

立法會
Legislative Council

LC Paper No. CB(2)1272/18-19

Ref : CB2/H/5/18

House Committee of the Legislative Council

**Minutes of the 19th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 12 April 2019**

Members present :

Hon Starry LEE Wai-king, SBS, JP (Chairman)
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
Dr Hon Priscilla LEUNG Mei-fun, SBS, 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
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
Dr Hon Elizabeth QUAT, BBS, 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
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
Hon YUNG Hoi-yan
Dr Hon Pierre CHAN
Hon CHAN Chun-ying, JP
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 Dennis KWOK Wing-hang (Deputy Chairman)
Hon James TO Kun-sun
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, JP
Hon Martin LIAO Cheung-kong, SBS, JP
Dr Hon Junius HO Kwan-yiu, JP
Hon Tanya CHAN

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
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 18th meeting held on 29 March 2019
(LC Paper No. CB(2)1177/18-19)

The minutes were confirmed.

II. Matters arising

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

Arrangement for the press conference held by the Chief Executive on 26 March 2019 in respect of three major issues

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2. The Chairman said that she had relayed to the Chief Secretary for Administration ("CS") Ms Tanya CHAN's concern raised at the last House Committee ("HC") meeting on 29 March 2019 in respect of the holding of one press conference by the Chief Executive ("CE") to brief media on three major issues (i.e. the interim report of the Commission of Inquiry into the Construction Works at and near the Hung Hom Station Extension under the Shatin to Central Link Project, the toll adjustment proposal for traffic rationalization among the three road harbour crossings, and the proposed amendments to the Fugitive Offenders Ordinance (Cap. 503) ("FOO") and the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) ("MLAO")). CS had responded that CE addressed the three major issues at the same press conference on 26 March 2019 because those three issues were discussed and approved by the Executive Council on that day, and as they were also time sensitive, the Administration saw it necessary to explain to the public its position as early as possible. Furthermore, CE had to conduct an overseas duty visit on the day following 26 March 2019, so the above arrangement was made.

3. The Chairman further said that the Deputy Chairman, who was unable to attend this HC meeting, had indicated to CS that in recent months, he had received many concerns about the Administration's proposals to amend FOO and MLAO from various sectors in the society (including the business sector) as well as the international community. The Deputy Chairman hoped that the Administration could reconsider whether there were other ways to deal with the present case in which a Hong Kong resident was suspected to have committed murder in Taiwan instead of rushing into amending the legislation.

4. The Chairman said that she had also conveyed to CS that the family members of the victim in the above murder case hoped that the Legislative Council ("LegCo") could amend the relevant legislation as soon as possible so that the case could be dealt with.

5. The Chairman further advised that CS had responded that the Administration had excluded nine items of description of offences from the proposed special surrender arrangements in the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 ("the Amendment Bill"). CS had also reiterated that the Administration would continue to listen to the views on the Amendment Bill given by various sectors in the society, and seriously consider all suggestions that were convincing and well-founded.

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6. Ms Claudia MO said that there were many queries about the Amendment Bill and the Administration had not yet provided clear explanations on these queries. She expressed dissatisfaction that after the deadline for inviting the public to give views on the Administration's proposals to amend FOO and MLAO (i.e. 4 March 2019), the Administration had only scheduled meetings with the business sector and did not meet with the human rights groups nor Members of the pro-democracy camp to listen to their views on the Amendment Bill. Ms MO considered it unacceptable for the Administration to have presented the Amendment Bill to LegCo in haste, and requested the Chairman to relay her views to CS.

7. Dr Helena WONG said that according to her understanding, the Administration had promised that a detailed and extensive consultation would be conducted when it introduced amendments to the relevant legislation. She requested CS to explain to Members why the Administration had failed to honour its promise of doing so.

8. Mr LAM Cheuk-ting said that he did not subscribe to CS's explanation that the court in Hong Kong could act as the gatekeeper in the proposed special arrangements for the surrender of fugitive offenders under the Amendment Bill. He considered that in deciding whether a person should be surrendered to a requesting party, the court in Hong Kong would only consider if there was prima facie evidence that the relevant offence had been committed and the necessary supporting documents had been produced and were duly authenticated by the law enforcement authority of the requesting party.

9. The Chairman said that HC would consider the need to form a Bills Committee to study the Amendment Bill in detail under the next agenda item. Nevertheless, she would, at the request of the above three Members, relay their views to CS at her next meeting with CS.

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)

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019
(*LC Paper No. LS65/18-19*)

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

11. Mr Abraham SHEK, Mr Tommy CHEUNG, Mr WONG Ting-kwong and Mr WU Chi-wai considered it necessary to form a Bills Committee to study the Amendment Bill in detail. Members agreed. The following Members agreed to join the Bills Committee: Mr Abraham SHEK, Mr Tommy CHEUNG, Mr WONG Ting-kwong, Mr CHAN Hak-kan, Mr WU Chi-wai, Mr Charles MOK, Mr CHAN Chi-chuen, Mr Christopher CHEUNG, Dr Fernando CHEUNG, Ir Dr LO Wai-kwok, Mr Alvin YEUNG, Mr Jimmy NG, Ms YUNG Hoi-yan, Mr Gary FAN and Mr AU Nok-hin.

(b) Legal Service Division report on subsidiary legislation gazetted on 29 March 2019
(LC Paper No. LS64/18-19)

12. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on 15 items of subsidiary legislation (i.e. L.N. 43 to L.N. 57) which were gazetted on 29 March 2019. Of these, 10 items (i.e. L.N. 43 to L.N. 52) were tabled in Council on 3 April 2019 and the other five items (i.e. L.N. 53 to L.N. 57) were regulations made under section 3 of the United Nations Sanctions Ordinance (Cap. 537) which were not required to be tabled in LegCo and were not subject to amendment by LegCo. Members noted that LSD was scrutinizing the legal and drafting aspects of L.N. 44 to L.N. 48, L.N. 51 and L.N. 52 and would report further, if necessary.

13. Mr Jeremy TAM enquired why L.N. 53 to L.N. 57 were not required to be tabled in LegCo and were not subject to amendment by LegCo. LA explained that under section 3(5) of Cap. 537, sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the placing of subsidiary legislation subject to the negative vetting procedure before LegCo and the approval of LegCo to subsidiary legislation subject to the positive vetting procedure respectively should not apply to regulations made under section 3 of Cap. 537. Therefore, L.N. 53 to L.N. 57 were not required to be tabled in LegCo and were not subject to amendment by LegCo.

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14. Dr KWOK Ka-ki considered it necessary to form a subcommittee to study the Insurance (Prescribed Fees) (Amendment) Regulation 2019 (L.N. 43) in detail. Members agreed. Dr KWOK Ka-ki agreed to join the proposed subcommittee.

15. Mr Jeremy TAM considered it necessary to form a subcommittee to study the following five items of subsidiary legislation: the Merchant Shipping (Safety) (Ships Operating in Polar Waters) Regulation (L.N. 44), the Merchant Shipping (Prevention of Oil Pollution) (Amendment) Regulation 2019 (L.N. 45), the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) (Amendment) Regulation 2019 (L.N. 46), the Merchant Shipping (Prevention of Pollution by Sewage) (Amendment) Regulation 2019 (L.N. 47) and the Merchant Shipping (Prevention of Pollution by Garbage) (Amendment) Regulation 2019 (L.N. 48) in detail. Members agreed. Dr KWOK Ka-ki and Mr Jeremy TAM agreed to join the proposed subcommittee.

16. Dr KWOK Ka-ki considered it necessary to form a subcommittee to study the Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2019 (L.N. 49) in detail. Members agreed. The following Members agreed to join the subcommittee: Mr WU Chi-wai, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Dr Helena WONG and Mr Jeremy TAM.

17. Dr KWOK Ka-ki considered it necessary to form a subcommittee to study the Registration of Persons (Application for New Identity Cards) Order 2018 (Amendment) Order 2019 (L.N. 50) in detail. Members agreed. Dr KWOK Ka-ki, Dr Fernando CHEUNG and Mr CHU Hoi-dick agreed to join the subcommittee.

18. Mr Alvin YEUNG considered it necessary to form a subcommittee to study the Solicitors (Professional Indemnity) (Amendment) Rules 2019 (L.N. 51) and the Solicitors (Professional Indemnity) (Amendment) (No. 2) Rules 2019 (L.N. 52) in detail. Members agreed. Mr WU Chi-wai and Mr Alvin YEUNG agreed to join the proposed subcommittee.

19. As the deadline for amending the above 10 items of subsidiary legislation (i.e. L.N. 43 to L.N. 52) would be the Council meeting of 17 April 2019 unless extended by a resolution of the Council, Members also agreed that the Chairman should, in her capacity as the HC Chairman, move motions at the Council meeting of 17 April 2019 to extend the scrutiny period of these items of subsidiary legislation to the Council meeting of 22 May 2019.

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(Post-meeting note: the above motions could not be dealt with at the Council meeting of 17 April 2019 before the adjournment of the meeting and the period for amending the above 10 items of subsidiary legislation expired at the said Council meeting.)

20. Regarding the United Nations Sanctions (Libya) Regulation 2019 (L.N. 53), the United Nations Sanctions (Libya) Regulation 2011 (Repeal) Regulation (L.N. 54), the United Nations Sanctions (Somalia) Regulation 2019 (L.N. 55), the United Nations Sanctions (Somalia) Regulation (Repeal) Regulation (L.N. 56) and the United Nations Sanctions (Eritrea) Regulation (Repeal) Regulation (L.N. 57), Members agreed that the five Regulations be referred to the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions as they came within the Subcommittee's terms of reference.

IV. Business for the Council meeting on 17 and 18 April 2019

Report No. 15/18-19 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

21. The Chairman said that the above draft Report, which covered 21 items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 17 April 2019, had been issued to Members. The Chairman further said that as a Member had indicated intention to speak on the Rating (Exemption) Order 2019 (L.N. 28), 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. The Chairman also said that as Dr Helena WONG had given notice to move a proposed resolution to amend the Public Health and Municipal Services (Fees) (Amendment) Regulation 2019 (L.N. 14), Members would have the opportunity to speak on the Amendment Regulation. The Chairman added that no Member had indicated intention to speak on the remaining 19 items of subsidiary legislation.

(a) **Questions**
(LC Paper No. CB(3)524/18-19)

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

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

23. The Chairman said that HC would consider the Occupational Retirement Schemes (Amendment) Bill 2019 at its meeting on 26 April 2019.

(c) **Bill - resumption of debate on Second Reading**

**Appropriation Bill 2019
(Members speak)**

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

(d) **Members' motions on subsidiary legislation/instrument**

(i) **Proposed resolution to extend the period for amending subsidiary legislation:**

**Proposed resolution to be moved by Hon CHUNG Kwok-pan in relation to the Patents (General) (Amendment) Rules 2019
(LC Paper No. CB(3)529/18-19)**

25. 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 8 May 2019.

(ii) **Proposed resolution to amend subsidiary legislation:**

**Proposed resolution to be moved by Dr Hon Helena WONG to amend the Public Health and Municipal Services (Fees) (Amendment) Regulation 2019
(LC Paper No. CB(3)530/18-19)**

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

V. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)1178/18-19)

27. The Chairman said that as at 11 April 2019, there were 12 Bills Committees (two of which would need to work beyond three months since their 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.

VI. Request of Hon Tommy CHEUNG to seek the House Committee's recommendation for the holding of an adjournment debate pursuant to Rule 16(4) of the Rules of Procedure at the Council meeting of 15 May 2019 on issues relating to the vetoing by the Medical Council of Hong Kong of the proposals for relaxing the internship requirement for non-locally trained specialist doctors

(LC Paper No. CB(2)1183/18-19(01))

28. At the invitation of the Chairman, Mr Tommy CHEUNG said that the majority of the public and many Members were very disappointed and dissatisfied that the Medical Council of Hong Kong ("MCHK") had vetoed the four proposals for relaxing the internship requirement for non-locally trained specialist doctors ("the four proposals concerned") at its meeting on 3 April 2019. He further said that when he wrote to the HC Chairman requesting HC to discuss his proposal for holding an adjournment debate on issues relating to the vetoing by MCHK of the proposals for relaxing the internship requirement for non-locally trained specialist doctors ("the internship requirement") at the Council meeting of 15 May 2019, he did not know that MCHK was planning to discuss the proposals for relaxing the internship requirement again at its meeting on 8 May 2019. Irrespective of whether or not MCHK would support any of the proposals for relaxing the internship requirement at its meeting on 8 May 2019, the proposed adjournment debate would provide an opportunity for Members to express their views on issues relating to the relaxation of the internship requirement to alleviate the imminent problem of acute shortage of doctors in Hong Kong. Mr CHEUNG appealed to Members to support his proposal.

29. The Chairman said that the Chairman of MCHK had told the media that MCHK would discuss the proposals for relaxing the internship requirement again at its regular meeting on 8 May 2019. She further advised that at the HC meeting on 15 March 2019, HC had agreed that in

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addition to the debate on the Report of the Subcommittee to Follow Up Issues Relating to the Unified Screening Mechanism for Non-refoulement Claims, only one other debate on a Member's motion not intended to have legislative effect should be held at the Council meeting of 15 May 2019. According to rule 13(a) of the House Rules, the holding of an adjournment debate pursuant to RoP 16(4) in addition to not less than two motion debates initiated by Members might be allowed by the President upon the recommendation of HC.

30. Mr WU Chi-wai and Dr Helena WONG said that Members belonging to the Democratic Party supported Mr Tommy CHEUNG's proposal. They expressed grave concern about the serious shortage of doctors in the public healthcare sector. Mr WU said that the public was very concerned about problems such as the overcrowding of public hospitals as well as the long waiting time of the Accident and Emergency Department and the specialist out-patient clinics etc. Dr WONG pointed out that MCHK might support a certain proposal for relaxing the internship requirement at its meeting on 8 May 2019, which was earlier than the date of the Council meeting at which the proposed adjournment debate would take place. Dr WONG therefore suggested that the wording of the motion of the proposed adjournment debate in Chinese should be revised by deleting the words "否決".

31. Mr LAM Cheuk-ting and Mr KWONG Chun-yu also expressed support for Mr Tommy CHEUNG's proposal. Mr LAM said that various sectors of the community hoped to attract more suitably qualified non-locally trained doctors to practise in Hong Kong and the vetoing by MCHK of the four proposals concerned was contrary to the public interest. He therefore considered it incumbent upon LegCo to discuss the issues concerned, including the serious shortage of doctors, especially frontline doctors, in the public healthcare sector. Mr KWONG considered that MCHK should adopt a more open and transparent voting arrangement on the proposals for relaxing the internship requirement so that the public could obtain more information about the matter. He added that it was an opportune time to discuss issues relating to the relaxation of the internship requirement in the Council and the holding of the proposed adjournment could put pressure on MCHK.

32. Dr Elizabeth QUAT, Dr CHIANG Lai-wan and Mr LUK Chung-hung expressed a similar view that given the grave public concern about the acute shortage of doctors in Hong Kong, the holding of the proposed adjournment debate was warranted. Dr QUAT said that the

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public was very disappointed that MCHK had vetoed the four proposals concerned, and the proposed adjournment debate could provide an opportunity for Members to discuss ways to attract more non-locally trained specialist doctors to practise in Hong Kong. Dr CHIANG said that she was told that even if MCHK had supported any of the four proposals concerned at its meeting on 3 April 2019, there would not be a substantial number of such doctors being attracted to practise in Hong Kong. Therefore, it was necessary to explore ways to attract more non-locally trained doctors to practise in Hong Kong. Mr LUK said that there was urgent need for recruiting quality non-locally trained doctors to join both the public and private healthcare sectors of Hong Kong. He hoped that the holding of the proposed adjournment debate would help MCHK better understand the public concern and explore ways to alleviate the shortage of doctors in Hong Kong.

33. Expressing support for Mr Tommy CHEUNG's proposal, Dr Priscilla LEUNG said that the public healthcare sector was facing great difficulty in retaining doctors. Holding the view that the reform of MCHK was of utmost priority, she further said that Members could, through the proposed adjournment debate, express views on issues relating to the relaxation of the internship requirement and give a clear message to MCHK that any proposals that had the effect of allowing doctors to protect their own interests were detrimental to public interest. Mrs Regina IP also expressed support for Mr CHEUNG's proposal. Mrs IP said that not only was the public healthcare sector facing a manpower problem, but many middle-class people had also raised concern about the supply of private healthcare services, especially with the implementation of the Voluntary Health Insurance Scheme in April 2019. Mrs IP considered it appropriate for Members to express concern and disappointment about the decision of MCHK made on 3 April 2019 to veto the four proposals concerned.

34. Mr CHAN Chi-chuen said that the public was disappointed with the protectionist stance of the locally-trained doctors, and the holding of the proposed adjournment debate was therefore warranted. He added that even though the proposed adjournment debate could only be held after the Third Reading of the Appropriation Bill 2019, which he expected to be the end of May 2019, and by then MCHK might have already passed a certain proposal for relaxing the internship requirement, an adjournment debate on the relevant issue was still warranted.

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35. Mr Tommy CHEUNG thanked Members for supporting his proposal. He said that he agreed with Dr Helena WONG's suggestion of deleting the words "否決" in the wording of the motion of the proposed adjournment debate in Chinese and would suitably revise the wording of his proposed motion before submitting it to the President for approval.

36. In conclusion, the Chairman said that as no Member had raised objection to Mr Tommy CHEUNG's proposal, HC would recommend that pursuant to RoP 16(4), a motion for adjournment of the Council be moved by Mr CHEUNG, in addition to two Members' motions not intended to have legislative effect, at the Council meeting of 15 May 2019 for the purpose of conducting a debate on issues relating to MCHK's proposals for relaxing the internship requirement for non-locally trained specialist doctors. She further said that the deadline for giving notice of the motion for adjournment at the Council meeting of 15 May 2019 would be Saturday, 4 May 2019.

VII. Any other business

37. There being no other business, the meeting ended at 3:04 pm.

Council Business Division 2
Legislative Council Secretariat
25 April 2019