

立法會  
*Legislative Council*

LC Paper No. CB(2)880/18-19

Ref : CB2/H/5/18

**House Committee of the Legislative Council**

**Minutes of the 14th meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 15 February 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  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon WONG Kwok-kin, SBS, 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 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 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  
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  
Hon CHAN Hoi-yan

**Members absent :**

Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon LEUNG Che-cheung, SBS, MH, JP  
Hon Alice MAK Mei-kuen, BBS, JP  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Hon SHIU Ka-chun  
Hon YUNG Hoi-yan

**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 Alice LEUNG       | Chief Council Secretary (2)6      |
| Miss Joyce CHAN      | Assistant Legal Adviser 1         |
| Miss Rachel DAI      | Assistant Legal Adviser 2         |
| 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 13th meeting held on 25 January 2019**

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

The minutes were confirmed.

**II. Matters arising**

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

Release of data on the Primary 3 Territory-wide System Assessment ("TSA")

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2. The Chairman said that there was nothing special to report on her meeting with the Chief Secretary for Administration ("CS"). However, the Deputy Chairman had raised an issue relating to the Primary 3 TSA at

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the meeting. At the invitation of the Chairman, the Deputy Chairman said that 24 Members of the pro-democracy camp had issued a joint letter to CS on 30 January 2019 complaining about the perfunctory attitude of the Secretary for Education when he responded to Mr IP Kin-yuen's request raised at the Council meeting of 30 January 2019 for releasing data on the Primary 3 TSA. These Members hoped that CS could promptly follow up the Administration's refusal in providing the relevant data.

3. The Chairman said that CS had responded that he would follow up the above matter. She added that if necessary, Members could follow up the matter at meetings of the relevant Panel.

4. Noting CS's response, Mr IP Kin-Yuen said that so far he had not yet received the requested data from the Administration. He would like to know how CS had followed up the above matter. The Chairman said that she would relay Mr IP's enquiry to CS at their next meeting.

*(Post-meeting note: CS's written reply to the joint letter from 24 Members was circulated to Members vide LC Paper No. CB(2)840/18-19(01) on 20 February 2019.)*

**(b) Minimum Wage Ordinance (Amendment of Schedule 3) Notice 2019 (L.N. 8) and Employment Ordinance (Amendment of Ninth Schedule) Notice 2019 (L.N. 11)**

*(Joint letter dated 29 January 2019 from Hon LEUNG Yiu-chung, Dr Hon KWOK Ka-ki and Dr Hon Fernando CHEUNG (LC Paper No. CB(2)780/18-19(01)))*

5. The Chairman said that Members did not consider it necessary to form a subcommittee to study the above two Notices (i.e. L.N. 8 and L.N. 11) at the last House Committee ("HC") meeting on 25 January 2019 ("the last HC meeting"). The Chairman further said that Mr LEUNG Yiu-chung, Dr KWOK Ka-ki and Dr Fernando CHEUNG had jointly written to her on 29 January 2019 requesting HC to consider their proposal for forming a subcommittee to study the two Notices at this meeting because they had left the meeting to attend to some urgent business when HC was considering the two Notices at the last HC meeting.

6. Members agreed to the three Members' proposal for forming a subcommittee to study the two Notices in detail. Mr LEUNG Yiu-chung, Dr KWOK Ka-ki and Dr Fernando CHEUNG agreed to join the subcommittee.

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7. As the deadline for amending the above two Notices was the Council meeting of 20 February 2019 unless extended by a resolution of the Council, Members also agreed that the Chairman should, in her capacity as the HC Chairman, move a motion at the Council meeting of 20 February 2019 to extend the scrutiny period of the two Notices to the Council meeting of 20 March 2019.

**III. Business arising from previous Council meetings**

**Legal Service Division report on subsidiary legislation gazetted on 25 January 2019 and tabled in Council on 30 January 2019**

*(LC Paper No. LS44/18-19)*

8. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the report prepared by the Legal Service Division ("LSD") on the Waterworks (Amendment) Regulation 2019 (L.N. 12) which was gazetted on 25 January 2019 and tabled in Council on 30 January 2019.

9. Members did not raise any questions on L.N. 12.

10. The Chairman reminded Members that the deadline for amending the above Amendment Regulation would be the Council meeting of 27 February 2019.

**IV. Legal Service Division report on subsidiary legislation gazetted on 1 February 2019**

*(LC Paper No. LS45/18-19)*

11. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the Import and Export (General) Regulations (Amendment of Schedule 7) Notice 2019 (L.N. 13) which was gazetted on 1 February 2019.

12. Members did not raise any questions on L.N. 13.

13. The Chairman reminded Members that the deadline for amending the above Notice would be the Council meeting of 20 March 2019.

**V. The Chief Executive's Question Time on 20 February 2019**

14. 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 20 February 2019 would be held immediately after the Chief Executive's Question Time ended.

**VI. Business for the Council meeting of 20 February 2019**

Report No. 11/18-19 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

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15. 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 20 February 2019, had been issued to Members. No Member had indicated intention to speak on any of those items of subsidiary legislation.

(a) **Questions**  
(*LC Paper No. CB(3)382/18-19*)

16. 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) **Smoking (Public Health) (Amendment) Bill 2019**

(ii) **Trade Marks (Amendment) Bill 2019**

17. The Chairman said that HC would consider the above two Bills at its meeting on 1 March 2019.

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

(i) **Inland Revenue (Profits Tax Exemption for Funds) (Amendment) Bill 2018**

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

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

(d) **Government motion**

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

(e) **Members' motions**

(i) **Proposed resolution under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China to be moved by Hon Paul TSE to amend the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region**  
*(LC Paper No. CB(3)373/18-19)*

20. Members noted that the above proposed resolution would be dealt with at the meeting.

(ii) **Motion under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to be moved by Hon Tanya CHAN**  
*(LC Paper No. CB(3)379/18-19)*

(iii) **Motion on "Revitalizing the Mandatory Provident Fund" to be moved by Dr Hon Junius HO**  
*(LC Paper No. CB(3)376/18-19)*

(iv) **Motion on "Increasing transitional housing supply" to be moved by Hon Vincent CHENG**  
*(LC Paper No. CB(3)377/18-19)*

21. Members noted that the above three motions would be dealt with at the meeting.

**VII. Business for the Council meeting of 27 February 2019**

(a) **Questions**

*(LC Paper No. CB(3)383/18-19)*

22. The Chairman said that 22 written questions had been scheduled for the meeting.

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

23. The Chairman said that the Administration had advised the Clerk to the Legislative Council ("LegCo") that the Financial Secretary intended to present the Appropriation Bill 2019 and the Estimates of Expenditure for the year ending 31 March 2020 to the Council at the meeting.

**Report of HC on Consideration of Subsidiary Legislation**

24. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)390/18-19), which contained one item of subsidiary legislation the period for amendment of which would expire at the Council meeting of 27 February 2019. She reminded Members to indicate their intention by 12:00 midnight on Tuesday, 19 February 2019, should they wish to speak on the subsidiary legislation.

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

*(LC Paper No. CB(2)779/18-19)*

25. The Chairman said that as at 14 February 2019, there were eight Bills Committees, three subcommittees under HC and six subcommittees on policy issues under Panels in action. Eight subcommittees on policy issues were on the waiting list.

**IX. Proposal of the Panel on Security to nominate a Member to attend the Modern Slavery Project: Legislative Drafting Seminar organized by the Commonwealth Parliamentary Association, United Kingdom**

*(LC Paper No. CB(2)777/18-19)*

26. At the invitation of the Chairman, Mr CHAN Hak-kan, Chairman of the Panel on Security, briefed Members on the Panel's proposal to nominate Mr CHUNG Kwok-pan to attend the Modern Slavery Project: Legislative Drafting Seminar ("the Seminar") to be held in London, United Kingdom ("UK") from 26 to 29 March 2019, details of which were set out in the paper.

27. At the invitation of the Chairman, Mr CHUNG Kwok-pan said that he believed that the Seminar would be attended by many representatives from the Commonwealth countries and that he considered it desirable for LegCo Members to take the opportunity to explain to and exchange views



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with the participants regarding the situation in Hong Kong on issues relating to modern slavery. He noted that the Deputy Chairman and Mr Kenneth LEUNG intended to introduce a Members' Bill on the issue of modern slavery, and thought that they might also be interested in attending the Seminar. Mr CHUNG added that he would also like to take the opportunity to obtain first-hand information in UK regarding the impact of Brexit, which would likely take place on 29 March 2019 as scheduled, on Hong Kong and different regions of the world.

28. The Deputy Chairman and Mr Kenneth LEUNG expressed support for Mr CHUNG Kwok-pan to attend the Seminar. The Deputy Chairman said that although he was unable to attend the Seminar to be held in March 2019, he would have the opportunity to meet with the Modern Slavery Project team of the Commonwealth Parliamentary Association ("CPA"), UK when he visited UK in April this year. The Deputy Chairman added that to his understanding, CPA would organize another seminar related to modern slavery in the latter half of 2019. Mr LEUNG said that many advanced countries had already enacted specific legislation to combat modern slavery and to prevent the exploitation of labour, including the use of child labour, from taking place in any part of the organizations' business or in any of their supply chains. Mr LEUNG said that both he and the Deputy Chairman hoped that Hong Kong could have a similar piece of legislation in place in the long run.

29. Members endorsed the following recommendations of the Panel on Security:

- (a) to nominate Mr CHUNG Kwok-pan to attend the Seminar; and
- (b) to charge the expenses incurred for attending the Seminar to the Overseas Duty Visit account of Mr CHUNG.

**X. Any other business**

30. There being no other business, the meeting ended at 2:47 pm.