

立法會  
*Legislative Council*

LC Paper No. CB(2)236/18-19

Ref : CB2/H/5/18

**House Committee of the Legislative Council**

**Minutes of the 4th meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 2 November 2018**

**Members present :**

Hon Starry LEE Wai-king, SBS, JP (Chairman)  
Hon James TO Kun-sun  
Hon Abraham SHEK Lai-him, GBS, JP  
Hon Tommy CHEUNG Yu-yan, GBS, JP  
Prof Hon Joseph LEE Kok-long, SBS, 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 CHAN Han-pan, BBS, JP  
Hon LEUNG Che-cheung, SBS, MH, JP  
Hon Kenneth LEUNG  
Dr Hon KWOK Ka-ki  
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-kiwok, SBS, MH, JP  
Hon CHUNG Kwok-pan  
Hon Alvin YEUNG  
Hon CHU Hoi-dick  
Hon Jimmy NG Wing-ka, JP  
Dr Hon Junius HO Kwan-yiu, JP  
Hon HO Kai-ming  
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 LEUNG Yiu-chung  
Hon Jeffrey LAM Kin-fung, GBS, JP  
Hon Alice MAK Mei-kuen, BBS, JP  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Hon Andrew WAN Siu-kin  
Hon LAM Cheuk-ting

**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
Ms Amy YU	Principal Council Secretary 1
Ms Emily PANG	Acting Head (Public Information)
Ms Alice LEUNG	Chief Council Secretary (2)6
Miss Joyce CHAN	Assistant Legal Adviser 1
Ms Wendy KAN	Assistant Legal Adviser 6
Mr Mark LAM	Assistant Legal Adviser 7
Ms Clara TAM	Assistant Legal Adviser 9
Miss Evelyn LEE	Assistant Legal Adviser 10
Miss Linda CHAN	Assistant Legal Adviser 11
Miss Connie AU	Senior Council Secretary (2)6
Mr Richard WONG	Senior Council Secretary (2)8
Miss Michelle TANG	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 3rd meeting held on 26 October 2018**  
(LC Paper No. CB(2)160/18-19)

The minutes were confirmed.

**II. Matters arising**

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

2. The Chairman said that there was nothing special to report.

The Administration's replies to questions and enquiries raised by Members

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3. Pointing out that Members had the responsibility to raise questions on the work of the Government in accordance with Article 73(5) of the Basic Law, Mr Abraham SHEK said that he had raised a question at the Council meeting of 31 October 2018 requesting the Administration to provide statistical information on completed private residential units by category of land. However, the Administration had replied that it did not have such information. Mr SHEK pointed out that he had asked similar questions on the related subject in 2013 and 2015 respectively and the Administration had provided the relevant information on both occasions. Expressing grave dissatisfaction with the Administration's reply to his question raised at the Council meeting of 31 October 2018, Mr SHEK considered that the relevant government official had not fully replied to his question, and there was much room for improvement in the quality of the Administration's reply. In his view, the unsatisfactory reply from the Administration was not only a waste of Members' time, but would also affect the relationship between the Executive Authorities and the Legislature.

4. Mr CHAN Hak-kan said that he had raised a written question at the Council meeting of 24 October 2018 requesting information about the implementation of the Producer Responsibility Scheme on Waste Electrical and Electronic Equipment ("the Scheme") including the number of complaints about the disposal of waste electrical equipment on the street since the implementation of the Scheme. He found it infuriating that while the Administration had replied that it did not keep the requested information on the number of complaints, it considered that the Scheme had initially achieved its objective. Dr KWOK Ka-ki said that he had raised a question at the Council meeting of 29 March 2017 requesting information about public works including information on the subcontractors of public works projects, but the Administration had refused to provide the specific information on various public works as requested in his question. Dr KWOK suggested that Members could consider holding a special meeting of the House Committee ("HC") for Members to discuss with the Chief Secretary for Administration ("CS") and relevant government officials on issues relating to the Administration's replies to questions raised by Members at Council meetings.

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5. Mr Jeremy TAM and Dr Helena WONG also expressed dissatisfaction regarding the Administration's replies to their enquiries raised at committee meetings. Mr TAM cited as an example that he had requested the Administration to provide information on its enforcement against prolonged occupation of free on-street motorcycle parking spaces by motorcycles without valid licences, and the Administration had replied that it did not have such information. Dr WONG said that when the Subcommittee on Matters Relating to Railways discussed issues relating to the settlement of buildings and other facilities in the vicinity of construction sites of the Shatin to Central Link Project at its special meeting on 31 August 2018, she had requested the Administration to provide information on the tilting of buildings recorded at monitoring points along the alignment of the Shatin to Central Link. Although the Administration had agreed to provide the requested information after the special meeting, it had not yet done so. Dr WONG wondered whether a penalty mechanism should be introduced to ensure that there was no delay in providing the information requested by Members and also that the Administration would not answer Members' questions in a casual manner, nor refuse to answer the questions.

6. Mr Steven HO said that he also had the experience that the Administration could not provide the information he requested at committee meetings. Notwithstanding this, he considered it understandable that there were occasions in which the Administration might not be able to provide the information requested by Members at meetings. However, the Administration should endeavour to follow up and maintain communication with the Members concerned afterwards.

7. Mr IP Kin-yuen said that he had earlier written to CS expressing his concern about the Administration's replies to Members' questions but CS's reply had failed to address his concern. In his view, the Administration should reply to Members' questions as comprehensive as practicable.

8. Ms Claudia MO and Mrs Regina IP were of the view that the Administration should provide its papers (including the speaking notes of government officials) in bilingual version to the Legislative Council ("LegCo"). Mr James TO considered it opportune and appropriate for Mr Abraham SHEK to raise his concern about the Administration's replies to Members' questions. He suggested that more time, say two weeks, be allowed for Members who wished to provide details to the Secretariat

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about the specific cases where the Administration had failed to answer fully and satisfactorily their questions or enquiries raised at Council meetings or committee meetings for onward submission to CS.

9. In response to Members' views, the Chairman said that she would, as in the past, instruct the Secretariat to set out in writing the key views and concerns expressed by Members at this meeting and relay to CS at their next meeting. The Chairman further said that Members could provide details, in writing after the meeting, to the Secretariat about the cases where their questions had not been answered fully and satisfactorily by the Administration for onward submission to CS for his follow up.

*(Post-meeting note: Mr CHAN Chi-chuen issued a letter to the Chairman on 2 November 2018 after this meeting providing details of the case where the Administration had not replied seriously to his question raised at the policy briefing-cum-meeting of the Panel on Security on 2 November 2018. The letter was passed to CS at the Chairman's meeting with CS held on the same day.)*

**(b) Statute Law (Miscellaneous Provisions) Ordinance 2018 (Commencement) Notice (L.N. 197)**

*(Paragraph 9 of the minutes of the 3rd meeting held on 26 October 2018)*

*(LC Paper Nos. CB(2)162/18-19(01) and (02))*

*(Paragraphs 50 to 54 of LC Paper No. LS5/18-19)*

10. The Chairman said that at the request of Mr James TO at the last HC meeting, she had instructed the Legal Service Division ("LSD") to seek further information from the Administration regarding the replacements of "Basic People's Courts" by "Primary People's Courts" in the English text of the Mainland Judgments (Reciprocal Enforcement) Ordinance (Cap. 597) under Part 6 of the Statute Law (Miscellaneous Provisions) Ordinance 2018 (Ord. No. 17 of 2018), and that the Administration's reply (LC Paper No. CB(2)162/18-19(02)) had already been issued to Members for reference.

11. Members noted the Administration's reply and did not raise any questions on L.N. 197.

### III. Business arising from previous Council meetings

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

(i) **Supplementary Appropriation (2017-2018) Bill**  
(LC Paper No. LS7/18-19)

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

13. Members considered it not necessary to form a Bills Committee to study the Bill and did not raise objection to the resumption of the Second Reading debate on the Bill.

(ii) **Inland Revenue (Amendment) (No. 6) Bill 2018**  
(LC Paper No. LS8/18-19)

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

15. Mr James TO considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Mr James TO, Mr WU Chi-wai, Dr KWOK Ka-ki and Mr CHAN Chun-ying agreed to join the Bills Committee.

(b) **Legal Service Division report on subsidiary legislation gazetted on 26 October 2018 and tabled in Council on 31 October 2018**  
(LC Paper No. LS9/18-19)

16. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on six items of subsidiary legislation (i.e. L.N. 205 to L.N. 210) which were gazetted on 26 October 2018 and tabled in Council on 31 October 2018.

17. Dr CHIANG Lai-wan considered it necessary to form a subcommittee to study the Land (Miscellaneous Provisions) (Amendment) Regulation 2018 (L.N. 205) in detail. Members agreed. Dr CHIANG Lai-wan agreed to join the proposed subcommittee.

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18. Dr Junius HO considered it necessary to form a subcommittee to study the Foreign Lawyers Practice (Amendment) Rules 2018 (Commencement) Notice (L.N. 207), the Solicitors' Practice (Amendment) Rules 2018 (Commencement) Notice (L.N. 208) and the Summary Disposal of Complaints (Solicitors) (Amendment) Rules 2018 (Commencement) Notice (L.N. 209) in detail. Members agreed. Dr Junius HO agreed to join the proposed subcommittee.

19. Dr KWOK Ka-ki considered it necessary to form a subcommittee to study the Pharmacy and Poisons (Amendment) (No. 6) Regulation 2018 (L.N. 210) in detail. Members agreed. Dr KWOK Ka-ki agreed to join the proposed subcommittee.

20. Members did not raise any questions on the Mutual Legal Assistance in Criminal Matters (Sweden) Order (Commencement) Notice (L.N. 206).

21. The Chairman reminded Members that the deadline for amending the above six items of subsidiary legislation would be the Council meeting of 28 November 2018, or that of 9 January 2019 if extended by a resolution of the Council.

**IV. Further business for the Council meeting on 7, 8 and 9 November 2018**

Report No. 3/18-19 of the House Committee on Consideration of  
Subsidiary Legislation and Other Instruments

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22. The Chairman said that the above draft Report, which covered subsidiary legislation the period for amendment of which would expire at the Council meeting of 7 November 2018, had been issued to Members. No Member had indicated intention to speak on any of those items of subsidiary legislation.

**Member's motion**

**Motion of Thanks to be moved by Hon Starry LEE**  
(*LC Paper No. CB(3)81/18-19*)

23. The Chairman said that she would, in her capacity as the Chairman of HC, move the above motion at the meeting.



**V. The Chief Executive's Question Time on 14 November 2018**

24. The Chairman said that the Chief Executive's Question Time would be held from 11:00 am to 11:30 am, and the regular Council meeting of 14 November 2018 would be held immediately after the Chief Executive's Question Time ended.

**VI. Business for the Council meeting of 14 November 2018**

**(a) Questions**

*(LC Paper No. CB(3)88/18-19)*

25. The Chairman said that 22 questions (six oral and 16 written) had been scheduled for the meeting.

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

**(i) Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018**

**(ii) Inland Revenue (Amendment) (No. 7) Bill 2018**

26. The Chairman said that HC would consider the above two Bills at its meeting on 16 November 2018.

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

27. The Chairman said that the Second Reading debate on the Private Healthcare Facilities Bill would be resumed at the meeting. She advised Members that the Bills Committee on the Bill had submitted its report at the HC meeting on 19 October 2018 and Members raised no objection to the resumption of the Second Reading debate on the Bill.

28. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above Bill would be Monday, 5 November 2018.

(d) **Government motion**

**Proposed resolution under section 3(1) of the Loans Ordinance (Cap. 61) to be moved by the Secretary for Financial Services and the Treasury**

*(LC Paper No. CB(3)91/18-19)*

29. Members noted that the Secretary for Financial Services and the Treasury would move the above proposed resolution at the meeting.

(e) **Member's Bill - First Reading and moving of Second Reading**

30. The Chairman said that Mr Kenneth LEUNG would present the Professional Accountants (Amendment) Bill 2018 to the Council at the meeting, and HC would consider the Bill at its meeting on 16 November 2018.

(f) **Members' motions**

31. The Chairman said that two Members' motions not intended to have legislative effect which had stood over from previous Council meetings would be dealt with at the meeting.

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

(a) **Report of the Bills Committee on Inland Revenue (Amendment) (No. 5) Bill 2018**

*(LC Paper No. CB(1)114/18-19)*

32. Mr Kenneth LEUNG, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Members noted that both the Bills Committee and the Administration would not propose any amendments to the Bill and that the Bills Committee raised no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 14 November 2018.

**(b) Report of the Bills Committee on Ferry Services (Amendment) Bill 2018**

*(LC Paper No. CB(4)115/18-19)*

33. Mr Frankie YICK, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Mr YICK said 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 14 November 2018.

34. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above two Bills would be Monday, 5 November 2018.

**(c) Report of the Subcommittee on Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Ordinance (Commencement) Notice**

*(LC Paper No. CB(4)119/18-19)*

35. Mrs Regina IP, 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 Commencement Notice and would not propose any amendments to it.

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

*(LC Paper No. CB(2)161/18-19)*

36. The Chairman said that as at 1 November 2018, there were nine Bills Committees, 14 subcommittees under HC and four subcommittees on policy issues under Panels in action. Nine subcommittees on policy issues were on the waiting list.

**IX. Any other business**

Two letters from Ms Claudia MO to the Chairman

37. Ms Claudia MO expressed grave concern about the remarks that Mr CHAN Kin-por had made at a radio programme regarding the proposed reclamation works under the "Lantau Tomorrow Vision"

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announced in the 2018 Policy Address ("the proposed reclamation works"). In this connection, she had written two letters to the Chairman respectively requesting to discuss at this HC meeting the issue relating to the impartiality and independence of the Chairman of the Finance Committee ("FC"), Mr CHAN Kin-por, in chairing FC meetings for scrutinizing financial proposals ("the issue concerned"), and her proposal of holding of an adjournment debate pursuant to Rule 16(4) of the Rules of Procedure ("RoP") at the Council meeting of 7 November 2018 on the issue concerned ("proposal of holding an adjournment debate"). Holding the view that the issue concerned was related to the internal business of LegCo and absolutely within the purview of HC, Ms MO was very dissatisfied with the Chairman's decisions of not acceding to her requests and also opined that such decisions were made to protect Mr CHAN Kin-por. Ms MO further said that the Chairman's decision that discussion of the issue concerned should not be held at an HC meeting was based on the past practice of HC only and in her view, there were no rules in RoP or the House Rules stipulating that the issue concerned was not allowed to be discussed by HC.

38. The Chairman said that Ms Claudia MO had written to her on 29 October 2018 requesting to discuss at this HC meeting the issue concerned and then on 30 October 2018, requesting to discuss at this HC meeting Ms MO's proposal of holding an adjournment debate. On her instruction, the Clerk to HC had replied to Ms MO on 30 and 31 October 2018 respectively. The Chairman further said that as pointed out in the Clerk's reply to Ms MO's letter on 30 October 2018, FC was a standing committee formed in accordance with RoP 71 and its operation was provided for in that Rule, whereas the operation of HC was provided for in RoP 75. FC was not a committee formed under HC and there was not any line of command between HC and FC. Furthermore, the main function of HC was to make preparations for meetings of the Council. As such, she considered that HC should not discuss issues relating to FC. In respect of Ms MO's proposal of holding an adjournment debate, the Chairman pointed out that according to RoP 16(4), Members might move a motion for an adjournment debate for the purpose of raising any issue concerning public interest, with a view to eliciting a reply from a designated public officer. Given that the subject of Ms MO's proposed adjournment debate was related to the arrangements and related procedures adopted by the FC Chairman in chairing FC meetings and that it was not within the purview of the Government, she considered that Ms MO had wrongly invoked RoP 16(4). The Chairman further advised that in 2014, Ms MO had also made a similar request to the then HC

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Chairman and it was based on the same ground that the then HC Chairman did not accede to Ms MO's request for discussing Ms MO's proposal of holding an adjournment debate pursuant to RoP 16(4) on the way the then FC Chairman chaired FC meetings. Having considered the above, she had decided not to put the two requests of Ms MO on the agenda of this HC meeting. Expressing disagreement with Ms MO's comments about her decisions, the Chairman stressed that her decisions were made in accordance with RoP and the past practice of HC, and issues relating to FC should be handled by FC. The Chairman further said that Ms MO could follow up the issue concerned at FC meetings if she so wished. The Chairman added that she noticed that Dr KWOK Ka-ki had issued a letter to the FC Chairman requesting FC to discuss his proposal of moving a motion of no confidence in the FC Chairman. The FC Chairman had replied to Dr KWOK informing him that the Secretariat had been instructed to arrange a special FC meeting to deal with the proposed motion as soon as practicable.

39. Ms Claudia MO reiterated that it was necessary to hold the proposed adjournment debate as the issue concerned involved public interest, adding that she would not request the attendance of public officers at the Council meeting of 7 November 2018. Mr Gary FAN echoed the view of Ms MO and considered that Ms MO's proposal of holding an adjournment debate warranted discussion by HC. He also considered it very inappropriate for Mr CHAN Kin-por, the FC Chairman, to make remarks about his stance on the proposed reclamation works and how he would conduct the FC meetings to deal with the financial proposal relating to the proposed reclamation works as his remarks were clearly biased in favour of the Government.

40. Mr WONG Kwok-kin and Ir Dr LO Wai-kwok expressed support for the Chairman's decisions of not putting the two requests of Ms Claudia MO on the agenda of this HC meeting. They considered that the issue concerned should be dealt with by FC and as Dr KWOK Ka-ki had already requested FC to discuss Dr KWOK's proposal of moving a motion of no confidence in the FC Chairman, there was a platform for discussion of the issue concerned. Ir Dr LO said that he was present at the radio programme in which Mr CHAN Kin-por had made his remarks about the proposed reclamation works and Mr CHAN's remarks about the estimate of time that FC would need to scrutinize the financial proposal relating to the proposed reclamation works was in fact made in response to a question from the host of the radio programme. Echoing Ir Dr LO's view, Mr SHIU Ka-fai said that the estimation of some 10 hours required

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for FC to scrutinize the financial proposal was a mere calculation based on the number of FC members and the average speaking time per member on a financial proposal.

41. The Chairman reiterated that RoP 16(4) provided that a Member might move a motion for adjournment of the Council for the purpose of raising any issue concerning public interest, with a view to eliciting a reply from a designated public officer. If a Member only wished to discuss matters that were the internal business of LegCo, the Member should not invoke RoP 16(4). The Chairman further said that HC had never discussed issues relating to the way the chairmen of committees chaired the meetings. Turning HC into a platform for Members to criticize each other was not consistent with its functions.

42. There being no other business, the meeting ended at 3:07 pm.

Council Business Division 2  
Legislative Council Secretariat  
14 November 2018