

立法會
Legislative Council

LC Paper No. CB(2)524/18-19

Ref : CB2/H/5/18

House Committee of the Legislative Council

**Minutes of the 9th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 14 December 2018**

Members present :

Hon Starry LEE Wai-king, SBS, JP (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-yea, 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 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

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
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 Tony TSE Wai-chuen, BBS
Hon CHAN Hoi-yan

Members absent :

Hon Dennis KWOK Wing-hang (Deputy Chairman)
Hon Michael TIEN Puk-sun, BBS, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Junius HO Kwan-yiu, JP
Hon Vincent CHENG Wing-shun, MH

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 Joyce CHAN	Assistant Legal Adviser 1
Mr Alvin CHUI	Assistant Legal Adviser 3
Ms Vanessa CHENG	Assistant Legal Adviser 5
Ms Wendy KAN	Assistant Legal Adviser 6
Ms Clara TAM	Assistant Legal Adviser 9
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

Action

I. Confirmation of minutes of meeting

Minutes of 8th meeting held on 7 December 2018

(LC Paper No. CB(2)431/18-19)

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.

(b) **Further report by the Legal Service Division on the proposed resolution under section 4 of the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525)**

(Paragraphs 13 and 14 of the minutes of the 8th meeting held on 7 December 2018)

(LC Paper No. LS32/18-19)

(LC Paper No. LS25/18-19)

3. At the invitation of the Chairman, Legal Adviser ("LA") said that the purpose of the proposed resolution was to seek the Legislative Council ("LegCo")'s approval of the Mutual Legal Assistance in Criminal Matters (Mongolia) Order ("the Order") made under section 4 of the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525). Members were advised at the last House Committee ("HC") meeting on 7 December 2018 that the Legal Service Division ("LSD") had written to the Administration to request, among others, clarification on certain matters in respect of the Order and would report further if necessary. The Administration's replies were set out in the further report, and LSD had identified no legal or drafting difficulties in relation to the Order.

4. Members did not raise any questions on the proposed resolution and had no objection to the Administration moving the proposed resolution as scheduled at the Council meeting of 9 January 2019.

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) **Inland Revenue and MPF Schemes Legislation (Tax Deductions for Annuity Premiums and MPF Voluntary Contributions) (Amendment) Bill 2018**

(LC Paper No. LS29/18-19)

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

6. Dr KWOK Ka-ki considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Mr WU Chi-wai, Dr KWOK Ka-ki and Mr CHUNG Kwok-pan agreed to join the Bills Committee.

Action

**(ii) Inland Revenue (Profits Tax Exemption for Funds)
(Amendment) Bill 2018**
(LC Paper No. LS30/18-19)

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

8. Mr Kenneth LEUNG considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Mr Kenneth LEUNG and Mr CHUNG Kwok-pan agreed to join the proposed Bills Committee.

(iii) Fire Safety (Industrial Buildings) Bill
(LC Paper No. LS27/18-19)

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

10. Mr SHIU Ka-fai 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 SHIU Ka-fai, Mr Jeremy TAM and Mr Tony TSE.

**(iv) Discrimination Legislation (Miscellaneous Amendments)
Bill 2018**
(LC Paper No. LS28/18-19)

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

12. Mrs Regina IP, Mr CHAN Chi-chuen, Ms Alice MAK, Dr Helena WONG and Mr HUI Chi-fung 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: Mrs Regina IP, Mr CHAN Chi-chuen, Ms Alice MAK, Dr Helena WONG, Mr HUI Chi-fung and Dr CHENG Chung-tai.

(b) Legal Service Division report on subsidiary legislation gazetted on 7 December 2018 and tabled in Council on 12 December 2018

(LC Paper No. LS31/18-19)

13. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on 22 items of subsidiary legislation (i.e. L.N. 241 to L.N. 262) which were gazetted on 7 December 2018 and tabled in Council on 12 December 2018. LA said that LSD was scrutinizing the legal and drafting aspects of L.N. 246 to L.N. 258 and would report further if necessary.

14. Dr KWOK Ka-ki considered it necessary to form a subcommittee to study the Private Healthcare Facilities Ordinance (Specification of Date for Section 135(1)(a)) Notice (L.N. 261) and the Private Healthcare Facilities Ordinance (Specification of Date for Section 136(1)(a)) Notice (L.N. 262) in detail. Members agreed. Dr KWOK Ka-ki agreed to join the proposed subcommittee.

15. Members did not raise any questions on the other 20 items of subsidiary legislation (i.e. L.N. 241 to L.N. 260).

16. The Chairman reminded Members that the deadline for amending the above 22 items of subsidiary legislation would be the Council meeting of 9 January 2019, or that of 30 January 2019 if extended by a resolution of the Council.

IV. Reports of Bills Committees and subcommittees

(a) Report of the Subcommittee on Land (Miscellaneous Provisions) (Amendment) Regulation 2018

(LC Paper No. CB(1)289/18-19)

17. Mr Abraham SHEK, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Mr SHEK said that the Subcommittee generally supported the Amendment Regulation and that neither the Subcommittee nor the Administration would propose any amendments to it.

(b) Report of the Subcommittee on Foreign Lawyers Practice (Amendment) Rules 2018 (Commencement) Notice, Solicitors' Practice (Amendment) Rules 2018 (Commencement) Notice and Summary Disposal of Complaints (Solicitors) (Amendment) Rules 2018 (Commencement) Notice
(LC Paper No. CB(4)314/18-19)

18. Mr Paul TSE, on behalf of the Chairman of the Subcommittee, Mr Dennis KWOK, who was unable to attend the meeting, briefed Members on the deliberations of the Subcommittee as detailed in its report. Mr TSE said that the Subcommittee had no objection to the three items of subsidiary legislation and would not propose any amendments to them.

19. Mr TSE further said that the Subcommittee had written to The Law Society of Hong Kong ("the Law Society") requesting it to provide a written response to the enquiries raised by members of the Subcommittee about issues relating to the enforcement of the Foreign Lawyers Practice Rules (Cap. 159R) and review of the foreign lawyers' regulatory regime, so as to facilitate their discussion of relevant issues in other forums of LegCo in the future. Members noted that the Law Society's response had yet to be received at the time when the Subcommittee submitted its report to HC.

(c) Report of the Subcommittee on Antiquities and Monuments (Declaration of Monuments and Historical Buildings) (Consolidation) (Amendment) Notice 2018
(LC Paper No. CB(1)315/18-19)

20. Dr KWOK Ka-ki, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Dr KWOK said that the Subcommittee had no objection to the Amendment Notice and that both the Subcommittee and the Administration would not propose any amendments to it.

21. The Chairman reminded Members that the period for amending the five items of subsidiary legislation studied by the above three Subcommittees would expire at the Council meeting of 9 January 2019, and the deadline for giving notice of amendments, if any, would be Wednesday, 2 January 2019.

V. Position on Bills Committees and subcommittees
(LC Paper No. CB(2)432/18-19)

22. The Chairman said that as at 13 December 2018, there were eight Bills Committees, 10 subcommittees under HC and six subcommittees on policy issues under Panels in action. Eight subcommittees on policy issues were on the waiting list.

VI. Any other business

23. There being no other business, the meeting ended at 2:50 pm.