

立法會
Legislative Council

LC Paper No. CB(2)1020/18-19

Ref : CB2/H/5/18

House Committee of the Legislative Council

**Minutes of the 16th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 15 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
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 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 WU Chi-wai, MH
Hon YIU Si-wing, BBS
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 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 Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan
Dr Hon Pierre CHAN
Hon CHAN Chun-ying, JP
Hon CHEUNG Kwok-kwan, JP
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 :

Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Michael TIEN Puk-sun, BBS, JP
Hon MA Fung-kwok, SBS, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, BBS, JP
Hon Martin LIAO Cheung-kong, SBS, JP
Hon SHIU Ka-chun
Hon Tanya CHAN
Hon HUI Chi-fung

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)
Miss Betty MA	Chief Council Secretary (2)1
Ms Alice LEUNG	Chief Council Secretary (2)6
Mr Bonny LOO	Assistant Legal Adviser 4
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 15th meeting held on 1 March 2019
(LC Paper No. CB(2)968/18-19)

The minutes were confirmed.

II. Matters arising

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

2. The Chairman said that there was nothing special to report.

Action

Administration's proposals to amend the Fugitive Offenders Ordinance (Cap. 503) and the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525)

3. Mr James TO said that the Administration had invited the public to give views, on or before 4 March 2019 ("the deadline"), on its proposals to amend the Fugitive Offenders Ordinance (Cap. 503) and the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) in relation to the cooperation between Hong Kong and other places on juridical assistance in criminal matters ("the proposals concerned"). Mr TO further said that he noted that on 13 March 2019, the Secretary for Security ("S for S") already released the data of and preliminary analysis on the views received before the deadline. However, to his understanding, some business associations had scheduled to meet with S for S in the latter half of March 2019 to give their views on the proposals concerned. He was concerned whether or not the Administration would consider such views which were received after the deadline. He hoped that the Chairman could relay his concern to the Chief Secretary for Administration ("CS") at their next meeting.

4. The Chairman said that she would relay Mr James TO's concern to CS at her next meeting with CS. She further said that Members were approached by different groups from time to time requesting that their views and concerns on various issues (including the proposals concerned) be reflected to the Administration. Members could reflect such views and concerns accordingly at any time they considered appropriate.

III. Legal Service Division report on subsidiary legislation gazetted on 1 March 2019

(LC Paper No. LS52/18-19)

5. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the report prepared by the Legal Service Division ("LSD") on two items of subsidiary legislation (i.e. L.N. 26 and L.N. 27) which were gazetted on 1 March 2019.

6. Mr WU Chi-wai considered it necessary to form a subcommittee to study the Control of Obscene and Indecent Articles (Amendment) Regulation 2019 (L.N. 26) and the Allowances to Jurors (Amendment) Order 2019 (L.N. 27) in detail. Members agreed. Mr WU Chi-wai agreed to join the proposed subcommittee.

Action

7. The Chairman reminded Members that the deadline for amending the above two items of subsidiary legislation would be the Council meeting of 17 April 2019, or that of 8 May 2019 if extended by a resolution of the Council.

IV. Legal Service Division report on subsidiary legislation gazetted on 8 March 2019

(LC Paper No. LS54/18-19)

8. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on two items of subsidiary legislation (i.e. L.N. 28 and L.N. 29) which were gazetted on 8 March 2019.

9. Dr KWOK Ka-ki considered it necessary to form a subcommittee to study the Rating (Exemption) Order 2019 (L.N. 28) in detail. Members agreed. Dr KWOK Ka-ki and Mr Tony TSE agreed to join the proposed subcommittee.

10. As advised by Mr CHAN Hak-kan, Mr Steven HO considered it necessary to form a subcommittee to study the Revenue (Reduction of Business Registration Fees and Branch Registration Fees) Order 2019 (L.N. 29) in detail. Members agreed. Mr Steven HO (as advised by Mr CHAN) agreed to join the proposed subcommittee.

11. The Chairman reminded Members that the deadline for amending the above two items of subsidiary legislation would be the Council meeting of 17 April 2019, or that of 8 May 2019 if extended by a resolution of the Council.

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

12. 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 March 2019 would be held immediately after the Chief Executive's Question Time ended.

VI. Business for the Council meeting of 20 March 2019

(a) Tabling of papers

Report No. 13/18-19 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
(*LC Paper No. CB(2)970/18-19*)

13. The Chairman said that the Report covered three items of subsidiary legislation and the period for amending them would expire at the Council meeting of 20 March 2019. No Member had indicated intention to speak on any of those items of subsidiary legislation.

(b) Questions

(*LC Paper No. CB(3)440/18-19*)

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

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

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

(ii) Inland Revenue (Amendment) (Tax Concessions) Bill 2019

(iii) Electoral Legislation (Miscellaneous Amendments) Bill 2019

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

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

16. The Chairman said that at the HC meeting held on 1 March 2019, Members did not raise objection to the resumption of the Second Reading debate on the Inland Revenue and MPF Schemes Legislation (Tax Deductions for Annuity Premiums and MPF Voluntary Contributions) (Amendment) Bill 2018.

(e) **Government motions**

- (i) **Two proposed resolutions to be moved by the Chief Secretary for Administration under the following Ordinances respectively:**

- **Criminal Procedure Ordinance (Cap. 221); and**
- **Coroners Ordinance (Cap. 504)**

(LC Paper No. CB(3)428/18-19)

(LC Paper No. LS55/18-19)

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

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

- (ii) **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)

19. Members noted that the Administration would move the above proposed resolution at the meeting.

(f) **Members' motions**

- (i) **Proposed resolution under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) to be moved by Hon CHAN Hak-kan in relation to the Public Health and Municipal Services (Fees) (Amendment) Regulation 2019**

(LC Paper No. CB(3)445/18-19)

20. The Chairman said that the purpose of the above proposed resolution was to extend the period for amending the subsidiary legislation to the Council meeting of 17 April 2019.

Action

- (ii) **Motion on "Proactively expanding development opportunities in the Guangdong-Hong Kong-Macao Greater Bay Area" to be moved by Hon WONG Ting-kwong**

(LC Paper No. CB(3)435/18-19)

- (iii) **Motion on "Reforming the immigration and admission policies" to be moved by Hon Gary FAN**

(LC Paper No. CB(3)436/18-19)

21. Members noted that the above two Members' motions not intended to have legislative effect would be dealt with at the meeting.

VII. Business for the Council meeting of 27 March 2019

- (a) **Questions**

(LC Paper No. CB(3)441/18-19)

22. 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**

23. The Chairman said that the Broadcasting and Telecommunications Legislation (Amendment) Bill 2019 would be introduced into the Council at the meeting, and HC would consider the Bill at its meeting on 29 March 2019.

- (c) **Government motion**

Motion on implementing the Toll Adjustment Proposal to be moved by the Secretary for Transport and Housing

(LC Paper No. CB(3)429/18-19)

24. The Chairman informed Members that in accordance with Rule 36(5) of the Rules of Procedure, the speaking time limit for each Member at the debate was 15 minutes.

25. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above motion would be Wednesday, 20 March 2019.

(d) Members' motions

- (i) Motion on "Requesting the Government to shelve the formulation of arrangements for the surrender of fugitive offenders between Mainland China and Hong Kong" to be moved by Hon Alvin YEUNG**
(LC Paper No. CB(3)448/18-19)
- (ii) Motion on "Reviewing the implementation of school-based management" to be moved by Hon IP Kin-yuen**
(LC Paper No. CB(3)449/18-19)

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

Report of HC on Consideration of Subsidiary Legislation

27. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)446/18-19), which contained nine items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 27 March 2019. She reminded Members to indicate their intention by 5:00 pm on Tuesday, 19 March 2019, should they wish to speak on any of those items of subsidiary legislation.

VIII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)969/18-19)

28. The Chairman said that as at 14 March 2019, there were nine Bills Committees (one of which would need to work beyond three months since its commencement), three subcommittees under HC and seven subcommittees on policy issues under Panels in action. Five subcommittees on policy issues were on the waiting list.

29. The Chairman further said that only one Member had signified to join the proposed Subcommittee on Three Proposed Resolutions under the Employees' Compensation Ordinance (Cap. 282), the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360) and the Occupational Deafness (Compensation) Ordinance (Cap. 469) by the deadline for signification of membership. According to the relevant House Rules ("HR"), a subcommittee should consist of not less than three members and accordingly, the above proposed subcommittee could not be formed.

IX. Priority allocation of a debate slot for a motion debate on the Report of the Subcommittee to Follow Up Issues Relating to the Unified Screening Mechanism for Non-refoulement Claims

(LC Paper No. CB(2)971/18-19)

30. At the invitation of the Chairman, Ms YUNG Hoi-yan, Deputy Chairman of the Subcommittee to Follow Up Issues Relating to the Unified Screening Mechanism for Non-refoulement Claims ("the former Subcommittee"), said that the former Subcommittee had reported on its work to HC on 1 March 2019. Ms YUNG said that in view of wide public concern on issues relating to the unified screening mechanism for non-refoulement claims, the former Subcommittee considered that an opportunity should be provided for Members to express their views on the subject and for the Administration to provide its response. Accordingly, the former Subcommittee proposed to seek HC's approval for the priority allocation of a debate slot under HR 14A(h) to Dr Elizabeth QUAT, in her capacity as the Chairman of the former Subcommittee, for moving a motion for debate on the Report of the former Subcommittee ("the Subcommittee's Report") at the Council meeting of 15 May 2019. She further said that pursuant to HR14A(h), the debate slot would not be counted as Dr QUAT's own slot.

31. Members agreed to the priority allocation of a debate slot to Dr Elizabeth QUAT for moving a motion on the Subcommittee's Report at the Council meeting of 15 May 2019. Members also agreed to the former Subcommittee's proposal that in addition to the debate on the Subcommittee's Report, only one other debate on a Member's motion not intended to have legislative effect should be held at the same Council meeting.

X. Any other business

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