

立法會
Legislative Council

LC Paper No. CB(2)968/18-19

Ref : CB2/H/5/18

House Committee of the Legislative Council

**Minutes of the 15th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 1 March 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
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
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 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
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
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 Abraham SHEK Lai-him, GBS, JP
Hon Tommy CHEUNG Yu-yan, GBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Michael TIEN Puk-sun, BBS, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
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
Ms Vanessa CHENG	Assistant Legal Adviser 5
Ms Wendy KAN	Assistant Legal Adviser 6
Ms Clara TAM	Assistant Legal Adviser 9
Miss Evelyn LEE	Assistant Legal Adviser 10
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 14th meeting held on 15 February 2019

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

The minutes were confirmed.

II. Matters arising

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

Data on the Primary 3 Territory-wide System Assessment ("TSA")

2. The Chairman said that she had relayed to the Chief Secretary for Administration ("CS") Mr IP Kin-yuen's enquiry on how CS had followed up the joint letter issued by 24 Members of the pro-democracy camp to CS on 30 January 2019 regarding the release of data on the Primary 3 TSA. Subsequent to her meeting with CS, CS had issued a written reply on 20 February 2019 to these Members concerning the above matter, which had been issued to all Members vide LC Paper No. CB(2)840/18-19 on the same day. The Chairman further said that Members could continue to follow up the above matter through the Panel on Education if necessary.

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) Smoking (Public Health) (Amendment) Bill 2019 *(LC Paper No. LS48/18-19)*

3. 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.

4. 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: Prof Joseph LEE, Mr WONG Ting-kwong, Mr Charles MOK, Mr CHAN Chi-chuen, Mr Kenneth LEUNG, Dr KWOK Ka-ki, Mr KWOK Wai-keung, Dr Fernando CHEUNG, Dr Helena WONG, Mr SHIU Ka-fai, Mr SHIU Ka-chun, Ms Tanya CHAN and Mr Kenneth LAU.

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(ii) Trade Marks (Amendment) Bill 2019
(LC Paper No. LS47/18-19)

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

6. Mr WU Chi-wai and Mr CHUNG Kwok-pan 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 Charles MOK, Mr CHUNG Kwok-pan and Mr SHIU Ka-fai.

(b) Legal Service Division report on subsidiary legislation gazetted on 15 February 2019 and tabled in Council on 20 February 2019

(LC Paper No. LS46/18-19)

7. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the Public Health and Municipal Services (Fees) (Amendment) Regulation 2019 (L.N. 14) which was gazetted on 15 February 2019 and tabled in Council on 20 February 2019.

8. Dr Helena WONG considered it necessary to form a subcommittee to study the Amendment Regulation in detail. Members agreed. Mr CHAN Hak-kan and Dr Helena WONG agreed to join the proposed subcommittee.

9. The Chairman reminded Members that the deadline for amending the Amendment Regulation would be the Council meeting of 20 March 2019, or that of 17 April 2019 if extended by a resolution of the Council.

(c) Legal Service Division report on subsidiary legislation gazetted on 22 February 2019 and tabled in Council on 27 February 2019

(LC Paper No. LS49/18-19)

10. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on nine items of subsidiary legislation (i.e. L.N. 15 to L.N. 23) which were gazetted on 22 February 2019 and tabled in Council on 27 February 2019. LA said that LSD was scrutinizing the legal and drafting aspects of L.N. 15 to L.N. 22 and would report further, if necessary.

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11. Members did not raise any questions on these items of subsidiary legislation.

12. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation would be the Council meeting of 27 March 2019.

IV. Advance information on business for the Council meeting of 20 March 2019

(a) Bills - First Reading and moving of Second Reading

(i) Judicial Officers (Extension of Retirement Age) (Amendment) Bill 2019

(ii) Electoral Legislation (Miscellaneous Amendments) Bill 2019

13. The Chairman said that the House Committee ("HC") would consider the above two Bills at its meeting on 22 March 2019.

(b) Government motions

(i) Proposed resolution to be moved by the Secretary for Financial Services and the Treasury under section 7(1) of the Public Finance Ordinance (Cap. 2)
(LC Paper No. CB(3)425/18-19)
(LC Paper No. LS51/18-19)

14. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the above proposed resolution.

15. Members did not raise any questions on the proposed resolution and had no objection to the Administration moving the proposed resolution at the Council meeting of 20 March 2019.

(ii) Three proposed resolutions to be moved by the Secretary for Labour and Welfare under the following Ordinances respectively:

- Employees' Compensation Ordinance (Cap. 282);

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- **Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360); and**
- **Occupational Deafness (Compensation) Ordinance (Cap. 469)**

(LC Paper No. CB(3)421/18-19)

(LC Paper No. LS50/18-19)

16. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the above three proposed resolutions.

17. Mr LEUNG Yiu-chung considered it necessary to form a subcommittee to study the three proposed resolutions in detail. Members agreed. Mr LEUNG Yiu-chung agreed to join the proposed subcommittee.

18. The Chairman said that in line with the established practice and the arrangement agreed with the Administration, the Administration would be requested to withdraw its notices for moving the proposed resolutions so as to allow sufficient time for the proposed subcommittee to carry out its scrutiny work.

V. Reports of Bills Committees and subcommittees

(a) Report of the Bills Committee on Inland Revenue and MPF Schemes Legislation (Tax Deductions for Annuity Premiums and MPF Voluntary Contributions) (Amendment) Bill 2018

(LC Paper No. CB(1)638/18-19)

19. Mr WONG Ting-kwong, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Members noted that both the Bills Committee and the Administration would not propose any amendments to the Bill. Members also noted that the Bills Committee raised no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 20 March 2019.

20. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the Bill would be Monday, 11 March 2019.

(b) Report of the Subcommittee on Minimum Wage Ordinance (Amendment of Schedule 3) Notice 2019 and Employment Ordinance (Amendment of Ninth Schedule) Notice 2019

21. Mr Vincent CHENG, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. He said that the Subcommittee had held a meeting on 26 February 2019 to scrutinize the two items of subsidiary legislation relating to the statutory minimum wage ("SMW") (i.e. L.N. 8 and L.N. 11). The purpose of L.N. 8 was to increase the prescribed minimum hourly wage rate (commonly known as "the SMW rate") from \$34.5 to \$37.5 with effect from 1 May 2019 and the amendment in L.N. 11 was consequential to the implementation of the revised SMW rate in L.N.8.

22. Mr CHENG further said that in the course of scrutiny, members of the Subcommittee had discussed the considerations that had been taken into account in reaching the recommended SMW rate, the number of employees benefited from the uprating of SMW, the impact on the business sector and the review cycle of the SMW rate, etc.

23. Mr CHENG further advised that members of the Subcommittee had noted that the scrutiny period of the two items of subsidiary legislation would expire at the Council meeting of 20 March 2019. However, in the light of some members' suggestion, the Subcommittee had agreed to hold another meeting on 7 March 2019 to receive views from deputations. The Subcommittee would submit a written report in due course.

24. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the two items of subsidiary legislation would be Wednesday, 13 March 2019.

(c) Report of the Subcommittee to Follow Up Issues Relating to the Unified Screening Mechanism for Non-refoulement Claims
(LC Paper No. CB(2)874/18-19)

25. Dr Elizabeth QUAT, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Dr QUAT said that since the commencement of its work in March 2018, the Subcommittee had held a total of seven meetings and received views from deputations and individuals at one of these meetings.

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26. Dr QUAT further said that the Subcommittee had in-depth discussion on a number of issues, including measures to prevent persons who might abuse the making of non-refoulement claims from entering Hong Kong, the screening and appeal procedures of the unified screening mechanism for non-refoulement claims, removal arrangements for claimants whose claims had been rejected, detention policies, law enforcement against crimes committed by claimants, provision of publicly-funded legal assistance and humanitarian assistance to claimants, and legislative proposals to amend the screening procedures and other related matters under the Immigration Ordinance (Cap. 115). The Subcommittee had also made various recommendations in the above-mentioned areas, including that the Administration should expedite the screening of pending non-refoulement claims, and maintain close communication with the Torture Claims Appeal Board as well as the Judiciary on the resources requirements to cope with the upsurge in appeal and judicial review cases.

VI. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)881/18-19)

27. The Chairman said that as at 28 February 2019, there were eight Bills Committees (one of which would need to work beyond three months since its commencement), four subcommittees under HC and six subcommittees on policy issues under Panels in action. Eight subcommittees on policy issues were on the waiting list.

VII. Proposed joint-Panel duty visit to the major cities in the Yangtze River Delta Region by the Panel on Economic Development, Panel on Commerce and Industry, Panel on Financial Affairs, and Panel on Information Technology and Broadcasting

(LC Paper No. CB(4)595/18-19)

28. Mr CHUNG Kwok-pan, Chairman of the joint meeting of the Panel on Economic Development, Panel on Commerce and Industry, Panel on Financial Affairs, and Panel on Information Technology and Broadcasting ("the four relevant Panels") held on 22 February 2019, said that the four relevant Panels proposed to conduct a joint-Panel duty visit to the major cities in the Yangtze River Delta Region from 21 to 24 April 2019 to better understand their economic and financial development, as detailed in the paper. Mr CHUNG further said that the four relevant Panels had agreed that the visit would be open to all Members for

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participation, and that the President would be invited to be the delegation leader of the visit and the Chairmen of the four relevant Panels would be the deputy delegation leaders of the visit. Besides, the four relevant Panels had also agreed that relevant Government officials would be invited to join the visit to exchange views and facilitate future follow-up. Mr CHUNG added that as members had put forward various views on the visit programme at the joint-Panel meeting, the tentative programme set out in Appendix I to the paper might be fine-tuned.

29. Members agreed that permission be given for the four relevant Panels to conduct the proposed duty visit.

VIII. Any other business

30. There being no other business, the meeting ended at 2:52 pm.

Council Business Division 2
Legislative Council Secretariat
13 March 2019