Amendment Regulation would report under agenda item VI (d) below. The Chairman added that no Member had indicated intention to speak on the other item of subsidiary legislation covered in the draft Report.

(a) The Chief Executive's Policy Address

15. The Chairman said that the Chief Executive ("CE") would deliver her Policy Address at the meeting.

(b) **Member's motion**

Proposed resolution to be moved by Dr Hon Helena WONG under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018
(*LC Paper No. CB(3)7/18-19*)

16. The Chairman said that the above proposed resolution would be dealt with at the meeting.

V. The Chief Executive's Question and Answer Session on 11 October 2018

17. The Chairman said that the CE's Question and Answer Session on the Policy Address would be held on 11 October 2018, from 10:30 am to 12:00 noon.

VI. Reports of Bills Committees and subcommittees

(a) **Report of the Bills Committee on Inland Revenue (Amendment) (No. 3) Bill 2018**

(LC Paper No. CB(1)1423/17-18)

18. Mr Kenneth LEUNG, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Mr LEUNG said that the Administration would propose amendments to the Bill and the Bills Committee agreed to the proposed amendments. Members noted that the Bills Committee would not propose any amendments to the Bill and raised no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 24 October 2018.

(b) **Report of the Bills Committee on Inland Revenue (Amendment) (No. 4) Bill 2018**

(LC Paper No. CB(2)2042/17-18)

19. Mr Kenneth LEUNG, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Mr LEUNG said that the Administration would propose

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amendments to the Bill and the Bills Committee did not raise objection to the proposed amendments. Members noted that the Bills Committee would not propose any amendments to the Bill and raised no objection to the resumption of the Second Reading debate on the Bill. The Administration had indicated its intention to resume the Second Reading debate on the Bill at the Council meeting of 24 October 2018.

(c) Report of the Bills Committee on Employment (Amendment) Bill 2018

(LC Paper No. CB(2)2040/17-18)

20. Mr WONG Ting-kwong, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Mr WONG said that he, as the Chairman of the Bills Committee, would move on behalf of the Bills Committee an amendment to the Bill to impose a statutory obligation on the Government to review the number of statutory paternity leave ("PL") days at least once in every 12 months after the commencement of the enacted Ordinance. Mr WONG further said that the Bills Committee noted that Mr LEUNG Yiu-chung, Dr Fernando CHEUNG, Dr Helena WONG, Mr HUI Chi-fung and Mr Gary FAN had indicated their respective intention to propose amendments to the Bill in respect of the duration of statutory PL and the rate of PL pay.

21. Members noted that the Bills Committee raised no objection to a technical amendment proposed by the Administration and the resumption of the Second Reading debate on the Bill at the Council meeting of 24 October 2018.

22. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above three Bills would be Saturday, 13 October 2018.

(d) Report of the Subcommittee on Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018

(LC Paper No. CB(2)1877/17-18)

23. Mr Steven HO, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee raised no objection to the Amendment Regulation. Members also noted that Dr Helena WONG had indicated intention to propose amendments to the Amendment Regulation in respect of the maximum permitted concentrations for cadmium in polished rice and leafy vegetables.

(e) **Report of the Subcommittee on Retirement Protection**
(*LC Paper No. CB(2)2041/17-18*)

24. Mr KWOK Wai-keung, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Mr KWOK said that the Subcommittee had completed its work and had held a total of 10 meetings to discuss various issues, including the policy direction on the retirement protection system in Hong Kong and, in particular, the need for implementing a universal retirement protection scheme; the effectiveness of the four-pillar model for retirement protection system currently adopted in Hong Kong as well as the Administration's measures to strengthen each of the existing retirement protection pillars. Mr KWOK further said that besides meeting with the Administration, the Subcommittee had also received views from organizations, academics and individuals on related issues at six of these meetings.

25. Members noted that the Subcommittee considered that as the issues on retirement protection system straddled different policy areas and had far-reaching implications, it would be more appropriate for the relevant committees to continue to follow up the subject as its period of work was coming to an end. The Subcommittee agreed that it should wrap up its work to vacate a slot for the activation of subcommittees on policy issues on the waiting list.

VII. Position on Bills Committees and subcommittees
(*LC Paper No. CB(2)2043/17-18*)

26. The Chairman said that as at 4 October 2018, there were 11 Bills Committees (two of which would need to work beyond three months since their commencement), seven subcommittees under HC and four subcommittees on policy issues under Panels in action. Nine subcommittees on policy issues were on the waiting list.

VIII. Election of the Chairman and Deputy Chairman of the House Committee for the 2018-2019 session

Election of Chairman

27. The Chairman called for nominations for the chairmanship of HC for the 2018-2019 session. Ms Starry LEE was nominated by Mr Jeffrey LAM and the nomination was seconded by Mr CHAN Hak-kan. Ms Starry LEE accepted the nomination.

28. As the Chairman was nominated, and Mr Dennis KWOK, the Deputy Chairman, was absent from the meeting, Mr James TO, the Member present who had the highest precedence, took over from the Chairman to preside over the election. As there was no other nomination, Mr James TO declared Ms Starry LEE elected as the Chairman of HC for the 2018-2019 session.

Election of Deputy Chairman

29. The Chairman called for nominations for the deputy chairmanship of HC for the 2018-2019 session. Mr Dennis KWOK was nominated by Mr Alvin YEUNG. Mr YEUNG stated that Mr KWOK's acceptance of the nomination had been secured. The nomination was seconded by Mr Charles MOK.

30. As there was no other nomination, the Chairman declared Mr Dennis KWOK elected as the Deputy Chairman of HC for the 2018-2019 session.

IX. Any other business

Signification of membership of Panels

31. The Chairman reminded that Members who wished to join any Panel(s) with effect from the 2018-2019 session in addition to those they had already joined should signify membership through the System for Signification of Membership and Attendance at Meetings and other Activities by 12:00 noon, Saturday, 6 October 2018.

32. There being no other business, the meeting ended at 3:06 pm.