

立法會
Legislative Council

LC Paper No. CB(2)58/18-19

Ref : CB2/H/5/18

House Committee of the Legislative Council

**Minutes of the 1st meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 12 October 2018**

Members present :

Hon Starry LEE Wai-king, SBS, JP (Chairman)
Hon Dennis KWOK Wing-hang (Deputy Chairman)
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
Hon WONG Kwok-kin, SBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Claudia MO
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 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, SBS, 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 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
Dr Hon CHENG Chung-tai
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 James TO Kun-sun
Hon Abraham SHEK Lai-him, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Michael TIEN Puk-sun, BBS, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Holden CHOW Ho-ding
Hon Kenneth LAU Ip-keung, BBS, MH, JP
Hon KWONG Chun-yu

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
Miss Rachel DAI	Assistant Legal Adviser 2
Ms Wendy KAN	Assistant Legal Adviser 6
Mr Cliff IP	Assistant Legal Adviser 8
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

Action

I. Confirmation of minutes of meeting

Minutes of 30th meeting held on 5 October 2018

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

The minutes were confirmed.

II. Matters arising

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

Expectations for the 2018-2019 session

2. The Chairman said that she had conveyed to the Chief Secretary for Administration ("CS") that she and the Deputy Chairman would continue to play a bridging role and endeavour to enhance the communication between the Executive Authorities and the Legislature in the current session. CS responded that he and the Administration would show the greatest sincerity in maintaining communication and interaction with Members with a view to working in concert with Members to serve the community.

Employment (Amendment) Bill 2018

3. The Chairman further said that CS noted that Mr WONG Ting-kwong, Chairman of the Bills Committee on Employment (Amendment) Bill 2018, would move on behalf of the Bills Committee an amendment to the Bill at the Council meeting of 24 October 2018, and that several Members had indicated their respective intention to propose amendments to the Bill. CS stated that while he fully respected Members' right to propose amendments to the Bill, he hoped that the proposed amendments would not deviate from the consensus reached by the Labour Advisory Board. CS called upon Members to adopt a pragmatic approach in considering the Bill and support the passage of the Bill as early as possible for the benefit of employees, adding that the statutory paternity leave scheme could be further improved in future.

2018-2019 Legislative Programme

4. The Chairman invited Members to note that the Secretariat had received in the morning of the day of this meeting a letter from the Director of Administration on the Legislative Programme for the current session, which set out 22 bills that the Administration planned to introduce into the Legislative Council ("LegCo") within the current session. The Chairman added that the letter from the Director of Administration had been issued vide LC Paper No. CB(2)52/18-19 to Members before noon on the day of this meeting.

Action

(b) Tax Reserve Certificates (Rate of Interest) (Consolidation) (Amendment) Notice 2018 (L.N. 147)

(Paragraph 12 of the minutes of the 30th meeting held on 5 October 2018)

(Letter dated 5 October 2018 from Hon CHUNG Kwok-pan (LC Paper No. CB(2)22/18-19(01)))

[Previous paper:

LC Paper No. LS86/17-18]

5. The Chairman said that Members did not consider it necessary to form a subcommittee to study the above Amendment Notice at the last House Committee ("HC") meeting on 5 October 2018 ("the last HC meeting"). The Chairman informed Members that Mr CHUNG Kwok-pan wrote to her after the last HC meeting explaining that he was absent from the meeting to attend to some urgent business while HC was considering the Amendment Notice, and requesting HC to consider at this meeting his proposal for forming a subcommittee to study the Amendment Notice.

6. Members agreed to Mr CHUNG Kwok-pan's proposal for forming a subcommittee to study the Amendment Notice in detail. Mr CHUNG Kwok-pan and Mr SHIU Ka-fai agreed to join the proposed subcommittee.

(c) Five Amendment Regulations made under section 7 of the Electoral Affairs Commission Ordinance (Cap. 541) (L.N. 148 to 152)

(Paragraph 7 of the minutes of the 30th meeting held on 5 October 2018)

(Letter dated 8 October 2018 from Hon Charles Peter MOK (LC Paper No. CB(2)22/18-19(02)))

[Previous paper:

LC Paper No. LS87/17-18]

7. The Chairman said that Members agreed to Mr Charles MOK's proposal for forming a subcommittee to study the above five Amendment Regulations at the last HC meeting. The Chairman informed Members that Mr MOK wrote to her on 8 October 2018 indicating that after further study of the relevant Ordinance, he was convinced that the formation of a subcommittee to study the five Amendment Regulations would be unnecessary and he would like to withdraw such proposal.

Action

8. Members agreed that there was no need to form a subcommittee to study the five Amendment Regulations.

9. The Chairman reminded Members that the deadline for amending the Amendment Notice and the five Amendment Regulations would be the Council meeting of 7 November 2018, or that of 28 November 2018 if extended by a resolution of the Council.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 5 October 2018 and tabled in Council on 10 October 2018

(LC Paper No. LSI/18-19)

10. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the report prepared by the Legal Service Division on the 13 items of subsidiary legislation (i.e. L.N. 158 to L.N. 170) which were gazetted on 5 October 2018 and tabled in Council on 10 October 2018.

11. In response to Mr Jeremy TAM's enquiry, LA confirmed that the Hong Kong Civil Aviation (Investigation of Accidents) (Amendment) Regulation 2017 (Commencement) Notice (L.N. 168) and the Air Navigation (Hong Kong) Order 1995 (Amendment) Order 2017 (Commencement) Notice (L.N. 169) were made only to appoint the day on which the Hong Kong Civil Aviation (Investigation of Accidents) (Amendment) Regulation 2017 (L.N. 115 of 2017) and the Air Navigation (Hong Kong) Order 1995 (Amendment) Order 2017 (L.N. 116 of 2017), which were gazetted on 9 June 2017 and tabled in LegCo on 14 June 2017, would come into operation. Mr Jeremy TAM said that since a subcommittee had been formed to scrutinize L.N. 115 of 2017 and L.N. 116 of 2017, he did not consider it necessary to form a subcommittee to study the above two Commencement Notices.

12. Members did not raise any further questions on L.N. 168, L.N. 169, or the remaining 11 items of subsidiary legislation.

13. The Chairman reminded Members that the deadline for amending the above 13 items of subsidiary legislation 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 24 October 2018

(a) **Questions**

(LC Paper No. CB(3)20/18-19)

14. 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**

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

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

(i) **Inland Revenue (Amendment) (No. 3) Bill 2018**

(ii) **Inland Revenue (Amendment) (No. 4) Bill 2018**

(iii) **Employment (Amendment) Bill 2018**

16. The Chairman said that at the last HC meeting, Members did not raise objection to the resumption of the Second Reading debates on the above three Bills.

(d) **Government motion**

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

(e) **Members' motions**

Motion under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to be moved by Hon Claudia MO

(Wording of the motion issued vide LC Paper No. CB(3)19/18-19 dated 8 October 2018)

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

19. The Chairman further said that two Members' motions without legislative effect which had stood over from Council meetings in the last session, namely Mr Michael TIEN's motion on "Restructuring the

Action

governance of MTR Corporation Limited" and Mr CHAN Chi-chuen's motion on "Studying the formulation of policies for homosexual couples to enter into a union", would also be dealt with at the meeting.

Report of HC on Consideration of Subsidiary Legislation

20. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)23/18-19), which contained 11 items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 24 October 2018. She reminded Members to indicate their intention by 5:00 pm on Monday, 15 October 2018, should they wish to speak on any of those items of subsidiary legislation.

V. Advance information on business for the Council meeting of 31 October 2018

Bill - First Reading and moving of Second Reading

21. The Chairman said that the Supplementary Appropriation (2017-2018) Bill would be introduced at the meeting and HC would consider the Bill at its meeting on 2 November 2018.

VI. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)20/18-19)

22. The Chairman said that as at 11 October 2018, there were 10 Bills Committees (two of which would need to work beyond three months since their commencement), 10 subcommittees under HC and four subcommittees on policy issues ("policy subcommittees") under Panels in action. Nine policy subcommittees were on the waiting list.

23. Mr AU Nok-hin asked whether there would be any change to the position on policy subcommittees on the waiting list as shown in the position report on Bills Committees and subcommittees (LC Paper No. CB(2)20/18-19) if additional resources were allocated to the Secretariat in the Resource Allocation Exercise.

Action

24. The Chairman said that Members were invited to note the servicing work for committees of LegCo and consider the proposed timeline for the activation of policy subcommittees on the waiting list at the HC meeting on 1 June 2018. The current position on policy subcommittees on the waiting list as shown in LC Paper No. CB(2)20/18-19 had reflected the arrangements agreed to by HC at that meeting. According to the agreed timeline for the activation of policy subcommittees on the waiting list, the first policy subcommittee on the waiting list, namely the Subcommittee to Follow Up Issues Related to Inadequate Housing and Relevant Housing Policies, would be activated in early January 2019. She had asked the Secretariat to further review its available manpower against the envisaged demand from various committees in this session, with a view to enabling the activation of policy subcommittees on the waiting list as early as possible.

VII. Any other business

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

Council Business Division 2
Legislative Council Secretariat
18 October 2018