

立法會
Legislative Council

LC Paper No. CB(2)673/18-19

Ref : CB2/H/5/18

House Committee of the Legislative Council

**Minutes of the 12th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 18 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 WONG Ting-kwong, GBS, 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 Steven HO Chun-yin, BBS
Hon Frankie YICK Chi-ming, SBS, JP
Hon YIU Si-wing, BBS
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
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 POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, SBS, JP

Ir Dr Hon LO Wai-kwok, SBS, MH, JP
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 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 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 CHAN Hoi-yan

Members absent :

Hon Jeffrey LAM Kin-fung, GBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon Michael TIEN Puk-sun, BBS, JP
Hon WU Chi-wai, MH
Hon MA Fung-kwok, SBS, JP
Hon CHAN Han-pan, BBS, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Hon Martin LIAO Cheung-kong, SBS, JP
Hon CHUNG Kwok-pan
Hon HUI Chi-fung
Hon LUK Chung-hung, JP
Hon LAU Kwok-fan, MH
Hon Vincent CHENG Wing-shun, MH
Hon Tony TSE Wai-chuen, BBS

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
Mr Bonny LOO	Assistant Legal Adviser 4
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
Miss Meisy KWOK	Legislative Assistant (2)6

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I. Confirmation of minutes of meeting

Minutes of 11th meeting held on 11 January 2019
(LC Paper No. CB(2)621/18-19)

The minutes were confirmed.

II. Matters arising

Report by the Chairman on her meeting with the Chief Secretary for Administration

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Complementary measures for raising the eligible age for elderly Comprehensive Social Security Assistance ("CSSA") announced by the Chief Executive ("CE")

2. The Chairman said that she had relayed to the Chief Secretary for Administration ("CS") the views expressed by Members at the previous House Committee ("HC") meeting on CE's response to a Member's question concerning the raising of the eligible age for elderly CSSA ("the policy concerned") during CE's Question and Answer Session on 10 January 2019.

3. The Chairman said that she believed that Members would have been aware of the latest development on the policy concerned. CE had held a press conference at noon on the day of the meeting on various labour and welfare measures, including the complementary measures for implementing the policy concerned. The Chairman further said that the Panel on Welfare Services would hold a special meeting on 28 January 2019 on the policy concerned during which Members could express their views and further discuss with the relevant government officials.

4. Dr KWOK Ka-ki said that the motion on "Reviewing the CSSA Scheme" was passed at the Council meeting of 16 January 2019 ("the motion concerned") and in which the Administration was requested to, among others, shelve the policy concerned. He criticized that CE had only selectively met with some Members to explain the complementary measures to be put forth by the Government for implementing the policy concerned. Dr KWOK considered that such a move had damaged the relationship between the Executive Authorities and the Legislature, and gave Members of the pro-democracy camp an impression that the Government practised affinity differentiation. He added that as the motion concerned was supported by various political parties and groupings, the Administration should meet with all Members to work out solutions together to address the requests raised in the motion concerned. He requested the Chairman to relay his views to CS.

5. Echoing the views of Dr KWOK Ka-ki, Mr Jeremy TAM pointed out that Members were discharging the duties of the Legislative Council ("LegCo") when they met with Government officials to discuss various Government policies. He considered it inappropriate for CE to make the remarks that Members of the pro-democracy camp were "jealous" when they questioned why CE had only selectively met with some Members. Mr Alvin YEUNG said that if Members of the pro-establishment camp's

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meeting with CE had resulted in CE deciding to shelve the policy concerned, Members of the pro-democracy camp would support such a move. However, he was afraid that the complementary measures announced by CE could not fully address the requests raised in the motion concerned, and cautioned that Members of the pro-establishment camp should be more prudent in considering whether to support the complementary measures.

6. Mr James TO, Mr LAM Cheuk-ting and Mr Andrew WAN shared a similar view that as the complementary measures announced by CE for implementing the policy concerned involved an important policy matter, CE should have briefed all Members on such measures and endeavour to lobby the support of Members prior to their announcement. They expressed disapproval of CE for being selective in choosing Members to meet with her to discuss the complementary measures and stressed that Members of the pro-democracy camp were not "jealous" as characterized by CE. They also stressed that LegCo Members were representatives of the general public and had the responsibility to reflect the views of the public affected by the policy concerned to the Government. Mr TO added that conducting briefings on Government policies for Members was the responsibility of the Government and it should not be treated as a grace bestowed on Members. Mr LAM also queried if CE was selective in listening to views. Mr WAN opined that the Government had lost all sense of propriety in dealing with the policy concerned.

7. Stressing that the changes in the measures for implementing the policy concerned were important matters in society and involved public interest, Mr LEUNG Yiu-chung and Dr Fernando CHEUNG said that they could not agree with CE's remarks that Members of the pro-democracy camp were "jealous" as it was incumbent upon the Government to brief all Members on such matters. Mr LEUNG opined that CE was promoting division among Members by selectively inviting some Members to meet with her to discuss the complementary measures for implementing the policy concerned. Dr CHEUNG considered that CE had damaged the relationship between the Executive Authorities and the Legislature, and hoped that both CE and the principal Government officials would not make the same mistake again. Echoing the views of Mr LEUNG and Dr CHEUNG, Ms Claudia MO commented that CE had spoken and acted rashly in handling the matters relating to the policy concerned. In her view, this showed that CE lacked political integrity.

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8. Mr SHIU Ka-chun considered that CE should have met with the Member who moved the motion concerned and those Members who proposed amendments to the motion concerned, and briefed these Members on the changes in the policy measures related to the motion concerned. He said that in response to his enquiry, CE's Office had indicated that the meeting was held between CE and Members of the Executive Council ("ExCo") and their representatives, rather than Members of the pro-establishment camp. Mr SHIU requested CS to clarify what constituted "representatives of ExCo Members", adding that he was worried that such meeting arrangement would undermine the integrity of ExCo, notably the confidentiality system of ExCo.

9. Dr Junius HO said that since the incumbent CE took office, there had been many opportunities for Members to communicate with her, such as CE's Question Time, CE's Question and Answer Session and the Question and Answer Session on the Policy Address. Dr HO criticized that the conduct of Members of the pro-democracy camp were often disorderly on these occasions, and therefore, they should be blamed for missing the opportunities to communicate with CE.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 11 January 2019 and tabled in Council on 16 January 2019

(LC Paper No. LS39/18-19)

10. At the invitation of the Chairman, Legal Adviser briefed Members on the report prepared by the Legal Service Division on the Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) Order 2019 (L.N. 4) which was gazetted on 11 January 2019 and tabled in Council on 16 January 2019.

11. Members did not raise any questions on the above Order.

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

IV. Further business for the Council meeting of 23 January 2019

(a) Tabling of papers

Report No. 9/18-19 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
(*LC Paper No. CB(2)623/18-19*)

13. The Chairman said that the Report covered four items of subsidiary legislation and the period for amending them would expire at the Council meeting of 23 January 2019.

14. The Chairman informed Members that as Mr James TO, Chairman of the Subcommittee on Fugitive Offenders (France) Order, had indicated intention to speak on the Order, she would, in her capacity as the HC Chairman, move a motion to take note of the Report in relation to the Order at the meeting. The Chairman further said that no Member had indicated intention to speak on the other three items of subsidiary legislation.

(b) Questions

(*LC Paper No. CB(3)316/18-19*)

15. The Chairman said that Mr Tony TSE had replaced his oral question.

V. The Chief Executive's Question Time on 30 January 2019

16. 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 30 January 2019 would be held immediately after the Chief Executive's Question Time ended.

VI. Business for the Council meeting of 30 January 2019

(a) Questions

(*LC Paper No. CB(3)317/18-19*)

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

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

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

(c) **Government motion**

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

(d) **Members' motions**

(i) **Motion on "Promoting the development of a financial technology hub to reinforce Hong Kong's position as an international financial centre" to be moved by Hon CHAN Chun-ying**

(LC Paper No. CB(3)327/18-19)

(ii) **Motion on "Implementing diversified education to alleviate the pressure on students and parents" to be moved by Hon Starry LEE**

(LC Paper No. CB(3)328/18-19)

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

Report of HC on Consideration of Subsidiary Legislation

21. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)324/18-19), which contained eight items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 30 January 2019. She reminded Members to indicate their intention by 5:00 pm on Tuesday, 22 January 2019, should they wish to speak on any of those items of subsidiary legislation.

VII. Reports of Bills Committees and subcommittees

(a) **Report of the Bills Committee on Financial Reporting Council (Amendment) Bill 2018**

(LC Paper No. CB(1)467/18-19)

22. Mr WONG Ting-kwong, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its

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report. Mr WONG said that the Administration would propose amendments to the Bill and the Bills Committee raised no objection to the proposed amendments. Mr WONG further said that Mr Kenneth LEUNG had indicated that in view of the industry's concern, he would propose amendments to reduce the proposed maximum level of pecuniary penalty in respect of misconduct committed by auditors of public interest entities and registered responsible persons.

23. Mr WONG informed Members that the Bills Committee would not propose amendments to the Bill and had no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 30 January 2019.

**(b) Report of the Bills Committee on Inland Revenue
(Amendment) (No. 6) Bill 2018**

(LC Paper No. CB(1)459/18-19)

24. Mr Kenneth LEUNG, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Mr LEUNG said that both the Administration and the Bills Committee would not propose amendments to the Bill, and that the Bills Committee had no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 30 January 2019.

25. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above two Bills would be Monday, 21 January 2019.

**(c) Report of the Subcommittee on 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**

26. Dr Pierre CHAN, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. He said that the purpose of the two Notices was to specify the dates in relation to the transitional arrangements for existing operators of day procedure centres and clinics.

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27. Dr CHAN further said that the Subcommittee had held two meetings with the Administration and members of the Subcommittee supported the two Notices in general. Members of the Subcommittee noted that applications for licences for day procedure centres were tentatively planned to commence in 2020, and the first batch of licences were anticipated to take effect in early 2021. As for the licensing of clinics, it was anticipated to commence in 2021 at the earliest. Pursuant to the two Notices, an operator of a day procedure centre or a clinic in operation on 30 November 2018 would be issued with a provisional licence upon application for a full licence, provided that certain conditions were met. The provisional licence would allow the day procedure centre or clinic concerned to continue to operate before it was qualified for a full licence. Subject to certain conditions, a clinic with a provisional licence was not required to comply with the requirement of having a direct and separate entrance during the validity period of the provisional licence concerned.

28. Dr CHAN further advised that members of the Subcommittee had requested the Administration to closely communicate with stakeholders from the medical and beauty sectors on a regular basis (including organizing briefings, issuing newsletters, setting up a general enquiry hotline, as well as uploading a set of "frequently asked questions" in respect of the industry's concerns on the website of the Office for Regulation of Private Healthcare Facilities) before the licensing of day procedure centres and clinics commenced. In addition, the Administration should announce the licence application procedures as early as possible, so as to allow operators of existing day procedure centres and clinics to gain a clear understanding of the documentary proof required to show that the healthcare facilities concerned were in operation and provided medical services as stated in their licence applications on 30 November 2018.

29. Dr CHAN also advised that some members of the Subcommittee were concerned about the time required by the Administration to process licence applications. According to the Administration, as a new set of regulatory arrangements for day procedure centres and clinics was introduced under the new regulatory regime, it would be difficult to estimate the time required for processing each licence application at the present stage. The Administration, however, would closely monitor the licensing work upon its commencement and consider setting a target processing time for each licence application in the future. The

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Administration also assured members of the Subcommittee that it would ensure that operators of the day procedure centres and clinics concerned as well as the medical and dental professions would be ready to comply with the relevant requirements before the new regulatory regime came into force in full scale.

30. Members noted that the Subcommittee would not propose amendments to the two Notices. The Subcommittee would submit a written report in due course.

31. The Chairman reminded Members that the period for amending the two Notices would expire at the Council meeting of 30 January 2019, and the deadline for giving notice of amendments, if any, would be Wednesday, 23 January 2019.

VIII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)622/18-19)

32. The Chairman said that as at 17 January 2019, there were 11 Bills Committees, four subcommittees under HC and six subcommittees on policy issues under Panels in action. Eight subcommittees on policy issues were on the waiting list.

IX. Papers of the Committee on Rules of Procedure

(a) **Statutory declaration requirements for the nationality and residency status of Members running for the office of the President of the Legislative Council**

(LC Paper No. CROP16/18-19)

33. Mr Paul TSE, Chairman of the Committee on Rules of Procedure ("CRoP"), briefed Members on CRoP's proposal to amend Annex I to Schedule 1 to the Rules of Procedure ("RoP") to implement statutory declaration requirements for the nationality and residency status of Members running for the office of the President of the Legislative Council ("the President"), details of which were set out in paragraphs 4 to 6 of and Appendix I to the paper. Members agreed to the proposal.

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34. Members noted that the Chairman of CRoP would move a motion at the Council meeting of 20 February 2019 to amend Annex I to Schedule 1 to RoP and that the wording of the motion was set out in Appendix II to the paper.

(b) Proposed consequential amendments to the House Rules on the arrangements relevant to the election of the President of the Legislative Council

(LC Paper No. CROP17/18-19)

35. Mr Paul TSE, Chairman of CRoP, briefed Members on CRoP's proposal to amend rule 1A of the House Rules consequential to earlier amendments to RoP relating to the election of the President, details of which were set out in paragraphs 8 to 10 of and the Appendix to the paper. He said that a replacement sheet for the Appendix to the paper had been issued to Members on 18 January 2019 vide LC Paper No. CB(2)657/18-19 and was tabled at the meeting for Members' reference. Members noted that certain words in a sentence in the proposed amended rule 1A(c) had been re-instated in the replacement sheet to make it clearer that the President's Deputy would determine the day of the re-election of the President if the incumbent President's resignation had already come into effect. Members agreed to the proposal.

X. Any other business

36. There being no other business, the meeting ended at 3:01 pm.