

立法會
Legislative Council

LC Paper No. CB(2)778/18-19

Ref : CB2/H/5/18

House Committee of the Legislative Council

**Minutes of the 13th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 25 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 Hak-kan, BBS, JP
Hon CHAN Kin-por, GBS, 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 Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP
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 CHU Hoi-dick
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
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 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 :

Hon Jeffrey LAM Kin-fung, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Hon Kenneth LEUNG
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon Andrew WAN Siu-kin
Hon Jimmy NG Wing-ka, JP
Hon SHIU Ka-chun
Hon YUNG Hoi-yan
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
Mr Alvin CHUI	Assistant Legal Adviser 3
Mr Bonny LOO	Assistant Legal Adviser 4
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 12th meeting held on 18 January 2019
(LC Paper No. CB(2)673/18-19)

The minutes were confirmed.

II. Matters arising

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

Action

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 conveyed to the Chief Secretary for Administration ("CS") Members' views on the above matter raised at the previous House Committee ("HC") meeting held on 18 January 2019. In response, CS had indicated that the launch of the Employment Support Supplement announced by CE on 18 January 2019 was a pragmatic arrangement, which promptly addressed the concerns of Members of various political parties and groupings. CS had also said that due to the complexity of the CSSA system, there might be inadequacies in the way the Administration explained the relevant policy this time around. However, CS had stressed that the intent of the policy was clear, which was to unleash the potential of the labour force and encourage employment so as to complement Hong Kong's social development. The Chairman added that the Deputy Chairman had also conveyed his views on the matter to CS.

3. At the invitation of the Chairman, the Deputy Chairman said that he had clearly told CS that the way CE had handled the matter and her earlier remarks, including characterization of some Members as "jealous", were very improper. He considered that the relationship between the Executive Authorities and the Legislature had been damaged, and requested that CE should meet with Members of the pro-democracy camp right away to discuss the relevant policy.

4. The Chairman said that she had indicated to CS that notwithstanding the inadequacy in the complementary measures for the relevant policy put forward earlier by the Administration, remedial measures had been introduced promptly, which could practically benefit the affected citizens. She hoped that the Administration could draw a lesson from this experience, and when launching a new policy, give due consideration to public perception and how to assist the people affected. She also hoped that in future, the Administration could enhance its communication with Members and make concerted efforts with them to assist needy citizens.

III. Business arising from previous Council meetings

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

National Anthem Bill

(LC Paper No. LS42/18-19)

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

6. Mr WONG Ting-kwong, Ms Claudia MO, Mr Dennis KWOK, Ms Tanya CHAN and Mr Tony TSE 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 WONG Ting-kwong, Mr CHAN Hak-kan, Mrs Regina IP, Ms Claudia MO, Mr Charles MOK, Mr CHAN Chi-chuen, Mr Dennis KWOK, Mr IP Kin-yuen, Dr Elizabeth QUAT, Mr CHU Hoi-dick, Mr Holden CHOW, Ms Tanya CHAN, Mr CHEUNG Kwok-kwan, Mr Gary FAN and Mr Tony TSE.

(b) **Legal Service Division report on subsidiary legislation gazetted on 18 January 2019 and tabled in Council on 23 January 2019**

(LC Paper No. LS41/18-19)

7. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on four items of subsidiary legislation (i.e. L.N. 8 to L.N. 11) which were gazetted on 18 January 2019 and tabled in Council on 23 January 2019.

8. Mr YIU Si-wing considered it necessary to form a subcommittee to study the Immigration (Amendment) Regulation 2019 (L.N. 9) in detail. Members agreed. Mr YIU Si-wing agreed to join the proposed subcommittee.

(Post-meeting note: Members were informed on 12 February 2019 vide LC Paper No. CB(2)773/18-19 that as only two Members had signified to join the proposed subcommittee by the deadline for signification of membership, the proposed subcommittee could not be formed.)

Action

9. Members did not raise any questions on the other three items of subsidiary legislation (i.e. L.N. 8, L.N. 10 and L.N. 11).

10. The Chairman reminded Members that the deadline for amending the above four items of subsidiary legislation would be the Council meeting of 20 February 2019, or that of 20 March 2019 if extended by a resolution of the Council.

IV. Further business for the Council meeting of 30 January 2019

(a) Tabling of papers

Report No. 10/18-19 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
(*LC Paper No. CB(2)677/18-19*)

11. The Chairman said that the Report covered eight items of subsidiary legislation and the period for amending them would expire at the Council meeting of 30 January 2019. As one Member had indicated intention to speak on the Declaration of Constituencies (District Councils) Order 2018 (L.N. 263), 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. No Member had indicated intention to speak on any of the other seven items of subsidiary legislation.

(b) Bills - resumption of debate on Second Reading, Consideration by Committee of the Whole Council and Third Reading

(i) Financial Reporting Council (Amendment) Bill 2018

(ii) Inland Revenue (Amendment) (No. 6) Bill 2018

12. The Chairman said that at the HC meeting held on 18 January 2019, Members did not raise objection to the resumption of the Second Reading debates on the above two Bills at the Council meeting.

(c) **Request for special leave of the Council to give evidence of Council proceedings**

Request made under section 7 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) and Rule 90 of the Rules of Procedure for special leave of the Council to give evidence of Council proceedings
(LC Paper No. CB(3)355/18-19)

13. The Chairman informed Members that the Department of Justice had submitted a request for special leave of the Council for six officers of the Council to give evidence in criminal proceedings.

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

(a) **Report of the Bills Committee on Inland Revenue (Amendment) (No. 7) Bill 2018**

(LC Paper No. CB(1)492/18-19)

14. Mr Charles MOK, on behalf of the Chairman of the Bills Committee, Mr Kenneth LEUNG, who was unable to attend the meeting, briefed Members on the deliberations of the Bills Committee as detailed in its report. Mr MOK said that the Administration would propose a number of amendments to the Bill in order to enhance the clarity of the relevant provisions and make them more flexible. The Bills Committee had no objection to the amendments proposed by the Administration.

15. Mr MOK further said that the Bills Committee would not propose any amendments to the Bill and had no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 20 February 2019.

(b) **Report of the Bills Committee on Inland Revenue (Profits Tax Exemption for Funds) (Amendment) Bill 2018**

(LC Paper No. CB(1)494/18-19)

16. Mr Charles MOK, on behalf of the Chairman of the Bills Committee, Mr Kenneth LEUNG, who was unable to attend the meeting, briefed Members on the deliberations of the Bills Committee as detailed in its report. Mr MOK said that neither the Bills Committee nor the Administration intended to propose amendments to the Bill and that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting of 20 February 2019.

Action

17. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above two Bills would be Monday, 11 February 2019.

VI. Position on Bills Committees and subcommittees
(*LC Paper No. CB(2)674/18-19*)

18. The Chairman said that as at 24 January 2019, there were nine Bills Committees (one of which would need to work beyond three months since its commencement), three subcommittees under HC and six subcommittees on policy issues under Panels in action. Eight subcommittees on policy issues were on the waiting list.

VII. Any other business

19. There being no other business, the meeting ended at 2:45 pm.

Council Business Division 2
Legislative Council Secretariat
13 February 2019