

立法會
Legislative Council

LC Paper No. CB(2)1801/18-19

Ref : CB2/H/5/18

House Committee of the Legislative Council

**Minutes of the 27th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 28 June 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 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 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 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
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 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 Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan
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 :

Hon Tommy CHEUNG Yu-yan, GBS, JP
Prof Hon Joseph LEE Kok-long, SBS, JP
Hon Frankie YICK Chi-ming, SBS, JP
Hon SHIU Ka-chun
Dr Hon Pierre CHAN
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)
Ms Alice LEUNG	Chief Council Secretary (2)6
Miss Joyce CHAN	Assistant Legal Adviser 1
Miss Rachel DAI	Assistant Legal Adviser 2
Mr Alvin CHUI	Assistant Legal Adviser 3
Ms Vanessa CHENG	Assistant Legal Adviser 5
Miss Evelyn LEE	Assistant Legal Adviser 10
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 verbatim transcript/minutes of meetings

- (a) **Verbatim transcript of the 24th meeting held on 24 May 2019**
(LC Paper No. CB(2)1637/18-19)
- (b) **Minutes of the 25th meeting held on 31 May 2019**
(LC Paper No. CB(2)1638/18-19)
- (c) **Minutes of the 26th meeting held on 14 June 2019**
(LC Paper No. CB(2)1660/18-19)

Action

The above three sets of verbatim transcript/minutes of meetings 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 no House Committee ("HC") meeting on 7 June 2019 due to public holiday. Furthermore, the HC meeting on 14 June 2019 was closed before any substantive discussion on the agenda items could be conducted, and the HC meeting originally scheduled for 21 June 2019 was cancelled. Therefore, no meeting with the Chief Secretary for Administration ("CS") was arranged in the past three weeks and there was nothing to report.

Arrangements for the Chief Executive's Question Time

3. Mr LAM Cheuk-ting, Mr LEUNG Yiu-chung and Mr CHAN Chi-chuen expressed concern that the last Chief Executive ("CE")'s Question Time originally scheduled for 12 June 2019 was not held. Noting that there would be the CE's Question Time on 3 July 2019, Mr CHAN asked whether the CE's Question Time originally scheduled for 12 June 2019 was rescheduled to be held on 3 July 2019. Mr LAM said that he hoped that CE would attend the coming CE's Question Time on 3 July 2019 as scheduled since the last CE's Question Time had not been held. Mr LEUNG said that Members needed time to prepare the contents of the questions to be asked at the CE's Question Time. Both Mr LEUNG and Ms Claudia MO expressed a similar view that if CE could not attend the CE's Question Time on 3 July 2019 as scheduled, Members should be informed as early as possible.

4. The Chairman said that the meeting arrangements for the CE's Question Time were decided by the President according to the Rules of Procedure, and the coming CE's Question Time on 3 July 2019 was pre-scheduled. She would relay Members' views, including their hope that CE should endeavour to attend the CE's Question Time as scheduled, to CS at her next meeting with CS.

III. Legal Service Division report on subsidiary legislation gazetted on 31 May 2019

(LC Paper No. LS74/18-19)

5. At the invitation of the Chairman, Legal Adviser briefed Members on the report prepared by the Legal Service Division on the United Nations Sanctions (Central African Republic) Regulation 2019 (L.N. 81) which was gazetted on 31 May 2019. Members noted that the Regulation was made under the United Nations Sanctions Ordinance (Cap. 537) which was not required to be tabled in the Legislative Council ("LegCo") and was not subject to amendment by LegCo.

6. Members agreed that the Regulation 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 it came within the Subcommittee's terms of reference.

IV. The Chief Executive's Question Time on 3 July 2019

7. The Chairman said that the CE's Question Time would be held from 11:00 am to 11:30 am, and the regular Council meeting of 3 July 2019 would be held immediately after the CE's Question Time ended.

V. Business for the Council meeting of 3 July 2019

(a) Questions

(LC Paper No. CB(3)714/18-19)

8. 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

9. The Chairman said that HC would consider the Mandatory Provident Fund Schemes (Amendment) Bill 2019 at its meeting on 5 July 2019.

(c) Government motion

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

(d) **Members' motions**

**Motions under the Legislative Council (Powers and Privileges)
Ordinance to appoint a select committee to conduct an inquiry:**

(i) **Motion to be moved by Hon Andrew WAN**

(ii) **Motion to be moved by Hon Jeremy TAM**
(*LC Paper No. CB(3)723/18-19*)

11. The Chairman said that the above two motions would be dealt with at the meeting. Besides, Members' motions which had stood over from previous Council meetings would also be dealt with at the meeting.

VI. Business for the Council meeting of 10 July 2019

(a) **Questions**

(*LC Paper No. CB(3)741/18-19*)

12. 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**

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

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

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

(ii) **Electoral Legislation (Miscellaneous Amendments) Bill
2019**

(d) **Government motions**

**Two proposed resolutions to be moved by the Chief Secretary
for Administration under Article 73(7) of the Basic Law and
section 7A of the Hong Kong Court of Final Appeal Ordinance
(Cap. 484)**

(*LC Paper No. CB(3)760/18-19*)

Action

14. The Chairman said that the reports of the Bills Committees and the Subcommittee scrutinizing the above two Bills and the two proposed resolutions respectively had been issued to Members some time ago. Members were consulted, vide LC Paper No. CB(2)1711/18-19 issued on 21 June 2019, and raised no objection to the resumption of the Second Reading debates on the above two Bills and the moving of the above two proposed resolutions by the Administration at the Council meeting of 10 July 2019.

15. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above two Bills would be Saturday, 29 June 2019.

(e) **Member's Bill - First Reading and moving of Second Reading**

16. The Chairman said that Mr Jimmy NG would present the St. John's College (Amendment) Bill 2019 to the Council at the meeting, and HC would consider the Bill at its last meeting in the current session to be held after the summer recess in October 2019.

(f) **Members' motions**

- (i) **Motion under Article 73(5) and (10) of the Basic Law to summon persons concerned to produce papers and testify:**

Motion to be moved by Dr Hon KWOK Ka-ki

- (ii) **Motion under the Legislative Council (Powers and Privileges) Ordinance to appoint a select committee to conduct an inquiry:**

Motion to be moved by Hon AU Nok-hin

(LC Paper No. CB(3)771/18-19)

17. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above motions would be Wednesday, 3 July 2019. Moreover, two Members' motions not intended to have legislative effect which had stood over from previous Council meetings would also be dealt with at the meeting.

Action

18. Mr CHAN Chi-chuen said that he had given notice of his intention to move a motion at the Council meeting of 10 July 2019 under section 17(2) of The Legislative Council Commission Ordinance (Cap. 443) seeking to suspend the duties of the Secretary General of the LegCo Secretariat, and to set up a disciplinary investigation panel to investigate his dereliction of duty. He enquired if his motion would be dealt with at the meeting. The Chairman said that according to her understanding, the motion proposed by Mr CHAN as well as two other motions proposed by Members were still awaiting the decision of the President. She suggested that Mr CHAN might enquire with the President about the latest position of his proposed motion if he so wished.

Report of HC on Consideration of Subsidiary Legislation

19. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)752/18-19), which contained one item of subsidiary legislation (i.e. the Arbitration (Appointment of Arbitrators and Mediators and Decision on Number of Arbitrators) (Amendment) Rules 2019) the period for amendment of which would expire at the Council meeting of 10 July 2019. The Subcommittee scrutinizing the subsidiary legislation would report its work under item VII(f) below. The Chairman reminded Members to indicate their intention by 5:00 pm on Tuesday, 2 July 2019, should they wish to speak on the subsidiary legislation.

VII. Reports of Bills Committees and subcommittees

- (a) **Report of the Bills Committee on National Anthem Bill**
(LC Paper No. CB(2)1642/18-19)
(Letter dated 19 June 2019 from the Secretary for Constitutional and Mainland Affairs (LC Paper No. CB(2)1686/18-19(01))

20. At the invitation of the Chairman, Mr Martin LIAO, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Mr LIAO said that 14 members of the Bills Committee had proposed over 40 amendments to the Bill in total to the Bills Committee for its consideration. Those proposed amendments had been attached to the report of the Bills Committee and the Administration had provided its written response to those proposed amendments. He further said that the Bills Committee had decided not to propose any amendments to the Bill in its name and that the Administration would not propose any amendments to the Bill.

Action

21. Mr LIAO further advised that at the last Bills Committee meeting, some members of the Bills Committee had expressed opposition to the resumption of the Second Reading debate on the Bill and he had put the matter to vote. Based on the voting result, the Bills Committee supported the resumption of the Second Reading debate on the Bill.

22. The Chairman drew Members' attention to the letter dated 19 June 2019 from the Secretary for Constitutional and Mainland Affairs ("SCMA") regarding the resumption of the Second Reading debate on the National Anthem Bill. Referring to the Government's announcement regarding the legislative exercise concerning the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019, Ms Claudia MO enquired about the wording used by SCMA in his letter. At the invitation of the Chairman, the Clerk advised that according to SCMA's letter, the resumption of the Second Reading debate on the National Anthem Bill would take place in the next legislative session and the Administration would notify HC about the resumption date of the Second Reading debate on this Bill in a timely manner. Noting that SCMA did not use the words like "withdraw", "postpone" or "suspend" with regard to the resumption of the Second Reading debate on the National Anthem Bill, Ms MO said that she hoped that the Chairman could request CS to explain why the Administration had, however, used the word "suspend" in respect of the resumption of the Second Reading debate on the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019, and why the two Bills were handled in different ways. The Chairman said that she would relay Ms MO's request accordingly.

23. The Chairman then consulted Members on whether they had any view on the Administration's plan to resume the Second Reading debate on the Bill in the next legislative session as stated in SCMA's letter of 19 June 2019. Members did not express any view on the matter and raised no objection to the Administration's plan.

(b) Report of the Subcommittee on Members' Remuneration and Operating Expenses Reimbursement on review of Members' remuneration and operating expenses reimbursement
(LC Paper No. CRM 548/18-19)

24. Mr WONG Ting-kwong, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Mr WONG said that the Subcommittee recommended that the

Action

Administration should be invited to consider the proposal as set out in paragraph 5 of the Subcommittee's report, namely, to adopt a weighted index instead of the Consumer Price Index (C) as the basis for annual adjustment of Members' office operation expenses reimbursement with effect from the Seventh LegCo.

25. Members noted the recommendations set out in the Subcommittee's report and agreed to forward it to the Administration for consideration by the Independent Commission on Remuneration for Members of the Executive Council and the Legislature, and Officials under the Political Appointment System of the Hong Kong Special Administrative Region.

(c) **Report of the Subcommittee on Entertainment Special Effects (Fees) (Amendment) Regulation 2019**
(LC Paper No. CB(1)1164/18-19)

26. Mr MA Fung-kwok, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee raised no objection to the Amendment Regulation.

(d) **Report of the Subcommittee on Telecommunications (Method for Determining Spectrum Utilization Fee) (Spectrum for Auction) Regulation and Telecommunications (Designation of Frequency Bands subject to Payment of Spectrum Utilization Fee) (Amendment) Order 2019**
(LC Paper No. CB(1)1211/18-19)

27. Dr Elizabeth QUAT, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee supported the two items of subsidiary legislation.

(e) **Report of the Subcommittee on Financial Reporting Council (Amendment) Ordinance 2019 (Commencement) Notice**
(LC Paper No. CB(1)1209/18-19)

28. Mr WONG Ting-kwong, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Mr WONG said that the Subcommittee raised no objection to the Notice.

(f) Report of the Subcommittee on Arbitration (Appointment of Arbitrators and Mediators and Decision on Number of Arbitrators) (Amendment) Rules 2019
(LC Paper No. CB(4)1064/18-19)

29. Dr Priscilla LEUNG, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Dr LEUNG said that the Subcommittee raised no objection to the Amendment Rules and would not propose any amendments.

30. The Chairman reminded Members that the period for amending the Amendment Rules would expire at the Council meeting of 10 July 2019, and the deadline for giving notice of amendments, if any, would be Wednesday, 3 July 2019.

VIII. Position on Bills Committees and subcommittees
(LC Paper No. CB(2)1729/18-19)

31. The Chairman said that as at 27 June 2019, there were 10 Bills Committees (one of which would need to work beyond three months since its commencement), 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. Proposed duty visit to Finland by the Panel on Education
(LC Paper No. CB(4)1055/18-19)

32. At the invitation of the Chairman, Mr IP Kin-yuen, Chairman of the Panel on Education, said that the Panel proposed to conduct a duty visit to Finland in September 2019 to gain a better understanding on its education system. The Panel had agreed that the visit be open to all Members for participation and a total of 10 Members (including two non-Panel Members) had indicated interest in taking part in the proposed visit. He referred Members to the Panel's paper for details of the proposed visit.

33. Members agreed that permission be given for the Panel on Education to conduct the proposed duty visit.

Action

X. Any other business

34. There being no other business, the meeting ended at 2:57 pm.

Council Business Division 2
Legislative Council Secretariat
15 July 2019