

LEGISLATIVE COUNCIL

MINUTES

No. 9

**Minutes of the meeting held on Wednesday 28 November 2018 at 11:00 am
and Thursday 29 November 2018 at 9:00 am**

Attendance

The attendance of Members, public officers and Clerks is in the Official Record of Proceedings.

Taking of Legislative Council Oath

Hon CHAN Hoi-yan took the Legislative Council Affirmation.

Tabling of Papers

The following papers were laid on the table under Rule 21(2) of the Rules of Procedure (“RoP”):

<u>Subsidiary Legislation / Instruments</u>	<u>L.N. No.</u>
1. Pharmacy and Poisons (Amendment) (No. 7) Regulation 2018 (gazetted on 23.11.2018)	228/2018
2. Telecommunications (Carrier Licences) (Amendment) Regulation 2018 (gazetted on 23.11.2018)	229/2018

Other Papers

1. No. 33 - Estate Agents Authority
Annual Report 2017/18 (including Financial Statements and
Independent Auditor's Report)
(published on 22.11.2018)
2. No. 34 - Hong Kong Housing Authority
Annual Report 2017/18
(published on 22.11.2018)
3. No. 35 - Hong Kong Housing Authority
Financial Statements for the year ended 31 March 2018
(published on 22.11.2018)
4. No. 36 - Insurance Authority
Annual Report 2017-18 (including Financial Statements and
Independent Auditor's Report)
(published on 22.11.2018)
5. No. 37 - Occupational Safety and Health Council
Annual Report 2017-2018 (including Financial Statements and
Independent Auditor's Report)
(published on 22.11.2018)
6. No. 38 - Consumer Council
Annual Report 2017-18 (including Financial Statements and
Independent Auditor's Report)
(published on 22.11.2018)
7. No. 39 - Office of the Privacy Commissioner for Personal Data,
Hong Kong
Annual Report 2017-18 (including Financial Statements and
Independent Auditor's Report)
(published on 23.11.2018)
8. No. 40 - The Commissioner on Interception of Communications and
Surveillance
Annual Report 2017 to the Chief Executive (together with
a statement under section 49(4) of the Interception of
Communications and Surveillance Ordinance)
(published on 26.11.2018)

9. No. 41 - Report of the Director of Audit on the Accounts of the Government of the Hong Kong Special Administrative Region for the year ended 31 March 2018 (published on 26.11.2018)
10. No. 42 - Report No. 71 of the Director of Audit on the results of value for money audits - October 2018 (published on 26.11.2018)
11. No. 43 - Accounts of the Government of the Hong Kong Special Administrative Region for the year ended 31 March 2018 (published on 26.11.2018)
12. No. 44 - The Legislative Council Commission Annual Report 2017-2018 (including Statement of accounts and Report of the Director of Audit) (published on 26.11.2018)
13. Report No. 5/18-19 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments (published on 22.11.2018)
14. Report of the Bills Committee on Companies (Amendment) Bill 2018 (published on 23.11.2018)
15. Report of the Bills Committee on Travel Industry Bill (published on 23.11.2018)

Questions

Six oral questions as set out on the Agenda (i.e. Questions 1 to 6) were put by the Members and oral replies were given by the public officers.

Written replies to Questions 7 to 22 as set out on the Agenda were supplied to Members.

Government Bills

Second Reading (Debate to resume), Consideration by Committee of the Whole Council and Third Reading

— Companies (Amendment) Bill 2018 : Secretary for Financial Services and the Treasury

The debate on the Second Reading of the Bill, which was moved on 25 April 2018, resumed. After Members and the public officer had spoken, the question on the Second Reading of the Bill was put and agreed to. The Bill was read the second time and committed to a committee of the whole Council.

The Council became committee of the whole Council and considered the Bill. The provisions of the Bill and amendments thereto as set out on the Agenda were debated and voted in accordance with the relevant debate and voting arrangements and the relevant provisions of RoP. During the consideration of the Bill, the following questions were put:

<u>Order of questions put</u>	<u>Decisions taken</u> <u>(details of division,</u> <u>if any)</u>
— Clauses 1 to 32, 35, 36, 38 to 59, 61, 62, 63, 65 to 84, 87 to 91 and 93 to 115 stand part of the Bill	Passed
— Public officer's amendments to clauses 33, 34, 37, 60, 64, 85, 86 and 92	Passed
— Clauses 33, 34, 37, 60, 64, 85, 86 and 92 as amended stand part of the Bill	Passed

The Council then resumed. The public officer reported that the Bill had been passed by committee of the whole Council with amendments. The question on the motion that the report made under RoP 58(12) by the public officer be adopted by this Council was proposed, put and agreed to. The Bill was ordered to be set down for Third Reading under RoP 59. The question on the Third Reading of the Bill was proposed, put and agreed to. The Bill was read the third time and passed.

- Supplementary Appropriation (2017-2018) : Secretary for Financial Services and the Treasury Bill

The debate on the Second Reading of the Bill, which was moved on 31 October 2018, resumed. The question on the Second Reading of the Bill was put and agreed to. The Bill was read the second time and committed to a committee of the whole Council.

The Council became committee of the whole Council and considered the Bill. The question that clauses 1 and 2, and the Schedule stand part of the Bill was proposed, put and agreed to.

The Council then resumed. The public officer reported that the Bill had been passed by committee of the whole Council without amendment. The question on the motion that the report made under RoP 58(12) by the public officer be adopted by this Council was proposed, put and agreed to. The Bill was ordered to be set down for Third Reading under RoP 59. The question on the Third Reading of the Bill was proposed, put and agreed to. The Bill was read the third time and passed.

— Travel Industry Bill : Secretary for Commerce and Economic Development

The debate on the Second Reading of the Bill, which was moved on 22 March 2017, resumed. After Members and the public officer had spoken, the question on the Second Reading of the Bill was put and agreed to. The Bill was read the second time and committed to a committee of the whole Council.

The Council became committee of the whole Council and considered the Bill. The provisions of the Bill and amendments thereto as set out on the Agenda were debated and voted in accordance with the relevant debate and voting arrangements and the relevant provisions of RoP. During the consideration of the Bill, the following questions were put:

<u>Order of questions put</u>	<u>Decisions taken (details of division, if any)</u>
— Clauses 1, 3, 18, 20 to 31, 33, 34, 35, 40, 41, 45, 46, 48 to 55, 57, 61, 63, 65 to 69, 71 to 74, 76 to 88, 91 to 107, 109 to 114, 116, 118, 119, 123 to 127, 129 to 136, 138 to 152, 154 to 162, 166, 168 to 172, and Schedules 2, 3, 4, 6, 7 and 8 stand part of the Bill	Passed
— Public officer's first group of amendments to amend clauses 2, 4 to 17, 19, 36, 42, 43, 44, 47, 56, 58, 59, 60, 62, 64, 70, 75, 89, 108, 115, 117, 120, 121, 122, 128, 137, 153, 163, 164, 165 and 167, and Schedules 1, 5, 9, 10 and 11, and to delete Division 8 of Part 2 (namely clause 32) and clause 90	Passed
— Clauses 2, 4 to 17, 19, 36, 42, 43, 44, 47, 56, 58, 59, 60, 62, 64, 70, 75, 89, 108, 115, 117, 120, 121, 122, 128, 137, 153, 163, 164, 165 and 167, and Schedules 1, 5, 9, 10 and 11 as amended stand part of the Bill	Passed

<u>Order of questions put</u>	<u>Decisions taken (details of division, if any)</u>
— Hon LUK Chung-hung's amendments to clauses 37, 38 and 39	Negatived
— Clauses 37, 38 and 39 stand part of the Bill	Passed
— Second Reading of new clause 91A (Public officer's second group of amendment)	Passed
— Addition of new clause 91A to the Bill moved by public officer	Passed

The Council then resumed. The public officer reported that the Bill had been passed by committee of the whole Council with amendments. The question on the motion that the report made under RoP 58(12) by the public officer be adopted by this Council was proposed, put and agreed to. The Bill was ordered to be set down for Third Reading under RoP 59. After a Member and the public officer had spoken, the question on the Third Reading of the Bill was proposed, put and agreed to. The Bill was read the third time and passed.

Members' Motions

Proposed resolutions under section 34(2) of the Interpretation and General Clauses Ordinance

Hon James TO had given notices to move two motions under section 34(2) of the Interpretation and General Clauses Ordinance. He moved the first motion as set out on the Agenda. The question on the first motion was proposed. A joint debate on the two motions was held. After Members and the public officer had spoken, the following questions were put:

<u>Order of questions put</u>	<u>Decisions taken (details of division, if any)</u>
— Hon James TO's first motion as set out on the Agenda	Negatived (Appendix 1)
— Hon James TO's second motion as set out on the Agenda	Negatived (Appendix 2)

Motion on “Studying the enactment of an ordinance on regulating subdivided units”

Hon Mrs Regina IP moved the motion as set out on the Agenda. The question on the motion was proposed. A joint debate on the motion and the amendments was held. Movers of the amendments, Members and the public officers spoke in the debate.

Next meeting

The President declared that the next Council meeting would be held on 5 December 2018 at 11:00 am.

The Council was adjourned at 7:33 pm on 29 November 2018.



(Andrew LEUNG Kwan-yuen)
President
Legislative Council

Chamber
Legislative Council Complex, Hong Kong

17 January 2019

點名表決 DIVISION: 1
日期 DATE: 29/11/2018
時間 TIME: 04:17:41 下午 PM

動議 MOTION: 廢除《稅務(關於收入稅項的雙重課稅寬免和防止逃稅)(印度共和國)令》的擬議決議案(涂謹申議員的第一項擬議決議案)
PROPOSED RESOLUTION TO REPEAL THE INLAND REVENUE (DOUBLE TAXATION RELIEF AND PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME) (REPUBLIC OF INDIA) ORDER (HON JAMES TO' S FIRST PROPOSED RESOLUTION)

動議人 MOVED BY: 涂謹申 James TO

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	21	23	
投票 Vote	20	23	
贊成 Yes	4	12	
反對 No	15	10	
棄權 Abstain	1	1	
結果 Result	否決 Negatived	通過 Passed	否決 Negatived

個別表決如下 THE INDIVIDUAL VOTES WERE AS FOLLOWS:

議員 MEMBER	投票 VOTE	議員 MEMBER	投票 VOTE
功能團體 Functional Constituencies		地方選區 Geographical Constituencies	
梁君彥 Andrew LEUNG	出席 PRESENT	陳克勤 CHAN Hak-kan	反對 NO
涂謹申 James TO	贊成 YES	梁美芬 Dr Priscilla LEUNG	
梁耀忠 LEUNG Yiu-chung	贊成 YES	黃國健 WONG Kwok-kin	
石禮謙 Abraham SHEK		葉劉淑儀 Mrs Regina IP	反對 NO
張宇人 Tommy CHEUNG	反對 NO	謝偉俊 Paul TSE	
李國麟 Prof Joseph LEE		毛孟靜 Claudia MO	贊成 YES
林健鋒 Jeffrey LAM		田北辰 Michael TIEN	
黃定光 WONG Ting-kwong	反對 NO	胡志偉 WU Chi-wai	贊成 YES
李慧琼 Starry LEE		陳志全 CHAN Chi-chuen	贊成 YES
陳健波 CHAN Kin-por	反對 NO	陳恒鎮 CHAN Han-pan	反對 NO
何俊賢 Steven HO	反對 NO	梁志祥 LEUNG Che-cheung	反對 NO
易志明 Frankie YICK		麥美娟 Alice MAK	反對 NO
姚思榮 YIU Si-wing		Dr KWOK Ka-ki	
馬逢國 MA Fung-kwok		郭偉強 KWOK Wai-keung	
莫乃光 Charles Peter MOK		張超雄 Dr Fernando CHEUNG	贊成 YES
梁繼昌 Kenneth LEUNG	反對 NO	黃碧雲 Dr Helena WONG	贊成 YES
郭榮鏗 Dennis KWOK	棄權 ABSTAIN	葛珮帆 Dr Elizabeth QUAT	
張華峰 Christopher CHEUNG	反對 NO	蔣麗芸 Dr CHIANG Lai-wan	
葉建源 IP Kin-yuen	贊成 YES	楊岳橋 Alvin YEUNG	棄權 ABSTAIN
廖長江 Martin LIAO		Andrew WAN	贊成 YES
潘兆平 POON Siu-ping	反對 NO	朱凱迪 CHU Hoi-dick	贊成 YES
盧偉國 Ir Dr LO Wai-kwok	反對 NO	何君堯 Dr Junius HO	反對 NO
鍾國斌 CHUNG Kwok-pan		林卓廷 LAM Cheuk-ting	贊成 YES
吳永嘉 Jimmy NG		柯創盛 Wilson OR	反對 NO
何啟明 HO Kai-ming	反對 NO	容海恩 YUNG Hoi-yan	反對 NO
周浩鼎 Holden CHOW	反對 NO	陳淑莊 Tanya CHAN	
邵家輝 SHIU Ka-fai	反對 NO	CHEUNG Kwok-kwan	
邵家臻 SHIU Ka-chun		HUI Chi-fung	贊成 YES
陳沛然 Dr Pierre CHAN		鄭松泰 Dr CHENG Chung-tai	贊成 YES
陳振英 CHAN Chun-ying	反對 NO	譚文豪 Jeremy TAM	
陸頌雄 LUK Chung-hung	反對 NO	范國威 Gary FAN	贊成 YES
劉國勳 LAU Kwok-fan	反對 NO	區諾軒 AU Nok-hin	贊成 YES
劉業強 Kenneth LAU		鄭泳舜 Vincent CHENG	反對 NO
鄭俊宇 KWONG Chun-yu	贊成 YES	陳凱欣 CHAN Hoi-yan	反對 NO
謝偉銓 Tony TSE	反對 NO		

點名表決 DIVISION: 2
日期 DATE: 29/11/2018
時間 TIME: 04:23:31 下午 PM

動議 MOTION: 廢除《稅務(關於收入稅項的雙重課稅寬免和防止逃稅及規避繳稅)(芬蘭共和國)令》的擬議決議案(涂謹申議員的第二項擬議決議案)
PROPOSED RESOLUTION TO REPEAL THE INLAND REVENUE (DOUBLE TAXATION RELIEF WITH RESPECT TO TAXES ON INCOME AND PREVENTION OF TAX EVASION AND AVOIDANCE) (REPUBLIC OF FINLAND) ORDER (HON JAMES TO' S SECOND PROPOSED RESOLUTION)

動議人 MOVED BY: 涂謹申 James TO

	功能團體 Functional Constituencies	地方選區 Geographical Constituencies	最後結果 Final Result
出席 Present	22	23	
投票 Vote	21	23	
贊成 Yes	4	12	
反對 No	16	10	
棄權 Abstain	1	1	
結果 Result	否決 Negatived	通過 Passed	否決 Negatived

個別表決如下 THE INDIVIDUAL VOTES WERE AS FOLLOWS:

議員 MEMBER	投票 VOTE	議員 MEMBER	投票 VOTE
功能團體 Functional Constituencies		地方選區 Geographical Constituencies	
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涂謹申 James TO	贊成 YES	梁美芬 Dr Priscilla LEUNG	
梁耀忠 LEUNG Yiu-chung	贊成 YES	黃國健 WONG Kwok-kin	
石禮謙 Abraham SHEK		葉劉淑儀 Mrs Regina IP	反對 NO
張宇人 Tommy CHEUNG	反對 NO	謝偉俊 Paul TSE	
李國麟 Prof Joseph LEE	反對 NO	毛孟靜 Claudia MO	贊成 YES
林健鋒 Jeffrey LAM		田北辰 Michael TIEN	
黃定光 WONG Ting-kwong	反對 NO	胡志偉 WU Chi-wai	贊成 YES
李慧琼 Starry LEE		陳志全 CHAN Chi-chuen	贊成 YES
陳健波 CHAN Kin-por	反對 NO	陳恒鎮 CHAN Han-pan	反對 NO
何俊賢 Steven HO	反對 NO	梁志祥 LEUNG Che-cheung	反對 NO
易志明 Frankie YICK		麥美娟 Alice MAK	反對 NO
姚思榮 YIU Si-wing		Dr KWOK Ka-ki	
馬逢國 MA Fung-kwok		郭偉強 KWOK Wai-keung	
莫乃光 Charles Peter MOK		張超雄 Dr Fernando CHEUNG	贊成 YES
梁繼昌 Kenneth LEUNG	反對 NO	黃碧雲 Dr Helena WONG	贊成 YES
郭榮遷 Dennis KWOK	棄權 ABSTAIN	葛珮帆 Dr Elizabeth QUAT	
張華峰 Christopher CHEUNG	反對 NO	蔣麗芸 Dr CHIANG Lai-wan	
葉建源 IP Kin-yuen	贊成 YES	楊岳橋 Alvin YEUNG	棄權 ABSTAIN
廖長江 Martin LIAO		Andrew WAN	贊成 YES
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何啟明 HO Kai-ming	反對 NO	容海恩 YUNG Hoi-yan	反對 NO
周浩鼎 Holden CHOW	反對 NO	陳淑莊 Tanya CHAN	
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邵家臻 SHIU Ka-chun		HUI Chi-fung	贊成 YES
陳沛然 Dr Pierre CHAN		Dr CHENG Chung-tai	贊成 YES
陳振英 CHAN Chun-ying	反對 NO	譚文豪 Jeremy TAM	
陸頌雄 LUK Chung-hung	反對 NO	Gary FAN	贊成 YES
劉國勳 LAU Kwok-fan	反對 NO	范國威 AU Nok-hin	贊成 YES
劉業強 Kenneth LAU		Vincent CHENG	反對 NO
鄭俊宇 KWONG Chun-yu	贊成 YES	鄭泳舜 CHAN Hoi-yan	反對 NO
謝偉銓 Tony TSE	反對 NO	陳凱欣	