

立法會  
*Legislative Council*

LC Paper No. CB(2)1090/18-19

Ref : CB2/H/5/18

**House Committee of the Legislative Council**

**Minutes of the 17th meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 22 March 2019**

**Members present :**

Hon Starry LEE Wai-king, SBS, JP (Chairman)  
Hon James TO Kun-sun  
Hon LEUNG Yiu-chung  
Hon Abraham SHEK Lai-him, GBS, JP  
Prof Hon Joseph LEE Kok-long, SBS, JP  
Hon Jeffrey LAM Kin-fung, 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 Michael TIEN Puk-sun, BBS, JP  
Hon Frankie YICK Chi-ming, SBS, JP  
Hon WU Chi-wai, MH  
Hon CHAN Chi-chuen  
Hon CHAN Han-pan, BBS, JP  
Hon Kenneth LEUNG  
Hon Alice MAK Mei-kuen, BBS, JP  
Dr Hon KWOK Ka-ki  
Hon KWOK Wai-keung, JP  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Dr Hon Helena WONG Pik-wan  
Hon IP Kin-yuen  
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 Alvin YEUNG

Hon Andrew WAN Siu-kin  
Hon CHU Hoi-dick  
Hon Jimmy NG Wing-ka, JP  
Hon HO Kai-ming  
Hon LAM Cheuk-ting  
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 HUI Chi-fung  
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 Dennis KWOK Wing-hang (Deputy Chairman)  
Hon Tommy CHEUNG Yu-yan, GBS, JP  
Hon WONG Ting-kwong, GBS, JP  
Hon Mrs Regina IP LAU Suk-yee, GBS, JP  
Hon Steven HO Chun-yin, BBS  
Hon YIU Si-wing, BBS  
Hon MA Fung-kwok, SBS, JP  
Hon Charles Peter MOK, JP  
Hon LEUNG Che-cheung, SBS, MH, JP  
Dr Hon Elizabeth QUAT, BBS, JP  
Hon CHUNG Kwok-pan  
Dr Hon Junius HO Kwan-yiu, JP  
Hon Holden CHOW Ho-ding  
Hon LUK Chung-hung, JP  
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
Mr Mark LAM	Assistant Legal Adviser 7
Mr Cliff IP	Assistant Legal Adviser 8
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
Mr Arthur KAN	Legislative Assistant (2)7

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**I. Confirmation of minutes of meeting**

**Minutes of 16th meeting held on 15 March 2019**  
*(LC Paper No. CB(2)1020/18-19)*

The minutes were confirmed.

## II. Matters arising

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

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

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2. The Chairman said that she had relayed to the Chief Secretary for Administration ("CS") Mr James TO's concern raised at the last House Committee ("HC") meeting on 15 March 2019 in respect of the Administration's proposals to amend the Fugitive Offenders Ordinance (Cap. 503) and the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) ("the proposals concerned"). CS responded that the Secretary for Security ("S for S") was actively explaining the proposals concerned in detail to various stakeholders (including business associations). CS hoped that the community would adopt a pragmatic approach and, bearing in mind the overall interest of Hong Kong, support the Administration in plugging the loophole of the existing legislation.

3. Mr James TO said that he considered that CS's response did not address his concern. Reiterating that the consultation period of the proposals concerned had already expired on 4 March 2019 ("the consultation deadline") and 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 wondered whether such meetings would form part of the Administration's consultation exercise. He requested CS to respond clearly whether the Administration would consider the views given by various stakeholders (including business associations) after the consultation deadline.

4. The Chairman said that she would relay Mr James TO's request to CS at their next meeting. She further said that at her last meeting with CS, she was given the understanding that S for S was continuing to meet with various stakeholders including business associations and different political parties and that the Administration would definitely consider the views given on the proposals concerned.

### 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)**

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(i) **Judicial Officers (Extension of Retirement Age) (Amendment) Bill 2019**  
(*LC Paper No. LS56/18-19*)

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. Dr Priscilla LEUNG considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Dr Priscilla LEUNG agreed to join the proposed Bills Committee.

(ii) **Inland Revenue (Amendment) (Tax Concessions) Bill 2019**  
(*LC Paper No. LS58/18-19*)

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

8. Mr Kenneth LEUNG considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Mr WU Chi-wai and Mr Kenneth LEUNG agreed to join the proposed Bills Committee.

(iii) **Electoral Legislation (Miscellaneous Amendments) Bill 2019**  
(*LC Paper No. LS57/18-19*)

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

10. Mr SHIU Ka-fai considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Dr Helena WONG, Mr SHIU Ka-fai and Mr CHEUNG Kwok-kwan agreed to join the Bills Committee.

**(b) Legal Service Division report on subsidiary legislation gazetted on 15 March 2019 and tabled in Council on 20 March 2019**  
*(LC Paper No. LS59/18-19)*

11. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on six items of subsidiary legislation (i.e. L.N. 30 to L.N. 35) which were gazetted on 15 March 2019 and tabled in Council on 20 March 2019. LA said that LSD was scrutinizing the legal and drafting aspects of L.N. 31 and L.N. 35 and would report further, if necessary.

12. Dr KWOK Ka-ki considered it necessary to form a subcommittee to study the Non-Hong Kong Companies (Disclosure of Company Name, Place of Incorporation and Members' Limited Liability) Regulation (L.N. 31), the Companies (Amendment) (No. 2) Ordinance 2018 (Commencement) Notice (L.N. 32) and the Companies Ordinance (Amendment of Schedule 7) Notice 2019 (L.N. 33) in detail. Members agreed. Dr KWOK Ka-ki agreed to join the proposed subcommittee.

13. As advised by Mr SHIU Ka-fai, Mr CHUNG Kwok-pan considered it necessary to form a subcommittee to study the Patents (General) (Amendment) Rules 2019 (L.N. 35) in detail. Members agreed. Mr CHUNG Kwok-pan (as advised by Mr SHIU) agreed to join the proposed subcommittee.

14. Members did not raise any questions on the other two items of subsidiary legislation (i.e. L.N. 30 and L.N. 34).

15. The Chairman reminded Members that the deadline for amending the above six 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. Further business for the Council meeting of 27 March 2019**

**(a) Tabling of papers**

**Report No. 14/18-19 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments**  
*(LC Paper No. CB(2)1022/18-19)*

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16. The Chairman said that the Report covered nine items of subsidiary legislation and the period for amending them would expire at the Council meeting of 27 March 2019. No Member had indicated intention to speak on any of those items of subsidiary legislation.

(b) **Questions**  
(LC Paper No. CB(3)476/18-19)

17. The Chairman said that Dr Priscilla LEUNG and Mr Paul TSE had replaced their oral questions.

**V. The Chief Executive's Question Time on 3 April 2019**

18. 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 3 April 2019 would be held immediately after the Chief Executive's Question Time ended.

**VI. Business for the Council meeting of 3 April 2019**

(a) **Questions**  
(LC Paper No. CB(3)477/18-19)

19. 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**

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

(c) **Government motions**

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

(i) **Employees' Compensation Ordinance (Cap. 282);**

(ii) **Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360); and**

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**(iii) Occupational Deafness (Compensation) Ordinance (Cap. 469)**

*(LC Paper No. CB(3)484/18-19)*

21. Members noted that the Administration would move the above three proposed resolutions at the meeting.

**(d) Members' motions**

**(i) Motion on "Not forgetting the 4 June incident" to be moved by Hon WU Chi-wai**

*(LC Paper No. CB(3)482/18-19)*

**(ii) Motion on "Requesting the Government to overcome the 'three big mountains' in people's livelihood" to be moved by Hon Alice MAK**

*(LC Paper No. CB(3)488/18-19)*

22. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above motions would be Wednesday, 27 March 2019.

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

**Report of the Bills Committee on Professional Accountants (Amendment) Bill 2018**

*(LC Paper No. CB(1)733/18-19)*

23. Mr CHAN Chun-ying, on behalf of the Chairman of the Bills Committee, Mr Charles MOK, who was unable to attend the meeting, briefed Members on the deliberations of the Bills Committee as detailed in its report. Mr CHAN said that Mr Kenneth LEUNG, the Member who proposed the Member's Bill, would propose amendments to the Bill to the effect that the proposed increase in the level of fine would be restricted to offences which were related to the use of misleading descriptions. Mr LEUNG would also propose a technical amendment to the long title of the Bill and introduce an amendment to provide for a commencement date of the Bill. Mr CHAN further said that the Bills Committee raised no objection to the proposed amendments and would not propose any amendments to the Bill.

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24. Mr CHAN further advised that Mr James TO had indicated that he would consider proposing amendments to the Bill to delete the description "professional accounting" and the characters "專業會計" from the prohibited descriptions as proposed in the Bill.

25. Members noted that the Bills Committee had no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 3 April 2019.

26. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the Bill would be Monday, 25 March 2019.

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

*(LC Paper No. CB(2)1021/18-19)*

27. The Chairman said that as at 21 March 2019, there were nine Bills Committees, six subcommittees under HC and seven subcommittees on policy issues under Panels in action. Five subcommittees on policy issues were on the waiting list.

**IX. Proposal of the Panel on Constitutional Affairs to nominate a Member to attend the Westminster Workshop on Gender Sensitive Scrutiny organized by the Commonwealth Parliamentary Association, United Kingdom**

*(LC Paper No. CB(2)1035/18-19)*

28. At the invitation of the Chairman, Mr CHEUNG Kwok-kwan, Chairman of the Panel on Constitutional Affairs ("the CA Panel"), briefed Members on the Panel's proposal to nominate Dr Helena WONG to attend the Westminster Workshop on Gender Sensitive Scrutiny ("the Workshop") to be held in London, United Kingdom from 17 to 19 June 2019, as detailed in the paper.

29. Members endorsed the recommendations of the CA Panel to nominate Dr Helena WONG to attend the Workshop, and to charge the expenses incurred for attending the Workshop to the Overseas Duty Visit account of Dr WONG.

**X. Any other business**

30. Dr CHENG Chung-tai said that he would like to invite HC to note that five Members (including Mrs Regina IP, Ms YUNG Hoi-yan, Mr AU Nok-hin, Mr Andrew WAN and himself) had participated in site visits to various shopping centres of public rental housing estates and Home Ownership Scheme estates on 13 and 14 March 2019 to follow up complaint cases handled under the Legislative Council ("LegCo") Redress System. Subsequent to the site visits, the Public Complaints Office of the LegCo Secretariat ("PCO") had received a complaint letter from the owner of one of these shopping centres, alleging that the five Members had trespassed on a private place. Dr CHENG further said that the five Members had consulted PCO, and learnt that PCO was seeking LSD's advice on the matter.

31. The Chairman said that to her understanding, PCO would further liaise with the five Members and respond to the complaint letter shortly.

32. There being no other business, the meeting ended at 2:49 pm.