

立法會
Legislative Council

LC Paper No. CB(2)552/18-19

Ref : CB2/H/5/18

House Committee of the Legislative Council

**Minutes of the 10th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 4 January 2019**

Members present :

Hon Starry LEE Wai-king, SBS, JP (Chairman)
Hon Dennis KWOK Wing-hang (Deputy 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
Hon WONG Kwok-kin, SBS, JP
Hon Claudia MO
Hon Steven HO Chun-yin, BBS
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
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 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 Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan
Dr Hon Pierre CHAN
Hon CHAN Chun-ying, JP
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 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
Hon CHAN Hoi-yan

Members absent :

Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Michael TIEN Puk-sun, BBS, JP
Hon Frankie YICK Chi-ming, SBS, JP
Ir Dr Hon LO Wai-ki, SBS, MH, JP
Hon Alvin YEUNG
Hon SHIU Ka-chun
Hon Tanya CHAN
Hon Kenneth LAU Ip-keung, BBS, MH, 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 Bonny LOO	Acting 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
Ms Vanessa CHENG	Assistant Legal Adviser 5
Ms Wendy KAN	Assistant Legal Adviser 6
Mr Mark LAM	Assistant Legal Adviser 7
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 9th meeting held on 14 December 2018
(LC Paper No. CB(2)524/18-19)

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.

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(b) Further report by the Legal Service Division on Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) (Amendment) (No. 2) Regulation 2018 (L.N. 255)

(Paragraphs 13 and 15 of the minutes of the 9th meeting held on 14 December 2018)

(LC Paper No. LS37/18-19)

(Paragraphs 11 to 15 of LC Paper No. LS31/18-19)

3. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the further report prepared by the Legal Service Division ("LSD") on the Merchant Shipping (Safety) (Passenger Ship Construction) (Ships Built Before 1 September 1984) (Amendment) (No. 2) Regulation 2018 (L.N. 255) which was gazetted on 7 December 2018. LA said that in response to LSD's enquiry, the Administration would make a separate amendment regulation to amend L.N. 255 ("the 2019 Amendment Regulation"). The 2019 Amendment Regulation had been gazetted on the day of this House Committee ("HC") meeting, and LSD would make a report on it at the next HC meeting on 11 January 2019. LSD had no further queries on L.N. 255.

4. Members did not raise any questions on L.N. 255.

5. The Chairman reminded Members that the deadline for amending L.N. 255 would be the Council meeting of 9 January 2019.

III. Legal Service Division report on subsidiary legislation gazetted on 14 December 2018

(LC Paper No. LS34/18-19)

6. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the Declaration of Constituencies (District Councils) Order 2018 (L.N. 263) which was gazetted on 14 December 2018 and would be tabled in Council on 9 January 2019.

7. Members did not raise any questions on the Order.

8. The Chairman reminded Members that the deadline for amending the Order would be the Council meeting of 30 January 2019.

IV. Legal Service Division report on subsidiary legislation gazetted on 21 December 2018

(LC Paper No. LS36/18-19)

9. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on three items of subsidiary legislation (i.e. L.N. 267 to L.N. 269) which were gazetted on 21 December 2018.

10. Dr KWOK Ka-ki considered it necessary to form a subcommittee to study the Exemption from Profits Tax (People's Bank of China Debt Instrument) Order (L.N. 267) in detail. Members agreed. Mr WU Chi-wai and Dr KWOK Ka-ki agreed to join the proposed subcommittee.

11. The Chairman reminded Members that the deadline for amending the Order would be the Council meeting of 30 January 2019, or that of 27 February 2019 if extended by a resolution of the Council.

12. Regarding the United Nations Sanctions (Mali) Regulation 2018 (L.N. 268) and the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2018 (L.N. 269) made under the United Nations Sanctions Ordinance (Cap. 537) which were not required to be tabled in the Legislative Council ("LegCo") and were not subject to amendment by LegCo, Members agreed that the two Regulations 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 they came within the Subcommittee's terms of reference.

V. Business for the Council meeting of 9 January 2019

Report No. 8/18-19 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

13. The Chairman said that the above draft Report, which covered 25 items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 9 January 2019, had been issued to Members. The Chairman further said that as one Member had indicated intention to speak on the Land (Miscellaneous Provisions) (Amendment) Regulation 2018 (L.N. 205), she would, in her capacity as the HC Chairman, move a motion to take note of the Report in relation to the Amendment Regulation at the meeting.

Action

(a) **Questions**

(LC Paper No. CB(3)273/18-19)

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) **Government motion**

Proposed resolution under section 4 of the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) to be moved by the Secretary for Security

(LC Paper No. CB(3)216/18-19)

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

(d) **Members' motions**

(i) **Proposed resolution under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) to be moved by Dr Hon Pierre CHAN in relation to the following items of subsidiary legislation:**

- **Private Healthcare Facilities Ordinance (Specification of Date for Section 135(1)(a)) Notice; and**

- **Private Healthcare Facilities Ordinance (Specification of Date for Section 136(1)(a)) Notice**

(LC Paper No. CB(3)270/18-19)

(ii) **Motion on "Reviewing the policy on One-way Permit" to be moved by Hon Alvin YEUNG**

(LC Paper No. CB(3)266/18-19)

17. The Chairman said that the purpose of the above proposed resolution to be moved by Dr Pierre CHAN was to extend the period for amending the subsidiary legislation to the Council meeting of 30 January 2019.

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18. The Chairman further said that two Members' motions not intended to have legislative effect would also be dealt with at the meeting, namely the above motion to be moved by Mr Alvin YEUNG, and the motion on "Reviewing the holiday policy" to be moved by Mr POON Siu-ping which had stood over from previous Council meetings.

VI. The Chief Executive's Question and Answer Session on 10 January 2019

19. The Chairman said that the Chief Executive's Question and Answer Session would be held on 10 January 2019, from 10:30 am to 12:00 noon.

VII. Business for the Council meeting of 16 January 2019

(a) Questions

(LC Paper No. CB(3)274/18-19)

20. 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

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

(c) Government motion

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

(d) Members' motions

(i) Motion on "Reviewing the Comprehensive Social Security Assistance Scheme" to be moved by Hon SHIU Ka-chun

(LC Paper No. CB(3)276/18-19)

(ii) Motion on "Increasing housing supply in the short to medium term to rectify the problem of public housing shortage" to be moved by Hon James TO Kun-sun

(LC Paper No. CB(3)277/18-19)

23. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above two motions would be Wednesday, 9 January 2019.

VIII. Reports of Bills Committees and subcommittees

(a) Report of the Bills Committee on Electoral Legislation (Miscellaneous Amendments) Bill 2018

(LC Paper No. CB(2)527/18-19)

24. Mr CHEUNG Kwok-kwan, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Mr CHEUNG said that in response to the views of the Legal Adviser to the Bills Committee, the Administration proposed to introduce technical amendments to the Bill. Members of the Bills Committee raised no objection to the proposed technical amendments.

25. Mr CHEUNG further said that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting of 16 January 2019, and would not propose any amendments to the Bill.

26. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the Bill would be Monday, 7 January 2019.

(b) Report of the Subcommittee on Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Amendment of Schedule 1) Notice 2018 and Western Harbour Crossing Ordinance (Amendment of Schedule 1) Notice 2018

(LC Paper No. CB(4)378/18-19)

27. Mr YIU Si-wing, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the two Notices were not required to be tabled at, and were not subject to amendment by, LegCo.

(c) **Report of the Subcommittee on Issues Relating to Shopping Centres, Markets and Carparks in Public Rental Housing Estates and Home Ownership Scheme Estates**
(LC Paper No. CB(4)377/18-19)

28. Mr Jeffrey LAM, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Mr LAM said that members of the Subcommittee generally expressed dissatisfaction with the adoption of market-oriented commercial approach by the Link Real Estate Investment Trust ("Link") in operating the retail and carparking facilities divested from the Hong Kong Housing Authority ("HA") as well as Link's disposal of the divested properties to reap huge profits which, they considered, had ignored the needs of the grass roots. Members of the Subcommittee strongly requested the Administration to consider buying back Link as well as proactively exploring practical solutions (e.g. improving the service provision of the shopping centres under HA, adjusting the operation mode of markets, reviewing the relevant standards in the Hong Kong Planning Standards and Guidelines, increasing the supply of parking spaces in public housing, setting up an inter-departmental taskforce to conduct inspections on divested properties, etc.), with a view to resolving the problems arising from the divested properties and ensuring continued provision of suitable and adequate retail and carparking facilities to public housing residents.

29. Mr AU Nok-hin expressed dissatisfaction that the Chairman of the Subcommittee had arbitrarily wrapped up the Subcommittee's work at its meeting on 30 October 2018, as a result of which some members of the Subcommittee could not fully express their views at the meeting. Mr AU recalled that at the said Subcommittee meeting, a number of members of the Subcommittee had raised concern that Link might further dispose of 10 divested properties and suggested that the Subcommittee should follow up the issue. There were also calls for the Subcommittee to follow up the new developments on issues previously discussed (e.g. the conversion of commercial premises into international schools in divested shopping centres) and to hold a public hearing to receive views from deputations on those issues. In his view, the Subcommittee should not wrap up its work in a hasty manner, leaving these livelihood issues unattended.

30. Mr CHU Hoi-dick said that he and four other members of the Subcommittee had jointly written to the Chairman of the Subcommittee on 23 October 2018 requesting that the Subcommittee should follow up

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those issues which had not been fully addressed by the Administration (such as the split-ratio covenant on the maintenance and repair costs for divested properties) as well as Link's plan of disposing of 10 divested properties as reported by the media in October 2018. Mr CHU considered it irresponsible for the Subcommittee to wrap up its work at its meeting on 30 October 2018 without following up these issues which obviously came within the Subcommittee's terms of reference.

31. Mr Jeffrey LAM stressed that all decisions of the Subcommittee were not made solely by himself in the capacity of the Chairman of the Subcommittee, but were made in accordance with the majority view of members of the Subcommittee attending the meetings. He added that all committees or subcommittees should observe the majority rule when there were different views among members.

32. The Chairman said that a subcommittee on policy issues was required to complete its work within 12 months of its commencement. Given that the Subcommittee had been in operation for 12 months and there were other subcommittees on policy issues waiting for activation, the Subcommittee should conclude its work and report to HC. The Chairman further said that Members could continue to follow up the policy issues studied by the Subcommittee through relevant Panels.

IX. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)525/18-19)

33. The Chairman said that as at 3 January 2019, there were 12 Bills Committees, eight subcommittees under HC and six subcommittees on policy issues under Panels in action. Eight subcommittees on policy issues were on the waiting list.

X. Any other business

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