

立法會
Legislative Council

LC Paper No. CB(2) 1312/18-19

Ref : CB2/H/5/18

House Committee of the Legislative Council

**Minutes of the 20th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 26 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 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 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 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
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
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 Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan
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 WONG Kwok-kin, SBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon WU Chi-wai, MH
Hon IP Kin-yuen
Hon Martin LIAO Cheung-kong, SBS, JP
Dr Hon Junius HO Kwan-yiu, JP
Hon SHIU Ka-chun
Dr Hon Pierre CHAN
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
Miss Joyce CHAN	Assistant Legal Adviser 1
Mr Mark LAM	Assistant Legal Adviser 7
Mr Cliff IP	Assistant Legal Adviser 8
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

Action

I. Confirmation of minutes of meeting

Minutes of 19th meeting held on 12 April 2019
(LC Paper No. CB(2)1272/18-19)

The minutes were confirmed.

II. Matters arising

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

Action

Views expressed by three Members on the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019

2. The Chairman said that she had relayed to the Chief Secretary for Administration ("CS") the views on the above Amendment Bill expressed by Ms Claudia MO, Dr Helena WONG and Mr LAM Cheuk-ting at the last House Committee ("HC") meeting on 12 April 2019. In response, CS had pointed out that the Administration had, by way of a press release issued on 13 February 2019, invited the public to give views on the proposals to amend the Fugitive Offenders Ordinance (Cap. 503) and the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) ("the proposals concerned") on or before 4 March 2019. Besides, the Secretary for Security and officers of the Department of Justice had also continuously explained the proposals concerned to various organizations and political parties. CS had stressed that the Administration would certainly examine each future request for surrender of fugitive offenders in a stringent manner, and would ensure that the relevant process would be lawful, fair and reasonable. CS had hoped that Members would scrutinize the Amendment Bill in a pragmatic and practical manner.

3. Ms Claudia MO said that there was hearsay that with a view to completing the scrutiny of the Amendment Bill within May 2019, the Administration had requested that meetings of the Bills Committee on Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 be scheduled on 2, 3 and 4 May 2019, with a six-hour meeting on each day. She expressed strong dissatisfaction with the Administration and considered that it would be unacceptable if the Administration could impose its will on the Legislative Council ("LegCo"), just acting like "an emperor giving orders to the entire world". Ms MO asked whether CS had mentioned the said meeting arrangements to the Chairman during their last meeting. The Chairman replied in the negative.

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)

Occupational Retirement Schemes (Amendment) Bill 2019
(*LC Paper No. LS67/18-19*)

Action

4. 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.

5. Mr Kenneth LEUNG considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Mr Kenneth LEUNG, Dr KWOK Ka-ki and Mr Christopher CHEUNG agreed to join the Bills Committee.

(b) Legal Service Division report on subsidiary legislation gazetted on 12 April 2019 and tabled in Council on 17 April 2019
(LC Paper No. LS68/18-19)

6. 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. 58 and L.N. 59) which were gazetted on 12 April 2019 and tabled in Council on 17 April 2019.

7. Dr KWOK Ka-ki considered it necessary to form a subcommittee to study the Entertainment Special Effects (Fees) (Amendment) Regulation 2019 (L.N. 58) in detail. Members agreed. Dr KWOK Ka-ki agreed to join the proposed subcommittee.

8. Dr KWOK Ka-ki also considered it necessary to form a subcommittee to study the Trade Descriptions Ordinance (Amendment of Schedule 1) Notice 2019 (L.N. 59) in detail. Members agreed. Dr KWOK Ka-ki agreed to join the proposed subcommittee.

9. The Chairman reminded Members that the deadline for amending the above two items of subsidiary legislation would be the Council meeting of 15 May 2019, or that of 5 June 2019 if extended by a resolution of the Council.

IV. Business for the Council meeting of 8 May 2019

(a) Questions
(LC Paper No. CB(3)555/18-19)

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

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

11. The Chairman said that HC would consider the Franchised Taxi Services Bill at its meeting on 10 May 2019.

(c) Bill - resumption of debate on Second Reading, consideration by committee of the whole Council and Third Reading

**Appropriation Bill 2019
(Response by the Administration)**

12. The Chairman said that the Administration would respond to Members' comments on the Appropriation Bill 2019 at the meeting. Subject to the Bill receiving its Second Reading, the Council would deal with its remaining proceedings.

Report of HC on Consideration of Subsidiary Legislation

13. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)557/18-19), which contained one item of subsidiary legislation the period for amendment of which would expire at the Council meeting of 8 May 2019. She reminded Members to indicate their intention by 5:00 pm on Monday, 29 April 2019, should they wish to speak on that item of subsidiary legislation.

V. The Chief Executive's Question and Answer Session on 9 May 2019

14. The Chairman said that the Chief Executive's Question and Answer Session would be held from 10:30 am to 12:00 noon.

VI. Reports of Bills Committees and subcommittees

(a) Report of the Bills Committee on Inland Revenue (Amendment) (Tax Concessions) Bill 2019
(LC Paper No. CB(1)909/18-19)

15. Mr Kenneth LEUNG, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Mr LEUNG said that both the Bills Committee and the Administration would not propose any amendments to the Bill, and that

Action

the Bills Committee had no objection to the resumption of the Second Reading debate on the Bill at a future Council meeting.

(b) Report of the Subcommittee on Patents (General) (Amendment) Rules 2019

(LC Paper No. CB(1)930/18-19)

16. Mr CHUNG Kwok-pan, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that both the Subcommittee and the Administration would not propose any amendments to the Amendment Rules.

17. The Chairman reminded Members that as the period for amending the Amendment Rules would expire at the Council meeting of 8 May 2019, the deadline for giving notice of amendments, if any, would be Tuesday, 30 April 2019.

VII. Position on Bills Committees and subcommittees
(LC Paper No. CB(2)1273/18-19)

18. The Chairman said that as at 25 April 2019, there were 13 Bills Committees, eight subcommittees under HC and seven subcommittees on policy issues under Panels in action. Five subcommittees on policy issues were on the waiting list.

Bills Committee on Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019

19. Just after the meeting proceeded to the agenda item "Any Other Business" ("AOB"), Mr CHAN Hak-kan requested to raise an issue relating to the above Bills Committee, which was formed at the last HC meeting on 12 April 2019. He said that the Bills Committee had not yet elected its chairman at its first meeting on 17 April 2019 and this was an unprecedented situation in LegCo. Even though the next meeting of the Bills Committee had been scheduled for 30 April 2019, he was worried about whether the Bills Committee could elect its chairman at that meeting. Mr CHAN considered that in the event that the Bills Committee could not elect its chairman on 30 April 2019, it would be incumbent on HC to consider how to follow up the matter and the ways to deal with that situation.

Action

20. The Chairman said that there was no other business for this meeting. However, as the issue raised by Mr CHAN Hak-kan was an enquiry related to the agenda item "Position on Bills Committees and subcommittees" and not a new discussion item, she had allowed Mr CHAN to speak briefly. For the sake of fairness, she would also allow other Members who had requested to speak on this issue to do so.

21. Ms Claudia MO, Mr Jeremy TAM and Dr KWOK Ka-ki raised objection to the Chairman allowing Mr CHAN Hak-kan to raise the issue after the meeting had proceeded to AOB. They queried that this had deviated from the practice adopted by the Chairman. Ms MO added that she wondered why Mr CHAN Hak-kan could foresee that the Bills Committee could not elect its chairman at its next meeting scheduled for 30 April 2019.

22. The Chairman reiterated that no discussion item was being added under AOB at this meeting. The Chairman said that although Mr CHAN Hak-kan raised his hand to indicate his wish to speak just after the meeting proceeded to AOB, she had allowed Mr CHAN to speak because the enquiry raised by Mr CHAN was related to the previous item. She further said that she had also allowed Members to do so in similar situations in the past, as she had all along adopted a lenient approach in presiding over HC meetings.

23. Mr LAM Cheuk-ting and Dr Helena WONG expressed a similar view that it was inappropriate for Mr CHAN Hak-kan to make the enquiry on the presumption that the Bills Committee could not elect its chairman at its next meeting on 30 April 2019. Mr LAM considered that neither HC nor the Council should interfere in the work of the Bills Committee, and he questioned whether Members of the pro-establishment camp could substantiate the claim that Mr James TO, when presiding over the election of the chairman of the Bills Committee, had not abided by the Rules of Procedure ("RoP") or the House Rules ("HR"). Dr WONG also criticized the Administration for not conducting a detailed and extensive public consultation before introducing the Amendment Bill into the Council. She considered that it was unreasonable if Members of the pro-establishment camp attempted to rush through the Bill.

Action

24. Mr LAU Kwok-fan and Mr LEUNG Che-cheung concurred with Mr CHAN Hak-kan that it was necessary for HC to consider the ways to deal with the situation in the event that the Bills Committee still could not elect its chairman at its next meeting on 30 April 2019. Mr LAU said that Mr CHAN Hak-kan had just pointed out a factual situation and made an enquiry accordingly, and in his view, there was nothing wrong with that. Mr LEUNG said that he was also worried whether the Bills Committee could elect its chairman at its next meeting. He considered that the member who presided over the election of the chairman of the Bills Committee should only be responsible for conducting the election of the chairman and should not deal with those matters that were not related to the procedures for the election of the chairman.

25. The Chairman said that HC handled a bill referred to it according to RoP and HR. She invited Members to note that in accordance with RoP 75(4), at any time after a bill had been referred to HC under RoP 54(4) (Second Reading), HC might allocate it to a Bills Committee for consideration, or might cause it to be considered in such other manner as HC thought fit. As agreed by Members at the last HC meeting on 12 April 2019, the Amendment Bill had been allocated to the Bills Committee for consideration. She hoped that the Bills Committee could complete the election of its chairman at its next meeting on 30 April 2019.

VIII. Any other business

26. There being no other business, the meeting ended at 2:55 pm.